

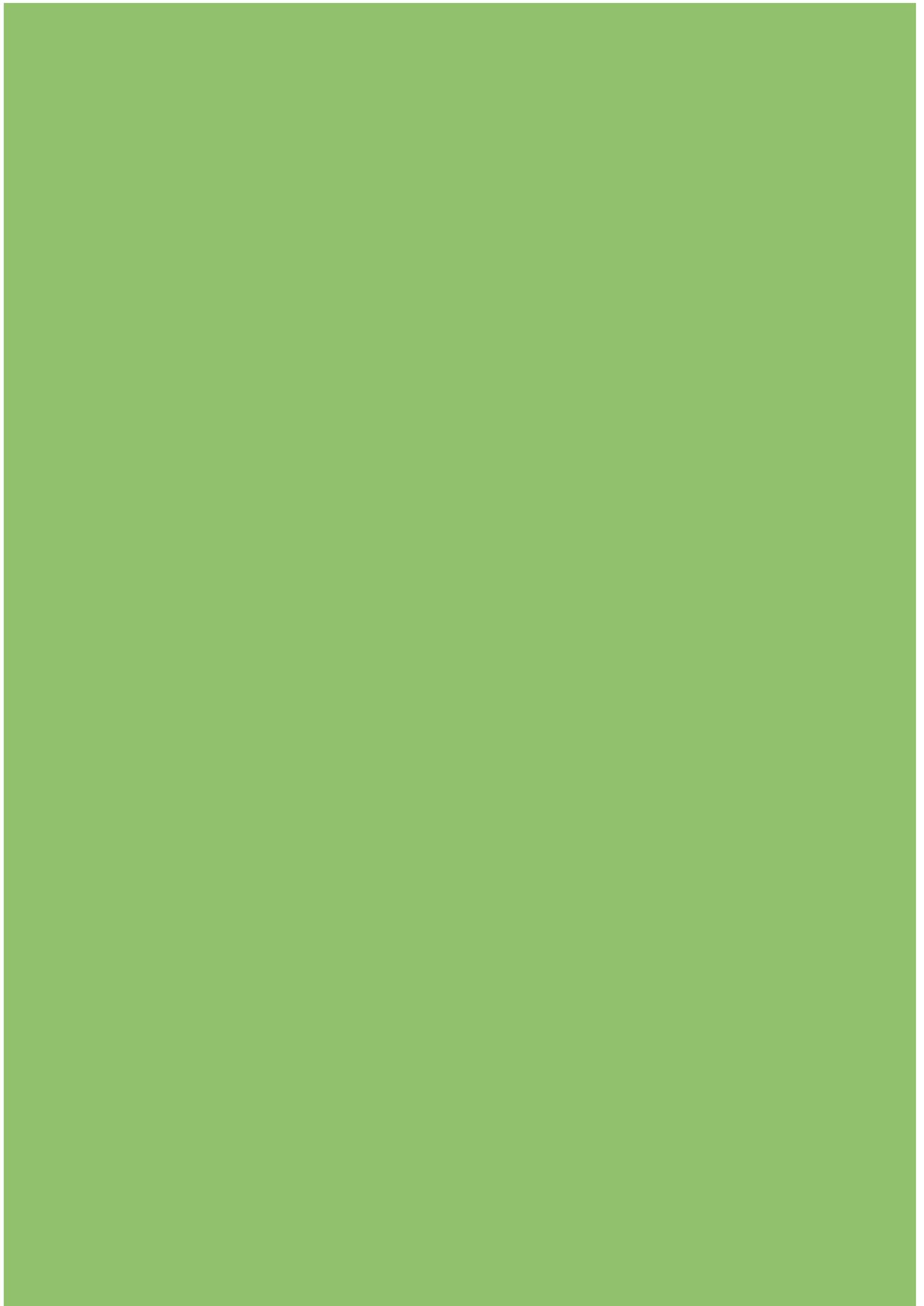


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United Nations Office on Drugs and Crime

SOMETHING'S OFF

**CORRUPTION RISKS RELATED
TO FOOD SAFETY AND ITS
PUBLIC HEALTH THREATS**



UNITED NATIONS OFFICE ON DRUGS AND CRIME

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CORRUPTION RISKS RELATED TO FOOD SAFETY AND ITS PUBLIC HEALTH THREATS



UNITED NATIONS
Vienna, 2023

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1 The countries that submitted replies to the questionnaire included: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Burundi, Chile, Croatia, Czechia, Denmark, Estonia, Hungary, Italy, Jordan, Kenya, Lithuania, Malawi, Mexico, Morocco, Mozambique, Myanmar, Qatar, Romania, the Russian Federation, Saudi Arabia, Senegal, Singapore, Spain, Tajikistan, Thailand, Türkiye and Venezuela (Bolivarian Republic of).

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GLOSSARY OF KEY TERMS

Adulterated products: Adulteration is a form of food fraud which can pose direct health risks to consumers. A product is adulterated when a component of the finished product is fraudulent.¹ For instance, honey can be adulterated with substances such as cane sugar or corn syrup.

Control: In the context of this introductory paper, control should be understood as any form of power that the competent authority enforces to verify compliance with feed and food law, and animal and plant health rules.²

Corruption: There is no universal definition of corruption. The United Nations Convention against Corruption³ (UNCAC) recognizes that corruption is a continuously evolving phenomenon affected by various factors. Considering this, the Convention offers a list (see Box 1) of universally agreed-upon corruption offences and allows each State to go beyond the minimum standards expressed in the Convention.

Corruption risk: Weaknesses within a system that may present opportunities for corruption to occur.

Food control: A mandatory regulatory activity of enforcement by national or local authorities to provide consumer protection and ensure that all foods during production, handling, storage, processing and distribution are safe, wholesome and fit for human consumption, conform to safety and quality requirements, and are honestly and accurately labelled as prescribed by law.⁴

Foodborne disease: Any disease of an infectious or toxic nature caused by the consumption of food.⁵

Food safety: Assurance that food will not cause harm to the consumer when it is prepared and/or eaten according to its intended use.⁶

Food safety measure: Any law, decree, regulation, mandatory procedure, requirement or any other proceeding adopted by public bodies to protect food safety.

- 1 Food and Agriculture Organization (FAO), *Food fraud: Intention, detection and management*, Food safety technical toolkit for Asia and the Pacific, No. 5 (Bangkok, 2021).
- 2 FAO and World Health Organization (WHO), *Food Control System Assessment Tool: Introduction and Glossary*, Food Safety and Quality Series, No. 7/1 (Rome, 2019).
- 3 United Nations Office on Drugs and Crime (UNODC), *United Nations Convention against Corruption* (Vienna, 2004).
- 4 FAO and WHO, *Food Control System Assessment Tool: Introduction and Glossary*, Food Safety and Quality Series, No. 7/1 (Rome, 2019), p. 13.
- 5 *Ibid.* p. 24.
- 6 FAO and WHO, *Food Control System Assessment Tool: Introduction and Glossary*, Food Safety and Quality Series, No. 7/1 (Rome, 2019), p. 13.

Key Types of Corruption Offences

Active bribery – The promise, offering or giving to a national public official, a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, in order to act or refrain from acting in matters relevant to official duties.

Passive bribery – The solicitation or acceptance by a national public official, a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, in order to act or refrain from acting in matters relevant to official duties.

Embezzlement – Theft, diversion or misappropriation of property, funds, securities or any other item of value entrusted to a public official in his or her official capacity.

Bribery in the private sector – Active or passive bribery, directly or indirectly, to or by any person who directs or works, in any capacity, for a private sector entity, to act or refrain from acting in breach of his or her duties.

Embezzlement of property in the private sector – Embezzlement by any person who directs or works, in any capacity, for a private sector entity.

Abuse of functions – Performance of, or failure to perform an act, in violation of the law, by a public official in order to obtain an undue advantage.

Trading in influence – Abuse of a public official's real or supposed influence with an administration, public authority or State authority in order to gain an advantage or influence particular outcomes.

Illicit enrichment – A significant increase in assets of a public official or that cannot reasonably be explained as being the result of his or her lawful income.

Money-laundering – The concealment of the origins of proceeds of crime, often by means of conversion or transfers involving foreign banks or legitimate businesses.

Concealment – Hiding or continued retention of property, knowing that it has resulted from corruption.

Food supply chain: The series of processes that food goes through, including primary production (such as agricultural, aquacultural, fisheries or similar processes resulting in raw food materials⁷), product design, as well as processing, transport, storage, distribution, marketing, preparation and consumption.⁸

7 Commission for Environmental Cooperation, *Why and How to Measure Food Loss and Waste: A Practical Guide – Version 2.0* (Canada, 2021), p. 30.

8 Mihai Felea and Irina Albăstroiu, "Defining the Concept of Supply Chain Management and its Relevance to Romanian Academics and Practitioners", *The Amfiteatru Economic Journal*, vol. 15, No. 33 (2013).

Public health: Public health aims to improve the health of populations by keeping people healthy, improving their health or preventing deterioration through disease. Typical public health activities include surveillance of population health, the response to health hazards and emergencies (such as the COVID-19 pandemic), health protection (e.g., through addressing environmental or occupational risk factors), health promotion (including action to address social determinants and health inequities) and disease prevention (including through early detection).⁹

Sanitary and phytosanitary (SPS) measure: Any measure applied to:

- Protect animal or plant life or health within the territory of a country from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms.
- Protect human or animal life or health within the territory of a country from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs.
- Protect human life or health within the territory of a country from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests.
- Prevent or limit other damage within the territory of a country from the entry, establishment or spread of pests.

SPS measures refer to all relevant laws, decrees, regulations, requirements and procedures including, among others:

- End product criteria.
- Processes and production methods.
- Testing, inspection, certification and approval procedures.
- Quarantine treatments, including relevant requirements associated with the transport of animals or plants or with the materials necessary for their survival during transport.
- Provisions on relevant statistical methods, sampling procedures and methods of risk assessment.
- Packaging and labelling requirements directly related to food safety.¹⁰

Traditional food market: The term traditional food market includes wet markets, informal markets and farmers' markets that sell foods of animal origin/non-animal origin/dried goods, and where live animals are sometimes housed and slaughtered on site.¹¹

9 European Observatory on Health Systems and Policies, "Public Health", available at <https://eurohealthobservatory.who.int/themes/health-system-functions/public-health>.

10 FAO and WHO, *Food Control System Assessment Tool: Introduction and Glossary*, Food Safety and Quality Series, No. 7/1 (Rome, 2019).

11 WHO, the World Organisation for Animal Health (WOAH) and the United Nations Environment Programme (UNEP), *Reducing public health risks associated with the sale of live wild animals of mammalian species in traditional food markets*, Interim guidance (2021).





INTRODUCTION

When we consume food that we have not grown ourselves, we can never be certain of the conditions in which it was grown, processed, stored, or a number of other variables. Consumers must therefore rely on the trust that exists between themselves and the producers, processors, packagers, labellers, transporters and traders of the food they consume. Similarly, they must also rely on and trust governments to design and implement appropriate safety standards in order to ensure that the food they eat does not pose any threat to their health or life.

However, corruption can be used by unscrupulous actors to circumvent the food safety measures and food control systems put in place for public protection, thus affecting a government's ability to ensure the safety of the food available to consumers. When these safety measures and control systems are ignored, harmful bacteria, physical hazards, viruses, chemicals and parasites may gain entry into the food supply chain, resulting in ailments such as food poisoning, heavy metal poisoning and even certain cancers.¹ An estimated 600 million people around the world fall ill each year after consuming contaminated or unsafe food, approximately one in ten people on earth.²

Ensuring the safety of the food we eat is of paramount importance to individuals and communities across the world; food plays a vital role in sustaining the life and health of all people, and forms a central part of many of our social and cultural rituals, traditions and events. To this end, governments have a responsibility to establish robust and effective food safety measures and to implement and strictly enforce regulatory control systems to ensure that these measures are adhered to. Governments may also seek to harmonize these national measures with international standards,³ particularly when international trade is involved.

Further, the increasingly globalized nature of society has transformed previously exotic or unreachable ingredients into accessible staples, while affordable travel and increased migration have allowed entire cuisines to be transplanted across national borders. As a result of this increased globalization, the destructive effects of corruption in the food industry are not limited by national borders; the international trade in almost every food imaginable means that failure to prevent food-related corruption in one country may have an impact at the regional and global levels.

When corruption negatively affects the cost, quality, safety, or availability of the food upon which consumers rely, the effects are often far more detrimental to day-to-day life than other forms of corruption. Additionally, it is often the most vulnerable and marginalized members of society who will suffer the most from breaches of food safety measures. According to the World Health Organization, food safety breaches affect low- and middle-income countries and their most vulnerable citizens disproportionately; of the 420,000 people who die each year from consuming unsafe food,⁴ around 137,000 are in Africa,⁵ 175,000 are in South-East Asia,⁶ and 125,000 are

1 WHO, "Fact sheet: Food safety", 19 May 2022.

2 Ibid.

3 An overview of the relevant international standards can be found in the Annex section of this paper.

4 Heeyoung Lee and Yohan Yoon, "Etiological Agents Implicated in Foodborne Illness Worldwide", *Food Science of Animal Resources*, vol. 41, No. 1 (2021).

5 Harvard T.H. Chan School of Public Health, "Foodborne illness a major public health issue in Africa", 2019.

6 Borgen Project, "Foodborne Illness in Southeast Asia Impacts Poverty", 10 August 2022.

children under five.⁷ Unsafe food can also contribute to a cycle of disease and malnutrition, especially among populations in vulnerable situations, and can lead to outbreaks of food-borne diseases or even pandemics. It can also create additional and significant burdens on already strained public health systems and damage income streams such as tourism and trade.

