

### Handling Food Fraud in e-Commerce

Food Fraud Series Part 5 of 5

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Sponsored by the IAFP Foundation

Organized by the IAFP Food Fraud PDG



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- This webinar is being recorded and will be available for access by IAFP members at www.foodprotection.org within one week.



**Food Fraud PDG Chair:** Neil Bogart, Food & Beverage - Area Technical Support – Ecolab

**Food Fraud PDG Vice Chair:** Karen Everstine, PhD, Senior Manager, Scientific Affairs – Decernis



- Part 1: A Strategic Approach to Operationalize Food Fraud Mitigation (held on 2/20/19)
- Part 2: Challenges Identified with Food Fraud
   Implementation (held on 4/2/19)
- Part 3: Understanding Types of Risk (Regulatory, Operational, Enterprise)
- Part 4: Emerging Food Categories
- Part 5: Ecommerce, Counterfeit, and Labeling (scheduled for 6/27/19)



### **Food Fraud – E-commerce Risk**

Lara Miller – Counsel, Vice President - Corporate Strategy
Dion Tang - Program Manager

June 27th 2019

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### About Us

#### International AntiCounterfeiting Coalition (IACC)

The largest multinational organization representing exclusively the interests of companies concerned with **product counterfeiting and copyright piracy**.

Established in 1979; based in **Washington**, **DC** Members across all product sectors, including:

- ■Food & Beverage, Tobacco & Spirits
- ■Apparel, Footwear, Accessories, and Luxury Goods
- Automotive
- Electronics and Electrical Goods
- Motion Pictures and Music
- Pharmaceuticals and Medical Devices
- Business and Entertainment Software





## Legal Framework in US

#### **Food Fraud in the United States**

Food fraud is broadly addressed through various food safety, food defense, and food quality authorities as well as border protection and import authorities across a number of federal agencies.

- > No dedicated federal agency or U.S. law directly addresses food fraud
- A number of existing laws and statutes provide the authority for various federal agencies to address fraud.
- FDA and the U.S. Department of Agriculture are the principle agencies that are working to protect the food supply from food safety risks in conjunction with border protection and enforcement activities by the U.S. Department of Homeland Security.



# Legal Framework in US

#### U.S. Food & Drug Administration

- Works with the private sector and other government agencies on activities related to food defense
- Develops tools and resources to help food facilities prevent, prepare for, respond to, and recover from acts of intentional adulteration of the food supply

#### The FDA Food Safety Modernization Act (FSMA)

- → Prevents intentional adulteration from acts intended to cause wide-scale harm to public health
- → With some exceptions, this rule applies to both domestic and foreign companies that are required to register with the FDA as food facilities under the Federal Food, Drug, and Cosmetic (FD&C) Act.



# Legal Framework in EU

#### Food Fraud in European Union

- Ell laws do not provide for a "generally acknowledged definition of food fraud" despite an extensive legislative framework focused on food safety
- The only general guideline is found in **EU regulations requiring that food labeling, advertising, presentation, and packaging "shall not mislead consumers."**
- Requirements vary among EU member states and food fraud in Europe remains largely undetected, similar to that in the United States.
- The United Kingdom's Food Standards Agency (FSA) describes "food fraud" as the deliberate placement on the market, for financial gain, with the intention of deceiving the consumer, covering two main types of fraud.
- Researchers and industry groups actively working in this area have myriad definitions of food fraud and EMA.



# Legal Framework in EU

#### The EU Food Fraud Network

European Commission

- Allows Member States and some other European countries to exchange information and to cooperate on a voluntary basis in matters where they are confronted with violations of the EU agri-food chain legislation of cross-border nature.
- Connects the bodies designated by each Member State, some other European countries (Switzerland, Norway and Iceland), representatives from the European Commission services and representatives from Europol.
- Allows assisting and coordinating communication between competent authorities and, in particular, transmitting and receiving requests for assistance.

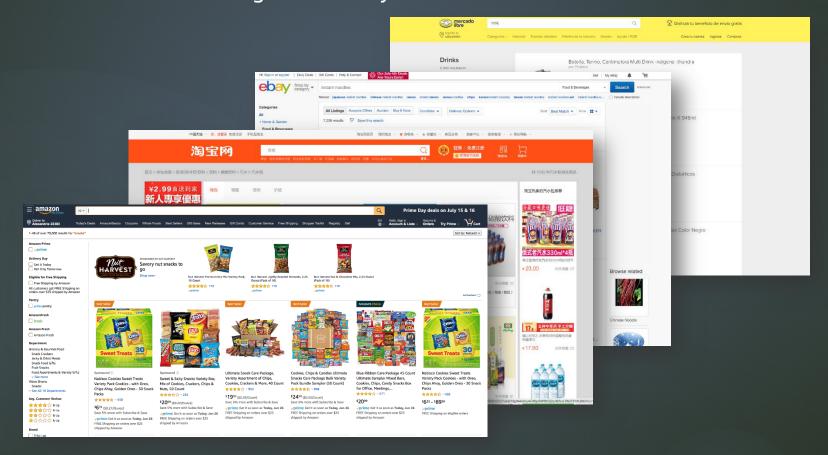
#### Food Fraud Contact Points

→ https://ec.europa.eu/food/sites/food/files/safety/docs/food-fraud\_contact\_points.pdf



### Online Enforcement

Despite the existing regulations, online marketplaces have become a hotbed of counterfeit food and beverages in recent years.



