

# Prevent, Investigate and Respond to Intentional Contamination of Food

A guide for the food industry



## **Prevent, Investigate and Respond to Intentional Contamination of Food - A guide for the food industry**

Published by the State of Queensland (Queensland Health), February 2025

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An electronic version of this document is available at [www.qld.gov.au/foodpantry](http://www.qld.gov.au/foodpantry).

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# Introduction

## Purpose

The purpose of this guide is to help food businesses:

1. Take appropriate steps to prevent the intentional contamination of food.
2. Understand why to investigate intentional contamination of food.
3. Know how to respond when intentional contamination of food is suspected.
4. Recover from an incident where food was intentionally contaminated.

Additionally, this guide outlines:

- how to form reasonable suspicion that contamination has occurred
- notification of requirements
- investigation processes
- preventative measures food business can implement.

This document can be read alongside other Queensland Health resources designed to help food industry and consumers understand food contamination risks.

These resources are available at [www.qld.gov.au/foodpantry](http://www.qld.gov.au/foodpantry).

## Background

Intentional contamination of food is a real and current threat that can cause serious illness, financial losses, and even business closure. Incidents of food tampering have been linked to politically motivated sabotage, business rivalry, and disgruntled employees. Taking proactive measures such as strong surveillance and rapid response plans is essential for food businesses.

To protect public health, Queensland Health assists the food industry and consumers in identifying and responding to suspicious food products. Under Chapter 11 of the *Food Act 2006* (the Act), businesses must:

- notify Queensland Health immediately upon forming reasonable suspicion of intentional contamination.
- retain the suspected contaminated food for independent testing.
- comply with all directions regarding handling and potential risks to public health.

Intentional food contamination involves deliberately introducing a harmful substance into food products, with the intent to cause harm to consumers or businesses. This is a criminal offence under the *Criminal Code Act 1899* and applies to all food processing, storage, service and retail operations. Food businesses in Queensland, whether licensed or not, that *reasonably suspect* that food at, or sold from, their premises has been *intentionally* contaminated are **required** to notify Queensland Health.

Whilst public health and safety necessitates rapid reporting, investigation and response, this guideline 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 somebody becomes ill due to suspected food contamination, an ambulance must be called immediately.

New provisions introduced in the *Food Act 2006* on 13 June 2006 reinforce these responsibilities, ensuring food businesses take immediate and appropriate action to prevent and mitigate risks associated with intentional contamination.

# Definitions

Term	Definition
<b>Intentional contamination of food</b>	Contamination of the food by a person who intends to contaminate the food, including by adding, mixing or putting a deleterious (harmful) or poisonous substance or thing into the food.
<b>Food business</b>	<p>A business, enterprise or activity that involves the handling of food for sale.</p> <p>These can include:</p> <p><b>Food manufacturing industries</b></p> <ul style="list-style-type: none"> <li>• food manufacturers (where food is processed, packed, transported, distributed, received for holding and importing).</li> </ul> <p><b>Food services industries</b></p> <ul style="list-style-type: none"> <li>• restaurants/ cafes</li> <li>• on-site/ off-site catering.</li> </ul> <p><b>Food retail industries</b></p> <ul style="list-style-type: none"> <li>• takeaways</li> <li>• temporary food stalls/ tents (festivals, markets, fundraisers).</li> </ul> <p><b>Other food industries</b></p> <ul style="list-style-type: none"> <li>• non profit organisations where food is prepared by e.g. volunteers</li> <li>• cafeterias (universities, TAFE)</li> <li>• bed &amp; breakfast/ farm stay premises</li> <li>• child/ day care centres</li> <li>• school tuckshops</li> <li>• pubs/ clubs/ nightclubs</li> <li>• hotels/ motels</li> <li>• hospitals.</li> </ul>
<b>Food business operator</b>	<p>Owner/ manager/ responsible person of a food business where a responsible person includes the following:</p> <ul style="list-style-type: none"> <li>• person holding a food licence</li> <li>• proprietor</li> <li>• corporation</li> <li>• the chairperson, the manager or the governing officer of the entity</li> </ul>
<b>Food handler</b>	Food business operator/ responsible person/ staff/ employee/ volunteer of a food business involved with the handling of food.
<b>Handling of food</b>	Includes making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving and displaying food.

# How to *prevent* intentional contamination of food

The following questions are aimed at getting you, as a food business operator, to consider ways in which you could 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', then you may wish to consider what actions you can take to be able to answer 'yes' to the question.

