

Annex A

Request and Response

- 1) **Please can you tell me how many incidents of the sale of fake alcohol were investigated by the National Food Crime Unit in the years:**
- a. **2016**
 - b. **2017**
 - c. **2018**
 - d. **2019**
 - e. **2020 to date**

The National Food Crime Unit (NFCU) was established in 2015. The Unit initially consisted of an intelligence function before the establishment of an investigations capability which reached minimum viable capability in March 2019.

The sale of fake alcohol to consumers falls within the remit of Local Authority Trading Standards partners who can be contacted individually via:

<https://www.gov.uk/find-local-trading-standards-office>

Where the NFCU may investigate is in the production and distribution of large amounts of fake alcohol crossing a number of Local Authority boundaries, instances of which may be identified through initial intelligence relating to the sale of fake alcohol to consumers. These investigations would be completed in collaboration with Local Authority partners and potentially other law enforcement partners. The Unit has conducted one investigation of this nature, with partners, in 2019-2020.

Where we receive intelligence relating to the sale of fake alcohol, we work closely with our Local Authority partners and disseminate information to facilitate enforcement action and awareness. We also undertake intelligence development work where information suggests there may be a broader criminal enterprise underpinning locally identified sales.

- 2) **If possible, within the cost limit can you breakdown the figures given in response to Q1a-e by the type of alcohol being produced? For example, 2016: 54 vodka, 32 cider, 14 beer etc?**

As detailed above the NFCU conducted one investigation with partners, in 2019-2020. The details of this investigation have been withheld under Section 30 of the Act. Further use of this exemption has been provided in Annex B.

- 3) **Please can you tell me how much fake alcohol was seized (in litres or a similar liquid or weight measurement) by the National Food Crime Unit in the years:**
- a. **2016**
 - b. **2017**
 - c. **2018**
 - d. **2019**
 - e. **2020 to date**

The NFCU has not seized fake alcohol during this period but has co-ordinated local authority activity on this theme in 2019-20 under the banner of Operation OPSON IX. This was coordinated work with Food Standards Scotland into alcoholic beverages with a focus on illicit/adulterated spirits. Local authority partners conducted a number of visits and seizures as part of this work.

4) If possible, within the cost limit can you breakdown the figures given in response to Q3a-e by the type of alcohol being produced? For example, 2016: 54 vodka, 32 cider, 14 beer etc?

As detailed above, the NFCU did not seize any fake alcohol during the period 2016- to date.

Annex B

The relevant section of the Act is as follows:

*30 – (1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purpose of –
(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained - (i) whether a person should be charged with an offence,*

Section 30 is a qualified exemption, and as required by the Act we have undertaken a public interest test to ascertain whether, on balance, the public interest favours disclosing the information that is held.

In this case the information relates to investigations that are currently being conducted by the NFCU and partner agencies and may lead to a decision to institute criminal proceedings, which the FSA has power to conduct. The FSA has a regulatory and investigatory function and conducts investigations with a view to ‘ascertaining’ whether a person should be charged with a criminal offence or alternatively be dealt with under regulatory powers in a different way, for example without a criminal procedure.

We recognise that there is a public interest in accountable, open and transparent regulation. We also recognise that there is a public interest in the work of the NFCU, especially because the NFCU relies on the cooperation of the public in reporting suspicions about food crime.

However, we consider that there is a stronger public interest in withholding certain information that is held. This is to preserve the integrity and effectiveness of the work the NFCU does to protect consumers from serious criminal activity that impacts on the safety or authenticity of the food and drink they consume.

Therefore, we have determined that the balance of the public interest favours withholding the information from disclosure.