

NATIONAL FOOD CRIME UNIT (NFCU) – ANNUAL UPDATE

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1. Summary

1.1 The Board is invited to:

- **Review** the progress of the NFCU in 2021.
- **Review** delivery against the recommendations of the October 2020 internal review.
- **Agree** to the commissioning of a full independent review of the Unit in 2022, with findings to be reported to the Board in December 2022.

2. Introduction

2.1 Throughout 2021, the NFCU has continued to develop its capacity and capability as a law enforcement organisation, delivering operational activity to disrupt food crime whilst simultaneously undertaking work to enhance its end-to-end counter fraud response. Further development of the Unit has included delivering against the recommendations of the October 2020 internal review of the NFCU, which included evaluation of the Unit's processes and procedures.

2.2 The paper also outlines the current operating context for the NFCU and highlights the main challenges which the Unit is continuing to face. It presents a number of operational successes, including the first charges to be laid as a result of an investigation led by NFCU, as well as describing other areas where the Unit's holistic approach to counter-fraud activity has been particularly effective.

2.3 Finally, the paper concludes with proposals for how to progress the external review of the NFCU during 2022, as previously requested by the FSA Board.

3. Wider Context and Intelligence Picture

3.1 It is over a year since the Unit's last [Food Crime Strategic Assessment](#), produced in conjunction with Food Standards Scotland¹, was published. The NFCU also published its [Control Strategy](#), a set of priorities derived from the Strategic Assessment. These priorities were reviewed and augmented in the spring, with two new themes added to the 2020-21 strategy (the diversion of animal by-products and counterfeit or misrepresented alcohol).

3.2 When the types of offending articulated within the 2020 assessment are considered, the Unit's intelligence picture since then has not identified any

¹ The Scottish Food Crime and Incidents Unit (SFCIU) is NFCU's principal partner in Food Standards Scotland. The SFCIU's approach aligns strongly with NFCU, and the Units regularly collaborate on operational matters and on aspects of intelligence assessment and international engagement.

material changes. The NFCU are, however, developing a richer picture around these priorities.

- 3.3 One area where the Unit's intelligence picture has developed is in the identification of criminality, in and around food businesses, which is serious in nature, but which is not food crime as the Unit defines it. This has included the involvement of food businesses in drug supply and importation², and criminal behaviours by food business operators in relation to their interactions with FSA officials. This does not change the assessment that food crime is most commonly the activity of entities already within the food and drink sector, rather than new entrants to the marketplace from other spheres of criminality. It does, however, give additional credence to NFCU's partnership approach with other parts of the law enforcement and regulatory communities.
- 3.4 It is increasingly clear from the Unit caseload that offences of food crime include individuals and entities working together to undertake and profit from fraudulent activity taking place across a broad geographic area. Even if this involves individuals within the industry and not criminals involved in other offending, food crime is often organised crime.
- 3.5 The Unit plans to publish its next strategic assessment (with Food Standards Scotland) in Spring 2023, although the current Control Strategy will be subject to an intelligence-led review in Spring 2022. Intelligence and insight obtained from NFCU investigative activity during this period, and in coming months, will enrich both of these products and consequently ensure the Unit's strategic understanding of the threats with the food and drink sector is well-informed.

Food crime in a changing world

- 3.6 While most of the Unit's last assessment of the food crime landscape remains current, the past twelve months have been a period which, for the food sector as for many others, has been characterised by uncertainty, change and disruption.
- 3.7 The continuing COVID-19 pandemic has been a major factor in this disruption, whether in terms of changing demand profiles owing to lockdown restrictions and adjusted consumer behaviours, or in terms of a variety of supply constraints. The shape and nature of this disruption continues to adjust as infection levels and associated consequences rise and fall in various countries globally.
- 3.8 The adjustments to how the food sector operates following the UK's exit from the European Union and after the conclusion of the Transition Period have also been notable.

