

FOOD SAMPLING GUIDE



A GUIDE FOR ENVIRONMENTAL HEALTH OFFICERS

LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE



The Local Health Authorities Analytical Committee

WHAT THEY DO AND HOW IT RELATES TO YOU

The Local Health Authorities Analytical Committee, established under Part VIII A of the Health Act (WA) 1911, provides a structured approach to the sampling and analysis of food products available in Western Australia (WA). The LHAAC coordinate a Local Government based food sampling program to ensure compliance with regulatory standards, as well as labelling requirements, outlined in chapters 1 and 2 of *the Australia New Zealand Food Standards Code (The Code)*, and the *Food Act 2008*.

The LHAAC determines a sampling program at the commencement of each operational year (1 July to 30 June) which reflects needs within Local Government, trends in the industry, and evidence of risk or non-compliance.

The current program is made up of three tiers:

- Coordinated sampling programs determined by the Committee that target high risk foods and public health issues across the state;
- Follow up sampling by Local Government's that target areas of non-compliance as identified by previous/historical sampling results;
- An allocation of discretionary samples awarded to Local Governments based on a population based formula.

The LHAAC Coordinator liaises with member Local Governments on a regular basis to provide information on sampling requirements. Local Governments will be advised of coordinated sampling programs and be encouraged to undertake non-compliant sampling. Discretionary sampling is left to each Local Government to determine, where sufficient sample allocation exists.

PURPOSE OF THIS GUIDE

This document has been developed as a guide for Environmental Health Officers who are responsible for conducting food sampling in association with the Local Health Authorities Analytical Committee (LHAAC). It aims to ensure that both legal and non-legal food sampling is conducted in a manner consistent with the requirements of the *Food Act 2008*.



TYPES OF FOOD SAMPLES

ROUTINE (NON-LEGAL)

Samples submitted to the LHAAC from each local government fall in to one of 3 categories:

1. **Coordinated Sample:** The coordinator of LHAAC will notify participating Local Governments of a food group or type to be collected and submitted over a given period of time. For example, dairy produce/cheese and yoghurts.
2. **Non-Compliant Sample:** A sample submitted by Local Government Environmental Health Officers (EHO's) as an outcome of a consumer complaint, or previous substandard result.
3. **Discretionary Sample:** A sample collected by an Environmental Health Officer according to their discretion, and available sample allocations. This allocation allows EHO's to randomly sample produce from local manufacturers and food outlets.

FOLLOW UP (LEGAL)

Follow up samples are purchased or taken when a previous failed result has been reported by the analyst with regard to compliance with The Code. Legal follow-up samples may be purchased when the possibility of a prosecution may follow as a result of a sample failing to meet the required standards. A legal sample can only be purchased by persons authorized under the *Food Act 2008*.

RELEVANT LEGISLATION & GUIDELINES

The *Food Act 2008* (the Act) is the principal piece of legislation regulating the sale of food in Western Australia and provides food safety regulation over the entire food supply chain – from paddock to plate. The Act covers a wide range of food safety issues to ensure that consumers can be confident about the safety of what they are buying and eating. The Act applies to everyone involved in the sale of food in WA.

FOOD ACT 2008

Available from:

http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3595_homepage.html

FOOD REGULATIONS 2009

Available from:

http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11233_homepage.html

AUSTRALIA NEW ZEALAND FOOD STANDARDS CODE

Available from:

<http://www.foodstandards.gov.au/foodstandards/foodstandardscodeold/>



According to Part 10, Division 3 of the Food Act 2008, an authorized officer must comply with the following:

Division 3 — Appointment of authorised officers

122. Appointment of authorised officers

- (1) An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act if —
 - (a) the enforcement agency, having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer; or
 - (b) the person holds office as an environmental health officer under the *Health Act 1911*.
- (2) The CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as an authorised officer.
- (3) Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency.



GENERAL FOOD SAMPLING PROCEDURE WITHIN LOCAL GOVERNMENT

GENERAL PROCEDURE FOR ALL SAMPLING (STEPS 1 to 6)

To be read in conjunction with Part 7 of the Food Act 2008.

1. Collect petty cash and complete required documentation for your Local Government.
2. Complete equipment checklist and collect required items.
3. If necessary, book a vehicle within your Local Government for your sampling trip.
4. Upon entering the premises, introduce yourself and show your I.D. (no appointment is necessary).
5. Explain the purpose of your visit.
 - a. To collect/purchase samples for analysis.
 - b. Explain that samples can be procured from the shelf, display, cabinet or storage/cool room.
 - c. Legal or non-legal sample required.
6. Ask to speak to the proprietor or the person in charge, again explain the purpose of your visit to them if this has not already been done, and document the name and position of the company representative. Be professional in your approach and in all communications with vendors and manufacturer representatives.



