

Annex A

Request

My request relates to meetings between Owen Paterson, the MP for North Shropshire, and the chief executive and chair of the Food Standards Agency.

Under the act, I would like to ask how many times a) the chief executive and/or b) the chair of the Food Standards Agency have held meetings with Mr Paterson since January 1 2016.

Under the act, I would also like to ask on what dates did each of these meetings take place.

Under the act, I would also like to request complete copies of the minutes and agenda of each of these meetings. I would also like to request complete copies of all and any documents (such as briefing material, letters, memos, emails, memorandums of conversations) which were prepared for or connected with each of these meetings, either before or after the event.

Response

There have been four meetings between the Chief Executive and/or Chair of the FSA and Mr Paterson since January 01 2016. These meetings took place on the below dates:

15 November 2016
15 November 2017
09 July 2018
18 December 2018

Searches were conducted for emails, letters, briefing material, minutes, agendas and all other notes or records of conversation relating to or resulting from these meetings. This documentation and correspondence is provided in Annexes C and D of this letter. Please note that some information has been withheld under section 31, section 40 and section 43 of the Act. Further information regarding the use of these exemptions can be found in Annex B of the letter.

Annex B

Section 31 (Law Enforcement)

Some information which relates to the regulatory functions of the FSA and/or other public authorities has been withheld under section 31 (1)(g) and 2(a) and (c) of the Act.

Section 31 (1)(g) and 2(a) and (c) states that:

Section 31(1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice

(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2);

(2)(a) the purpose of ascertaining whether any person has failed to comply with the law;

(2)(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.

This information is being withheld under section 31(1)(g) and (2)(a) and (c) as the information is held for the purposes of law enforcement and disclosure would be likely to prejudice future regulatory action by appropriate authorities.

We consider section 31(1)(g) and (2)(a) and (c) are engaged as we feel that disclosure of information would be likely to prejudice a public authority's ability to determine the course of any future investigations and furthermore could hinder any enforcement action that may be taken as a result of future incidents.

As a qualified exemption, section 31 requires the undertaking of a public interest test to decide whether the balance of the public interest weighs more heavily in favour of withholding the information or releasing it. There is a lot of public concern about food safety particularly in relation to the enforcement of food safety issues. It is also in the public interest for there to be confidence in the FSA and other public authorities that where food safety breaches occur, we are prepared to take appropriate action.

Against disclosure, however, is a stronger public interest in ensuring compliance with relevant legislation and in ensuring that public authorities are not prejudiced by the inappropriate or premature disclosure of information. The FSA is reliant on retaining the confidence of public authorities that information supplied to the FSA will be used appropriately and proportionately and that the regulatory and enforcement role of that authority will not be undermined by inappropriate disclosure.

We have, therefore, concluded that the balance of the public interest weighs more heavily in favour of withholding this information.

Section 40 (Personal Information)

Some information has been withheld as it contains personal details relating to third parties or staff below Civil Service Grade 7. We consider that it would be disproportionate to publicly disclose these personal details, unless there was a strong public interest to do so.

These individuals have 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.

Section 43 (Commercial Interest)

Information which names specific company involvement and/or contains details of the formulation of their products (such as ingredients or their methodology) has been withheld from disclosure under Section 43(2) of the Act.

Section 43(2) states the following:

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

As section 43(2) is also subject to a public interest test, we have undertaken a public interest test to decide whether the balance of public interest favours disclosing or withholding the information.

Whilst there is a general public interest in increasing transparency and openness, particularly with regards to the provision of safer food, there is also a need to protect the legitimate commercial interests of companies. If food business operators believe that information provided to the FSA, including sensitive information such as production practices of their company, will be published, they would likely to be reluctant to provide the FSA with all the information it requires to carry out its statutory functions in future.

This could be damaging to the FSA's objective of protecting public health in relation to food. It is not in the public interest to disclose information that could be used by competitors and weaken a

company's position in an already competitive market. This would give rise to commercial disadvantage, reputational damage and a loss of confidence in both the FSA and the companies concerned.

We believe, therefore, that the balance of the public interest favours withholding the information.

'All Natural' labelled ham complaint

Issue

[Section 31] our advice regarding the indirect use of vegetable extract nitrates e.g. celery in a product and quoted the following extract from the FSA Additives Guidance:

“VEGETABLE EXTRACT NITRITES

86. The indirect addition of nitrates to foods via nitrate rich extracts of vegetables such as spinach or celery should be considered an additive use, and not a food use. In such cases the extract is being added for preservation as it contains a standardised level of nitrate and consequently such use would not be permitted by Regulation 1333/2008 as these extracts have not been approved as preservatives.”

