EVIDENCE FOR THE HEALTH AND SPORT COMMITTEE MEETING ON 10 JUNE 2025 FROM FOOD STANDARDS SCOTLAND

In advance of the meeting on 10 June we have provided a briefing on four areas of interest identified by the Committee.

By way of background, Food Standards Scotland is a non-Ministerial Office of the Scottish Administration, and the Food (Scotland) Act 2015 gives FSS three objectives:

(i)   to protect the public from risks to health which may arise in connection with the consumption of food;

(ii)   to improve the extent to which members of the public have diets which are conducive to good health; and

(iii)   to protect the other interests of consumers in relation to food. FSS is the competent authority for Scotland.

We are directly accountable to the Scottish Parliament and not to Ministers, although Ministers will represent our interests in Parliament, for example taking legislation through Parliament. Our remit in Scotland covers areas that were, prior to 2010, also covered by the Food Standards Agency for the UK.

We have provided more information on the following areas:

- Food Crime
- Creating a healthier food environment
- Food Safety and Public Health
- Four Country Working
- New Foods

Food Crime (and its impact from a public health perspective)

Food crime can have significant implications for public health. These can be direct, where the threat to public health is immediate, or indirect, where the threat is longer term. The risk of food crime is now a persistent area of concern for Scotland (and every other food safety authority) due to complex global food supply chains, economic pressure, high value food items, climate change, consumer trust and lack of awareness, and supply chain disruptions. The multiplicity of factors means there are no straight-forward solutions.

The Scottish Food Crime and Incidents Unit (SFCIU) was established to tackle food crime impacting on Scotland and has reported several food crime cases to the Procurator Fiscal, with a number of these in judicial process.

The definition of food Crime is "*serious fraud and related criminality in food supply chains*" and includes, adulteration, substitution, misrepresentation of origin, and misrepresentation of durability dates, amongst other things. The unit has criminal intelligence, analytical and investigation capability that acts upon information received from the public, food industry and partner agencies and, where necessary,

investigates crime and reports matters to the Procurator Fiscal for consideration of criminal prosecution.

The key issues and risks for this area of work are:

- Potentially direct health risks from contaminated or adulterated food, e.g. use of harmful additives; illegal practices which bypass hygiene standards, increasing the risk of bacterial infections.
- Allergen mislabelling – seen as an incalculable risk for those who suffer from food allergens. Fraudulent labelling could result in severe allergic reactions or death.
- Nutritional deception – unknowingly consume products with lower nutritional value.
- Loss of consumer trust and confidence in the food system, should there be repeated incidents due to food crime.
- Higher risk to lower income families, who may be exposed to cheaper fraudulent/counterfeit food products, with resultant health impacts.
- Regular consumption of adulterated products – increased risks of longer-term health conditions.
- All of the above can potentially add additional strain to health services.

An example linked to first bullet point relates to counterfeit vodka that was found to be in circulation in Scotland in August 2024. The "vodka" contained isopropyl alcohol which can be toxic to ingest in any amount and in larger quantities can be fatal. Through a combination of investigation, information from the public and targeted initiatives, 234 bottles of counterfeit vodka were recovered which had been sold or stocked for sale in licensed stores. The SFCIU continues to lead the investigation aimed at identifying those responsible for producing and distributing this dangerous product.

Creating a healthier food environment

Creating a healthier food environment is critical to improving public health in Scotland and reducing persistent health inequalities. Poor diet is a major contributor to ill health, and the current food environment makes it easier to access cheap unhealthy food. These foods are often more convenient and heavily promoted, reinforcing unhealthy dietary patterns, particularly for lower-income groups. Our recent data shows that diets are especially poor in children and young people particularly those living in areas of deprivation.

Tackling this requires shifting the focus from individual responsibility of consumers to make better choices to structural and environmental change. In line with the Christie Commission's public service principles of prevention, partnership, and empowerment, we continue to advocate for upstream interventions that reshape the food environment in the places people live, work, shop and eat.

FSS's approach to driving dietary improvement is grounded in robust evidence, monitoring, and a health-first ethos. We strive to ensure consistent public health messaging, which is supportive, non-stigmatising and practical. Our tool _Eat Well, Your Way_ helps consumers to make sustainable changes in the context of their own lives and complements broader policy advice. However, misinformation across digital

and media platforms makes it challenging to remain a trusted source. To amplify evidence and strengthen engagement, we focus limited resources on scalable, cost-effective interventions, such as digital content and targeted media engagement. For example, our recent video on the food environment explains how commercial, retail, and policy factors shape everyday choices.

