



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

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DISCUSSION PAPER ON ROLE OF CCFICS WITH RESPECT TO TACKLING FOOD FRAUD IN THE CONTEXT OF FOOD SAFETY AND FAIR TRADE PRACTICES IN FOOD

(Report prepared by the Electronic Working Group¹ chaired by the United States of America and co-chaired by the European Union, Islamic Republic of Iran, and China)

Background

1. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption, which encompasses both minimizing food fraud and preventing intentional adulteration of food².
2. Food fraud is complex, global, and a critically important issue. Types of food fraud include intentional acts to compromise food integrity such as: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation. Intentional adulteration of food can be 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). Countries also have a strong interest in controlling the dumping of substandard foods into their markets.
3. The Code of Ethics for International Trade in Food (CAC/RCP 20-1979 rev.) provides important protections for importing countries, including basic principles relating to preventing trade in unsafe, adulterated, out of date, or otherwise unsatisfactory food. There are also a number of existing Codex texts that contain provisions aimed at preventing potentially fraudulent activity in food trade. There are additional aspects related to fraud that are not covered, such as how food control systems can specifically address intentional adulteration. The Codex Committee on Food Import and Export Inspection and Certification Systems' (CCFICS) mandate and expertise on food control systems are appropriate to develop guidance providing tools for national authorities to tackle food fraud.
4. During the 22nd Session of CCFICS held in Melbourne, Australia, 6–12 February 2016, the Delegation of the Islamic Republic of Iran introduced a *Discussion Paper on Food Integrity/Food Authenticity as Emerging Issues*. The delegation described the difficulty for consumers to assess the authenticity of food and need for new methodologies and possibly Codex guidelines to help authorities to address the increase in food fraud. CCFICS22 invited the Islamic Republic of Iran to develop a discussion paper on the potential for new work on this topic, with assistance from the Netherlands and Canada, including a review of existing CCFICS text for possible gaps to provide a basis for discussion on possible new work at CCFICS23, in 2017.
5. During the 23rd Session of CCFICS held in Mexico City, Mexico, 1-5 May 2017, the Chair noted that the *Discussion Paper on Food Integrity and Food Authenticity* called for an integrated approach in addressing the question of food integrity/authenticity, and that its recommendations pointed to the need to undertake a gap analysis of CCFICS texts in order to determine next steps in this area. Many delegations expressed support for the need to pursue further preliminary work, and the Committee agreed to establish an electronic working group (EWG), chaired by the Islamic Republic of Iran and co-chaired by Canada and the European Union. The following terms of reference were identified: a) clarify the definitions of food

¹ Argentina, Armenia, Australia, Brazil, Burundi, Canada, Chile, China, Costa Rica, Croatia, Egypt, Federated States of Micronesia, Finland, France, Germany, Guatemala, Hungary, India, Indonesia, Ireland, Japan, Korea, Lao, Macedonia, Malaysia, Morocco, Mexico, Netherlands, New Zealand, Peru, Poland, Portugal, Romania, Singapore, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, United Kingdom, Uruguay, FAO, WHO, IAEA, EFLA, FIA, Food Drink Europe, GAFTA, GFSI, GOED, ICBA, IDF, IFAAO, IFPRI, IFU, IICA, IOSTA, SSAFE, U.S. Pharmacopia

² Bioterrorism, while it is a type of intentional adulteration, is specifically excluded from the scope of this discussion paper.

integrity, food authenticity, food fraud and economically motivated adulteration (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.

6. During the 24th Session of CCFICS held in Brisbane, Australia, 22-26 October 2018, the Committee considered the discussion paper³ prepared by the EWG chaired by the Islamic Republic of Iran and co-chaired by Canada and the European Union which contained definitions of food integrity, food authenticity, food fraud and Economically Motivated Adulteration (EMA); provided an analysis of how different CCFICS texts took into account the issues around food integrity and authenticity; noted a number of areas where further work may be justified; and presented recommendations for the Committee's consideration based on inputs from the EWG.
7. Recognizing that CCFICS may have a role to play in this area, the Committee noted that horizontal guidance should be carefully considered since several existing Codex texts already addressed relevant issues. Any future CCFICS work in this area should be refined to avoid duplication with existing texts and well defined within the CCFICS mandate, taking into account the discussion held in 2008 on the prevention of intentional contamination of food. While considering other Codex text, CCFICS could elaborate a range of guidance, including: what types of risks competent authorities should consider when designing control programs; exchange of information and cooperation between different authorities at the national and international levels; communication with stakeholders and the general public on food fraud incidents; and measures targeting food fraud.

