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Date 25 februari 2013

Subject Follow-up letter horsemeat

The President  
House of Representatives of the States General  
Binnenhof 4  
2513 AA The Hague

25 February 2013

Subject: Follow-up Horsemeat

Dear Madam President,

As promised in my letter of 14 February 2013, I can now inform you, also on behalf of the Minister of Health, Welfare and Sport (VWS), of the latest state of affairs concerning the discovery of equine DNA in beef products, and the related mislabelling of products. I will detail the first findings from the NVWA's investigation of the chain and three specific ongoing investigations. I will also outline the risk assessment provided by the Office for Risk Assessment, and several related developments. Finally, I will also inform you about the report from the Swedish Authorities that beef imported from a Dutch company has been found to contain E.coli bacteria. This report is unrelated to the horsemeat matter.

**1. NVWA investigation of the chain**

In my letter of 14 February I reported that the Dutch Food and Consumer Product Safety Authority (NVWA) had launched a major investigation of the chain into the mislabelling of horsemeat and residues of veterinary medicines in horsemeat. The results to date for each section of the chain are indicated below. Testing the samples is a labour and time intensive process. Depending on the type of investigation, the lead time is at least 48 hours. During the investigation priority is given to samples where food safety is at issue and to samples involved in criminal

investigations. The investigations will continue until the end of March.

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#### Investigation at horse abattoirs

Random samples of horsemeat are being taken to test for veterinary drug residues. Forty samples will be taken in the period up to the end of March.

Status: The NVWA has visited 7 commercial premises and has taken 32 samples. The 12 available results are negative (no residues).

#### Cutting plants that process cattle and horse carcasses

Inspections are being carried out at 50 commercial premises into false designation or illegal mixing of beef with horsemeat.

A hundred samples will be taken in the period up to the end of March to be tested for the presence of equine DNA and veterinary drug residues.

Status: The NVWA has visited 37 commercial premises and has taken 65 samples. The 47 available results are negative (no equine DNA).

#### Meat refrigeration plants and cold stores

Random inspections will be carried out at 40 commercial premises in the period up to the middle of March.

Checks will be carried out on labelling, origin and records of stored beef and horsemeat. Samples will also be taken where batches of chopped or minced bovine or equine meat are present.

If these test positive for equine DNA, they will also be tested for veterinary drug residues.

Status: The NVWA has visited 32 commercial premises and has taken 5 samples of horsemeat and 63 samples of products. The one available result of horsemeat was negative. The 29 available results of product samples are negative (no equine DNA).

#### Meat processing production companies

A hundred random samples will be taken at fifty commercial premises. This will include samples of raw materials that are processed into foodstuffs and end products, which will be tested for a mixture of beef and horsemeat.

If equine DNA is detected, the samples will also be tested for traces of veterinary medicine.

Status: The NVWA has visited 60 businesses and has taken 130 samples. The 84 available results are negative (no equine DNA).

#### Imports

One hundred and fifty samples will be taken of imported horsemeat, to test for equine DNA and drug residues.

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Status: The NVWA has investigated 15 consignments of imported horsemeat and has taken 75 samples. The 30 results available to date are negative (no traces of veterinary drugs were detected).

#### Exports

The NVWA has intensified checks to detect illegal mixing.

#### New reports from the Rapid Alert System for Food and Feed (RASFF) and from businesses

The NVWA investigates each new report related to the current matter received from businesses or via the RASFF system.

## **2. Status of the two criminal investigations**

### **2.1 Investigation resulting from reports**

The NVWA took samples following a product recall of PrimaFrost lasagne by the importer on 11 February 2013. (20 samples; tested positive for equine DNA) and on the basis of the recall by Albert Heijn of Euroshopper lasagne (2 samples; no equine DNA).

On 15 February 2013 the United Kingdom issued a report about beefburgers containing horsemeat which had been supplied to various customers including a Dutch business. According to the report the British supplier has already taken action to recall the beef burgers. The NVWA will verify this.

On 16 February Germany issued a report about horsemeat in beef goulash. The NVWA visited two Dutch business, but did not find the consignments in question.

On 22 February the Iglo Food Group withdrew a line of beef products from sale. The Group's own investigations showed that a portion of the products contained 2% horsemeat. The NVWA has taken samples and investigated the origin of the meat used.

The NVWA investigates each new report received from businesses or via the RASFF system.

