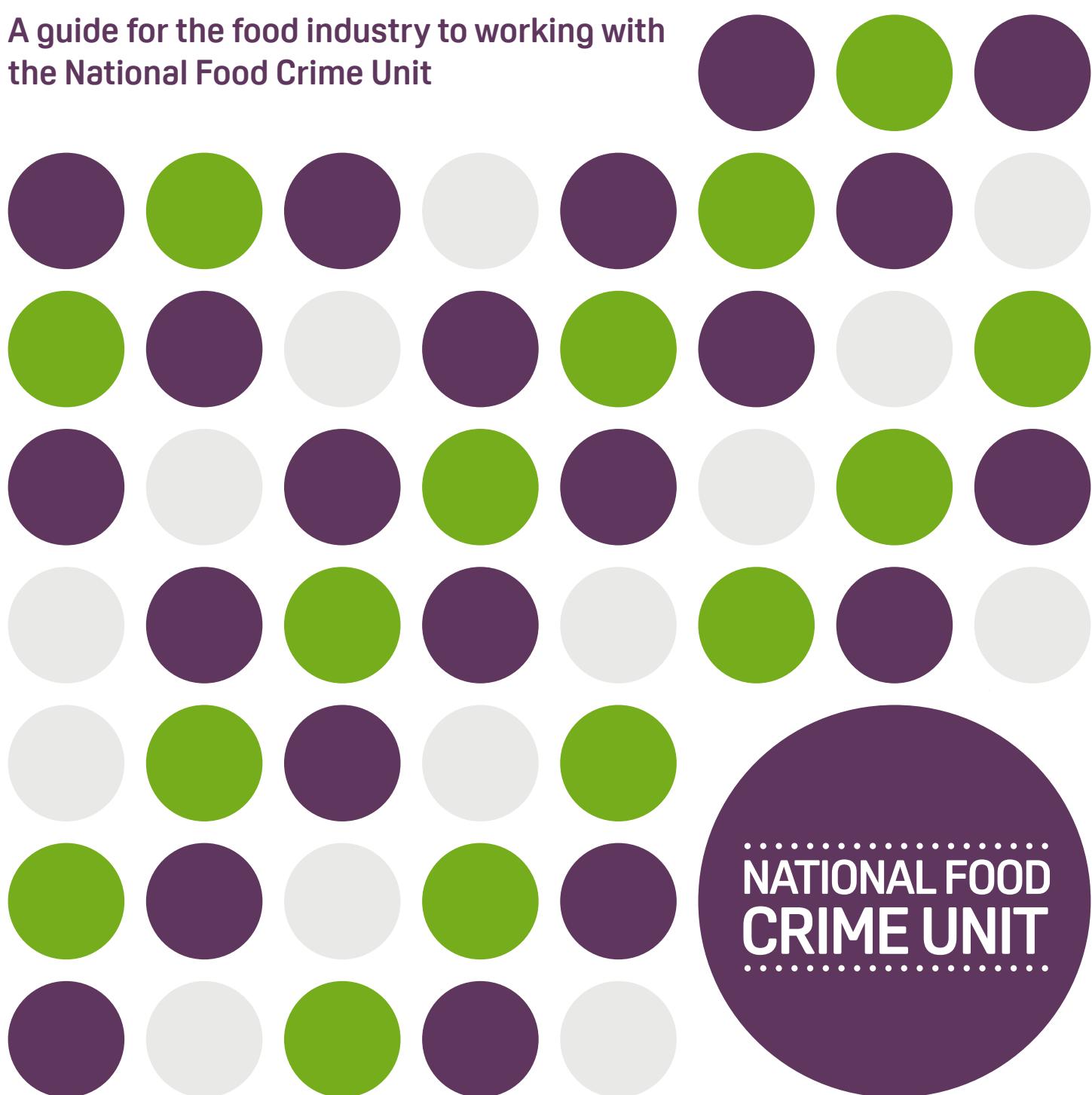




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..... WORKING TOGETHER TO TACKLE THE THREAT FROM FOOD CRIME

A guide for the food industry to working with
the National Food Crime Unit



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INTRODUCTION



Since joining the FSA in 2015 I've been proud to lead on the delivery of the National Food Crime Unit (NFCU). Developing a criminal intelligence function that can protect consumers and industry from serious dishonesty within food supply chains is a highly challenging, but also highly rewarding, task.