Question		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 pages 14 of this guide)?			
9	Have your staff been directed to report suspicious activity to supervisors immediately?			
10	Have you trained all your staff in food safety?			

Question		Yes	No	N/A
11	Have you trained your staff and held them accountable for recognising and reporting the following:			
12	suspicious activity and suspect persons			
13	signs of possible intentional contamination of food with products and equipment			
14	other unusual circumstances (ensure you have included this in your business's staff training material)			
<b>Food deliveries / handling / processing / storing</b>				
15	Do you purchase ingredients from reputable vendors?			
16	Have you made a record of the origin of all your raw materials?			
17	Do you know your food delivery people (verify identification of new or different people)?			
18	Are you familiar with the foods you purchase, prepare or serve?			
19	Do you schedule deliveries when staff are present to inspect and secure the delivery?			
20	Do you examine foods before use (do not use foods with foreign objects, broken seals, damaged packaging or unusual odours, textures or appearance)?			
21	Do you keep an accurate inventory of food on the premises?			
22	Do you keep food storage areas secure (especially those not in view)?			
23	Do you rotate stock regularly?			
24	Do you check on a daily basis for things that may be out of place?			
25	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>				
26	Do you return dirty or damaged products to your supplier?			
27	Do you return soft packaging with cuts, tears or punctures to your supplier?			
28	Do you return cans, bottles and jars with signs of leakage, dents, spillage or corrosion to your supplier?			

Question		Yes	No	N/A
29	Do you return punctured plastic bottles to your supplier?			
30	Do you return products with damaged or missing safety seals to your supplier?			
31	Do you have a clearly documented, well-rehearsed product recall plan?			
32	Do you have your self-service areas in constant view of staff?			
33	Do you monitor self-service areas at all times?			
34	Do you ensure that staff stay aware of anyone lingering in the self-service area?			
35	Do you know what food was placed in service and when?			
36	Do you ensure that old food is not added to new food when replenishing?			
37	Do you minimise the quantity of food on display?			

# Why *investigate* intentional contamination of food

Contamination of food in the form of foreign objects may occur accidentally or as a result of an intentional act. (note: foreign objects include objects in solid, powder, liquid or gas form).

It is therefore important for you to initially investigate whether contaminated food found at your food premises was an *accident* or an *intentional* act so as to know what actions to take as a result.

For example:

- if the contamination was a result of an accident, food processing practices may need to be reassessed to prevent the accident from happening again.
- if the contamination was a result of an accident and the contaminated food has or could have an impact on a number of people, the local Queensland Health Public Health Unit (PHU) should be contacted to discuss whether a food recall is needed.
- if the contamination was a result of an accident and a person who consumed the food was physically harmed, an ambulance and the local Queensland Health Public Health Unit (PHU) should be contacted.
- if the contamination was the result of an intentional act, Queensland Health and the Queensland Police Service must be contacted.

**Please note:** Failure to notify Queensland Health is an offence.

In addition, if your food business be presented with an act of extortion or if your food business receives a *threat*, the Queensland Police Service should be contacted immediately.

Consider the following questions when investigating whether contaminated food found at your food premises was an accident or an intentional act.

Questions	
1	Are you able to (in most cases) tell the difference between intentional contamination of food and accidental contamination of food (see table on pages 10-11 as a guide)?
2	What is the object?
3	How did it get into the food?
4	Has a similar product been found in the same type of food product before?
5	Is the object normally associated with the food product?
6	Is the object not normally associated with the food product?

Below are examples of types of contamination of food incidents which may help you determine whether a similar incident would be classed as an accident or an intentional act. A list of who to contact is provided.