The global food industry has an estimated economic value of approximately USD 9.36 trillion,⁸ or 9 percent of global GDP.⁹ It is also one of the world's largest employers; estimates suggest that 874 million people are employed in agriculture around the world,¹⁰ while over 22 million people are employed in the global food and beverage manufacturing sectors¹¹ and around 12 million people are employed in the food service industry in the United States alone.¹² Protecting this industry from the effects of corruption is therefore vital, not only for the safeguarding of global public health, but also for the health and continued growth of national economies.

Food safety measures represent an intrinsic part of the sanitary and phytosanitary measures of a country.¹³ This introductory paper provides an overview and analysis of corruption risks related to the design, adoption, implementation and enforcement of food safety measures and food control systems, and the potential impact on public health if these measures and systems fail.

This paper represents one of the first attempts to highlight some of the main corruption risks that may be present along the food supply chain and discuss how they could be mitigated. It is not intended as an exhaustive exploration of the topic; rather, it aims to promote further dialogue, research and action by policymakers, relevant national authorities and stakeholders on corruption linked to the food sector.¹⁴

The structure of this paper is as follows:

- **Chapter One** provides a brief overview of food safety measures and food control systems, and their vulnerabilities to corruption.
- **Chapter Two** analyses corruption risks along the food supply chain.
- **Chapter Three** presents a selection of control mechanisms to prevent and counter corruption linked to food safety and food control.

7 WHO, "Estimating the Burden of Foodborne Diseases".

8 Statista, "Consumer Market Insights: Food – Worldwide" (accessed on 10 July 2023).

9 Statista, "Global gross domestic product (GDP) at current prices from 1985 to 2027" (accessed on 10 July 2023).

10 FAO, *Statistical Yearbook 2021 – World Food and Agriculture* (Rome, 2021).

11 International Labour Organization, *Food, drink and tobacco sector – Employment in the Food and Drink Manufacturing Sector* (2011).

12 Data USA, "Restaurants and Food Services" (accessed on 10 July 2023).

13 In addition to food safety measures, sanitary and phytosanitary measures include measures to protect animal health and plant health.

14 Other issues such as food fraud, crop insurance fraud, and supply chain management, are not addressed in this paper.

Chapter 1



A person wearing a white protective suit and hood is working in a field of green leafy vegetables. The person is leaning over, and their hands are visible near the plants. The background shows rows of similar plants in a field.

OVERVIEW OF FOOD SAFETY MEASURES AND FOOD CONTROL

The right to food is recognized in the 1948 Universal Declaration of Human Rights as part of the right to an adequate standard of living, and is also enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights.¹⁵ After clean water and clean air, access to safe food is one of the most basic needs of human life. However, within the current food industry, where one packaged meal may have ingredients sourced from many different countries, determining which food is fit for consumption, verifying the sources of ingredients and identifying where in the supply chain regulatory breaches may have been committed can be extremely difficult, or even impossible.

Consumers carry the burden of choosing the best foods to match both their needs and their budgets, but complex supply chains, food lobbying groups and other external influences can obfuscate the situation and leave consumers unable to make truly informed choices. Governments must therefore, if they are to safeguard food supplies and protect public health, implement food safety measures and food control systems at each stage of the food supply chain, from initial production to preparation and sale, in order to ensure that all food that enters markets is fit for human consumption.

This chapter presents some of the key characteristics of food safety measures and food control systems. This information is then used to analyse why these measures and systems are prone to corruption, and why there is a pressing need to prevent and counter it.

1.1 Food Safety Measures

Food safety measures determine what standards a product must meet to be deemed fit for human consumption, and designate the safety processes that must be undertaken for food products to be authorized for sale to the public. They are essential if governments are to ensure that the food available to consumers is properly handled at every stage of the food supply chain, from growing, harvesting or slaughtering to processing, transport, storage, distribution and sale, and that the end product is safe and fit for human consumption.¹⁶ Given the number of industries involved in bringing various foods from their point of origin to the point of consumption, entities responsible for the creation and enforcement of such measures face an extremely complex task. Some of the most relevant industries and their related products or processes are identified in Figure I.¹⁷

15 Office of the United Nations High Commissioner for Human Rights and FAO, *The Right to Adequate Food: Fact Sheet No. 34* (Geneva, 2010).

16 FAO, *Strategic Priorities for Food Safety within the FAO Strategic Framework 2022–2031* (Rome, 2023).

17 For the purposes of this paper, food safety will be used as an expansive term that also includes beverages, alcohol, and spirits.

Figure 1



National food safety measures will vary from country to country, as will the food control systems put in place by a government to enforce their implementation. Nevertheless, the design of these measures will be based on international standards, particularly when the food supply chain in question involves international trade. These international standards, collectively known as Sanitary and Phytosanitary Standards (SPS), aim to harmonize national measures to protect human, animal or plant life or health, while avoiding unnecessary barriers to international trade. The harmonization and standardization of food safety measures across national borders is a key step to ensuring the growth and sustainability of the global food trade, which requires exporting countries to meet the regulatory requirements of importing countries.

The World Trade Organization's (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures provides a set of basic rights and obligations for WTO members related to food safety and animal and plant standards.¹⁸ It recognizes that WTO member countries are responsible for adopting and enforcing their own national food safety measures, but also calls for these measures to be based on science (article 2.2), and encourages members to harmonize their approaches and base their food safety measures on international standards, guidelines and recommendations (article 3.1). The agreement also requires members to justify any food safety or control measures which are deemed to be not in keeping with international standards, not based on science, or unnecessarily constraining to other members' exports (article 5.8).¹⁹

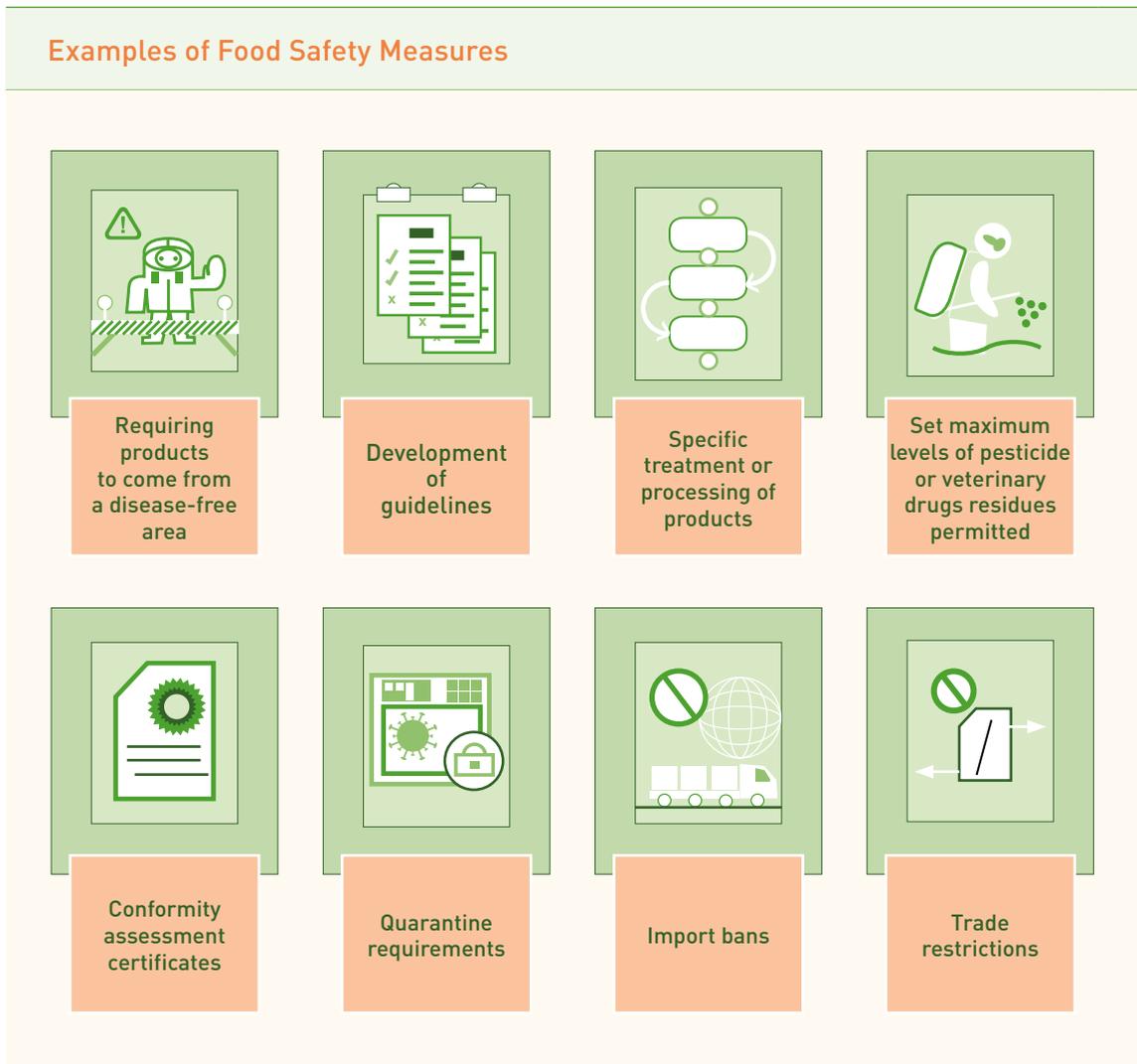
The Agreement does not seek to set out a list of measures to follow, but rather encourages WTO members to participate in international bodies that have developed benchmark standards for food safety, both to assist with the harmonization of international standards and to avoid the implementation of arbitrary or protectionist decisions by members. Such organizations include the Food and Agriculture Organization (FAO), WHO and Codex Alimentarius Commission (CAC), the World Organization for Animal Health (WOAH), and the FAO Secretariat of the International Plant Protection Convention (IPPC). Further information on these organizations and the instruments supported by them can be found in the Annex to this paper.

¹⁸ World Trade Organization (WTO), *The WTO Agreement on the Application of Sanitary and Phytosanitary Measures* (1994).

¹⁹ WTO, "Sanitary and Phytosanitary Measures", *The WTO Agreements Series* (2010).

Figure II provides some examples of food safety measures that countries may seek to implement.

Figure II



1.2 Food Control Systems

Governments are also responsible for establishing robust food control systems to ensure the effective implementation and enforcement of food safety measures, and to oversee and manage the actions of those who participate in the food industry supply chain. Effective food control systems protect consumers, ensure that fair practices in the food trade are adhered to,²⁰ and are usually linked with national inspection services such as food inspectors and laboratory services.²¹

As with food safety measures, governments can determine the extent and design of their control systems. As a result, the design of food control systems will vary from country to country. National factors such as existing public health requirements, legal and institutional frameworks related to the protection of public health, and the availability of technological, financial and human resources will influence the design of these systems.

Table 1 illustrates how international standards can provide a frame of reference for countries seeking to design and implement their own national food safety measures and control systems. More specifically, it provides examples of how national authorities can ensure that their food safety measures are commensurate and harmonized with international standards. It also offers examples of potential controls available to them through which they might ensure compliance with the implemented safety measures.

20 FAO and WHO, *Food Control System Assessment Tool: Introduction and Glossary*, Food Safety and Quality Series, No. 7/1 (Rome, 2019).

21 FAO and WHO, *Assuring Food Safety and Quality: Guidelines for Strengthening National Food Control Systems*, FAO Food and Nutrition Paper, No. 76 (2003).

Table 1

Applicability of International Frameworks to National Food Safety Measures and Control Systems

International food safety standard	Related national food safety measures	National food control systems
<p>Principles of meat hygiene applying to establishments, facilities and equipment:</p> <ul style="list-style-type: none"> Establishments should be located, designed and constructed so that contamination of meat is minimized to the greatest extent practicable. 	<ul style="list-style-type: none"> Permit requirements for food processing establishments Food hygiene legislation National meat regulation 	<ul style="list-style-type: none"> Establishment inspection Meat inspection Post-mortem inspection
<p>Transport of animals by sea – control of disease:</p> <p>As animal transport is often a significant factor in the spread of infectious diseases, journey planning should take into account the following:</p> <ul style="list-style-type: none"> When possible and agreed by the Veterinary Authority of the importing country, animals should be vaccinated against diseases to which they are likely to be exposed at their destination. Medicines used prophylactically or therapeutically should only be administered by a veterinarian or other person who has been instructed in their use by a veterinarian. Mixing of animals from different sources in a single consignment should be minimized. 	<ul style="list-style-type: none"> Guidelines for vaccination of imported animals Regulation of veterinary drugs Regulations related to the import or export of live animals Quarantine requirements 	<ul style="list-style-type: none"> Regular testing Random testing Sanitary inspection at ports

Source:
Code of Hygienic Practice for Meat – Codex Alimentarius Commission CAC/RCP 58-2005.

Source:
World Organization for Animal Health, "Article 7.2.5", in *Terrestrial Animal Health Code*.

