11. The legacy of Southwood

11.1 We have drawn attention to the benefits that resulted from the recommendations of the Southwood Working Party. Unfortunately, their Report had a legacy in the longer term which they had not foreseen or intended. The fact that they made no general recommendation in relation to the risks posed by potentially infective tissues of asymptomatic victims of BSE did not result in this matter being overlooked. We describe elsewhere the circumstances in which Specified Bovine Offal was banned first from human food and then from animal feed (see volumes 5 and 6). The human food ban was, however, repeatedly described as a measure of extreme prudence which went beyond the recommendations of the scientific experts. This must have tended to foster a view that the strict implementation of the ban was not a matter of importance. A good illustration of this is the following passage in the evidence given by Mr Bradley to the House of Commons Agriculture Committee on 14 June 1990:

Now with respect to the preclinical cases. The recommendation from Professor Southwood in this regard in his Report, taking all the evidence – and it has not altered since – is that this was an unnecessary procedure. The only suggestion that he made was that babies should be protected from exposure to these offals via baby foods. Therefore, legislation was initiated to take care of this particular point. However, it transpired that the methodology in the legal system of doing this meant it was not a possibility to do it so specifically for baby foods, and it had to be done in a general way. That is how we have come to have the offals banned at all. It would not have arisen if it had been a simple job of just removing things from baby foods. So from that point of view there was no perceived risk to Man, even from these offals, that required any action.189

11.2 In private correspondence, to which we have referred earlier, Sir Richard made it plain that the Working Party’s conclusions on transmissibility were, in effect, educated guesswork based on the analogy with scrapie.

11.3 Members of the Working Party also explained to us the basis upon which they had reached their conclusions. Sir Richard emphasised that:

... the science was so uncertain here we often had to leave – which was distasteful for us as scientists – a really secure base and make a judgement. They are difficult judgements that people have to make from time to time. Good and wise men and women may reach different sorts of conclusions. We were actually all unanimous, but it would have been quite possible for us to have a minority report on some aspects of it because there were so many uncertainties.190

11.4 Of the Report, he said: ‘We hoped that there would be enough research done and enough new discoveries that it would soon be made out of date.’191

189 Agriculture Committee Fifth Report, Bovine Spongiform Encephalopathy (BSE), London, The Stationery Office, 1990 (IBD1 tab 7), p. 70
190 T106 p. 128
191 T106 p. 12
11.5 The problems relating to the communication of risk to the public were, perhaps, particularly significant in the case of the *Southwood Report*. The Working Party were asked to advise because the Government needed their assistance, not as an exercise in providing information to the public. Yet Sir Richard had insisted that their Report should be published. It was important that a natural desire to avoid causing disproportionate public alarm should not result in a failure on the part of the Working Party to convey to the Departments who had sought their advice the extent to which it was based on deduction, rather than scientific data. To a degree, this should have been conveyed by the following warning, inserted in the General Conclusions at the suggestion of Professor Epstein (paragraph 9.2):

*Nevertheless, if our assessments of these likelihoods are incorrect, the implications would be extremely serious.*

11.6 Unfortunately, this warning and other caveats in the Report were lost sight of by many. Right up to 1996 the *Southwood Report* was cited as if it demonstrated, as a matter of scientific certainty rather than provisional opinion, that any risk to humans from BSE was remote. The precautions recommended by the Working Party were treated as the only precautions that were scientifically justified.

11.7 Mr David Maclean, Minister for Food Safety at MAFF from November 1989 to April 1992, said:

I regarded Southwood as our bible ... we had the *Southwood Report*. There was no better or more learned scientific body.\(^{192}\)

11.8 Sir Derek Andrews told us that:

... the *Southwood Report* basic conclusion, that conclusion about risk to human health, was something that remained the basic policy in the Ministry of Agriculture so long as I was there [until February 1993].\(^{193}\)

11.9 In July 1995 the Department of Health’s Public Health Group briefing for new Ministers recited:

In 1986 [sic] a working party set up by the Government and chaired by Sir Richard Southwood, found that the risks of BSE transmission from cattle to man were ‘remote and theoretical’.\(^{194}\)

11.10 Dr David Shannon and Dr Kenneth MacOwan of the Chief Scientists Group at MAFF were asked if the Working Party’s conclusion that the likelihood of transmissibility of BSE to humans was remote was cited frequently by the Ministry. Dr Shannon replied that it was: ‘It was the Government’s chief source of advice at the time’.\(^{195}\) When asked whether it was appropriate to continue to refer to that conclusion after subsequent events, including the transmission of BSE to a cat, Dr Shannon replied that there was no further official advice that changed the advice Southwood had given until the announcement in March 1996.\(^{196}\)
11.11 When the Working Party returned to give evidence in Phase 2 of the hearings, Sir Richard said:

I think through the officials, through the conversations that I had with Ministers when I met them and through our report, the Government had no doubt of our concerns about the possibility that this disease might behave in a different manner to scrapie. Really, I think in some ways you could say that was the end of what we needed to say about it.197

11.12 Sir Anthony Epstein added:

. . . we were simply asked to alert them to the implications, and that is what we did. They had their army of civil servants and Government scientists. It was for them to take over at that stage, and decide what policy should be followed by government. It was not the remit of the Working Party to enter into that at all.198

11.13 We did not find these comments realistic. The Southwood Report appeared to give an authoritative assessment of risk coupled with policy advice on those measures which were and those measures which were not considered justified to address the risk. The opinions of the Working Party, and the way they were worded, were bound to carry weight, both in relation to risk and in relation to policy. That, indeed, was why Sir Richard had been determined that the Report should be published. We do believe, however, that the Working Party were justified in expecting their advice to be reviewed in the light of developing knowledge about BSE. A stage was reached, and reached quite quickly, when it was no longer appropriate to cite the Southwood Report as the most authoritative assessment of the risks posed by BSE.

197 T106 p. 57
198 T106 p. 58