Throughout that time, I've been consistently impressed by the passion, professionalism and commitment of the many people I've met at all levels from across the food industry. Consumers in the UK can be rightly proud of the huge number of good people working hard to bring them safe, authentic and high quality products.

Working in partnership with the food industry is critical to the NFCU's ability to respond to the challenge of food crime. After all, the food industry and the NFCU have a common interest in the UK being free from, and a hostile environment to, serious criminality within food supply chains.

Creating a culture in which everyone is able and confident to share even minor suspicions of wrongdoing is vital. The food industry can help by promoting the ethical and commercial imperatives to flag up suspicions, within or outside their own business. Working with the NFCU, whether by sharing specific fraud concerns or by collaborating on new ways of designing out fraud vulnerability, will help the UK food sector remain both safe and economically prosperous. This benefits businesses and consumers alike.

I am really pleased to introduce this guide to working in partnership with the NFCU. It explains our role in the fight against food crime, how we can support industry, and how in turn industry can support us. It is hopefully the first step in building meaningful two-way dialogue between us and the food, drink and feed industry. I'm confident this relationship will grow and mature in time to enhance the UK's resilience and response to food crime in its many forms.

A handwritten signature in black ink, appearing to read "Andy Morling". The signature is fluid and cursive, with a large, stylized initial 'A' and 'M'.

Andy Morling Head
of Food Crime

WHAT IS THE NATIONAL FOOD CRIME UNIT?

The National Food Crime Unit (NFCU) is a stand-alone unit within the Food Standards Agency.

We are the first and only national law enforcement capability dedicated to protecting consumers and the legitimate food industry from serious dishonesty within food supply chains, in England, Wales and Northern Ireland.

We identify serious criminal threats to UK food and drink, focusing our resources in the right places and working with the right partners to get the best results.

Our vision is for the UK to be free from, and a hostile environment to, serious criminality within food supply chains. We aim to be regarded by consumers, government and industry as a proactive, innovative and professional capability and an asset to the overall law enforcement effort in the UK.

In this context, food crime is dishonesty in food production or supply, which is either complex or results in serious harm to consumers, businesses or the overall public interest. Working with others, the NFCU seeks to reduce food crime and also to reduce consumer concern about food crime.

WHAT WE DO AND HOW WE DO IT

In order to provide a comprehensive response to a complex and multi-dimensional criminal threat, our work is guided by the broad themes of activity set out in the Government's Serious Organised Crime Strategy.

These are:

PREVENT

The food crime threat can be countered by preventing offenders from committing offences, or from becoming offenders in the first place. This element of our crime prevention activity is therefore focused on offenders as we suspect that a journey exists between low level non-compliance with food laws and serious dishonesty.

PROTECT

Vulnerabilities to food crime can also be countered through protective measures. These are sometimes known as 'target hardening' measures. Making food production, manufacture and retail hostile or difficult environments for the offender to operate within is a key component of any holistic approach to crime prevention. One example is helping to educate food businesses to better understand crime risk and how to put counter measures in place to reduce offending opportunities.

PREPARE

This element focuses on the strategic value of investing in capacity and capability building, both at home and in countries that are in the early stages of developing a law enforcement response to food crime. This can take many forms, including sharing good practice or investing in people, skills and technology. We are vulnerable if we do not invest appropriately in our own capacity and capabilities to ensure we keep pace with, if not ahead of, offenders.