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# IP Protection for Food & Beverages

#### Trademark Infringement

- Counterfeit
  - E.g. Test buys confirm counterfeit food
  - E.g. Counterfeit indicators identified in photos
  - E.g. Food safety marks being used
- Unfair Use of Trademark Rights
  - E.g. Name of a beverage being used in the title of a listing by unauthorized sellers
  - E.g. Registered trademarks being used in photoshopped images



# IP Protection for Food & Beverages

#### Copyright Infringement

Unfair Use of Copyrights

E.g. Beverage package designs being used by unauthorized sellers/manufacturers

> Image Infringement

E.g. Official promotional images/copyrighted images of an instant noodles brand are being stolen and used by unauthorized sellers

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### Online Enforcement

#### **Notice and Takedown Programs**

<u>To remove infringing listings</u>, rights-holders can make use of the statutorily required <u>reporting processes</u> which allow rights-holders to submit notices regarding IP violations directly to platforms.

- Both public and membership-based programs
- Varied interfaces, procedures, policies
- General requirements include:
  - Proof of IP ownership
  - Explanation of the infringement
  - Business licenses/certificates
  - Attestations or indemnification





### Notice & Take Down Enforcement

### Key Steps

- 1. Internal Organization: Documentation, distribution channels, internal roles
- 2. **Educate Yourself**: Engage with other brands and groups familiar with platforms and their challenges, learn platform protocols and requirements
- 3. Find Infringing Listings and Collect Required Info: in-house or 3<sup>rd</sup> party
- 4. **Engage with Platform**: Find points of contact if possible, set up account
- 5. Start submitting: set up account and submit infringing listings
- 6. Track Results: Pay attention to outcomes, transparency, explanations, timing, and adherence to stated policies. Get vocal about discrepancies.

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### Online Enforcement

### Challenges faced by rights-holders

#### **Platforms**

- Variability
- Recidivism
- Inconsistency
- Difficult Interfaces

#### **Rights-Holders**

- Language Barriers
- Limited Resources
- Distribution and Re-sale Issues
- Unfamiliarity Platform Protocols



### TACC MarketSafe

To address the challenges faced by rights-holders, we develop different initiatives different initiatives with <u>e-commerce platforms</u> in order to help rights-holders rights-holders enforce their IP more effectively.

The IACC entered into an MOU with Alibaba in 2013 with the aim to improve improve rights-holder's IP enforcement success on Alibaba's platforms:

platform







#### **Overview**

MarketSafe Expansion Program (MSE)

Term: 1 Year

Cost: FREE

Participants: Up to 100 Brands Per Year

- IACC members
- Non members
- Service providers/ representatives





# Program Benefits

Centralized Submission Process

Expedited Takedown Procedures

Simplified Submission Requirements

Rightsholders IACC



Dedicated Chinesespeaking Analysts

Updated and Favorable Submission Policies

Rights-Holder Working Groups



### The MSE Program supports all of Alibaba's platforms through a centralized portal.





**TaoProtect** AliProtect

Aligapress









#### **Claims Submission Process**

1 Participants submit infringing listings to IACC

2 IACC analysts process and submit complaints to Alibaba

Alibaba removes identified listings within 24 hours for TaoProtect, and 2-3 business days for AliProtect

Results are updated and reported to participants through the MarketSafe portal

3



#### **Counter-notices**

• Listings stay down during the counter-notice process

 Information requested by IACC is NOT passed on to Alibaba





#### **Rights-holder Working Group**

Through the program, participants can make recommendations about preventative monitoring, enforcement policies, and other marketplace best practices.



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### **Our Success**

#### **Participants Demographics:**

- 29 different industries
- 96 participants (including 32 SMEs)
- > 12 different countries (16 brands from Europe)

#### **Programs Results:**

- 450,000+ listings removed
- > 14,015+ sellers permanently banned
- > 99%+ success rate





### Joining MSE

#### **Applications are open**

- Email marketsafeinfo@iacc.org for an application form
- Application form must be submitted by the rights-holder
- Participant orientation webinars on the first of each month
- After completing webinar, participants automatically receive login credentials and can begin submitting!



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### THANK YOU

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Axel is widely recognised as an expert in Online Brand Protection, Shipments Intelligence and Investigations. He has a background in diverse disciplines, including six sigma and innovation consulting.

Since 2010 he has been engaged in Brand Protection, co-founding and managing ApiraSol GmbH in Germany. Axel has contributed to the fight against counterfeits with game-changing technical innovations that help to capture and share product intelligence. Axel has a Master's degree in International Business Consulting, with a focus on Supply Chain Management.







Online Monitoring



**Shipments Monitoring** 





Online Monitoring



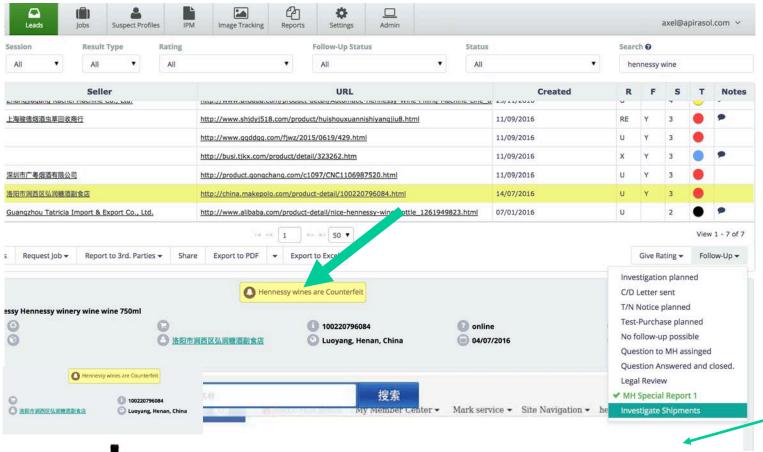
Finished Product that is branded with a Trademark (physically)

Finished Product that is not branded with a Trademark (physically)

