



## NORTH LANARKSHIRE COUNCIL

## REPORT

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| TO: ENVIRONMENTAL SERVICES COMMITTEE.      | SUBJECT:<br>Food Safety Act 1990<br>Food Labelling Regulations 1996<br><br>Case Against Iain Andrew Methven,<br>t/a Shell Old Inns Filling Station, Cumbernauld. |
| FROM: DIRECTOR OF ENVIRONMENTAL SERVICES.  |  |
| DATE: 8th February, 1999<br><br>REF: GC/JR |  |

**PROPOSED DECISION**

To note the Report.

**REPORT**

1. The Department found it necessary to report Iain Andrew Methven, proprietor of a business trading as Shell Old Inns Filling Station, Cumbernauld, to the Procurator Fiscal in respect of contraventions of the Food Safety Act 1990 and the Food Labelling Regulations 1996
2. A complaint was received by this Department on 10th June, 1997 from a member of the public regarding a wrapped sausage roll which he had purchased from the Old Inns Filling Station, Cumbernauld, the previous day. The complainant advised that, when he started eating the sausage roll, he noticed the inside was mouldy. He returned with the product to the shop and spoke to the owner, Iain Andrew Methven. The owner refused to accept the sausage roll had been purchased that day from his premises as it had a "Use by" date of 29th May and various procedures were in place to avoid such occurrences.
3. The product was sent to the Public Analyst, who reported that the spoilage on the sausage roll was consistent with it being retained eleven days outwith its "Use by" date and that it was spoiled by mould so as to render it unfit for human consumption. Select Foodservice Centre, a company employed by Shell to oversee food safety matters within premises using the Shell Select name, provided details of audits and training carried out for the premises. The report on the audit carried out on 21st July, 1997 following the complaint, states that one product was on display outwith its "Use by" date.
4. /...

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4. A report was subsequently submitted by this Department to the Procurator Fiscal's office in April 1998. A letter was recently received from the Procurator Fiscal's Office advising that the Procurator Fiscal had decided that it would be appropriate to offer the defendant the opportunity of paying a Fiscal Fine rather than the matter proceeding to the Court. This is an Administrative procedure whereby, in appropriate cases and where the defendant has no previous convictions, the Procurator Fiscal has discretion to offer the defendant the opportunity to pay a Fiscal Fine of between £25-£100. An offer was duly made to the defendant, who agreed to accept and pay £100, the maximum which could be imposed in terms of this procedure.

*M'Kenzie L. Hutton.*