Annex A

Request

My request relates to Mr Owen Paterson, the Member of Parliament (MP) for North Shropshire.

Under the act, I would like to ask :
1) The number of times your agency's chief executive or chair have corresponded with Mr Paterson, or vice versa;

2) The dates of each piece of correspondence relevant to point 1) above, and;

3) Copies of any correspondence relevant to point 1) above.

Please limit your search for relevant material to 1 January 2016 to the present day.

Response

Following a search of our records we can confirm that the FSA holds three pieces of correspondence between the Chief Executive/Chair and Owen Paterson MP. Copies of this correspondence (dated 30 November 2016, 10 February 2018 and 10 December 2018) have been provided in Annex C, D and E of this letter. Please note that some information has been withheld under section 40 of the Act. Further information regarding the use of this exemption can be found in Annex B of the letter.

Annex B

Section 40 (Personal Information)

Some information has been withheld as it contains personal details relating to third parties. We consider that it would be disproportionate to publicly disclose these personal details, unless there was a strong public interest to do so.

The individual has a legitimate and reasonable expectation that their personal details will not be disclosed in the context in which it is held. Disclosures under the Act are not just to those who request it but to the world at large.

Article 5(1)(a) of the General Data Protection Regulations (GDPR) and Section 35 (1) of the Data Protection Act 2018 (DPA) requires the processing of personal data to be fair and lawful.

On balance, we do not consider there to be a legitimate public interest in disclosing this information. Disclosure of this information would contravene the first data protection principle, particularly that to process the data in this way (i.e. by disclosure to the public) would not be fair in all the circumstances. Furthermore, we do not consider that Art 6 (1) of the GDPR is satisfied in that disclosure would not be lawful. Therefore, the information is exempt under section 40(2) and (3) of the Act.

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From the Chair,
Heather Hancock

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Rt Hon Owen Paterson MP
House of Commons
London SW1A 0AA

By email to: Patersono@parliament.uk

30 November 2016 Our Ref: MC1466

Dear Owen,

Randox Laboratories - antibiotic residues in milk

I wanted to update you on action the FSA has taken following our meeting of15 November with Randox Laboratories, at which they presented testing results showing antibiotic residues in milk purchased at UK supermarkets.

Since our meeting, FSA officials have completed an initial risk assessments with regard to the protection of public health. The antibiotic levels that Randox reported are low and the team here consider that there is no risk to food safety. We have contacted the Veterinary Medicines Directorate (VMD) to collate the results of recent antibiotic surveillance in milk to enable comparison to the Randox results. Assessments of these results suggest that non-compliance is not a widespread issue. However, since one of the antibiotics Randox detected, Florfenicol, is not included in routine surveillance by VMD, we have very limited information available.

The FSA now intends to conduct a targeted on-farm raw milk surveillance programme with VMD to investigate use of certain antibiotics in dairy cattle in the UK and to further evaluate the resilience of this sector. The selection of antibiotics to be included will be decided in discussion with VMD. National Reference Laboratories are being approached to discuss appropriate methodologies. This will help us understand the scale and extent of any issue, in the light of the data you shared with us.

FSA officials have been in contact with Randox to better understand their results. As we discussed, Randox's technology, InfiniPlex, is not validated to EU standards. Randox have advised that their analysis was confirmed by a laboratory based in

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Germany, but full accreditation details and therefore the validity of the methodology used are not clear at this stage. When we can able to confirm the validity of the positive results, we will consider whether the Randox screening test has addressed the validation requirements of new technology to that stated in Commission Decision 2002/657/EC. As you know, screening and analytical methods used for enforcement purposes are required to meet EU standards.

The FSA can advise Randox on how to go about accreditation but is unable to provide an opinion on the suitability of a new methodology for enforcement purposes. We can provide Randox information on other organisations who may be able to provide advice on validating InfiniPlex to EU standards.

Officials are also shortly due to meet with industry stakeholders to inform them of the issue, seek views on the subject, encourage onward communication and ask for information on surveillance they have carried out.

I hope you will be assured by this update that the FSA is taking appropriate action with respect to the issues Randox have raised. Once again, thank you for bringing these issues to our attention.

Yours ever

Mrs H.J. Hancock LVO

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From the Chair, Heather Hancock

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The Rt. Hon. Owen Paterson MP
House of Commons
London
SW1A 0AA.

10th February 2018

Your Ref:
Our Ref: MC2018/0012

Dear Owen,

Thank you for your e-mail of 17 January. I'm glad that you found the meeting with FSA officials on 15 January helpful and that the conclusions were positive. I am sorry I could not be there.