We welcome the Scottish Government's commitment to measures designed to improve diet and healthy weight which include restricting promotions on food and drinks high in fat, sugar, and salt (HFSS). This represents an opportunity to make a significant step forward in supporting healthier food environments. However, this must be part of a broader, bolder strategy to ensure that healthy food is the default and accessible option for everyone. This includes reformulation of products, addressing marketing and promotions in favour of healthier options, and improving food and drink provision in both retail and out-of-home sectors. To progress these shared objectives, we actively support the Scottish *Government's Reformulation for Health Programme* and collaborate closely with the Scottish Government and Public Health Scotland, including contributing to the development of an *Eating Out, Eating Well* framework for out-of-home businesses.

Despite some progress, significant challenges remain. The ongoing cost of living crisis continues to make healthy food less accessible for many, and voluntary industry efforts have not delivered the level of change needed. Mixed messages from media or industry can also create confusion and undermine confidence in public health messaging. Resource pressures and slow policy decisions have stalled momentum, and continued reliance on voluntary measures has failed to deliver the level playing field required. To create a healthier and more sustainable food system, stronger leadership, faster action, and more mandatory measures are essential including at a UK level. Collaborative working across governments, public bodies, and industry to meet Good Food Nation duties is crucial to achieving long-term improvements in dietary health for everyone in Scotland**.**

Currently, there is no consensus or clear acceptance that the food environment we have needs to change to address the growing burden of diet-related ill health. The balance of priorities favours economics and growth over the protection of public health and reduction in overweight and obesity, the former is getting a higher priority. This approach is creating a "false economy" with consumption of HFSS and poor diet placing significant and increasing pressure on the NHS and associated wider health costs.

Food Safety and Public Health

The contamination of food can be from microbiological, chemical, physical, radiological or allergen hazards. It is a legislative requirement that food is safe, and the safety of food is the responsibility of the food business operator. Food safety is managed with an appropriate food safety management system (FSMS) incorporating a HACCP[1] plan. Although any hazard in food can cause illness, there are certain

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[1] The key component of an FSMS is the use of HACCP plan – hazard analysis and critical control points

pathogens and contaminants that are of particular concern in Scotland, either due to the significance of illness they can cause or the importance of the industry they affect. Key contaminants of concern to FSS include Shiga toxin producing *E. coli* (STEC) and *Listeria monocytogenes* in ready to eat foods, mycotoxins in oats and marine biotoxins in shellfish.

Microbiological and Chemical Hazards in Food

Food can become contaminated in different ways, and microbiological and chemical contaminants can enter the food chain from multiple sources and stages of production. In general, microbiological hazards cause acute risks to health (such as causing outbreaks of diarrhoeal illness), whereas most chemical hazards present a chronic risk, for example meaning people who consume a particular contaminated food often are more likely to develop certain cancers. There are many types of microbiological contamination that can affect food, including bacteria, viruses, parasites and prions. They can be thought of in two groups; (i) indicator organisms such as *E. coli*, which do not directly cause illness but can indicate a breakdown in hygienic practices, and (ii) pathogens such as *Salmonella* which can cause illness in people and animals.

There are multiple sources of chemical contamination in food. Environmental or naturally occurring chemicals can enter the food chain during the primary production (agricultural) stage. This might include contamination from pollution from soil, water or the atmosphere, for example growing crops on land contaminated with heavy metals such as lead or mercury.

Crops such as oats can become infected with fungi which produce harmful chemicals called mycotoxins. Meat from animals can contain the presence of chemicals the animal was exposed to such as veterinary drugs. Marine biotoxins are naturally occurring chemicals which are produced by phytoplankton. These can accumulate in the flesh of marine organisms such as oysters, mussels or scallops. Chemicals can also enter the food chain during the manufacturing process, and these are known as process contaminants. An example of this is the introduction of polycyclic aromatic hydrocarbons (PAHs) during the smoking process for salmon, or the formation of acrylamide at high cooking temperatures in baked goods. There are legislative limits for both microbiological and chemical contamination in food. These are set following risk assessment to determine safe levels (i.e. they do not necessarily have to be zero, although several are).