² Interventions by the National Crime Agency and/or Border Force have identified the secretion of [cannabis in coconuts](#), [cocaine in dogfood](#), [cocaine in a cover load of frozen onion rings](#) and [both heroin and cocaine inside pallets of Belgian chocolate](#)

- 3.9 While sectoral disruption is tangible, evidencing any increase in food crime associated with these two drivers of change is hard to do conclusively. [Analysis](#) published by the Food Authenticity Network in February 2021 supported the views of the Network's members (and NFCU) that while the conditions created by the pandemic have increased food fraud vulnerability, there was insufficient evidence to substantiate reports of dramatic increases in food fraud incidents in the early part of the pandemic. The most specific ramifications noted in the UK were sales of foodstuffs making improper claims relating to COVID-19; within Europe, across 19 EU Member States (and not including the UK), 646 cases were identified where food products sold online claiming to prevent, treat or cure COVID-19 were [reported](#).
- 3.10 Reporting of fraud intelligence by local authorities decreased through 2020 – an understandable situation owing to restrictions and responsibilities linked to COVID-19 – but numbers have started to increase. The continuing maintenance of local authority relationships is a key aspect of the Unit's work.
- 3.11 In terms of criminality linked to EU Exit, the Unit has been monitoring incoming intelligence to determine whether it refers to activities or criminal opportunities connected to the UK's new and developing arrangements. The volume of such intelligence has been very small, and a very marginal aspect of the information collected by NFCU through the year. The situation around international commodity movements involving European partners will be subject to further changes such as the introduction of further prenotification requirements around Sanitary and Phyto-Sanitary (SPS) goods, and customs declarations, in January 2022 and certification and physical checks from July 2022. The Unit remains alert to changes in trading behaviours, and the effectiveness or structure of supply chains, to identify emerging opportunities for food fraud as well as the exploitation of those opportunities.
- 3.12 In recent months, the principal concern regarding disruption has been around how global supply chain factors, coupled with a variety of additional localised factors might interconnect and aggregate to generate an even more substantial disruptive influence. This generates concerns which are broader than food fraud risks and the NFCU has contributed to FSA insight exploring the impact of recent labour shortages in the food sector.
- 3.13 Within the general theme of counter-fraud activity, the Unit has noted the publication of the Government's [Beating crime plan](#) in July. This emphasises the prominence of fraud within reported crime – costing UK society at least £4.7 billion each year – and sets out an intention to improve understanding of how fraudsters operate, increase arrests and fraud prosecutions, and restrict the opportunities that fraudsters seek to exploit. The plan resonates strongly with the efforts and approach of the Unit.

International Engagement

- 3.14 There have been changes to how the Unit interacts with European partners as a consequence of leaving the EU, but international partnerships remain

valuable The NFCU is sustaining and evolving its overseas engagement, which includes:

- Continued membership of the Global Alliance on Food Crime³ with Food Standards Scotland (FSS), who currently chair the group. It remains an aspiration to expand the membership of the Alliance and there are plans for aligned operational activity.
- Co-chairship, with Germany and FSS, of the Heads of European Food Safety Agencies working group on food fraud.
- Continued participation in the annual initiative Operation OPSON, partnering internationally where appropriate.
- Exploring increased use of INFOSAN for food fraud communications.
- Future involvement in a Codex Alimentarius working group on food fraud, for which the UK has proposed to become a co-chair.

4. Current challenges

- 4.1 The absence of sufficient investigative powers (to allow the Unit to operate with autonomy and maximum effectiveness) is an ongoing concern. The NFCU is predominantly seeking some of the powers set out within the Police and Criminal Evidence Act (PACE) 1984. The NFCU has established a task and finish group with the involvement of other FSA teams to work towards this objective, and the FSA has obtained support from policing and key industry partners as well as ministerial backing, in principle. Engagement with the Parliamentary Business and Legislation (PBL) Committee of the Cabinet Office to identify a suitable legislative vehicle to secure powers is ongoing. The FSA has also briefed the Secretary of State for Health and Social Care on the NFCU's requirements.
- 4.2 In addition to the legislation governing England and Wales, the legislative change sought will also require amendments to The Police and Criminal Evidence (Northern Ireland) Order 1989, whilst mindful of the specific considerations which pertain to the discharge of policing powers in Northern Ireland.
- 4.3 Another important aspect of the Unit's work in the current landscape is to ensure that the continued need for a robust, collaborative counter-fraud response is made clear. Competing demands, over and above the detection and investigation of food fraud, are present in both commercial and regulatory settings such as local authorities. The Unit can and should perform a valuable service in ensuring continued focus on food fraud.

³ An international group comprised of UK, the United States, Canada, Australia and New Zealand which looks to promote and develop the international response to food crime, particularly within member countries.