PURSUE

Threats can also be countered by pursuing and disrupting specific criminal activity with all the tools available to us and our partners. Pursue activity is a particular focus for the NFCU. Whilst disruption can often be achieved through criminal justice measures, a wider disruptive effect can often result from the use of lawful and ethical non-criminal justice counter-measures.

The outcomes we anticipate from our activities, and the functions we undertake to achieve them, are provided in the table below:

A reduction in food crime achieved by:	<ul style="list-style-type: none"> ● gathering and using food crime information to progress enquiries
	<ul style="list-style-type: none"> ● initiating and supporting action conducted by other law enforcement bodies, such as local authorities or the police service
	<ul style="list-style-type: none"> ● leading and supporting food crime deterrence, prevention and disruption (collectively ‘influence’) interventions
	<ul style="list-style-type: none"> ● improving criminal justice outcomes from food crime investigations for both food business victims and consumers
A reduction in consumer concern about food crime achieved by:	<ul style="list-style-type: none"> ● providing regular assessments which illustrate our understanding of the threat to the UK from food crime
	<ul style="list-style-type: none"> ● making sure threats are prioritised based on the greatest risk of harm to consumers, industry and the wider public interest.
	<ul style="list-style-type: none"> ● establishing and maintaining a high public profile for food crime matters
	<ul style="list-style-type: none"> ● demonstrating leadership of the response to food crime in England, Wales and Northern Ireland

HOW IS THE NFCU STRUCTURED?

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Our unit comprises of two functional elements united by a single mission to work with others to reduce food crime.

- Our intelligence team:
 - maintains and develops the unit’s strategic understanding of the food crime threat to consumers and other interests
 - manages the flow of information into and from the unit – acting as a single point of entry and exit for food crime intelligence
 - assesses information received based on risk to consumers and strategic fit
 - manages information provided to the NFCU in confidence by members of the public and sources within the food industry

- Our operational team is responsible for:
 - developing operations by collecting intelligence to facilitate activity to reduce identified threats
 - leading ‘influence’ operations in respect of food crime
 - instigating, coordinating and supporting criminal investigations conducted by others
 - managing and developing relationships with local authorities, other government departments and the police service at a regional level to enhance intelligence collection and interoperability

We work closely with a range of law enforcement partners, including our counterpart unit in Food Standards Scotland. We also work with industry partners, as we recognise that legitimate businesses share our mission to prevent offending and bring offenders to justice.

WHAT IS THE THREAT FROM FOOD CRIME?

Food and drink is a £200 billion industry in the UK¹ and like any major industry, it is vulnerable to a wide range of criminal activity.

The impact of food crime can be very harmful to consumers, individual food businesses, the economy and the UK's reputation abroad.

Threats exist at a number of levels: from random acts of dishonesty by individual 'rogues' to organised fraudulent activity by groups who knowingly set out to deceive consumers or expose them to harm. The barriers to gaining a foothold in the food economy make food a challenging choice for career criminals, but the threat from more organised crime is a real one.

Food crime – and the perception of it – generates financial pressures within the sector. These can distort markets and undermine legitimate businesses. The food, drink and catering industry accounts for 11% of the UK economy. Any loss of confidence that UK food is free from the effects of criminality damages the reputation of our food industry for excellence, both at home and overseas, with long-term negative economic consequences.

The UK benefits from some of the safest and most authentic food and drink in the world. However, threats do exist and the more that is done to understand them, the more can be done to prevent harm to consumers trust and confidence being undermined.

Estimating the scale and impact of food crime is challenging. Fraud is, by definition, a hidden activity and the parties involved may be skilled at cloaking their criminality. This challenge has been magnified by a lack of crime reporting relating to this area.

It is recognised that food crime has certain characteristics that will always pose challenges for detection, and when seeking to understand and assess its full scale and nature. Almost uniquely among serious crime, food crime generally lacks natural 'break-out points' from which offending is identified. This makes discovery by law enforcement extremely challenging.

