

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-0978 - Menu Breaches  
**Date:** 18 July 2017 14:21:09  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED]

Thank you for your information request of 21 June 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**1. The number of menu description (based on trading standards rules, there are regulations about when labelling something 'home-made,' 'fresh,' or 'vegetarian' etc., as well as rules on labelling foods as genetically modified) breaches / non-compliance recorded at establishments such as restaurants and takeaways inspected in 2016/17 (to date), 2015/16, 2014/15 and 2013/14.**

Unfortunately, ACC is unable to provide you information relating to description breaches on menus due to the significant amount of time it would take to retrieve this information. The details requested are not held electronically but are contained within inspection paperwork/correspondence held on the premises files. As there are currently 1758 catering establishments in ACC's area and during the period in question there were 5436 visits to catering establishments, it is not practicable to check each record, which would require retrieving 1626 files from storage, manually examining the paperwork and correspondence for every visit, and then we would have to create records to compile the information requested.

Determining whether information held met the criteria of the enquiry would require officers with a significant degree of food knowledge. It is therefore likely that this would require the input of appropriately authorised officers from the Commercial Team. For efficiency reasons, it would be appropriate for the process to be undertaken in stages. Officers would have to retrieve files and examine all visit paper work for contraventions that potentially meet the criteria of the enquiry. Any files containing potentially relevant contraventions would need to be assessed by an appropriately competent officer from the Commercial Team. Relevant contraventions would then need to be detailed and compiled in order to produce a report in order to respond to the enquiry.

Therefore, considerable resource would be required in order to process this request, and this would detrimentally impact on the statutory public health controls delivered by the team. It is difficult to estimate the resource required, but assuming 15 minutes of officer time per establishment record, this could equate to in excess of 400 hours.

Therefore, ACC is unable to provide you with the requested information as it is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 10(4)(b) – Manifestly Unreasonable of the EIRs.

Public information on compliance with food safety issues (including allergens) is available through the Food Hygiene Information Scheme administered by Food Standards Scotland (FSS). Businesses are assessed as either a 'Pass' or 'Improvement Required'. The scheme does not

currently include food standards issues. Information can be accessed at <http://www.foodstandards.gov.scot/fhis/search>

**2. Details of the aforementioned establishments including their name and details of the breach / problems found.**

Unable to provide this information. Please see response to question 1.

- a. if possible, please split these into which area of menu description rules was breached - i.e. was it mislabelled as home-made, vegetarian etc.**

Unable to provide this information. Please see response to question 1.

**3. the number of establishments that failed to accurately declare food allergens on their menus (including risks of cross-contamination) in 2016/17 (to date), 2015/16, 2014/15 and 2013/14.**

Unable to provide this information. Please see response to question 1.

**4. Details of the aforementioned establishments including their name and details of the breach / problems found.**

Unable to provide this information. Please see response to question 1.

**5. The total number of establishments under your remit.**

As of 31<sup>st</sup> March 2017 this service had food law enforcement responsibility for 2351 food business establishments.

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

**INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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