5. Operational successes

Operational delivery

- 5.1 The NFCU adopted the national law enforcement standard for recording and evaluating operational outcomes in 2020. These outcomes are referred to as 'disruptions'. Disruptions are delivered across the Unit's 4P approach of Prepare, Prevent, Protect and Pursue, in line with the Home Office Serious and Organised Crime Strategy (November 2018).
- 5.2 In 2021, the national standard for recording disruptions was updated by the National Crime Agency. As of 1st April, the Unit has better aligned with this national standard, and disruptions are recorded centrally with the National Crime Agency. The consequences of working to a standard set for all serious and organised crime are that the NFCU may record fewer disruptions than previously, and that the majority of the Unit's disruptions may be attributed only minor or moderate impact. In addition to the disruptions which meet national reporting standards, the NFCU also tracks other operational outcomes.
- 5.3 Since 1st April 2021 the NFCU has delivered 28 food crime disruptions moderated to the NCA standard, and 57 additional operational outcomes. Further data are attached at **Appendix B**.
- 5.4 When disruptions and other operational outcomes are combined for 2021, the volume of recorded outcomes is comparable to but slightly in excess of the same period last year.

Pursue activity – investigation and intelligence development

- 5.5 The NFCU is currently leading five active investigations. During 2021 there have been several notable successes and important milestones within NFCU operations. A number of case studies are included at **Appendix C**.
- 5.6 A notable milestone is the first conviction following an NFCU led investigation (Operation ATLAS). This was for offences relating to the sale of 2,4 dinitrophenol alongside others linked to controlled drugs and prescription-only medicines. The defendant entered guilty pleas for all offences and is due to be sentenced at Crown Court in late December 2021.
- 5.7 The Chief Executive reported to the Board earlier in the year her decision to take no further action on Operation ORCHID, the NFCU-led criminal investigation into suspected fraud offences by Russell Hume Ltd. This difficult decision was taken due to a technical legal error that resulted from NFCU actions back in 2018. Lessons have been learned from this case, and since that time the NFCU management structure has drastically reformed together with significant steps taken to enhance the unit's investigative capabilities. This includes the recruitment of experienced investigators, delivery of accredited skills training and the development of a bespoke suite of policies and standard operating procedures. These actions robustly mitigate against the risk of a similar issue arising on any future NFCU investigation.

5.8 Alongside these active investigations, the NFCU is leading or coordinating a further 30 strands of operational activity to disrupt food crime.

5.9 The Pursue approach includes an increasing degree of involvement by our financial investigations function, identifying valuable lines of enquiry and opportunities to recover criminally-funded assets for the public purse. Since January 2021, the Unit's Financial Investigation Team has successfully obtained six Production Orders under the Proceeds of Crime Act 2002.

Non-Pursue activity – Prepare, Protect, Prevent

5.10 Pursue activity is complemented by priority work within the remaining three elements of the 4P framework, and also by Pursue interventions by partners.

5.11 Examples of these types of disruptions in 2021 include:

- **Prevent:** Securing the indefinite suspension of a person's approval to handle Animal-By-Products (ABP) following the identification, in an NFCU investigation, of ABP being diverted back into the human food chain. This has disrupted the activity of a multi-million pound business.
- **Protect:** The NFCU worked with an online marketplace to remove from sale a counterfeit product which also lacked ingredient details, therefore posing a potential allergen risk. This protected the public from a counterfeit product and equipped the marketplace with the information to take action. Further engagement is ongoing with this marketplace and others regarding the broader availability of this product and materials linked to the counterfeit's production.
- **Prepare:** The NFCU worked with the UK Anti-Doping Agency and National Poisons Unit to add three Selective Androgen Receptor Modulators (SARMs) to the national Toxicity Database, ensuring healthcare professionals can readily access advice around how to clinically respond.
- **Pursue:** During investigation of other offences, the NFCU identified regular large-scale thefts from a major food business. The thefts were believed to have occurred over a long period with a value of over £6 million. Evidence was passed to policing partners and investigations were successfully progressed, with a number of suspects likely to be charged. The Unit has received positive feedback from the police and from the affected business.

5.12 All aspects of NFCU delivery across the 4Ps are underpinned by extensive engagement between the Unit and partners, driven by our Outreach capability. We continue to develop and deepen our relationship with the Food Industry Intelligence Network (FIIN), which has included the recent delivery of food fraud training to over 200 delegates from the Network's membership.

4P responses

5.13 The true strength of the 4P approach becomes most apparent when delivery is considered collectively, for example, the focus on the supply of **2,4-dinitrophenol (DNP)** under the Unit 4P plan on dangerous non-foods.