Terms of Reference for the EWG

8. The Committee agreed to establish an EWG, chaired by the United States of America and co-chaired by the EU, the Islamic Republic of Iran, and China to: (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. Should the EWG identify gaps in existing CCFICS texts, it may: propose new work, within the scope and mandate of CCFICS, for consideration at CCFICS25; consider what definitions need to be developed; and propose definitions that may be needed in any future project document, consistent with existing Codex texts, scope and mandate for use in prospective project documents as appropriate.

Information Collected and Analysis of Comments Submitted

9. The CCFICS EWG on Food Fraud developed and reviewed an inventory of relevant Codex texts for food fraud, including the analysis of CCFICS text presented in CX/FICS 18/24/7, by searching the primary Codex standards, guidelines, codes of practice, and a number of commodity committee texts, for specific key words. The EWG evaluated whether the entries in the inventory are relevant to the work of this EWG.
10. In addition, the EWG considered specific questions, listed below, to assist with the development of this discussion paper to address food fraud as a key concern.⁴–

Questions for the EWG:

- i. Taking into account related work in other international forums, and the legitimacy to look at food fraud from an international perspective, what do you consider as the role of Codex principles and guidance in the area of food fraud?
- ii. While the economic impact of food fraud may be more easily explained, can you identify specific linkages between food fraud and food safety? What type of risks should be considered when designing and implementing controls on food fraud? Should vulnerability assessments be embedded in food safety systems?
- iii. What additional preventive measures and controls could be considered beyond the reliability of food safety control systems or existing official certification systems? Do you have examples of effective

³ [CX/FICS 18/24/7](#) Discussion Paper on Food Integrity and Food Authenticity

⁴ The Electronic Work Group (EWG) generated comments from 15 countries, including Armenia, Australia, Canada, China, Ecuador, European Union, Finland, Indonesia, Japan, Mexico, New Zealand, Peru, Romania, United Kingdom, and the United States of America; Food and Agricultural Organisation of the United Nations (FAO); Food Drink Europe, Global Food Safety Initiative, International Council of Beverage Associations, International Fruit and Vegetable Juice Association, International Food Authenticity Assurance Organization, Food Industry Asia).

- administrative procedures, either national or international practices, to mitigate food fraud (i.e., alternative mechanisms to official certification)?
- iv. How do we strike a balance between jurisdictional boundaries (i.e., cooperation between different authorities such as food safety controls and law enforcement and how we can enhance cooperation between different authorities?
 - v. What challenges are you experiencing in gathering intelligence or detecting food fraud activities? What information is being shared and through which forums?
 - vi. As the importing party, what kind of information (evidence/proof), other than official certification would you need to trust the exporting party's is strong enough to prevent food fraud?
 - vii. Should CCFICS develop a Codex guideline specifically on food fraud and/or intentional adulteration prevention and why? Should CCFICS develop Codex definitions for terms such as food integrity, food authenticity and/or food fraud?
11. The comprehensive review of existing Codex texts illustrates that food fraud is already covered in a variety of Codex documents. The *Codex Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions* (CXC 20-1979) 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 labelling is addressed in relevant Codex standards. For example, the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) and the *General Standard for the Labelling of Food Additives when sold as such* (CXS 107-1981) prohibit false, misleading or deceptive labelling for foods and food ingredients. Therefore, labelling that is inaccurate would already be addressed by existing Codex standards. Further, several existing CCFICS texts provide tools for members wishing to manage potentially fraudulent activity. Examples include the traceability concepts found in the *Principles for Traceability / Product Tracing as a Tool Within a Food Inspection and Certification System* (CXG 60-2006); utilization of the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001) to prevent fraudulent certificates; and exchange of information between national governments could be relevant in instances of fraud detection.⁵
12. Countries expressed widespread support for developing a Codex guideline specifically on food fraud. Numerous countries cited examples of linkages between food safety and food fraud. Several countries noted the economic drivers of food fraud. It was further recognized that while food fraud is motivated by economic gain, it may result in public health threats. Work to consolidate existing guidance that exists in various documents was proposed, as well as working with other Codex committees.
13. Codex work to address food fraud is considered a timely endeavour as many global initiatives are underway to help combat food fraud. As examples, APEC, the World Bank and OECD have documents that talk about good regulatory practices, regulatory governance systems, and institutional arrangements to promote regulatory capability (which is part of the broader task of "building domestic capacities for quality regulation"). These documents can be resources on how to improve international coordination and strike the appropriate balance between jurisdictional boundaries. If CCFICS decides to proceed with work in this area, it is important that CCFICS consider how its work can fit within existing efforts to combat food fraud, while operating within the specific remit of CCFICS.

