FOOD STANDARDS AGENCY IN NORTHERN IRELAND CONSULTATION

Title: The Food Hygiene (Amendment) Regulations (Northern Ireland) 2017

CONSULTATION SUMMARY PAGE

Date consultation launched:	Closing date for responses:
25th July 2017	19th September 2017

Who will this consultation be of most interest to?

Raw drinking milk (RDM) and raw cream producers in Northern Ireland and England, RDM consumers, enforcement authorities and those with an interest in RDM.

What is the subject of this consultation?

In July 2015, the Food Standard Agency's (FSA) Board discussed the conclusions of the review on RDM. One of the recommendations was that risk communication, particularly to vulnerable groups, should be improved and this should include revisions to labelling requirements in Northern Ireland and England to mirror that already used in Wales. The Food Hygiene Regulations (Northern Ireland) 2006 (as amended) and the Food Safety and Hygiene (England) Regulations 2013 would need to be amended to provide new labelling provisions to protect vulnerable consumers against the risks associated with the consumption of RDM and to extend labelling provisions to all species.

What is the purpose of this consultation?

To provide interested parties with the opportunity to comment and express their opinions on the proposed labelling provisions to protect vulnerable consumers and the associated Impact Assessment.

Responses to this consultation should be sent to:

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Is an Impact Assessment included with this consultation?	Yes X	No ☐ See Annex A for reason.

If you would prefer to receive future FSA consultations by e-mail, or if you no longer wish to receive information on this subject please notify the named person in this consultation.

IMPACT ASSESSMENT FOR NEW LABELLING PROVISIONS TO PROTECT VULNERABLE CONSUMERS FROM RISKS ASSOCIATED WITH CONSUMPTION OF RAW DRINKING MILK (RDM) AND CREAM

DETAIL OF CONSULTATION

1. In July 2015, the FSA Board discussed the conclusions of the review of controls for RDM[1]. The Board generally accepted the recommendations of the Review and agreed that:

    - The level of risk associated with RDM consumption is acceptable when appropriate hygiene controls are applied, except for vulnerable consumers;

    - Risk communication, particularly to vulnerable groups, should be improved, including revisions to labelling requirements in Northern Ireland and England to mirror that used in Wales; and

    - Current restrictions on sale should remain in place as, in the absence of a quantitative risk assessment and limitations in the evidence base there is uncertainty that the same level of consumer protection could be maintained if the current restrictions were relaxed to allow wider access to RDM.

2. We would welcome your comments on the proposed changes to the labelling of RDM, in particular for vulnerable consumers (i.e. children, pregnant women, the elderly and those with a weakened immune system). The proposed changes would enable those vulnerable groups who wish to consume RDM to make informed choices on the products they consume. The proposed amendment to the labelling provisions is intended to protect vulnerable consumers and highlight the hazards associated with RDM. It also introduces consistency of labelling requirements across all species.

3. We would particularly welcome comments and supporting evidence in respect of any cost implications that may arise from these proposals as indicated in the draft Impact Assessment (IA) at Annex C.

4. The intended labelling proposals will make the labelling of RDM in Northern Ireland and England consistent with that which exists in Wales; thus harmonising the Regulations across the three countries.

5. The costs to industry are likely to be cost neutral, as it is proposed that the changes be phased in over a three year period, to allow industry to phase in new labelling on their produce within this period.

[1] http://www.food.gove.uk/sites/default/files/fsa150704.pdf

BACKGROUND

6. In January 2014, the FSA undertook a public consultation, on an Impact Assessment on the review of the controls governing the sale and marketing of unpasteurised, or RDM and raw cream in Northern Ireland, England and Wales. The consultation identified 4 options: Option 1: Do nothing; Option 2: All milk to be pasteurised prior to sale; Option 3: Allow sales of RDM from all outlets; and Option 4: Introduce measures to harmonise and clarify current controls. The overall objective of the review was to ensure that existing controls in place are sufficient in managing the food safety risk associated with RDM and are proportionate and risk-based, taking into account the latest scientific evidence and information and views from producers, consumers and parties with an interest in this sector.

7. Details of the consultation and stakeholder responses are published on the FSA's website at: http://www.food.gov.uk/news-updates/consultations/2014/rawmilk-consult

8. The Board accepted the recommendations of the review and acknowledged that the level of risk associated with RDM consumption was acceptable when appropriate hygiene controls are applied, except for vulnerable groups. The Board indicated that risk communication to vulnerable groups should be improved, including that labelling in Northern Ireland and England should mirror that used in Wales.

Proposal

Key proposals:

- **To amend the current labelling provisions for Northern Ireland and England to protect vulnerable consumers against risks associated with consumption of RDM and introduce consistent labelling requirements for all species.**

- **Currently RDM (except buffalo) is required to be labelled with the warning; "This milk has not been heat-treated and may therefore contain organisms harmful to health". It is proposed that in Northern Ireland and England enhanced labelling is introduced to RDM from all species which will include the following additional wording: 'the FSA strongly advises that it should not be consumed by children, pregnant women, older people and those who are unwell or have chronic illness'.**

Engagement and Consultation Process

9. The purpose of this July 2017 consultation is to provide interested parties with the opportunity to comment on, and express their opinions on the proposed changes to the labelling of RDM and the associated Impact Assessment.

10. There has been extensive consumer engagement over the course of the review, including specific focus groups, wider consumer research and a face to face consumer engagement event, in addition to several communications directly with RDM producers.

Groups affected

11. All producers of RDM will be affected by the proposed labelling change. The proposal will also affect enforcement bodies and others with an interest in RDM. Information on the benefits, costs and impacts is provided in the accompanying Impact Assessment.

Responses

12. Responses are required by close of business **19th September 2017.** Please state, in your response whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents.

Other Comments

13. Any comments that interested parties are able to provide in relation to the proposed Regulations would be gratefully received. We are particularly keen to hear from Small and Medium Enterprises on a likely impact and would encourage them to comment on all aspects of this proposal.

14. Following the consultation, we will review the responses received and consider whether any changes are required to the proposed Regulations. A summary of all comments received will be published on the FSA's website within 3 months following the end of the consultation period

15. Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours faithfully,

Danielle Gamble

Enclosed

Annex A: Standard Consultation Information
Annex B: Draft Food Hygiene (Amendment) Regulations (Northern Ireland) 2017
Annex C: Impact Assessment
Annex D: List of interested parties

Annex A

Publication of personal data and confidentiality of responses

1. In accordance with the FSA principle of openness we shall keep a copy of the completed consultation and responses, to be made available to the public on receipt of a request to the FSA Consultation Coordinator (020 7276 8308). The FSA will publish a summary of responses, which may include your full name. Disclosure of any other personal data would be made only upon request for the full consultation responses. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at http://www.food.gov.uk/multimedia/worddocs/dataprotection.doc. Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.

3. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.

4. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Further information

5. A list of interested parties to whom this letter is being sent appears in Annex D. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them direct.

6. Please contact us if you require this consultation in an alternative format such as Braille or large print.

7. This consultation has been prepared in accordance with HM Government consultation principles[2] .

[2] http://www.bis.gov.uk/policies/bre/consultation-guidance