Scenario	Accident/ intentional?	Who to contact
<b>1</b> Foreign object found in food product which is normally associated with the food product. For example:		
<ul style="list-style-type: none"> <li>- string found in rolled roast product</li> </ul>	Accident	If necessary –PHU (see below)
<ul style="list-style-type: none"> <li>- stones/seeds found in fruit product</li> </ul>	Accident	If necessary – PHU
<ul style="list-style-type: none"> <li>- moth found in food product</li> </ul>	Accident	If necessary – PHU
<b>2</b> Foreign object found in food product which is not normally associated with the food product but is present in food premises and investigation reveals the foreign object could have entered the food product by accident. For example:		
<ul style="list-style-type: none"> <li>- mechanical component from food processing equipment found in food product.</li> </ul>	Accident	PHU
<ul style="list-style-type: none"> <li>- glass from broken ceiling light found in food product.</li> </ul>	Accident	PHU
<ul style="list-style-type: none"> <li>- contents of unlabelled bottle of detergent used as an ingredient in a food product.</li> </ul>	Accident	PHU
<b>3</b> A foreign object found in food product which is not normally associated with the food product but is present in food premises and investigation reveals the object could not have entered the food product unless a person (staff or member of public) placed it there deliberately. For example:		
<ul style="list-style-type: none"> <li>- detergent found in food product</li> </ul>	Intentional	Qld Health (see below)
<ul style="list-style-type: none"> <li>- cutting knife found in food product</li> </ul>	Intentional	Qld Health
<ul style="list-style-type: none"> <li>- screwdriver found in food product</li> </ul>	Intentional	Qld Health
<b>4</b> A foreign object found in food product which is not normally associated with the food product and is not present in the food premises and could potentially cause physical harm to a person. For example:		
<ul style="list-style-type: none"> <li>- needle found in food product</li> </ul>	Intentional	Qld Health
<ul style="list-style-type: none"> <li>- poison found in food product</li> </ul>	Intentional	Qld Health
<ul style="list-style-type: none"> <li>- syringe found in food product</li> </ul>	Intentional	Qld Health

Scenario	Accident/ intentional?	Who to contact
<b>5</b>	Finding a food product which shows signs of having been tampered with. For example:	
	- a broken seal on bottled food products stored on shelf in a food store	Intentional Qld Health
	- a chemical odour present in a milk container	Intentional Qld Health
	- orange juice with blue dye in it	Intentional Qld Health
<b>6</b>	Observation of a person (staff or member of public) handling food in a suspicious manner. For example:	
	- a person adding foreign object to a food product at a self-service bar	Intentional Police & Qld Health
	- a person switching food product with a contaminated food product which they brought into the food store	Intentional Police & Qld Health
	- a person deliberately adding a foreign object to a food product while preparing the food	Intentional Police & Qld Health
<b>7</b>	The business receives a <b>threat</b> or is presented with an act of <b>extortion</b> . For example:	
	- a food business receives a phone call advising that all their baby food products will be contaminated	Threat Police
	- a customer deliberately places needles in a bag of rice in an attempt to receive compensation money from the food business	Extortion Police

## Contact details

**Qld Health** = 13HEALTH (13 43 25 84)

**PHU** = Local Queensland Health Public Health Unit (contact details located at [www.health.qld.gov.au/system-governance/contact-us/contact/public-health-units](http://www.health.qld.gov.au/system-governance/contact-us/contact/public-health-units))

**Police** = Local Police station (or 3364 6464).

# How to respond to intentional contamination of food

After having conducted an investigation into a contaminated food product and having determined that the contamination was intentional, the following series of actions should be undertaken.

Actions			
1	<p>In the event of suspected intentional contamination of food having occurred contact Queensland Health (13 HEALTH/ 13 43 25 84) and indicate the concern.</p> <p>Undertake all actions as directed by Queensland Health.</p> <p>Note:</p> <ul style="list-style-type: none"> <li>- <b>failure to notify Queensland Health is an offence</b></li> <li>- only suspected <b>intentional</b> contamination is to be reported to Queensland Health.</li> </ul> <p>See previous section 'why investigate intentional contamination of food' to determine whether contaminated food was a result of an intentional act or an accident.</p>		
2	<p>In the event that your business is presented with an act of extortion or a threat, contact the Queensland Police Service (local police station or 3364 6464) and indicate the concern.</p> <p>Undertake all actions as directed by the Queensland Police Service.</p>		
3	<p>Contact an ambulance immediately if someone becomes sick after handling a suspect product.</p> <p>Emergency 24 hours—000</p>		
4	<ol style="list-style-type: none"> <li>1. Do not <b>touch</b> with bare hands, <b>smell</b> or <b>taste</b> the suspect food.</li> <li>2. Hygienically remove the suspect food from service.</li> <li>3. Wrap it in plastic or place it in a plastic bag.</li> <li>4. Label the item clearly (e.g. '<b>suspected unsafe food</b>') and separate it from your regular supplies.</li> <li>5. Keep the food for evidence in the refrigerator separate from other food.</li> </ol>		
5	<p>Record the time and details of the suspected intentional contamination of food, including which foods are suspected of being contaminated. Include the date, what you observed, action taken, customer details.</p>		
6	<p>Notify head office of the incident if your food business is a franchise.</p>		

Actions			
7	Check other food products for contamination.		
8	Ensure any foods which may have been transferred off the premises are isolated.		
9	Consider if a food recall may be required.		
10	Maintain records of instructions received and actions taken.		
11	Advise any customers whom you believe may have been affected even if they are not sick to seek medical advice.		

