

Food Standards Agency submission of 3 May 2023

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

It has always been legal to sell raw milk intended for direct human consumption in England, Wales and Northern Ireland, although there are restrictions in place that apply to the sale of raw cows' milk intended for this use. These restrictions are found in [Schedule 6](#) of the Food Safety and Hygiene (England) Regulations 2013 (as amended) and equivalent Regulations in Wales¹ and Northern² Ireland.

Schedule 6 sets out that raw cows' milk intended for direct human consumption can only be sold directly to the consumer by:-

- registered milk production farms at the farm gate or farmhouse catering operation
- farmers at registered farmers' markets
- distributors using a vehicle as a shop such as a milk round
- direct online sales
- vending machines at the farm

Specific hygiene criteria for raw milk intended for direct human consumption are also laid out in Schedule 6, along with powers for the FSA to undertake sampling, analysis and examination of raw cow's milk at farm premises used for the sale of such milk for direct human consumption and the costs that can be recovered. It also includes a [requirement](#) that consumers are informed that "This milk has not been heat-treated and may therefore contain organisms harmful to health".

Following an increase in the number of producers selling Raw Drinking Milk (RDM) and a rise in the number of outbreaks of human illness attributable to the consumption of the product, in 2017 the FSA Board asked for an increase in focus on the issues and controls surrounding RDM.

¹ [The Food Hygiene \(Wales\) Regulations 2006](#)

² [The Food Hygiene Regulations \(Northern Ireland\) 2006](#)

In 2018 the FSA conducted a policy review of the official controls for RDM and produced three Board papers looking at the current controls and made recommendations for enhanced controls. The papers can be found here - [March 2018](#), [June 2018](#) and [December 2018](#).

The FSA Board papers looked at a number of different issues, including an updated risk assessment, economic analysis, consumer research, the registration process for new entrants, and the enforcement of verified and validated food safety management systems (including testing for pathogens).

The June 2018 Board paper concluded that “the risk from RDM is not so unacceptable as to justify removing the right of adult consumers to choose to drink it, provided certain controls are met”. The proposed recommendations included the requirement for existing and new Food Business Operators to have a validated and verified food safety management system based on Hazard Analysis and Critical Control Point ([HACCP](#)) principles. Additionally, there was a requirement for existing and new FBOs to validate and verify their controls by having a pathogen sampling programme (or demonstrably equivalent) in place.

As part of the review the FSA also developed an [industry guidance document](#) that was published in March 2020 and reinforced its [advice](#) that RDM may contain harmful bacteria that can cause food poisoning and therefore individuals more vulnerable to food poisoning, such as people over 65, pregnant women, infants, small children and people with compromised immune systems should not consume RDM.

In the years following the Board papers the number of producers stabilised, and then reduced to approximately 140 producers currently. A trade association – the [Raw Milk Producers Association](#) - is now operating and we have regular productive meetings with them as they continue to drive improvements within the RDM industry.

Incidents/Outbreaks

Annex 1 of the March 2018 paper includes data on ‘**Outbreaks involving human illness associated with RDM (and certain raw milk products) in the UK from 01/01/2014 to 20/12/2017.**’

Since 2018 there have been a small number of outbreaks, details of which are below:

Date	Pathogen	Number of confirmed cases	Number of suspected cases	Hospitalisations
22/2/18	Campylobacter	0	1	0
8/10/18	E.coli 0157	1	0	0
10/06/19	Campylobacter	3	2	0
27/04/21	Campylobacter	36	7	7
12/10/22	Salmonella Typhimurium	5 (1 historic case (April 2021))	0	0