[Section 31]

FSA policy position

- FSA guide to compliance on food additives legislation states that the indirect addition of nitrates to foods via nitrate rich extracts of vegetables such as spinach or celery should be considered an additive use, and not a food use. In such cases the extract is being added for preservation as it contains a standardised level of nitrate and consequently such use would not be permitted by Regulation 1333/2008 as these extracts have not been approved as preservatives as they do not meet the specifications for nitrates. This guidance appears to be generally well understood by UK industry,
- This advice reflected the conclusions of a meeting of the EU expert Working Group on Food Additives in September 2006, the outcome of which was endorsed by the Standing Committee on the Food Chain and Animal on 14 December 2006, and subsequently at a Standing Committee meeting in May 2010. All EU Member States considered that such a practice would be a deliberate use of a food additive if used for the intended technological purpose of preservation in the final food. Consequently such a use of a food additive should comply both with the food additive legislation and also be labelled in compliance with the appropriate food labelling legislation.
- More recently, the issue of nitrite rich vegetable extracts was discussed at the EU food additives expert Working Group meeting in December 2016 in response to concerns that these extracts are added to meat products which are then labelled as “additive free” which misleads consumers. At that meeting the German delegate confirmed that a manufacturer had been successfully prosecuted for misusing nitrate-rich extracts in meat products. The Irish delegate considered that, in some cases, a vegetable may be used as an ingredient which may

contain naturally-occurring nitrates. This would not be a misuse of an additive. The Commission re-iterated its earlier advice that if the intention of adding vegetable extract is to achieve a technological function in the food, this is an unauthorised use of an additive.

Cross-border co-operation and collaboration between FSANI and FSAI

FSA and FSAI have close working relationships at both strategic and operational levels. A memorandum of understanding exists between the two organisations that sets out the principles for cooperation concerning food safety and authenticity incidents that impact on either or both jurisdictions. Senior management officials in FSA in NI and FSAI meet formally on a regular basis, and this is underpinned by regular liaison between operational colleagues.

Chair meeting with Owen Paterson MP – 9 July 2018

Lines to take

- The FSA has been unable to determine whether the use of the Prosur *natural flavouring* in Finnebrogue's nitrite-free meat products falls within the regulatory framework. This is due to Prosur and Finnebrogue not providing sufficient information (despite numerous requests) to establish whether it is a food additive or not.
- Although the FSA has regularly engaged with the parties and Mr Paterson since November 2017 and accommodated every request for a meeting, all avenues for resolution at a national level have been exhausted.
- Food additives and flavourings are EU-harmonised areas. EU legislation provides for the possibility to refer interpretation questions to the EU Commission for a decision. The FSA agreed with Finnebrogue and Prosur in May 2018 that it would seek a Commission interpretation and would facilitate their presenting a case to EU Member States (MSs).
- A referral to another MS instead of the Commission, as more recently requested by Finnebrogue and Prosur, would be inappropriate and would not provide clarity on a practice which is alleged to be widely spread across Europe.

Background

The FSA met with Finnebrogue and Prosur¹ on three occasions, on 15 November 2017, 15 January 2018 and 24 May 2018. Mr Paterson also attended the meetings.

Eight months on from the initial meeting, despite numerous exchanges between the FSA and Finnebrogue and Prosur (and their lawyers), no progress has been made. The FSA has devoted considerable resources to explaining the EU requirements concerning food additives and flavourings.

We have come to the view that an EU-harmonised approach is required in this instance due to Finnebrogue and Prosur's unwillingness to accept the FSA's interpretation of the law, together with the allegation that this type of products has received official sanction by several MSs. As agreed with Finnebrogue and Prosur on 24 May 2018, we will refer the matter to the EU Commission for interpretation.

In the latest exchange with Finnebrogue and Prosur lawyers on 26 June 2018, they are no longer content with a referral to the EU Commission (despite Finnebrogue's initial strong support). They have requested we refer the case to the Spanish Authorities to rule on the matter (which would be inappropriate as it is outside their remit).

¹ Finnebrogue is a manufacturer of meat products based in Northern Ireland. Prosur is a Spanish producer of fruit and spice extracts which are marketed as *natural flavourings* with nitrite replacement properties. [Section 43]

Chair meeting with Owen Paterson MP – 9 July 2018

We have been working with the Spanish Authorities and other MSs from the outset and they are following developments closely. As part of a referral to the Commission, we have offered Finnebrogue the opportunity to make a case directly to MS experts (at an EU Expert Group meeting).

There is a growing concern across Europe about the excessive use of antioxidants in fish and meat products.

Food additives must be listed on the product's label indicating the function they perform (e.g. 'preservative: sodium nitrite', 'antioxidant: sodium ascorbate'). There is a perceived premium associated with 'clean label' products. Products that do not contain additives are perceived as 'healthier' or 'more natural'. Food manufacturers will go to great lengths to find 'natural' alternatives to food additives that may indirectly carry similar functions but are not subject to the additive labelling requirements. An example is the use of nitrite-rich vegetable extracts instead of added nitrates/nitrites. In 2006 and 2010 the EU Commission issued statement to clarify that those extracts, when added to food, have a food additive purpose and are subject to food additive requirements (including labelling).

Not for the meeting

[Section 31]. However, MSs are now considering the need to clarify the status of this type of products. This is likely to go ahead independently of the UK's proposal to refer the matter to the EU Commission for interpretation.