PROCEDURE FOR ROUTINE [NON-LEGAL] SAMPLING (STEPS 7 to 13)

7. Select products to be sampled and purchase **one sample** of each product to be analysed. Each sample should be:

- a. In accordance with the LHAAC sample brief (i.e. coordinated, discretionary or non-compliance sample)
- b. Representative of the product
- c. Of the same speciation (i.e. not pork and part beef sausages)
- d. Be representative of the whole batch (i.e. mixed thoroughly)
- e. Have a standard to be compared against (e.g. labelling, health claim etc.)
- f. Meet minimum sample size/quantity requirements (Appendix 2)
- g. When sampling liquids/fluids (e.g. cordials or wines) choose one whole container/bottle (do not open and mix as this may compromise preservative levels)

8. Retain products in original packaging. If product is unpackaged, ensure hands are washed and/or gloves are used. Appropriate collection equipment should also be used (e.g. tweezers). Unpackaged products are to be placed in a sample container or sterile plastic bag. When obtaining a product, it is important to ensure that you do not contaminate or impair the composition or quality of the sample. Analysis must reflect the quality of the sample at the time of EHO or customer purchase.

9. Complete identification labels and affix it to the sampled products (details to reflect the information provided on the Sample Submission Form – See Appendix 1).

10. Complete Sample Submission Form ensuring you include the following information:

- a. Place of purchase (Name and address)
- b. Time and date of purchase
- c. Product Name (including brand and manufacturer)
- d. Production date, expiry date and batch number
- e. Specify legal/non-legal sample
- f. Location sample taken from
- g. Who the sample was sold by and how the sample was obtained (e.g. self-served, pre-packaged, off shelf etc.)
- h. Weight or size
- i. Cost
- j. Assign a sample ID number in the format used by your Local Government

Note: A separate submission form is to be completed for each premise.

11. Tender payment for the food sample and obtain a receipt.

12. Place food samples in an esky/car refrigerator where appropriate. Ensure the Esky is sealed with tape and appropriately labelled. Maintain perishable goods in a temperature-controlled environment using sufficient ice bricks or other cooling devices.

13. Deliver or courier samples to laboratory. The original Sample Submission Form (white) is to be sent with the sample(s) to the laboratory, and the duplicate copy (yellow) is to be retained for your personal record.

PROCEDURE FOR ROUTINE [LEGAL] SAMPLING (STEPS 7 to 14)

In accordance with Part 7 of the Food Act 2008 an authorised officer must collect all legal samples.

7. Select products to be sampled and purchase **three** samples of each product to be analysed OR divide one sample into **three equal portions**. Each sample should be:
 - a. In accordance with the definition of a legal sample
 - b. Representative of the product
 - c. From the same production batch
 - d. Of the same speciation (i.e. not pork and part beef sausages)
 - e. Be representative of the whole batch (i.e. mixed thoroughly)
 - f. Have a standard to be compared against e.g. labelling, health claim etc.)
 - g. Each portion must meet minimum sample size/quantity requirements (Appendix 2)
 - h. If the sample is divided, you must ensure that you do not contaminate or impair the composition or quality of the sample as to render the separate parts unsuitable for accurate analysis
 - i. Clearly labelled
 - j. Take photos of legal samples and ensure the photos identify details such as product name, manufacturer details, batch codes, use by dates, NIP, product warning, advisory statements etc.
 - k. Provide records of temperature control to verify integrity of perishable samples
8. Retain products in original packaging. If product is unpackaged, ensure hands are washed and/or gloves are used. Appropriate collection equipment should also be used (e.g. tweezers). Unpackaged products are to be placed in a sample container or sterile plastic bag.
9. Complete Sample Submission Form (Appendix 1) ensuring you provide the following information:
 - a. Place of purchase (Name and address)
 - b. Time and date of purchase
 - c. Product Name (including brand and manufacturer)
 - d. Production date, expiry date and batch number
 - e. Specify LEGAL sample
 - f. Location sample taken from
 - g. Who the sample was sold by and how the sample was obtained (e.g. self-served, pre-packaged, off shelf etc.)
 - h. Weight or size
 - i. Cost
 - j. Assign a Local Government Sample Number to each product
 - k. Request the proprietor/person in charge or a witness (where available) to sign the 'Sample Submission Form'
10. Present the three samples to the proprietor/person, seller in charge and request him/her to select one sample. Advise them to store the sample in the freezer (if the goods are perishable) until the results of the sample are known and that they have the option of having this sample analysed at their cost. If the person responsible declines to retain a sample deposit two portions with the Analyst. EHO should retain third portion as referee sample. The third sample is to be stored securely by the LG to be used as a referee should there be any appeals. Explain again that it is the Environmental Health Officers intention to have this food analysed.
11. Tender payment for the food sample and obtain a receipt. If the vendor/manager refuses to sell or supply a sample to the EHO, the EHO has the power to seize a sample.