That is why reporting from industry partners is so vital to the work of the NFCU. Industry vigilance and confidence to identify and share with us concerns around suspected wrong-doing within food supply chains is essential in identifying and addressing criminality which affects legitimate UK business.

¹ Statistics published by the Office of National Statistics and the Department for Environment, Food & Rural Affairs: www.gov.uk/government/uploads/system/uploads/attachment_data/file/315418/foodpocketbook-2013update-29may14.pdf

TACKLING FOOD CRIME: A SHARED OBJECTIVE

For industry and consumers alike, it is vital that food crime is addressed in order to protect the integrity of UK food.

For businesses in particular, tackling food crime ensures that product quality meets consumer expectations, which in turn helps maintain brand reputation, competition remains fair and profit margins are realised.

We are working towards the same goals. We want to ensure that:

- the UK's food industry maintains its reputation for excellence and for providing among the safest and highest quality food and drink in the world; and
- the UK remains competitive in the global marketplace and continues to generate profits.

That is why the NFCU is committed to working with industry to tackling food crime.

This working relationship needs to be mutually beneficial so everyone can see clearly the valuable counter food crime outcomes that can result from it. We would like to develop meaningful relationships with food businesses big and small that support our ethos, adopt an ethical approach to their work, have appropriate food safety and authenticity procedures in place (where relevant), and do not pose any obvious reputational risk to our mission through association.

We recognise and embrace differences of opinion and will show understanding of our partners' and supporters' priorities and constraints. We ask that our partners and supporters adopt the same approach towards us.

HOW CAN WE SUPPORT INDUSTRY?

By developing and sharing knowledge of the threats the UK faces

Building our understanding of food crime is critical to the development of solutions to combat it. While operational security will always be a consideration, we are committed to sharing our knowledge and understanding of food crime so that we can support our partners to increase their ability to develop solutions. We hope this will help industry partners shape the services they provide and the products they sell.

Information pertinent to food crime will be shared through our assessments; these are either made available online or distributed using an email mailing list, depending on the sensitivities of the information being shared. For very time sensitive concerns, to reach a large audience quickly, we will also make use of relevant trade associations throughout industry. Where concerns would be of particular value to specific industry partners, we will endeavour to make direct contact.

Each year we produce an assessment of the food crime threat to the UK – the Food Crime Annual Strategic Assessment (FCASA) – and ensure that this is made available to all. As part of the development of this product, we engage heavily with industry to make sure that we capture your experiences and concerns.

In addition to the FCASA, we also publish quarterly reports which provide an overview of key trends and intelligence gaps, identified over the last three months, in relation to dishonesty within the UK's food supply chains. This is shared with law enforcement and industry partners.

The NFCU's Information Requirement sets out for industry the kind of issues the unit is keen to receive information about. Receiving information from the widest possible number and range of industry sources ensures that our intelligence products are informed by the best available data. The Requirement can be found in Annex B.

Through increased engagement and partnership working

We want to establish long term relationships with individual food businesses, which over time will develop to increase their impact on tackling food crime.

Using industry knowledge and expertise to guide our activities, we can ensure that our work takes into account the complexities and subtleties of the sector or supply chain being investigated. This approach will help the NFCU to pursue food criminals and support industry efforts to design out system or process vulnerabilities which present fraud opportunities. An ounce of prevention is worth a pound of cure.

Throughout all of this, we will promote and facilitate partnership working wherever possible to help protect the reputation and success of the food sector within the UK.

HOW CAN YOU SUPPORT US?

Our remit encompasses a broad range of issues and we would welcome proposals on how your organisation or food business could best collaborate with us.

What the NFCU can do to support industry is very much linked to the level of support given to us to help progress our understanding of, and approach to, food crime affecting the UK.

