



Food Fraud Prevention THINK TANK

April 5, 2022

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

From: Dr. John Spink, Food Fraud Prevention Academy & 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. 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 SIXE 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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A summary of selected key comments includes (including comment number from below):

- 1. Comment: The title is much clearer – it is simple just to use the food fraud term and include the emphasis on prevention.
- 2. Comment The CODEX FF EWG emphasis on prevention is very proactive and consistent with the overall Codex focus on quality management and HACCP-type principles.
- 3. Comment: it is important that the Codex discussion has shifted from detection or testing of food fraud to a more proactive focus on prevention.
- 11. Comment: feed for food producing animals should be in the main body of the text and not relegated to a footnote
- 13. Comment: This section2/ Item 10 expands into details of implementing a new topic (food fraud and then prevention) that has not been defined yet and not yet defined by CODEX. This may be too much scope creep for the first publication on this topic.

Detailed Line-by-Line Review:

Key comments are highlighted in **yellow**, and the very most important are highlighted in **green**.

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Title: CCFICS – Codex Guidance on the Prevention and Control of Food Fraud – Outline

1. Comment: The title is much clearer – it is simple just to use the food fraud term and include the emphasis on prevention.

Section 1: Preamble/ Introduction

“4. Food fraud can be prevented or minimized using the controls and countermeasures available to countries’ national food control systems or by adopting new measures, if necessary.”

2. **Comment The emphasis on prevention is very proactive and consistent with the overall Codex focus on quality management and HACCP-type principles.**

“6. While several existing Codex texts address fraudulent activities and provide tools for members wishing to manage such activity, the development of definitions in relation to food fraud will be beneficial in reducing the variability, inconsistency and confusion that has arisen related to current food fraud initiatives.

3. **Comment: it is important that the Codex discussion has shifted from detection or testing of food fraud to a more proactive focus on prevention.**
4. Comment: Agreed. The most basic and valuable contribution is the harmonized definition.

“7. Work in the area of food fraud is widespread in multinational forums, including but not limited to: Food and Agriculture Organization of the United Nations (FAO); Global Food Safety Initiative (GFSI); Institute of Food Technologists-Global Food Traceability Center (GFTC/IFT); International Association for Food Protection—Food Fraud Professional Development Group (IAFP/PDG); International Life Sciences Institute (ILSI); The International Criminal Police Organization (INTERPOL); and the United Nations Interregional Crime and Justice Research Institute (UNICRI).”¹

5. **Comment: is it typical for Codex documents to list not-for-profit corporations or professional associations that are active on the topic? Why not include for-profit companies or businesses or Universities?**

1. ¹ Note: John Spink, the lead author on these comments, was on the first GFSI food fraud think tank, was on the advisory committee of GFTC/ IFT, is the current chair of the Food Fraud Professional Development Group for IAFP, was on the food fraud project team for ISLI, a regular presenter at the INTERPOL Operation Opson (food crime/ food fraud) annual meeting and also a co-author on a food fraud terminology research project and journal article with INFOSAN/ FAO/ UN.

6. Comment: is there funding or support for updating the lists? What is the process for updating the lists? What is considered "work" in these organizations?
7. Comment: what is the process to get added to the list?

"Question 1: The co-chairs note the organizations in paragraph 7 are identified in the project document. / Are there other organizations that should be included? Is there a more effective way to catalogue the other organizations, perhaps in an appendix or companion informational document that can be periodically reviewed/updated?"

8. Comment: listing support service companies or organizations seems to be outside the scope of inclusion in a Codex approved document.
9. Comment: if included, assure that the inclusion/ exclusion/ approval factors are clearly defined and also that the update process is defined, assigned, and funded.

Section 2: Purpose / Scope

"8. The purpose of the work is to provide guidance to competent authorities and FBOs on the detection and prevention of food fraud to protect the health of consumers and ensure fair practices in food trade. Aspects related to food fraud are addressed through many existing Codex texts (see Appendix); this guidance is intended to support or supplement existing Codex text by providing additional information specific to food fraud that can be considered within National Food Control Systems."

10. Comment: After establishing the definition and the list of types of food fraud, the next most important statement is the identification of the other "relevant Codex texts." The EWG has taken years to develop this list, so it will be helpful to share.

"Question 2: The co-chairs note that the project document refers food fraud and fair practices in food trade. CCFICS recently updated guidelines to address the issue that food shall include feed for food producing animals when related to food safety. This was handled as a footnote. / Should <feed for food producing animals> be included in these guidelines and if so, should this be included as a footnote?"