PROCEDURE FOR ROUTINE [LEGAL] SAMPLING (STEPS 7 to 14) CONTINUED ...

12. Place food samples in Esky/car refrigerator where appropriate and deliver or courier one of the remaining part samples to the analyst. The original Sample Submission Form (white) is to be sent with the sample to the laboratory, and the duplicate copy (yellow) is to be retained for your personal record. Ensure the Esky is sealed with tape and appropriately labelled.
13. If the item is perishable, place the retained (referee) sample in your appropriate laboratory freezer at the office. The custody of these samples is important and preferably should be done by the person who obtained the samples. If another person delivers the sample to the laboratory (e.g. courier), then the record should show this and be signed.
14. If the vendor/manager refuses the offer to retain a sample, the EHO should provide two portions to the Analyst and retain one at the LG premises.

FOOD SAMPLING CHECKLIST

- Ensure that you are, or you are accompanied by an authorized officer, if conducting legal sampling
- You have read the correct protocol (legal/non-legal)
- Petty Cash
- Authority/Employee ID Card
- Hair net/hat
- Gloves
- Thermometer
- Wet Wipes and Paper Towels
- Esky and ice-bricks (or car refrigerator)
- Identification Labels
- Sample Submission Form/Book
- Plastic sample containers with lids (used for products such as mince and sausages)
- Sterile sampling bags (used for products such as pies)
- Clipboard and pen
- Waterproof marker
- Knife
- Lab coat
- Address of sampling premises
- Tweezers
- Tape
- Cutting Board
- Grease-proof paper



POST-SAMPLING ADMINISTRATIVE PROCEDURES

- Update your Food Sampling Results on your Local Government Register.
- Return excess petty cash and complete appropriate documentation.
- You may choose to write to the retailer/manufacturer advising them that you collected samples on a certain day and of a certain type and thank them for their cooperation.

SAMPLING RESULTS

LHAAC sampling results are usually sent to each Local Government by the analyst with a copy to the LHAAC Coordinator. Each sample result must be assessed against the *Food Act 2008* (Section 22) and the Food Standards Code.

Results are interpreted as either:

- a. Satisfactory
- b. Unsatisfactory

Unsatisfactory results are generally indicated by an asterisk (*) on the result form, however these indications should be confirmed with the Food Standards Code and Food Act 2008.

The result interpretation should be recorded in your Local Government Register and a copy of the Analyst's result should be retained.

Unsatisfactory food samples may require resampling and are to be discussed with your Coordinator or Senior Officer. Follow-up action may be implemented, at different levels, by each LGA.

OTHER POSSIBLE FOLLOW UP ACTIONS

- If the food product is produced by a manufacturer in another Local Government area in the state then write to the host Local Government advising them of the sampling results and request the Local Government to follow up with the manufacturer.
- If the manufacturer is in another state, the Home Jurisdiction Rule will apply. The State or Territory Health Departments in the Home Jurisdiction will be responsible for any further investigation, compliance or enforcement action with the manufacturer. Therefore, if the manufacturer is not in WA, Local Government should provide details of the findings to the WA Department of Health to facilitate the transfer of this information to the relevant State or Territory Health Department. A more detailed explanation of the Home Jurisdiction Rule can be found via the following link:

[http://www.commcarelink.health.gov.au/internet/main/publishing.nsf/Content/CA21AB141ACA5848CA257BF0001C95CE/\\$File/Home%20Jurisdiction%20Rule%20Fact%20Sheet.pdf](http://www.commcarelink.health.gov.au/internet/main/publishing.nsf/Content/CA21AB141ACA5848CA257BF0001C95CE/$File/Home%20Jurisdiction%20Rule%20Fact%20Sheet.pdf)





