

SIMPLY SAFE MAY 2010

FOREIGN OBJECT FOOD COMPLAINTS

No matter how good a manufacturer or food supplier is, and no matter how good procedures are in your kitchen, there will be occasions when something goes wrong and the food sold is not acceptable to the customer. Discovering a foreign object in food can be an unpleasant experience for customers and all food sold must be fit to eat and free from contamination. It is therefore vital that when foreign object complaints are received, they are brought to our attention immediately to enable us to commence a swift investigation with both your premises and where necessary, the manufacturer. Follow these simple do's and don'ts to help our investigations:

DO.....

- Place the food containing the foreign object in a clean, sealed bag in a safe and secure location.
- Keep the original packaging (including batch details/bar codes etc). Where this is not possible, trace information back from invoices or other batches of the same food still in storage.
- Notify all food handlers and encourage them to remain vigilant and look for the source of contamination.
- Check all areas of the kitchen immediately to see if you can identify anything which resembles the foreign object.
- Treat the customer with respect and empathy and advise them that a full investigation will be undertaken.

DON'T.....

- Be tempted to handle or pull out any foreign object found in the food – leave it in place.
- Put the food in a place where further contamination could take place (e.g. keep it in the fridge but make sure it is wrapped securely).
- Throw away the foreign object – this is the evidence and without it most investigations are hampered.
- Throw away the packaging/batch details – this holds vital information which can assist the manufacturer with identifying every detail of the product from the date and time it was manufactured, right down to identity of the person on the production line.

Remember, in almost every case where there is no foreign object or batch details present, the manufacturer will not be able to assist. If you receive a foreign object complaint and are unsure what to do, call Perry Scott Nash immediately on 01438 745771 for guidance.

A TO Z OF FOOD SAFETY

U is forUse by

Generally, foods that have a *use by* date written on the packaging must not be eaten after it has expired. This is because such foods usually deteriorate quickly and may be injurious to health if consumed after the use by date has passed. Even if the food looks and smells fine, eating it after this date could cause illness. For the use by date to be a valid guide, you must follow storage instructions such as 'keep in a refrigerator'. If you don't follow these instructions, the food may deteriorate even quicker and you may risk food poisoning. It is a legal requirement to sell food **before** the use by date, so all food items should be checked at the end of every day and out of date food removed or clearly labelled as "not for human consumption". Any out of date food found during routine food hygiene inspections will be deemed to be for sale and may result in enforcement action being taken by EHO's.



DON'T LET THE RECESSION LEAD TO PROSECUTIONS

In light of the recession, some businesses may be tempted to cut corners to save money. Enforcement is still very much at the forefront of health and safety, so this roundup of recent prosecutions serves as a reminder that safety must always be number one on the agenda.

First ever prosecution for major high street retailer!

£20,000 in damages has been awarded against the well known high street retailers, Marks & Spencer. The compensation was awarded after an employee lost part of a toe in a warehouse accident. In a century of trading, Marks & Spencer have never been prosecuted for breaches in Health and Safety. Environmental Health Officers carried out an inspection at a warehouse and discovered that while management were aware that their employees were riding goods lifts, they had failed to do anything about it. The accident occurred when the employee in question had trapped his foot in the scissor lift he was operating. His toe was crushed as the lift rose, which later needed to be amputated. The Magistrate presiding over the case ruled that adequate risk assessments had not been carried out and that their managers had not followed accepted safety procedures. Marks & Spencer's pleaded guilty to breaching the 1974 Health & Safety at Work Act and the maximum fine was imposed, plus they were ordered to pay prosecution costs, which resulted in a total compensation pay out of over £30,000.

Rare prosecution by fire service

In a rare case of a fire service bringing a prosecution, a company was fined £15,000 plus costs after pleading guilty to four breaches of the Regulatory Reform (Fire Safety) Order 2005 in respect of an incident in a pub. Whilst attending an incident, the fire service found means of escape compromised with fire doors and exits at the premises screwed shut; fire doors propped open; escape routes obstructed; and a failure to maintain any of the fire protection systems. The company, which had contracted a licensee against whom charges are still being pursued, was deemed to have failed to carry out or record a fire risk assessment, failed to have effective policies for protection and prevention measures, and failed to provide suitable and sufficient information to the licensee.



Company fined £10,000 after workers suffered acute lead paint poisoning

Work involving the sanding down of old paintwork caused workers to inhale and ingest lead dust to the extent that two were admitted to hospital with acute lead poisoning. The company responsible failed to identify the hazard in the work and no precautions were in place. They admitted breaching S.3 of the Health and Safety at Work etc Act 1974 and were fined £10,000. An HSE official commented: "There may be a view that lead is a historic problem, which was dealt with a long time ago. This prosecution shows that this is not the case. Those involved in renovating old buildings need to be particularly vigilant. Once dust or fume is generated from operations such as sanding or paint burning, it easily enters the body through normal breathing or swallowing, where it accumulates causing debilitating symptoms." Conducting a risk assessment before the task would have identified the potential hazards and control measures required.

Ladder fall caused brain damage

A 58-year old self-employed painter was working on the refurbishment of accommodation when he apparently fell from the unsuitable domestic step ladder he was using, sustaining serious head injuries. The victim was working for a firm contracted by a principal contractor to decorate flats. Both companies had allowed work to be carried out that was not adequately planned or supervised. His immediate employers pleaded guilty to breaching R.4(1) of the Work at Height Regulations 2005, and were fined £2,000. Two directors of the company also pleaded guilty to the same charge and were fined £1,000 each. The principal contractor admitted breaching R.22 (1) of the Construction (Design and Management) Regulations 2007 and were fined £2,000.

IMPORTANT FIRE SAFETY REMINDER – FIRE RISK ASSESSMENT REVIEWS

Don't forget it is a legal requirement to review your Fire Risk Assessment whenever there is a change in the premises. This may include the number of people present (e.g. during functions), the characteristics of the occupants (e.g. people with disabilities), changes to work procedures, including the introduction of new equipment, alterations to the building, including the internal layout, significant changes to furniture and fixings, changes to displays or quantities of stock held, the introduction or increase in the storage of hazardous substances, the introduction of additional fuel sources and if none of these apply, an annual review must be undertaken to ensure you comply with the Regulatory Reform (Fire Safety) Order 2005. For further information on carrying out reviews contact Perry Scott Nash.