Food Components or Packaging

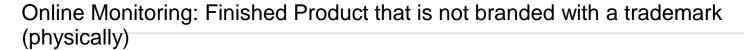
#### Online Monitoring: Finished Product that is branded with a trademark (physically)



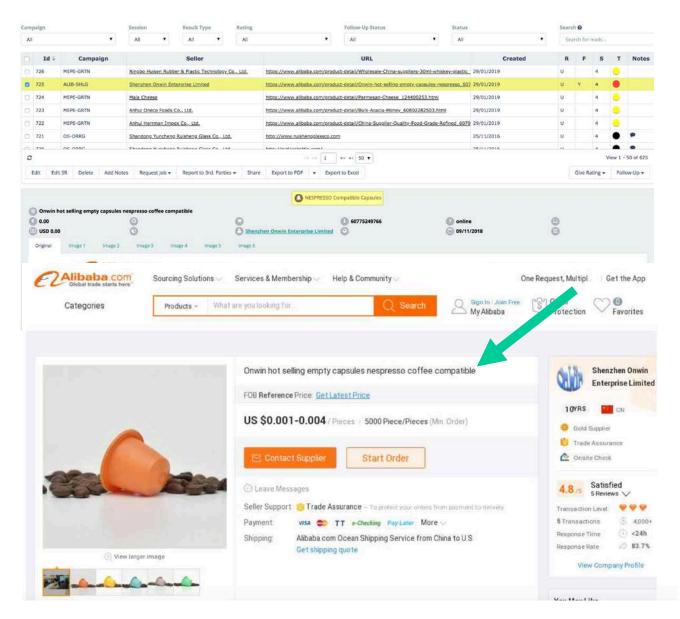




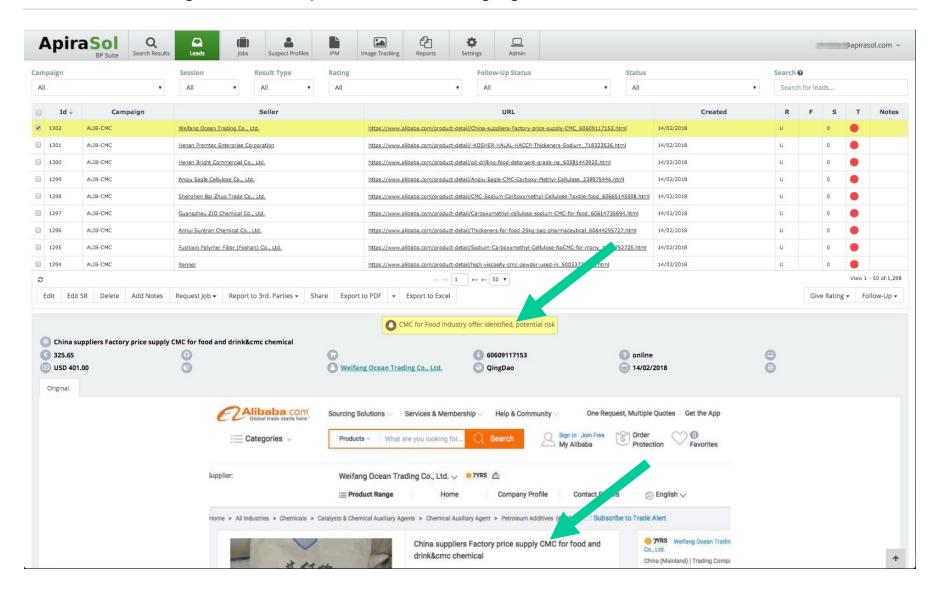
ApiraSol offers the only tool in the market that **combines online monitoring** with **Shipments Intelligence**. Easily request with 1-click the search for shipments, importers and amounts connected to online sellers.







#### Online Monitoring: Food Components or Packaging





Not all countries in the world have public customs data. However, even if a company in a country without public data (for example France) trades with a Russian company (has public data), we can see both company names and trade history.