4P highlights – dangerous non-foods	
Pursue	<ul style="list-style-type: none"> Tasked investigations (such as the successful Operation ATLAS) Intelligence gathering to identify new websites marketing DNP for consumption and contact with domain registries to suspend sites. This activity features prominently in the Unit's recorded disruptions The Unit secured a confiscation order under the Proceeds of Crime Act 2002 against an individual previously convicted of selling DNP
Prepare	<ul style="list-style-type: none"> Critical reflection informed by external scrutiny, on NFCU policies and processes linked to DNP supply to ensure the FSA approach remains timely and appropriate
Protect	<ul style="list-style-type: none"> NFCU continues to engage with the Department of Health and Social Care and UK Health Security Agency around how best to raise awareness on the dangers of consuming DNP. This will also include public health partners in Wales and Northern Ireland.
Prevent	<ul style="list-style-type: none"> NFCU has been working to support the Home Office consultation to list DNP under the Poisons Act, a piece of legislation on which the Home Office leads. NFCU has been supporting the Department for Digital, Culture, Media and Sport (DCMS) in its work to potentially list DNP supply as a primary harm under secondary legislation linked to the Online Safety Bill. <p><i>These steps will help to make clear the illegality and associated harm of DNP supply, and provide further legal routes to tackle its supply</i></p>

5.14 Reflections on success in this area must be tempered by recognition of the irrevocable harm of the 32 fatalities, recorded in the UK since 2007, which have been linked to DNP toxicity, and the ongoing impact felt by bereaved families.

5.15 Data indicate that in the first nine months of 2021 there have been no identified fatalities linked to DNP toxicity in the UK. This does not, however, reduce the NFCU's determination to mitigate the risk to consumers, alongside our partners.

5.16 A further example of the Unit's 4P work relates to the Control Strategy priority area of **illicit food supply servicing specific community demand**.

4P highlights - illicit food supply servicing specific community demand	
Pursue	<ul style="list-style-type: none"> Support to local authority investigating reports of meat being sold via social media to a specific community group. The NFCU worked with police, local authority food teams and other partners to co-ordinate activity at the suspect's premises. A total of 5.3 tonnes of meat was discovered being prepared in unregistered and unsanitary premises.

	<ul style="list-style-type: none"> It was suspected that a significant amount of meat had already been supplied to consumers. Product was due to be distributed across an area spanning the north and south of England. A food alert for action notice was issued by the FSA Incidents team to request the withdrawal and recall of the meat and advise consumers against consumption. The NFCU continued to support the LA through to prosecution; in October the suspect entered guilty pleas for 39 food safety offences and will be sentenced in early December.
Prepare	<ul style="list-style-type: none"> Participation in DEFRA Biosecurity at the Border group Chairship of partnership intelligence group focussed on products of animal origin (POAO) and their unlawful import Commissioning research into the risk and impact of disease from unlawfully imported POAO Work to emphasise to partners the nature of the threat in this area
Protect	<ul style="list-style-type: none"> Development of communications plans, drawing on consultation with community groups, to help consumers make informed decisions about purchases of products falling under this theme.
Prevent	<ul style="list-style-type: none"> Current work focussing on handling agents facilitating illicit importations may generate opportunities for prevent interventions.

6. Organisational development

- 6.1 The NFCU has continued to significantly develop its operating capabilities since the Unit's last update to the Board, in line with the recommendations from the interim review in 2020. The recommendations of the review, and our progress towards achieving them, are attached at **Appendix A**. The Board will note tangible progress on all the nine recommendations listed.
- 6.2 The Unit has refined its organisational structure to better deliver strategic and operational objectives, including amending supervisory structures and rationalising management ratios. This is an aspect of establishing a blueprint for the future shape of the Unit, one of the 2020 review recommendations.
- 6.3 While there is active engagement with the Crown Prosecution Service (CPS) in relation to several ongoing operations, work continues to secure the signing of a Memorandum of Understanding (MOU) between the NFCU and CPS with regards to case files and associated matters. A similar service level agreement is being developed between the Unit and the Public Prosecution Service in Northern Ireland.
- 6.4 With regards to its more sensitive intelligence capabilities, the Unit worked with the Home Office to ensure the FSA was included on the Covert Human Intelligence (Criminal Conduct) Act 2021 which received Royal Assent in March. The FSA is one of only five public bodies outside mainstream law enforcement which can issue criminal conduct authorisations under the Act. The FSA has also received positive feedback from the Investigatory Powers Commissioner's Office (IPCO) around processes and practices relating to the

management of activity such as directed surveillance and covert human intelligence sources.