Meeting 18/12/2018

Building:
Room Number:

Meeting Title: Meeting with Owen Paterson
Attendees: Heather Hancock, Owen Paterson

<p>Purpose</p>	<p>Recent history</p>		
<p>Briefing requested by Heather Hancock Purpose of meeting: Update which may involve discussion relating to Randox testing</p>	<ul style="list-style-type: none"> • In 2016, Randox Laboratories approached the FSA having developed a new technology (Infiniplex) for multi-platform screening of veterinary residues. Randox used the technology to identify low levels of antibiotics (florfenicol) in milk and wanted FSA to adopt this new technology for routine testing. • Samples tested by Randox could not be traced back to source as appropriate traceability information was not provided. FSA risk assessments indicated that the levels of antibiotics reported by Randox were low and that there was no risk to food safety • VMD (Veterinary Medicines Directorate) increased their testing regime under their approved procedures to include florfenicol. There have been no further developments on this issue since April 2017. 		
<p>Key facts (Max 4 lines)</p>	<ul style="list-style-type: none"> • It is not the remit of the FSA to decide on the methodology to be used in milk monitoring • [Section 43] 		
<p>Primary item for discussion</p>	<p>Secondary item for discussion</p>	<p>Tertiary item for discussion</p>	<p>Recommended outcomes</p>
<p>Use of Randox Laboratories Infiniplex technology for multi platform screening of veterinary residues</p>	<p>N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> • Maintain current <i>status quo</i>. • Reiterate that it is not the remit of the FSA to decide on methodology to be used in milk monitoring if new evidence from Randox Laboratories is presented

Contentious Issues

What they think?

- Randox Laboratories believe that only limited surveillance is conducted against the number of drugs that are regulated within the EU leaving a gap in surveillance and therefore increased risk, and that Infiniplex offers technology to resolve this.
- Randox have previously indicated their wish to work in parallel with the FSA on a review of antibiotic residues in milk.

Who supports their view?

- As a paid consultant to Randox, Owen Paterson has previously supported this view.

What we think?

- It is not in the remit of the FSA to decide on methodology to be used in milk monitoring as it is down to VMD/Defra and those labs undertaking the monitoring programme to decide what methods are used. Therefore if Randox wishes to conduct a comparative trial they should approach the National Reference Laboratories through VMD.
- In response to Randox's concern, a total of 130 samples were collected in 2017 from farms across the UK and analysed for florfenicol at the very low sensitivity of around 1pg/kg (parts per billion). All were compliant.
- [Section 43]

Potential vulnerabilities?

- Randox may conduct further testing using Infiniplex technology to further challenge existing approved methodology.

Scope for negotiation?

- As methodology for milk monitoring is outside of the FSA's remit there is little scope for negotiation
- The FSA have previously provided Randox with advice on how to go about accreditation but have made it clear that we are unable to provide opinion on the suitability of the new methodology for enforcement purposes.

Annex

Please see attached previous briefing note by [Section 40] produced on 24 October for Jason Feeney.

PR/14Dec18v1.1

Chair's meeting with Owen Paterson on 18 December 2018 – Finnebrogue's naked bacon

Lines to take

- We welcome Finnebrogue's assurances that it will amend labels to declare the presence of ascorbic acid and to remove the 'no E number' claims. We hope to see these changes reflected on their own and third-party websites, as well as on other marketing information (including packaging) as soon as practicable.
- Finnebrogue agreed to these in October but are yet to explain when they expect to make the changes. [Section 43]
- Closure of this matter is dependent on the satisfactory amendment of its product labelling; the sooner this is addressed the sooner Finnebrogue may be able to obtain export certificates from DAERA for its products.

Handling

The FSA has been in discussion with the company since November 2017 over the legal status of the extracts they use in the production of their bacon. They currently state these are natural flavourings. Following a Commission statement in September 2018 on the use of plant extracts in foods, we were informed Finnebrogue intend to change the label of their bacon to indicate the presence of food additives. We would like to see these changes made without delay.

The labelling change is important as consumers should be given adequate information on the nature of the product i.e. the fact that it contains a food additive. The Local Authority and the FSA are waiting to see mock ups of the new label. Whilst the FSA will not be formally approving the new labelling, if this does happen, we will consider the matter closed as the function of the extract is accurately described.

Background

Finnebrogue have been very vocal about the impacts the delays in obtaining export certificates are having on their company and UK trade in general, however, they have not provided adequate reasons for the delays in changing the labelling of their bacon.

A note on the recent developments on Finnebrogue's Naked Bacon was provided on 16th November which gives further background information on this matter.

In October Finnebrogue agreed to change the labelling of their product to mention the presence of food additives and to remove claims on the absence of E numbers. They said they would provide mock ups of the labels to the local authority before the end of October but have now said this will not happen until a week before Christmas. Currently, the product is not compliant as they are not declaring the presence of an additive.

It is also important that the marketing material on Finnebrogue's website and also that available on retailer's websites (e.g. Ocado, Tesco) is revised to remove any 'no additives or 'no E number' claims.

From: Colin Clifford

Sent: 16 November 2017 16:51

To: Maria Jennings <maria.jennings@food.gov.uk>; Sharon Gilmore <Sharon.Gilmore@food.gov.uk>; [Section 40]

Cc: [Section 40]

Subject: FW: Briefing - 'All natural' labelled ham complaint

Hi All,

A quick update from yesterday's meeting with Rt. Hon. Owen Paterson MP (OP) and the NI company.

FSA confirmed once more that use of "natural" extracts / flavourings etc to perform additive functions in products is only permitted where they are authorised food additives and properly labelled as such. I referred to the legal definition of "food additive" and highlighted the fact that the same substance could potentially fall under a number of regimes depending on purpose and level of use and that the intention of use and actual function in the product is key to determining whether a product falls within the food additives definition.

