„When convicted white-collar offenders are asked to explain their behavior, ...

... they frequently claim that their actions did not harm anyone, and they have therefore done nothing wrong."

(Coleman, 1987: 411)

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The ideal victims?

Consumers and economically motivated food fraud

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Consumers can be damaged by food fraud – financially, physically or even psychologically. Although economically motivated fraud in the food sector is far from new, few consumers or politicians are aware of the state of the law. Moreover, there has been little sociological or criminological research on the victimisation[1] of consumers. If we are to guarantee effective consumer protection, we must enhance unannounced controls and establish appropriate punishments, so that illegal practices are no longer worthwhile to the perpetrator. We will show that there are unrecognised deficits in current knowledge.

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[1] Victimisation means "to make a victim of", so victimisation is the process of making a victim (from the Latin *victima* = victim).

The problem

In 1986, the criminologist Nils Christie coined the phrase of the "ideal victim" and illustrated it with the example of an old lady who was robbed during the day in the middle of the street by a tall unknown man [1] when returning from visiting her sick sister. Ideal victims are then totally free of guilt and appear to be morally unassailable. This corresponds to conventional ideas about a "just world" [2, 3], so that she suffered harm without any element of guilt at all, without any risky behaviour.

The general view is that criminal actions primarily involve offences related to property or violence and that the perpetrator and victim are unambiguous. There is much less public awareness or scientific research about economic crime, although it can be assumed that this involves more damage and victims than in "classical criminality" [4].

Criminality in the food sector

Aside from a few exceptions such as Croall [5, 6], there has been little sociological or criminological research on criminality in the food sector, regarded as one form of economic crime. This is actually amazing, as there have been counterfeiting and adulteration for centuries and food is a fundamental need that concerns each individual, as there can be no life without food [7]. If we assume that we eat at least three times daily, we consume ca. 75,000–100,000 meals in the course of a lifetime, so that each of us is a food consumer and a potential victim of illegal practices in the food sector.

In our globalised world with its international flows of goods, food safety is a great challenge. Although European foods must be regarded as very safe in international comparisons [8], the public is repeatedly alarmed by so-called "food scandals". These may be unintentional and be the result of a series of unfortunate events or may arise due to a lack of due diligence, as may be the case with microbial contamination, as in the case of listeria or salmonella. But it is also quite possible that they result from illegal practices.

Since antiquity, food has been counterfeited or adulterated, in order to increase the profits of producers or dealers. Hargin [9] assumes that food has been counterfeited since trading started. This is said to have been particularly the case for wine, tea, olive oil and spices [10, 11]. Offences of this sort have been known since the Middle Ages. For example, bread was adulterated with cheaper ingredients [10], and this was sometimes severely punished – for example, by ducking the baker under water or in refuse for a short time using a special device [12]. Accum [13] provided very detailed overviews of food adulteration in England in the 19th century (◆ Figure 1). Wilson [10] also included a historical overview up to the present day.

Deceptive practices such as false information about origin or labelling to increase profits apparently have no *direct* effect on consumer health and are probably ubiquitous. Important examples of fraud with foods are shown in the ◆ Box. For example, (cheaper) long corn rice is sold as (more expensive) basmati rice [10, 19]. The American consumer protection organisation ConsumerReports assumes that as much as 25% of all fish and seafood products exhibit false information about their origin [20] and that about the same percentage of conventional foods are sold as having been biologically produced [21], in order to increase profits.

Criminological and sociological classification

In contrast to street or violent crime, economic crime generally does not have the objective of causing physical damage, but of bringing economic profit or avoiding losses [4], which is also the case for economically motivated fraud in the food sector [11, 21].

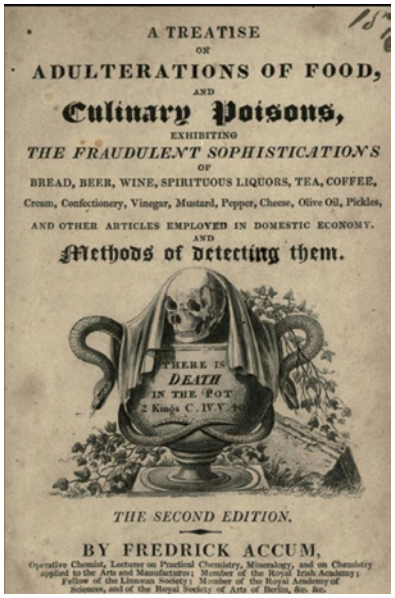

A TREATISE
ON
ADULTERATIONS OF FOOD,
AND
Culinary Poisons,
EXHIBITING
THE FRAUDULENT SOPHISTICATIONS
OF
BREAD, BEER, WINE, SPIRITUOUS LIQUORS, TEA, COFFEE,
Cream, Confectionery, Vinegar, Mustard, Pepper, Cheese, Olive Oil, Pickles,
AND OTHER ARTICLES EMPLOYED IN DOMESTIC ECONOMY.
AND
Methods of detecting them.
THERE IS
DEATH
IN THE POT
2 Kings C. IV. V. 40
THE SECOND EDITION.
BY FREDRICK ACCUM,