National Food Control Systems

14. Those supporting the proposed new work included countries from many regions and many types of economies. Items for new CCFICS work could include guidance on vulnerabilities that competent authorities should consider when designing national food control systems to prevent food fraud and/or intentional adulteration and administrative measures specifically targeting those activities. Further topics for Codex principles or guidance include recall or withdrawal notifications by industry to regulators; traceability requirements; identification of high-risk commodities; supply chain verification; predictive tool for food fraud; and greater transparency across the food chain. Countries also identified specific management tools, such as appropriate detection methods, inspections, audits, that are part of a national food control system.
15. Concerning prevention of fraud in international food trade, countries identified most often the need for strong national food control systems in order to establish reliable systems for traceability, recall, prevention and control. This could be documented through equivalence of inspection systems. Countries also identified the need to ensure the authenticity of certificates, and the use of new technology, such as

⁵ The scope of the *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CXG 19-1995) is currently limited to the exchange of information on food safety emergencies, while the *Guidelines for the Exchange of Information between Countries on Rejections of Imported Food* (CXG 25-1997) covers exchange of information on both food safety and fraud related rejections of imported food.

barcoding, Quick Response (QR) codes, blockchain or radio-frequency identification (RFID). Government-to-government assurances, including certification, were mentioned. Several private mechanisms were also identified, including third party assurance systems; private certifications; supplier verification activities; private or third-country audits and inspections.

16. In designing and implementing food fraud controls (or management systems), many countries emphasized the importance of traceability of foods. Seven countries and three NGOs supported generally the inclusion of vulnerability assessments and several countries provided comprehensive advice on the approach or methodology for the vulnerability assessments. It was suggested that to address the root causes of food fraud, a shift from risk mitigation to vulnerability prevention is required (i.e., assess and eliminate the likelihood of the fraud to occur). Countries also recognized that the vulnerability assessment is not a stand-alone solution but should be understood in the context of additional measures available to address food fraud across industries, supply chains and countries. Some countries provided a comprehensive list of risks; while others suggested prioritization of risks so that those with the greatest public health impact are the focus.

Information Sharing

17. Countries responses identified information sharing and cooperation between competent authorities at the national level and internationally as the key areas where Codex principles and guidance would be useful in managing food fraud.
18. Country responses focused on the need for collaboration and established communication channels between both national authorities (law enforcement and regulatory). Countries recommended the need to identify the competencies of the various authorities, and agree on areas of collaboration and coordination, for example, the ability to undertake criminal investigations and the skills to carry out full risk assessments. Countries recommended as one option a mechanism for data collection between relevant authorities where incidents can be notified and investigated. Information exchanges between foreign counterpart agencies may require agreements to protect sensitive information.
19. Information sharing was cited most frequently by the countries as a primary mechanism to support activities to identify and mitigate food fraud, but it was raised in a variety of contexts, including sharing information between different regulatory bodies; between different countries and international organizations; between different parts of the supply chain; and between industry and the government. The role of consumers/retail complaints in recognizing food fraud was also noted and guidance to industry on avoiding food fraud was recommended. Several suggestions on the authenticity of certificates and labels were presented by the countries, for example, the reliability of labelling and traceability codes; digital labelling; official seals and tamper resistant packaging; and linkages between official and commercial documentation. Traceability was identified by several countries, as were management tools for governments to audit vulnerability assessments, and defined enforcement actions.
20. The countries identified many challenges including, for example, access to information during a criminal investigation is limited; training in investigational techniques is needed; complex supply chains make it hard to prove who caused the adulteration or fraud; and according to one observer organization, a global and verifiable source of information on food fraud is lacking. Another challenge identified was the absence of analytical/technical protocols when testing food including sampling strategies, detection and quantification of some ingredients, data sharing and data access, and the lack of trusted open-access databases that characterize natural variation in genuine products.
21. Countries also identified the need for food fraud to be identified as a crime in food safety legislation, especially as it has the potential to impact public health. The role of the media, industry associations and consumers were noted. One country recommends “no penalty reporting” so countries that report non-compliances are not penalized.
22. Several mechanisms for information sharing were identified by the commenters. The European Union (EU) and member states identified the Administrative Assistance and Cooperation (AAC) system. Countries from the Latin American and Caribbean LAC region mentioned the Health Alert Systems. There are several private systems identified in the comments as well.