OP and the company were pleased with the progress made by FSA NI via their interactions with FSAI [Section 31]. The need for continued good relations with FSAI was fully appreciated and acknowledged by OP and the company.

During the meeting the company described their own "innovative" bacon product(s) which are being prepared for launch in the new year and apparently use [Section 43] and a mixture of flavourings which are already on the market to achieve natural antioxidant and preservative functions, without involving nitrates. I challenged the company to explain how this was different to what their competitor is currently doing in terms of the additives legislation. In responding, the company focused on the safety of their new products and the health benefits of not using nitrites, the fact that the [Section 43] / flavourings mixture was already being used in other EU countries (France and Spain) and that because a very large international food business had been involved in its development it "must be ok". We said that whilst opening a choice up to people wishing to avoid nitrites in meat products was laudable, as a regulator we were still concerned how the product might fit with the additives legislation and suggested that the company should bottom this out properly sooner rather than later.

Key point: Despite the clarification given at the beginning of the meeting, the company did not seem to recognise that, in terms of the additives legislation, the use of trojan substances containing nitrites to perform additive functions and the use of trojan substances that do not contain nitrates to perform additive functions are one and the same thing. It is clear that where substances are performing additive functions in a product they must be authorised food additives. It seemed that, to the company, taking the nitrites out of the equation somehow made everything alright.

Question: Have FSANI colleagues had any discussions with the company about their new product(s)?

Action agreed: FSA (officials) to write to company, copied to OP, confirming the policy/legal position with regard to trojan additives.

[Section 40]: As discussed, grateful if you could distil the policy position into a letter which should – after consulting Private Office [Section 40] and FSANI - go forward from Carles Orri as Head of Food Additives, Flavourings and Contact Materials Policy. In view of the discussion, the letter should be clear that trojans of any kind, not just those containing nitrites, are not permitted.

Happy to discuss, [Section 40]

Kind regards,

Colin

Colin Clifford
Radiological and Novel Food Policy
Food Policy Division
Food Standards Agency
Aviation House, 125 Kingsway, London, WC2B 6NH.
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07824 431084
16/11/17

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From: Clifford, Colin
Sent: 15 November 2017 09:06
To: [Section 40]
Cc: Jennings, Maria; Gilmore, Sharon; [Section 40]
Subject: RE: Briefing - 'All natural' labelled ham complaint

Many thanks!

From: [Section 40]
Sent: 15 November 2017 09:00
To: Clifford, Colin
Cc: Jennings, Maria; Gilmore, Sharon; [Section 40]
Subject: RE: Briefing - 'All natural' labelled ham complaint

Good morning Colin,

Please see below a general line on cross-border co-operation and collaboration between FSANI and FSAI.

FSA and FSAI have close working relationships at both strategic and operational levels. A memorandum of understanding exists between the two organisations that sets out the principles for cooperation concerning food safety and authenticity incidents that impact on either or both jurisdictions. Senior management officials in

FSA in NI and FSAI meet formally on a regular basis, and this is underpinned by regular liaison between operational colleagues.

I have included this in the brief. We also received updated lines from FSAI late last night. The only change they made was to add **“the FSAI will be monitoring the situation closely”** to the last sentence. I have also reflected this amendment in the attached.

[Section 40] if you require anything further please contact Sharon.

Kind regards,

[Section 40] | Senior Advisor | Standards and Dietary Health Team | Food Standards Agency in Northern Ireland 10a-c Clarendon Road Belfast BT13BG | [Section 40]

From: Clifford, Colin

Sent: 14 November 2017 17:22

To: [Section 40]

Cc: Jennings, Maria <maria.jennings@food.gov.uk>; Gilmore, Sharon <Sharon.Gilmore@food.gov.uk>; [Section 40]

Subject: RE: Briefing - 'All natural' labelled ham complaint

Hi [Section 40],

Many thanks. Could I ask one more favour please? Just a general line on cross-border co-operation and collaboration between FSANI and FSAI. These can be used to highlight the positive working between the countries and the need for sensitivity to maintain these working arrangements as we move towards EU exit and beyond.

Many thanks,

Colin

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From: [Section 40]

Sent: 14 November 2017 17:03

To: [Section 40]; Clifford, Colin
Cc: Jennings, Maria; Gilmore, Sharon
Subject: Briefing - 'All natural' labelled ham complaint

Hi Colin, David,

Please see attached a short brief for the FSA Chair's meeting with Owen Patterson tomorrow. [Section 31]. I have included this in the brief. FSAI are content that these lines can be shared with Owen Patterson.