Further to your points on the outcomes from our meeting on 15 November 2017, I thought it important to be clear about the FSA input at that meeting and the commitments that followed.

I do want to be clear that we did not – and indeed could not – require that the Republic of Ireland company reformulate its products. I did advise that we had raised the issue with the Food Safety Authority of Ireland (FSAI), and that FSAI had confirmed to us that they had looked into the matter in conjunction with their colleagues in the Department of Agriculture, Food and the Marine, and that the company had agreed to reformulate and relabel relevant products. Whilst we will continue to engage with FSAI colleagues, as you are aware, the FSA has no jurisdiction in the Republic of Ireland.

I confirmed that we would write to Finnebrogue summarising the relevant legislative provisions and guidance, and the steps that FSAI had taken. Accordingly, the FSA's Head of Food Additives, Flavourings and Contact Materials, Carles Orri, wrote to Mr Lynn at Finnebrogue on 24 November 2017. This letter also picked up on points about Finnebrogue's product that had emerged from our discussions with them during the meeting.

As regards the sale of the Republic of Ireland company's products in Northern Ireland, as there is no evidence to suggest that the products are 'unsafe' under food

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law, we are not in a position to remove the products from, or prevent them being placed on, the UK market on that basis.

As I said when we met, the FSA recognises the conclusions of the WHO's International Agency for Research on Cancer (IARC) report on red and processed meat and also the potential risks from nitrosamines. We support innovation within the legislative framework and recognise the role that Finnebrogue's products could potentially play by providing consumers with choices that could help them reduce their nitrate/nitrite intake.

As I hope was in evidence at the meeting on 15 January, we want to work with Finnebrogue to ensure that products are compliant with relevant food law. However, it seems to me that discussion around whether or not products contain nitrites/nitrates, or relative safety of products, may be clouding things. Lying at the heart of the matter is the indication, in food additives legislation, that substances selectively extracted from foods and other natural source materials that are intended to have a technical effect in the final food, can be regarded as food additives and require authorisation as such.

We therefore need to work through some technical questions with Finnebrogue concerning the substances being used in their products. To this end, further to the meeting on 15 January, I understand that Carles Orri e-mailed Finnebrogue's Technical Director, Declan Ferguson, on 26 January with some further queries. We look forward to receiving Finnebrogue's response in due course and to working collaboratively with the company going forward.

S40 [redacted]

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Mr Owen Paterson MP
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By Email: Patersono@parliament.uk

Our Ref: MC2018/117

10th December 2018

Dear Owen,

I am sorry that I had to rearrange our meeting, and we are now catching up on 18 December. Given the delay, and just in case you are otherwise engaged next week with EU Exit matters, I thought it would be useful to update you in advance about developments regarding Finnebrogue's naked bacon range.

When we last met in July, Finnebrogue assured me that the sale of food products containing Prosur Natpre T-10 (the vegetable extract used in the 'Naked Bacon' range) had been authorised by several EU member states and that the FSA should therefore rely on this and cease any further requests for information either by us or by the local authority. In response to this claim, I proposed in that meeting to write to the nine Member States identified by Finnebrogue as having approved Prosur's Natpre T-10 use in food. Immediately following the meeting, we wrote to the relevant food safety authorities in those countries, enquiring what authorisation had been agreed, and what Member States had determimed as the function of Natpre T-10. To date, four of the national agencies in countries referenced by Finnebrogue have replied stating that they have not approved the use of Natpre T-10, and all four have said that they found Natpre T-10 to function as an additive. This information does not bear out Finnebrogue's claim that these countries have authorised similar uses

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of the Prosur product, and definitely cannot be used by the FSA to bypass our usual authorisations and processes.

In a further development, the European Commission issued a statement on the 17th September, on the use of plant extracts in food (such as Natpre T-10), which states that these extracts are a deliberate use of food additives if they have a technological function in food. I understand that subsequently, Finnebrogue has informed its local enforcement authority – Newry, Mourne and Down District Council – that the company will be changing the labelling of their bacon to mention "antioxidant: ascorbic acid" in the ingredients list and remove the no E numbers statement. I welcome the change in labelling, which will offer consumers clear information on the nature of the product. Subject to my colleagues receiving mock ups of the new label from Finnebrogue, I consider this matter closed.

I would like to thank you for your efforts in facilitating communication between the FSA and Finnebrogue, and I am glad to see that we have come to a conclusion that is accepted by all sides.

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