Fig. 1: **Title page of Fredrick Accums' highly respected publication of 1820 (second edition) on food counterfeits**
(figure taken from: http://publicdomainreview.org/collections/a-treatise-on-adulteration-of-food-and-culinary-poisons-1820/ access 17.07.17, in the public domain)

Although fraud in the food sector is ubiquitous, as is evident in the most recent EUROPOL raids [22], there have been few sociological or criminological studies on this theme. Exceptions include the studies of Cheng [23] and Ghaza-Teherani and Pontell [24], which analysed the Chinese melamine

Important cases of fraud in the food sector

One historical and spectacular case was the so-called brawn riot *(Sülzeaufstand)* in Hamburg at the beginning of the 20th century. A producer of meat products was accused of not only using spoilt meat, but even rats [14]. Another really dramatic case in 20th century Europe was the Spanish poisoned oil scandal of 1981, with 350–600 deaths and ca. 25,000 cases of damage to health, some in the long term [15].

There have been many other scandals, including the so-called "organic eggs scandal" in Germany in 2013, when millions of eggs from laying hens were sold as organic eggs, even though the hens had not been held in accordance with the strict guidelines of ecological husbandry. Instead of the normal commercial price for conventionally produced eggs, the producers were paid the higher price for organic goods [16].

Another incident involved aflatoxin-contaminated animal feed that was imported into Germany from Serbia in spring 2013. The aflatoxin levels in the feed greatly exceeded the EU limits, which are stricter than in Serbia [17]. The 2013 "horse meat scandal" excited interest throughout Europe, as undeclared horse meat was found in European countries in deep frozen beef products, such as hamburgers and lasagne [18].

Known cases of food fraud extend back into antiquity, when, for example, wine and olive oil were adulterated. In Hamburg in 1919, there were even so-called "brawn riots" *(Sülzeaufstand)* due to spoilt and adulterated meat products (mural in the Hamburg Consumer Central; Artist: Hildegund SCHUSTER, Financial Support: Heinrich Stegemann Art Foundation). New cases of fraud include, for example, the so-called "horse meat scandal" of 2013, in which undeclared horse meat was found in deep frozen products.

milk scandal, which affected approximately 300,000 babies and infants and when at least six babies died.

This economically motivated food fraud is a subcategory of food fraud [25] that comes under economic crime. These offences have the characteristic that the motive is economic profit or avoiding losses and that damage to health is not the objective, but only an acceptable secondary consequence [4]. However, it is always possible in principle that contaminated or counterfeit food can damage health or, in the worst case, even be fatal [26].

Most cases of food fraud do not have such dramatic consequences for health as the Spanish oil or the Chinese milk scandals. Because of these ubiquitous crimes, which, on the one hand, may bring enormous profits and, on the other hand, are linked to damage to consumers, food chemists have tackled this theme and continuously improved the methods to analyse the origins, contents and contaminants of foods. However, criminological research has hardly dealt with this subject and has examined neither the perpetrators nor the consequences for the consumer.

In general, it is extremely difficult, or even impossible, to establish whether food or animal feed are deliberately adulterated or counterfeited, as this can in principle occur at all stages of the value creation chain. Thus, products can either be accidentally contaminated or the producers may be unaware of the precise origin of the raw materials. Moreover, fresh products such as fruit and vegetables may not be stored for as long as other goods, but must be consumed at once, so that there will subsequently be hardly any proof [17].

In addition, human senses are generally incapable of recognising or determining contaminants or origins. Flour from organic cereals looks exactly the same as conventional cereals; deep frozen lasagne declared as beef, but containing horse meat, tastes exactly the same as the real thing.

As offences related to food are extremely difficult to identify and

many will be overlooked, the actual scope and the damage caused are very difficult to assess. In addition, recognised offences are not recorded separately in police statistics, but there are no relevant official statistics.

Victims

Criminology typically understands victims as persons who suffer physical, financial or emotional damage. In violent crime, the consequences are visible and it is relatively easy to ascertain any financial losses. The situation is quite different with economic crime, in which individual damage is mostly not so evident. There are additional special features in food fraud – a special class of economic crime. For example, there may be risks to health or uncertainties that influence consumption or eating behaviour.