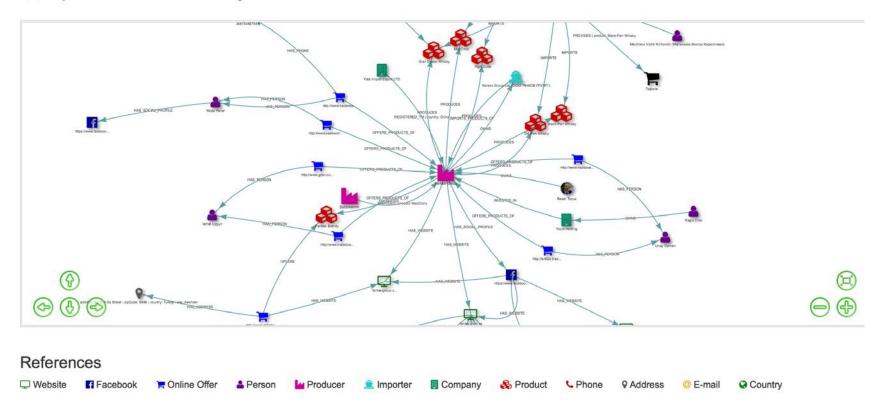


Customs Data is Public in this Country

This Country Database is available but eventually with limited data

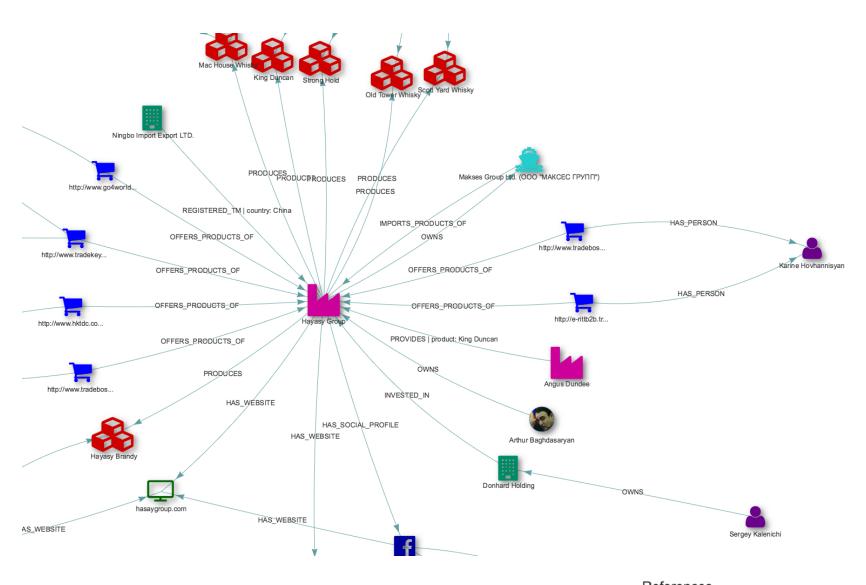


#### ApiraSol Cluster Analysis - Confidential Client

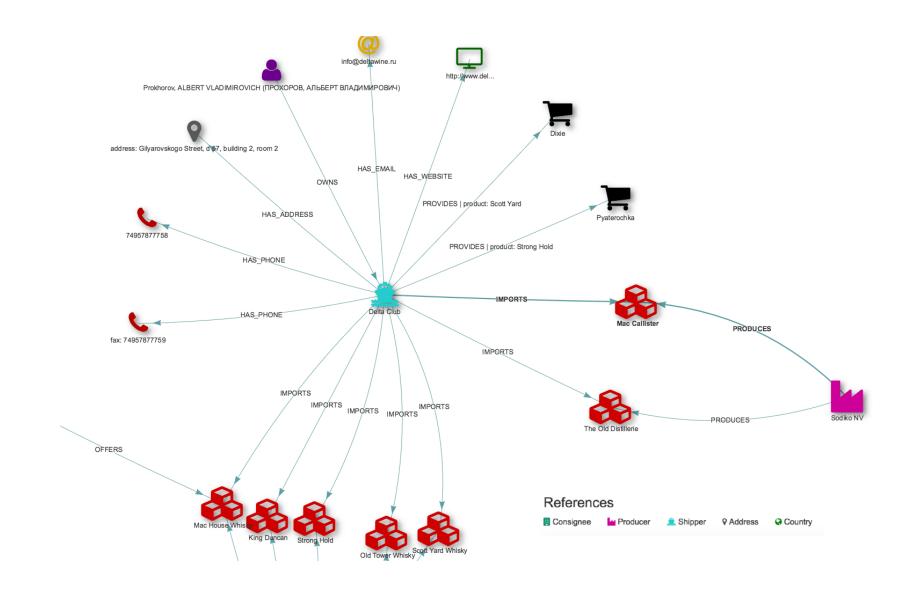


For a confidential client, we have prepared this cluster analysis that helps uncover hidden relationships between online sellers, producers, importers, investors, contact details, etc.. This analysis relies on trade data (import and export documents) and is combined with online intelligence.

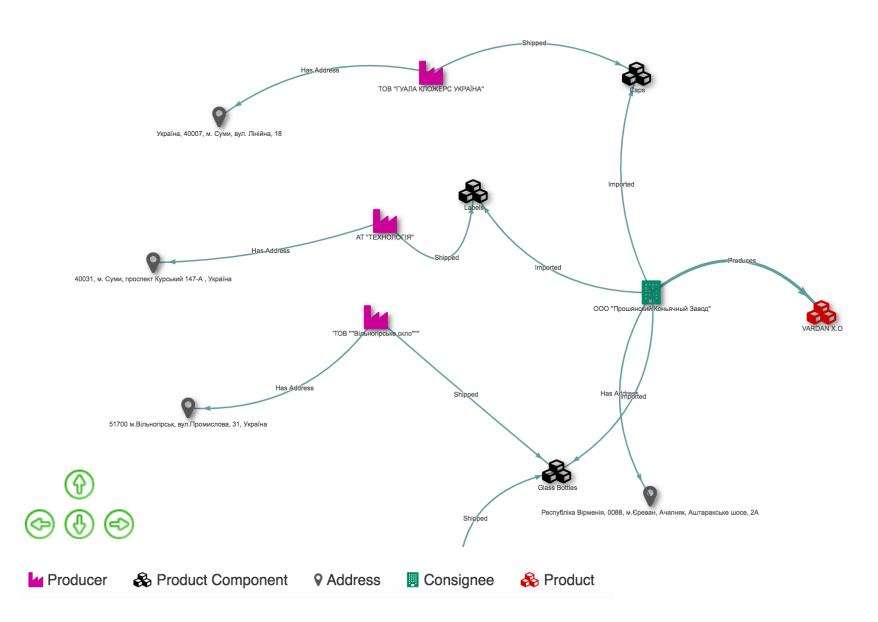












There are 4 Ukrainian companies producing dry-goods (labels, caps, bottles) and exporting to PROSHYAN in



## Smirnoff Look-alike Златогор (Zlatogor)





We could identify 387 Shipments of this product to various countries including the US, Germany, Australia, Eastern Europe.