Chapter 2





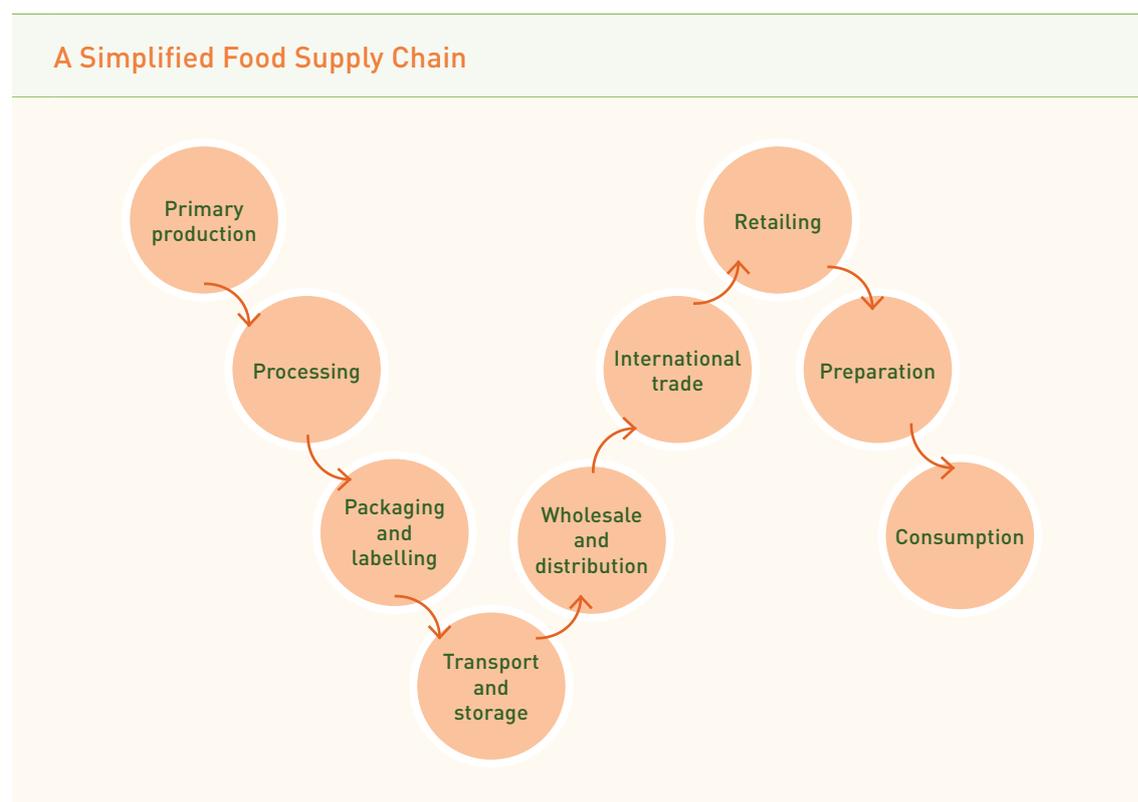
***CORRUPTION RISKS
RELATED TO
FOOD SAFETY AND
FOOD CONTROL***

As mentioned previously, consumers rely on trust that the food industry, which encompasses the production, transportation, processing, storage, sale and preparation of food, are following appropriate standards. This trust, however, can be quickly eroded by corruption. For example, a restaurateur who bribes a food inspector to ignore hygiene failings and award the establishment a top safety rating may then be responsible for a spate of food poisoning cases among their customers, leading them to question the worth of the safety rating system. On a larger scale, multinational companies with vast resources may exert undue influence on policymakers to increase the allowed level of a harmful chemical pesticide on crops, leading to antimicrobial resistance or other health issues among consumers.

Food supply chains vary depending on a number of factors, including the location of primary production and processing facilities, the ratio of imported components to domestic ones, the number of stages and suppliers required to make the end product, the origin of various ingredients, and countless other considerations. Supply chain stages may take place in a different order in different countries, and will also vary depending on the product, the scale of operations and the intended market in which the product will be sold. However, regardless of the form the supply chain takes, without adequate safeguards, corruption can impact any stage of any food supply chain, with effects felt not only at that specific stage but at subsequent stages of the supply chain too.

Therefore, any supply chain model that seeks to cover the entire food industry is, to some extent, a simplification of it. With this caveat, Figure III provides an overview of the common stages in the food supply chain.

Figure III



This chapter explores why food safety measures and control systems are susceptible to corruption. It also provides a non-exhaustive list of potential corruption risks at each stage of the food supply chain, as indicated in Figure III. The aim of this chapter is to assist actors involved in the food industry to not only recognize the corruption risks that may exist in their organization or at the step of the chain in which they predominantly operate, but also allow them to develop a broader understanding of where corruption may occur at other stages and how it can negatively affect their own operations.

2.1 Why are Food Safety Measures and Food Control Systems Prone to Corruption?

Several factors make the adoption and implementation of food safety measures and food control systems vulnerable to corruption. For example, companies seeking to maximise profit and minimize costs may seek to circumvent food safety measures that involve significant financial, technical or human resource investments.²² Food safety measures can also be implemented by governments as non-tariff trade barriers, restricting access to domestic markets for foreign competitors to benefit local interests, all at the expense of consumer preference. To achieve this, corrupt actors may seek to circumvent measures or influence government decisions on food safety standards and food safety measures through the use of bribery, coercion or other forms of influence.

Additionally, the public officials mandated to adopt food safety measures and enforce control systems often operate with limited access to scientific data, incomplete training on relevant technology, or insufficient understanding of the industrial processes related to food production, all of which increases the vulnerability of food safety measures and food control measures to corruption. Similarly, law enforcement officers tasked with investigating breaches of control systems require specialized knowledge and training in order to carry out their mandate effectively. Lack of specialist training and expertise among officers responsible for the implementation and management of food safety measures and controls can make it difficult to detect and investigate irregularities or failings.

Another reason why the food industry may be susceptible to corruption is that the responsibility for food-related safety measures and control systems is often shared by different agencies or ministries who may have overlapping mandates. For example, in the wake of the 2013 European horsemeat scandal (see Box 2 below), it was found that in the United Kingdom responsibility for food safety resided with the Food Standards Agency, but oversight of nutritional standards was the remit of the Department of Health, while oversight of food labelling and veterinary medicines was the remit of the Department for Environment, Food and Rural Affairs.²³

²² FAO, *In Brief the State of Agricultural Commodity Markets 2022* (Rome, 2022).

²³ United Kingdom Department for Environment, Food and Rural Affairs, “News story: Processed beef products and horse meat”, 9 February 2013.

Mislabeled Meat Found in European Ready Meals

In 2013, the Food Safety Authority of Ireland tested a range of cheap frozen beefburgers and ready meals from supermarkets for the presence of DNA from species not declared on the ingredient list. It found horse DNA in over one-third of the beefburger samples, and pig DNA in 85 per cent of them.

The horse meat, which began its journey correctly labelled from a Romanian abattoir, had been passed through an intentionally complex supply chain to hide its true origin. For example, by the time a consignment of meat arrived in France transformed and relabeled as beef, its physical journey had taken it across Europe to the Netherlands and then to France, while the paperwork for the meat contained entries from Romania, the Netherlands, Cyprus and, in at least one instance, the British Virgin Islands. According to a consultancy that analysed the food supply chains related to the affected products, it was found that an estimated 450 points existed in the food chain for meat-based ready meals at which the integrity of the food chain could break down.

Additionally, the effect of the scandal on consumer behaviour was significant, with consumer confidence in supermarket meat products falling drastically. A report by a consumer group from March 2013 found that in the aftermath of the scandal, consumer trust fell by 24 per cent, with 53 per cent referring to the scandal as a “betrayal of trust”.

Sources:

United Kingdom Department of Health, *Elliott Review into the Integrity and Assurance of Food Supply Networks – Final Report* (2014).
European Commission, “Food Safety: Horse meat (2013–14)”.

Additionally, authorities operating at one stage of the food supply chain may not be aware of how corruption at another stage can impact the entire supply chain. For example, as Box 2 demonstrates, corruption at the packaging and labelling stage may result in ingredients being incorrectly labelled, with significant repercussions at the distribution, retail and consumption stages. Furthermore, given the large quantities and perishable nature of food, private entities may seek to use corruption to minimize wastage losses and offload their goods into the market.

Other factors that make food safety measures and control systems particularly vulnerable to corruption include, for example, lack of effective coordination between national and international food control bodies, or lack of coordination between these food control authorities and anti-corruption authorities. When coupled with gaps in legislation (or incomplete implementation of legislation) and weak anti-corruption frameworks, such lack of coordination can allow powerful businesses to profit at the expense of public health and consumer confidence, leading to reduced public trust in the government’s ability to ensure the safety of the food they eat.

2.2 The Need to Address Corruption Risks Related to Food Safety and Food Control

Corruption threatens the ability of governments to establish and implement the food safety measures and food control systems necessary for safeguarding public health. While most participants in the food supply chain act with honesty and integrity, the profit-driven and highly competitive nature of the food industry can prompt unscrupulous actors to engage in corruption to maximize profits, lower costs, reduce competition, or simply enrich themselves. Corruption can also allow actors within food supply chains to circumvent the recurring costs (e.g., costs of hygiene measures, record keeping, laboratory testing, staff training, building or facilities maintenance, etc.) and non-recurring costs (e.g., construction or reconstruction of premises, laboratory equipment, etc.) inherent in the implementation of food safety measures.²⁴

Additionally, the asymmetric nature of the demand for food further drives corruption; even if prices are inflated because of corruption costs, or food control systems are not rigorous enough to guarantee food quality, consumers cannot boycott or choose not to purchase the food products required for their survival.

Corruption related to food safety measures and food control systems can also contribute to the proliferation of foodborne diseases, pests and other harmful outcomes, and in extreme cases can result in the deaths of consumers or the destruction of entire crops or harvests. Corruption can further undermine the integrity of national and international regulatory and enforcement frameworks, weaken public trust in a government's ability to ensure food safety and food control, and negatively impact a country's economy, environment and international trade relations.

Corruption can severely impact the effectiveness of government measures and controls designed to safeguard public health from foodborne illness and, as such, both public and private organizations should take steps to address any identified corruption risks related to food safety and food controls. In fact, any measures that aim to protect the health of humans, domestic and wild animals, plants, or the wider environment will be ineffective if corruption along the food supply chain is not prevented. Policymakers, relevant national authorities and key stakeholders in the food sector are therefore encouraged to take a leading role in addressing corruption in order to safeguard the health of human, animal and plant life, the environment and ecosystems. Inaction to tackle corruption as it relates to food safety and food control threatens global health outcomes and can reduce the ability of governments to combat future pandemics.

²⁴ International Finance Corporation, *Investing Wisely in Food Safety: How to Maximize the Benefits and Reduce Costs* (Washington, D.C., World Bank, 2016).

The benefits of addressing corruption risks related to food safety and food control include:

■ 2.2.1 Protecting Public Health

National implementation of food safety measures and control systems in line with international standards is vital for the maintenance of public health and the promotion of health as a human right. Improved food security, which encompasses the prevention of food-related corruption and the enforcement of food safety measures and controls, is an effective way to safeguard public health. It also supports the One Health approach, which recognizes that the health of humans, domestic and wild animals, plants and the wider environment (including ecosystems) are closely linked and interdependent.²⁵ Addressing corruption can therefore assist governments in strengthening the full spectrum of their food safety and food control measures, from disease prevention to detection, preparedness, response and management, and to improve and promote health and sustainability for all animals, plants and ecosystems involved in the food supply chain.

■ 2.2.2 Protecting Consumer Interests and Building Public Trust in Governments

Addressing corruption risks in the food supply chain by, for example, strengthening regulatory frameworks and increasing the transparency and accountability of related processes and decision-making procedures can result in greater public and stakeholder trust in a government's ability to ensure the safety of the food being consumed. In particular, increasing the transparency of food supply chains and production processes can allow consumers and civil society groups to independently monitor the implementation and enforcement of food safety measures based on their own independent research.

Implementing anti-corruption measures can also help ensure that public resources allocated to the adoption and implementation of food safety standards are not wasted, improving the efficiency and accountability of the organizations involved in the production of food items and further improving public trust in the food industry and the government's ability to manage it effectively.

²⁵ FAO, *One Health: Food and Agriculture Organization of the United Nations Strategic Action Plan* (Rome, 2011).

■ 2.2.3 Protecting Trade Relations Between Countries

International trade in food and agriculture has more than doubled in real terms since 1995, standing at an estimated value of USD 1.5 trillion in 2018.²⁶ In 2019, the agricultural sector, which includes food, vegetable and animal products, oils and fats, tobacco and beverages, accounted for as much as USD 1.6 trillion in international trade.²⁷ Global agricultural and food markets comprise around one-third of global exports, and emerging economies and developing countries are increasingly involved in this trade.²⁸ As a result of this global expansion in food trade, today's food-related supply chains may involve raw or processed foodstuffs crossing several international borders on their journey from origin to table, with food safety issues in one country able to significantly impact the production process in another country.

Addressing corruption risks related to food safety measures and control systems can therefore improve trade relations between countries by increasing the trust between trading partners in the quality and safety of traded products, and by improving the reputation of the food industry actors involved in international trade. Further, increasing the transparency and accountability of the international trade in foodstuffs can reduce the chance of one country imposing unnecessarily restrictive barriers to international trade on another, as these barriers may be harder to justify if food safety or enforcement data is openly available for review by stakeholders.

■ 2.2.4 Protecting the Environment

Almost all food consumed by humans has its origins in nature; from grains to farm animals, to fruits and vegetables, the production of our food not only relies on the environment but has a significant impact on its health. Corruption can therefore increase the chance of severe harm being inflicted upon fragile natural environments, for example by the farmer who bribes an inspector to overlook excessive use of pesticides or fertilizers, leading to the loss of pollinators and nutrient overload,²⁹ or by the multinational cattle producing company that exerts undue influence on a government minister to authorize increased clearing of rainforest land for cattle grazing.

