

Food, crime, harm and regulation

Hazel Croall examines food production and its long standing association with illegality and criminality

The celebrity chef, Jamie Oliver, alleged this year that the government's approach to obesity was 'killing' Britons (Campbell, 2012). Dramatic language perhaps, but the production, processing and sale of food exact a high toll of death and illness and have enormous economic and environmental costs. Despite this, 'food crime' is not regarded as a pressing criminal justice issue and has received relatively little attention in criminology in general and in 'green' criminology (Croall, 2007; 2012). It also provides a stark example of the limits of criminal and other forms of regulation in the face of global corporate power.

Food has a long association with crime, with hoarding, price fixing, using false scales and watering down or otherwise adulterating food attracting draconian punishments through the ages. The industrialisation of food production was, in the nineteenth century, accompanied by many forms of adulteration and fraud, with, for example, the routine use of copper in 'green' vegetables or red lead in cheese, and recent decades have seen recurring instances of mass deaths caused by food poisoning and adulteration, widespread fraud through food substitution and a proliferation of misleading marketing practices.

A fine line

Like many corporate or environmental harms, those involving food involve looking beyond the confines of criminal law. Some activities are unambiguously criminal, while others lie in the 'quasi criminal' category of regulatory law. A very fine line

separates these from 'illegal but not criminal' activities such as price fixing and misleading advertising to the many examples of what Passas (2005) describes as 'lawful but awful', ranging from tax evasion through the mass processing of unhealthy food to the myriad of ways in which the contents of processed food are misrepresented (Croall, 2012). Some selected examples are outlined below:

What's on the label? : Food brands are relatively easy to fake, often, as with wine, by simply exchanging labels. A plethora of reported frauds involve the sale of purportedly 'free range' or 'organic' foods, 'basmati' rice or 'virgin' olive oil. Supermarkets have been fined for using excess amounts of water in meat products, and a very fine line divides these activities, widely recognised as fraudulent, from legal, but nonetheless misleading indications such as 'extra light', 'fresh' or 'natural', terms which have no legal definition, and pictorial images of, for example, farmyards or fruit appearing on packages of highly processed foods.

Unhealthy food: Food also kills and contributes to ill health. Adulteration can be lethal, as,

for example, in China in 2008, where six babies died and a further 300,000 became ill after consuming milk contaminated with melamine. Food poisoning outbreaks of, for example, *E. coli*, have become more prevalent, seen most dramatically in 2011 with the 49 deaths in France and Germany attributed to Egyptian fenugreek seeds, underlining the global nature of food processing. More broadly, 'junk food' and poor diet have been linked to the rise in Western countries of heart disease and obesity, deaths from which have been described as avoidable (Lang et al., 2009).

Food and exploitation: Food production exploits workers, indigenous populations, non-human animals and the environment. Agriculture has the highest global toll of occupationally associated deaths: recurrent exposés in *The Guardian* have revealed practices akin to slavery in the Amazon and Spanish salad farms and 'sweat shops' have been reported in South Eastern England (Croall, 2012; Lawrence, 2008).

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The appalling conditions in chicken farms and intensive dairy and other agricultural units have also received widespread publicity and globally, food production plays a major role in the destruction of rain forests, increasing greenhouse gases and airborne pollution along with declining soil fertility (Lang et al., 2009).

Economic costs: Major food and drink corporations also deprive producer countries of income, through widespread tax avoidance utilising tax havens. Moreover they are the prime beneficiaries of agricultural subsidies, which, favouring

crops such as grain and sugar, encourage the proliferation of unhealthy, fatty food (ibid). The notorious 'buy one get one free' and other marketing practices contribute to large amounts of food waste and have been related to the 'bullying' of suppliers by supermarkets who, along with milk companies, have been fined for price fixing (Croall, 2012).

Unequal impact

Like many other corporate and environmental harms, these practices have an unequal impact. Within the developed world the poorest have less knowledge about the dangers of food and fewer resources or opportunities to purchase and consume healthier foods – so called 'food deserts' have been noted in the UK and US (Lang et al., 2009). Globally, workers from the poorest nations are the most exploited and as seen above, tax evasion extracts income from these nations.

Many factors contribute to this situation, not least the globalisation of the food industry and the dominance of large corporations across food production and retailing –

indeed 'McDonaldisation' and 'coca colonisation' are in themselves metaphors for globalisation (ibid.). Moreover, producing unhealthy, mass processed food is quite simply more profitable. The profits from, for example, vegetables and fruit amount to 3–6 per cent, compared to the 15 per cent produced by sweets, biscuits and soft drinks and the staggering 400 per cent yielded by so called 'functional' foods, claiming, often falsely, to be 'healthy' (cited in Lawrence, 2008).

Impotent regulation

In the face of this, regulation has been relatively impotent. For

activities subject to some form of criminal law, a familiar picture of poorly resourced inspectorates making a declining number of inspections and tests, occasional prosecutions and 'paltry' sentences is revealed (Croall, 2012). More generally, governments, despite widespread recognition of the enormous cost of heart disease and obesity and their clear link with 'junk food' and diets, have largely opted for 'soft' regulatory policies. These involve stressing the responsibility of consumers to make informed choices and persuading food corporations to

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provide clearer information about the contents of food. 'Hard' strategies such as 'fat taxes' on sugary fatty foods, restrictions on advertising food for children or requirements for clearer, unambiguous food labels have met with fierce resistance and

conflict with ideological opposition to greater regulation.

Many criticised the visible irony of the sponsorship of the Olympic Games by giant food corporations, whose power and influence extends to food policy. The British Medical Association and other prominent health organisations have been highly critical of the current coalition government's introduction, in 2011, of 'responsibility deals' with major food corporations which have involved them in areas of policy such as the reduction of obesity and under which they have voluntarily pledged to reduce amounts of salt and trans fats in processed food and provide

clear indications of calorie content. While some major companies have taken much publicised steps to

implement these pledges, others have simply ignored them. This was also the case with attempts to introduce a clear 'traffic light' system of food labelling, favoured by consumer organisations, which were also

ignored by some leading supermarkets. The trenchant resistance of the food industry to improving the quality of processed food and providing clear indications about its contents starkly underlines the prioritisation of profit at the expense of consumers' and public health and the weakness of 'soft' governmental policies. ■

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