Sampling Policy - Food

November 2018

1. Introduction

Food authorities such as Harlow Council are required to prepare and publish a food sampling policy (“the Policy”) in accordance with its Food Service Plan and make it available to businesses and consumers in accordance with the Food Standards Agency (FSA) Food Law Code of Practice March 2017 (“the Code”) and Food Law Practice Guidance November 2017), and to meet the standard laid down in the FSA Framework Agreement on Official Feed and Food Controls by Local Authorities.

Food sampling makes an important contribution to the protection of public health and food law enforcement functions of Harlow Council. It is used to gather information about the safety, quality and possible presence of harmful micro-organisms in particular foods which are produced and/or sold/used locally. By providing this information it forms a key part of official controls enabling appropriate action to be taken to protect the consumer.

Local Authorities have a duty to ensure food and feeding stuffs meet legally prescribed standards and routine sampling is a means of monitoring compliance. Harlow Council is required to prepare a sampling programme using a targeted and risk-based approach that details the authority’s intended food sampling priorities.

This Policy sets out this authority’s general approach to food sampling and its approach to specific situations. It does not include sampling for food composition and labelling issues or feeding stuffs which are the responsibility of Essex County Council Trading Standards Service.

This Policy and the sampling programme have been prepared in consultation with Public Health England (PHE) Food Water and Environmental Microbiology Laboratory (“FWEM”), the food examiner and public analyst via the local Essex Food Liaison Group as required by the Code.

2. Food Law Enforcement

This Policy takes account of the following activities related to Harlow Council's food law enforcement responsibilities for protecting the consumer:

• Investigation of food contamination and food poisoning incidents

• Complaints

• Imported Food responsibilities (particularly third country imports)

• Primary Authority/Home Authority/Originating Authority responsibilities
• Avoiding unnecessary duplication with other Port Health or Primary/Home Authorities

• Food sampling defined by statute (e.g. shellfish)

• The use of sampling as part of a food hygiene inspection (to help assess hygiene standards and procedures)

• Participation in EU co-ordinated control programmes

• Participation in nationally co-ordinated sampling programmes

• Co-ordinated programmed surveillance sampling with other Essex or Eastern Region local authorities

• Sampling related to local products/events/initiatives concerning an issue particularly relevant within the authority; and

• This authority’s obligations under the Framework Agreement of the Food Standards Agency

3. Purpose of Food Sampling

The purpose of food sampling can be summarised as follows:

• Protect the consumer through the enforcement of food safety legislation and the encouragement of fair trading

• Investigate complaints, food poisoning and food contamination incidents

• Identify foods that could pose a hazard to the consumer because they contain significant levels of pathogenic bacteria and/or associated toxins

• Identify contraventions of food safety legislation

• Highlight poor food handling and processing practices

• Help determine whether advice or enforcement action is appropriate

• Assess the microbiological quality of food manufactured, distributed or retailed in the authority’s area

• Give guidance to local businesses where appropriate on food hygiene matters

4. Food Sampling Programme

This authority will prepare an annual sampling programme having regard to the factors listed in 2 and 3 above. The programme will therefore consist of the following components:

• Product specific sampling - local premises approved under Regulation (EC) 853/2004

• UK Co-ordinated Food Liaison Group Studies - an annual programme of sampling surveys under general direction of FWEM from a variety of premises and foodstuffs
• Essex and Eastern Region Survey Sampling Programme - a locally organised programme focusing on local issues

• Monitoring/surveillance sampling of other high-risk foods in addition to above

• Sampling as a result of a food complaint or allegation of food poisoning

• Formal sampling as a result of a food premises inspection or detention/seizure of foodstuffs

• Sampling on request of a food business e.g. new product and/or process

• From premises where food sample results were previously unsatisfactory

• From premises rated as high risk, unrated or where intelligence identifies potential problems

5. Hygiene Check Swabs

In addition to food sampling, hygiene check swabs may be used within food premises to check on the efficiency of cleaning and disinfection by food businesses. These fall outside the food sampling programme and the number and location of swabs samples are determined according to local need. The methodology to be used will be in accordance with the manufacturer's instructions. Results of hygiene check swabs are recorded and used to inform the need for more detailed food sampling and/or follow up inspections.

6. Sample Numbers

The Council aims to use its entire sampling quota each year. Its allocation of sampling credits from Public Health England for 2018-19 is 14750 credits which equates to approximately 140 food and water samples per year. Samples taken in the course of food poisoning outbreak investigation are not included. Exceeding the annual quota will only be done after consultation with FWEM.

7. Sampling Procedure

Food samples are taken in accordance with the Code, Practice Guidance, and Food Safety (Sampling and Qualifications) Regulations 2013 as amended. Where any coordinated sampling survey indicates a particular protocol to be followed then due regard will be paid to such advice.

In general sampling methods will be in accordance with best practice to prevent further contamination of the sample.