Such corrupt acts can have a substantial impact on the environment, in particular on land cover, ecosystems, air and water pollution, and as a result preventive measures taken to reduce corruption in the primary production and processing stages of food supply chains can have positive outcomes for the protection of the environment, while also complementing sustainable agriculture efforts.

26 FAO, *The State of Agricultural Commodity Markets 2020. Agricultural markets and sustainable development: Global value chains, smallholder farmers and digital innovations* (Rome, 2020), p. 3. Additionally, note that statistics on international trade in food and agriculture fail to capture the overrepresentation of women producing food as subsistence farmers and/or women's involvement in the informal food trade. For more information, see Bongiwe Njobe, *Women and agriculture: The untapped opportunity in the wave of transformation*, Background paper (2015).

27 United Nations Conference on Trade and Development, *Key Statistics and Trends in International Trade 2020: Trade Trends Under the COVID-19 Pandemic* (New York, 2021).

28 FAO, *The State of Agricultural Commodity Markets 2020. Agricultural markets and sustainable development: Global value chains, smallholder farmers and digital innovations* (Rome, 2020), p. 3.

29 Nutrient overload of phosphorus and nitrogen is one of the major causes of biodiversity loss and ecosystem disruption, and the rate of this process is increasing. These fertilizers contribute to air pollution and eutrophication (the process of reduction of oxygen in waterbodies caused by increased concentrations of pollutants which promote the growth of harmful algal blooms).

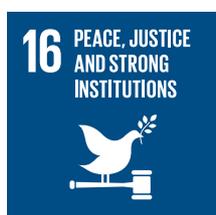
2.2.5 Supporting the Achievement of the Sustainable Development Goals (SDGs)



Addressing corruption risks associated with food safety is also vital for countries' efforts to reach the United Nations Sustainable Development Goals.³⁰ For example, SDG 3, which seeks to ensure healthy lives and promote well-being for all at all ages, calls for action to, among others, strengthen the capacity of all countries for warning, risk reduction and management of national and global health risks. SDG 2, which targets zero hunger, addresses how we grow, share and consume our food, and requires policymakers to implement adequate health standards and processes in their food and agriculture industries, and to ensure food security for their populations.



To achieve long-term success in meeting these goals, efforts must also be made towards achieving SDG 16, which calls for governments to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and [to] build effective, accountable and inclusive institutions at all levels. SDG 16 and its connected targets of reducing corruption and strengthening institutions is not only a valuable aspiration in its own right, but is also a vital condition for the achievement of SDG 2, SDG 3, and indeed all of the other sustainable development goals.



2.3 Corruption Risks Related to Stages of the Food Supply Chain

At each stage of the food supply chain, corruption risks will exist. Governments and public agencies mandated to maintain the safety of their country's food products should, as far as resources allow, take the necessary steps to reduce corruption risks related to these industries. To do this, however, it is vital that decision-makers within relevant public agencies are aware of where and how corrupt acts might take place within their operations and organizations. Below is a non-exhaustive list of some potential corruption risks that may occur at each stage of the simplified food supply chain provided in Figure III.

³⁰ The Sustainable Development Goals were set in the 2030 Agenda for Sustainable Development. See www.un.org/sustainabledevelopment for more information.

■ 2.3.1 Primary Production

The primary production stage of the food supply chain includes the cultivation of plants, breeding of livestock and poultry, and the maintenance of fisheries. Examples of primary production may include cattle raised and bred for meat and dairy products or the farming of crops to be used in the production of various vegetable or fruit-based foods or feeds.

When raising livestock or farming crops, the food safety measures and control systems to which farmers and agribusinesses must adhere will impact how their animals and crops are grown and, ultimately, will impact the quality and safety of the food produced for consumption. There are, however, ample opportunities for corruption to take place at this stage. For example,

- Farmers whose farms do not meet safety or hygiene standards may bribe relevant authorities to ensure that inspections do not take place or, if they do, breaches of standards are not reported, and sanctions are not applied.
- Inspectors may be bribed to allow unscrupulous companies to keep animals in unhygienic or inhumane conditions.
- Farmers may seek to conceal the use of prohibited pesticides, fertilizers and agri-chemicals on crops, or use inappropriate products on farmed animals.
- Aquaculture companies building infrastructure such as piers and ports might pay bribes to authorities to bypass the normal approval and inspection process or to overlook the necessary food safety measures.
- High-level lobbying of government officials or the bribing of inspectors may lower or circumvent basic hygiene requirements for fishing vessels, resulting in mishandled or mis-stored, and therefore potentially unsafe, fresh fish.
- If robust safeguards do not exist, multinational companies may seek to unduly influence government officials to inappropriately approve requests which benefit their business interests at the expense of consumers, animal welfare, or the environment.

Box 3 provides an example of how companies may seek to use high-level bribery to benefit their operations and maximize their profits at the expense of human, plant and animal health.

Bribery to Circumvent Pesticides Registration Procedures

In 2007, the United States Securities and Exchange Commission fined a multinational chemical manufacturing company for bribing a senior official to circumvent the registration process for three pesticides used in agriculture in India. The senior official worked in the Central Insecticides Board (CIB) of India, which was the entity wholly responsible for registering and monitoring the use of pesticides within the farming industry.

The senior officer in question was a member of the registration committee of the CIB and as such had the power to determine whether and when agricultural chemical products would be registered for approved use. It was determined that in 1996, the company had offered the official USD 40,000 to expedite the registration and approval of three pesticides produced by the company. Alongside other improper payments of around USD 160,000 to federal and state officials responsible for the distribution, sales, tax, customs and excise, the bribes paid by the company to relevant public officials totalled approximately US 200,000 in improper payments between 1996 and 2001.

Sources:

See United States Securities and Exchange Commission, *Litigation Release No. 20000*, and, *Accounting and Auditing Enforcement Release No. 2554*, and see also, *Securities and Exchanges Commission v. The Dow Chemical Company, Civil Action No. 07CV00336 (D.D.C.)*, (13 February 2007).

2.3.2 Processing

Actors in the food industry will often maintain long-term business relationships with other companies working along the same food supply chain, and these relationships require trust. For example, the relationship between food processing companies and food wholesalers and retailers relies heavily on trust; wholesalers and retailers must trust that food processing companies are adhering to the required food safety measures related to processes such as crop cleaning, slaughtering, cutting and disposing of animal parts, and countless others. However, these close relationships between actors can also allow for opportunities to be created for the committing and concealment of corrupt practices.

Box 4 depicts an example of bribery in the private sector, in which purchasing managers of food companies were bribed to ensure the purchase of products from a large tomato processing company.

Box 4

Bribery in Tomato Processing

An investigation into the actions of one of the largest tomato processors in the United States that grew, processed and distributed tomato products to multinational manufacturers and retail outlets, found that the company's owner and Chief Executive Officer had bribed the purchasing managers of food companies in order to secure lucrative contracts, and had organized an illegal target price agreement with other sellers of tomato paste.

The investigation also found that the CEO of the tomato processing company had routinely directed employees to mislabel products, for example to falsify tomato paste grading factors or lie about a product's percentage of natural tomato soluble solids, mould count, production date, or whether the tomato paste qualified as organic.

The CEO and one of the company's brokers were charged with racketeering and price fixing, while five of the company's clients' purchasing managers further admitted to having participated in the scheme and accepted bribes. The CEO was sentenced to six years in prison, to be followed by three years of supervised release for racketeering and price fixing. The judge also ordered a forfeiture of USD 3.45 million.

The company was forced into bankruptcy by its creditors in May 2009.

Sources:

United States Attorney's Office (Eastern District of California), "Two Executives Sentenced for Convictions in SK Foods Investigation", 8 April 2014.

United States Attorney's Office (Eastern District of California), "Former Owner and CEO of SK Foods Sentenced to Six Years in Prison for Racketeering and Price Fixing", 12 February 2013.

During the processing stage, chemicals and additives may be used to enhance flavour, consistency or texture, to increase a specific nutritional value, or to prolong the shelf life of a product. Most, if not all, countries have a regulatory system in place to ensure that the scientific evaluation and approval of these food chemicals and additives is carried out to the required standard. Public authorities may also regularly inspect facilities to ensure adherence to the relevant safety measures, particularly in large-scale operations.

However, corruption and unethical practices can affect the independence and impartial nature of this scientific evaluation. For example, actors seeking to insert harmful additives into food products may fund scientific conferences or scientific research, or undertake research themselves.³¹ In such cases, only favourable data and results which align with their agenda would be published. While this in itself may not constitute corruption, this biased data may then be offered to government officials along with other incentives as justification for approving harmful chemicals or additives.

On a larger scale, food processing entities may set up corrupt arrangements with inspectors whereby foods that are unsuitable for human consumption and do not meet the required food safety standards are still processed, with bribes or other incentives paid to inspectors by processing companies and primary producers. As Box 5 below demonstrates, inspectors may also alter their reports in exchange for a bribe or other incentive to protect companies from sanctions or punishments for such corrupt acts.

Box 5

Bribery of Food Regulators to Drop Inspection Standards

A major food scandal involving a regional food regulatory branch in China was brought to public attention in 2011. An investigation found that one of the largest cooking oil producers in Yunnan province had engaged in long-term and large-scale fraudulent schemes in the production and sale of adulterated cooking oil.

The company paid bribes to two senior public officials in the Food Safety Standards Unit in Songmin County to turn a blind eye during inspections of adulterated cooking oil. The corruption scheme included the discovery by inspectors of substantial amounts of hazardous raw material.

However, in order to impose a smaller penalty on the company, the inspectors only seized and classified a small amount of the hazardous material as not meeting the required food safety standard. The remainder of the hazardous raw material was not removed by inspectors and was instead left in the possession of the offending company to be used to produce more adulterated cooking oil.

Both senior officials were found guilty of corruption and sentenced to imprisonment.

Source:
China Procuratorial Service Platform 12309, *Prosecution Case No. 16: Bribery and Food supervision malpractice case concerning Sai Yue and Han Chengwu* (11 April 2019).

31 Gyorgy Scrinis, "Ultra-processed Foods and the Corporate Capture of Nutrition", *The British Medical Journal*, No. 371 (December 2020).

Box 6 below illustrates how large-scale corruption may be used as a tool to obtain improper food safety clearances by allowing companies to falsify laboratory results and sell meat products prepared with rotten meat.

Box 6

Bribery of food and health inspectors by meat companies

In 2017, officials in a country in South America uncovered a large-scale food scandal in which a number of food-sanitation inspectors and politicians were alleged to have taken bribes from two of the country's largest meat processing companies. In return, these inspectors signed off and issued certificates for substandard or rotten meat, falsified export and other documents, and failed to inspect meatpacking plants, including some that were subsequently found to have been contaminated with salmonella.

A subsequent investigation conducted by the authorities also found that five laboratories and certain departments of the two companies had falsified results and engaged in fraud to evade food safety checks by, for example, covering up traces of salmonella in their products. The initial probe and raid undertaken by the authorities resulted in the arrest of five employees between the two companies and twenty public officials. In addition, one of the companies admitted to having bribed over 200 food safety inspectors responsible for inspections in its slaughterhouses by paying them monthly fees, while the other company also noted that it provided food safety inspectors with additional health benefits.

As a result of this investigation, seven trade partners took steps to ban imports of meat from this country, either completely or from the processing plants implicated in the scandal.

Products that are usually perceived as healthy and necessary, such as milk, can also pose a threat to health if corruption leads to their adulteration. Box 7 provides an example of how bribery can allow companies to manipulate sanitary inspections. Furthermore, Box 8 demonstrates how corruption can have deadly consequences.

Box 7

Bribery for Circumventing Inspections of Contaminated Milk

In a South American country, a federal dairy product inspector was found to have received bribes from a milk company to allow it to evade sanitary inspections of milk that was either adulterated or unfit for consumption.

The investigating authority revealed that the scheme involved the senior management of the milk company paying bribes to the inspector, who then arranged for false samples of milk and whey powders to be sent to the accredited laboratory in place of the adulterated or unfit samples in order to receive the necessary inspection approvals. In the indictment, all defendants were accused of defrauding the sanitary inspection system and endangering public health by knowingly allowing adulterated and unfit dairy products to be sold to consumers.

Box 8

Corruption to Protect Markets

In 2008, a case involving an Asian country and 22 dairy companies evidenced how corruption related to food safety measures can have a tragic impact on public health. In this case, milk powder was found to have been purposefully adulterated with melamine, a toxic compound meant to boost protein intake. The contaminated milk led to kidney damage in infants with an estimated 300,000 babies affected, leading to 58,000 hospitalizations and the deaths of six infants.

During the time in which the contaminated products were being distributed, prominent government officials, including the deputy mayor of the factory's location, applied pressure on the company to keep the scandal quiet, including by allegedly paying off victims and their families to remain silent.

A number of trials of involved public employees were conducted by the country's government resulting in two executions, three sentences of life imprisonment, two 15-year prison sentences, and the firing or forced resignation of seven local government officials and the director of the country's food quality, inspection, and quarantine administration. Additionally, the chairperson of the first dairy in which the adulteration was discovered was sentenced to life in prison.

■ 2.3.3 Packaging and Labelling

Packaging refers to the technology and materials used for enclosing or protecting food products for distribution, storage, sale and use.³² Choice of packaging can impact the quality and safety of food and may also prevent the consumer from noticing its quality and quantity.³³ As a result, robust packaging and labelling rules are required to ensure that consumers are aware of what is in their food, and food safety measures are required, for instance, to prevent contaminants from being introduced during the packaging process.