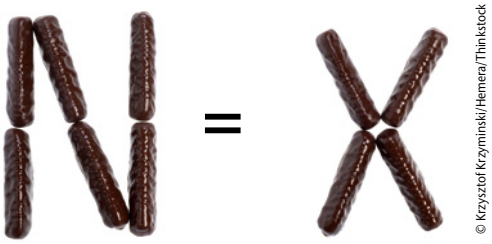
Victimology is a sub-discipline of criminology and generally deals with the effects of crime on the victim. Large representative surveys, such as the International Crime Victims Survey (ICVS) [27] or the Crime Survey for England and Wales [28] systematically collect victims' direct and indirect experiences and the fear of criminality with respect to different offences; food fraud was not covered. On the basis of the known cases and the ubiquity of food fraud, it must be assumed that all consumers have been the victim of illegal practices in the food sector. There have however been no criminological studies on possible victimisation experiences and consequences for the consumer's actions. Only cumulative effects are seen, e.g. as temporary decreases in the sales of the affected groups of foods. It is astonishing that almost nothing is known about the individual victim's perceptions, evaluations, reactions or fears, as this lack of information concerns an area that is existential for each of us. This has already been criticised in part by Croall [5, 29].

Why is there so little awareness of the problem in research, in the police or in the population? One reason may be that the great majority of consumers do not even notice that they have been the victim of fraud, as is the case for a very wide variety of frauds. Consumers have to rely on the information about a product's origin, the declaration of the ingredients, the product label or the organic seal, as well as adherence to thresholds for pollutants or pesticide residues. Moreover, even if fraud was recognised in relation to a product, it would be almost impossible to determine the exact individual damage, as this does not have to be exclusively financial.

The American consumer organisation ConsumerReports describes the possible consequences of a fraudulent declaration. They took fish as an example [20], although this also applies to other products. The consequences may be divided into three classes:

- financial, if consumers are given a cheaper sort,
- health, for example, if the fish contains high levels of mercury,
- in confidence, e.g. if they are offered an endangered species, which they would not have purchased had it been correctly declared.

On the basis of media reports on food fraud, it may be assumed that individuals perceive these as a more or less abstract danger, depending on the type, extent and subjective risk assessment, without being certain whether or to what extent they have been damaged. For example, how should an individual determine his damage from antibiotic residues, or perhaps the damage suffered from undeclared horsemeat residues in ready-to-serve meals? This is made even more difficult in the individual case by the difficulty in deciding the proportion of an illegal component in a specific product, the price difference between the actual ingredient and the declared ingredient and whether and how the loss of confidence should be assessed.



The actual extent, the resulting financial and health damage and the violation of confidence by food fraud are difficult to assess – it is unclear what has been overlooked.

Discussion

In food fraud – economically motivated deception in the food sector –, there is no bleeding victim as in street criminality. Aside from the rare cases in Europe with direct consequences, such as the Spanish oil scandal and the adulterated alcohol scandal in the Czech Republic in 2012 [30], the consequences are indirect and no unambiguous causal relationship can be established between consumption and possible health problems. Moreover, the victims are at first glance not the same type of victim as the innocent "little old lady" in Christie's 1986 example; the consequences are not so obvious and the consumers themselves are often unaware of them.

However, consumers do react, as is regularly seen after food scandals become common knowledge. The consumers then avoid the products that have fallen into dis-

repute – either for a limited period or permanently. Thus one study found that food scandals are one motive for vegan nutrition and are said to be a reason to stop eating meat or animal products [31].

As the perpetrator is almost always unknown and, even if identified, will probably only have to pay a small fine, there is little risk involved. On the other hand, defrauded consumers often behave like victims of other crimes, in that they wonder if it was their fault, rather than that of the perpetrator, in having been defrauded. One reason given for the "accessory guilt" of the consumer is said to be due to the fact that food prices in Germany are relatively cheap in comparison to other countries and that, in comparison to other countries, German consumers are extremely economical when purchasing food [32]. Even though pressure on food prices is certainly real, this is certainly not an argument to justify economically motivated fraud or to assign the customer accessory guilt. As there has been food fraud for centuries and highly priced goods such as olive oil and luxury products such as champagne and caviar are also adulterated or counterfeited, it is wrong to blame the consumers, as they are, like the "little old lady", the ideal innocent victim, who has to eat to live.

The objective must therefore be to investigate the effects of illegal practices in the food sector on the consumer. This should include the direct and indirect experiences of the victims, their fear of criminality, as well as possible strategies to avoid risk. One sensible recommendation, e.g. from Wilson [10], is to buy products that are as fresh and as unprocessed as possible, ideally from the same region, from trustworthy traders and then to prepare them yourself. But even then the responsibility is shifted to the potential victim, who must protect himself instead of being protected. If we transfer this to the ideal innocent victim, the "little old lady" she might be someone who kept conscientiously to such recommendations, but was nevertheless defrauded.

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