Kind regards,

[Section 40] | Senior Advisor | Standards and Dietary Health Team | Food Standards Agency in Northern Ireland 10a-c Clarendon Road Belfast BT13BG | [Section 40]

From: Carles Orri
Sent: 19 December 2018 11:59
To: [Section 40]
Cc: [Section 40]
Subject: FW: OP letter

FYI

Carles

Carles Orri

Acting Head of Chemical Safety Policy | Food Policy | Food Standards Agency | Clive House | 70 Petty France | London SW1H 9EX | +44 20 7276 8406 | +44 7867 462 007 | carles.orri@food.gov.uk

From: [Section 40]
Sent: 19 December 2018 11:47
To: Carles Orri <Carles.Orri@food.gov.uk>
Subject: RE: OP letter

Hi Carles,

Unfortunately I couldn't attend the OP meeting in the end, but here is Heather's readout from the finnebrogue bit of the meeting:

Finnebrogue – he has not heard back from Finnebrogue in recent weeks. I reiterated that, I set out in my letter, there was no evidence received by the FSA that the prosur product has been approved by other EU member states. Also, that I was pleased to see the company did now intend to follow the advice provided by the local authority, e.g. on labelling. If that happens, then there would be no further action on this issue. I confirmed that in our approaches to EU partners, we had concentrated on approvals of the product not the Finnebrogue bacon by name

[Section 40]

All the best,



[Section 40]
Head of Private Office

[Section 40]
Floor 7, Clive House, 70 Petty France, London, SW1H 9EX
[Section 40]

From: Carles Orri
Sent: 14 December 2018 09:26
To: [Section 40]
Subject: RE: OP letter

Thanks, [Section 40]. Let's see what OP has to say on 18 December.

Carles

Carles Orri

Acting Head of Chemical Safety Policy | Food Policy | Food Standards Agency | Clive House | 70 Petty France | London SW1H 9EX | +44 20 7276 8406 | +44 7867 462 007 | carles.orri@food.gov.uk

From: [Section 40]
Sent: 13 December 2018 23:23
To: Carles Orri <Carles.Orri@food.gov.uk>
Subject: OP letter

Hi Carles,

Heather's letter was sent to OP [Section 40]. I hope it hits all right buttons, it was crafted around the briefing that [Section 40] put together.

All the best,

[Section 40]
Head of Private Office
[Section 40]

From: [Section 40]
Sent: 10 July 2018 09:18
To: [Section 40]
Cc: [Section 40]
Subject: Fwd: Finnebrogue

Hi [Section 40],

Thanks for your help on this. Please see the suggested wording by Heather below, grateful for any thoughts as soon as possible.

Please could you also confirm the Member States where Prosur products are sold?

Many thanks,

[Section 40]

----- Forwarded message -----

From: Heather Hancock <heather.hancock@food.gov.uk>
Date: 9 July 2018 at 19:45:04 BST
Subject: Finnebrogue
To: Carles Orri <Carles.Orri@food.gov.uk>, [Section 40]

Carles, [Section 40] will speak with you tomorrow morning on the meeting I had this evening with Owen Paterson MP and, unexpectedly, Declan from Finnebrogue. There will also be a note of the meeting done.

However, the immediate action which i am keen to get sorted in the morning, given we are building up to the summer holidays, is this:

A key theme of the pressure from Mr Paterson and Finnebrogue to agree with their position, is that they say the use of Prosur's product is approved in several (perhaps 8) other EU member states. I believe their lawyers DWF wrote to us to say which countries.

I have told them that, given neither Finnebrogue nor Prosur seem willing to provide us with the data about the Prosur product and its use in this particular food, I will ask the other safety authorities about their approvals.

I suggest this might be the appropriate wording. The simpler the better, and it can be followed up with any further explanation as required in person or correspondence.

The Food Standards Agency is considering the use of a Prosur product by a UK food manufacturer. We wish to establish the purpose of the Prosur product in this specific use. The product is XXXXX. To assist our understanding, I am writing to ask whether your agency/department has made any approvals of this Prosur product? If so, for what use(s) was the Prosur product approved, what classification did you make of the purpose(s) of the Prosur product in each

case, and what scientific evidence did you use in reaching a decision to authorise, not authorise, or not to intervene in the use(s) of the Prosur product for each purpose.

We are of course seeking further data and evidence from the UK company concerned, but we are aware that they consider the use already authorised/approved/considered in several EU member states, and wish to gather this additional evidence to inform our future decisions.

With regards

Heather

Mrs H J Hancock DL LVO
Chairman

From: [Section 40]

Sent: 29 January 2018 16:51

To: Colin Clifford <Colin.Clifford@food.gov.uk>

Subject: Re: FW: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP - 15 November 2017

Hi Colin,

A letter please - though no need to send a hard copy.

All the best,

[Section 40]

Private Secretary to the Chair and Deputy Chair

[Section 40]

On 29 January 2018 at 17:47:34 CET, Clifford, Colin <Colin.Clifford@food.gov.uk> wrote:

Hi [Section 40],

Many thanks. Just to be clear, is the intention for this to go as a formal letter from Heather or just as an e-mail response? (I had been assuming the latter).

Regards,

Colin

Colin Clifford

Radiological and Novel Food Policy

Food Policy Division

6th Floor, Clive House, 70 Petty France, London, SW1H 9EX. (New postal address)

020 7276 8584

07824 431084

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From: [Section 40]

Sent: 29 January 2018 16:37

To: Clifford, Colin <Colin.Clifford@food.gov.uk>; Gilmore, Sharon <Sharon.Gilmore@food.gov.uk>

Cc: [Section 40]; Wight, Michael <Michael.Wight@food.gov.uk>; [Section 40]; Correspondence.Unit <Correspondence.Unit@food.gov.uk>; [Section 40]; Orri, Carles <Carles.Orri@food.gov.uk>;

Jennings, Maria <maria.jennings@food.gov.uk>; [Section 40]; Eden, Laura

<laura.eden@food.gov.uk>; Feeney, Jason <jason.feeney@food.gov.uk>; Willis, Mark

<Mark.Willis@food.gov.uk>

Subject: RE: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP - 15 November 2017

Hi Colin,

Thanks very much for making those amendments. Please could you send the finalised version through to the Correspondence Unit (Cc'd) for processing and dispatch.