Tell us when you have been the victim of a food crime

If your business is the victim of a food crime, it is important that you tell the NFCU so we can identify and bring those responsible to account. If we don't know about the crime we cannot act upon it. We recognise the importance of exercising discretion in managing such reports from food businesses. While our objective will always be to maximise the disruptive impact of our inquiries on food criminals, we will do this in a manner that respects the commercial interests of the victim.

Tell us when you have broader suspicions of food crime

We would also like to be made aware of any other information that industry partners might hold in relation to suspected dishonesty within the food supply chain. This may range from a broker selling a commodity at a price which just doesn't make financial sense, all the way through to

increased levels of missing or reportedly broken branded product containers or labels. You can report any suspicions in confidence to the NFCU, however vague, speculative or incomplete you think they might be.

If your organisation holds information which you think may be relevant to our work, please share it with us. Rest assured that any information shared will be handled professionally at all times, in confidence and protected from inappropriate disclosure within and outside the Food Standards Agency.

Embed fraud resilience mechanisms into your business model

In order to detect concerns relating to possible food criminality, it is essential that food businesses understand what fraudulent behaviour might look like for them. This enables you to better detect and respond to threats and risks identified through implementation of a fraud resilience strategy.

The Institute of Food Safety, Integrity and Protection (TiFSiP) is publishing a Fraud Resilience Good Practice Guide for the food and drink sectors. This publication will help partners in reviewing and enhancing their existing protocols, and in turn will support the reporting of concerns to the NFCU.

Promote your support for the NFCU and the Food Crime Confidential facility

In June 2016, we launched Food Crime Confidential: a secure and dedicated reporting facility for those working in and around the food industry to report suspicions of food crime. Promotion of this facility, by and within your organisation, demonstrates your support for our counter-fraud mission and ensures that awareness is raised across industry.

Work with us to address criminality and vulnerability

It is clear that in order to deliver positive counter-fraud outcomes for consumers and food businesses, the NFCU needs to leverage support from a broad spectrum of stakeholders from across the UK and overseas. Receiving assistance from its partners and supporters in the private and voluntary sectors will enable us to do more than would be possible on our own. As an example, we would be open to short or long term attachments from industry, to help us better understand some of the technical aspects of the food industry.

LOOKING AFTER YOUR INFORMATION

In order to be an effective counter-crime capability, we function in a manner that maintains operational security and affords appropriate protection to all sources of information.

This approach builds the confidence of our law enforcement partners, trust with food businesses and other sources of information and enables the NFCU to pursue stronger, more impactful outcomes by protecting consumers and businesses from criminal activity.

We would welcome any insights on food crime you may have and there are no legal barriers to sharing this kind of general information with us. Where the information includes ‘personal data²’, the Data Protection Act 1998 lets you share this with us for the purposes of preventing or detecting crime, or apprehending or prosecuting offenders.

The NFCU may occasionally be subject to a legal obligation to disclose information in certain circumstances where, for example, a prosecution is underway or where it receives a request under certain legislation (primarily the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIRs) and the Data Protection Act 1998 (DPA)).

When dealing with such requests, we ensure that all necessary steps are taken to keep sensitive information appropriately protected. This may include, but is not limited to, seeking Public Interest Immunity from disclosure or applying the following exemptions from disclosure contained in relevant law:

- Freedom of Information Act: S43 (trade secret/prejudice to commercial interests), S30 (investigations and proceedings conducted by public authorities) and S31 (law enforcement)
- Environmental Information Regulations 2004: 12(5) (e) (adverse effect on confidentiality of commercial or industrial information as provided by law to protect a legitimate economic interest)

If an exemption is not applicable and we are required to release the information, we will ensure that we consult with you as soon as possible about the appropriateness and impact of such a disclosure.

² As defined by the Data Protection Act 1998

CONTACT US

Here are several ways to get in touch with us

INFORMATION SHARING

If your business has been the victim of food crime, or have other food crime-related suspicions or concerns to share with us, please contact us:

0207 276 8787

foodcrime@foodstandards.gsi.gov.uk

Our unit is staffed from 9am to 5pm. Any queries received out of these hours will be dealt with the next working day.

