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file - food safety

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PRIVY COUNCIL OFFICE
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WHITEHALL, LONDON SW1A 2AT

088/03/E

1- S/S

2- Minutes

~~at the~~

D. Harvey

D. Mutton

D. Raftery

D. Skinner

D. Vight

M. M. Skinnies

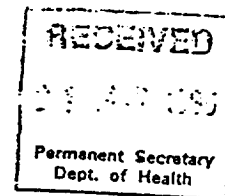
Sp. Adv.

S. Low

20 MAR 1996 ✓

Dear Rachel,

BSE AND CJD



As the Prime Minister requested, the Lord President chaired an ad hoc meeting last night to consider what the Government should do and say in response to the latest information on the Spongiform Encephalopathy Advisory Committee (SEAC) on a possible link between BSE and CJD. Those present were the Deputy Prime Minister, Chief Secretary, Lord Privy Seal, Minister without Portfolio, the Secretaries of State for Health, Scotland and Wales, the Minister of Agriculture, the Chief Whip, the Attorney General, the Financial Secretary, the Parliamentary Secretary (MAFF) and the Parliamentary Under Secretary of State (Scottish Office).

Summary

The meeting agreed that the SEAC should be asked to provide urgent advice on what response the Government should make to their latest conclusions by 10.30 am on Wednesday 20 March. Subject to the views of Cabinet meeting that morning, the Minister of Agriculture would make an interim statement at 3.30 pm which would be repeated by Lord Lindsay in the Lords. Its content would depend on the SEAC advice thus far and promise a further statement, probably by the weekend, when the SEAC had completed its consideration. The statement would be followed by a press conference taken by the Minister of Agriculture and Secretary of State for Health, with the CMO, CVO and Chairman and possibly some members of SEAC present also. The meeting also identified a large number of related matters which would have to be considered and commissioned appropriate action wherever possible.

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SEAC

Since there were indications that the news was about to break, there was no reason to prevent all members of the Committee joining the meeting in London. They should therefore be asked to do so the Government to draw immediately on authoritative advice if drastic action was called for. The Committee might be in a position by Wednesday morning to advise whether measures going beyond the existing controls were justified. They would need till the weekend to advise on mechanically rendered meat and on meat products in the food chain including the stocks in shops. Hitherto their remit had been to provide definitive advice which the Government had always followed and published. That was an important feature in the defence of the Government's record on BSE over the last ten years. On the other hand, there would be advantage if the Committee provided risk assessments of the various options for measures open to the Government on which the CMO, CVO and Chief Scientific Adviser could comment before Ministers reached final decisions.

Initial Statement

The majority present saw no alternative to an immediate holding statement. The Government had received the SEAC's preliminary statement on 16 March and must retain the initiative by reporting to Parliament at the earliest opportunity, not in response to a leak, a PNQ, or accusations of withholding information. It would also be important to moderate the inevitable panic on the part of consumers and farmers encouraged by the media. The feasibility of that would depend on the nature of the SEAC's advice especially on what could be said immediately about the safety of continuing to eat beef. It would be preferable for the Secretary of State for Health to let the Minister of Agriculture make a single statement but to join him on the bench and at the press conference thereafter.

There were strong grounds for attempting in the statement to calm the situation by stressing that the SEAC's statement about the nine cases of younger CJD sufferers still did not provide evidence of a link between BSE and CJD. It simply suggested that in the absence of any credible alternative, the most likely explanation at present was that these cases were linked to exposure to BSE before the introduction of the SBO ban in 1989. On the other hand, the incubation period was such that there could be many more such cases so it would be prudent to acknowledge the magnitude of the implications of the statement and also to recognise that the Government had already admitted and acted upon the need to tighten up the enforcement of the SBO ban.

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It should also be clearly acknowledged that the Government's paramount duty was the protection of public health but it also had a subordinate duty of care towards the interests of farmers, retailers large and small, wholesalers and manufacturers of meat products and beef derived products. All these duties made it imperative for all Ministers to be provided with an authoritative statement on which to draw in making any public comment.

Other points

The following items were identified by the meeting as being likely to require consideration and/or early action:

- Ministerial broadcast - might appear to be an over-reaction; better to achieve a high profile for CMO, CVO and SEAC to give calm professional view if danger of public cynicism towards politicians.
- Brief Opposition - in view of national importance, public health issue and serious threat to major industry and overseas trade, Opposition might see the need to be statesmanlike and responsible if not bipartisan. Most present thought that might best be achieved by a top level approach rather than at Agriculture spokesman level. It would be useful to offer the Opposition access to the chief professionals. The subject would almost certainly qualify for an urgent debate under Standing Order 20.
- Brief editors - a direct approach issued from No 10 Press Office might encourage responsible reporting to calm public fears.
- Briefing backbenchers - a Dear Colleague letter from MAFF and DH Ministers should be issued with each statement.
- Helplines - DH and MAFF have activated and booked newspaper advertisements. The CMO's multifax system to Health Authorities and (most) GPs should also be used plus MAFF Samaritans for potential farmer suicides.
- Compensation - any announcement beyond the holding statement will raise the compensation issue and invite questions as to what consideration has been given to it. Farmers could claim for alleged panic reaction of draconian measures if they were subsequently withdrawn. For defensive purposes a list of the main outlets of beef and beef products (including pharmaceutical and medical products) should be assembled.

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- Judicial inquiry - premature to reach conclusion - may be necessary later on. Could be useful to deflect further Select Committee inquiry. Opposed by the Chancellor of Exchequer and Attorney General - liability in relation to CJD victims and other suspected cases is a matter for the courts.
- European angle - Commission action against Germany at UK instigation may have to be dropped. Agriculture Commissioner already warned and will be phoned again before statement. MAFF officials to brief Commission plus contacts in Bonn, Paris and Eire. BSE incidence in other Member States negligible by comparison with the UK.

I am copying this letter to the Private Secretaries to the Chancellor of the Exchequer, the Foreign and Commonwealth Secretary, to those Ministers present at the meeting and to Kenneth MacKenzie and Jan Polley in the Cabinet Office.

Yours,



PAUL COHEN
Principal Private Secretary

Ms Rachael Reynolds
Private Secretary
10 Downing Street

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