



## Reasons for using enforcement measures in food premises in Finland

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### ABSTRACT

The reasons for the use of enforcement measures (coercive measures) in food premises were analysed. Decisions made by local food control authorities on enforcement measures in food premises are not collected by any authority in Finland. Therefore, the type and seriousness of non-compliance leading to the use of these measures in different types of food premises are generally unknown, which may increase uncertainty in their application. Decisions on enforcement measures were requested from 29 (34%) local food control units in Finland, resulting in a total of 166 decisions from 19 control units. The non-compliance underlying these decisions was categorized into 27 categories, which were further identified as contributing factors or risk factors for outbreaks based on knowledge from previous studies.

The most frequent non-compliances leading to the use of enforcement measures were incorrect labelling (34.3%), unapproved premises or activities (25.9%), poor condition of surfaces (25.9%), and inadequate cleaning (24.7%). Premises with poor condition of surfaces correlated significantly with premises showing inadequate cleaning (Fisher's exact test,  $p < 0.01$ ), which is of concern because worn and dirty surfaces may cause food contamination. Temperature abuse in addition to incorrect labelling was the most frequent non-compliance being the main sole reason for enforcement measures. Several non-compliances were recorded in 64.5% of the decisions, which demonstrates that some food premises have multiple problems in complying with food legislation. Restaurants, fish processing plants, meat processing plants, and bakeries, in particular, had multiple problems in complying with food safety regulations. Restaurants and fish processing plants had the highest number of non-compliances reported as risk factors for outbreaks, the non-compliances being serious, e.g. cross-contamination and temperature abuse. The frequency of non-compliance was usually low in retail stores, warehouses, and milk processing plants. Market square premises and mobile premises had significantly higher frequency of incorrect labelling than fixed restaurants (Fisher's exact test,  $p < 0.05$ ), and market place and mobile premises also showed higher frequency of temperature abuse.

Several of the non-compliances (33.3%) recorded in the decisions had been recorded as contributing or risk factors for outbreaks, and 65.1% of the decisions included at least one of these non-compliances. Authorities appear therefore to use enforcement measures in cases where the occurrence of a health hazard is obvious or possible.

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### 1. Introduction

Official food control is one of the cornerstones of food safety. The responsibility of food safety is primarily the food business operator's (FBO), but food control authorities verify that the handling of food products complies with food safety legislation. Food control authorities have several control methods to intervene in case of non-compliance in food premises. Negotiations and on-site

education by the inspector are first-line control measures, and are considered efficient (Reske, Jenkins, Fernandez, VanAmber, & Hedberg, 2007). However, FBOs do not always correct the non-compliance and the violation may recur (Guiducci, Copeland, Dorsey, & Edelstein, 2011; Phillips, Elledge, Basara, Lynch, & Boatright, 2006). In addition to recurrence of non-compliance, the non-compliance may also pose a threat to the health of the consumer, necessitating more effective measures. In such cases, the use of enforcement measures (coercive measures) is justifiable.

Enforcement measures are compulsory procedures where the FBO is forced to take actions to remedy the non-compliance. Examples of such measures include imposition of sanitation procedures, prohibition of placing an unsafe food product on the

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market, suspension of operation, and ordering a recall (Anonymous, 2004). Enforcement measures are important for the implementation of food legislation and the safety of consumers. Nevertheless, the use of enforcement measures has been quite limited (Jokela, Vehmas, & Lundén, 2009), possibly due to uncertainty regarding the legal procedures (Lepistö & Hänninen, 2011) or a preference for advice and negotiations (Reske et al., 2007). Moreover, the type of non-compliances usually leading to the use of enforcement measures in food premises may be unclear for food control authorities, increasing the uncertainty of applying such methods.

When deciding on the use of enforcement measures, the authorities should take into account the nature of the non-compliance (Anonymous, 2004), including the risk posed to humans. The seriousness of the non-compliances observed in food premises varies (Guiducci et al., 2011), and the risk for an outbreak differs substantially (Buchholz, Run, Kool, Fielding, & Mascola, 2002; Evira, 2011a, p. 69). The seriousness of the non-compliance probably affects the use of enforcement measures. However, because the decisions made by local food control authorities on enforcement measures in food premises are not collected by any authority in Finland, the reasons leading to the use of these measures in different types of food premises are generally unknown.