## **Obvious Signals:**

FANTASY BRANDS

PRODUCT DESCRIPTIONS

SUSPICIOUS SHIPPERS

SUSPICIOUS CONSIGNEES



## **Advanced Signals:**

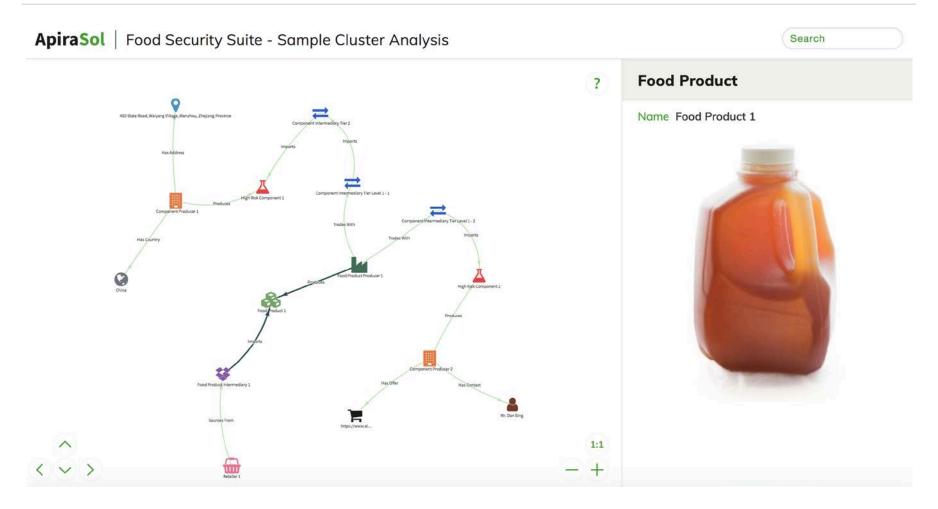
SHIPPERS THAT CLAIM A GIVEN QUALITY, ORIGIN, ORGANIC CERTIFICATION

LOW FOB / KGS RATIO

SUSPICIOUS ROUTES

THIRD PARTY
MANUFACTURERS
(VOLUMES,
DESTINATION)

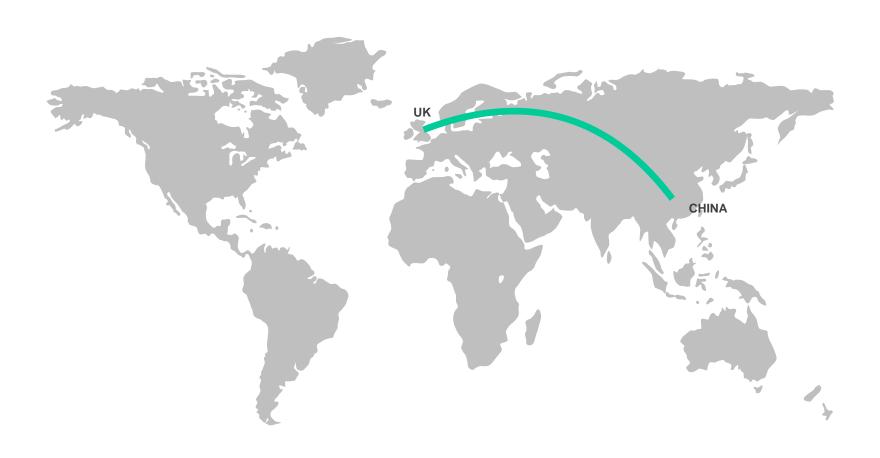




In this example, we can see how a retailer (left side) or a food standards authority can investigate the supply chain behind a finished product producer. Producers might import components (additives, stabilisers, flavours) that represent a high-risk or that do not meet the quality standards of the finished product.

