

---

## Executive

25<sup>th</sup> September 2007

Report of the Director of Neighbourhood Services

### **Sale and production of *foie gras*.**

#### **Summary**

1. At the meeting of full Council on 27 January 2007 Members were asked to consider a motion put forward by Cllr Blanchard covering two issues in respect of the sale of *foie gras* in the York District:
  - *Instruct the Chief Executive to write to Ben Bradshaw MP, Minister of State responsible for Animal Welfare, informing him of this motion and asking for the production and sale of foie gras to be banned in the UK;*
  - *Do as much as reasonably possible to discourage or prohibit the sale of foie gras within the authority area, whether in shops or restaurants.*
2. Under Standing Order 11, the motion was referred for the preparation of an Officer report to be considered by the Executive before the matter was resubmitted to Council for debate. This report is a response to that referral.

#### **Background**

3. *Foie gras* is produced from the liver of a duck or goose that has been especially fattened by gavage (force feeding). This involves a tube being placed down the throat of the animal and a controlled amount of food, often corn, being dispensed. Use of this technique causes the liver of the animal to expand to ten times its normal size.
4. It is recognised that the method of rearing geese and ducks, used to provide *foie gras*, may be considered unacceptable by members of the general public.
5. The product does meet all food safety requirements and does not contravene any food standards legislation.
6. The purchase and consumption of *foie gras* therefore remains a matter of consumer choice.

## Consultation

7. The Head of Civic Democratic & Legal Services has been consulted and has confirmed that there are no legal powers which would have enabled the Council at the meeting in October to prohibit the sale of *foie gras* in the York area, nor for the Executive to ban the sale or production of foie gras in York.
8. It is considered that banning of *foie gras* nationally would be illegal under EU law, which requires member states to allow the free circulation of goods between Member states. Communication has been received from the Chief Policy Advisor for an organisation called 'Compassion in World farming', which has asked for their view to be known. This is attached at Annex One.

## Options

9. As a result of the current legal position, there are three options that members may wish to choose:-

### Option 1

#### Letter to Lord Rooker, Minister for Sustainable Food, Farming and Animal Health MP

To write to Lord Rooker MP (Ben Bradshaw is no longer responsible for this area of business) to inform him that City Of York Council is opposed to the production and the importing of *foie gras* in the UK., and to encourage legislation to ban the production and sale of foie gras .

#### Banning the sale of foie gras

The Council has no legal authority to ban the sale of foie gras in the City. The Council could however, as a matter of policy, prohibit the procurement and use of foie gras in its own establishments.

#### Link on CYC website

The 'compassion in world farming' website has a link to foie gras and other methods of animal food production, which some may consider to be unethical. The CYC website could contain a link to this webpage.

#### Letters to restaurants and delicatessens

The Council cannot ban the sale of foie gras. However, the Council could set out its ethical position in a letter to all registered food businesses that operate in York, and encourage them to voluntarily withdraw it from sale or as part of the menu offer. In order to avoid compromising the regulatory functions of the Environmental Health and Trading Standards service within the Neighbourhood Directorate, this letter should be sent as a letter on behalf of the Council, either from the Executive or the party leaders. Members should be aware that there is no way of knowing for certain which registered food businesses sell, or use foie gras in their menu offer. Either a letter

would have to be sent to all food registered businesses (approx 1800) to ensure complete coverage, or selectively, to only those registered food businesses who have a reasonable likelihood to sell, or use foie gras in their menu offers (hotels, supermarkets, restaurants and delicatessens). In this case complete coverage cannot be assured.

#### Option 2

To undertake any combination of those actions detailed in option 1

#### Option 3

Not to undertake any of those actions outlined in option 1

### **Analysis**

10. An analysis of the options contained in the motion are as follows:
11. Option 1 would respond to the Council motion as far as is practicably possible.
12. Option 2 would partly support the Council motion
13. Option 3 would not support the Council motion

### **Corporate Priorities**

14. The proposed motion does not meet any of the council's corporate priorities.

### **Implications**

15. The implications of the motion are as follows:

- **Financial**

There are no financial implications other than postage costs of letters to food businesses, estimated to be approx £450, which could be contained within existing budgets

- **Other**

There are no significant HR, equalities, legal, crime and disorder, IT, property or other implications other than those set out in the body of this report.

### **Risk Management**

16. There are no risks associated with the recommendation of this report.

### **Recommendations**

17. Members are asked to note the contents of this report and recommend either option One or Option Two. If Option Two is chosen, members are requested to indicate which of the following actions are to be approved.

- (i) A letter is sent by the Chief Executive to Lord Rooker MP, stating that the City of York Council is opposed to the production and importing of foie gras in the UK, and/or,
- (ii) That the Council prohibits the procurement of foie gras in its own establishments.
- (iii) That a link to the Compassion in World Farming website, be placed on the CYC webpage which gives information on the discouragement of foie gras production [www.ciwf.org.uk](http://www.ciwf.org.uk) and/or,
- (iv) That the Executive or the party leaders write to either (i) all registered food businesses in the City, or (ii) only those registered food businesses in the City that have a reasonable likelihood of sell foie gras, and/or use it as part of their menu offer, to voluntarily withdraw foie gras from sale or use.

**Reason for recommendation**

To respond to the Council motion.

**Contact Details**

**Author:**  
**Andy Hudson**  
 Assistant Director  
 ( Neighbourhoods and  
 Community safety )

**Chief Officer Responsible for the report:**  
**Terry Collins**  
**Director of Neighbourhood Services**  
 (Phone: 552003)

**Report Approved**  **Date** 11/09/2007

(Phone: 551814)

**Specialist Implications Officer(s)** None

**Wards Affected:** All

**For further information please contact the author of the report**

**Background Papers:**

Council Minutes 27<sup>th</sup> January 2007

**Annexes:** Annex 1 - Compassion in World farming - opinion on the Legal position relating to the prohibition of the sale of Foie Gras