Corruption at this stage of the food supply chain may, for example, ensure that food inspectors do not report practices during the food packaging process that fall short of required hygiene standards, or be used to influence government officers to approve the use of cheaper but potentially harmful food packaging materials. The incentive for companies to use corrupt practices to influence the development of packaging and labelling regulations, or to circumvent existing ones, is significant, as these requirements can directly impact the demand for certain products. For example, if a company influences lawmakers to ensure that no laws are passed requiring the inclusion of front-of-package warning labels for processed and ultra-processed foods, the company in question can continue to sell potentially harmful food products to unsuspecting consumers.

The labelling of food products also allows consumers to identify which certifications, if any, the product has been granted. These can include animal welfare accreditations such as free-range or grass-fed, dietary specifications such as vegan or gluten free, or accreditations related to the characteristics of the packaging itself such as the inclusion of a BPA-Free logo on plastic food or drink packaging. These certification processes can be undermined by corruption. In the simplest cases, companies may attempt to include certifications or logos on packaging even though such certifications or logos have not been awarded for that product, and then bribe inspectors to turn a blind eye. Similarly, if the certification entity is a private organization, they may bribe government bodies to officially recognize their certification even though it falls short of government food safety or labelling standards.

32 Walter Soroka, *Fundamentals of Packaging Technology*, 4th ed. (Institute of Packaging Professionals, 2010).

33 According to the Codex General Standard for the Labelling of Pre-packaged Foods (CODEX STAN 1-1985), a food label is any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food or food product.

Box 9 below describes how corruption might be used by organized criminal groups to avoid inspection so that poor-quality food products with fraudulent labels can be exported, resulting in misled consumers whose health and religious beliefs are disregarded in pursuit of illicit profits.

Box 9

Intentional Mislabeling of Non-Halal Meat

A country in South-East Asia was found to be the operating ground for a criminal cartel that had, for over four decades, been bribing customs officials to smuggle cheap and non-halal certified meat from unauthorized sources in order to then relabel the meat and sell it on the domestic market as halal certified.

The cartel first produced low-grade meat products at offshore slaughterhouses, then fraudulently labelled them as halal certified and shipped them to the importing country with the assistance of customs officials who were bribed to skip routine inspections and accept fraudulent paperwork.

The criminal cartel then transported the mislabelled meats to warehouses where they were mixed with genuine halal-certified meat and repackaged with fake halal logos. As part of their investigation into this scheme, the enforcement authority seized a total of 1,500 tons of illegally imported frozen meat, as well as fake labels and rubber stamps used to produce fake halal logos.

2.3.4 Transport and Storage

After the primary production, processing and packaging stages, food products are sold to distributors who handle logistics such as transportation and storage. Food safety regulations are also applicable to these stages of the food supply chain to prevent the occurrence of unsafe practices that might create food safety risks, such as failure to properly refrigerate food, inadequate cleaning of vehicles between loads, or failure to properly protect food during transit.

Corruption at the transport and storage stages can take many forms. For example, bribes to inspectors may allow food transport companies or storage facilities to avoid mandatory inspections or, if inspected, allow potential food safety failings to go unreported. Similarly, corruption may enable food transport companies that use vehicles that are not compliant with food safety regulations to operate without facing sanctions or fines. Box 10 provides an example of how public officials can be bribed to avoid issuing sanctions related to failure to observe food safety measures in transport.

Bribery to Pass Inspections

A large company that transported pork meat internationally was found to have used bribes to facilitate the inspection process of their transport containers.

According to national regulations, containers were required to comply with a series of mandatory random checks, which included sending samples to laboratories as means to prevent the spread and export of diseases. However, during an investigation it was found that health officials in charge of collecting samples and carrying out these inspections had been bribed by the transportation company in question to allow their containers to pass inspections, despite finding traces of salmonella in four of the company's containers.

2.3.5 Wholesale Trade

At this stage of the food supply chain, food is purchased and stored in large quantities and sold in batches to resellers, professional users or groups, but not to final consumers.³⁴ Wholesalers also perform many functions which add value to the goods, including maintaining inventories of goods, physically assembling, sorting and grading goods in large lots, warehousing, transporting, financing, supplying market information and providing management services.³⁵ With such varied roles, if the required safeguards are not in place or robust enough, corruption will have many opportunities to occur at the wholesale stage.

For example, corruption can allow collusion between processors and wholesalers to construct illegal purchasing and selling schemes to enable the distribution of adulterated or mislabelled processed foods without controls. Wholesalers may also seek to use corrupt methods to bypass food safety requirements, thereby avoiding the costs of investing in food safety equipment or gaining required certifications while exposing consumers to significant risks from unsafe food products. Public officials may also receive bribes so that food controls are not conducted.

Vulnerability to corruption at this stage is further deepened when private wholesalers are contracted by governments to supply large quantities of food products for schools, hospitals and other large groups dependent on government assistance. If procurement systems are weak or lack the necessary safeguards to protect against corruption, wholesalers seeking to gain unfair advantage may use bribes or other incentives to secure lucrative government contracts.

34 Catherine Draper, "Chapter 5: Wholesale Trade and Retail Trade Services", in *Eurostat-OECD Methodological Guide for Developing Producer Price Indices for Services*, 2nd ed. (Paris, OECD Publishing, 2014).

35 Organisation for Economic Co-operation and Development (OECD), "Wholesale trade services", Working Party of the Trade Committee (TD/TC/WP(99)18/FINAL (2000)).

In such cases, the choice of suppliers through corrupt channels means that inspection and quality controls of the delivered goods is likely to be non-existent, leaving vulnerable groups dependent on government support such as schoolchildren, patients, and the elderly to suffer while corrupt private wholesalers benefit.

2.3.6 International Trade

Globalization has resulted in higher export and import volumes of food and food products. To ensure the quality and safety of traded food, importers and exporters are subject to a combination of multilateral and bilateral agreements, national regulations, food safety measures and food control mechanisms. However, the global food market can be weakened by acts of corruption which seek to circumvent these requirements and safety standards.

For example, customs officials may be offered bribes by distributors (or demand bribes from them) to approve exports or release imported shipments that do not meet the required safety standards of the importing country. Similarly, private companies may bribe food inspectors to obtain import or export certificates without the required inspection of products taking place. Box 11 below provides an example of corruption related to the issuance of import certificates.

Box 11

Bribes in Exchange for Issuance of Food Product Import Permits

In a country in the Middle East, five employees of the Ministry of Health were found to have accepted bribes from food importers. The employees received bribes in the form of money, gift cards, and consumer goods and in exchange unlawfully issued permits for the import of certain food products.

Following their confessions, all five individuals were prosecuted and convicted.

2.3.7 Food Retailing

The food retail sector consists of supermarkets, grocery stores, markets and any other consumer sale point, and usually constitutes the final stage of the food supply chain and the journey from origin to table. However, as mentioned previously, corruption at early stages of the food supply chain can negatively impact what takes place at subsequent stages, in particular the retail stage. For example, deliberate food adulteration during the processing phase, mislabelling of a food product at the labelling stage, or circumventing food safety measures at the transport and storage stages all contribute substantially to the reduction of the safety and quality of retailed food.

However, corruption can occur at the food retail stage too. For example, supermarket owners may bribe safety inspectors to overlook unhygienic food storage or the alteration of expiry dates and sale of spoiled products, or retailers may be influenced or incentivized to choose suppliers who do not have the required permits or food safety certificates.

Indeed, given that the retail stage is the only stage at which consumers interact directly with the food supply chain, corruption at this stage can have a disproportionately large effect on public health and consumers' trust in the food industry. Box 12 highlights a case in which a multinational supermarket was found to have engaged in bribery to operate without the necessary licences.

Box 12

Supermarkets Operating Without Licences

In 2019, a major supermarket chain was reported to have been paying bribes to a public official in Latin America to allow them to operate a supermarket location without the required licence.

Additionally, it was found that the chain had also paid bribes to ensure that the headquarters of the brand's wholesale arm could also operate in the country without the necessary licences and permits. The chain had been operating without a licence for either its wholesale headquarters or the retail store from 2007 to 2015.

The payments, totalling USD 280,000, were made by the supermarket to the government official. In total, four executives of the supermarket chain and its related wholesale arm were charged with corruption offences, along with the corrupt government official.

Governments have a responsibility to their populations to safeguard public health in relation to the safety of publicly marketed foods.³⁶ However, many foods and food products, especially in less developed economies, are sold to consumers in traditional outdoor markets where the enforcement of food safety measures may be difficult. While most national food control systems include controls over traditional food markets, corruption can prevent these controls from being implemented effectively, for example by allowing unscrupulous retailers to bribe public officials to overlook failures to adhere to hygiene or quarantine standards, thereby circumventing food safety measures and food control systems.³⁷

36 Alan Reilly, Raymond Ellard and Judith O'Connor, "Food Safety at the National Level: The Role of Governments", in *Medical Sciences*, vol. 2, B. Mansourian and S. Mahfouz, eds. (EOLSS Publications, 2009).

37 A. Alonso Aguirre and others, "Illicit Wildlife Trade, Wet Markets, and COVID-19: Preventing Future Pandemics", *World Medical and Health Policy*, vol. 12, No. 3 (2020).

Corruption also amplifies the risk of foods being adulterated with cheap or dangerous ingredients before being offered to consumers. Box 13 demonstrates how lax or non-existent oversight at the point at which food reaches the consumer can have a serious negative public health impact on the most vulnerable members of society.

Box 13

Use of Contaminated Oil Resulting in the Deaths of Schoolchildren

Several countries have implemented school lunch programmes to alleviate poverty and increase school attendance while tackling malnutrition. However, some of these programmes have been tainted with corruption and poor food controls.

In 2013, 23 children aged between five and 12 died as a result of eating contaminated lunches at a school in an Asian country. The director of the school had procured oil from her partners' grocery store, but when alerted by the cook that the oil was unfit for consumption the director ordered the cook to use it anyway. During the subsequent investigation, forensic reports confirmed that the cooking oil had been stored in a container previously used to store the toxic pesticide Monocrotophos, a pesticide used commonly in agriculture.

The director was sentenced to 10 years imprisonment for homicide.

2.3.8 Preparation

Foods that are prepared for immediate direct public sale by private or public actors, such as in restaurants, cafeterias, food trucks, or any other establishment providing food for immediate consumption, must also adhere to national food safety standards and controls. Food can easily be contaminated, and as a result a lack of adherence to safety measures at the stage when it is served to consumers for immediate use can negate any public health safeguards implemented in previous stages. Corruption can undermine food safety measures at this stage; for example, a restaurant owner might pay a bribe to illegally obtain the required sanitary inspection certificates or may pay an inspector to overlook unmet hygiene standards in the food preparation or storage areas.

The example in Box 14 shows how influence can be traded so that sanctions are not imposed when food safety measures are breached.

Box 14

Trading in Influence to Avoid Closure

Officials from the Ministry of Health in an Asian country, responding to reports from a consumer, found traces of salmonella and listeria in a restaurant's food. In addition, officials traced three other hospitalizations to bacteria detected at the restaurant. As a result, the ministry's food safety department correctly issued a closure order for the restaurant in question.

However, following the issuance of the closure order, the Minister of Health visited the restaurant in person, accompanied by other ministry officials, and requested that the order be frozen. The Minister ordered officials to find ways to avoid closing the restaurant, citing he was a frequent customer of the establishment. When Ministry officials refused to cooperate with this request, reiterating that the establishment posed a significant threat to public health, the Minister then allegedly offered the officials better employment conditions in return for their cooperation.

Chapter 3





***CONTROL
MECHANISMS***

Chapter two highlighted the significant impact that corruption can have on the effectiveness of national food safety measures and food control systems, and underscored that any action to protect public health and local and international food trade must include effective anti-corruption safeguards. When corruption is not prevented and addressed, the repercussions for public health and employment can be significant; the health of citizens is at risk when corruption weakens food control systems, and jobs are at risk when overlooked food safety measures result in the interruption of food supply chains.

Despite the enormous economic and social significance of the food industry, there is limited data and research available on how corruption undermines food safety measures and food control systems. This represents a challenge for public institutions that have mandates which include the implementation and control of food safety standards. Without evidence-based research, accurate data and analysis, it is challenging to identify the vulnerabilities which allow corruption to undermine the adoption, monitoring and implementation of food safety measures and control systems.

It is crucial that governments, when designing their national food safety and control plans, consult national anti-corruption strategies.³⁸ This is particularly important due to the array of stakeholders operating at various stages of the food supply chain, any one of whom could, through their action or inaction, allow corruption to enter the food supply chain. Such alignment between food safety controls and national anti-corruption strategies should also be complemented by robust inter-agency coordination mechanisms (such as, for example, the development of national inter-agency committees) to ensure that food regulations and the implementation and oversight of food safety measures include strategies to prevent, detect and suppress related corruption and corruption risks.

The bullet points below provide a non-exhaustive list of challenges reported by public bodies seeking to counter corruption linked to food safety measures and food control systems. The data was gathered through a questionnaire that UNODC submitted to Member States in 2020, to which 32 countries responded.³⁹ The analysis of the responses to the questionnaire has been divided into two categories: challenges that undermine corruption prevention, and challenges that weaken the detection, investigation and adjudication of corruption. Building on this information, this chapter proposes tools and measures that could be adopted and implemented by public entities to address these challenges.

³⁸ See article 5 of UNODC, *United Nations Convention against Corruption* (2004).

³⁹ The questionnaire sought information on countries' legislation, regulations, good practices and challenges associated with food safety and food control. The information presented is not exhaustive but limited to key findings.

