

2021.10.05

**2 Connétable K. Shenton-Stone of St. Martin of the Minister for the Environment regarding the application of Health and Safety, and Food Safety, rules to the sale of supermarket produce that was past its sell-by date (OQ.199/2021):**

Will the Minister explain why current health and safety rules prevent fresh supermarket produce, some just one day past its sell-by-date from being donated at food banks, even to a person who has signed a disclaimer to acknowledge the food must be consumed immediately or frozen; and will he take action to amend this guidance to ensure food is not wasted and that those involved with food banks are not negatively impacted?

**Deputy J.H. Young of St. Brelade (The Minister for the Environment)**

Under the food law there are 3 types of standard labelling used on food products: use by, best before end and, at the discretion of the seller, display until dates. They all have different meanings. At the moment, the environmental and consumer protection team provide guidance and support to several charitable services to ensure that the food they provide to consumers is safe to eat. There are several charities that already freeze produce on the final day of the use-by date for meals and these organisations already comply with the food legislation to protect the consumer, and I understand that system works well. Food banks are a little more complicated in that the control of the food products and any risk associated with it of course move on to the consumer. Regardless, the restrictions remain the same, so not to put service users at risk, compared to those of other charitable services who facilitate this provision. Of course we are producing a new food law, which is necessary under the post-Brexit situation, and that will assist supermarkets in providing food is safe to eat, to providing that food to charitable organisations and maintaining the public. That is the situation.

**4.2.1 The Connétable of St. Martin:**

Because of this ruling and overzealousness we have had to close our much-needed food bank. Could the Minister also explain why the food, which is being denied to the vulnerable and those in need in the Parish, is then deemed to be okay for the government to collect to feed COVID workers with the same food? This is happening and, much to our alarm, happened on Friday, the day we had no option but to close the food bank.

**Deputy J.H. Young:**

I do not know of this. I would be happy to have that investigated further of this particular incident. I think food banks are in a different situation to charities. The answer I have given concerns basically produce that is taken off the shelf by supermarkets. The use-by date is about product safety and that is the most important date because it is accepted, under all food standards, that there is a risk of some food poisoning if products are consumed beyond that date. But there is no reason why it cannot be cooked at that time or frozen at that time. Indeed my understanding is that the charities have freezers full of this material. I will arrange to have this particular situation investigated in more detail. I am sorry I cannot go further than that at the moment.

**4.2.2 Deputy R.J. Ward:**

I am sorry, I am having trouble hearing the answer here. This question may just have been answered but if it is: can the Minister confirm whether food that was usually taken by the food bank redirected to any form of government worker, and therefore did the rules that stopped it going to the food bank no longer apply because it was going to government staff? I think that is a very important

question that we need to know because there is an inconsistency there. Most of all we want consistency please.

**Deputy J.H. Young:**

I am sorry the Deputy did not hear, I will try and speak a bit louder. Yes, I will have to investigate that. It is of concern that food that is intended to go to food banks appears, it has been suggested, to have got into the hands of other people, if you like, that are not in the need of the food bank. I need to investigate that and find out why. I am sorry I cannot go further than that now but I give a commitment that I will arrange for that to be checked and reported back.

[10:30]

**4.2.3 Deputy R.J. Ward:**

Can I ask the Minister seeing as - I do not mean to make a prediction - but we may be here a few days this week, that he could come back with the answer during this sitting because the next sitting is not for a month due to the 3-week sitting and the half term, and this answer will be lost in the ether?

**Deputy J.H. Young:**

Yes, I am happy to give that commitment. Obviously this is not within my mainstream experience. I spoke with the Environmental Health officers who do this work yesterday. They did not give me any information along the lines of what appears to have happened here. But I will find out from them, get it investigated and get back during this sitting. I will give that commitment.

**4.2.4 Deputy M. Tadier:**

As part of a Minister who is on the Council of Ministers, who is committed to reducing income inequality, could he state whether he feels uncomfortable about how many people rely on food banks in the first place in Jersey and that we are discussing today about ways to give poor people who cannot afford food almost out-of-date food to eat and access it in a very wealthy Island? Does that concern the Minister?

**Deputy J.H. Young:**

There are 2 issues. Certainly I am very uncomfortable with the situation that this should occur in Jersey. That people are having to rely on food banks when we are an incredibly wealthy society and people buy properties for £31 million. It is absolutely, I think, almost obscene frankly that is the case. But obviously those responsibilities do not lie with me. My role is regulatory and of course that is why we have food standards. I think the question is this whole question of the use-by date. Those are there for a reason and the law, because we rely on our really high-quality food and obviously our retailers ensure that what we buy in the shops is of the quality required, but there is no reason why as long as that material is taken off the shelf and goes to charities for use by those in need, and it is either cooked at the time or frozen, there is no reason why that should not happen. In fact there is every reason why it should not be happening rather than going into the incinerator, which is incredibly wasteful.

**4.2.5 Deputy M. Tadier:**

I do ask the question in the context that the Minister is the Minister also for Environmental Health. I would like to know if he would prefer a situation where people did not need to rely on out-of-date food because they are so poor and there is not provision for them in this Island rather than trying to find ways to allow them to eat out-of-date food.

**Deputy J.H. Young:**

I am very embarrassed that people are in a situation where there are circumstances they have to rely on it. But I have to say that the food is safe. The Deputy talks about out-of-date food. I have described there are different dates, they mean different things. The use-by date is the important one and as long as it is used by or frozen at that time it is perfectly safe. That is the basis of the food law.

**4.2.6 Deputy K.F. Morel of St. Lawrence:**

Would the Minister explain whether his department gives guidance to food banks and people who operate food banks so they understand this reclassification system to make sure they are not confusing best before end with use by?

**Deputy J.H. Young:**

I think at the moment I cannot confirm how effective that advice is. Yesterday in my discussions with the officers I have been told about the charities. The charities that either receive the food and cook it straightaway for consumption - because that is another immediate way of dealing with it, cooking at the time the material leaves the shelves - or freezing it. But whether or not how we got into the detail of food banks, and I will be frank. I do not know, and hands up here, how many food banks there are in the Island and that is the thing I should be checking up on as I have agreed to do.

**4.2.7 The Connétable of St. Martin:**

I thank the Minister for his answers and just would like to say that the various shelters are suffering from these health and safety rules too. Please can the Minister reiterate and ensure that food goes to those in need and not be used for government workers or, worst of all, be dumped?

**Deputy J.H. Young:**

I cannot do any more than reiterate the commitments I have already given. There are a lot of sound questions here that I will make sure are investigated and have a supplementary answer sent round to Members as soon as I can. But certainly during this session.