



Suspected intentional contamination of food

Industry Protocol



Queensland Government

### **Acknowledgments**

Queensland Health's Environmental Health Branch would like to acknowledge the involvement of peak food industry bodies in the development of this document.

## Purpose

The purpose of this protocol is to help food businesses identify and respond to incidents of suspected intentional contamination of food. It details:

- ▶ what is reasonable suspicion and how to form the belief reasonable suspicion exists
- ▶ notifications
- ▶ investigation processes
- ▶ how to prevent intentional contamination.

## Introduction

The intentional contamination of food, for the purpose of this document, means the deliberate adding of a foreign substance to food products.

Intentional contamination is a deliberate action to introduce something into a product, often with the intention to do harm to the consumer, the company or both.

A person who carries out such an act commits a crime and can be charged by the police under the *Criminal Code Act 1899*.

This type of crime can be committed in food processing, food storage, food service and food retail operations by a wide variety of people for different reasons.

Food businesses in Queensland, whether licensed or not, who *suspect* that food at, or sold from, their premises has been *intentionally* contaminated must notify Queensland Health.

Whilst public health and safety necessitates rapid reporting, investigation and response, this protocol is designed to assist businesses in differentiating between a suspected intentional contamination incident and an accidental foreign matter which does not hold the same reporting requirements.

If someone becomes sick from eating or handling suspect food, an ambulance should be called immediately.

## Background

New provisions were introduced into the *Food Act 2006* on 13 June 2006 in relation to suspected intentional contamination of food in response to past food tampering cases.

The provisions require food businesses to notify Queensland Health when a reasonable suspicion has been formed that food at their premises has been intentionally contaminated. The provision also requires the food business to follow all directions given by Queensland Health in relation to identifying the source of the contamination and preventing or minimising the risk to public health or safety from potentially contaminated food.

## What is reasonable suspicion

The *Food Act 2006* defines 'reasonably suspects' to mean, suspects on grounds that are reasonable in the circumstances.

This means that based on evidence available at the time and circumstances surrounding the matter, the responsible person for the food business forms a belief that a deliberate act has occurred.

In order to assess the incident, all food businesses involved in the supply and handling of the affected food, (the retailer, wholesaler, supplier, manufacturer or other food business) should be advised and may need to be involved to assess the evidence available to form a *reasonable suspicion*.

In forming a view that a deliberate act has occurred, the food business should consider the following:

- ▶ Is there evidence of a point of introduction into the food or packaging, or do the packaging seals appear to be damaged?
- ▶ Is the packaging of a type that is easily broken and could contribute to the contamination?
- ▶ Is the contaminant normally associated with the food or ingredients used?
- ▶ Is the contaminant normally associated with the processing of the food?
- ▶ Considering the nature of the product, is it likely that the contamination could have occurred on any of the premises handling or manufacturing the product (either from accidental contamination or deliberate inclusion)?
- ▶ Is there communication associated with the incident (eg, extortion or threat)?
- ▶ Is the frequency of this incident greater than would normally be expected for this type of incident?

Where the contaminant is brought to the attention of a food premises as a result of a customer complaint and the customer has removed the food from the food premises, additional questions concerning the potential for accidental inclusion of foreign matter in the consumer's home should also be considered:

- ▶ Are you aware if the complainant has previously made complaints about products?
- ▶ Does the contaminant occur in the complainant's home?

Due to some situations requiring technical assessment prior to a responsible person forming a reasonable suspicion, it is recognised that a degree of flexibility is required in relation to when suspected intentional contamination incidents are reported to Queensland Health.

If, having given consideration to all of the above, the food business has not formed a reasonable suspicion that the product was intentionally contaminated, but cannot account for the presence of the contaminant, the food business should follow their usual investigation procedures for a foreign matter complaint.

### **Is laboratory analysis required to determine if the contamination was intentional?**

No, a food business does not need to have laboratory analysis of suspected items undertaken to determine if a reasonable suspicion exists. A food business may undertake analysis if it is necessary to confirm the source of the contaminant however it is not required to form a reasonable suspicion of intentional contamination.

When a reasonable suspicion has been formed without analysis, it is recommended that the business retains the evidence for collection by the Queensland Police Service or Queensland Health. This will ensure certain procedures including chain of custody and particular laboratory analyses are undertaken which are necessary to achieve a successful prosecution.