OTHER IMPORTANT INFORMATION INCLUDED AS APPENDICES:

APPENDIX 1: Sample Submission Forms (UNDER REVISION CURRENTLY)

APPENDIX 2: Recommended Sample Sizes

APPENDIX 3: Contact details for LHAAC

For further information please contact:

THE LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE

C/- ECU University
Building 19, 270 Joondalup Drive, Joondalup WA 6027
Tel: (08) 6304 2104 Mob: +61 (0)419 210 558
Email: t.chapman@ecu.edu.au



LHAAC SAMPLING SCHEME – SAMPLE SUBMISSION FORM

SELECTED ANALYST (Please Tick)	LAB USE ONLY Consignment Number:
Agrifood Technology	
Analytical Reference Laboratory	

NAME OF LGA: Tel:
 Food Vendor: Address:
 Sold By: Position: Tel: Date: Time: (am/pm)

LGA Sample Number	Sample Type <small>(CS, DS, NC)</small>	Legal Sample (Y/N)	Cost	Weight	Label Description	Sample Details (Brand/Manufacturer/Importer/Use By/Batch No.)	Analysis Required

Legend: CS: Coordinated Sampling Project DS: Discretionary Sample NC: Non-Compliant Sample
 Special Instructions

EHO: (Please Print Name) EHO Email: (EHO email address) WITNESS: (Please print name & signature)

Received From EHO: (Please Print Name)	Received By: (Please Print Name)	Date:/...../.....	Time: (am/pm)
Prosecution Certificate Required: YES <input type="checkbox"/> NO <input type="checkbox"/>			



LHAAC FOOD SAMPLING – RECOMMENDED QUANTITIES

ITEM	MINIMUM QUANTITY	ITEM	MINIMUM QUANTITY
Bread NOTE: White bread loaf must have an NIP included with sample	600g (1 Loaf)	Beer, Spirits Alcohol	300 ml
Butter, Margarine	500g	Cheese	250g
Coffee	250g	Coffee Soluble Instant	250g
Dripping, Lard	150g	Essences	300g
Fish, Smoked Fish	300g	Fruit Juice, Fruit Drinks, Soft Drinks, Cordials, Diabetic Low Joule Drinks	750ml
Honey	300g	Ice Cream (Routine)	300ml
Jam	150g	Ice Cream (Fat Identification)	1 Litre
Ice Cream (Frozen and unopened)	500ml	Milk, Flavoured Milk etc.	300ml
Meat: Meat content IS NOT required (e.g. corned, cured, minced, some manufactured meats)	250g	Meat: Meat content IS required (e.g. sausages, minces, some manufactured meats, canned meat)	300g
Meat Pies	3 whole pies or 1 Family	Sausage Roll	3 Sausage Rolls
Oils	300ml	Pastry	300g
Sauces, Pickles	300g	Spices, condiments	100g
Tea	100g	Vinegar	250ml
Wines	750ml	Yoghurt	250ml
Water: General Analysis	1 Litre	Water: Additional hygienic analysis (free ammonia, albuminoid ammonia, chemical oxygen demand)	2 litres



CONTACT DETAILS

LHAAC COORDINATOR

Trevor Chapman, C/- ECU University, Building 19, 270 Joondalup Drive, Joondalup WA 6027
 Tel: (08) 6304 2104 Mob: +61(0)419 210 558 E: t.chapman@ecu.edu.au

THE APPOINTED ANALYSTS

1. Agrifood Technology, Bibra Lake, Western Australia
2. Analytical Reference Laboratory (ARL). Welshpool, Western Australia

DETAIL	AGRIFOOD	ARL
Physical Address	38 Clark Court BIBRA LAKE WA 6163	46-48 Banksia Road WELSHPOOL WA 6106
Parking	On Site	On Site
Postal Address	PO Box 1546 Bibra Lake WA 6965	AS ABOVE
Tel	9418 5333	6253 4444
Fax:	9418 7838	6253 4440
Contact 1	Jenni Halls Customer Services Manager jenni.halls@agrifood.com.au	Ryan Seaton Logistics Supervisor samples@arlwa.com.au
Contact 2	Mario Horvat Team Leader WA mario.horvat@agrifood.com.au	Kim Rodgers General Manager kimrodgers@arlwa.com.au
Opening Hours for Sample Drop Off	0700-1615 After Hours facility on site	0730-1300 Evening and weekend by arrangement