Sharon - thanks for the update.

All the best,

[Section 40]

Private Secretary to the Chair and Deputy Chair

[Section 40]

On 29 January 2018 at 16:52:46 CET, Gilmore, Sharon <Sharon.Gilmore@food.gov.uk> wrote:

Hi Colin

Many thanks for sharing.

[Section 31 and Section 43]

Hopefully we will receive a response.

Regards

Sharon

Sharon Gilmore| Head of Standards and Dietary Health| Food Standards Agency in Northern Ireland

10a-c Clarendon Road Belfast BT13BG | 028 9041 7753| 07876 130 629

Please note New email address- Sharon.gilmore@food.gov.uk

From: Clifford, Colin

Sent: 29 January 2018 14:07

To: [Section 40]

Cc: Feeney, Jason <jason.feeney@food.gov.uk>; Wight, Michael <Michael.Wight@food.gov.uk>; Jennings, Maria <maria.jennings@food.gov.uk>; [Section 40]; Willis, Mark <Mark.Willis@food.gov.uk>; Orri, Carles <Carles.Orri@food.gov.uk>; [Section 40]; Gilmore, Sharon <Sharon.Gilmore@food.gov.uk>; [Section 40]

Subject: RE: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP - 15 November 2017

Hi [Section 40],

I have amended the draft further to Heather's comments which you kindly conveyed when we met earlier this afternoon.

As we discussed, whilst a progress update from FSA NI is still required (and would be appreciated) it will not be included in Heather's response which will now be sent as soon as practicable.

Kind regards,

Colin

Colin Clifford

Radiological and Novel Food Policy

Food Policy Division

6th Floor, Clive House, 70 Petty France, London, SW1H 9EX. (New postal address)

020 7276 8584

07824 431084

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From: Clifford, Colin

Sent: 29 January 2018 12:56

To: [Section 40]

Cc: [Section 40]; Willis, Mark <Mark.Willis@food.gov.uk>; Orri, Carles <Carles.Orri@food.gov.uk>

Subject: FW: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP - 15 November 2017

Importance: High

Hi [Section 40],

With thanks to Carles and Mark, please find a revised draft attached.

Ordinarily, I would be trying to keep things as high level as possible, but I think that Heather's involvement necessitates a level of detail in this response beyond that which we would normally be recommending. As such, I have revised the draft to cover points which I feel remain helpful/necessary, but in less detail. Overall, I think Heather needs to show that she is engaged to a sufficient level, is clear about the current position, indicates that there are discussions to be had between the FSA and the company at the technical level, and encourages a collaborative approach.

Your views would be appreciated. I think this could go with or without an update from FSANI (they currently seeking an update from FSAI), depending on Heather's preference.

Happy to discuss.

Kind regards,

Colin

Colin Clifford

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From: Clifford, Colin

Sent: 26 January 2018 13:12

To: Willis, Mark <Mark.Willis@food.gov.uk>; Orri, Carles <Carles.Orri@food.gov.uk>; [Section 40]

Cc: [Section 40]

Subject: FW: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP - 15 November 2017

Importance: High

Hi All,

Please find attached a draft response for Heather to send to Owen Paterson MP, on which I would be grateful for your comments.

My aim is not only to correct the inaccurate assertions about the outcomes of the meeting of 15 November (at which I was also present) but also to dispel any impression that the FSA is trying to be difficult, obstructive or stifle innovation and put the spotlight on the key issue at this stage of whether the substances being used by the company are selective extracts or otherwise. This response should be sent by Heather at some point after Carles' questions go forward to Finnebrogue and I have drafted on that basis.

As per Michael's e-mail below this response also provides a useful opportunity to include an update from colleagues in FSANI. As such, I have e-mailed them seeking a contribution which I will need to weave in on receipt.

Responses by close today, Friday 26 January, would be helpful.

Kind regards,

Colin

Colin Clifford

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From: Wight, Michael

Sent: 24 January 2018 10:15

To: Clifford, Colin <Colin.Clifford@food.gov.uk>; [Section 40]

Cc: Feeney, Jason <jason.feeney@food.gov.uk>; Jennings, Maria <maria.jennings@food.gov.uk>; [Section 40]; Willis, Mark <Mark.Willis@food.gov.uk>; Orri, Carles <Carles.Orri@food.gov.uk>

Subject: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP - 15 November 2017

Thanks Colin, could you please prepare, with input from [Section 40] and other policy colleagues, a response from Heather to Owen Paterson with any additional updates from Maria and NI colleagues?