Foodborne Pathogens

Public Health Scotland (PHS) reported approximately 8800 cases of infectious intestinal diseases (IID) attributed to the top five foodborne pathogens in 2023. It is important to note that the number of cases of IID reported through national surveillance do not reflect the true incidence in the community due to under-reporting. Furthermore, not all IID cases will be foodborne, with a proportion acquired through water, environmental, animal, and person to person contact. Not all cases are acquired in the UK, with foreign travel often being reported prior to infection.

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The [strategy for reducing foodborne illness](#), published in April 2017 set out FSS's overall approach. The current research and intervention priorities for the strategy include:

- Research to improve our understanding of the underlying health conditions and lifestyle factors which increase the risk of contracting foodborne illness.
- Working with PHS to understand the burden of foodborne illness in Scotland and impact on different sociodemographic groups.
- Working with retailers, healthcare providers and third sector organisations to reduce the risks of foodborne illness in population groups more vulnerable to infection from foodborne illness.
- Education of consumers on food hygiene in the home to ensure the food they and their family consume is safe.
- Microbiological surveillance of food products produced and on sale in Scotland.

Risk analysis and using evidence to set regulatory limits

Risk assessment is the first step of a process called Risk Analysis. Competent authorities like FSS use this process to make decisions such as the implementation of regulatory criteria or changes to advice to consumers.

Risk assessment is the process of assessing the likelihood of a hazard occurring and assessing its severity should it occur. After risk assessment is completed and presented, a risk management decision is made. Risk managers take the result of the risk assessment and combine this with 'other legitimate factors' such as economic, environmental or social reasons to make their decision. This is then communicated to interested parties (risk communication).

Research and Surveillance at FSS

FSS have conducted several surveys to assess the hygiene and safety of food, and we also work with Local Authorities to target food sampling. The data and evidence generated through food surveillance sampling plays a critical role in our ability to identify, assess and monitor risks to the food chain in Scotland. This is essential in providing assurance for Scottish consumers regarding the safety and standards of the food they buy, and in verifying that our exports meet the requirements of trading partners.

The *National Food Surveillance Strategy for Scotland* consists of 4 areas of food sampling activity:

- **Targeted surveillance programme** - focuses on approx. 15 key priorities across microbiological, chemical, allergens and authenticity areas which have been identified through horizon scanning or trends identified from previous sampling undertaken across Scotland. Samples are collected by Local Authorities and analysed by our Public Analyst laboratories – current funding by FSS is £200K per year.

- **Shopping basket survey** - to sample a variety of commonly consumed food commodities from retailers and analyse for a broad spectrum of chemical and microbiological parameters and nutritional properties. This non-targeted approach would provide a picture of the general standards of foods on sale in Scotland. In 2025, FSS will undertake a pilot of this new shopping basket survey.
- **Imports sampling programme** - to strengthen the official control sampling regime for verifying the safety and standards of products imported into Scotland.
- **Annual food surveys** - focussing on a single commodity group, with a sample size to enable meaningful statistical analysis on which policy and regulatory decisions can be based.

Four Country Working (UKIMA) and impact of Brexit

FSS supports the Common Framework programme which has been developed and agreed on a provisional basis by Ministers across the UK to ensure that a 4-country approach to policy areas that were previously harmonised at EU level takes place. We envisage these providing a useful basis for engagement on policy under the terms of any finalised SPS agreement with the EU. Areas covered by common frameworks in which FSS has a lead interest, and how that is split across governments elsewhere in the UK are set out in this table:

Framework	Responsible Department			
	Scotland	**England**	**Wales**	**Northern Ireland**
Food and Feed Safety and Hygiene (FFSH)	FSS	Food Standards Agency (FSA)	FSA	FSA
Nutrition Labelling Composition and Standards (NLCS)	FSS	Dept. Health & Social Care	Welsh Govt	FSA
Food Compositional Standards and Labelling (FCSL)	FSS	Defra	FSA	FSA

FSS and FSA are currently revising a Memorandum of Understanding (MoU) that sets out the detail of our relationship across the entirety of our shared brief. Where the common framework programme is collegiate, the UK Internal Market Act 2020 (IMA) undermines that relationship by disapplying any rules proposed/agreed (by common frameworks or otherwise) in one part of the country (e.g. Scotland), to goods produced elsewhere in the UK and sold here. Unlike the common framework programme, the IMA gives the Secretary of State a veto

over policy choices made elsewhere. In effect it means that there is less scope to develop bespoke policy for Scotland under this UK internal market regime than under EU single market arrangements where the principle of subsidiarity provided flexibility for member states in certain circumstances. FSS provided a response to the UK Government review of the IMA earlier this year.

