

Food Standards Scotland submission of 23 February 2023

PE1978/C: Allow raw milk to be sold in Scotland

Food Standards Scotland (FSS) has been asked for further comment in relation to the petition submitted to the Citizen Participation and Public Petitions Committee.

When Scottish Ministers considered the issue of raw drinking milk (RDM) in 2006 and decided to retain the prohibition in relation to cows milk and also extend it to other species this followed on from a public consultation within Scotland on the proposals, which indicated there was widespread support amongst industry, enforcers and public health bodies for maintaining the ban and extending it.

As far as FSS is aware this remains the case and no representation has been made to FSS in the intervening period to suggest otherwise other than an occasional enquiry from a member of the public about removal of the ban. These are rare and do not suggest a change in opinion nor a desire within the dairy industry to remove or even review the ban.

A slightly false impression can be gained that RDM is readily available in all other countries apart from Scotland. In fact, several EU countries impose a ban or restrictions on the sale of RDM and this fact is recognised in the drafting of Regulation 853/2004, now retained, allowing Member States to individually decide on the position. Several states within the United States of America impose bans or restrictions and other countries such as Australia do likewise.

Whilst RDM remains available in the other UK nations, this does not mean that RDM is not recognised in those nations as a risky product. Indeed the Food Standards Agency's (FSA's) public advice is that raw or unpasteurised milk and cream may contain harmful bacteria that can cause food poisoning ([Raw drinking milk | Food Standards Agency](#)). It is noted that an enquiry has been submitted by the Committee to the FSA and it would not accordingly be appropriate for FSS to try to explain the rationale behind the regulatory position in the other UK nations.

However, a discussion of the position is contained in the FSA Board Minutes from and in a paper submitted to the FSA Board in June 2018 ([Minutes of the FSA Board meeting 20 June 2018](#))

nationalarchives.gov.uk); [FSA 18-06-07 Raw Drinking Milk \(nationalarchives.gov.uk\)](#)). In a paper submitted to the FSA Board meeting in March 2018 ([FSA 18-03-07 Raw Drinking Milk Programme \(nationalarchives.gov.uk\)](#)), it is noted that, “*Over the last 18 months, there has been a noticeable increase in the number of producers who sell Raw Drinking Milk (RDM) and a rise in the number of outbreaks of human illness attributable to the consumption of the product.*” This is not a picture replicated in Scotland due to the ban being in place. The FSA continues to attempt to regulate the RDM market with a view to reducing incidents of people falling ill.

Public Health Scotland (PHS) have advised FSS that clinical surveillance data in Scotland has identified 9 cases of STEC since 2014, which mention the consumption of RDM as a possible risk factor for their illness, consumed from farms both in the rest of the UK and abroad. FSS is also aware from public health authorities in other parts of the UK that consumption of RDM has been and continues to be associated with cases and clusters of infections including STEC and Campylobacter.

Having regard to the historical data and scientific evidence previously referred to in the initial response, including the absence of evidence for any clear health benefit to weigh against the risks and the additional information above, FSS can again confirm that there is no plan to lift the ban on the sale of RDM in Scotland.