



Horse Meat: Controls and Regulations

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On 16 January 2013 the Food Standards Agency (FSA) announced that the Food Safety Authority of Ireland (FSAI) had found horse and pig DNA in a range of beef products on sale at several supermarkets including Tesco, Aldi, Lidl, Iceland and Dunnes Stores. This has sparked widespread testing of beef products across the EU revealing further incidences of contamination.

The House of Commons Environment, Food and Rural Affairs Committee's recent report Contamination of Beef Products (February 2013) found that the "current contamination crisis has caught the FSA and Government flat-footed and unable to respond effectively within structures designed primarily to respond to threats to human health".

This note sets out some of the key elements of the controls and regulations governing meat safety and the use of horse meat.

Horse meat can be prepared and sold in the UK if it meets the general requirements for selling and labelling meat. There are three abattoirs operating in the UK that are licensed to slaughter horses for human consumption. It is also legal to export live horses from the UK for slaughter if they have the necessary paperwork such as a horse passport, export licence and health certification. However, this is not usual practice.

Since 2005 all horses have been required by EU law to have a passport for identification. Horses born after July 2009 must also be microchipped. The passport must accompany the horse whenever it is sold or transported, slaughtered for human consumption or used for the purposes of competition or breeding. It contains a declaration as to whether or not the horse is intended for human consumption. The purpose of passports and microchips is to identify horses and to record medicines which render them unfit to enter the food chain.

Monitoring and enforcement of the rules regarding meat products and meat labelling, including horse meat, is carried out by various bodies. This includes the Meat Hygiene Service, local authorities trading standards and the Veterinary Medicines Directorate.

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1 Use of Horse Products in the UK

Horse meat can be prepared and sold here if it meets general requirements for selling and labelling meat. Traditionally, UK consumers have not tended to consume horse meat and animal activists have often highlighted cases of sales that they have found. For example, in 2002 a Kent shop keeper withdrew donkey sausages after activists highlighted their presence in the press.¹

Three abattoirs operating in Great Britain are licensed to slaughter horses for human consumption. In 2010, 7,933 horses were slaughtered for human consumption, up from 3,802 in 2008.²

In 2011, the last full year for which records are available, the UK exported almost 2,200 tonnes of equine meat and more than 70 tonnes of equine offal, at a combined value of more than £3.9 million.³ The RSPCA told the House of Commons Environment, Food and Rural Affairs Committee that the scale of unregulated horse breeding and trading has made horses entering the slaughtering chain vulnerable to mislabelling and traceability problems. The Association identified "changes in slaughterhouse legislation and the failure of the horse passport system", as contributing to the problem.⁴

Although it is also legal to export live horses from the UK for slaughter, this is not usual practice. For example, the Animal Health Veterinary Laboratory Agency's Specialist Service Centre issues around 12000 Health certificates each year for the export of horses and has not received any applications to export horses for slaughter or issued any paperwork for such export since it took control of the work in 2009.⁵ Further information on the live export of

¹ "Outcry over donkey meat for sale in UK", *Horse and Hound*, 25 June 2002

² HC Deb 17 February 2011 c897W

³ HC Deb, 28 January 2013 c592W; the information relates to meat and offal of horses, asses, mules or hinnies

⁴ Eighth report of the House of Commons Environment, Food and Rural Affairs Committee, *Contamination of Beef Products*, February 2013, para 13

⁵ Email confirmation from AHVLA Equine Exports Carlisle, 13 February 2013

animals is provided in House of Commons Library [Standard Note SN06504 Export of Live Animals within the European Union](#) (December 2012).

2 Horse Passports

Since 2005 all horses have been required by EU law to have a passport for identification. Horses born after July 2009 must also be microchipped. The passport must accompany the horse whenever it is sold or transported, slaughtered for human consumption or used for the purposes of competition or breeding.⁶ It contains a declaration as to whether or not the horse is intended for human consumption. The purpose of passports and microchips is to identify horses and to record medicines which render them unfit to enter the food chain.⁷ Horse passports are not required for the import of horse meat into the UK.⁸

2.1 Passport Regulations

The [Impact Assessment](#) published by Defra in 2009 on the introduction of compulsory microchipping for horses summarised the existing requirements for horse passports as follows:

The Horse Passports (England) Regulations 2004

1.1 [The Horse Passports \(England\) Regulations](#) have been in force since 2004. These domestic Regulations implement Commission Decisions 93/623/EEC and 2000/68/EEC which concern the identification of equidae. Horse Passports are essentially a human health measure to ensure that horses do not enter the human food chain, if they have been treated with certain veterinary medicines harmful to human health