New foods

Certain food and feed products, called regulated products, require authorisation before they can be sold in the UK. Regulated Products include food and feed additives, flavourings, food contact materials, GMOs and novel foods. Since 1 January 2021, FSS and the FSA have progressed 119 market authorisations of regulated products. We have also implemented two reforms to modernise the process whilst safeguarding public health.

- Among the ingredients used within ultra-processed foods are many additives and substances that are not typically used in home cooking. FSS outlined its position on the topic of processed and ultra-processed foods at its public Board meeting in March 2024. A formal position statement was subsequently published, alongside consumer facing advice outlining '5 key facts' on processed foods.

- Following the introduction of legislation in England to authorise precision bred food and feed products, FSS are currently working with the FSA to understand the implications for Scottish consumers, businesses and enforcement authorities and will be looking to advise Ministers in due course.

Market Authorisation of Regulated Products

Since 1 January 2021, new applications for the market authorisation of a regulated food or feed product or process in GB are made using a regulated products application service which is being managed by Food Standards Scotland (FSS) and the Food Standards Agency (FSA). This application service allows one application to be submitted for assessment across GB.

Additives / Ultra processed foods

Processed foods are those which have been prepared by a variety of methods and contain a number of ingredients. It defines foods by how much processing they have been through and not the nutrients they contain.

Ultra-processed foods include soft drinks, sweet and savoury packaged snacks, reconstituted meat products and pre-prepared frozen dishes. The NOVA classification considers these as formulations made mostly or entirely from substances derived from foods and **additives** such as colouring, artificial sweeteners, anti-caking agents and emulsifiers. Whilst the term 'ultra-processed foods' is specific to the NOVA classification system; it is now commonly adopted terminology.

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Among the ingredients used within ultra-processed foods are many additives and substances that are not typically used in home cooking, such as preservatives, emulsifiers, sweeteners, artificial colours and flavours. All of them are covered by the Regulated Products legislation and require safety assessments before they can be authorised to be placed on the market.

FSS outlined its [position on the topic of processed and ultra-processed foods](#) at its public Board meeting in March 2024. The position agreed by the Board was to not propose changes to existing dietary recommendations at this time, however we will continue to monitor the evidence base going forward and revisit if necessary. A formal [position statement](#) was subsequently published, alongside consumer facing advice outlining ['5 key facts' on processed foods.](#)

Cell Cultivated Products (CCPs)

CCPs cover a variety of foods that can be made using a production process without slaughter or traditional farming and agricultural practices. Cells isolated from animals or plants, including cells from meat, seafood, fat and offal, or eggs, are grown in a controlled environment, and then harvested to make a final food product. CCPs produced from animal cells are sometimes referred to as lab-grown meat. Currently, there are a small number of applications in the system, which are estimated to rise to 15 by the end of 2026. For the majority of these products, they will fall under the **novel foods** classification. This means they can only be placed on the market following risk assessment and approval, which is essential to provide assurance to consumers that these products are safe. These are completely novel technologies, that pose unique safety risks and complex regulatory questions.

Precision Breeding

The UKG Genetic Technologies (Precision Breeding) Act 2023 received Royal Assent in March 2023 and applies in England. The purpose of the Act is to exclude precision-breeding technologies, like gene editing, from the scope of the **Genetically Modified Organisms** Regulations (GMO Regulations) in England which are currently subject to assimilated EU law. This means that plants and animals produced using modern biotechnologies, and the food and feed derived from them, will no longer be regulated under the GMO Regulations in England, including an automatic requirement for labelling, if those organisms could have occurred naturally or been produced by traditional methods.

Following the introduction of the Act by the previous UKG, the current UKG introduced the Draft Genetic Technology (Precision Breeding) Regulations 2025 in February, and the new legislation was made on 13 May, coming into force 6 months later.

This will mean that from the end of 2025, there is the potential for precision bred food and feed products to be authorised in England but not elsewhere in GB, however

those products may be placed on the market by virtue of the UK Internal Markets Act.

Summary

The scope of FSS' remit is extensive and maps across three Whitehall Departments, namely Defra, FSA and DHSC. We regulate an area that is of interest to every single person in Scotland. It is worth noting that the absence of high levels of illness and public health outbreaks doesn't equate to an absence of risk and that food safety, and the safe production of food now includes food security, tackling food crime, food supply and sustainability as they are all increasingly relevant in producing food that is safe.

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