

## Comments on the Proposal for a European Food Authority

### 1. Sainsbury's Group Profile

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1.1 J Sainsbury plc is one of the world's leading retailers with food stores in the UK (Sainsbury's Supermarkets), the US (Shaw's) and Egypt (Edge), a bank in the UK (Sainsbury's Bank) and a chain of home and garden centres in the UK (Homebase).

1.2 Sainsbury's Supermarkets Ltd is the largest part of the Sainsbury Group. It operates over 400 stores in the UK and has a turnover of over £13,000 million. It works with over 2,000 suppliers who provide some 12,000 food lines and 9,000 non-food lines for sale to the nine million customers who shop in Sainsbury's supermarkets each week. Some 40% are Sainsbury's own brand products. Of the 12,000 food products sold by Sainsbury's, over 3,000 are chilled, about 1,000 are frozen and the remainder are ambient. All 130,000 employees working in Sainsbury's supermarkets and depots are trained to handle food products safely.

1.3 Sainsbury's has established its reputation for setting the highest standards of product safety and quality by working in partnership with suppliers who share this commitment. Together with our suppliers, we have developed a comprehensive Product Management System. The system operates at two levels:

- i) partnership with suppliers whereby quality and safety standards are managed using supplier vetting, supplier auditing and supplier process control techniques i.e. Hazard Analysis Critical Control Points (HACCP).

ii) management of products whereby quality and safety standards are managed and verified through the use of product specification, product launch inspection, computerised customer complaints procedures and product surveillance techniques.

1.5 Sainsbury's seeks to ensure that its customers have sufficient advice and information so that once a food product has been purchased, customers can continue to handle it in a way that is not detrimental to the product's quality and safety nor to the customer's enjoyment of the product. HACCP is extended to this area also - the cooking instructions on food products are devised using HACCP techniques with extra information being provided as appropriate for higher risk products e.g. instructions to ensure that beefburgers are fully cooked. Ingredients listings provide further information and specifically seek to address the needs of those customers wishing to avoid certain allergens eg. peanuts, milk, and soya. Storage advice is provided eg. "do not freeze". Products which intrinsically are felt to be a "high risk" to certain customers eg. infants, pregnant mothers and the elderly, are clearly labelled advising extra care to be taken.

## 2. Introduction

2.1 Sainsbury's welcomes the high level of commitment given by the Commission to human health and consumer protection and its intention to take a comprehensive and integrated approach to food safety.

2.2 As one of the largest food retailers in the UK, Sainsbury's welcomes, in principle, the Commission's proposals in the White Paper for an integrated approach to food safety and see them as a step towards restoring consumer confidence in European food and food regulation. However, Sainsbury's does have some reservations about the proposed remit of the European Food Authority and the proposed division of responsibilities between it and the Commission.

### **3. Principles of Food Safety**

3.1 Sainsbury's has built its reputation over 130 years on the quality of the food it sells and takes all reasonable precautions to ensure that the food offered for sale in its stores is safe and fit for its purpose. Notwithstanding this, Sainsbury's firmly believes that responsibility for food safety must rest with every link in the food chain. Feed manufacturers, farmers, food processors, and food retailers must make food safety a top priority for their business and Sainsbury's works in partnership with its suppliers to ensure that this is the case for them.

3.2 Any new EU Food Authority or similar body therefore must have the authority, knowledge and resources to develop farm to table policies covering all sectors and all links in the food chain. In addition to feed manufacturers, farmers, food processors and food retailers, the role of caterers and consumers themselves in ensuring food safety should not be overlooked.

3.3 Such a regulatory structure must also have a well-functioning food safety framework to assess the reality of potential food safety emergencies, to handle genuine emergencies rapidly and effectively, and to ensure the minimum level of alarm. Traceability is key to the success of such a framework. Sainsbury's fully supports the need for product traceability and has established this for all its Sainsbury brand products. For example, all Sainsbury's meat and bacon products can be traced back through the meat packer, the abattoir and to specific farms; and, to uphold our policy of not using GM soya or GM maize in any of our own brand products, we rely heavily on traceability for verification that such ingredients come from non-GM sources.

### **4 Towards Establishing a European Food Authority**

4.1 Sainsbury's welcomes the European Commission's decisive action to consider establishing a new means of providing for a high level of consumer health protection in the area of food safety, through which consumer confidence can be restored and maintained.

4.2 Issues such as the dioxin crisis, BSE, listeria and the way in which they are publicly handled cause serious concern to the retailer. Sainsbury's agrees that major structural changes to the way that these were handled are necessary.

4.3 The generally accepted need to make risk assessment independent of risk management is an important point and one which Sainsbury's supports.

4.4 The White paper foresees networks for monitoring and surveillance being created, information systems and rapid alert systems being established and playing an important role in the generation of scientific knowledge. Sainsbury's believes there is considerable merit in ensuring such wide-ranging systems are set up and as soon as possible.

