

# MICHIGAN STATE UNIVERSITY

September 25, 2018 (Updated)

To: U.S. Codex Delegation

## Review and Public Comments on the CCFICS DRAFT DISCUSSION PAPER ON FOOD INTEGRITY AND FOOD AUTHENTICITY – Comments for the Third Draft Published August 2018

This review focuses on the definitions in the CCFICS DRAFT DISCUSSION PAPER ON FOOD INTEGRITY AND FOOD AUTHENTICITY – **Comments for the Third Draft Published August 2018**. For reference, we have also included Appendix Two that presents the evolution of the food fraud definitions.

**1) (from “Section: Title”) Overall title wording: The title is confusing and does not directly mention the food fraud concept.**

**a) Recommendation: change the title to at least include the term “food fraud.”**

- i) Note1: The paper itself explains that these two terms define food fraud “This paper establishes a CCFICS discussion framework on food integrity and authenticity to identify the scope, and key mitigation strategies to prevent food fraud.”
- ii) Note2: It might be less confusing if the title changed to at least include the term “Food Fraud.” The global, general term is “food fraud.” “Food authenticity” is an attribute that helps define what is fraudulent and what is authentic. “Food integrity” is an undefined term that seems to be a broader term that could include food safety and food quality.



### Food Fraud Initiative

**2) (from “Section 2.3”) Definition of Food Fraud: Edits are recommended.**

**a) Recommendation: a new proposed text is noted.**

- i) From: “Any deliberate action of businesses or individuals to deceive others in regards to the integrity of food to gain undue advantage. Types of food fraud include but not limited to: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation.
- ii) To: “Any deliberate action of ORGANIZATIONS ~~businesses~~ or individuals to deceive others FOR ECONOMIC GAIN OR AVOIDANCE OF AN ECONOMIC LOSS ~~in regards to the integrity of food to gain undue advantage~~. Types of food fraud include but are not limited to: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation.
- iii) Note: First, This edit would align the definition with criminology theory which is expanded from only businesses to organizations. For example, there are definitions of the types of counterfeiters and offender organizations. Second, by removing “in regards to the integrity of food to gain an undue advantage,” this would need to align with the definition of

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food integrity that includes food safety, quality, fraud, and defense. Thus, integrity is an inappropriate term here.

**b) Recommendation: consider an even shorter core food fraud definition.**

- i) For example: “illegal deception for economic gain using food” or “deception for economic gain, including avoidance of loss, using food or related products.”

**3) (from “Section 2.3”) Definition of the types of food fraud:**

**a) Recommendation: Each type of food fraud should be defined at least in a glossary including: adulteration, substitution, dilution, concealment, unapproved enhancement, substitution, dilution, tampering, simulation, counterfeiting, product overrun, theft, diversion, and false or misleading statements made about a product.**

- b) Note: A source for the terms and definitions is from ISO 22380:2018 Security and resilience — Authenticity, integrity and trust for products and documents — General principles for product fraud risk and countermeasures, Table 3 — Types of product fraud [14] (Reference 14 cites: Spink J., & Moyer D.C. Defining the Public Health Threat of Food Fraud, Journal of Food Science. 2011, 75(9), pp. 57–63)

- i) Counterfeiting: To simulate, reproduce or modify a product or its packaging without authorization (see ISO 12931). E.g. Counterfeit pressure gauge case in Germany [4].
- ii) IPR infringement (Intellectual Property Rights): Application and implementation of technical capabilities covered by intellectual property rights. E.g. Workmate™ cases of unauthorized use of patent.
- iii) Adulterant-substance: A component of the finished product is fraudulent. E.g. Adulteration of infant formula by melamine in China [6].
- iv) Tampering: A legitimate product but packaging or security elements are altered. E.g. Acetaminophen re-marking old chips as new chips[7].
- v) Substitution: Complete or partial undeclared replacement of authentic components or ingredients with a substitute. E.g. Substitution of horsemeat for beef in the UK[8].
- vi) Simulation: Illegitimate product designed to look like but not exactly copy the legitimate product. E.g. “knock-offs” of popular products not produced with the same product safety assurances[9].
- vii) Diversion (Parallel Trade, Smuggling, Gray Market): Sale or distribution of products outside of intended markets. E.g. Shipment of discounted retroviral medicines to central African countries re-sold to northern European countries at normal prices. E.g. Relief product redirected to markets where aid is not required[10].