11. Comment: feed for food producing animals should be in the main body of the text and not relegated to a footnote
12. Comment: feed for food animals is a critical part of a food safety management system and also is critical to food fraud prevention.

"10. It develops: definitions for key food fraud terms consistent with the Codex dual mandate; roles and responsibilities of competent authorities and of FBOs, and; cooperation and exchange of information between competent authorities of importing and exporting countries in situations where food fraud has been identified (suspected?). This includes the identification of key elements of a national food control system related to tools, countermeasures, and controls that contribute to international harmonization and collaboration on the prevention and control of food fraud."

13. Comment: This section2/ Item 10 expands into details of implementing a new topic (food fraud/ prevention) that has not been defined yet and not yet defined by CODEX. This may be too much scope creep for a first document.

“Question 3: The co-chairs note that there is a potential need for different type of guidance that could address the concerns for testing not just for quality and safety but also identification, where appropriate. / Is there a need for CCFICS to include guidance related to identification test methods in this document? Or should CCFICS refer this to the relevant Codex Commodity Committees to address the appropriate identification test methods in their standards (i.e., CCMAS).”

14. Comment: For Section2/question3, no, do not expand into listing test methods. In general, keep this discussion draft simple since it has already been 7+ years in development (this started in 2015?).
15. Comment: First define food fraud and then deal with applications later. Also, test methods will constantly be changing and should be outside the scope of a background/ framing Codex document.

“Section 3: Definitions: For the purposes of this document, the following definition for food fraud applies: Food Fraud: Any deliberate action of businesses or individuals to deceive others in regards to the integrity of food to gain undue advantage.”

16. Comment: For section 3 on definitions, is the definition of food fraud an original definition created by this EWG for this 2022 EWG discussion draft? If yes, then why was a new definition needed? If no, then the source must be cited (or this is plagiarism).
17. Comment: It is good that the term “intentional adulteration” was changed from the previous EWG discussion draft to “food fraud.” Food fraud is the globally recognized and implemented term. There are many reasons why “intentional adulteration” is not the most effective term (see our previous public comments for much more detail).
18. Comment: Reference: for a comprehensive glossary, see: <https://www.foodfraudpreventionthinktank.com/glossary-of-terms/>
19. Comment: For section3 on the definition of food fraud, it would seem most efficient to base the food fraud definition on an already published international standard: **Product fraud (Reference ISO 22300)** “*wrongful or criminal deception that utilizes material goods for financial or personal gain; Note 1 to entry: Fraud means wrongful or criminal deception intended to result in financial or personal gain that creates social or economic harm.; Note 2 to entry: Products include electronic media carried on material goods.; Note 3 to entry: Fraud related to digitally transmitted electronic media shall be considered separately.*”
20. Comment: For section 3 and the definition of food fraud, Define businesses. Does the definition of business only include legitimate business? What about a criminal organization that is more than an individual but is not an actually incorporated business?
21. Comment: Does this exclude others such as criminals or state-sponsored fraud acts by specifying businesses or individuals?

22. Comment: Only use terms that are defined, including “integrity” versus “food integrity, and “undue.” To note, several of these terms would be confusing in translations. To avoid translation problems, ISO 22300 series uses simpler terms.

“Question 4: Previously, CCFICS identified types of food fraud which include but not limited to: [adulteration] [addition], substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation. These terms are defined below.”

23. Comment: It is important to identify the types of food fraud. It is also helpful to include examples of each type, especially for language translators.
24. Comment: To note, what is often referred to as the CEN definition of food fraud is not from a standard but from a meeting invitation.
25. Comment: The CEN meeting definition of food fraud is: “The definition of food fraud that is based on the CEN Workshop (agreed by the attendees but not reviewed by the entire CEN) attendees but not reviewed by the entire CEN) is: “Food fraud (CEN workshop): An activity “intentionally causing a mismatch between food product claims and actual food product characteristics, either by deliberately making claims known to be false or by deliberately omitting to make claims that should have been made.”
26. Comment: for reference: CEN, European Committee for Standardization. (2018). CEN WS/86 - Authenticity in the feed and food chain – General principles and basic requirements, funded under H2020-SFS-2015-1, URL: <https://www.cen.eu/work/areas/food/Pages/WS86.aspx>

“The co-chairs note the Committee’s reservations related to scope (i.e., criminal activities), recognizing that all food fraud have criminal activity elements which is impacting the global food supply and food safety concerns. Criminal activity is not limited to tampering/counterfeiting.”