4.5 Sainsbury's accept the proposed structure of scientists plus a small executive responsible for risk analysis. However, whether this constitutes a new European Food Authority and should be termed as such is debatable. The term European Food Authority implies much more. However, for it to do much more would require a change in the constitution. Sainsbury's would not seek nor support any constitutional changes in this respect.

4.6 Sainsbury's accepts that if an EFA were established it should provide scientific advice and information to the Commission on all matters having a direct or indirect impact on consumer health and safety arising from the consumption of food. Thus it would cover primary food production, industrial

processes, storage, distribution and retailing. Sainsbury's would question, however, the extent to which the EFAs remit should encompass nutritional issues (see 8 below).

4.7 The White Paper is short of any consideration of alternatives to the proposed EFA with regard to achieving improvements in public health protection and the restoration of consumer confidence in food nor is there any justification of why the EFA is the best option. Presumably the Commission considered a number of alternatives. Indeed since the Dioxin and BSE scares, the Commission has restructured its Directorates and established DG SANCO which has a full remit for consumer and public health issues. Did the Commission consider the possibility that this new structure - DG SANCO - might deliver the improvements sought and that a further restructuring would not necessarily be more effective?

## **5 The need for Independent and Authoritative Scientific Advice**

5.1 Sainsbury's fully supports the need for independent scientific advice to establish independent risk assessment on which to base risk management decisions.

5.2 However, with regard to structure, Sainsbury's is not convinced that the Scientific Advisory Committees need to be given a new name and removed to a new body to establish their independence (see 4.5). By comparison, the UK Food Standards Agency which has responsibility for risk management, seeks independent assessment of risk from independent scientific advisory committees. The UK structure is comparable to the EU proposals to the extent that DG SANCO would have responsibility for risk management and seek independent assessment of risk elsewhere. However, in the UK, an independent advisory committee structure rather than a separate body is used.

5.3 Sainsbury's is also concerned that the Commission is overly optimistic in its expectation that the EFA's scientific advice will be perceived as more 'authoritative' than current scientific advice. Sainsbury's is fully supportive of the proposal to set up networks of scientists and access to expertise across Europe. But the idea is no different from what currently happens on an ad hoc basis. How will the proposed EFA ensure that its scientific decisions will be enforced? And, perhaps more importantly, how will it gain acceptance? The Commission needs to explain in more detail how their proposed EFA would prevent a national food authority from taking a different scientific view. For example, how would the existence of the proposed EFA have prevented the situation that has arisen with the French food authority over British beef? Will national scientific advisors be locked in to the EFA advice in the hope of achieving a common voice. If so, how will this be achieved? What mechanisms would the Commission put in place to ensure that this does not hinder the speed of decision making by EFA?

5.4 The White Paper does not make clear to whom the independent scientists will be accountable. The EFA will be responsible for:

- preparation and provision of scientific advice;
- collection and analysis of information required to underpin both that advice and the Community's decision making processes;
- monitoring and surveillance of developments touching upon food safety issues.

But who will set the EFAs agenda? Who will appoint the EFA?

## **6 Responsibility for Risk Communication**

6.1 The White Paper defines the role of the EFA in the context of the risk analysis process. However, the description in

chapter 4 of the White Paper, Towards Establishing a European Food Authority, bestows greater expectations of the EFA than just risk analysis. It includes communication of its findings and appears to give the EFA responsibility for communication to the public and the restoration of consumer confidence in food i.e. responsibility for risk communication.

6.2 In the context of consumer confidence, Sainsbury's has considerable reservations about the segregation of communication about risk assessment and from communication about risk management. The EFA would only be able to communicate the details of the risk that it had identified but not what action is being or to be taken to manage the risk. This narrow communications remit has the potential to undermine consumer confidence rather than restore it. One alternative solution would be to give DG SANCO, who would have responsibility for risk management, the responsibility for risk communication also. This would require mechanisms to be established to ensure that the communication of assessed risks is not unnecessarily delayed.

## **7 Restoring Consumer Confidence**

7.1 The White Paper suggests the EFA will be "A single highly visible point of contact for all concerned" and will "automatically become the first port of call when scientific information on food safety and nutritional issues is sought or problems have been identified." It would also undertake information actions with a view to ensuring that consumers can make informed choices, and are better informed on food safety issues. It is intended it will be available to consumers to provide advice and guidance on important food safety developments. Sainsbury's has some concerns about how the EFA will achieve these goals. Sainsbury's is often the "first point of call" for its customers. Member State agencies will also be seeking to be the authoritative voice and thus this EFA objective may be unrealistic. That the EFA should aim to be in a position to "rapidly establish itself as the authoritative point of reference for consumers, the food industry, MS authorities, and

on the wider world stage" is not be undermined but a great deal of consideration needs to be given to how this can be achieved.