- 6.5 Support to the professional development of Unit staff this year has included supporting twelve NFCU investigators in the completion of Accredited Counter Fraud Specialist training. All investigators now hold relevant new or existing accreditation, or equivalent professional experience. The Unit has also begun implementing the College of Policing's Intelligence Professionalisation Programme, leading to accreditation of intelligence officers and analysts in line with the broader law enforcement community.
- 6.6 A formal process of review and update for NFCU operating procedures and policies has been launched and is ongoing, with several revised documents already reissued to staff. An operational de-brief process and mechanisms for embedding and communicating organisational learning have been implemented.
- 6.7 Other aspects of progress include the recent testing of crisis management planning involving NFCU and the rest of the agency, the promulgation of a 'whole system approach' to tackling food crime and enhanced proactivity in the pursuit of food criminals.

7. Proposal for an External Review

- 7.1 In agreeing to expand NFCU in June 2018, the Board requested an externally-led review of the unit after three years of operating an end-to-end intelligence gathering to investigations function, specifically to determine the best governance arrangements and to test whether the current FSA construct remains the most appropriate organisational model for the NFCU to operate within. The Unit achieved full operational capability in April 2020, with an interim review (Savill Review) reporting to the Board in December 2020.
- 7.2 While we are pleased to report on the considerable progress towards implementing the recommendations from the 2020 review, it is proposed to the Board that the external review should commence in Spring 2022. This will facilitate the presentation of the review's findings to the Board in the annual NFCU update paper for 2022, tabled for December next year.
- 7.3 At a high level, it is proposed that the terms of reference for the review should include:
- To assess delivery by the NFCU of the Key Performance Questions as laid out in the FSA Board paper, 20 June 2018;
 - To assess delivery of the expanded functions of the unit, as set out in the Board paper, 20 June 2018;
 - To assess progress against the recommendations of the 2020 Savill Review;
 - To consider the most suitable governance arrangements for NFCU within the FSA, or any alternative arrangement, which will assist the fight against food crime and food fraud.

7.4 The FSA will secure external resources with suitable expertise and professional background to perform the review. We suggest the review team should embrace experience from within law enforcement, food and drink regulation and from the industry itself. The Board is invited to agree to the proposed review, noting the proposed coverage and the timeframe for completion.

8. Recommendations

8.1 The Board is invited to:

- **Review** the progress of the NFCU in 2021;
- Review delivery against the recommendations of the October 2020 internal review.
- **Agree** to the commissioning of a full independent review of the Unit in 2022, with findings to be reported to the Board in December 2022.

Appendix A: findings and recommendations of internal Savill review of the capability and capacity of the National Food Crime Unit – November 2020

	Recommendation	Progress
1	The NFCU should revisit the 'assumptions' made in 2018 about its operational capacity	The Unit continually assesses its capacity to take on operational work, prioritising in line with threat, harm, risk and agreed Control Strategy priorities. However, it remains challenging to reliably forecast the quantity and complexity of demand for the Unit's investigation capabilities.
2	The NFCU should identify a blueprint for its future staffing structure.	A new blueprint was agreed in June 2021 with flexing of the current organisational structure undertaken. This is outlined in paragraph 6.2.
3	The pro-active pursuit of criminals should become more prominent in the NFCU's operating model.	NFCU have devised a programme of nominal-focused proactivity. The pilot has reached its midpoint and has been reviewed; it is to continue informed by learning from the review and will encompass activity focussed on businesses as well as individuals.
4	Part of the NFCU's longer term plans should include benchmarking its capabilities against Regional Organised Crime Units.	A provisional review has identified positive read-across between NFCU and ROCU capabilities. The Unit encompasses all of the capabilities which it would be reasonable for a Unit of this nature to hold.
5	The NFCU should establish career pathways as part of staff development.	<p>All investigators within the Investigations directorate are professionally accredited under PIP or ACFS or can draw upon extensive investigative experience. This will enable access to obtain future membership of the Government Counter-Fraud Profession (GCFP). A roadmap for the implementation of the Intelligence Professionalisation Programme has been devised and launched.</p> <p>The Unit's four Prevention officers are undertaking a course with CIFAS leading to a fraud prevention qualification. The unit are engaging with GCFP around the new Prevention and Deterrence strand of this profession. Financial investigation pathways remain clearly defined through NCA accreditation and development. Pathways being explored for some other Unit roles.</p>

