

South Ayrshire Council **Environmental Health Division**

Food Sampling Policy

The aim of this policy

- To ensure a consistent approach to food sampling within South Ayrshire;
- To inform the public and food businesses of our commitment to and arrangement of food sampling activities within South Ayrshire
- To state clearly our approach when dealing with adverse results including reference to enforcement action when necessary

The objectives of this policy

South Ayrshire Council considers food sampling an important aspect of our food law enforcement role with our sampling activities seeking to achieve compliance with the following objectives:

- To protect public health
- To detect and deter fraudulent activities
- To verify that official control checks are effective
- To give customers the right information to make informed choices
- To ensure that food standards are maintained
- To inform our enforcement approach
- To provide product quality advice to the producer
- To promote fair trade and deter bad practice

The scope of this policy

This policy will apply in all circumstances where formal and informal food samples have been taken for the purpose of chemical analysis or microbiological examination.

Organisation of sampling

Food law enforcement, including food sampling, is a function carried out by the Trading Standards and Environmental Health Service. The Lead Officer for Food Safety and Food Standards (LO) is responsible for ensuring that the service operates within the terms of the policy.

All sampling is undertaken in accordance with this Policy and South Ayrshire Council's '**Food Sampling Procedure**' which accords with the Food Standards Agency's '**Framework Agreement on Food Controls by Local Authorities**' and the '**Food Law Code of Practice (Scotland) 2009**'.

The Council has appointed Glasgow Scientific Services, 64 Everard Drive, Springburn, Glasgow, G21 1XG for the purpose of providing Official Public Analysts and Food Examiners for food sampling purposes.

Annual Sampling Programme

A Sampling Programme will be produced each year for both chemical analysis and microbiological examination after discussion and agreement with the Public Analyst and Food Examiner.

Information from various sources will be considered during the preparation of the programme including the following:

- Emerging issues
- Local Authority Annual Food Sampling Report (SFELC Research Working Group)
- West of Scotland Food Liaison Group
- Follow-up to previous local surveys
- Locally identified issues

The sampling programme will include the following elements:

- Local surveys
- Inspection-linked samples
- Regional/National Surveys (FSA, HPA, SFELC, LACORS)
- Food complaints
- Imported food

Tourism contributes significantly to the local economy with the summer population of the district rising considerably due to an influx of tourists. Food safety and quality is crucial to the reputation of South Ayrshire therefore food sampling in large tourist attractions and industries will feature in our annual sampling activities.

Within South Ayrshire, businesses harvesting and processing shellfish and fishery products are an important part of the local economy. It is a statutory duty to sample harvesting areas and final products. The Council will commit sufficient officers' time and sampling budget to support this important industry and ensure local seafood is safe.

The Ports of Ayr and Troon and the international airport at Prestwick do not regularly handle foodstuffs, however, on notification of any food being imported from outwith the European Union arriving at any of the ports, food samples will be taken for chemical analysis or microbiological examination as appropriate.

In the event of local or national emergency situations requiring redirection of resources, the sample programme may be postponed or cancelled as necessary.

Food Sampling

Samples will normally be taken informally in the first instance for the purposes of surveillance, monitoring and providing advice to food business operators. Where food fraud is suspected including adulteration and substitution of food, samples will be taken formally with a view to pursuing legal action if the results show an offence has been committed.

Where any food has been sampled formally, we will always notify the owner of the food. If the identity of other interested parties such as the manufacturer, packer or importer, or his or her agent etc. of food is available on the food packaging and the address is in the United Kingdom, we will notify that person in writing also.

Informal samples will be taken either anonymously without the consent of the food business operator or by request by the Sampling Officer.

Current legislation allows us to take informal samples either by “purchasing” or “taking”. The choice is at the discretion of the authorised officer, however it is our policy that where the quantity or frequency of sampling gives rise to significant financial consequences for the owner of the food, we will offer an ex-gratia payment if samples are not purchased.

Adverse Results/Enforcement Action

In the event of an unsatisfactory result being received, the owner of the food will be notified and a follow-up investigation will be carried out. This may involve formal samples being taken.

Where the food originates outwith South Ayrshire, the appropriate enforcement authority where the food originates will be notified.

Where any result presents a possible risk to health, immediate action will be taken to deal with the risk presented. This may include liaison with the Food Standards Agency, Consultant in Public Health Medicine and any other agency considered appropriate.

We have regard to the Home Authority principle and will consider whether a relevant Home Authority should be consulted before giving detailed advice or taking enforcement action. Similar consideration will be given for a [Primary Authority](#), where appropriate.

In the event of enforcement action being considered, such action will be in accordance with our Food Safety Enforcement Policy.

Resources

All officers carrying out food sampling activities will be authorised in accordance with the Authorisation Procedure.

The Council will ensure adequate resources are available for food sampling activities including sample collection, sampling equipment, transport of samples and laboratory analysis or examination of samples.

The Council believes that local authorities working together can pool resources and gain added value from their sampling work. The Council participates in the Food Surveillance System UK (FSSUK) which is a Food Standards Agency funded sample and result collation mechanism. Data from FSS is used to target sampling activity and guide councils on getting best value from sampling resources.

Review

This Sampling Policy, Sampling Procedure, Sampling Programme and any guidance issued thereunder, will be reviewed whenever there are substantial changes to the activities to which it relates.

April 2012