(I've left Heather out of this email chain now as we're into draft prep)

Michael

Michael Wight

Interim Director of Policy and Science

Food Standards Agency

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Clive House, 70 Petty France

London SW1H 9EX

Mobile: 07766 925 075

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From: Clifford, Colin

Sent: 24 January 2018 10:08

To: Wight, Michael <Michael.Wight@food.gov.uk>

Cc: Hancock, Heather <heather.hancock@food.gov.uk>; [Section 40]; Feeney, Jason <jason.feeney@food.gov.uk>; Jennings, Maria <maria.jennings@food.gov.uk>; [Section 40]; Willis, Mark <Mark.Willis@food.gov.uk>; Orri, Carles <Carles.Orri@food.gov.uk>

Subject: RE: FW: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP - 15 November 2017

Importance: High

Hi Michael,

As you know, I attended the first meeting on 15 November 2017 with Heather and [Section 40]. As Heather says, we did not agree what OP is suggesting at that meeting. The points in his e-mail are more akin to what Finnebrogue originally hoped to get out of the meeting. [Section 31]. They also welcomed our confirmation of the legislative position / EU Guidance (on which there was full consensus) [Section 43].

We flagged - and they acknowledged - the need to maintain the constructive working relationship between FSANI and FSAI and to play our role, more generally, in maintaining North/South relations in the light of EU exit. We were clear that the FSA has no jurisdiction in the RoI [Section 31 and Section 43].

The reason Finnebrogue's own compliance came under scrutiny is because they chose to use the remainder of meeting to "sell" their product referencing WHO/nitrates/nitrates/cancer etc. We advised that the FSA supports innovation within the legislative framework and efforts to protect health without compromising food safety etc. They described, in very basic terms, what the substance they are using is/does. This included references to "flavourings already on the market", [Section 43] and a "preservative" effect. Bearing in mind discussions on the legislative requirements earlier in the meeting (on which there was consensus), [Section 43] They said several times that the substance they use does not contain nitrates/nitrites and I explained that, as had been discussed, from a regulatory perspective the use of any substance in food to perform an additive function could mean that the substance needs to be authorised as a food additive before it can be so used. At this first meeting, they could not demonstrate that their product was compliant in this regard.

As regards the follow-up letter, we ultimately agreed that we would write to Finnebrogue confirming the legislative position and EU guidance [Section 31 and Section 43]. Given the potential issues about the compliance of Finnebrogue's product, we also included a general line that Finnebrogue should assure themselves of the compliance of their product before placing it on the market.

Some notes on the points in OP's e-mail:

1. [Section 43]

[Section 31]. The FSA clearly has no jurisdiction in the RoI and the guidance is EU guidance (which the UK follows, as do other Member States).

2. **[Section 31]**

That is what they wanted. In the event we said that FSA NI we would keep in touch with FSAI on the issue and, as all had agreed, continued good relations with the RoI are crucial particularly in the light of EU Exit. [Section 43].

3. **You would write to Finnebrogue or the trade press confirming the above action. This letter could then be used to warn the multiples and other suppliers not to use this form of additive/technology in the future.**

We agreed to write to Finnebrogue as I have outlined above rather than the trade press (which I sense is what they really wanted). As the letter was to set out the position with regard to the EU legislation and guidance we knew that this would provide Finnebrogue with the material which they could, in turn, use to warn “the multiples and other suppliers not to use this form of additive/technology in the future”. However, the addition -rightly - of the point in the letter about them ensuring the compliance of their own product – instigated by their own choice to “sell” their product during the meeting – may have got in the way of them doing so.

An e-mail readout of the meeting I sent to colleagues on 16 November 2017 is attached above.

I hope this is helpful. Happy to discuss.

Kind regards,

Colin

Colin Clifford

Head of Radiological and Novel Food Policy

Food Policy Division

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From: Wight, Michael

Sent: 22 January 2018 18:08

To: Hancock, Heather <heather.hancock@food.gov.uk>

Cc: [Section 40]; Feeney, Jason <jason.feeney@food.gov.uk>; Jennings, Maria <maria.jennings@food.gov.uk>; Clifford, Colin <Colin.Clifford@food.gov.uk>; [Section 40]

Subject: Re: FW: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP

Thanks Heather, [Section 43] and my response was the same as yours. OP read from his 'notes' of the 15th Nov meeting but I don't recall his playback being as definitive as his mail below suggests. At the most recent meeting Finnebrogue asked what FSA would do to 'protect me' but when I played this back in terms of competition the move to 'nitrate free' became more altruistic in terms of public health. OP did declare his interest at the start of the meeting. We'll get a draft to you...[Section 40] can we discuss as I wasn't at that meeting.

Michael

Interim Director of Policy and Science

Food Standards Agency

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On 22 Jan 2018 12:52, "Hancock, Heather" <heather.hancock@food.gov.uk> wrote:

I need to go back on this with its inaccuracies

We did not 'agree' at the meeting I attended that [Section 43]. [Section 31].

I said we would write to Finnebrogue confirming the outcome of the meeting and our understanding of the FSAI steps. We did this - and included the advice proffered at the meeting that Finnebrogue needed also to be confident about their own processes.