6	<p>The NFCU, with support from other stakeholders, should continue to seek to cement its remit and mandate by securing;</p> <ol style="list-style-type: none"> 1. amendments to the Code of Practice for Food and Feed Law, 2. amendments to the FSA's Statement of General Objectives and 3. the powers under the Police and Criminal Evidence Act to strengthen the unit's operational capability. 	<p>Updates to the Food Law COP have been postponed until next year but Feed Law COP changes have now been tabled and will be proceeding to consultation.</p> <p>The general approach to SGOP updates is being developed with a view to delivery before the end of 2022.</p> <p>Following extensive engagement with ministers and officials, and the determination of support from many quarters, the FSA intends to proceed to planning a consultation exercise around the Unit's access to these powers through new legislation, subject to Secretary of State approval.</p>
7	<p>The NFCU, alongside the FSA, should test its crisis management response in a programme of exercises. This should initially focus on the NFCU and the wider FSA arrangements. The programme should then widen to include Local Authorities and other law enforcement organisations.</p>	<p>NFCU, with other parts of FSA, have delivered a pan-Agency exercise focussing on NFCU objectives. This has tested the interoperability between the NFCU and other parts of the Agency.</p>
8	<p>The NFCU, alongside the wider FSA, should consider developing a 'whole system approach' to eliminate weaknesses in food supply chains that have the potential to be exploited by criminals.</p>	<p>Collaboration with other parts of FSA is ongoing in various thematic areas and is being woven more strongly into processes and structures for the review of intelligence and the determination of issues of broader organisational significance. This includes the current RCD Food Standards Pilot.</p> <p>Further opportunities for organisational learning are anticipated following the recent exercise.</p>
9	<p>The NFCU should redefine its operating model on a periodic basis. This will ensure that it evolves in line with demands on its services, its financial requirements are clear and workforce plans support its objectives.</p>	<p>This is likely to be a topic of reflection for the full external review, but considerations around internal demand profiles have already led to productive structural adjustments.</p>

Appendix B: Operational outcomes (disruptions) data

The NFCU ‘4P’ Action Plan defines the specific operational activities which the unit will deliver to disrupt food crime by leading, supporting or coordinating activity across the Prepare, Prevent, Protect and Pursue strands. These outcomes (some of which are referred to as disruptions, where these meet national standards set by the National Crime Agency) are a key performance measure for the NFCU. Disruptions and other outcomes are also achieved through reactive, intelligence-led operational activity.

The below table outlines what each of the 4P strands aims to achieve.

Pursue	Prepare	Protect	Prevent
Deal with offenders through prosecution and disruption	Build capacity and capability to identify and mitigate the impact of food crime	Protect industry and the public from the effects of food crime	Prevent people from committing food crime

The graphs below show the disruptions and other outcomes recorded by NFCU in Q1 and Q2 for the 2021-22 and 2020-2021 reporting years.

Figure 1. Disruptions and Outcomes by 4P approach
(Data from Q1 and Q2)

