

Food Standards Agency: Information released under the Freedom of Information Act

Date released: 11 October 2018

Annex A

Request

- 1) *In 2017, how many test samples were carried out on fish and seafood products to test whether the product was described as one thing and turned out to be something else (As recorded on the food surveillance system). In particular:***
 - a) Please give details of what kind of product it was (i.e. breaded frozen fish fingers or battered haddock) and what the tests showed it actually contained.***
 - b) How many times was it a completely different species? Please provide details.***
 - c) Lastly – i) how many of the tests were intelligence led? (i.e. testing was carried out after a tip off, or information about suspected fraudulent activity) ii) How many of the tests were random sampling?***
- 2) *Geographically - where did the samples come from? (Please provide a breakdown of local authorities and the number of tests for each area).***
- 3) *Please list what kind of establishment were they sold in? (e.g. supermarkets / restaurants etc).***

You clarified that you do not need specific details on satisfactory samples, only the unsatisfactory ones and the total number of tests.

You also queried whether the level of sampling was reflective of previous years.

Response

In response to your request, the information has been extracted from the Food Surveillance System (UKFSS), a voluntary sampling database which is not used by all Local Authorities (LAs). Those LAs that do not use UKFSS report their sampling activity through the annual Local Authority Enforcement Monitoring System (LAEMS). This system only provides high level information on the total number of samples taken by each LA and does not provide details of the parameter tested or the sample results.

In 2017, 30 LAs in England, Wales and Northern Ireland carried out 226 tests on 91 samples of fish and fishery products that were analysed for speciation. Seven of these samples were found to be unsatisfactory due to speciation, and all were taken from small independent local businesses such as restaurants and retailers.

We have previously published details of LAs sampling activity of fish and fishery products for the whole of the UK including Scotland for both [2015](#) and [2016](#).

LAs are responsible for developing and implementing their food sampling policy and programme for the year, which should take account of priorities set nationally. It's worth noting that for both 2014/15 and 2015/16 financial years, the FSA set funded sampling priorities in relation to fish species substitution. LAs may have focussed on other priorities for 2017 in line with the published national priorities for 2016-17.

The FSA is developing a new strategic surveillance approach which will give us more data and intelligence to further enhance public protection. This information will allow us to advise and support LAs to plan their own sampling and analysis to be more targeted and effective. We also challenge, audit and provide appropriate support to LAs to help ensure appropriate improvements are made so that consumers and public health continues to be protected

While sampling is a key part of an LA's approach to delivering official controls, it is only one tool available to check compliance in this area, which include inspections, which would cover traceability, invoice checks, menu and description checks, physical checks of the products, including labels. As part of the inspection process, officers will consider if it is necessary to take a sample.

Where samples are unsatisfactory, LAs are responsible for taking appropriate action. This may include removing the food from the market and advising the business on how to achieve compliance. In some instances, enforcement action such as prosecution or simple cautions may be appropriate. In addition to protecting the public this action also aims to prevent economic or other detriment and improve levels of compliance.

Details of the 7 unsatisfactory samples from 2017 are provided in the tables below:

Sample Reference number	Local Authority Name	Sample Date	Premises type	Sample Reason	Food Description	Analyst Comments
41004431393	Gateshead Metropolitan Council	29/03/2017	Restaurants and other Caterers	Enforcement / Investigative	FRIED COD	<p>Sequencing of the Cytochrome B and 16s genes showed 100% homology with the species Pangasianodon hypophthalmus (Pangasius).</p> <p>The sample was therefore not cod (Gadus morhua or Gadus macrocephalus).</p> <p>I am therefore of the opinion the fish was falsely described, contrary to the requirements of Section 15 of the Food Safety Act 1990.</p>
41004431315	Gateshead Metropolitan Council	15/02/2017	Restaurants and other Caterers	Surveillance / Monitoring	SHAHI MACHLY - FRIED COD	<p>Sequencing of the Cytochrome B and 16s genes showed 100% homology with the species Pangasianodon hypophthalmus (Pangasius).</p> <p>The fish was therefore not cod as described and was therefore not of the substance demanded, contrary to the requirements of Section 14 of the Food Safety Act 1990.</p>
43300960132	Walsall Metropolitan Borough Council	23/03/2017	Restaurants and other Caterers	Surveillance / Monitoring	NORTH INDIAN GARLIC CHILLI, COD	<p>The sample was analysed using DNA techniques and identified as Pangasius Hypothalamus, contrary to the description cod provided.</p>
42300370113	Sandwell Metropolitan Borough Council	27/03/2017	Restaurants and other Caterers	Surveillance / Monitoring	COD	<p>The sample was tested by DNA sequencing. The species was determined to be Merlangius merlangus, commonly known as Whiting. The sample was described as "Cod", which is from the Gadus family. Merlangius merlangus is not cod and may not be sold as such.</p> <p>I am therefore of the opinion that the sample was not of the nature demanded by the purchaser.</p>
322HQINET0105475	West Sussex County Council	03/10/2017	Restaurants and other Caterers	Enforcement / Investigative	COD AND CHIPS	<p>The fish was identified as Haddock (Melanogrammus aeglefinus) contrary to the description of the food provided. In my opinion, the food was not of the</p>

Sample Reference number	Local Authority Name	Sample Date	Premises type	Sample Reason	Food Description	Analyst Comments
						nature demanded within the meaning of section 14 of the Food Safety Act 1990.
29600260152	Suffolk County Council	20/03/2017	Retailers	Enforcement / Investigative	SOLE	UNSATISFACTORY – Composition. The sample was identified as Pangasius Hypothalamus using DNA techniques which was contrary to the description provided. In my opinion, therefore, the sample was not of the nature demanded by the purchaser within the meaning of section 14 of the Food Safety Act 1990.
29600260155	Suffolk County Council	20/03/2017	Retailers	Enforcement / Investigative	SOLE	UNSATISFACTORY – Composition. The sample was identified as Pangasius Hypothalamus using DNA techniques which was contrary to the description provided. In my opinion, therefore, the sample was not of the nature demanded by the purchaser within the meaning of section 14 of the Food Safety Act 1990.