So, could I have a draft, that doesn't fan the flames but puts the record straight

[Section 43]

Thanks. Heather

Mrs H J Hancock DL LVO
Chairman

From: Owen Paterson <owpaterson@gmail.com>

Date: Wednesday, 17 Jan 2018, 1:18 pm

To: Hancock, Heather <heather.hancock@food.gov.uk>, Denis Lynn [Section 40], Declan Ferguson [Section 40], Professor Chris Elliott [Section 40], De Dios Hernandez Juan [Section 40]

Subject: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP

Dear Heather,

Thank you for arranging the meeting yesterday with Michael Wight, Mark Willis and Laura Eden. I was sorry that you couldn't make the meeting yourself but given the time pressure, it was thoroughly worthwhile going ahead and the conclusions were positive.

We covered the following points:

Finnebrogue's Made without Nitrite Products:

I was pleased by the reaction of Michael Wight and Mark Willis to the information provided by Juan De Dios Hernandes, CEO of Prosur. We agreed that Michael Wight would send Declan Ferguson from Finnebrogue some further queries with regard to the Natural Flavourings they are using in their bacon and hams.

Finnebrogue anticipate that they will get these responses back to your team quickly; this should settle the remaining questions around the labelling of these products.

[Section 43]

During our meeting on the 15th November it was agreed that:

1) [Section 43]

2) [Section 31]

3) You would write to Finnebrogue or the trade press confirming the above action. This letter could then be used to warn the multiples and other suppliers not to use this form of additive/technology in the future.

It is clear that the above has not happened. Other processors in the UK are also carrying out their own trials on products made with Vegetable derived Nitrites as a way to compete with the Finnebrogue 'Made without Nitrite' products. Professor Chris Elliott highlighted how, in the US and Canada, customers created a backlash when they perceived they were being conned by this nitrite technology and I fear that this could also happen in the UK.

Any backlash will dilute customer confidence further. It will actually destroy the potential health benefits that the Finnebrogue products and similar future competitive products could bring to the health of the nation by removing nitrites, with their long associated health concerns.

Many thanks once again for setting up the meeting. I look forward to receiving your confirmation that the above actions will now be undertaken.

Regards,

Owen

The Rt Hon Owen Paterson MP

From: Heather Hancock
Sent: 18 December 2018 09:48
To: [Section 40]
Cc: [Section 40]
Subject: Re: Owen Paterson Briefing

Thank you for this briefing. The points we covered were:

Randox – I explained yet again to Mr Patterson that we do not have policy responsibility for milk testing equipment and monitoring et cetera. I again advised he needed to contact Defra and Daera, (since a lot of the issue he is talking about appears to be in Ireland) to take this forward. I could cast no light on why Defra had decided not to pursue it. He is going to get in touch with David Rutley, George Eustice, the permanent secretary at Daera and the relevant chief vets.

Finnebrogue – he has not heard back from Finnebrogue in recent weeks. I reiterated that, I set out in my letter, there was no evidence received by the FSA that the prosur product has been approved by other EU member states. Also, that I was pleased to see the company did now intend to follow the advice provided by the local authority, e.g. on labelling. If that happens, then there would be no further action on this issue. I confirmed that in our approaches to EU partners, we had concentrated on approvals of the product not the Finnebrogue bacon by name

Thanks.

Heather

Mrs H J Hancock DL LVO
Chairman

On 14 December 2018 at 14:01:42 GMT, [Section 40] wrote:
Hi Heather,

Please see the attached briefing for Owen Paterson on the 18th Dec. One of them is an earlier briefing from October 2018 by [Section 40] for reference.

Let me know if there is anything else you need.

Many thanks,



[Section 40]
Private Office Executive Support Officer
Clive House, 70 Petty France, Westminster, London, SW1H 9EX
[Section 40]

From: [Section 40]
Sent: 02 July 2018 17:58
To: [Section 40]
Subject: RE: Re Owen Paterson meeting

Dear [Section 40]

I know the feeling! Thank you for confirming 6pm next Monday. This will be in Owen's office at 1 Parliament Street.

If you have any queries please do let me know.

Kind regards

[Section 40]

From: [Section 40]
Sent: 02 July 2018 17:51
To: [Section 40]
Subject: RE: Re Owen Paterson meeting

Dear [Section 40],

Apologies, I asked and then got distracted. It most certainly would, for both of us.

All the best,

[Section 40]
Private Secretary to the Chair and the Deputy Chair
Strategic Food Systems Project Lead
[Section 40]

On 2 July 2018 at 17:43:38 BST, [Section 40] wrote:

Dear [Section 40]

Have you had any joy in confirming the meeting on 9th July? Would 6pm work for Heather?

Kind regards

[Section 40]

From: [Section 40]
Sent: 29 June 2018 16:59
To: [Section 40]
Subject: Re: Re Owen Paterson meeting

Dear [Section 40],

Thank you very much, and wishing you a good weekend too.

All the best,

[Section 40]
Private Secretary to the Chair and the Deputy Chair
Strategic Food Systems Project Lead
[Section 40]

On 29 June 2018 at 16:19:41 BST, [Section 40] wrote:

Dear [Section 40]

Further to our telephone conversation I confirm that I am holding Tuesday 3rd July at 5.45pm in Owen's diary to meet in Westminster. I look forward to hearing from you on Monday morning once you have been able to speak to Heather.

I hope you have a good weekend.

Kind regards

[Section 40]



[Section 40]

Office Manager to the Rt Hon Owen Paterson MP

Member of Parliament for North Shropshire

House of Commons, London SW1A 0AA

[Section 40]