## **Notification**

### **When to notify the suspected intentional contamination of food**

The *Food Act 2006* requires that the responsible person for the food business must verbally notify Queensland Health, of the suspected intentional contamination immediately after first forming the reasonable suspicion.



## Who do you notify?

All incidents of suspected intentional contamination are to be reported to Queensland Health via the 13 HEALTH (13 43 25 84) hotline. A template detailing the information needed when notifying suspected intentional contamination of food to Queensland Health is included as Appendix 2.

## Who should make the notification?

Forming the view that food has been intentionally contaminated is based on evidence available at the time and circumstances surrounding the situation. It is noted that in order to decide if intentional contamination has occurred, the seller, brand owner, manufacturer or other food business involved in the handling or sale of the product may all be involved.

Therefore, the person in the Queensland food business responsible for notifying Queensland Health that suspected intentional contamination has occurred will depend on the situation. However, it is expected that whichever food business first reasonably suspects that intentional contamination has occurred shall contact Queensland Health.

All incidents of suspected intentional contamination of food must be reported to Queensland Health, irrespective of whether a food business is licensed with Local Government, accredited by Safe Food Production Queensland (SFPQ) or regulated by the Department of Agriculture, Fisheries & Forestry (DAFF).

It is noted that in some situations, ie. an extortion threat, the Queensland Police Service may have been notified prior to contacting 13 HEALTH. If the Queensland Police Service have not been contacted, Queensland Health will advise them of the notification.

## What to do after notification

After notifying Queensland Health of the suspicion of intentional contamination, you must:

- ▶ Not dispose of any potentially contaminated food; and
- ▶ Follow any directions given by Queensland Health in relation to the suspect food.

It is also strongly suggested that you:

- ▶ Do not touch with bare hands, smell or taste the suspect food-
  - hygienically remove the suspect food from service,
  - wrap it in plastic or place it in a plastic bag,
  - label the item clearly (eg. “suspected unsafe food”) and separate it from your regular supplies,
  - keep the food for evidence in the refrigerator separate from other food.
- ▶ Notify head office of the incident if your food business is part of a chain;
- ▶ Record the time, date and details of the suspected intentional contamination of food, including which foods are suspected of being contaminated, what you observed, action taken and any customer details if applicable;
- ▶ Check other food products for contamination;
- ▶ Ensure any foods which may have been transferred off the premises are isolated;
- ▶ Consider if a food recall is required;
- ▶ Maintain records of instructions received and actions taken; and
- ▶ Advise any customers whom you believe may have been affected but are not sick to seek medical advice.

## Investigations

### **Who is the lead agency?**

Queensland Health is the lead agency for ensuring food sold in Queensland is safe and suitable for human consumption.

Queensland Health is the lead agency in the investigation of suspected intentional contamination of food and will involve other departments or agencies, such as Local Government, DAFF, or SFPQ, as required.

Although Queensland Health is the lead agency, the Queensland Police Service has the lead role in relation to conducting investigations when it has been determined that the contamination is intentional.

### **Who initiates investigations?**

Either Queensland Health or the Queensland Police Service will initiate the investigation dependant on which agency was notified first.

The first agency notified, will inform the other agency of the notification.

The investigation will then commence with the involvement of both agencies. Other parties that may be involved in the investigation may include, Local Government, DAFF, SFPQ, the affected company and any other business involved in the handling or sale of the affected product.

### **Communication during the investigation**

Updates during the investigation on key milestones will be provided to affected parties via a nominated person. The nominated person may be either a member of the Queensland Police Service or Queensland Health, dependant on the situation. The selection of the nominated person is based on processes defined in established procedures.

### **Who finalises investigations?**

Dependant on how the investigation progresses, if it is determined that the incident is accidental and not intentional, the Queensland Police Service will finalise their investigation. This will leave any enforcement issues relating to the prevention of contamination of food to be undertaken by either Queensland Health or Local Government.

Queensland Health will not finalise their investigation until all other parties have finalised their investigations and any subsequent actions are completed.

On completion of the investigation, all concerned parties shall be advised of the outcomes by Queensland Health. This includes the affected manufacturer, supplier, retail outlet and consumer, if applicable.