The sampling procedure must be aseptic to ensure that the sample is not contaminated personally by the Sampling Officer, by any tools used by the Sampling Officer, sample containers, or the environment generally either at the time of sampling or at any time during subsequent transport to the laboratory.
The conditions during sampling (and more particularly during subsequent transport to the laboratory) should not result in the death or growth of micro-organisms. Sampling equipment or containers that come into direct contact with food will be sterile.

The size of samples taken will be appropriate to enable the laboratory to undertake all the necessary examinations and in most cases will be at least 100g of a product.

The owner of the food, the food business owner (FBO), or their representative will be given the opportunity to observe the sampling process unless a sample is taken anonymously as required by a particular protocol.

Regulation 14 of the Food Safety and Hygiene (England) Regulations 2013 authorises officers to purchase or take samples of food or substances capable of being used in the preparation of food. The Sampling Officer will generally seek to obtain samples by voluntary agreement or purchase (where obtained anonymously). Samples for enforcement purposes may however be taken without payment from the premises as necessary.

For products which are not stable at ambient temperatures, the air temperature of the cabinet or area in which the food has been stored will be taken where possible and recorded. If the temperature of the food itself is required it will if possible be taken from a sacrificial sample to avoid later questions/doubts that the probe used caused contamination of the sample, or of food remaining at the premises.

8. Submission of samples for examination

The submission of samples to the laboratory will normally be by courier supplied by pre-arranged appointment with FWEM. Food samples will be individually bagged and sealed with a unique seal or numbered evidence type bag. Samples will be transported in cool boxes as supplied by FWEM, packed in accordance with laboratory guidance using ice-blocks and data loggers to ensure temperature controlled environment whilst in transit. Details of the samples will be recorded on the appropriate PHE food examination form and enclosed within the box. Each cool box will be sealed with security tags prior to dispatch.

9. Follow-up Action

When the results of a laboratory examination of the sample(s) are received, the Principal EHO will decide the appropriate follow-up action with due regard to any expert advice from the food examiner. Further consideration will be had by reference to the Council’s enforcement policy and Standard Operating Procedures. Where appropriate liaison with the Primary/Home/Originating Authority will be undertaken.

Most sampling results will be categorised by the laboratory as being satisfactory, borderline or unsatisfactory. This will result in follow-up action as follows:

Satisfactory Results

Within 10 working days of receiving a satisfactory result, the Sampling Officer will notify the proprietor/manager of the food business of the result and interpretation in writing, unless the sample had been taken unannounced when no notification will be sent.
Borderline results

This category indicates the sample was at the level of borderline acceptable microbiological quality. Within 10 working days of receipt the Sampling Officer will notify the FBO/manager of the food business of the results and interpretation in writing. This letter advises that the result was borderline and that improvements should be made and an appropriate advisory leaflet may be enclosed e.g. safe handling of ice, cooked meats guidance, ice-cream etc. In some cases a resample may be taken.

Unsatisfactory results

This category indicates that the food sample did not meet the acceptable microbiological standard. Resampling will be considered in the following circumstances where:

- The premises sampled from has a good record of compliance
- In the view of the food examiner, the result obtained does not render the food unfit but raises concerns about hygienic practices followed
- Other similar batches within the same consignment need investigation to gain statistical information about the rest of the consignment
- The sample was taken anonymously and the FBO was not subsequently notified
- The laboratory which examined the first sample recorded relevant details on the basis that the result would not be relied on for supporting legal action

A copy of a laboratory report will be provided to the business as a matter of routine unless the sample was taken anonymously and is satisfactory

Where resampling is to be undertaken the business will be visited by a Food Safety Officer and the FBO/manager informed of the result and possible causes(s), means of improvement and also that a resample will be taken. Should a satisfactory or borderline result be obtained on resampling the FBO/manager will be notified as above.

Should a further unsatisfactory result be obtained, an assessment by the district EHO (and if necessary FWEM) will be made to determine further action which may result in formal action. In those cases where an arrangement exists for Primary, Home and Originating Authority referrals, the appropriate authorities will be notified of unsatisfactory results.

Formal action leading to legal proceedings will be considered in the following circumstances:

- A poor previous history of compliance at a particular premises
- Observation of poor practices at the premises concerned
- Poor compliance with hazard analysis or HACCP requirements
- Evidence of poor temperature control relating to the food sampled
- Where adverse previous sampling results have been obtained

Initiation of legal proceedings will be in accordance with the Harlow Council’s enforcement policy.
10. Complaints and Appeal

Any person wishing to complain about the service they have received or appeal against any decisions that affect them will be provided with information on how to do this in accordance with the Harlow Council's enforcement policy.

11. Review

The Policy will be reviewed annually, and the sampling programme also determined on an annual basis.

Harlow Council, Environmental Health Services, Civic Centre, The Water Gardens Harlow Essex CM20 1WG

Telephone: 01279 446111

Fax: 01279 446548

e-mail: env.health@harlow.gov.uk www.harlow.gov.uk

REFERENCES

Food Safety Act 1990 as amended

FSA Code of Practice

Food Safety (Sampling and Qualifications) Regulations 2013 as amended

Food Safety and Hygiene (England) Regulations 2013

Harlow Council: Environmental Health Enforcement Policy and Procedures