27. Comment: define the reservations. This comment is confusing and could be interpreted in many ways.
28. Comment: since prevention is the goal, then all related criminal fraud activities should be included. If all fraud crimes are not included, a fraudster will just shift from an illegal act to an act that is not explicitly defined as unacceptable. The key is to include all types of related food fraud-related crimes but not all food crimes – e.g., not to expand to food defense acts that are NOT for economic gains, such as an act of terrorism.

“a) The co-chairs are seeking the views of the EWG related to inclusion of these terms as well as other relevant terms that may not be included. As an example, these terms have been provided from the EU co-chair: / Concealment: Hiding the low quality of food ingredients or product. / Unapproved enhancement: Adding unknown and undeclared materials to food products to enhance the quality attributes.”

29. Comment: It is helpful to define the related terms to confirm what does and does NOT apply. So, in addition to “adulterant/ adulterant-substance,” add the CODEX definition from other publications for “contaminant” for clarity on all related terms.

“b) The co-chairs are seeking the views of the EWG whether the terms simulation, misrepresentation and mislabeling should be combined or remain separate.”

30. Comment: Separate. A key is to define each term that is used in the document. The discussion paper can list them and explain why these commonly used terms are combined into a category or why the term does NOT apply in this Codex application.

“ Economically Motivated Adulteration (EMA): The intentional substitution or addition of a substance in a product for the purpose of increasing the apparent value of the product or reducing the cost of its production, for economic gain. Economically motivated adulteration is a subset of food fraud. EMA includes replacing a valuable ingredient with a less valuable ingredient, dilution, or enhancing flavor or color with undeclared substances.”

31. Comment: this is the general, global, common definition of EMA.
32. Comment: what is the source/ reference for this definition of EMA? The exact quote was not found in an internet search. The phrases are very familiar and frequently used, such as “Economically motivated adulteration is a subset of food fraud.”
33. Note: This is not the US FDA definition of EMA. <https://www.fda.gov/food/compliance-enforcement-food/economically-motivated-adulteration-food-fraud>
34. Comment: Clarify the FDA's working definition of EMA for a specific public meeting (May 2009). That working definition narrowed the meeting scope to just adulterant substances and situations where there was a public health threat (not just a potential threat, which is a hazard). The broader US FDA did not clarify or modify the definition further; it became the overall “working definition.”
35. Comment: In the USA, the term “intentional adulteration” has a scope defined in food regulations in the Food Safety Modernization Act (FSMA) and refined in the FSMA Intentional Adulteration Final Rule. The term applies not to food fraud but to food defense, specifically: “The FDA Food Safety Modernization Act (FSMA) final rule aims to prevent intentional adulteration from acts intended to cause wide-scale harm to public health, including acts of terrorism targeting the food supply.” (Reference: Federal Register Notice announcing the rule, Docket Folder FDA-2013-N-1425).

“Food Integrity: The status of a food product where it is not altered or modified with respect to expected characteristics, including safety, quality, and nutrition.”

36. Comment: source/ reference?
37. Comment: It is good that this term is not the title of the EWG. It is important to include the definition of this term. The note of “nutrition” may [emphasis on ‘may’]vastly expand the scope from traditional food fraud to a judgment of health.

“Food authenticity: [The quality of a food offered for sale is of the nature, substance, and quality expected by the consumer.] or [State where there is a match between the food product characteristics and the corresponding food product claims].”