7.2 Sainsbury's also has reservations about the style of consumer information that might be produced. The information needs to be easily accessible and understandable. Given that the role of the body will essentially be a scientific one, will it have the resources to provide communications expertise to win consumers over? How would a pan-European Authority propose to communicate coherent and co-ordinated messages to a market of 365 million consumers. Culture and language differences would need to be reflected in any communications. Will the EFA have EU wide campaigns or delegate the role to national agencies? If so, why will national agencies listen to it? Who would take precedence - the nation agency or the EFA if views differed?

7.3 Consumers will seek advice in its simplest form. The type of reports currently produced by the scientific advisory committees may be useful to those who are scientifically literate but the majority of consumers unfortunately are not. In communications with consumers some subjectivity and judgment in presenting scientific opinions will no doubt be necessary. It is essential if consumer confidence is to be restored to find ways of communicating in a style and language readily understood by the majority and on matters perceived as important by consumers i.e. communicate against consumers' agenda and not scientists.

7.4 Retailers have considerable experience of communicating to customers as this is a daily part of our business in assisting them to make informed decisions about the foods they choose to buy. Sainsbury's would welcome the establishment of a mechanism by which business expertise may be drawn upon to help the EFA to work effectively. This could take many forms, for example, it could be a consultative committee, made up of representatives from key industry sectors who would contribute opinions and ideas. Sainsbury's

would support this particularly in the context of communication were the EFA proposals to come to fruition.

7.5 The role of the Precautionary Principle in risk communication needs to be further explored. In all applications of the Precautionary Principle it would be helpful if a graduated approach according to the severity of the risk could be established.

## **8 The extent of the inclusion of Nutrition**

8.1 The debate over the inclusion of nutrition in a food safety remit is one that arose in the context of the UK Food Standards Agency. Nutrition clearly has a direct link with customer choice about food products. Customers seek nutritional information, such as the fat content, about the food they are purchasing so that they can make an informed choice. However, nutrition policy can also go beyond this to advice of what is "good" for you. The latter can be highly subjective and often one bit of research is quickly contradicted by another. There is a danger that if the EFA becomes embroiled in these debates then consumers may find it hard to accept the EFA as "The authoritative voice" on food safety matters. Its reputation would be in danger of being undermined if its nutrition messages are too prescriptive or inconsistent.

8.2 Where the EFA could have a role is in providing a common forum for establishing an EU consensus on nutrition science especially with regard to health claims. It could also play a role in identifying areas of research of common interest and for which EU funding should be provided.

## **9 Relations with National Agencies**

9.1 The EFA must be a value-added structure working in close co-operation with the national scientific agencies and institutions. It will need to establish a network of contacts with similar agencies, laboratories and consumer groups across the EU and in third countries. Presumably it is intended that by creating a formal network of scientific contacts in Europe and elsewhere with the EFA at its center, the EFA will be able to ensure that all concerned become associated with the analytical processes.

9.2 A number of questions remain unanswered. How will the role of the EFA be considered "more authoritative" than that of national agencies, such as the UK FSA? If a national agency says something different to the EFA (which is what happened with the Anglo-French case) who will businesses and consumers believe? Ultimately retailers must follow their customers lead and thus any confusion will be unhelpful (see 5.3).

## **10 Resources and Funding**

10.1 The resource implications of establishing a new body should not be underestimated. The efficacy of the EFA will ultimately depend up on the adequacy, in terms of both size and quality, of the human, financial and physical resources allocated. The White Paper makes no proposals about resources.

10.2 If the EFA is to have a truly independent status then it must be 100% publicly funded. Funding from industry would potentially undermine the EFAs independence and thus undermine its ability to restore consumer confidence in EU food and EU food regulation.

## **11 Independence of an EFA**

11.1 If it is decided to go ahead and establish an EFA as proposed then the independence of the Authority needs to be absolute. Sainsbury's agrees particular attention needs to be paid to the selection of the head of the Authority. What process would be used to make this selection? Is it possible for interested third parties to have a say? Particular attention should also be paid to the staffing of the Authority – it should employ suitably qualified specialists who can provide the necessary support for the independent scientists responsible for the generation of scientific opinions, as well as gathering and analysing data.

11.2 Sainsbury's is supportive of the establishment of a consultative committee of business experts or similar involvement of industry experts to help the EFA deliver its objectives.

11.3 Of paramount importance in creating an EFA, would be the establishment of an appropriate process of accountability. Who would the EFA be accountable to?

## **12 Conclusion**

12.1 Sainsbury's welcomes the Commission's proposals for an integrated approach to food safety but has a number of reservations about the proposals for an EFA as outlined in the White Paper.

