

**MIDLOTHIAN COUNCIL  
ENVIRONMENTAL HEALTH FOOD & SAFETY  
FOOD SAMPLING POLICY**

<b>Approved By:</b>	Midlothian Council
<b>Date Approved:</b>	
<b>Status:</b>	Open Council Policy
<b>Scope:</b>	Environmental Health Food Sampling
<b>Review Parameters:</b>	At 24 month intervals or whenever any substantial changes to the legislation or operational activities occur
<b>Target Review Date:</b>	01 May 2020
<b>Review Inspector:</b>	Principal Environmental Health Officer (Food & Safety)
<b>Review Action:</b>	

## **Environmental Health FOOD SAMPLING POLICY**

Midlothian Council is a Food Authority under the terms of the Food Safety Act 1990 (as amended). The Council has delegated obligations under the Food Hygiene (Scotland) Regulations 2006 to enforce and execute in its area the provisions of the Community Regulations relating to food hygiene and standards. Each Food Authority is required to have a documented policy on food sampling. Midlothian Council recognises the important contribution food sampling makes to the protection of public health and its food law enforcement duties.

In order to meet these obligations the Midlothian Council formal policy concerning food sampling was reviewed in May 2018 and is set out below.

### **1 General Statement of Intention**

It is the policy of Midlothian Council:

- 1.1 To sample food and where appropriate food contact materials, in order to verify that food is being produced safely and described properly in Midlothian.
- 1.2 To document the Food Sampling policy and review the policy at regular intervals.
- 1.3 To ensure that Authorised Officers abide by the Food Sampling Policy and associated Food Sampling procedures when taking samples and with the Food Enforcement Policy when taking enforcement decisions based on sample results.
- 1.4 To adequately resource the food sampling programme including the costs of examination or analysis of food samples and the training of sampling officers.
- 1.5 To appoint sufficient suitably qualified and experienced persons to carry out the chemical analysis and microbiological examination of samples on behalf of the Authority in line with The Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013.
- 1.6 To make this Food Sampling Policy available to businesses and others likely to be affected by it.

2.0 Compilation of the annual sampling programme

2.1 Food sampling is an on-going process but it is convenient to generate an annual programme that runs from April to March as part of the annual food safety plan. The annual food sampling programme is made up from elements of the following;

- i. Surveillance food samples taken from Midlothian food businesses which produce high-risk products or have had poor compliance at previous inspections.
- ii. Food samples taken from premises in the Midlothian area which are food manufacturers or processors or are Approved by the Council under EC Regulation 853/2004;
- iii. Food samples taken as part of participation in Food Standards Scotland sponsored sampling programmes, where resources allow. Participation in such sampling exercises allows for a larger pool of results from which to draw conclusions. Collaboration with these sampling programmes is agreed during meetings of the Lothian and Borders Food Liaison Group; and
- iv. Food samples taken following complaints about food businesses in Midlothian or arising from other local or national intelligence.

2.2 The annual programme indicates:

- i. the nature or types of food samples to be obtained;
- ii. the objective of each sampling/testing exercise i.e. for chemical/compositional analysis, microbiological hygiene or the adequacy of any labelling;
- iii. the frequency of sampling/testing based on an assessment of individual food businesses

It is the policy of Midlothian Council that;

2.3 The sampling programme will be prepared in consultation with the Public Analyst and Food Examiner.

2.4 Details of the premises subject to the food sampling programme are not published.

**3.0 Procurement of samples for analysis or examination:**

**3.1 Formal samples**

A Formal sample is a sample taken by an authorised Officer in line with the procedures outlined in the Food Law Code of Practice and submitted to a Food Examiner or Public Analyst for microbial examination or compositional/chemical analysis.

- 3.2 The Food Hygiene (Scotland) Regulations 2006 allow samples to be obtained either by “purchasing” or “taking” and in general leaves this choice to the discretion of the officer. Only Officers appropriately authorised by Midlothian Council can “take” food samples.

It is the policy of Midlothian Council that:

- 3.3 Where samples are obtained for monitoring or surveillance purposes, as part of local or national survey work, samples will be purchased as “consumer” samples.
- 3.4 Sampling Officers will not generally declare their identity when purchasing consumer samples although they may do so afterwards. For example, when purchasing liquor samples for compositional analysis.
- 3.5 Where sampling requires food to be sampled at points before it reaches the final consumer, Officers will take samples.
- 3.6 Where samples are obtained directly from a manufacturing premises, to check legal compliance, samples will be taken.
- 3.7 Where it is not possible to purchase a sample, for example,
- i. because it may be separate ingredients of a composite foodstuff that are being sampled, or;
  - ii. the sampling technique or regime requires procurement by a particular means, or;
  - iii. the foodstuff is not directly available to the consumer, or;
  - iv. resistance is put up to the procurement of the sample.

Officers will “take” the sample using the powers provided by Section 12 of the Food Hygiene (Scotland) Regulations 2006. The taking of such a sample will be witnessed. Officers may also take action to detain foodstuffs prior to sampling.

---

#### **4. Sample results**

It is the policy of Midlothian Council that;

- 4.1 Sampling results, which are unsatisfactory in the opinion of the Public Analyst or Food Examiner, will result in intervention at the food business concerned, to ensure that there is no on-going risk to public health. Further sampling will normally be part of the intervention.
- 4.2 Sample results taken from manufacturing premises will be made available to the food business operator.
- 4.3 'Consumer purchase' sample results that are satisfactory may be made available to the food business operators at the next programmed intervention. This serves to raise awareness in the business community that sampling takes place.
- 4.4 Where an unsatisfactory result is obtained from food sampled within the Midlothian area, but manufactured or processed out with the area, the results will be made available to the Food Authority where the food originated.
- 4.5 Where food received from a consumer as a complaint is submitted for examination or analysis we will make the complainant aware of the results.

#### **5. Enforcement**

It is the policy of Midlothian Council that;

- 5.1 Formal sampling will be witnessed by another authorised officer where enforcement activity is anticipated.
- 5.1 Enforcement of the food safety legislation, following sample results that indicate serious failures in hygiene, safety or labelling practices, will be carried out in line with the Council's Food Enforcement Policy.