https://graph.apirasol.com/HirWDvgQXgqbyrfyh0zkZ4SZgMSDRo4c/index.html

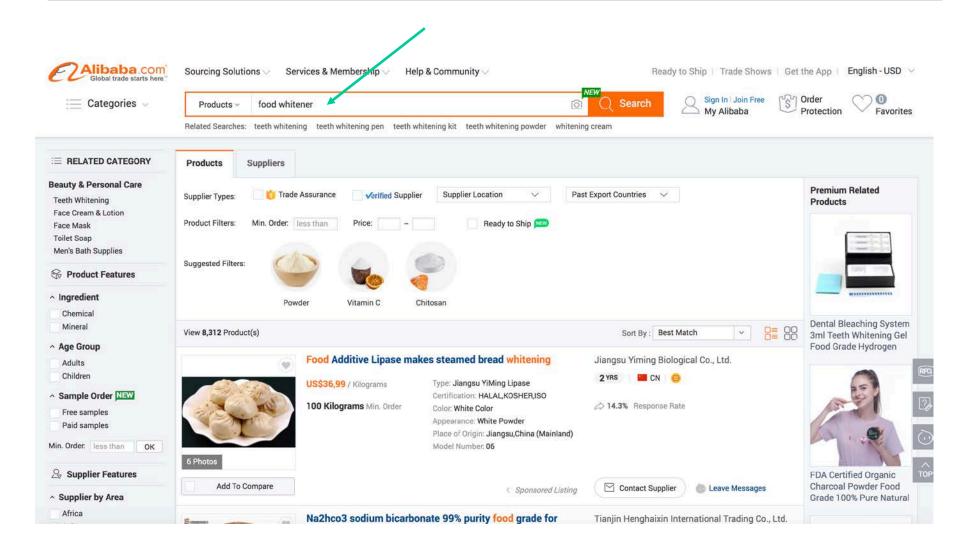




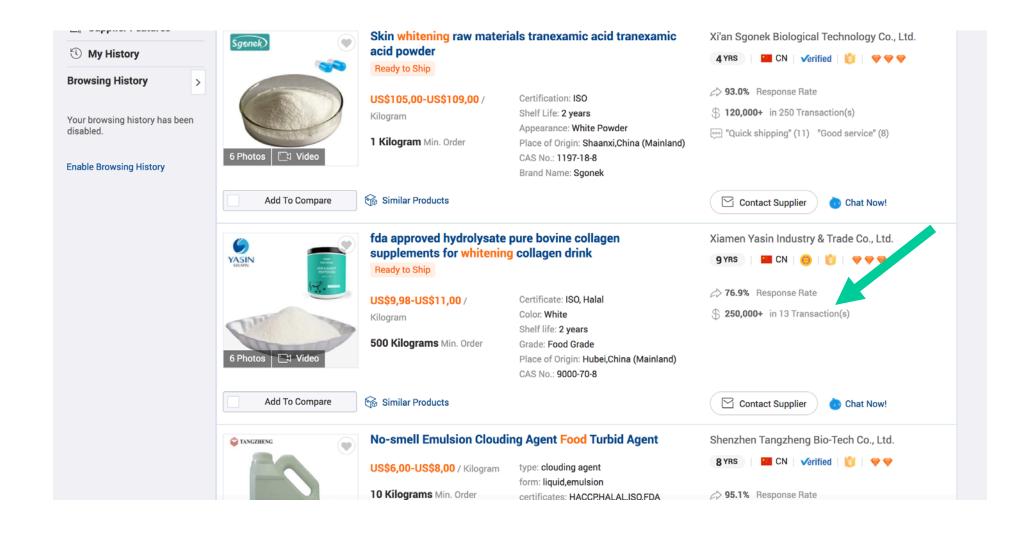
This Country Database is available but eventually with limited data fields and/or extra costs

This Country Database has no public data

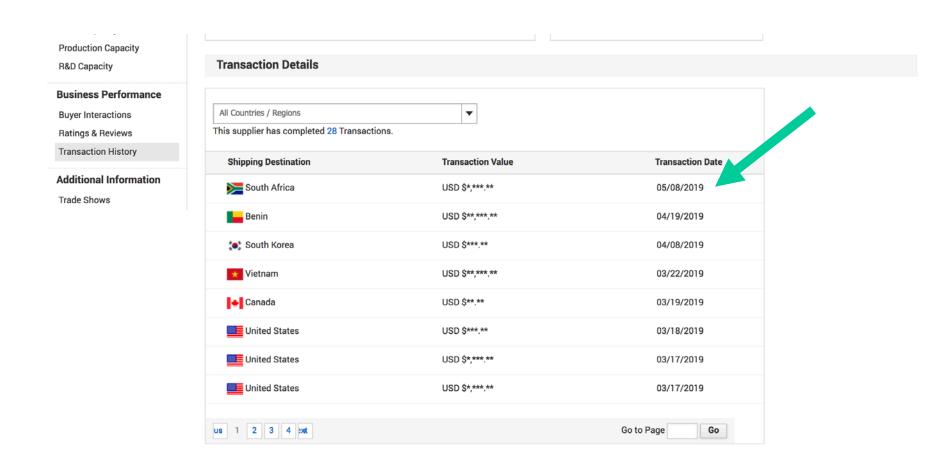




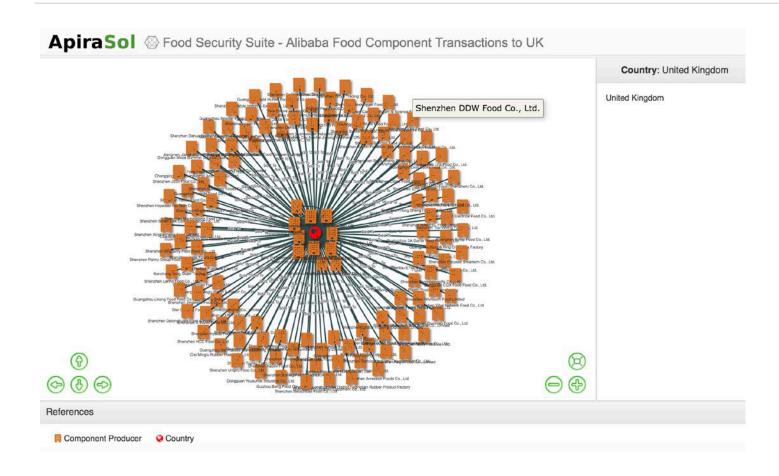








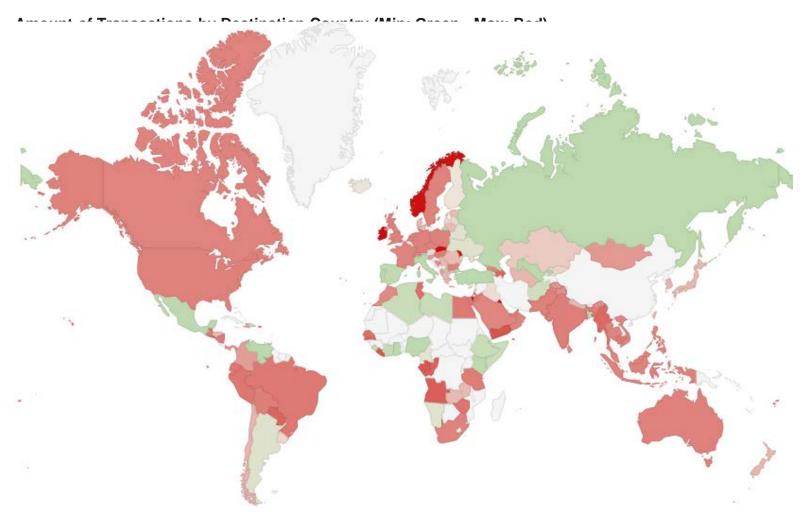




In this example, we captured thousands of ALIBABA Transactions (sales) related to food stabilisers. Also, manufacturer names, destination country and dates. With such database, we can run different analyses such as listing all manufacturers of a certain product group that had a recent transaction (shipment) to the UK.