38. Comment: source/ citation?

39. Comment: It is recommended that more terms are defined, including Food Fraud Prevention, integrity vs. food integrity, authenticity vs. food authenticity, food defense, food crime, bioterrorism, biosecurity, food security, adulteration/ adulterate/ adulterant, and intentional adulteration.
40. Comment: This is a great question that has been started to be addressed by INFOSAN (WHO/FAO) and INTERPOL-Europol Operation Opson. for more on the definitions, see:
- Spink, John; Embarek Peter Ben; Joseph Savelli, Carmen; & Bradshaw, Adam (2019). Global perspectives on food fraud: results from a WHO survey of members of the International Food Safety Authorities Network (INFOSAN), Science of Food Journal (NPJ, Nature), 00(00), Pages 00-00 (SJR pending; ISI pending; rank & position in food science) [Accepted 12/05/2018]; Co-author Affiliation: Embarek, Savelli, & Bradshaw – World Health Organization/ INFOSAN. URL: <https://www.nature.com/articles/s41538-019-0044-x>
 - Spink, John & Roy Fenoff (FUTURE, November 9, 2019). Survey of INTERPOL-Europol Operation Opson Member States Regarding the Term, Scope, and Recommended Leadership by INTERPOL-Europol, INTERPOL-EUROPOL Debriefing OPSON VIII - Launch OPSON IX, Athens, Greece, 6-8 November 2019
 - Cadieux, B, Goodridge, LD, & Spink, J (2019). Gap analysis of the Canadian food fraud regulatory oversight and recommendations for improvement, Food Control Journal, 00(00), pages 00-00 Food Control (SJR 1.502, ISI #; Percentile 95% & 13/255 in food science) [Submitted October 25, 2018, Accepted January 25, 2019]; Co-author Affiliation: Cadieux & Goodridge – McGill University (Canada), URL: <https://www.sciencedirect.com/science/article/pii/S0956713519301112>
 - Spink, John, Hegarty, P. Vincent, Fortin, N.D., Elliott, Christopher T., & Moyer, D.C. (2019). The Application of Public Policy Theory to the Emerging Food Fraud Risk: Next Steps, Trends in Food Science & Technology (TIFS), 85 (March 2019), 116-128. (SJR 2.334, ISI #; 99% & 3/255 in food science), Co-author Affiliation: Hegarty & Fortin – MSU Agriculture & Law, Elliott – Queen’s University Belfast (NI, UK), Moyer – MSU Department of Public Health, URL: <https://www.sciencedirect.com/science/article/abs/pii/S0924224417306192>
41. Comment: more terms to define: The following were the common terms important to be part of a definition for food fraud:
- deliberate, intent
 - deception
 - misrepresentation
 - financial gain, economic advantage
 - food, ingredients, and packaging
42. Comment: ISO published definitions should be used where available. E.g., **Authentic material good** (Reference: ISO 12931) “material good produced under the control of the legitimate manufacturer, originator of the good or holder of intellectual property rights.”
43. Comment: Clarify that the scope is only “food offered for sale” since this would exclude work-in-process/ partially completed or bulk products.

“Definitions for types of food fraud: [Adulteration] [Addition]: Adding a substance to a food that would not ordinarily be present in the food.”

44. Comment: It has been more efficient to use “adulterant-substance” than “adulteration/ adulterant. For example, under US FDA, an “adulterated food” does not require an “adulterant.” E.g., an approved food that spoils becomes classified as “adulterated.”

“Substitution: Replacing a valuable constituent with a less valuable constituent, in whole or in part.”

45. Comment: define “constituent.” These expanded definitions are especially important for language translation.

“Tampering: Intentional modification of a food product in a way that would make it harmful. “

46. Comment: A longer and more detailed example would be helpful. Also, it is critical to include examples.
47. Comment: Define harmful in this definition (e.g., does this only apply if there is an active threat or only a vulnerability?).

“Simulation: [Illegitimate product is designed to look like but not exactly copy the legitimate product].”

48. Comment: as with the others, expand the definition and provide examples.
49. Comment: clarify how this compares to the intellectual property rights issue of “trade dress.”
50. Comment: the term “illegitimate” should have more clarity and provide examples of the violation.

“Counterfeiting: To make an exact imitation of a food with the intention to deceive or defraud.”

51. Comment: clarify if this is an intellectual property rights violation. Also, if only one component is counterfeit (such as a label or identification bar code), then does it fall into this category

“Misrepresentation: to identify a food as a more valuable food.”

52. Comment: define “perceived value.”
53. Comment: source/ citation?
54. Comment: clarify the relationship between mislabelling and misbranding (define both those terms).

“Section 4: Principles”

55. Section ok, no comments

“Section 5: Roles and Responsibilities”

56. Comment: For section 5, defining roles and responsibilities may be too much detail for a topic that has not yet been defined.
57. Comment: The statements are very vague. Are there other Codex texts that have this type of recommendation or direction?

“13. The competent authorities have the role and responsibility to:”

58. Comment: Include the definition of “national government” and “competent authority”?
59. Comment: It is excellent that prevention is a key theme throughout this document.
60. Comment: This has a period and a semi-colon.
61. Comment: A Codex document does not seem appropriate to state “must immediately.
62. Comment: define “must immediately.”
63. Comment: Is this a current practice in countries? Is there a threshold to act or not act? To “immediately” respond to all food fraud incidents?
64. Comment: How can “as needed” and “must immediately” correlate?