- viii) Distribution of stolen goods (theft): A legitimate product stolen and passed off as legitimately procured. E.g., stolen products[11] mixed with legitimate products in an online shopping cart.
- ix) Over-run: A legitimate product made in excess of contractual or regulatory agreements. E.g. False reporting of production. E.g. Contracted textile/garment companies producing more than the contracted amount of product and selling the overproduction to counterfeiters [12].

**4) (from “Section 2.1”) Definition of Food Integrity: The current definition does not explicitly include food safety and health hazards.**

**a) Recommendation: alternate text is proposed.**

- i) From: “The status of a food product where it is authentic and not altered or modified with respect to expected characteristics including, safety, quality, and nutrition.”
- ii) To: “The status of a food product where it is authentic and not DEFICIENT, HARMFUL, altered or modified with respect to expected characteristics including, safety, AUTHENTICITY, quality, and nutrition.”
- iii) Note: The terms “deficient, harmful” emphasis a reduction of the benefit of a valuable ingredient or of food safety hazard. Adding “authenticity” clearly expands the scope to include food fraud.

**5) (from “Section 2.2”) Definition of Food Authenticity:**

**a) Recommendation: alternate text is proposed.**

- i) From: “Food authenticity is the quality of a food to be genuine and undisputed in its nature, origin, identity, and claims, and to meet expected properties.”
- ii) To: Food authenticity is the quality of a food to be genuine and undisputed in its nature, origin, identity, and claims, ~~and to meet expected properties”~~.
- iii) Note: The last descriptor changes the definition to require “expected properties” which could be that the food is safe. Food authenticity has not previously been used to apply to food safety.

**6) (from “Section 2”, an addition) Include a definition of adulterant and adulteration**

**a) Recommendation: text is proposed.**

- i) Proposed: “Adulterant: materials or substances intentionally added to the product for economic gain (or avoiding loss) or for intentional harm.”
- ii) Proposed: “Adulterated/ Adulteration: based on the word “adulterant,” “adulterated” is the past tense and “adulteration” is the act of including an adulterant.

- iii) Note1: It would be helpful to include a definition for adulterant/ adulteration. Codex has defined contaminant and contamination. This is an important opportunity since the phrase “food adulteration” has been frequently used interchangeably with food fraud. This adulterant definition includes food defense acts where a substance is intentionally added with the intent to harm in terms of terror, public health, or economic. (See “for intentional harm” above.)
- iv) Note2: A clarification from Codex regarding the definition of adulterant and adulteration would help clarify confusion and various interpretations of “food adulteration” and “adulterated” from the Food Drug & Cosmetics Act sections on “Adulterated Foods” and “Misbranded Foods.” The US food laws do not define “adulterant” but “adulteration” can be sometimes interpreted to be specifically food that is a violation of the “Adulterated Foods” section.

**7) (from “Section 2,” an addition) Include an overall explanation of how all the terms are relate**

- a) Recommendation: It would be helpful to explain the relationship between the terms such as specifically how food fraud and food integrity are different. Also, how food authenticity is achieved related to food fraud and food integrity.***

**8) (General Comments) Several of the terms used in the definitions are not defined.**

- a) Recommendation: Provide definitions of terms that are used to define key concepts such as Food Integrity and Food Authenticity including: Authenticity/ authentic, Authentication, Identity/ identify, origin/ undisputed origin and material good/ good/ product.***
- b) Note1: Within the definition of Food Integrity and Food Authenticity, there are several keywords that are not defined including: Authenticity/ authentic, Authentication, Identity/ identify, origin/ undisputed origin and material good/ good/ product. The addition of a more detailed glossary is a key to Codex providing full clarity on the full definitions. If the terms are not clearly defined already by Codex Alimentarius then one option is to refer to the currently published ISO definitions. ISO is a key complimentary resource since it is, too, a formal, consensus-based, international standards organization. Also, ISO provides an especially valuable resource since their focus has been broader than food or food safety to all material goods and also on product fraud prevention. E.g., ISO Technical Committee 247 on Fraud Countermeasures and Controls was formed in 2009 and now has been integrated into the bigger and longer standing Technical Committee 292 Security Management and Resilience.
- c) Note2: For details see Appendix One below.

Discussion related to US Food Laws

The definitions and direction of the paper are NOT in conflict with U.S. food laws or regulations. This Codex document will help harmonize terms and the coordination of activities to reduce the fraud opportunity and contribute to food fraud prevention. The U.S. will benefit both from higher-quality and safer product it imports. Also, the clarity in the new document will help support the stated Purpose of the Codex Alimentarius which includes “These food standards and related texts aim at protecting consumers’ health and ensuring fair practices in the food trade.” As governments and industry implement food fraud prevention systems around the world, consumer confidence will increase.