The following challenges were reported in relation to the prevention of corruption in food control systems and food safety measures:

- Complex and outdated distribution of food safety and food control functions.
- Insufficient incentives for the private sector to implement voluntary anti-corruption measures in order to go beyond the minimum level required to comply with relevant laws.
- Limited capacity and resources to implement food control measures (for example, to carry out samplings).
- Difficulty to adapt to the rapidly changing nature of the food industry and higher volumes of food import and export.
- Outdated legislation.

The following challenges were reported in relation to the detection and/or investigation and adjudication of corruption in food control systems and food safety measures:

- Low rates of corruption reporting by consumers.
- Limited public availability of information about food safety and food controls, thus constraining the monitoring role of civil society.
- Lack of inter-agency cooperation.
- Lenient sanctions, not proportionate to the impact of the crime.

3.1 Preventive Measures

The preventive measures listed below can serve to strengthen institutions and their processes and procedures, with a view to reducing opportunities for corruption. The list is not meant to be exhaustive, but rather aims to provide countries and authorities seeking to incorporate anti-corruption measures into their food safety measures and food control systems with suggestions and ideas that may be relevant to their local contexts.

3.1.1 Adoption of Science-Based Food Safety Measures

Science-based decision-making boosts public health and protects trade while limiting opportunities for corrupt practices. It is therefore crucial that governments adopt food safety measures and food control systems based on unbiased scientific evidence and analysis.⁴⁰ Such approaches can also help ensure a degree of consistency in decision-making along the food supply chain, and can enable the identification of gaps in the application of food safety measures and highlight suitable actions to address them.

By incorporating requirements based on sound scientific evidence into food safety measures and controls, particularly in the early stages of the food supply chain such as primary production,

⁴⁰ FAO, *The Future of Food Safety: There Is No Food Security Without Food Safety* (Rome, 2019).

processing, packaging and labelling, it becomes harder for corrupt actors to manipulate or circumvent control measures. The effectiveness of a science-based approach, however, can be undermined if the distribution of duties across government agencies is duplicated or outdated (thereby allowing public officials to feign ignorance or deny responsibility for the enforcement of controls), or if the application of measures and controls is noticeably inconsistent across geographical locations and positions (thereby allowing corrupt actors to target geographical locations or individuals that do not apply food safety or control measures as well as others).

Guidance provided by the FAO and WHO expert scientific bodies can provide assistance for public entities seeking to verify the scientific accuracy of their national food safety measures. Additionally, as these bodies provide reliable up-to-date scientific advice, national anti-corruption bodies⁴¹ could also use the information provided by them as a reference tool for determining if national food safety measures support private interests above public health objectives.⁴² For example, the Joint FAO/WHO Expert Committee on Food Additives (JECFA) has been providing scientific advice on food additives, contaminants and residues of veterinary drugs in food, as well as principles and guidance for safety assessments of chemicals in food, since 1956. This information has since served as the basis for national-level food safety regulation in several countries.

3.1.2 Active and Continuous Corruption Risk Management

Corruption risk management⁴³ is a structured and systematic process that can be used by public organizations involved in any stage of the food supply chain to identify vulnerabilities within their operations, and to devise cost-effective strategies to remove opportunities for corruption to occur. The aim of this process is to develop a set of feasible actions that a particular organization can take to prevent corruption. By taking a risk-based approach, corruption can be prevented before it occurs, and the threat it poses to public health can be significantly reduced.

Engaging in a corruption risk management process can therefore help public entities to:

- Protect public health.
- Strengthen efforts towards achieving relevant Sustainable Development Goals.
- Strengthen consumers' trust in the food supply chain and governance systems.
- Proactively assess vulnerabilities and systematically identify existing weaknesses within organizations to prevent corruption.
- Address corruption risks before they materialize and undermine public health.
- Develop feasible strategies to mitigate specific corruption risks.
- Promote positive behavioural change.
- Foster a culture of integrity within public organizations.
- Save public resources.

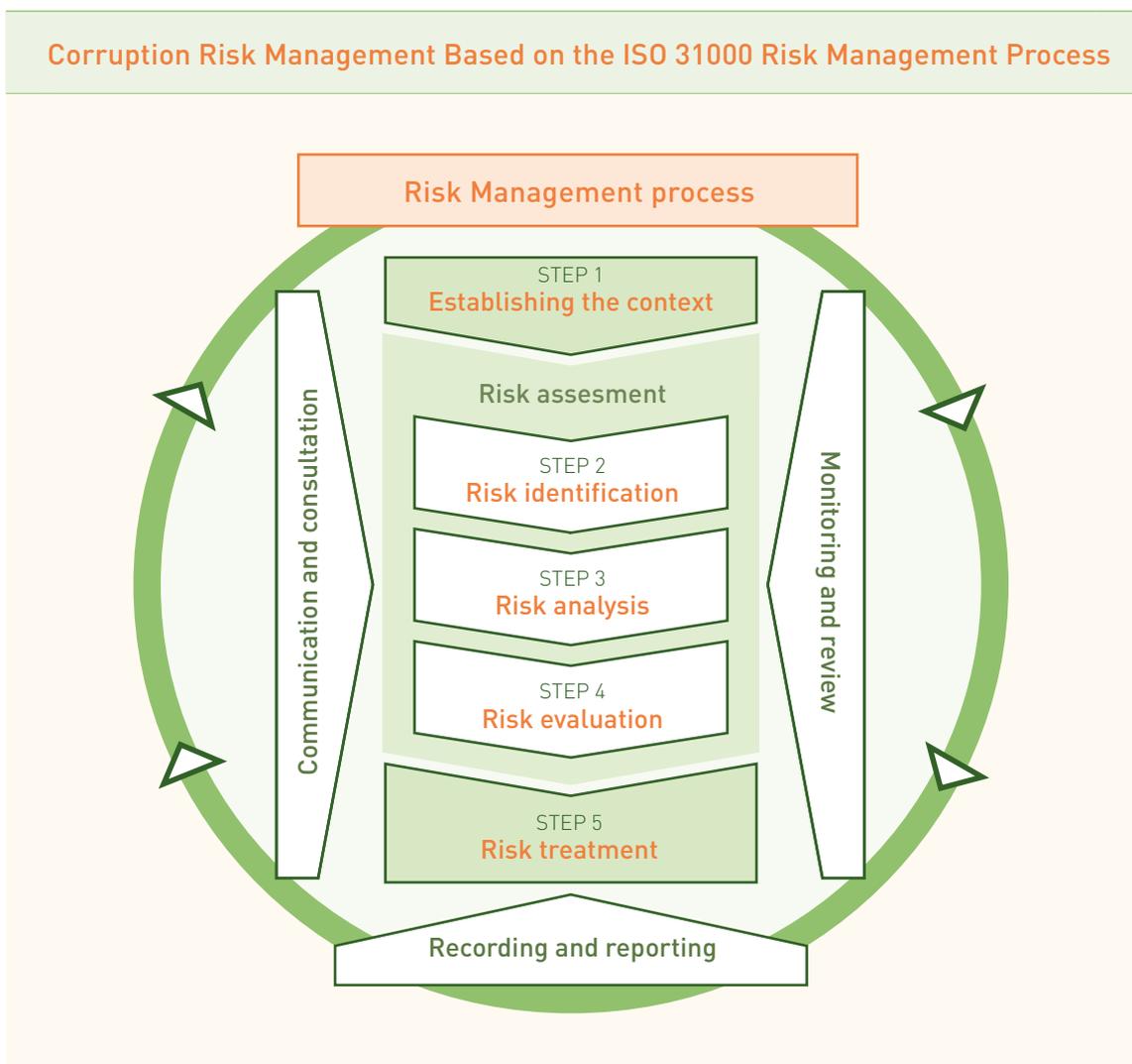
⁴¹ See article 36 of UNODC, *United Nations Convention against Corruption* (2004).

⁴² Ibid.

⁴³ See article 9.2(d) of UNODC, *United Nations Convention against Corruption* (2004).

There is no one-size-fits-all approach to undertaking a corruption risk management process. The process shown in Figure IV below is based on the methodology proposed by the International Standards Organization (ISO) Risk Management Guidelines (ISO 31000:2018). UNODC has adapted this methodology, keeping in mind the specificities of public sector organizations and public servants' expertise and experiences. More information can be found in UNODC's *State of Integrity: A Guide to Conducting Corruption Risk Assessments in Public Organizations*, which provides detailed guidance on how to undertake a corruption risk management process and provides the necessary tools for organizations to be better placed to meet their objectives and develop their own strategies.⁴⁴

Figure IV



The corruption risk management process, when carried out in relation to food safety measures and control systems, is a collaborative approach that brings together public officials from various departments and levels of seniority from the same public organization to meet the goal of preserving food safety and public health through the prevention of corruption. The process

⁴⁴ UNODC, *State of Integrity: A Guide to Conducting Corruption Risk Assessments in Public Organizations* (Vienna, 2020).

will be specific to the organization, taking into account its particular circumstances and the environment in which it operates. Importantly, as Figure IV illustrates, this process is cyclical and iterative; findings and lessons from one iteration of the risk management process feed into the preparations for the next. Table 2 below provides an outline of what may be entailed at each stage of the risk management process.

Table 2

The Corruption Risk Management Process	
STEP 1	Establish the context
<p>Objective: All group members have a common, accurate understanding of the environment in which the organization operates and what powers it has to affect it.</p>	<p>How?</p> <ul style="list-style-type: none"> ▪ Analyse the factors that define the mandate of the organization, including legal, regulatory, financial, technological aspects. ▪ Use analytical tools to establish the context, identify actors and processes in the organization. Analysis of the organizational functions and stakeholders is recommended.
STEP 2	Risk identification
<p>Objective: Identify and create a list of corruption risks to which the organization is or might be exposed.</p>	<p>How?</p> <ul style="list-style-type: none"> ▪ Brainstorm, freely exchange ideas about possible corruption risks. Include potential future risks. ▪ Review existing documents and processes to identify possible opportunities for corruption.
STEP 3	Risk analysis
<p>Objective: Establish the nature, impact and characteristics that the identified corruption risks have on the organization.</p>	<p>How?</p> <ul style="list-style-type: none"> ▪ Interview staff, examine internal documents (e.g., past audit reports, investigations, accounting or procurement records), or review existing corruption control measures. ▪ Analyse if the impact of corruption risks is financial, reputational or if it affects the institutional mandate.

STEP
4

Risk evaluation

Objective:

Determine which corruption risks will be prioritized in the mitigation plan.

How?

- Estimate the likelihood of risks occurrence and their potential impact.
- Rate their likelihood and impact. Descriptive words such as 'low', 'medium' or 'high' can be used.
- Prioritize the risk by determining which ones are more likely to occur and pose the most serious threat to the organization if they were to occur.

STEP
5

Risk treatment

Objective:

Develop a corruption risk mitigation plan.

How?

- Identify the causes driving the prioritized corruption risks.
- Review existing controls (such as laws, processes, procedures, rules and measures) that aim to prevent and detect corruption as they link to the identified causes of the risks.
- Develop mitigation strategies by analysing and determining whether the controls in place need to be strengthened or if new control should be developed.
- Propose mitigation strategies that are affordable and feasible.
- Allocate resources, responsibilities and timeframes.
- Once implemented, the efficacy of each mitigation strategy should be monitored and evaluated.
- The corruption risk mitigation plan should then be adjusted, taking into account the findings of the evaluation, in order to inform the next cycle of the process.

3.1.3 Promote Transparency

Today's food supply chains involve actors from a range of industries including agriculture, packaging, transport and retail, all engaged in a complex web of interactions which spans across national borders and jurisdictions. With so much complexity governing a food product's journey from origin to table, implementing new transparency measures or strengthening existing ones can serve as an important method for reducing corruption risks. This can also foster international trade by increasing confidence between trading partners, reducing opportunities for corruption, and encouraging open discussion, participation and cooperation among stakeholders regarding the corruption risks that inevitably arise.

Furthermore, technology can enhance the transparency and accountability of food safety measures and food control systems by allowing countries to better and more quickly adapt to rapid and unforeseen changes that can occur in the food industry. These changes can include weather events, loss of harvests, or political instability or conflicts, and can result in overnight changes to established food supply chains. When such changes occur, corruption can flourish as unscrupulous actors attempt to gain advantage during uncertain times. Technology such as online corruption reporting tools, video surveillance of remote sites, the use of electronic payment platforms, or remote temperature or climate monitoring in food storage locations can all act as control mechanisms to reduce the likelihood of corrupt acts occurring or going undetected and unpunished.

Increasing the use of technology can also facilitate effective monitoring by civil society organizations.⁴⁵ For example, websites which contain clear information on the rules and regulations governing particular stages of the food supply chain, the establishment of secure platforms for the electronic receipt of export and import declarations, or the use of online portals to track dangerous food sources can allow agencies real-time access to records, which can in turn be useful for oversight and the prevention of corruption. Box 15 below provides examples of real-world cases in which technology has been used effectively to combat corruption in the food industry.

⁴⁵ See articles 10 and 13 of UNODC, *United Nations Convention against Corruption* (2004).

Harnessing Technology for Greater Transparency

In **Thailand**, a public website provides guidance on what food safety measures need to be applied and which specific permits are required to be a producer, exporter or importer. It also includes a platform for companies or public agencies to declare exports and imports of food, which increases transparency and traceability, and reduces opportunities for bribery. The Thai authorities responsible for regulating the food industry have also organized public hearings designed to feed into the legislative drafting process, and have launched consumer awareness-raising initiatives on relevant measures through websites, seminars and workshops.