Definitions

23. Countries generally were of the view that relevant definitions for terms such as food integrity, food authenticity, intentional adulteration, and food fraud may be helpful to build international harmonization and to guide the actions to be taken by national authorities. It was noted that care should be taken around the term food authenticity because if this incorporates geographic indicators, this is an intellectual property issue more in the realm of WTO.

Conclusions and Recommendations

24. In the second round of comments from the EWG, thirteen countries provided information on their national programs to address food fraud and/or intentional adulteration, and suggestions for a path forward at CCFICS25 for defining the scope of the CFFICS guidance on food fraud. Countries expressed greatest support for harmonized international definitions and enhanced guidance on information sharing. Many countries also supported guidance on the use of national food control system elements as tools to combat food fraud and intentional adulteration; with specific support for additional guidance on traceability/product tracing systems and vulnerability assessments.
25. Some countries identified issues that should be considered out of scope for the new work on food fraud. Those included misrepresentation of labelling (under the jurisdiction of Codex Committee on Food Labeling (CCFL)); the identification of 'high risk' food products and analytical testing methods and product specifications used to confirm the authenticity of a product (under the jurisdiction of Codex Committee on Methods of Analysis and Sampling (CCMAS)); detailed guidance on jurisdictional boundaries since the interaction with criminal law will vary in different jurisdictions; acts of bioterrorism that are intended to cause wide scale harm to public health; and issues of intellectual property, such as geographic indicators, which do not represent a risk to public health and may expand the scope of work beyond CCFICS jurisdiction.
26. In undertaking new work, it is particularly important that CCFICS give consideration to the jurisdiction of other Codex Committees and should coordinate closely with other general subject Codex committees, for example, CCMAS (analytical testing); CCFL (labeling); and Codex Committee on Food Hygiene (CCFH) (HACCP/GMPs).
27. The Committee is invited to support undertaking new work on food fraud in the following areas:
 - a) Develop guidance on food fraud, which provides a summary of existing guidance in current Codex texts with the view to improving risk management activities related to the prevention of food fraud. The guidance would cover the elements identified in section 3 of the draft project document (See Appendix 1)
 - b) Review and update, as appropriate, existing CCFICS texts to identify specific characteristics of National Food Control Systems related to information exchange, vulnerability assessments, and traceability/trace-back necessary to effectively prevent and manage food fraud.

APPENDIX I**DRAFT PROJECT DOCUMENT FOR THE DEVELOPMENT OF GUIDANCE ON FOOD FRAUD****1. Purpose and scope of the proposed standards**

The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud and intentional adulteration to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms and to guide the actions taken by national authorities to prevent and detect acts of fraud and to reduce vulnerability of food production industries to food fraud. This includes the identification of key elements of a national food control system related to technology and tools, countermeasures and controls to help build international harmonization on the prevention and control of food fraud.

2. Relevance and timeliness

Increasing complexity of food production systems and increasing global trade in food makes food chains more vulnerable to food fraud. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption. Countries also have a strong interest in controlling the dumping of substandard foods into their markets. Incidents of food fraud and intentional adulteration of food can cause disruption in trade, as well as public health risk(s), since the adulterants may be unsafe, unconventional, unexpected and/or uncontrolled when added to food. While many food fraud incidents are a low public health risk, government oversight and controls or good manufacturing practices are important to avoid an environment of vulnerability for the food system. Food fraud and the intentional adulteration of food can be prevented or minimized using the controls and countermeasures available to countries' national food control systems or by adopting new measures, if necessary. The industry is responsible for knowing their supply chains and having control measures in place to tackle food fraud, while the government has a regulatory oversight and a role in increasing awareness of food fraud, building partnerships and collaborating with industry, academia, and other government departments to prevent and manage food fraud and/or intentional adulteration.

