Fraud Cases in Europe and Overseas: Lessons learned for the risk management in the organic inspection system

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- 1. Presentation of GfRS
- 2. Some definitions: What are we going to talk about?
- 3 Fraud cases in Europe and Overseas: What happened?





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### What is "fraud"?

- Not all deviations and non-conformities are fraud
- Fraud (the crime or offense of deliberately deceiving another person to obtain property or services unjustly)
  - ⇒ Intentional use of prohibited inputs, ingredients and processing aids
  - ⇒ Intentional commingling and labeling of conventional products as organic





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### Is there any fraud problem in Europe?





### Case 1

### Case 1

- Organic operator since 1994
- Member of the Bioland and Demeter Association
- Pioneer in organic poultry production in Germany
- Annual turnover of the operator increased from 100.000 € (1994) to > 8.000.000 € (2006)
- The operator managed a number of organic farms, processing facilities and trade companies



- Most farms and processing facilities inspected by one certification body, one trading company certified by another certification body
- Official feed control in a feedmill detects deliveries of conventional feedstuff to the organic operator because of positive GMO analysis results





- Subsequent inspections by the certification bodies and the competent authorities end of 2008 and beginning of 2009 reveal that more than 3.000 tons of conventional feedstuff were purchased between 2005 and 2008 and that more than 1.000 tons of conventional meat were bought.
- The operator also managed conventional production units, which were not known by the control body.



GfRS

- The organic system plan according to the EU-legislation was incomplete conventional units were not known.
- Highest risk class, intensive inspections by inspector teams but inspection effectiveness still too low.
  - Central offices and organic operations in different regions of Germany: long travelling distances, unannounced inspection with prior notification of the operator
  - GMO-analysis could have contributed to detect the fraud case
  - Flow of product in each operation o.k. cross checks and tracing back of consumer packages would probably have contributed to reveal the fraud case earlier.

### Case 2

### Case 2

- Start of conversion period in 2007
- Rent of organically managed livestock stables on conventional farms
- First rumours of irregularities beginning of 2008: Use of conventional feedstuff?
- Three unannounced inspections and a detailed analysis of the official bookkeeping confirm the suspect.
- Operator decertified, operator sentenced
  by court.



Close vicinity of conventional and organic units (even if being separate legal entities) facilitated the fraud.

- Quick reaction in terms of increased inspection frequency and use of inspector teams contributed to the early detection of the fraud case.
  - The detailed check of the official tax bookkeeping documentation facilitated the detection of the fraud.







- Tea trading company in Southern Germany
- Client detected in April, 2008 through a routine check of the internet database www.bioc.info that the GfRS-certificate of the trader is falsified
- Trading company did not notify its activities to the competent authority
- Trader sentenced by court, 8 month to prison





### Etikettenschwindel mit Ökotee

**Schwieberdingen** Ein Großhändler hat zwei Jahre lang herkömmliche Ware als Bioprodukte ausgewiesen. *Von Martin Willy* 

In Schwieberdinger Händler hat herkömmlichen Tee als Biotee verkauft. Der Fall dürfte einzigartig in Baden-Württemberg sein, urteilt ein Experte im Karlsruher Regierungspräsidium (RP), das für die Ökokontrollen im Land verantwortlich ist. Der falsch ausgezeichnete Früchtetee und der grüne Tee aus China hatten einen Wert von rund 20 000 Euro, Das Amtsgericht Ludwigsburg hat den 59-Jährigen wegen Verstoßes gegen das Lebensmittel- und Futtermittelgesetz jetzt zu einer Haftstrafe von acht Monaten auf Bewährung verurteilt.

"Was Sie gemacht haben, ist ein großer Vertrauensschaden", sagte der Richten "Der Kunde vertraut darauf, dass Bio drin ist, wo Bio draufsteht." Der Schwindel war aufgeflogen nachdem die Schwieberdinger "Ich habe zu meiner Frau schon nach der Drucklegung gesagt, so können wir das doch nicht lassen", sagte der 59-Jährige vor Gericht. Aber der Katalog blieb unverändert. Dafür war seine Frau verantwortlich. Er war dafür zuständig, den Tee zu lagern und aus großen Säcken in handelsübliche Einheiten zu verpacken. Er sei wohl "der Mann fürs Grobe gewesen", sagte der Richter. Aber auch wenn seine Ehefrau für die Büroangelegenheiten zuständig sei, stehe er als Inhaber mit in der Verantwortung.

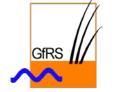
Zu der Gerichtsverhandlung war es gekommen, weil der gebürtige Backnanger einen Strafbefehl vom Dezember 2009 nicht akzeptiert hatte – im Gegensatz zu seiner Frau. Die Staatsanwaltschaft Stuttgart hatte dem 59-Jährigen vorgeworfen

zwischen der gust 2008 dei bau verkauft hatte, dass es dukte handel berdinger vo bestritt alle: sein Motiv g gründenanni Vor Geric. den Einspru rück. Dass e klagt worden nicht planmä gangen war. groß war, lie das Lebensnaus. Dass de len aktiv wer einmal im J seien mit jäh und würden diglich mit G











On-line certificates contribute to reduce the risk of fraud. A common database is much more user-friendly than stand-alone solutions of each certification body.





## Are Europeans exceptionally fraudulent?

or

### are there even more problems?





### Some recent examples





## APHISFactsheetPlant Protection and QuarantineMarch 2007

### Citrus Greening: Questions and Answers

#### Q. What is citrus greening?

**A.** Citrus greening, also known as huanglongbing (HLB) or yellow dragon disease, is one of the most serious citrus diseases in the world. It is a bacterial disease that greatly reduces production, destroys the economic value of fruit, and can kill trees. It has significantly reduced citrus production in Asia, Africa, the

# GfRS

### Q. How many forms of citrus greening disease are there?

**A.** There are three forms of citrus greening disease: Asian, African, and American. The American form was most recently identified in Brazil. Only the Asian form of the disease has been found in the United States.

#### Q. What is the origin of citrus greening?

**A.** Farmers in southern China first noted the presence of this disease in the late 1800s.

### Q. How did citrus greening and the Asian psyllid enter the United States?



### The banana problem: aerial spraying







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Reasons for fraud cases need to be analyzed in detail in order to take the right decisions.

### Risk management – what needs to be done?

- Improved in-house quality assurance of operators
  - ⇒ Supplier visits/audits
  - ⇒ Lab analysis (pesticides / isotopes / others)
- Increase of inspection effectiveness
  - ⇒ Risk orientation (conventional units!)
  - Inspection tools: Unannounced inspections, lab analysis (pesticides / isotopes / others), traceability, cross checks.....
- Increase of authorities surveillance effectiveness
  - ⇒ Effective supervision to provide equal playing field
- Improvement of communication and transparency
  - Improved exchange of information, also with institutions outside of the organic sector





