

City of London London Port Health Authority (LPHA) Imported Food Sampling Policy

1. INTRODUCTION

- 1.1. This document has been produced as a requirement of the Food Standards Agency (FSA) Framework Agreement on Local Authority Food Law Enforcement, which requires food authorities to set up, maintain and implement a food sampling policy and programme. The programme is set up each service year within the Service Targets, which are brought before the City of London's Port Health and Environmental Services (PH&ES) Committee. The Port Health Business Plan also refers to the annual update of this policy.
- 1.2. This policy lays out the London Port Health Authority's general approach to imported food sampling as well as more specific situations in which this authority may become involved.
- 1.3. This policy document is implemented and supported by the Food Enforcement Service Plan, imported food sampling protocol and the Port Health Service and Departmental Business Plan.
- 1.4. The London Port Health Authority will undertake a programme of sampling imported food and feeding stuffs to ensure that it protects public and animal health. The imported food sampling programme aims to proactively detect foods, which may be a danger to public health and to ensure compliance with food standards and relevant legislation. Representative inspections are made throughout consignments with details of inspection recorded in a legally robust format.
- 1.5. A printed copy of this policy is available free of charge from the options below:-
 - a) in writing to City of London, PO Box 270, Guildhall, London EC2P 2EJ
 - b) in person at Walbrook Wharf, 78-83 Upper Thames Street, London, EC4R 3TD.
 - c) by email: porthealth@cityoflondon.gov.uk
 - d) via our website <http://www.cityoflondon.gov.uk/porthealth>

2. GOOD ENFORCEMENT ACTION

- 2.1. To support consistency and good enforcement practice, officers will undertake sampling in accordance with:

- Code of Practice issued under the Food Safety Act 1990;
- The Food Safety (Sampling and Qualifications) Regulations 1990;
- National guidance issued by the Food Standards Agency (FSA), Department of Food & Rural Affairs (DEFRA) and Local Authorities co-ordinating Body on Regulatory Services (LACORS);
- The Health Protection Agency (HPA) Guidance
- The LPHA Imported Food Sampling Protocol.
- The Official Feed and Food Control (England) Regulations 2007
- All relevant and applicable EU Commission Decisions, Directives and Regulations
- Guidance issued or requested from our designated, appointed Public Analysts.

2.2. Our commitment to fair and consistent enforcement can be found in our Enforcement Policy which is available from the Department as detailed in paragraph 1.5.

3. OFFICERS COMMITMENT TO THE POLICY

3.1. The City of London will ensure that all officers carrying out sampling activities will be suitably and adequately trained and fully acquainted with the requirements of the policy. Both the Imported Food Sampling Policy and the Department of Environmental Services Regulatory Services Enforcement Policy will be referred to when deciding on what enforcement action to take. Any deviation from these Policies will require authorisation from senior management.

4. QUALIFICATIONS OF SAMPLING OFFICERS

4.1. Only officers authorised by the City of London will be permitted to carry out sampling work, which will be carried out in accordance with the Code of Practice and any subsequent amendments or replacements.

4.2. Authorised officers carrying out sampling work will be suitably trained in accordance with the LPHA Imported Food Sampling Protocol. They will carry out sampling using the appropriate techniques and will be competent in carrying out all sampling activities assigned to them.

5. FOOD SAMPLING PROGRAMME

5.1. The Sampling Protocol will specify the foodstuffs/products/consignments that should be targeted for examination and sampling for analysis each year, based on:-

- Trends identified from the previous years results
- European Directives/Decisions
- New legislation
- Centrally issued guidance
- Food Hazard Warnings and Rapid Alert notifications.
- HMRC

Deviations from the sampling protocol are permitted in order to take account of a history of non-compliance with legislative requirements, previous adverse sample results, and intelligence received from, for example, inland local authorities, importers and consumer complaints. Routine monitoring sampling will also be carried out, on a random basis, in addition to the requirements of the sampling protocol.

5.2. The LPHA will carry out sampling work in response to information from the following sources:

- Food Standards Agency
- Department of Food, Environment & Rural Affairs
- The European Commission Food & Veterinary Office
- LACORS/HPA
- London and County Food Co-ordinating Groups
- Association of Port Health Authorities

6. FORMAL AND INFORMAL SAMPLES

6.1. Samples will either be taken formally or informally, depending on the reason for sampling and the advice given in the protocol. However, formal samples will be taken in the following circumstances:

- where there is a history of an Importers/Exporters non-compliance with legal requirements;
- samples taken as a result of a complaint;
- any food samples taken as a result of a food poisoning outbreak;
- where the sampling officer discovers offences whilst examining a product which may result in legal proceedings;
- where previous sample results have been unsatisfactory;

6.2. All formal samples for microbiological examination will be submitted to a food examiner of the Health Protection Agency laboratories.

6.3. All formal samples for composition, labelling, chemical or foreign body contamination analysis will be submitted to the Public Analysts appointed by the City of London.

6.4. The London Port Health Authority will ensure that the appointed Public Analysts and the Food Examiner are consulted in writing when drawing up a sampling programme. Any comments received will be documented.

7. FOOD COMPLAINTS

7.1. Decisions to submit food complaints for examination or analysis will be made on a case by case basis. The following points will be considered when considering whether a food complaint should be submitted for analysis:

- Storage and transportation of the food complaint;
- Availability and continuity of evidence;

- Likelihood that formal action will be taken in relation to the complaint;
- Advice and information received from the Home and/or Originating Authority;
- Assessment of a company's due diligence defence, if any;
- Complainants willingness to be involved in legal proceedings;
- The City of London's Enforcement Policy.

7.2. Food complaints may be tested as follows to assist in any formal investigation:

Foodstuffs alleged to have caused food poisoning may be submitted to the food examiner at the Public Health Protection Agency Laboratory or, if appropriate, the appointed Public Analyst. Food poisoning outbreak food samples will be taken in consultation with the Food Examiner and, if appropriate, the Public Analysts.

Foodstuffs alleged to be contaminated by insects may be submitted for identification to the Natural History Museum, Cromwell Road, London, SW7 5BD.

Foodstuffs alleged to be contaminated by foreign bodies, chemicals or otherwise adulterated in any way will be submitted to the appointed Public Analyst;

Suspected food labelling offences will be determined by the LPHA or submitted to the Public Analyst as necessary.

8. INTERPRETATION OF RESULTS

- 8.1. The current guidelines published by the Health Protection Agency for the microbiological quality of ready to eat foods will be used as a basis for the interpretation of the results of microbiological tests.
- 8.2. The Public Analyst will give an expert scientific opinion in writing which will be used by the City of London to determine action to be taken in respect of any offences discovered.
- 8.3. The food business will be informed of any formal or informal sample results that do not comply with statutory or recommended standards.
- 8.4. The Department of Environmental Services Regulatory Services Enforcement Policy Statement will be followed in deciding the level of any formal enforcement action.
- 8.5. All sampling activity will be recorded on a database which will be available to all food law enforcement officers and enable monitoring data to be extracted for FSA statistical returns and management monitoring as appropriate.

9. RESOURCES

- 9.1. The LPHA budget for 2008/9 for Analyst's analytical fees is £100,000. This is reviewed on an annual basis.

10. REVIEW

- 10.1. The Food Sampling Policy will be reviewed on an annual basis, and when there are any significant changes in legislation, Codes of Practice, guidance issued by the FSA, LACORS or other central agency or advice from the Health Protection Agency.

11. SUPPORTING DOCUMENTATION

- 11.1. All procedural and other associated documentation for food sampling is available from the Department, as detailed in paragraph 1.5.