In **Estonia**, a government website includes reports on the implementation of national control plans, relevant legislation and draft laws related to food and veterinary control. It also has information on public consultations on food safety measures, the number, nature and duration of the inspections carried out, and information on inadequate compliance or non-compliance identified and whether or not it was addressed. On the same website, industry groups are rated according to corruption risks, inspection questionnaires, and results of external performance audits. Budgets and financial reports are also posted publicly.

Source:
UNODC Questionnaire on experiences and good practices in addressing corruption related to sanitary and phytosanitary standards to Member States (August 2020).

3.1.4 Encourage Budgetary Transparency

Transparency of institutional budgets is key to ensuring that public resources are equitably allocated across the authorities mandated to adopt, monitor and implement food safety and control measures, taking into account their capacity and workload. Lack of transparency in budgeting and allocation of resources can result in inefficient allocation of funds or embezzlement.⁴⁶

Lack of budgetary transparency can also result in key agencies or personnel responsible for the implementation of food safety and control measures being underfunded, leading to insufficient human and financial resources necessary to effectively implement such measures and safeguard public health.

⁴⁶ See article 9.2 of UNODC, *United Nations Convention against Corruption* (2004).

3.1.5 Strengthen Controls on Key Positions

Food safety and food control is not the remit of just one public institution⁴⁷. Rather, it involves coordination and interaction between several entities, often with competing or overlapping mandates and different operating structures. Mapping the positions within these bodies that might be vulnerable to corruption can enable the targeted adoption of measures designed to reduce these vulnerabilities. Corruption prevention measures can also facilitate more efficient use of limited human and financial resources in public bodies. Box 16 provides real-world examples of how controls related to key positions have been strengthened.

Box 16

Strengthening Controls in Key Positions

Bulgaria has set up a rotational system for food inspections as well as a mechanism for a second inspection of sites to avoid opportunities for corruption.

Estonia has made it mandatory for officials, particularly those responsible for monitoring hygiene standards, to receive training on relevant anti-corruption measures. They must also sign a declaration of impartiality and commit to not engaging in corrupt practices. In addition, random checks on the inspections by officials from the veterinary and food department further help to reduce the risk of corruption.

Source:
UNODC Questionnaire on experiences and good practices in addressing corruption related to sanitary and phytosanitary standards to Member States (August 2020).

3.1.6 Prevent Private Sector Corruption

Analysis of the responses to the UNODC questionnaire⁴⁸ identified that one of the challenges faced by national authorities responsible for food safety and controls is the lack of incentives for private companies involved in the food industry to implement voluntary anti-corruption measures, beyond those prescribed by law.⁴⁹ Such voluntary measures may, for example, affect profits negatively, or may add new or additional levels of government oversight to operations, which may in turn make companies hesitant to implement any additional anti-corruption measures beyond those required by law. However, governments can increase private entity engagement in voluntary anti-corruption measures by, for instance, creating incentives for businesses to adopt and implement ethics or compliance programmes. Corruption prevention measures implemented by private entities can also enable them to avoid sanctions and

⁴⁷ See article 7 of UNODC, *United Nations Convention against Corruption* (2004).

⁴⁸ UNODC Questionnaire on experiences and good practices in addressing corruption related to sanitary and phytosanitary standards to Member States (August 2020).

⁴⁹ See article 12 of UNODC, *United Nations Convention against Corruption* (2004).

reputational damage while supporting fair competition, avoiding market disturbances and disruptions, and attracting business and clients through the assurance that their products observe food safety measures and respect food control systems.

The private sector plays an important role in preventing and countering corruption in line with the principles set out by the United Nations Convention against Corruption (UNCAC). Business integrity is not only a legal obligation, but also a strategic advantage for companies seeking to thrive or stand out in a competitive market. Strengthening integrity can enhance a company's reputation, attract investors and customers, reduce costs and risks, and create a level playing field for all businesses.

Further, companies can improve their reputation through visible anti-corruption efforts which build trust amongst partner companies and consumers. Private entities can also, alongside compliance with the law, adopt internal measures that ensure business integrity and ethics. For example, private firms may seek to implement ethics programmes that involve leadership, upper management and middle management, or develop and adopt codes of ethics or anti-corruption guidelines.⁵⁰ They may also choose to provide practical resources and training to guide key employees who might face conflicts of interest during the performance of their roles or establish channels for reporting corruption anonymously.

Another strategy to encourage companies to implement voluntary anti-corruption measures is by creating incentives to strengthen business integrity. Incentives are legal or administrative measures which provide benefits or advantages to businesses that comply with laws or regulations, cooperate in an investigation, or adopt voluntary good practices. They can include penalty mitigation, tax breaks or exemptions, preferential treatment in public procurement or contracts, facilitation of licences or permits, recognition or certification by public authorities or independent bodies, access to funding or technical assistance programmes, or participation in multi-stakeholder initiatives.⁵¹ Such incentives aim to encourage business integrity by increasing the benefits and opportunities of behaving ethically, and may potentially offset some of the additional costs involved in adopting voluntary anti-corruption measures.

While there are different management models that organizations may utilize when seeking to implement internal measures for promoting business integrity and ethics, these models all share similar characteristics such as the personal commitment of business leaders and managers, the clear communication to staff, customers and relevant stakeholders of the values and commitments made, and the requirement that any internal measures implemented are based on a risk assessment to ensure effective use of limited resources.

Moreover, internal control systems and provisions for safe reporting, such as whistle-blower protection mechanisms, should be established. Information on this can be found in the UNODC documents: *An Anti-Corruption Ethics and Compliance Programme for Business: A Practical*

⁵⁰ See article 12.2(b) of UNODC, *United Nations Convention against Corruption* (2004).

⁵¹ See article 37 of UNODC, *United Nations Convention against Corruption* (2004).

*Guide*⁵² and *An Anti-Corruption Ethics and Compliance Handbook for Business* (developed in cooperation with OECD and the World Bank),⁵³ which can be used as a reference for internal measures to prevent and counter corruption in private companies. The United Nations Global Compact Management Model⁵⁴ is another reference, as is the UNODC Business Hub.⁵⁵

3.1.7 Raise Public Awareness

Raising awareness⁵⁶ of corruption issues, both for the general public and those working within public organizations, can be an effective tool to prevent corruption related to food safety and food control. However, public food safety inspection capacities at various stages of the food supply chain are often limited compared to the size of the food industry. Therefore, to complement these efforts, tailored information and public awareness campaigns should be designed and implemented, targeted at key actors within the food supply chain. These actors may include farmers, food processors, caterers, retailers, the general public or the public authorities tasked with enforcing relevant measures.

Awareness-raising actions can include targeted advertising campaigns for the public or specialized education campaigns delivered to relevant stakeholders within the food supply chain on how to recognize corruption risks related to food safety measures and food control systems, and how to manage them.

Other measures include implementation of social media campaigns, in-house training (including information on available whistle-blowing support), posting information publicly about proposed food safety measures and allowing for public consultation, or displaying information posters about potential food corruption risks.

3.2 Detection, Investigation and Adjudication

Despite the best intentions of public entities seeking to implement preventive measures to reduce the effects of corruption on their operations, it is impossible to identify or prevent every opportunity for corruption.⁵⁷ In addition to corruption prevention measures, governments must therefore enact measures that allow for the detection, investigation and adjudication of corruption linked to food safety measures and food control systems. Below are some of the measures that could be adopted.

52 UNODC, *An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide* (2013).

53 OECD, UNODC and World Bank, *Anti-Corruption Ethics and Compliance Handbook for Business* (2013).

54 United Nations Global Compact, *Management Model* (2010).

55 UNODC, “Business Hub”.

56 See article 13 of UNODC, *United Nations Convention against Corruption* (2004).

57 See article 30 of UNODC, *United Nations Convention against Corruption* (2004).

3.2.1 Enhance Transparency

In addition to being an effective preventive measure, increased availability of information can also facilitate the detection of corrupt practices or other irregularities by enabling increased oversight by both public authorities and civil society organizations. Technology can foster transparency when it is used, for instance, to enable access to information related to public tenders such as catering contracts for schools and hospitals, or to make outcomes of food safety inspections publicly available. For example, by publishing the outcomes of health inspections online, observers can access the data and identify discrepancies which may indicate that corruption is taking place, such as a particular inspector who issues a significantly higher number of top health ratings than their colleagues.

3.2.2 Enhance Reporting Mechanisms

By streamlining the process for consumer reporting, the capacity for early detection of corruption may be strengthened. Technology can be used to support the implementation of online portals for reporting any detected illegal activity or breaches of administrative procedures. Other forms of support could include the implementation of a government toll-free number for the receipt of anonymous consumer complaints, or the use of instant messaging services through which consumers can immediately submit photographic evidence of food safety standards breaches. Importantly, these mechanisms can enable the detection of corruption before it can cause harm to consumers. Box 17 provides an example of steps taken by a country to strengthen its transparency and reporting mechanisms.

Box 17

Enhancing Transparency and Reporting

In **Türkiye**, comprehensive information on food inspections is published online. The data published includes details of companies that have produced or sold food that has been found to be adulterated. The names of the products, brands, batch and/or serial numbers are also provided.

Türkiye has further established Alo-174, a telephone complaint line to report food-related complaints. This service centralised the previously scattered network of public bodies responsible for various aspects of food safety with the aim of streamlining the reporting process for individual consumers. When a consumer complaint is received, inspections are carried out by Provincial and District Official Control Officers affiliated to the Ministry of Agriculture and Forestry.

Source:
UNODC Questionnaire on experiences and good practices in addressing corruption related to sanitary and phytosanitary standards to Member States (August 2020).

Additionally, entities should seek to strengthen whistle-blower mechanisms and protections⁵⁸ to ensure that public servants who report observed wrongdoings are protected, and that they can be confident that they will receive the full support of the organization. Detailed information on effective reporting mechanisms and the protection of whistle-blowers can be found in the UNODC's *Resource Guide on Good Practices in the Protection of Reporting Persons*.⁵⁹

3.2.3 Inter-Agency Cooperation and Coordination

Inter-agency cooperation and coordination⁶⁰ between anti-corruption bodies, law enforcement and public health officials responsible for food safety measures and control systems can enhance the detection and suppression of corruption. Greater coordination and cooperation can help connect public officials working at various stages of the supply chain (for example, customs officers can coordinate with retail inspectors to identify the recipients of contraband food items) to identify and address potential threats to public health through information-sharing among relevant public entities. For example, if an inspection carried out by the ministry of health identifies a storage facility which is not compliant with public health standards, the results of the inspection should, if officials conclude that corruption may have occurred, be referred to law enforcement authorities for investigation.

National committees focused on food safety and food control, as well as those that provide technical support to both the public and private sectors, are also good practices to adopt. For example, the United Arab Emirates through its National Food Safety Committee enables collaboration between the Ministry of Climate Change and Environment and its partners on the implementation of applicable legislation, including Federal Law No. 10 on Food Safety and its executive regulations.⁶¹ In Thailand, the National Food Committee Act 2008 provides an extensive mandate to the National Food Committee, composed of 11 ministries and 30 national agencies, that ensures the integrated and efficient development and promotion of strategies and policies relating to food safety, quality, security and education.⁶² In addition, the Committee is also tasked with producing policies and advice during times of food emergency. These committees allow for information-sharing and cooperation between relevant institutions and stakeholders at the national level and increase both public representation in the food supply process and trust in the government's ability to provide the public with a safe and accountable food supply chain.

58 See article 33 of UNODC, *United Nations Convention against Corruption* (2004).

59 UNODC, *Resource Guide on Good Practices in the Protection of Reporting Persons* (Vienna, 2015).

60 See article 38 of UNODC, *United Nations Convention against Corruption* (2004).

61 The United Arab Emirates' Government portal, "Food safety", 13 Jun 2022.

62 FAO, "National Food Committee Act 2008", FAOLEX Database, (accessed on 09 July 2023).

■ 3.2.4 Adopting Proportionate and Dissuasive Sanctions

Most acts of corruption in the food production industry are motivated by the drive to maximize profits, reduce operational costs and attain illicit gains. Sanctions⁶³ such as incarceration, monetary fines, confiscation of illegal assets and compensation of victims, among others, can therefore be effective deterrents to corruption.

Due to the significant threat to public health that corruption related to food safety measures and food control poses, it is important that any sanctions imposed are proportionate to the gravity of the offence. Furthermore, sanctions should be dissuasive; given the common motivations behind corruption in this field, any sanction imposed should also be economically detrimental for those involved in the corruption scheme.

Sanctions that are effective, proportionate and dissuasive will help ensure that private actors take safety measures seriously. Further, given that the aim of corrupt acts is to lower operational costs to gain an unfair competitive advantage, sanctioning corrupt actors effectively can level the economic playing field for ethical competitors.⁶⁴ Further, the reputational impact of making information related to these sanctions publicly available can also be a powerful deterrent to others considering similar illegal activity. Transparency can also further boost accountability; once sanctions are made public, the public can monitor their implementation.

It is also important to consider that corrupt acts related to food safety and food control often occur at the boundaries between the public and private sector. Therefore, it is vital that liability for corrupt acts extends to legal persons so that sanctioning and sentencing can target companies in addition to the individuals who have committed the offence.