If you think you will be sharing information with us on a regular basis, you may wish to consider entering into an Information Sharing Agreement with the NFCU, to formalise our relationship. Please get in touch with us if you would like a copy of the Information Sharing Agreement Template.

To discuss this further, or any concerns you may have about information sharing, please contact us and a member of the team will be happy to advise you.

NEED TO TALK TO US?

To discuss closer working opportunities with us, or to request access to the intelligence assessments we produce, please contact the NFCU's information manager on **0207 276 8255** or email foodcrime@foodstandards.gsi.gov.uk

ANNEX A: THE NFCU'S INDUSTRY CHARTER

The NFCU is dedicated to working with the food and drink industry to ensure consumers and food businesses in England, Wales and Northern Ireland are protected from serious dishonesty within food supply chains.

The following commitments underpin how we will work with you to do this:

1. All information provided by you to us will be treated with professionalism and discretion at all times, and will be protected against inappropriate disclosure
2. We intend our relationship with you to be mutually beneficial. We will always consider suggestions on how we can develop our relationship
3. Differences of opinion will be recognised and embraced, and we will show understanding and respect for your priorities and constraints
4. We will share our understanding of the nature and the scale of food crime with you, to support you in building and maintaining resilience to such threats
5. We will work with food businesses to investigate allegations of food crime and to design out fraud opportunity
6. We will support you in protecting the reputation and integrity of your brand by ensuring that the UK market remains competitive and lucrative

ANNEX B: THE NFCU INFORMATION REQUIREMENT

OFFICIAL



Information Requirement April 2016 – March 2017

Introduction

This document outlines the NFCU's key information requirements, highlighting the areas which the Unit is looking to gather information about.

This will help us to identify opportunities for operational activity, improve the UK's strategic understanding of food crime, and to help ensure that future intelligence assessments are accurate, comprehensive and well-evidenced.

Opposite is our main requirement, presented in a simple and accessible way. The following pages then capture in more detail, after an initial section exploring general themes, the information requirements around our key priority areas. These are based on the main categories of food criminality. The 2016 Food Crime Annual Strategic Assessment, which informed the determination of these categories, can be viewed [here](#).

What is food crime?

Dishonesty relating to the production or supply of food, drink or animal feed which is either complex or likely to result in serious detriment to consumers, businesses or the overall public interest.

What can you tell us about food crime?

This could be in terms of:

- Instances where you know that food crime has taken place
- Information suggesting it may be taking place
- Details of how the food industry works which might make it vulnerable to food crime

NFCU particularly want to know:

- Who is committing the food crime
- How are they doing it; when and why
- What types of food, drink or feed are involved in the crime

This could be based on:

- Information which you or your organisation hold
- Expertise which you or your colleagues have around this area which could be useful to us
- Suggestions for who else NFCU can speak to in order to learn more about this

Contact us via the routes below:

Email us at foodcrime@foodstandards.gsi.gov.uk

Call us on 020 7276 8787

Visit www.food.gov.uk/foodcrime

GENERAL INFORMATION REQUIREMENTS

General Requirements / Cross-cutting themes	How the Information Requirement supports NFCU
There are a number of questions which we would like to be able to answer. These do not relate to any specific kind of food crime but instead concern the problem of food crime more broadly.	The establishment of this Requirement means that partners can be clear on the kind of information which we want to receive.
What is the extent of organised crime within the UK food economy ? This includes where the groups involved are linked to other kinds of crime as well.	Support from partners in answering this Requirement will ensure that NFCU can:
How can information held by partners in industry , and hopefully shared with us, improve the picture of what is happening?	<ul style="list-style-type: none"> • accurately reflect the insight and activity of partners with regards to food crime
How much money is lost to food crime in the UK, both from consumers and from businesses?	<ul style="list-style-type: none"> • make properly informed judgements around areas of priority within food crime based on a robust and comprehensive intelligence picture, building on the baseline of the 2016 Food Crime Annual Strategic Assessment
How big a problem is food crime perceived to be, in the eyes of a number of businesses and of consumers?	<ul style="list-style-type: none"> • use this insight to drive activity which will detect and prevent food crime within or impacting on UK consumers, businesses and broader interests
How might future changes to the legal and regulatory landscape impact on the threat from food crime?	
We also want to understand why food criminals offend – other than to make money.	