“14. Food business operators have the role and responsibility to: a. Understand what products/ingredients may be susceptible to food fraud, b. Have measures in place to ensure the food products and ingredients [they use and supply] are authentic and of the nature, quality and substance are accurately represented. / c. Ensure that food is presented for sale in a manner that does not mislead consumers.”

65. Comment: define “understand.” Is a prevention plan required or is more of a management system expected? Does this include a vulnerability assessment, or is just a review ok?
66. Comment: define “to ensure.”
67. Comment: For section 5/ item 14, this is the first mention of “ingredients.” Are they only important here, or was this an unintentional omission throughout?
68. Comment: Here, “authentic” is a term that has not been defined or used before.
69. Comment: define “of the nature.”
70. Comment: only “for sale”? Then products that are in a warehouse but not labeled for sale would not be a violation?
71. Comment: define “mislead consumers.” Marketing claims such as “heart-healthy” or “new” may be judged to be misleading but not a violation of a labeling or product specification law. As written, marketing and advertising claims fall within this interpretation.
72. Comment: clarify the reference to the material good and not marketing or advertising claims. See: **Goods (Reference ISO 22300) items or materials that, upon the placement of a purchase order, are manufactured, handled, processed or transported within the [supply chain \(3.251\)](#) for usage or consumption by the purchaser.**
73. **Material good (Reference ISO 22300) manufactured, grown product or one secured from nature**

“Section 6: Relevant Activities for National Food Control Systems”

74. Comment: Excellent, clear, and basic ideas.

“21. Competent authorities should establish communication channels with other governments, FBOs, academia, and other stakeholders to obtain information about situations involving food fraud and to share relevant knowledge, experience and tools for combatting food fraud, such as food standards and analytical methods. ...

If there is a potential for a food fraud incident to have an impact on food safety the competent authority must immediately alert the relevant competent authority within their government if it is not the same organization.

“

75. Comment: Is it appropriate to use “must immediately”? If so, then define “immediately.”

“Section 7: Cooperation and exchange of information between importing and exporting countries/
Question 6 / The co-chairs are seeking the views of the EWG related to the inclusion of this section related to the cooperation an exchange of information between importing and exporting countries. It is noted there are existing guidance related to Principles and guidelines for the exchange of information between importing and exporting countries to support the trade in food (CXG 89-2016).”

76. Comment: It has been seven years for the EWG on food fraud to even get to this point. It is not recommended to add application content since that may further delay the publication of even just a definition.

“4. Data protection issues [including brand identity, personal data or both?]”

77. Comment: outside the scope and an extremely complex concept.

“Appendix: ... • Principles and guidelines for the exchange of information between importing and exporting countries to support the trade in food (CXG 89-2016).”

78. Comment: for reference, here are the food fraud definitions published in previous EWG drafts:

From Our Second Draft, Public Comments to the CODEX EWG (February 2018)

3.3 Food Fraud

3.3.1 Food Fraud - Original Proposal:

Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.2 Food Fraud - Food Drink Europe Alternative:

Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration including substitution,

dilution, concealment, unapproved enhancement, substitution, dilution and, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.3 Food Fraud - IDF Alternative:

Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration (deliberate addition of an adulterant to a food item for financial gain through increasing the apparent quality or value of the product or reducing the cost of its production), including substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.4 Food Fraud - FIVS Alternative:

“Any deliberate action by businesses or individuals designed to deceive others businesses and/or individuals consumers in terms of misrepresenting of the integrity or authenticity of food, food ingredients or food packaging that brings about a financial gain.

The main types of Fraud engaged in for financial gain, may include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and or false or misleading statements made about a product.

3.3.5 Food Fraud - Australia Alternative:

Any deliberate action taken by businesses or individuals that to deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.6 Food Fraud - Netherlands Alternative:

Any [deliberate] action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain to benefit for himself, his company, his ideology, etc..

This – not limitative – includes misrepresenting food, food ingredients, food packaging, food production, misleading with or insufficient traceability, and illegal activities in the production, transportation and selling of food/food ingredients. This is the same for feed.

The main types of fraud– not limitative – include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation, of food, food ingredients or food packaging, product overrun, diversion and false or misleading statements made about a product.