## Recovery from an incident where food has been intentionally contaminated

Intentional contamination of food can result in your business losing money or even having to close down. It is therefore important that you, as the business operator, can recover your business in the event that intentional contamination of food has occurred.

Following is a list of suggested actions to take which may assist you to recover your business after an incident where food was intentionally contaminated.

Actions			
<b>1</b>	<b>Staff members</b>		
	Make regular contact with staff members to check their well-being.		
	Inform them of the recovery arrangements, expected recovery timeframes, pay arrangements and related matters.		
	Consider counselling and encourage staff members to attend counselling if appropriate.		
<b>2</b>	<b>Customers</b>		
	Notify customers and cancel bookings as appropriate.		
	Advise them of expected re-opening dates, if applicable.		
<b>3</b>	<b>Suppliers</b>		
	Notify key suppliers and cancel orders (e.g. food and beverage) as required. This will reduce unnecessary cost and inconvenience.		

Actions			
4	<b>Utilities</b> Notify telephone, electricity and gas suppliers of your circumstances.		
5	<b>Creditors</b> Try to negotiate reduced, delayed or extended payments.		
6	<b>Insurers</b> Notify insurers as soon as possible and seek advice about insurance cover.		
7	<b>Australian Taxation Office (ATO) advice</b> If required, contact the ATO to negotiate (where possible) fast tracking tax refunds, extra time to pay debts, time extensions to lodgement obligations, and ancillary matters.		
8	<b>Accountancy advice</b> Seek accountancy advice regarding tax arrangements and treatment of losses that may have been incurred.		
9	<b>Industry assistance</b> Contact your relevant industry body for up-to-date advice in the event of an incident.		
10	<b>Queensland government assistance</b> Contact your local office for the department of State Development, Infrastructure, Local Government and Planning for advice on business recovery issues. Contact details are available at <a href="http://www.statedevelopment.qld.gov.au/about-us/contact-us/regional-contacts">www.statedevelopment.qld.gov.au/about-us/contact-us/regional-contacts</a> or call QGOV (13 74 68).		

## What is ‘reasonable suspicion’?

The *Food Act 2006* defines ‘reasonably suspects’ to mean, suspects on the grounds that area 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 deliberate act has occurred, the food business should consider the following:

- Is there evidence of 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 (e.g., 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 complaint 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 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 a 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 incident of suspected intentional contamination is to be reported to Queensland Health via the 13HEALTH (13 43 25 84) hotline. A template detailing the information needed when notifying suspected intentional contamination of food to Queensland Health is included in Appendix 1.

## 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 licenced with local government, accredited by Safe Food Production Queensland (SFPQ) or regulated by the Department of Primary Industries (DPI).

## 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 recommended that you:

- do not touch with bare hands, smell or taste the suspect food,
- hygienically remove the suspected food from service
- wrap it in plastic or place it in a plastic bag

- label the item clearly e.g. '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, DPI or SFPQ, as required.

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

### Who initiates an investigation?

Either Queensland Health or the Queensland Police Service will initiate the investigation **dependent 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, DPI, 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 by a nominated person. The nominated person may be either a member of the Queensland police service or Queensland health, dependent on the situation. The selection of the nominated person is based on process is defined in established procedures.

## Who finalises an investigation?

Dependent on how the investigation progress is, if it has been 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 the Queensland health all 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.

# Quick reference guide on what to do

What to do in a situation where there is a reasonable suspicion that food has been intentionally contaminated (food tampering incident)

## 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) and the police if you suspect food has been intentionally contaminated.
- Call an ambulance if someone has become sick after eating the suspect 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 contacts		
Queensland Health	Police	Ambulance
13HEALTH (13 43 25 84)	Local police station (or 3364 6464)	000

# Appendix 1 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 the 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 notified, 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 contact by an Environmental Health Officer within 2 working days.