63 See article 34 of UNODC, *United Nations Convention against Corruption* (2004).

64 UNODC, *A Resource Guide on State Measures for Strengthening Corporate Integrity* (Vienna, 2013).





CONCLUSION

Food safety measures and food control systems are adopted by governments to protect public health, and to ensure that food will cause no harm to consumers. Corruption in any form can weaken these protection systems and has the potential to directly threaten the health, well-being and lives of populations, in particular the most vulnerable in our societies. Furthermore, corruption corrodes public trust in governments and can threaten vital trade relationships.

This introductory paper provides a preliminary exploration of the corruption risks associated with the design, adoption, implementation and enforcement of food safety measures and food control systems throughout the food supply chain. It demonstrates that the risk of corruption exists at every stage of the supply chain, from farming to food retail and preparation. Corrupt practices, from the trading in influence by actors at the highest level seeking to secure measures that set their economic interests above public health interests, to the smallest bribe paid to a rural food inspector to incorrectly issue a food hygiene certificate, may be used to give the false impression to citizens that adequate food safety measures are in place and food control systems are fit-for-purpose.

Examples in this paper further demonstrate how corruption can affect the food we eat; it can influence law enforcement officers to ignore illegal operations, it can undercut competition in the food industry through bribes and payoffs to relevant authorities, and it can ensure that inspections do not take place or results are not reported, or motivate customs officers to allow unsafe foods to pass through border inspections unimpeded, among others. These examples, themselves just a small handful of the countless ways that corruption may manifest itself at various stages of the food supply chain, illuminate clearly how corruption in the food sector can have a significant detrimental impact on the food we eat, as well as on the legitimacy and effectiveness of food safety standards.

Any measure that aims to protect the health of humans, domestic and wild animals, plants, or the wider environment will be ineffective if corruption along the food supply chain is not prevented and countered. This introductory paper therefore encourages policymakers, relevant national authorities and key stakeholders in the food sector to take a leading role in addressing corruption to safeguard the health of human, animal and plant life, our environment and ecosystems. Inaction to tackle corruption as it relates to food safety and food control threatens global health outcomes and can even reduce our ability to combat future pandemics.

This paper calls for further research into the effects of corruption on global food supplies, as current data is limited. It also calls for the establishment of inter-agency committees that can embed corruption control mechanisms into food safety measures and food control systems in ways that are cognizant of national contexts and limitations. Further, measures to prevent, detect and suppress corruption in order to ensure the proper implementation of food safety measures are proposed and their adaptation to local contexts encouraged.

Corruption enables global health crises, enriches unscrupulous individuals and entities at the expense of our environment and, in the worst cases, can result in the deaths of the most vulnerable members of our societies; our children, the sick and the elderly. It has the power to worsen food insecurity by artificially reducing food supplies or by forcing households to pay inflated costs for food staples. It is therefore vital that governments across the world take urgent steps to effectively address this scourge.





ANNEX:

***Overview of Relevant
International Organizations
and Instruments***

This annex summarizes the various established international agreements and briefly sets out the international legal framework that contributes to the harmonization of laws and policies relating to food safety and animal and plant health. These summaries should neither be construed as exhaustive nor comprehensive; rather, further information is available in the relevant legal texts and the guidance provided by the responsible organizations.

The World Trade Organization (WTO) Sanitary and Phytosanitary (SPS) Agreement

The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) entered into force with the establishment of the WTO in January 1995.¹ This Agreement recognizes that member countries are responsible for adopting and enforcing their own national measures for the protection of human, animal or plant life or health. The Agreement itself does not set measures, but its article 3 suggests WTO Members to base their SPS measures on international standards, guidelines or recommendations. It aims to ensure consistency across borders and minimize any potential negative impacts on international trade.² The SPS Agreement also encourages countries to harmonize their SPS measures to the standards developed by the three primary Inter-governmental Standard-Setting Organizations or Bodies (ISSOs/ISSBs); the Codex Alimentarius Commission (CAC), the International Plant Protection Convention (IPPC) and the World Organization for Animal Health (WOAH).

The SPS Agreement states that each country has the right to protect itself by determining its “appropriate level of sanitary or phytosanitary protection against risks to human life or health, or to animal and plant life or health (ALOP)”. In determining the ALOP and establishing corresponding measures, each country should ensure that such measures are justifiable, in other words, based on scientific evidence and recognized information, that they are consistently applied to all other countries and that they do not discriminate or create unnecessary barriers to trade. They should also be created or adopted following a risk assessment based on scientific evidence and other relevant information.

Transparency measures are included in article 7 and Annex B of the SPS Agreement. These measures require that governments publish and notify the WTO of any new food safety, animal and plant health measures they propose or changes to existing regulations.³ If a WTO member has reason to believe that a specific sanitary or phytosanitary measure introduced or maintained by another member is constraining, or has the potential to constrain, its exports and the measure is not based on the relevant international standards, guidelines or recommendations, or such standards, guidelines or recommendations do not exist, an explanation of the reasons for such sanitary or phytosanitary measure may be requested, and shall be provided by the

1 World Trade Organization (WTO), “Sanitary and Phytosanitary Measures”, The WTO Agreements Series (2010).

2 WTO, *The WTO Agreement on the Application of Sanitary and Phytosanitary Measures* (1994).

3 WTO, *Understanding the WTO Agreement on Sanitary and Phytosanitary Measures* (1998).

Member maintaining the measure. The WTO's role is two-fold: to register the change and to disseminate the relevant information about these new measures to trading partners.

The Codex Alimentarius Commission (CAC)

The Codex Alimentarius Commission (CAC) is the body responsible for all matters relating to the implementation of a Joint WHO / FAO Food Standards Programme. The CAC develops harmonized international food standards, guidelines and codes of practice to protect the health of consumers and ensure fair trade practices in the food trade. All these measures are part of the Codex Alimentarius.

Codex Alimentarius is, in effect, a collection of internationally adopted food standards and supplementary texts. The purpose of consolidating these standards is to ensure these are presented all together in a uniform manner. The food standards contained under the Codex are not only aimed at protecting public health and ensuring fair practices in the food trade, but also to promote the elaboration and establishment of definitions and requirements for foods in order to promote harmonization and, consequently, international trade.⁴

To ensure harmonization and consistency for international trade, the Codex includes standards for all foods, be it processed, semi-processed or raw. It includes provisions in respect of food hygiene, food additives, residues of pesticides and veterinary drugs, contaminants, labelling and presentation, methods of analysis and sampling, and import and export inspection and certification.⁵ It also provides practical guidance and recommendations to address the most commonly encountered SPS issues in the industry. For example, recognizing foodborne parasites as a major public health burden worldwide, the CAC published the *Guidelines on the Application of General Principles of Food Hygiene to the Control of Foodborne Parasites* to provide guidance on the prevention, reduction, inactivation and control of foodborne parasite hazards in the food supply chain.

Based on the guidelines, CAC has also issued codes for several main food categories in order to set out more concrete and industry specific SPS measures. Codex standards and related texts are not intended to substitute national legislation, but rather serve as requirements that ensure that food aimed at consumers is safe and free from adulteration.

4 FAO and WHO, "Codex Alimentarius International Food Standards - About Codex Alimentarius".

5 Ibid.

The International Plant Protection Convention (IPPC)

The International Plant Protection Convention (IPPC) is an intergovernmental treaty signed by over 180 countries, aiming to protect the world's plant resources from the spread and introduction of pests and promote safe trade. IPPC standards are recognized by the WTO as international benchmarks for the trade of plant commodities.

The IPPC includes International Standards for Phytosanitary Measures (ISPMs)⁶ as its main tool to achieve its goals, making it the sole global standard-setting organization for plant health. It also provides the contracting parties of the IPPC with references for the implementation of phytosanitary measures, such as the performance of pest risk analysis, the identification of pest-free areas and areas of low pest prevalence, the collection and recording of data on pest occurrence and absence to support phytosanitary certification, etc.

The governing body of the IPPC is the Commission on Phytosanitary Measures (CPM). It is responsible for the implementation of the IPPC's objectives, including the review of the state of plant protection globally and creating actions to control the international spread of pests, the establishment and review of the necessary institutional arrangements and procedures for the development and adoption of international standards, as well as the adoption of international standards.⁷ As of March 2021, there are 44 adopted ISPMs, 29 Diagnostic Protocols and 39 Phytosanitary Treatments that aim to protect sustainable agriculture, enhance global food security, protect the environment and global biodiversity and assist trade development.⁸

World Organization for Animal Health (WOAH)

Established through the ratification of an international agreement in 1924, the World Organization for Animal Health (WOAH) is the intergovernmental organization responsible for the improvement of animal health worldwide. The WOAH is focused on helping to promote transparency in the detection of global animal diseases; collect, analyse and disseminate veterinary scientific information; encourage international solidarity for the control of animal diseases, safeguard world trade by publishing health standards for international trade in animals and animal products; and improve the legal frameworks of national veterinary services.⁹ The objectives are, therefore, intended to result in a better guarantee of food safety through the promotion of animal health.

6 FAO, "Adopted Standards (ISPMs)", International Plant Protection Convention (IPPC).

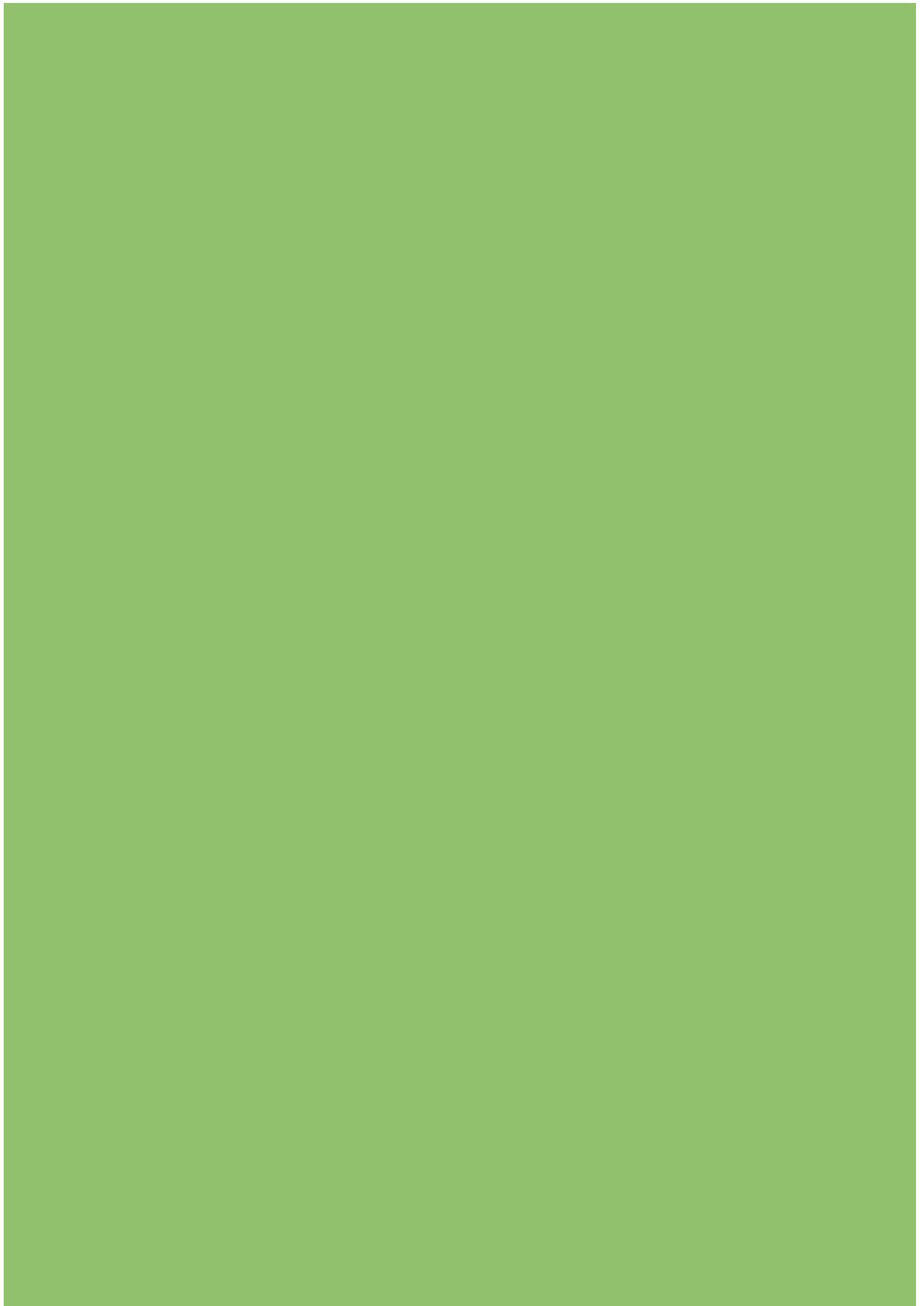
7 FAO, "Overview", International Plant Protection Convention (IPPC).

8 FAO, "Adopted Standards (ISPMs)", International Plant Protection Convention (IPPC).

9 World Organization for Animal Health (WOAH), "What we do".

Member Countries to the WOAHA are mandated to submit information on the relevant animal disease situation within their territories, and information regarding zoonoses present on their territory should be reported in the most timely and transparent manner.¹⁰ To this end, the WOAHA introduced the *Terrestrial Animal Health Code* and the *Aquatic Animal Health Code* for setting standards related to the improvement of terrestrial and aquatic animal health worldwide. Through the adoption of the sanitary standards contained in both codes, the competent authorities of importing and exporting countries can design and implement general measures and systems for early detection, reporting and control of pathogenic agents in terrestrial and aquatic animals. This helps to prevent their spread via international trade and protect public health.

¹⁰ WOAHA, "Animal Health and Welfare".





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