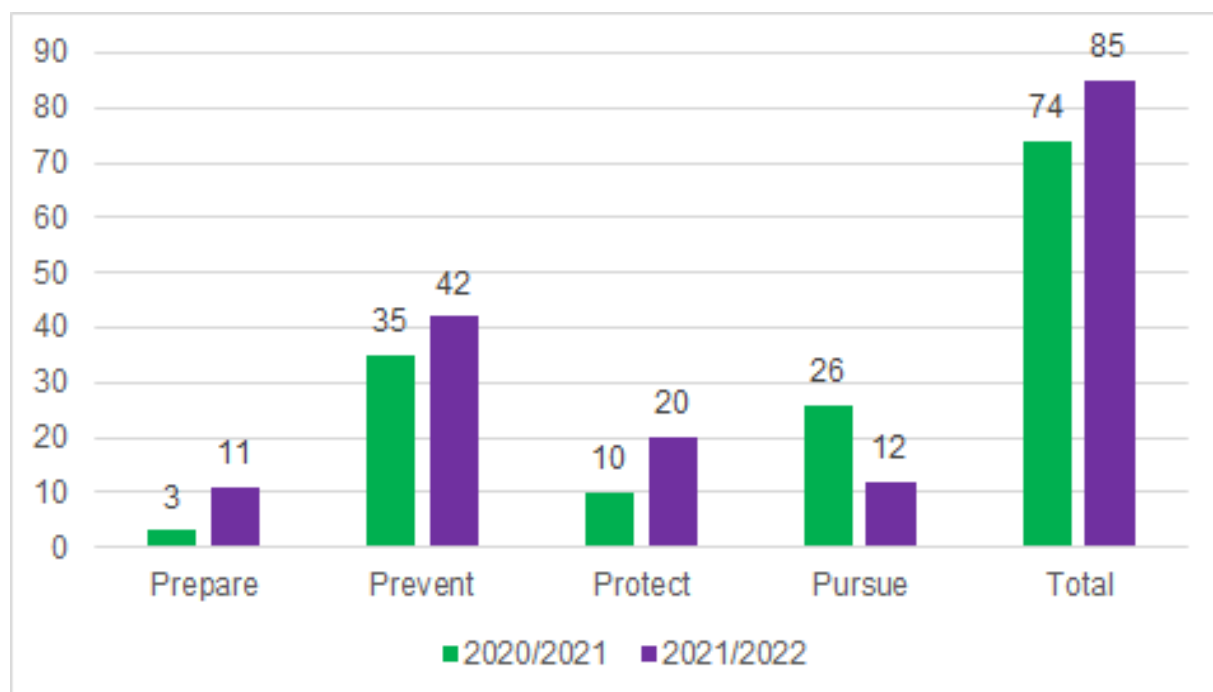


Figure 2. Disruptions and Outcomes by Control Strategy Priority Area 2021/2022
 (data from Q1 and Q2)

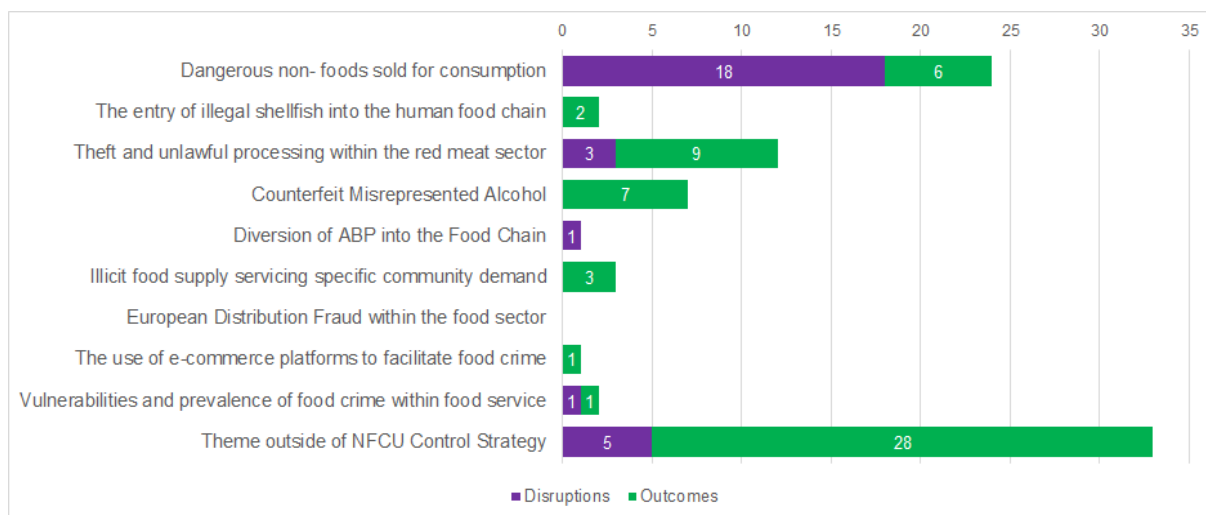
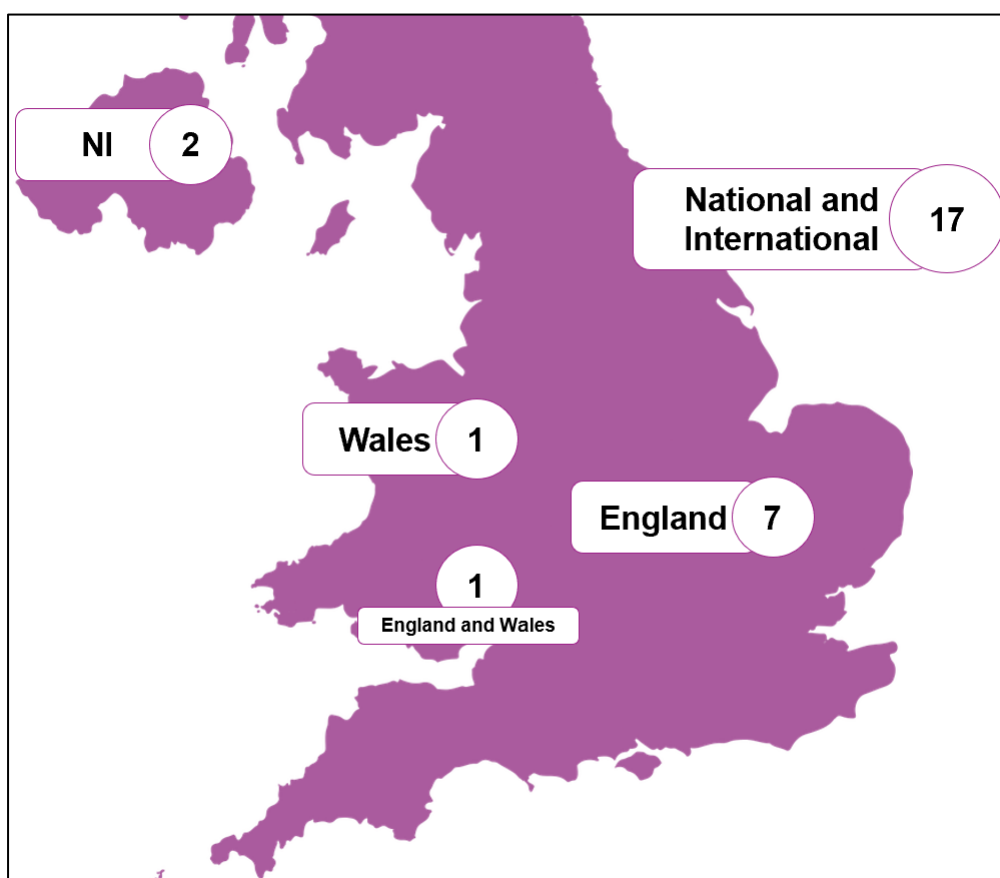


