



Food Fraud Prevention THINK TANK

April 19, 2021

Title: Comments to the US Codex Delegation for the Food Fraud EWG Discussion Document

From: Dr. John Spink, Food Fraud Prevention Think Tank & Michigan State University

NOTE: the comments here are mine alone.

To: US Codex Delegation,

SUMMARY: The Codex FF EWG has created a very comprehensive review of the topic and conclusion.¹ It stated as clear and agreed that addressing food fraud is an important Codex subject. Also, it was stated as clear and agreed that providing definitions of terms, and the relation to other Codex works and Committees, will reduce confusion and global inefficiencies. OUR RECOMMENDATION is to retain the original, narrow the scope to a basic guidance document that only addressed definitions of key terms, explains the types of food fraud, and the relation of these concepts to other Codex documents and Codex Committees. To expand beyond this narrow scope would further delay the important work – already it has been over FIVE YEARS since the need for a food fraud definition was first on the CCFICS22 agenda. Other key concepts could be noted for future research including: National Food Control Systems, Information Sharing, “Roles and responsibilities of industry and government entities when addressing food fraud” and “Guidance on how countries can modernize their national food control systems to address food fraud and intentional adulteration, e.g., an extension of HACCP and good manufacturing practices.”

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Even though the Discussion Paper was distributed only for information and not formal comment, below you will find comments for the US Codex Delegation on the Food Fraud EWG discussion paper. This Food Fraud EWG discussion paper is on the agenda for the CCFICS25 meeting in May 2021 and noted as “Agenda item 8CX/FICS 21/25/8.”

While there is continued recognition by Codex and CCFICS that addressing food fraud is important and timely, continued scope creep has slowed the process. While progress is being made and moving quickly from a Codex perspective, it is more than FIVE YEARS since the topic was on the agenda at CCFICS22 and then the creation of the Food Fraud EWG first sought members in August 2017.

¹ http://www.fao.org/fao-who-codexalimentarius/sh-proxy/es/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-733-25%252FWorking%2BDocuments%2B2021%252Ffc25_08e.pdf

The original Terms of Reference were:²

- “(a.) clarify the definitions of food integrity, food authenticity, food fraud, and EMA and delineate the scope for the preliminary assessment of CCFICS texts;
- (b.) based on those definitions, undertake a preliminary assessment of existing CCFICS texts to identify possible gaps and the impact, whether positive or negative, of those texts in mitigating potential problems; and
- (c.) prepare a discussion paper presenting the findings of that assessment and any need for further work or potential new work.”

The current Terms of Reference are still true to the first goal:³

- (i.) further, consider the role of CCFICS with respect to tackling the challenge of food fraud in the context of food safety and fair practices in the food trade; and
- (ii.) conduct a comprehensive analysis of existing relevant Codex texts within and outside of CCFICS to avoid overlapping or intrusion onto the mandate of other Codex general subject or commodity committees, noting that a number of related Codex texts existed within and outside of CCFICS.

While the Terms of Reference are efficient and narrow, the discussion paper expanded to discuss many more topics. While there were many topics mention, the document did summarize narrow points.

This first scope of work should not expand beyond the basic work but note future questions.

- Future possible topics such as:
- “Roles and responsibilities of industry and government entities when addressing food fraud;”
- “Guidance on how countries can modernize their national food control systems to address food fraud and intentional adulteration, e.g., an extension of HACCP and good manufacturing practices;”

Thank you for the opportunity to participate in this process.

Sincerely, 

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BACKGROUND

² From: Invitation to participate in the CCFICS EWG on Food Integrity and Food Authenticity, July 2017.

³ From: Discussion Paper on Role of CCFICS with Respect to Tackling Food Fraud in the Context of Food Safety and Fair Practices in Food Trade-Updated, March 2021.