The non-compliances underlying the use of enforcement measures in food premises presumably reflect the non-compliances present in different types of food premises in general. This knowledge would be useful for both local and national food control authorities when preparing a risk-based inspection plan to direct food control resources. The aims of this study were to analyse the reasons for the use of enforcement measures by local food control authorities in different premises and to evaluate the seriousness of the non-compliances leading to these measures.

## 2. Material and methods

### 2.1. Acquiring administrative decisions on enforcement measures

Administrative decisions on enforcement measures were requested from 29 local food control units, which represent one-third (34.1%) of the local food control units in Finland. More than 50% of Finland's food premises locate in the units included in the study (Evira, 2011b, p. 28). The study included the largest control units, the size being determined according to the number of inhabitants in the control area of the unit, in order to receive as many decisions as possible. Smaller control units were randomly chosen to cover all six provinces of the country. Administrative decisions were acquired from the period ranging from January 2008 to September 2011. Of 29 food control units 19 sent decisions, in total 166. Ten control units had used no enforcement measures during the study period.

### 2.2. Analysis of the decisions

The statistical analysis was performed by using SPSS 20.0 (IBM SPSS Software). Chi square test, Phi coefficient, and Fisher's exact test were used to analyse relationships between food premises and non-compliances. The reasons underlying the use of enforcement measures were categorized into 27 groups describing the nature of the non-compliance (Table 1). The non-compliances were further identified as contributing factors or risk factors for outbreaks based on knowledge from previous studies. The following studies and reports claiming an association with outbreaks were used in the classification: Buchholz et al. (2002), FDA (2009), Evira (2011a, p. 69), and EFSA (2012). The enforcement measures applied were treated as one group when analysing the non-compliances.

**Table 1**  
Observed non-compliances leading to the use of enforcement measures in food premises.

Non-compliance	C/O <sup>a</sup>	Number of decisions (N = 166) with non-compliance (%)	Number of decisions with only one non-compliance	Non-compliance associated with or reported as a risk factor for outbreak <sup>b</sup>
Product labelling insufficient or missing	O	57 (34.3)	21	
Premises or part of activity not approved	C	43 (25.9)	4	
Surfaces not easily cleanable, in poor condition	C	43 (25.9)	3	Yes
Inadequate cleaning of premises and equipment	O	41 (24.7)	2	Yes
Execution of own-check plan insufficient	O	41 (24.7)	0	
Inadequate temperature-regulated storage	C	28 (16.9)	0	Yes
Inadequate product quality	O	26 (15.7)	8	Yes
Own-check plan insufficient	O	25 (15.1)	1	
Maintenance room for cleaning equipment missing	C	24 (14.5)	1	
Inadequate number or equipment of hand-washing sites	C	22 (13.3)	1	Yes
Infrastructure (e.g. inadequate drainage)	C	20 (12.0)	1	
Insufficient air-conditioning	C	20 (12.0)	1	
Operational hygiene, personal hygiene	O	20 (12.0)	0	Yes
Insufficient protection of food	O	20 (12.0)	0	
Premises too small for the activity	C	18 (10.8)	0	
Product temperature abuse	O	16 (9.6)	10	Yes
Too few lavatories or lavatory inadequate	C	14 (8.4)	0	
Dressing room missing or inadequate	C	11 (6.6)	1	Yes
Cross-contamination possible	C, O	11 (6.6)	1	Yes
Inadequate handling of byproducts	C, O	9 (5.4)	1	
Food preparation during unfinished renovation	C, O	5 (3.0)	0	
Handling of non-inspected meat	O	4 (2.4)	1	
Insufficient protection of food contact materials	O	3 (1.8)	0	
Registration of activity to authority missing	O	3 (1.8)	0	
Water not available or of poor quality	C	2 (1.2)	1	
Poor pest control	C, O	2 (1.2)	0	
Unwilling to recall product	O	1 (0.6)	1	

<sup>a</sup> C = Constructional non-compliance, O = Operational non-compliance.

<sup>b</sup> Buchholz et al. (2002), EFSA (2012), Evira (2011a, p. 69), Food code (2009).

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