1.2 The main provisions of the current legislation are:

- All owners must obtain a passport for each equine they own. This includes ponies, donkeys, and other equidae (but not zebra and other exotic equidae). Equines must not be sold, exported, slaughtered for human consumption or used for the purposes of competition or breeding without a passport;
- Passports are issued by PIOs [Passport Issuing Organisations] who are approved under European legislation (Commission decision 92/353/EEC);
- Owners must declare whether or not animals are ultimately intended for human consumption, by signing the relevant Declaration in the horse passport if:
 - banned drugs are administered to the animal;
 - when the animal is exported, or
 - when the animal is consigned to slaughter.
- A declaration stating that the animal is not intended for human consumption cannot be reversed;
- Equidae are identified in the passport by means of a completed silhouette (diagram showing the distinguishing marks of an animal) which is completed by a veterinary surgeon or a person deemed competent by the PIO. Some breed societies require members to have their horses microchipped in addition to completing a silhouette;

⁶ A passport is required for all horses, donkeys, and other equidae (but not zebra and other exotic equidae).

⁷ Defra website, [Horses](#) page [on 4 December 2012]

⁸ [HL Deb 2 November 2009 c10WA](#)

- An exemption from the passport requirement is provided for semi-feral equidae residing in designated areas;
- The current legislation is enforced by the Meat Hygiene Service at slaughterhouses and by Local Authority Trading Standards Departments in other areas.

The main provision of the [Commission Regulation No. 504/2008](#) was to introduce compulsory microchipping, with the requirement that passport and microchip details be recorded on a database. In the UK relevant breed societies issue horse passports. If a horse is not a specific breed or is not eligible for registration with a breed society then a passport is issued by the [British Horse Society](#).

A list of bodies approved to maintain studbooks in the UK can be found on the [Defra website](#).⁹ Defra includes the following details on how semi-feral ponies can be transported to slaughter, through the use of temporary tamper proof rump stickers:

As an alternative method for identification of equidae, UK have permitted the use of a tamper-proof temporary rump sticker to cover the movement of semi-feral ponies from the New Forest, Dartmoor and Exmoor directly to slaughter and from specified sales within these designated areas to a holding destination outside the designated area.

Under this derogation, foals may move directly to slaughter from the holding of birth to the slaughter house provided they are marked with the tamper-proof temporary rump sticker (valid for 48 hours). Older horses may only move directly to slaughter on the basis of a passport application and a tamper-proof temporary rump sticker (valid for 48 hours).¹⁰

2.2 National Equine Database

In addition to introducing compulsory microchipping, Article 23 of [Commission Regulation No. 504/2008](#) allows for - although it does not require - the creation of a central database by Member States, to collate the passport details from all the various databases or Passport Issuing Organisations (PIOs) in a country.

In the UK the [National Equine Database](#) was created in 2008 with funding from Defra as a central repository of horse passport data. Funding was withdrawn in 2012 and the database closed, saving Defra some £200,000 per annum. Defra Minister, David Heath, confirmed that PIOs will continue to be required to collect and store horse passport data, which will remain available for regulatory and legal purposes.¹¹

3 Meat Product Regulations

3.1 Labelling of meat products

Regardless of any health implications, there are rules governing the labelling of food products which would be contravened if material not identified in a label is found in a product. There are various regulations covering the labelling of food products – see in particular:

[The Meat Products \(England\) Regulations 2003](#)

⁹ Defra, [List of bodies referred to in Article 2 \(c\) of Directive 90/427/EEC officially approved or recognised for maintaining or establishing studbooks](#), website as of 21 January 2013

¹⁰ *ibid*

¹¹ HC Deb [12 September 2012 c224W](#)

[The Meat Products \(England\) \(Amendment\) Regulations 2008](#)

[The Food Labelling \(Amendment\) \(England\) Regulations 2003](#)

The [Defra website](#) advises:

For a range of meat products there is legislation setting out specific compositional and labelling requirements. The rules set out minimum meat content requirements for certain meat products sold using reserved descriptions such as sausages, burgers, corned beef, meat pies, pasties, etc. In addition, there are very specific labelling rules for certain meat products that look like a cut, joint, slice, portion or carcase of meat. Where any added water over certain limits as well as any added ingredients of different animal species to the rest of the meat must be mentioned in the name of the food.

Defra also publishes [Importer Information Notes \(IINs\)](#) containing specific details of the conditions for import of live animals/products of animal origin. They cover the rules for importing meat products from Member States and third countries.

3.2 Exclusion of contaminated horse products from the food chain

If a horse is intended for human consumption, the medicines that may be administered to that horse are limited. EU rules prohibit horse products that contain certain substances from entering the food chain. The use of any products that contain an active substance, such as phenylbutazone, which is not contained within Table 1 (the Allowed List) of [Regulation EU 37/2010](#) or on the list of Essential Substances, will automatically mean that the horse must be permanently excluded from the food chain.¹²

Further information can be found in [Veterinary Medicines Guidance Note 16](#) on horse medicines and horse passports published by the Veterinary Medicines Directory.