Specific Comments:

- 1) "Discussion Paper on Role of CCFICS with Respect to Tackling Food Fraud in the Context of Food Safety and Fair Practices in Food Trade-Updated," March 2021.
 - a) **Recommended Action: A suggested outline of a short Codex Food Fraud Prevention Guidance Document is in the appendix below.**
- 2) Appendix I: DISCUSSION PAPER ON THE DEVELOPMENT OF GUIDANCE ON THE PREVENTION OF FOOD FRAUD,
 - a) "Types of food fraud include intentional acts to compromise food integrity such as: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation."
 - i) Response: this is the efficient and universal scope of food fraud.
 - ii) **Recommended Action: The term "adulteration" should be changed to "adulterant-substance" to be clearer.**
 - b) "Intentional adulteration of food can be an act conducted for many purposes (for example, profiteering, causing harm to the public and/or to cause disruption to the food supply), and there are unlimited ways in which it can occur (for example, acts of disgruntled employees, consumers or competitors)."
 - i) Response: This is an example of the confusion based on no specific Codex definitions of terms. "Intentional adulteration" is used to refer to the traditional food fraud scope through the Codex discussion draft. Still, here it is, food defense (deliberate acts with the intent to harm). There is further confusion because "bioterrorism" often only refers to acts conducted by recognized terrorists' organization (per EU, US FBI, and other definitions of "terrorism.")
 - ii) **Recommended Action: "intentional adulteration" should be defined by the FF EWG and noted to be any intentional act, including food fraud and food defense.**
 - iii) **Recommended Action: The term "adulteration" should be defined to be considered with the current Codex definition of "contaminant." To reduce confusion, a key is to explain how adulteration/ adulterate/ adulterant are defined in laws and regulations such as the US Food Drug & Cosmetics Act, section on Adulterated Foods.**
 - c) Definitions and terms:
 - i) **Recommended Action: define these terms, including Food Fraud, Food Fraud Prevention, food integrity, authenticity, food authenticity, food defense, bioterrorism, adulteration/ adulterate/ adulterant, intentional adulteration, and others.**
 - (1) Reference: for a comprehensive glossary, see:
<https://www.foodfraudpreventionthinktank.com/glossary-of-terms/>

APPENDIX: Thoughts on a Summary Food Fraud Prevention Guidance Document

Title: Food Fraud Prevention Guidance Document: Definitions and Current Codex Activities

1. Summary
2. Topic1: Scope of Work and Terms of Reference
3. Topic2: Definitions⁴
 - a. Food Fraud, Food Fraud Prevention, food integrity, authenticity, food authenticity, food defense, bioterrorism, adulteration/ adulterate/ adulterant, intentional adulteration, etc.
4. Topic3: Relation to other Codex activity and documents
 - a. Other general subject Codex committees, for example, CCMAS (regarding analytical testing), CCFL (regarding labeling), and Codex Committee on Food Hygiene (CCFH) (regarding HACCP/GMPs).
 - b. Aspects covered in a variety of Codex documents (quotes from Codex:
 - i. **Codex Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions (CXC 20-1979)** (e.g., contains basic principles relating to preventing trade in unsafe, adulterated, out of date, or otherwise unsatisfactory food. Food fraud as it pertains to improper, inaccurate, false, or misleading labeling is addressed in relevant Codex standards.)
 - ii. **General Standard for the Labelling of Prepackaged Foods (CXS1-1985)**
 - iii. **General Standard for the Labelling of Food Additives when sold as such (CXS 107-1981)** (e.g., prohibit false, misleading, or deceptive labeling for foods and food ingredients. Therefore, labeling that is inaccurate would already be addressed by existing Codex standards.
 - iv. **Principles for Traceability / Product Tracing as a Tool Within a Food Inspection and Certification System (CXG 60-2006);**
 - v. **Guidelines for Design, Production, Issuance, and Use of Generic Official Certificates (CXG38- 001)** (e.g., to prevent fraudulent certificates and exchange of information between national governments could be relevant in instances of fraud detection.)
 - vi. **Codex Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions (CAC/RCP 20-1979 rev.)**
5. Conclusion
6. Future work: After the definitions are completed, consider additional work in:
 - a. National Food Control Systems
 - b. Information Sharing
 - c. “Roles and responsibilities of industry and government entities when addressing food fraud;”
 - d. “Guidance on how countries can modernize their national food control systems to address food fraud and intentional adulteration, e.g., an extension of HACCP and good manufacturing practices;”

END

⁴ Note: for a comprehensive glossary see: <https://www.foodfraudpreventionthinktank.com/glossary-of-terms/>