### **2.2 Criminal investigation into false declaration of meat**

On 15 February the Investigation and Detection Service of the NVWA (NVWA-IOD) visited a meat processing plant in Oss. The visit was the result of a criminal investigation led by the National Public Prosecutor's Office for Financial, Economic

and Environmental Offences (*Functioneel Parket*) into false designation or illegal mixing of beef with horsemeat.

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The Dutch business is suspected of committing forgery of documents, fraud and money laundering. The business is suspected of processing horse carcasses from the Netherlands and Ireland into meat scraps, mixing these with beef scraps and then selling the mixed scraps as 'pure' beef. Investigations are underway into which countries were supplied with these products.

The NVWA-IOD searched various business premises and a residence. Administrative records were also seized.

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To date, 64 samples have been taken from the meat. The first results show that the business traded meat that was designated as 100% beef, but which contained horsemeat. The NVWA will take further samples this week. The results will be used in the criminal investigation.

As a result of the investigation the NVWA has suspended the company's accreditation for one week. During the preliminary relief proceedings the judge suspended the hearing as no threat is posed to public health. The judge asked the parties to consider whether the company could continue to operate under specific conditions. As a result, as of 25 February the company is again permitted to supply, process and place meat on the market under intensified supervision of the NVWA. The NVWA will continue to have access to all the stored meat for further investigation.

### **2.3 Investigation based on UK RASFF notification on phenylbutazone in horsemeat**

On 5 February 2013 the NVWA received a RASFF notification from the UK about phenylbutazone in chilled horsemeat. The summary notification indicated that the samples were taken in the UK on 21 May 2012. The notification was taken into account in the preparations for the criminal investigation and in the search conducted at the company in Oss referred to above on 15 February. The NVWA is investigating whether the meat entered the food chain.

### **2.4. Investigation at cold storage and meat trading company in Breda**

Following a report from the United Kingdom relating to the presence of horsemeat in Findus beef lasagne, the NVWA visited commercial premises in Breda and took samples of horsemeat. No residues of veterinary medicines were detected in the samples.

The NVWA is now tracing the destinations to which the meat supplied from Romania was delivered. This process was complicated by the fact that the NVWA did not have access to the administrative records of the trader in question until very recently.

## **3. Investigation by Office for Risk Assessment**

At our request, on 15 February 2013 the independent Office for Risk Assessment (BuRO) started an investigation into the potential food safety risks posed by horsemeat. The investigation included an examination of the microbiological risks posed by horsemeat and the potential hazard posed by residues of veterinary medicine, especially phenylbutazone. Phenylbutazone is banned from horsemeat

intended for human consumption (zero tolerance) as it may have toxic effects on a small number of people. Previous studies into therapeutic dosage of

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phenylbutazone in humans showed the risk of harmful effects to be only approximately 1 in 30,000. BuRO estimates that even through incidental consumption of horsemeat with phenylbutazone residues, the risk of harmful effects in humans would be extremely small. Nevertheless, BuRO advises strict enforcement of the zero-tolerance policy. If phenylbutazone is found in horsemeat, all contaminated consignments would immediately be removed from trade.

Regarding the microbiological risk, BuRO recommends that consumers always prepare raw meat, including raw horsemeat, hygienically and heat it sufficiently before consumption.

#### 4. Agriculture Council Report

Today the European Agriculture Council also discussed the issue of fraud with horsemeat. The Irish Presidency placed the issue of labelling of horsemeat on the agenda of the Agriculture and Fisheries Council. The Presidency indicated that in recent weeks it, the European Commission and the Member States had taken rapid, effective action to deal with this issue. And it remains of the utmost importance to work together in a transparent and effective manner. The Presidency called on the Member States to work together closely with Europol.

I indicated that I find it unacceptable that consumers have been intentionally misled for reasons of personal gain. Pre-packed products must bear a label indicating the actual ingredients contained in the product and businesses must comply with this rule. I thanked the European Commission, the Irish Presidency and the Member States for their cooperation, which enabled a great deal to be done in a short time. I also indicated that I had immediately taken measures on the basis of specific signals from other countries, but also on our own initiative. The NVWA has launched a major chain investigation (of slaughterhouses, meat cutting plants, cold stores, meat processing plants) into the presence of horsemeat not indicated on the label and into veterinary medicine residues. The investigation is being conducted on the basis of facts and well-considered analysis and not in a hasty and unsubstantiated manner on the basis of insinuation. Finally I have proposed to the Council that they consider establishing a European register to ensure stricter enforcement against fraud, for instance by employing the practice of naming and shaming. I gave my full support to the appeal to give Europol a coordinating role in this process.