## How to prevent intentional contamination of food

The following questions are aimed at getting you, as a food business operator, to think about ways you can possibly prevent food from being intentionally contaminated at your business. Some questions may not be relevant to your business and can be marked as “not applicable” (n/a). If the answer to a question is “no” or “n/a” you may wish to consider what actions you can take to be able to answer “yes” to the question.

Questions	Yes	No	N/A
<b>Risk awareness</b>			
1. Have you identified and listed all areas in your business where you may be vulnerable to intentional food contamination? (for example, transport, delivery, storage, processing, serving areas)			
2. Have you identified and outlined control measures for each of the areas identified above? (for example, supervise areas and/or restrict access to these areas)			
<b>Staff</b>			
3. Do you conduct appropriate background checks on all staff? (for example, referee checks)			
4. Do you supervise all food handlers in food processing areas to prevent opportunities for food being intentionally contaminated?			
5. Do you keep staff personal items out of food handling areas?			
6. Have you made a separate area for staff breaks? (locate the area away from storage areas)			
<b>Staff awareness / training</b>			
7. Do you train your staff to notice signs of food tampering or other unusual activities?			
8. Do your staff know what to do in the event of food becoming intentionally contaminated? (show them the quick reference guide on the last page of this protocol)			
9. Have your staff been directed to report suspicious activity to supervisors immediately?			
10. Have you trained all your staff in food safety?			
11. Have you trained your staff and held them accountable for recognising and reporting the following:			
▪ suspicious activity and suspect persons			
▪ signs of possible intentional contamination of food with products and equipment			
▪ other unusual circumstances? (ensure you have included this in your business’s staff training material)			

Questions	Yes	No	N/A
<b>Food deliveries / handling / processing / storing</b>			
12. Do you purchase ingredients from reputable vendors?			
13. Have you made a record of the origin of all your raw materials?			
14. Do you know your food delivery people? (verify identification of new or different people)			
15. Are you familiar with the foods you purchase, prepare or serve?			
16. Do you schedule deliveries when staff are present to inspect and secure the delivery?			
17. Do you examine foods before use? (do not use foods with foreign objects, broken seals, damaged packaging or unusual odours, textures or appearances)			
18. Do you keep an accurate inventory of food on the premises?			
19. Do you keep food storage areas secure? (especially those not in view)			
20. Do you rotate stock?			
21. Do you check on a daily basis for things that may be out of place?			
22. Do you supervise contract workers who would be able to contaminate a product or ingredient intentionally? (for example, maintenance workers, cleaners, pest control operators)			
<b>Food products</b>			
23. Do you return dirty or damaged products to your supplier?			
24. Do you return soft packaging with cuts, tears or punctures to your supplier?			
25. Do you return cans, bottles and jars with signs of leakage, dents, spillage or corrosion to your supplier?			
26. Do you return punctured plastic bottles to your supplier?			
27. Do you return products with damaged or missing safety seals to your supplier?			
28. Have you developed a clearly documented, well rehearsed product recall plan?			
<b>Self-serve areas (salad bars / buffets)</b>			
29. Do you have your self-service areas in constant view of staff?			
30. Do you monitor self-service areas at all times?			
31. Do you ensure that staff stay aware of anyone lingering in the self-service area?			
32. Do you know what food you placed in service and when?			
33. Do you ensure that new food is not added to old food when replenishing?			
34. Do you minimise the quantity of food on display?			



# Appendix 1 Definitions

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<b>Food business</b>	means a business, enterprise or activity that involves- <ol style="list-style-type: none"><li>the handling of food intended for sale; or</li><li>the sale of food; regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature and whether it involves the handling or sale of food on 1 occasion only.</li></ol>
<b>Responsible person</b>	means <ol style="list-style-type: none"><li>if the food business is carried on by a licensee—the licensee; or</li><li>if the food business is carried on by an entity that is not a non-profit organisation—the proprietor of the food business; or</li><li>if the food business is carried on by a non-profit organisation that is a corporation—the corporation; or</li><li>if the food business is carried on by a non-profit organisation that is an unincorporated entity—the chairperson, manager or other governing officer of the entity.</li></ol>
<b>Food handler</b>	means a person who directly engages in the handling of food or who handles surfaces likely to come into contact with food, for a food business.
<b>Handling of food</b>	includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving and displaying of food.

