

## 1) Introduction

This policy has been prepared having regard to the Food Safety (Sampling and Qualifications) Regulations 1990, the Food Safety Act 1990, the Food Hygiene (England) Regulations 2006, Food Law Code of Practice (England) (updated 2008), Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement, LACORS guidance on food sampling for microbiological examination January 2002 and Food Standards Agency (FSA) Practical Sampling Guidance for Food Standards and Feeding Stuffs May 2004.

This policy will be published and reviewed annually. The views of stakeholders will be sought and considered. In particular, the Public Analyst and Food Examiner will be consulted on the policy.

## 2) Objectives

Food sampling has a crucial role to play in supporting the aims of Haringey Council in relation to food hygiene and food standards. These aims include:

- The protection of consumers through effective monitoring and enforcement of standards relating to the safety, composition and quality of foods
- To support consumer choice through ensuring accurate and legally compliant labelling of foods
- To ensure that animal feeding stuffs produced, sold and supplied in Haringey meet the relevant legal requirements
- To ensure that foods comply with relevant legislation
- To ensure fair trading within the Borough.

The role of food sampling to help to achieve these aims is enshrined in the principal European legislation. The Food Standards Agency (FSA) monitors the performance of local authorities in relation to food sampling.

## 3) Priorities

The Council's sampling activities will be directed by the annual food sampling programme, which detail specific surveys that will be undertaken. The inclusion of surveys in the programme will be determined by national, regional and local priorities. The following activities and factors will be considered when devising the sampling programme:

- Investigation of cases of food poisoning and food-borne illness
- Investigation of complaints about food

- Responding to local or national food hazard warnings or incidents
- Participation in EU and national surveys co-ordinated by the Food Standards Agency, Local Authorities Coordinators of Regulatory Services (LACORS) and the Health Protection Agency and regional surveys as determined and coordinated by the North West London sector food liaison group or London Food Co-ordinating Group (LFCG) in order to address local and national concerns
- Supporting the food hygiene and food standards inspection programme with a view to identifying poor hygiene practices or verifying food safety management systems
- Responding to current issues affecting food safety and food standards. In particular, there will be a continuing emphasis on foods imported from third countries outside inline with the Food Standards Agency's Step Change Programme
- Consideration of the number, type and inspection risk rating of food businesses in the Borough
- The Council's responsibilities in relation to food businesses for which it acts as the home or originating authority
- The number of producers and importers of food and in particular high risk foods within the Borough
- The needs and expectations of the local community.

#### **4) Sampling Programme**

Sampling will normally be carried out in accordance with the sampling programme and protocols will be devised for individual surveys. However allowances will be made for unplanned emergencies or if particular issues e.g. food poisoning outbreak or food complaint. These will be determined in accordance with the type of business and the foods handled, together with the controls that exist to reduce food safety risks and the amount of in-house quality control, procedures and documentation demonstrated by the business.

The Council's food sampling activities will be determined by resource availability, the objectives outlined in the Food Safety Service Plan and any obligations placed on the Authority by the FSA and relevant legislation.

Progress towards completing the programme will be reviewed during the year. In order to ensure that sampling is effective, a summary report will be produced and relevant follow up action taken. The results and outcomes of surveys will also be examined in the light of the Food Safety Service Plan and the service objectives will be amended where necessary. Re-sampling will be considered and undertaken when required (e.g. where previous samples have been found to be unsatisfactory or unacceptable.

Emphasis will be placed on food producers subject to 853/2004, food importers and distributors located within the Borough.

## **5) Appointment of Analyst / food Examiner**

The Council's appointed Public Analyst is:

D. Arthur and J. Wootten

Eurofins Public Analyst, 28-32 Brunel Road, Westway Estate, Acton, London, W3 7XR

E mail: [DuncanArthur@eurofins.co.uk](mailto:DuncanArthur@eurofins.co.uk) / [jeremywootton@eurofins.co.uk](mailto:jeremywootton@eurofins.co.uk)

Fax: 020 8222 6070

Tel: 020 8222 6080

The Council's designated Food Examiner is:

Health Protection Agency

Food, Water & Environmental Microbiology Network – London Laboratory

61 Colindale Avenue, London, NW9 5EQ

E mail [fwem@hpa.org.uk](mailto:fwem@hpa.org.uk)

Fax 020 8327 6542

Tel 020 8327 6548/49/50

They will be consulted regarding the sampling policy and programme.

## **6) Types of Sample**

All sampling will be carried out in accordance with the following requirements:

- Food Safety Act 1990
- Food Hygiene (England) Regulations 2006
- Food Safety (Sampling and Qualifications) Regulations 1990
- Relevant European law
- Food Law Code of Practice and Practice Guidance
- Commercial Environmental Health Sampling Procedures.

Consideration will also be given to any relevant LACORS guidance, sampling protocols produced for specific surveys and the comments of the Public Analyst and Food Examiner. Formal sampling will be undertaken by suitably qualified officers who are authorised by the Council in accordance with the Food Safety Act 1990 and the Food Hygiene (England) Regulations 2006, who meet the relevant requirements of the Food Law Code of Practice. Other officers may only take informal samples.

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Samples taken for microbiological examination will generally be taken formally in accordance with the criteria laid down in Code of Practice and the Food Safety (Sampling and Qualifications) Regulations 1990.

Samples taken for analysis will generally be informal however; formal analytical samples will be taken in certain circumstances including:

- Where contraventions of legislation are suspected
- Where results are thought not to be repeatable
- As part of food complaint investigations
- Following an unsatisfactory informal sample where follow up action is being taken.

Where an offence under relevant food law is suspected, samples will be taken formally.

Samples may be taken or purchased at the officer's discretion or in accordance with the requirements of the relevant sampling protocol. Action for unsatisfactory samples will be taken in accordance with the Commercial Environmental Health Sampling Procedures and the Enforcement Policy.

As sampling may give rise to criminal proceedings, the integrity of samples and continuity of evidence will be maintained in accordance with the Food Law Code of Practice, the Police and Criminal Evidence Act 1984 and Commercial Environmental Health Sampling Procedures.

Sampling officers should consult the Public Analyst or Food Examiner as appropriate for guidance on sampling methods, particularly in relation to foods having specific sampling requirements and large consignments or batches where statistical methods may need to be applied.

## **7) Review**

The overall responsibility for food sampling will be under the control of the Food Safety Lead Officer with input from the Team Leader and Commercial Service Manager. The sampling policy will be reviewed annually in order to take into account any changes in legislation, codes of practice and guidance, to reflect the priorities of the Food Safety Service Plan, to consider national and local consumer protection priorities, to consider developments within the local food industry and to consider the needs of the service's stakeholders.

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## **8) Sampling Procedure And Co-Ordination**

Sampling procedures exist as part of the Commercial Environmental Health Quality Assurance System. These procedures will continue to be audited, reviewed and improved as part of that accreditation.

The results of sampling initiatives will be collated and conclusions or significant results produced. The sampling results will also be discussed and shared with our colleagues at the North West Food Liaison Group and where necessary the London Food Coordinating Group. In cases where there are potential national implications, the requirements of Code of Practice issued by the FSA in respect of food hazard warnings will be adhered to.