4 Monitoring and Enforcement

The current legislation is enforced by the [Meat Hygiene Service \(MHS\)](#), part of the FSA, at slaughterhouses and by Local Authority Trading Standards Departments in other areas. The Veterinary Medicines Directorate also has a surveillance programme which monitors the use of certain medicines in horses.

The House of Commons Environment, Food and Rural Affairs Committee's recent report, Contamination of Beef Products, has called for the strengthening of the enforcement and testing regimes in the UK horsemeat industry to reduce the risk of meat containing potentially harmful veterinary medicine residues entering the human food chain. It has also called for improvements in the operation of the horse passport system. The Committee found that the "current contamination crisis has caught the FSA and Government flat-footed and unable to respond effectively within structures designed primarily to respond to threats to human health".¹³

¹² Phenylbutazone (also known as 'bute') is a non-steroidal anti-inflammatory (NSAID) medicine that is authorised for medicinal use in horses that are not intended for human consumption, and in dogs. It is used in these species to treat musculoskeletal disorders, such as rheumatoid and arthritic diseases

¹³ Eighth report of the House of Commons Environment, Food and Rural Affairs Committee, [Contamination of Beef Products](#), February 2013, Conclusions and Recommendations No.5

4.1 Meat Hygiene Service

The principal activities of the MHS include enforcing legislation on animal identification by identifying meat unfit for human consumption and collecting and dispatching samples for statutory veterinary medicines residue testing.¹⁴

The UK [Food Standards Agency](#) was not concerned that the use of illegal horse meat was an issue in the Dalepak case. It has tested the burgers and found no evidence that the horse meat contained any chemicals of concern:

The FSA is stressing that, on the basis of the evidence, there is no food safety risk to consumers from these products. There is nothing about horse meat that makes it any less safe than other meat products. The meat products were supplied to the retailers by approved establishments. The burgers that contained horse DNA were tested by FSAI for the presence of phenylbutazone, a commonly used medicine in horses that is not allowed in the food chain; all of the results were negative.¹⁵

4.2 Local Authority Inspections

Local authorities also bear responsibility for food safety and labelling enforcement. For example, in the case of food produced at the Dalepak Hambleton plant linked to contamination of beef products in 2013, Hambleton District Council is responsible for enforcement of food safety legislation with North Yorkshire County Council responsible for food composition and labelling legislation. Premises were inspected by these bodies in June 2012 and March 2012 respectively.¹⁶

Each year local authorities carry out a substantial amount of sampling of meat identification to ensure that the meat species in meat products match the expectations of the label description. In 2012 at least 796 samples were tested for meat identification (testing for other meat species in meat products) as part of local-authority risk-based sampling programmes. While some of the samples were found to be unsatisfactory, none had been tested for the presence of horse meat.¹⁷

4.3 Veterinary Medicines Directorate: UK Surveillance Programme

The Veterinary Medicines Committee, published a [Position Paper – Residues of Phenylbutazone in horses](#), July 2012 summarising the UK's surveillance programme for residues in horse meat:

Horse meat is included in the Veterinary Medicines Directorate's UK surveillance programme for residues of veterinary medicines to check that home-produced food derived from animals does not contain residues at levels that would be harmful to consumers. Samples are taken at abattoirs, from animals that were sent for slaughter for human consumption—the number of samples is directly related to the level of throughput of horses in the preceding year (for example, in 2011 the number of samples taken represented 1.86% of all horses sent for slaughter for human consumption).

It is an offence to present an animal for slaughter that contains a substance not allowed in food-producing animals. The source of the sample will be investigated by a Defra Animal Health Officer, who will try to ascertain who is responsible for the horse

¹⁴ MHS, [Annual Plan 2009/10](#).

¹⁵ FSA, Second update on investigation into horse and pig DNA in beef products, 18 January 2012

¹⁶ HC Deb 22 January 2013 c265W

¹⁷ HC Deb 22 January 2013 c261W

entering the food-chain. It is normal for written advice to be given to the person responsible; in serious or persistent cases further action could be taken. It is possible to recall the consignment, even though this will be after it has been exported. This process is carried out by the Food Standards Agency (FSA) once the European Commission has been informed; in accordance with the EU Rapid Alert System for Food and Feed (RASFF) an alert is issued to other Member States to instigate withdrawal of the product from the market if necessary.

The number of horse samples which have tested positive for residues of phenylbutazone has varied between 2-5% over the last five years. Annex A provides more information about the number of non-compliant samples found since 2007. New combined VMD and Defra guidance for veterinary surgeons and horse owners was produced in 2010 and further updated during 2011 - Veterinary Medicines Guidance Note 16 on the VMD Website – www.vmd.defra.gov.uk. The Guidance Note contains information on how to complete the medicines section of a horse passport and guidance for vets prescribing medicines for horses.¹⁸

¹⁸ Veterinary Residues Committee, [Position Paper – Residues of Phenylbutazone in horses](#), July 2012