Figure 3. Disruptions by Geographical Impact 2021/2022 (data from Q1 and Q2)



Appendix C: Summary of operational outcomes

Operation ATLAS relates to the investigation of a UK-based individual selling 2,4-dinitrophenol (DNP), a toxic chemical sometimes marketed as a fat burner, on the Dark Web. The investigation has required co-operation with enforcement partners domestically and internationally. Following NFCU investigation and submission of a prosecution file to CPS, the defendant was charged with eight offences including some under the Food Safety Act 1990 relating to the sale of DNP. Guilty pleas were entered for all offences. The defendant will be sentenced at Crown Court in December 2021.

Operation ASPEN is an investigation into examples of European Distribution Fraud- the fraudulent online impersonation of UK restaurant franchises to secure the supply of hundreds of thousands of pounds worth of food products from European food businesses, as well as their receipt and supply to other businesses. Following a further PACE interview, a suspect remains under investigation on suspicion of handling stolen goods, conspiracy to defraud and money laundering offences. As many victims are based in Europe, International Letters of Request (ILORs) have been sent via the CPS for victim statements. A full prosecution file will be reviewed once the international evidence is received.

Operation BANTAM concerns the large-scale illicit appropriation and subsequent diversion of poultry animal by-products (ABP) unfit for consumption back into food production. This spans several food businesses of varying scales across England and Wales. This is an intelligence led NFCU operation where we are providing support to a number of local authority (LA) investigations. Following NFCU support two LA Trading Standards teams have compiled full prosecution case files in respect of the illegal diversion of ABP into the human food chain. Partnership work has also led to the suspension of approval to handle ABP (pending appeal) from one business implicated in the handling of illicit product. The NFCU are continuing engagement with a third LA to formally interview further suspects.

Operation HAWK is exploring the large-scale misrepresentation of country of origin on packed meat products. Misrepresentation of origin generates profit in terms of cost savings and a serious competitive advantage over other legitimate businesses. The NFCU drafted a Section 9 (Schedule 1) PACE warrant which was applied for by the Police and authorised by the Crown Court. The investigation is in the early stages with the NFCU currently examining evidence secured as part of the warrant execution.

Operation BOSTON concerned the diversion of Category 3 ABP into the human food chain by a local authority approved food business. The investigation also encompassed the supply of substandard and misdescribed red meat to Ghana, via a Canadian broker. NFCU and a local Environmental Health team conducted a joint investigation due to the cross border and international elements. NFCU investigators gathered key evidence and liaised with the CPS who decided it was not in the public interest to pursue fraud offences. This decision was influenced by potential costs associated with international witnesses. The local authority proceeded to prosecute the Managing Director for two offences under Section 14 of

the Food Safety Act 1990. On 20th October 2021, two early guilty pleas were entered with the resultant sentence being two formal cautions and £3000 costs. The food business had surrendered their licence and ceased trading in advance of the hearing.