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## Appendix 2 Reporting template

### Information for Reporting Suspected Intentional Contamination of Food to Queensland Health

**Telephone:** 13 HEALTH (13 43 25 84)

*Completing this prior to calling 13 HEALTH will ensure all required information is available for making the report.*

Name of caller:	
Caller's position in business:	
Phone number:	
Alternate phone number:	
Name of business:	
Address of business:	
Post code:	
Brand of suspect food:	
Name of suspect food:	
Package size:	
Quantity:	
Further description of food:	
Detail of contamination:	
Date of incident:	
Reason for suspicion:	
Other comments:	

To be completed while speaking with 13 HEALTH	
Name of call centre representative:	
Date call lodged:	
Time call lodged:	
Any directions given:	

Following the incident being lodged, the call centre will immediately refer the information verbally to the relevant local person with Queensland Health as well as providing an electronic copy of the report generated. Depending on the urgency, you will be contacted by an Environmental Health Officer within 2 working days.

## Appendix 3 Contact details

### For intentional contamination of food:

#### Queensland Health

13 HEALTH (13 43 25 84)

### For threat or extortion:

#### Queensland Police Service

local police station (or 3364 6464)

### For additional information:

#### Public Health Units

Public Health Unit	Postal Address	Phone	Fax
Brisbane Southside	PO Box 333 Archerfield Q 4108	3000 9148	3000 9121
Brisbane Northside	Locked Bag 2 Stafford DC Q 4053	3624 1111	3624 1159
Bundaberg	PO Box 185 Bundaberg Q 4670	4150 2780	4150 2729
Cairns	PO Box 1103 Cairns Q 4870	4226 555	4031 1440
Charleville	18 Wills Street Charleville Q 4470	4656 8100	4654 2615
Gold Coast	PO Box 4256 Robina Town Centre Q 4230	5668 3700	5562 2072
Hervey Bay	PO Box 724 Hervey Bay Q 4655	4184 1800	4184 1809
Longreach	PO Box 444 Longreach Q 4730	4652 6000	4652 6099
Mackay	PO Box 5925 Mackay MC Q 4741	4911 0400	4944 0661
Mount Isa	PO Box 1097 Mt Isa Q 4825	4744 9100	4744 9124
Redcliffe	PO Box 1025 Redcliffe Q 4020	4142 1800	4142 1825
Rockhampton	PO Box 946 Rockhampton Q 4700	4920 6989	4921 3230
Sunshine Coast	PO Box 577 Maroochydore Q 4558	5409 6600	5443 5488
Thursday Island	PO Box 621 Thursday Island Q 4875	4069 0436	4069 2862
Toowoomba	PO Box 1775 Toowoomba Q 4350	4631 9888	4639 4772
Townsville	Locked Bag No 4016 Townsville Q 4810	4753 9000	4753 9011
West Moreton	PO Box 2262 North Ipswich Q 4305	3413 1200	3413 1201

[www.health.qld.gov.au](http://www.health.qld.gov.au)

# Quick reference guide on suspected intentional contamination of food

## 1. Investigate

- ▶ Investigate suspicious activity immediately.
- ▶ Collect as much information as you can.
- ▶ Remove the suspect food from service.
- ▶ Keep the suspect food for evidence.



## 2. Notify

- ▶ Queensland Health on 13 HEALTH (13 43 25 84).
- ▶ Contact the Queensland Police Service if an extortion or threat has been received.
- ▶ Call an ambulance if someone has become sick after eating or handling suspected food.
- ▶ Follow all directions given about handling the suspect food and equipment involved.  
(Note: failure to notify Queensland Health is an offence)



## 3. Keep

- ▶ Keep the suspect food for evidence.
- ▶ Do not handle the suspect food.
- ▶ Wrap it in plastic or place it in a plastic bag or a container with a lid.
- ▶ Label the item clearly and separate it from your regular supplies.

Phone		
Queensland Health:	Police:	Ambulance:
13 HEALTH (13 43 25 84)	local police station (or 3364 6464)	000



Queensland  
Government

Queensland Health  
Environmental Health Branch  
[www.health.qld.gov.au](http://www.health.qld.gov.au)