While UK authorities may have access to UK Customs data, the company names used in Bills of lading may be hidden using a freight forwarder or by other means. Also, such customs data might be available too late to investigate or seize shipments.

However, using B2B Transactions data tells us instantly, that a company is preparing an order for a UK consignee. Also, while many company names in Alibaba may not be correct, many are correct



These graphs are part of an analysis of CMC Food additives offered in Alibaba. This report covered **2549 Alibaba offers** who registered 5349 transactions. A transaction can be understood as an individual export (shipment) to one of the countries highlighted above. Each transaction could represent thousands of kilograms.

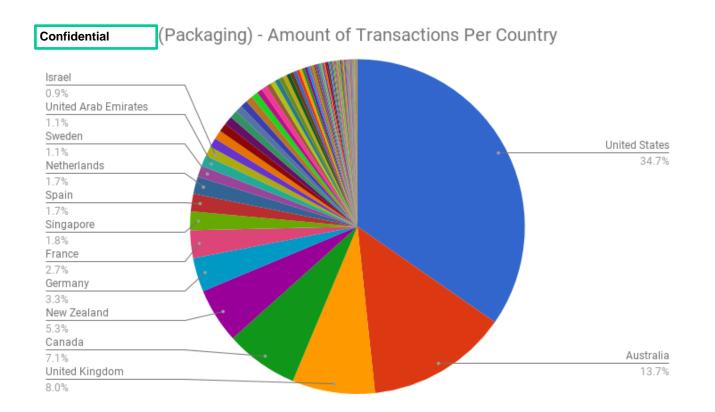
#### CMC Additives Seller Ranking by Amount of Transactions (shipments) in Alibaba.com

Seller	Transactions
Hunan Arshine Biotechnology Co., Limited	250
	250
	250
	250
Company names	250
-	250
available upon	250
<u>-</u>	243
request.	175
	159
	150
Snaanxi Yuantai Biologicai Technology Co., Ltd.	148
Zhuhai Ting Kai Trading Co., Ltd.	144
Shanghai Ruizheng Chemical Technology Co., Ltd.	138
Xi'an Hao-Xuan Bio-Tech Co., Ltd.	138
Shanghai ZZ New Material Tech. Co., Ltd.	135
Xi'an Imaherb Biotech Co., Ltd.	115
Anhui Herrman Impex Co., Ltd.	91
Hangzhou Union Biotechnology Co., Ltd.	89
Qingdao Z&F Sungold International Trade Co., Ltd.	80
Xinxiang Dayong Vibration Equipment Co., Ltd.	71
Tianjin Sunnier Trade Co., Ltd.	71
Shanghai Xinglu Chemical Technology Co., Ltd.	65
Xi'an Harmonious Natural Bio-Technology Co., Ltd.	61
Zhengzhou Sino Chemical Co., Ltd.	60
Guangzhou Longfine Biotechnology Co., Limited	58
Linyi Hengyu Import & Export Co., Ltd.	57
Dalian Future International Co., Ltd.	56
Shanghai Touchhealthy Biotechnology Co., Ltd.	53
Zhengzhou Allis Chemical Co., Ltd.	50
Zhengzhou Qiangjin Science And Technology Trading Co., Ltd.	49
Zhejiang Kedun Machinery Co., Ltd.	45
Shanghai Jinbao Packaging Machinery Co., Ltd.	43

When looking at the 5349 transactions (shipments) of CMC sold via Alibaba, it was possible to create a ranking of the largest CMC sellers. Top seller names are hidden but available upon request.

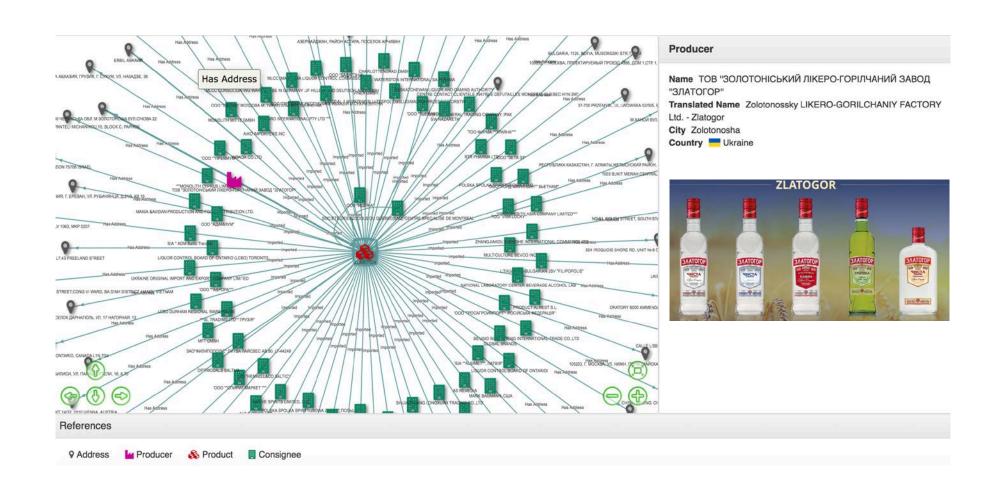
This database of historic transactions data allows us to perform specific searches such as studying top CMC Sellers linked to a certain destination country or listing all countries and transaction dates that a CMC seller exported to.