3.3.7 Food Fraud - Canada Alternative:

Food fraud occurs when the integrity or authenticity of a food is not maintained. Food fraud is the act of purposely altering, misrepresenting, mislabeling, substituting, diluting or tampering with any food product at any point along the food supply chain. Unknowingly distributing such products would also constitute food fraud.

3.3.8 Food Fraud - USP Alternative:

Any deliberate and intentional action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, addition, dilution, tampering, simulation, counterfeiting, and or misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and or false or misleading statements made about a product for economic gain.

3.3.9 Food Fraud - ICGMA Alternative:

Any deliberate action taken by businesses or individuals that is intended to deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types Some common examples of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging. Situations that can lead to an act of food fraud occurring include product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.10 Food Fraud - FAO Alternative:

Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.11 Food Fraud - Other Possible Alternatives:

3.3.11.1 Food Fraud - Combined Alternative (Original + FDE + IDF+ Australia+ FIVS+ Netherlands+ Canada+ USP + ICGMA + FAO):

Any deliberate and intentional action taken by businesses or individuals designed or intended to deceive others of the integrity or authenticity of food, food ingredients or food packaging to benefit for himself, his company, his ideology, etc.

Fraud engaged in for financial gain, may include – not limitative –: purposely altering, adulteration (deliberate addition of an adulterant to a food item for financial gain through increasing the apparent quality or value of the product or reducing the cost of its production)

including substitution, dilution, concealment, unapproved enhancement, and, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, food production, misleading with or insufficient traceability, and illegal activities at any point along the food supply chain including production, transportation and selling of food/food ingredients, and false or misleading statements made about a product or unknowingly distributing such products would also constitute food fraud.

3.3.11.2 Food Fraud (Elliott Review, in glossary):

“... is defined by the Food Standards Agency as: deliberately placing food on the market, for financial gain, with the intention of deceiving the consumer. Although there are many kinds of food fraud, the two main types are: Sale of food which is unfit and potentially harmful, such as: - recycling of animal by-products back into the food chain, -packing and selling of beef and poultry with an unknown origin, -knowingly selling goods which are past their 'use by' date. Deliberate misdescription of food such as: -products substituted with a cheaper alternative, for example farmed salmon sold as wild, and Basmati rice adulterated with cheaper varieties. -making false statements about the source of ingredients, i.e. their geographic, plant or animal origin. Food fraud may also involve the sale of meat from animals that have been stolen and/or illegally slaughtered, as well as wild game animals like deer that may have been poached.”

3.3.11.3 Food Fraud (Elliott Review, in text):

“...encompasses deliberate and intentional substitution, addition, tampering, or misrepresentation of food, food ingredients, or food packaging; or false or misleading statements made about a product for economic gain. The types of fraud include adulteration, tampering, product overrun, theft, diversion, simulation, and counterfeiting.”

3.3.11.4 Food Fraud (GFSI Position Paper 2014) (GFSI):

“...is deception of consumers using food products, ingredients and packaging for economic gain and includes substitution, unapproved enhancements, misbranding, counterfeiting, stolen goods or others.” (Note: The GFSI Position Paper on Food Fraud is a detailed and expanded explanation of the intent of the GFSI Board of Directors for the GFSI Food Safety Management System.)

3.3.11.5 Food fraud (Spink & Moyer, 2011):

is an intentional act for economic gain, whereas a food safety incident is an unintentional act with unintentional harm, and a food defense incident is an intentional act with intentional harm.

3.3.11.6 Food fraud (Spink & Moyer, 2011):

is a collective term used to encompass the deliberate and intentional substitution, addition, tampering, or misrepresentation of food, food ingredients, or food packaging; or false or misleading statements made about a product, for economic gain. Food fraud is a broader term than either the economically motivated adulteration (EMA) defined by the Food and Drug Administration (FDA) or the more specific general concept of food counterfeiting. Food fraud

may not include “adulteration” or “misbranding,” as defined in the Food, Drug, and Cosmetic Act (FD&C Act), when it involves acts such as tax-avoidance and smuggling. (Spink and Moyer 2011, p. 1).

3.3.11.7 Food Fraud - Other Possible Alternative-01:

Any actions taken by a perpetrator that deceive others businesses and/or individuals in terms of misrepresenting food, food ingredients, or food packaging that brings about financial gain.

3.3.11.8 Food Fraud - Other Possible Alternative-02:

Illegal deception for economic gain using food.

From Our First Draft, Public Comments to the CODEX EWG (November 2017)

3.3 Food Fraud

Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

/END/