#### The burden on US Economy and Companies

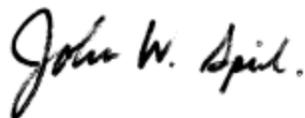
Led by U.S. food laws and FDA/USDA regulations, U.S. food companies have implemented robust food safety management systems. These systems have been required in laws such as the Food Drug & Cosmetics Act of 1938 and the Food Safety Modernization Act of 2011. The industry has expanded on these regulatory compliance requirements to create commercial standards such as those created by the Global Food Safety Initiative (GFSI).

The GFSI Guidance Document Version 7 was updated as of January 1, 2018, to include new food fraud prevention requirements. For GFSI compliance, companies are required to conduct a Food Fraud Vulnerability Assessment and have a Food Fraud Prevention Strategy.

These Codex definitions – and possible related requirements – are consistent with the scope and direction of current U.S. laws and regulations as well as global food industry activities. Therefore, this Codex scope and direction is not predicted to represent an additional burden on the U.S. Economy or U.S. companies.

Thank you for the opportunity to comment on this draft document.

Sincerely,



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## Appendix ONE: Additional Definitions from ISO

The content is organized by keyword and the reference ISO standard is noted:

### Authenticity/ authentic

**Authentic material good** (Reference: ISO 22300)  
material good (3.139) produced under the control of the legitimate manufacturer, originator of the goods (3.98) or rights holder (3.198)

**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

### Authentication

**Authentication** (Reference ISO 12931)  
act of establishing whether a material good is genuine or not  
[Note: “genuine” is not defined by ISO]

**Authentication** (Reference ISO 22300)  
process (3.180) of corroborating an entity (3.79) or attributes with a specified or understood level of assurance

**Authentication element** (Reference ISO 22300)  
tangible object (3.151), visual feature or information (3.116) associated with a material good (3.139) or its packaging that is used as part of an authentication solution (3.19)

**Authentication function** (Reference ISO 22300)  
function performing authentication (3.16)

**Authentication solution** (Reference ISO 22300)  
complete set of means and procedures (3.179) that allows the authentication (3.16) of a material good (3.139) to be performed

**Authentication tool** (Reference ISO 22300)  
set of hardware and/or software system(s) that is part of an anti-counterfeiting solution and is used to control the authentication element (3.17)

### Identity

**Attribute (Reference ISO 24760)**  
characteristic or property of an **entity** (3.1.1) that can be used to describe its state, appearance, or other aspects; Note 1 to entry: The primary function of the concept of an attribute in this part of ISO/IEC 24760 is to be a particular, well-defined aspect of the description of an entity in an identity management system. The values of attributes in an identity together describe the entity in a domain.

### Public Comments

EXAMPLE: An entity type, address information, telephone number, a privilege, a MAC address, a domain name are possible attributes.

**Authenticated identity (Reference ISO 24760)**

identity information (3.2.4) for an entity (3.1.1) created to record the result of authentication (3.3.1); Note 1 to entry: An authenticated identity typically contains information obtained in the authentication process, e.g. the level of assurance attained.; Note 2 to entry: The existence of an authenticated identity in a particular domain denotes that an entity has been recognized in that domain.; Note 3 to entry: An authenticated identity typically has a lifespan restricted by an authentication policy.

**Identification (Reference ISO 22300)**

process (3.180) of recognizing the attributes that identify an entity (3.79)

**Identifier (Reference ISO 22300)**

specified set of attributes assigned to an entity (3.79) for the purpose of identification (3.104)

**Identity (Reference ISO 22300)**

set of attributes that are related to an entity (3.79); Note 1 to entry: An identity can have unique attributes that enable an object (3.151) to be distinguished from all others.; Note 2 to entry: Identity can be viewed in terms of human, organization (3.158) and objects (physical and intangible).

**Identity (Reference ISO 24760)**

set of attributes (3.1.3) related to an entity (3.1.1); Note 1 to entry: An entity can have more than one identity.; Note 2 to entry: Several entities can have the same identity.; Note 3 to entry: In a particular domain of applicability an identity can become a distinguishing identity or an identifier to allow entities to be distinguished or uniquely recognized within that domain.; Note 4 to entry: ITU-T X1252<sup>[13]</sup> specifies the distinguishing use of an *identity*. In this part of ISO/IEC 24760 the term *identifier* implies this aspect.

