

Criminal Justice Committee
Wednesday 25 September 2024
29th Meeting, 2024 (Session 6)

Food Standards Scotland – Tackling Food Crime

Note by the clerk

Introduction

1. The Committee is to take evidence on tackling food crime from Ron McNaughton, Head of the Scottish Food Crime and Incidents Unit, and Ian McWatt, Deputy Chief Executive, Food Standards Scotland.
2. Food Standards Scotland (FSS) is the public sector food body for Scotland. It was established in 2015 as the new public sector food body for Scotland. Under the Food (Scotland) Act 2015 FSS have three objectives —
 - To protect the public from risks to health which may arise in connection with the consumption of food
 - To improve the extent to which members of the public have diets which are conducive to good health
 - To protect the other interests of consumers in relation to food

Food Crime

3. Food Crime can be defined as serious fraud and related criminality in food supply chains. It could include adulteration (the action of making something poorer in quality by the addition of another substance), substitution or misrepresentation of origin, amongst other criminal techniques. More information on food crime is available on the FSS [video](#) about tackling food crime in Scotland.
4. In February 2024, FSS published their [Food Crime Prevention Strategic Plan 2024-27](#).
5. The written submission that has been submitted from the above organisation is set out in **Annexe A** to this paper.

Action

6. Members are invited to discuss issues relating to food crime in Scotland with the witnesses at today's meeting.

Clerks to the Committee
September 2024

Annexe A: submission from Food Standards Scotland

Background

Food Standards Scotland (“FSS”) was established on 1st April 2015 as the new public sector food body for Scotland, to protect the health and wellbeing of consumers in relation to issues around food and feed law, and food standards. Our key priorities are public health and consumer protection in relation to food, taking action to address preventable foodborne illnesses, helping to tackle food crime and providing advice which promotes a healthy diet. FSS is part of the Scottish Administration, but is independent of the Scottish Ministers and of industry, and is accountable to the Scottish Parliament, currently reporting to the Health, Social Care and Sport Committee.

About the Scottish Food Crimes and Incidents Unit

FSS’s roles and functions include protecting consumers from risks relating to food. FSS’s Scottish Food Crime and Incidents Unit (SFCIU) was established to tackle criminality in food supply chains. The SFCIU is FSS’s dedicated incidents, investigations and intelligence gathering arm, which intervenes, where necessary, to protect businesses and consumers from serious dishonesty that will potentially impact detrimentally on either the safety or the authenticity of food, drink and animal feed.

The SFCIU has dedicated intelligence and analytical teams which analyse, develop and action information received from a variety of sources, including from the public, from businesses, from partner agencies and from industry whistle-blowers. The SFCIU manages these intelligence functions on behalf of all 32 Scottish local authorities, and on behalf of the Animal and Plant Health Agency (APHA) for its operations in Scotland. The SFCIU’s investigators lead, assist or advise on serious, complex and protracted food crime investigations, and breaches of food safety.

Partnership working is vital to the SFCIU’s work and, as such, the unit works closely with local, national and international regulators, law enforcement, industry and academia in its efforts to tackle food crime effectively. The unit currently sits on the Multi Agency Tasking and Delivery Board chaired by Police Scotland. FSS also works in partnership with Crimestoppers, which enables food crime to be reported anonymously, through the Scottish Food Crime Hotline.

What is ‘food crime’?

Food Crime is defined by the SFCIU and by the FSA’s National Food Crime Unit as “serious fraud and related criminality in food supply chains”. Since FSS’s establishment in 2015, several food crime cases have been reported to the Procurator Fiscal, following the SFCIU’s investigations, ranging from the sale of fake Scottish tea, to a powdered chemical sold to people wanting to lose weight rapidly.

Food crime is a risk to public health, and to the global reputation of the Scottish food and drinks industry, and to the economy. While the UK has some of the safest and most authentic food in the world, the threats posed by criminals to the food chain remain significant and ongoing. Vulnerability can exist at any stage in the food chain from farm to fork, in the UK or overseas. Brexit, the COVID-19 pandemic, the current cost of living crisis and geo-political events have all contributed to an increasing risk from food crime.

Impact of food crime

The economic impact on the UK is substantial, and it is estimated that food crime costs the UK up to £2 Billion per year, affecting the food sector and the wider economy as a whole. The threat to Scottish businesses in the food sector and across the economy, and to consumers, takes many forms, and varies from low level criminality to complex fraud across different supply chains. Any business knowingly involved in food crime will have an unfair advantage in the market, and place further pressures on responsible food business producers and operators.

Food crime is a financially motivated crime that can also have serious health consequences for consumers where, as a result of deceptive and illegal practices, products have been adulterated, or substituted or their authenticity has been misrepresented. The serious health risks arising from food crime are illustrated by the recent 2,4-Dinitrophenol (DNP) case, and by the current, ongoing incidents involving counterfeit Vodka.

By way of further background, last year in a landmark case for FSS, a 32 year old male was sentenced to 37 months in jail (reduced to 28 months on appeal) for distributing and selling DNP, a highly toxic industrial chemical. The distribution and sales were mainly to body builders, and to other members of the public, for weight loss purposes. DNP has tragically been responsible for at least 33 deaths in the UK since 2007, and is completely unsafe for human consumption. FSS staff, working with Police officers and with Falkirk Council, recovered 5kg of DNP, 120 filled capsules and 10,000 empty capsules as part of the investigation. This case is the first of its kind to be prosecuted in Scotland, and is the first major criminal investigation to lead to a conviction for the SFCIU. The sentence sends a clear message that there are consequences for those who are prepared to put people's lives at risk in order to profit financially from food crime.

The international context

Food crime is global, and the SFCIU regularly works with partners in other countries to prevent and tackle food crime. The SFCIU is a leading player in this field. By way of further background, the SFCIU is one of the co-leaders of Operation Opson, which is a global initiative tackling counterfeit and sub-standard food and drink. It involves representatives from Europol, European Union members states and some Eastern European Partnership countries. The SFCIU is also an active member of, and chairs, the Global Alliance on Food Crime (GAFC), which was set up to undertake strategic

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initiatives to reduce the global threat of food crime. The GAFC has representation from regulators from Australia, Canada, New Zealand and the USA.