

To: ENVIRONMENTAL SERVICES COMMITTEE	Subject: John Barr & Son, Butcher, Caledonian Road, Wishaw Result of Prosecution
From: DIRECTOR OF ENVIRONMENTAL SERVICES	
Date: 20th February, 1998. Ref: GB/MC	

PROPOSED DECISION

To note the report.

REPORT

1. Arising from the outbreak of food poisoning caused by E Coli 0157 in November 1996 in the Wishaw and surrounding area the Department submitted information to the Procurator Fiscal at Hamilton which led to various charges being libelled against Wishaw butcher, John Barr & Son and also against one of the partners Mr. John Barr.
2. In the first trial at Hamilton Sheriff Court in October, 1997 when Mr. John Barr appeared on a charge of reckless supply of cooked meat for an eighteenth birthday party in Wishaw the Sheriff ruled on 27th October, 1997, that there was no case to answer.
3. In the second trial, again at Hamilton Sheriff Court on Tuesday, 20th January, 1998, the company pled guilty to certain charges with others being dropped on the second day of the trial and were fined a total of £2,250 by the Sheriff. These charges and the fines are detailed in the appendix to the report.
4. It has also been announced that the Fatal Accident Enquiry into the incident will take place in Motherwell on the 20th April, 1998

M'Kenzie L. Hutton

APPENDIX 1

Charge 1.

Between 27 August, 1996 and 26 November, 1996, both dates inclusive, at the premises at 48A-52 Caledonian Road, Wishaw, you JOHN M. BARR and SON, proprietor of the food business carried out at said premises did fail to comply with Regulation 4 (2) (d) of the Regulations aftermentioned in respect that you did fail to ensure that the requirements set out in Chapters IV to X of Schedule 1 of said Regulations were complied with in respect that (a) you did fail to ensure compliance with the requirements of Chapter V in that you failed to ensure that all articles, fittings and equipment with which food came into contact in course of said business were kept clean in respect that the Boiler within the Butchery factory area of said premises used for cooking joints of cooked meat and cooked stew was contaminated with E. Coli 0157 bacteria; and the vacuum packing machine used for packing both cooked and raw meats within the Butchery factory area of said premises was contaminated with E.Coli 0157 bacteria; (b) you did fail to ensure compliance with Chapter IX(3) of said Schedule 1 and failed to ensure that food, namely, cooked meat and cooked meat products, handled, stored, packaged and displayed within said premises was protected against contamination likely to render said food unfit for human consumption and injurious to health and fail to so place and/or protect said food as to minimise any risk of contamination in respect that scales, knives, tables, baskets and other equipment both within the front Butcher's shop area and the Butchery factory area of said premises were used both for raw meat and cooked meats: CONTRARY TO Regulation 4 (2) (d) and Chapters V, IX and X of Schedule 1 and Regulation 6(1) of the Food Safety (General Food Hygiene) Regulations 1995 made under the Food Safety Act, 1990; **Fine £750**

Charge 2

Between 1 November 1996 and 23 November 1996, both dates inclusive, you JOHN M. BARR and SON, proprietor of a food business carried on at said premises at 48A-52 Caledonian Road, Wishaw, did by the hands of your employees or agents or other persons whose identities are meantime to the complainer unknown, at said premises and elsewhere in Scotland, sell and have in your possession for sale for human consumption and deposit and consign to others for sale for human consumption, food, namely, cooked meats and cooked meat products, which failed to comply with food safety requirements in respect that it was so contaminated that it was not reasonable to expect it to be used for human consumption in that state and, in particular, that it was contaminated with E.Coli 0157 organisms whereby purchasers and consumers of same were exposed to the risk of infection and a number of persons in Wishaw and elsewhere in Scotland who consumed said cooked meat and cooked meat products contracted E.Coli 0157 food poisoning and a number of those persons died: CONTRARY TO the Food Safety Act, 1990 Section 8 (1) (a) and (b): **Fine £1,500**