Identify Shipments of Counterfeit, Fantasy Names and GI infringements

Identify Organic Food Fraud

Identify Components Suppliers

Identify Consignees of Finished Products

Identify trade not visible via customs data, but visible via Alibaba Transactions



Questions



Contact me:

**Axel Hein** 

Managing Director

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# Nicola Colombo

Global head of SGS DIGICOMPLY Based in Switzerland

Nicola has Joined SGS December 2017 where he became global head for the SGS Digicomply program

A passionate entrepreneur in the Digital Industry, through various systems and solutions he helped hundreds of food companies all over the world transforming their processes to deliver better and safer products to the market







SGS DIGICOMPLY

# **LABELWISE**

Online monitoring of labels and product information on e-platform for conformity and compliance









## **ADULTERED INFORMATION**

We buy more and more online but the average quality of information available online is poor exposing consumers and brand owners to risks.

In most case the lack of information quality is non-intentional, but the risk is real.



# LET'S SEE A FEW SAMPLES



Brand Owner web site, all good







E-RETAILER 2



One box contains 6x 563g pouches (15x 37.5g servings per pouch)

COMPLETE

Preparation: Str one scoop (37.5g) of powder into 250ml of skimmed milk (0.1% fat) using a fork or whisk or prepare in a shaker. The shake can also be mixed with a milk forther or a hand-hold blancher. Wat I mixel before dinning, Adding 2-3 to cubes makes Complete taste even crosmers it is important that you follow these instructions when preparing your Complete Shake.

complete should be used as part of a calorie controlled diet. Other foods should bi-ncluded in this diet. It is important to drink enough water when you use Complete his product is not a replacement for a balanced, varied diet and a healthy fifestyle.

Children, pregnent and breast feeding women and those with specific medical con-ditions or wishing to lose more than 20% of their body weight should consult a doctor before undertaking any weight loss regime.

	Nutrition Information	Per 100 g powder	Per serving (prepared)*	% RI
	Energy	1553 kJ	941kJ	
		371 kcal	225 kcal	
	Fat	6.9 g	2.89	
	of which saturates	2.49	1.0 g	
2219	of which monounsaturates	2.49	1.0 g	
	of which polyunsaturates	2.79	1.0g	
	Carbohydrate	419	27.49	
	of which sugers	38 g	26.2 g	
	Fibre	18 g	6.7g	
	Protein	26.99	18.8 g	
	Salt	0.85g	0.65g	
	Vitamin A (RE)	630 µg	240µg	30
	Vitamin D	4.3 µg	1.6 µg	32
	Vitamin E (a-TE)	14 mg	5.2mg	43
	Vitamin C	51.2 mg	19.2mg	24
	Thiamin	0.9 mg	0.45mg	41
	Riboflavin	0.01mg	0.58mg	41
	Niacin (NE)	15.6 mg	6.1mg	38
	Vitamin B <sub>6</sub>	1.2 mg	0.56mg	40
	Folic acid	125 µg	60 µg	30
	Vitamin B <sub>12</sub>	0.65 µg	1.0 µg	40
	Biotin	151µg	60µg	120
	Pantothenic acid	4.8 mg	2.5 mg	42
	Calcium	185 mg	377 mg	47
	Phosphorus	549 mg	448 mg	64
	Potassium	715 mg	643mg	32
	Magnesium	207 mg	113 mg	30
	Iron	16.6 mg	6.5mg	46
	Zinc	9.8mg	4.7mg	47
	Copper	1.4 mg	0.54mg	54
	lodine	105 µg	48µg	32
	Selenium	35 ug	17 µg	31
	Manganese	1.2 mg	0.44mg	22

The Juice PLUS+\* Company Europe GmbH, CH-4051 Basel, Switzerland The Juice PLUS+\* Company GmbH, D-79576 Well a. Rhein, Germany

- new larger packaging 562.5g
- · Vegan (prepared with non-dairy milk)
- without artificial sweetener, colouring and aromas

COMPLETE

- Vegetable Protein with High Biological Value
- high relative protein percentage (Cal%)

#### Condition

E-RETAILER N

New: A brand-new unused, unonened and undamaged item Custom Bundle Suitable For: Non-Vegetarians, Vegetarians

Vanilla and Chocolate flavour shakes for sale

**DECLARATIONS** 

Modified Item Country/Region of Manufacture Switzerland Nutrition Product: Meal Replacemen

**Description** 

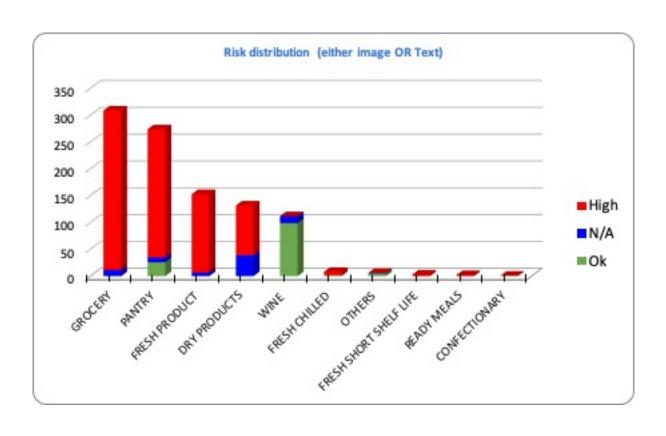


### **MOST COMMON DIFFERENCES & ISSUES ONLINE?**

- HEALTH / NUTRITION CLAIMS
- PRODUCT PICTURES
- INGREDIENTS
- WARNINGS (I.E. ALLERGENS)
- MISSING BEST BEFORE
- MISSING MFG / DISTRIBUTOR ADDRESS



# SGS



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# FOR MORE INFORMATION



www.Digicomply.com



SGS AGRICULTURE & FOOD



# **WWW.DIGICOMPLY.COM**



# Questions?

Questions should be submitted to the presenters during the presentation via the **Questions section** at the right of the screen.

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