**Identity assertion (Reference ISO 24760)**

statement by an identity information authority (3.3.3) used by a relying party (3.3.7) for authentication (3.3.1); Note 1 to entry: An identity assertion may be the cryptographic proof of a successful authentication, created with algorithms and keys agreed between parties, e.g. in an identity federation.

**Identity assurance (Reference ISO 24760)**

level of assurance in the result of identification (3.2.1); Note 1 to entry: Identity assurance expresses the level of confidence in provenance, integrity and applicability of identity information including confidence in identity information maintenance.

**Identity management, IDM (Reference ISO 24760)**

processes and policies involved in managing the lifecycle and value, type and optional metadata of attributes (3.1.3) in identities(3.1.2) known in a particular domain; Note 1 to entry: In general identity management is involved in

interactions between parties where identity information is processed.; Note 2 to entry: Processes and policies in identity management support the functions of an identity information authority where applicable, in particular to handle the interaction between an entity for which an identity is managed and the identity information authority.;

**Identity proofing, initial entity authentication (Reference ISO 24760)**  
particular form of authentication (3.3.1) based on identity evidence (3.4.4) that is performed as the condition for enrolment (3.4.3); Note 1 to entry: Typically identity proofing involves an extensive verification of provided identity information and may include screening, vetting and uniqueness checks, possibly based on biometric techniques.; Note 2 to entry: Authentication, at the heart of identity proofing, typically is based on an enrolment policy that includes specification of the verification criteria of the identity evidence provided by the entity.; Note 3 to entry: The authenticated identity that is the result of the authentication in identity proofing may during subsequent enrolment be included in the registration and may serve to facilitate future identification of the entity.

Origin/ undisputed origin

**Domain of origin (Reference ISO 24760)**  
feature of an attribute (3.1.3) that specifies the domain (3.2.3) where the attribute was created or its value (re)assigned; Note 1 to entry: The domain of origin typically specifies the meaning and format of the attribute value. Such specification may be based on international standards.; Note 2 to entry: An attribute may contain an explicit value that references the domain of origin, e.g. an ISO country code for a passport number as reference to the issuing country that is the domain of origin of identity information in the passport.; Note 3 to entry: Operationally, a domain of origin may be available as an authoritative source for an attribute (sometimes known as the Attribute Authority). An authoritative source may be operated outside the actual domain of origin. Multiple authoritative sources may exist for the same domain of origin. EXAMPLE: The domain of origin of a club-membership number is the specific club that assigned the number.

Material good/ good/ product

**Authentic material good (ISO 22380):**  
material good (3.139) produced under the control of the legitimate manufacturer, originator of the goods (3.98) or rights holder (3.198)

**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

**Material good (Reference ISO 22300)**  
manufactured, grown product or one secured from nature

**Product or service (ISO 22380):**

beneficial outcome provided by an organization (3.158) to its customers, recipients and interested parties (3.124); EXAMPLE: Manufactured items, car insurance, or community nursing. [See goods, material goods]

Product Fraud

**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.

**Appendix TWO: Review of Evolution of Food Fraud Definitions**

**Third Draft (August 2018 = current, open comment period)**

2.3 Food Fraud

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

Based on these terms, the following definition was developed:

Any deliberate action of businesses or individuals to deceive others in regards to the integrity of food to gain undue advantage. Types of food fraud include but not limited to: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation.

**Second Draft (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.

Public Comments

### 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.

### **First Draft (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.

### **Discussion Paper (February 2017 = Original proposal to CCFICS)**

Economically motivated adulteration (EMA) is the intentional adulteration of a food for financial advantage<sup>3</sup>. Also known as food fraud,

Also known as food fraud, it is an emerging international issue that includes adulteration, deliberate and intentional substitution, dilution, simulation, tampering, counterfeiting, or misrepresentation of food, food ingredients, or food packaging; or false or misleading statements made about a product for economic gain.<sup>4</sup>

- MSU Comment: the original discussion paper led with the Economically Motivated Adulteration term and incorrectly noted it was the same as Food Fraud. This was corrected.

References:

- ISO 12931:2012 Performance criteria for authentication solutions used to combat counterfeiting of material goods, URL:  
<https://www.iso.org/obp/ui/#iso:std:iso:12931:ed-1:v1:en>
- ISO 22300:2018 Security and resilience — Vocabulary, URL:  
<https://www.iso.org/obp/ui/#iso:std:iso:22300:ed-2:v1:en>
- ISO/IEC 24760-1:2011(en) - Information technology — Security techniques — A framework for identity management — Part 1: Terminology and concepts, URL:  
<https://www.iso.org/obp/ui/#iso:std:iso-iec:24760:-1:ed-1:v1:en>