2

SPECIFIC INFORMATION REQUIREMENTS

Specific requirements	
The following boxes relate to each of the key areas of food crime. They contain the key questions we want to ask about these specific kinds of food criminality in order to understand them better, and to ensure our response to them is properly informed.	
Diversion of waste products into the food chain	Misrepresentation of provenance, origin, quality or benefits
We want to know about the diversion of products destined for disposal into another unauthorised use in the food chain.	We want to know the key qualities of foods which are most commonly misrepresented by fraudulent food businesses.
Where does this happen? Who is responsible and what products does it generally happen with?	This could be the declared origin of the food, or any agreed indicators of quality. It could be a protected designation of origin (PDO), or an agreed set of product characteristics (such as basmati rice or extra virgin olive oil). It could also be where a product is declared or implied to be safe for consumption, when it is not.
How do criminals conceal this activity and make the product (and its origins) look genuine ?	Further to this, what misrepresentation is observed around documents used to identify animals and to record movements and veterinary treatments before they are slaughtered?
What kinds of locations do criminals use to store, process, transfer or sell the product in question? Who buys it?	Who is involved in this activity? Where do they operate in the food chain? How do they work?
Adulteration	
We need to understand how regularly food products are deliberately adulterated for economic gain.	We also want to know what techniques are used by criminals who utilise falsified documents to carry out their fraud.
Which products are most affected, and what are they general adulterated with?	How do they obtain or produce documents which they use? How do they make sure the documents and the accompanying products look genuine when inspected?
What is the purpose of the adulteration? To save money? To keep a product fresher for longer? To manufacture a fake product?	
This is of particular note when adulterants are a danger to consumers —for example, unsafe alcohol in spirits, undeclared nut content or hidden ingredients in food supplements.	

3

SPECIFIC INFORMATION REQUIREMENTS

Substitution	Unlawful meat processing
We want to know about practices where one ingredient is swapped for another in food and drink products, in order to reduce costs or get around supply shortages.	We want to receive information about people involved in the unlawful slaughter of animals or processing of meat.
Which are the main products where this happens? Are some products more vulnerable to substitution by changes to the supply of, or demand for, products or their ingredients?	How do these parties identify customers for their products?
Which substitutions are easiest to carry out without detection?	How do these operators make their product appear legitimate ? Do they focus on products which are harder to trace back ?
How do food criminals go about carrying out this activity?	How does these operators attempt to remain undetected ?
As with adulteration, the undeclared presence of allergens remains a concern, as does the use of different species of meat, fish and dairy to those declared on the product.	
Theft of product	Misrepresentation of shelf life
Food products and livestock can be unlawfully obtained in one of several ways. This can be through poaching , through theft of livestock such as sheep, through unlawful harvesting of shellfish or be securing the delivery of a product using the identity of another legitimate company (which then picks up the bill).	Another area of food crime is the illegal extension or manipulations of durability dates on food and drink products.
How common are these activities, and which products are generally targeted? How does the product reach customers ?	What techniques are used to change labels ? Are there techniques used to make products appear fresher than they are?
How widely held are the skills you would need to set up a fake website for a reputable company, and then use it to commit fraud?	Who is involved in this activity, and where do these products get sold to consumers ?
Responding to the Information Requirement	
	If you identify any relevant information, please report to us via the contact points listed on the front page of this document.
	If you would like to discuss information sharing with the NFCU, or talk about specific information directly, please either call us or arrange for us to call you via the email address provided.