EU Commissioner for Health and Consumers Tonio Borg stated that much work had been done in recent weeks to address the problem. According to Commissioner Borg, on the basis of current information it can be established that

there was no risk to public health. Further Commissioner Borg stated it was

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unacceptable that horsemeat had been misleadingly labelled and pointed out that the primary responsibility here lies with the private sector.

In recent weeks the European Commission has had close contacts with the Presidency and the Member States and has taken the following measures: all Member States are conducting controls into the presence of horsemeat in products where it should not occur and controls into the presence of phenylbutazone in horsemeat. The Food and Veterinary Office, the European Commissions audit service, has carried out considerable study into horsemeat. The European Commission is also working with Europol, which is coordinating the approach to fraudulent activity. Regarding several Member States' request to speedily introduce details of origin in the labelling, Commissioner Borg indicated that the European Commission would publish its analysis in the autumn. The European Commission's analysis would consider the pros and cons of including details of origin in the labelling, the consequences for the internal market, the costs involved and the importance of the information for consumers. Moreover Commissioner Borg stated that indicating origin on the label would not have prevented this problem.

In several Member States products had now been removed from the shelves because they contained horsemeat. Many Member States believed that within the EU we should introduce compulsory labelling indicating origin. There were also calls for a risk-based approach and Member States were of the opinion that we must continue to act on the basis of the facts and not to make speculations.

## 5. Other developments

### 5.1 Consultation between NVWA and the sector

On 20 February 2013 the Food and Consumer Product Safety Authority had discussions with the Dutch Association of Food Trade Organisations (CBL), the Dutch Food Industry Federation (FNLI) and the Central Organisation for the Meat Industry (COV). The industry has agreed to cooperate fully with the Food and Consumer Product Safety Authority in identifying where horsemeat has been processed in products without this being stated on the label. The industry will share the results of these investigations with the NVWA.

### 5.2 Identification and registration of horses

To assess the safety of horsemeat at slaughter, in addition to the electronic chip and horse passport, certain obligatory information must be provided under the law, including details of any treatment with veterinary medicines in the period

prior to slaughter (food chain information). If the identity of the horse cannot be assured, the food chain information associated with it is not reliable. In the

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Netherlands we have been working in recent years to prevent fraud involving horse passports. These ensure that information on slaughtered animals and animals for destruction can be reconciled with the central data base where the horses are registered. Nevertheless, it is necessary that this is also carried out at European level. In the European Council the Netherlands has pressed for a review of existing rules for the identification and registration of horses and for gaps in the rules to be closed.

#### 6. 6. Reports from Sweden of E.coli in beef

On 14 February 2013 a report was received by the Food and Consumer Product Safety Authority (NVWA) from the Rapid Alert System for Food and Feed about E.coli in frozen beefburgers from Sweden, produced with raw material beef scraps originating in the Netherlands. In reaction to this report the NVWA inspected the business concerned on 18 February 2013 to examine whether the business had complied with hygiene and food safety rules. In addition the NVWA carried out a tracing check to discover which businesses had been supplied with the beef scraps. The raw material originated at a Dutch business in Enschede which is an accredited cutting plant for meat from domesticated ungulates. The beef scraps are used to make beefburgers in Sweden. Beef scraps are obtained when fresh meat is cut from carcasses. According to the RASFF report the meat originated in slaughterhouses in Hungary, Poland, the United Kingdom and Latvia. The E.coli bacteria is found in the digestive tract of cattle and can cause contamination in unhygienically slaughtered meat.

The business blocked all batches involved which had been delivered to its clients. These batches had been supplied to 47 businesses in ten European countries, including the Netherlands. The NVWA informed these countries on 20 February 2013 via the RASFF system and also indicated that if heated properly the meat posed no threat to food safety.

#### In Conclusion

My position remains that it is unacceptable that consumers have been intentionally misled for reasons of personal gain. Pre-packed products must bear a label indicating the actual ingredients contained in the product and businesses must comply with this rule. We are most satisfied with the European approach. You can be assured that we will follow this matter very closely.

Yours sincerely,

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Sharon A.M. Dijkma  
Minister for Agriculture