Codex work to address food fraud is considered a timely endeavor as many global initiatives are underway to help combat food fraud. While several existing Codex texts provide tools for members wishing to manage potentially fraudulent activity, there is widespread support and need for developing a Codex guideline specifically on food fraud. Noting the economic drives of food fraud, it will also address the linkages between food safety and food fraud.

3. The main aspects to be covered

The work will include the development of guidance on food fraud, which provides a summary of existing guidance in current Codex texts with a view of improving risk management activities related to the prevention of food fraud that may cause harm to the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms, such as food fraud, integrity, authenticity, and intentional adulteration; (2) Roles and responsibilities of industry and government entities when addressing food fraud; (3) Guidance on how countries can modernize their national food control systems to address food fraud, e.g. extension of HACCP and good manufacturing practices; and (4) Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud and to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration. Existing CCFICS texts will be reviewed and updated, as appropriate, to identify specific characteristics of National Food Control Systems, information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud.

4. An assessment against the Criteria for the Establishment of Work Priorities

The proposal is consistent with the criteria as follows:

General Criterion: Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

The proposed new work will facilitate the trade of safe food while helping to prevent public health hazards to food, thus meeting the general criterion of consumer protection. The guidance will be developed to provide flexibility in its application by countries with differing levels of development of national food control systems.

Criteria Applicable to General Subjects:

a) *Diversification of national legislations and apparent resultant or potential impediments to international trade:*

Countries are increasingly developing guidance in the area of food fraud. Development of Codex guidance in this area should assist in obtaining international harmonization of nationally developed guidance in this area.

b) *Scope of work and establishment of priorities between the various sections of work:*

Refer to Scope above.

c) *Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies):*

Work in the area of food fraud is wide spread in multinational forums, seeking to address the increasing vulnerability to the deceptive practices in global food industries. There is a surge of innovation, technology advances, and market changes as consumer choices and preferences evolve. Many organizations and governments are embracing the need for definitions, guidance, development of food fraud prevention programs, tools, and training activities, including: 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).

d) *Amenability of the subject of the proposal to standardisation:*

The Committee believes that the guidelines can be developed to address the issues identified.

e) *Consideration of the global magnitude of the problem or issue:*

The Committee has assessed that there is currently a significant burden imposed on importing and exporting countries due to a lack of definitions and practical international guidance in this area.

5. Relevance to Codex strategic objectives

The proposed work is directly related to the purpose of the Codex Alimentarius Commission, according to its statutes, to protect the health of the consumers and ensure fair practices in the food trade. Further, the work relates to the first Strategic Goal of the Codex Alimentarius Commission's Strategic Plan 2020-2025 to "address current, emerging and critical issues in a timely manner", and is consistent with Objective 1.2 "identify needs and emerging issues". This guidance is relevant to the needs of the members and will improve the ability of 'codex to develop standards proactively identify emerging issues and member country needs and, where appropriate, develop relevant food standards". It is also consistent with Objective 4.2 "Increase sustainable and active participation of all Codex Members" through participation in the work of CCFICS and the related working groups.

6. Information on the relation between the proposal and other existing Codex documents

The Committee's comprehensive review of existing Codex texts illustrates that food fraud is already covered in a variety of Codex documents. The Codex Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions (CXC 20-1979) 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 labelling is addressed in relevant Codex standards. For example, the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) and the *General Standard for the Labelling of Food Additives when sold as such* (CXS 107-1981) prohibit false, misleading or deceptive labelling for foods and food ingredients. Therefore, labelling that is inaccurate would already be addressed by existing Codex standards. Further, several existing CCFICS texts provide tools for members wishing to manage potentially fraudulent activity. Examples include the traceability concepts found in the *Principles for Traceability / Product Tracing as a Tool Within a Food Inspection and Certification System* (CXG 60-2006); utilization of *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001) to prevent fraudulent certificates; and exchange of information between national governments could be relevant in instances of fraud detection.

7. Identification of any requirement for and availability of expert scientific advice

Not required.

8. Identification of any need for technical input to the standard from external bodies so that this can be planned for:

Not required at this time.

9. Completion of the new work and other conditions

Subject to the Codex Alimentarius Commission approval at its 43rd session in 2020, it is expected that the new work can be completed within two or three sessions of CCFICS, should it continue to meet as currently scheduled, i.e., every 18 months.