FOOD INDUSTRY, LAW, AND SOCIETY: CORPORATE POWER, PUBLIC HEALTH, AND ACCOUNTABILITY

SESSION ONE

Food Industry Harms: Illegality, Opacity, and Lawful Social Harm

Sept. 11, 2026 · 08:00 Boston · 13:00 London · 14:00 Rome · 14:00 Johannesburg · 15:00 Nairobi · 22:00 Sydney

General Context

The harms associated with the food industry cannot be understood adequately through food safety law alone. Some take legally recognizable forms, including contamination, adulteration, food fraud, mislabeling, false claims, kickbacks, procurement abuse, price fixing, and cartel conduct. Others occur despite the existence of legal rules, inspection powers, and corporate compliance systems, but remain difficult to detect because relevant information sits inside corporations, contracts, supply chains, and commercial arrangements. A third category concerns products and commercial practices that comply with existing rules while potentially contributing to cumulative public-health or social harm.

The session is therefore structured around three main thematic areas, each developed through a series of subtopics and questions intended to guide, rather than constrain, the discussion. The first examines **illegal conduct and integrity failures**, including how different forms of wrongdoing are legally classified and addressed. The second considers **detection, opacity, and whistleblowing**, focusing on how misconduct may remain concealed and how it becomes visible. The third turns to **lawful social harm and the nutrition gray zone**, examining products and commercial practices that remain within existing legal boundaries while raising broader questions of public health and social harm. Taken together, the three areas move from legal recognition and classification, through concealment and exposure, to the normalization of harm that remains lawful.

THEMATIC AREA 1

Illegal Conduct and Integrity Failures in the Food Sector

Line of inquiry: How does the law identify and classify wrongdoing in the food sector, and what do food-sector cases show about the effectiveness and limits of legal controls once those rules exist?

1 How does the law classify different forms of misconduct in the food sector?

1.1 Food-sector misconduct may take different legally recognizable forms (e.g., contamination, adulteration, mislabeling, false claims, kickbacks, price fixing). How does the law classify these different forms of wrongdoing? In particular, what determines whether conduct is criminalized and subject to criminal investigation and sanction, constitutes a regulatory or administrative violation addressed principally through public enforcement, or gives rise primarily to civil liability and remedies that ordinarily depend on an affected party or other claimant bringing a claim? What criteria are generally used to determine which of these different legal responses are available in a particular case, whether criminal, regulatory or administrative, or civil? What consequences can that classification have for consumer protection and for the practical possibility of securing accountability or redress? Concrete cases may help illustrate how these distinctions operate.

1.2 Food-sector wrongdoing may intersect with economic crime (e.g., fraud, corruption, money laundering, and related financial offenses) and with organized crime, including conduct extending across national borders. What forms can these intersections take in practice, and can concrete cases or investigations illustrate how food-sector misconduct becomes connected with broader economic or organized criminal activity? How do these intersections alter the nature, detection, investigation, or attribution of the underlying misconduct, and what additional difficulties do they create for enforcement and accountability?

2 Does hard law deliver where it exists?

2.1 Even where food safety is regulated, serious harm still occurs under mandatory standards, inspection powers, criminal offenses, and corporate compliance systems. What are the principal weaknesses in the enforcement system, and which parts of that system prove most vulnerable to failure (e.g., are they related to substantive rules, enforcement capacity, inspection, organizational compliance, corporate culture, or the attribution of responsibility)? Concrete examples may help illustrate how such failures arise and interact in practice.

2.2 How are mandatory legal obligations translated into internal corporate compliance systems, and how effective are those systems in changing actual corporate conduct? To what extent can legal requirements, policies, and compliance procedures become forms of paper or cosmetic compliance, formally demonstrating conformity without materially changing underlying practices or commercial decision-making? What do investigations reveal about the gap between formal compliance and operational reality?

3 How do global supply-chain complexity and cross-jurisdictional asymmetries affect detection and accountability?

3.1 How do the length, fragmentation, and transnational character of global food supply chains affect the detection, investigation, and attribution of harmful or illegal conduct? In particular, how do outsourcing, subcontracting, multiple intermediaries, contractual arrangements, and operations across different jurisdictions affect the visibility of what occurs along the chain, the capacity of public authorities to exercise effective control, and the ability to determine where responsibility ultimately lies?

3.2 Can corporations or other commercial actors strategically exploit the complexity and fragmentation of global food supply chains to distance themselves from harmful or unlawful practices, obscure responsibility, or externalize risks and costs onto suppliers, workers, communities, or other actors farther down the chain? What mechanisms may be used, including outsourcing, subcontracting, complex contractual arrangements, reliance on intermediaries, or sourcing from producers operating under problematic labor, human-rights, environmental, or integrity conditions? What do concrete cases or investigations reveal about how these mechanisms operate in practice, and how can deliberate use of supply-chain complexity to avoid responsibility be distinguished from problems arising simply from the ordinary organization of global production?

3.3 Food corporations operate across jurisdictions that may differ substantially in enforcement capacity, institutional integrity, exposure to corruption, and the presence or influence of organized criminal groups. How do these differences affect the likelihood that illegal practices will be prevented, detected, investigated, and sanctioned? Can corporations or other commercial actors take advantage of weaker enforcement, more vulnerable public institutions, or corrupt environments, and what forms can such jurisdictional or enforcement arbitrage take in practice? More broadly, how do corruption, economic crime, and organized crime distort legitimate food-industry activity, weaken regulatory controls, or

create conditions in which illegality becomes easier to sustain? Concrete cases would be particularly useful in showing how these vulnerabilities operate.

THEMATIC AREA 2

Detection, Opacity, and Whistleblowing

Line of inquiry: How is opacity produced and sustained around food-industry activity, what mechanisms can reduce it, and how does concealed information become visible and capable of producing accountability?

4 How do corporate "black boxes" and information asymmetries affect transparency and accountability in the food industry?

4.1 Corporations may operate as informational black boxes, creating a substantial asymmetry between what insiders know about corporate practices and what consumers, regulators, affected communities, and other external actors may observe. How significant is this information asymmetry in the food industry, where is opacity most pronounced (e.g., scientific assessment, product formulation, sourcing and suppliers, quality control, internal compliance, or senior decision-making), and what adverse consequences does it have for the wider public?

4.2 What legal and institutional mechanisms exist to reduce these information asymmetries, and where are their limits? The discussion may consider reporting and disclosure obligations, regulatory access to corporate information, inspection and investigatory powers, transparency requirements, and other mechanisms intended to make corporate conduct externally visible. How should legitimate interests in confidentiality (e.g., trade secrets) be balanced against the public interest in transparency where corporate practices may affect health or safety?

4.3 What responsibilities do public authorities have when they acquire information concerning contamination, adulteration, unsafe products, or other potential risks? When may uncertainty, an ongoing investigation, commercial confidentiality, or concerns about economic disruption legitimately justify withholding the identity of businesses, products, suppliers, or retailers, and when does non-disclosure instead undermine consumers' ability to protect themselves and exercise informed market choice? More fundamentally, how compatible is such official opacity with transparency as a democratic value, particularly where access to information affects people both as citizens, who need information to scrutinize public

institutions and participate meaningfully in public debate, and as consumers, who need it to make informed choices about which products and companies to support or avoid? Can government decisions to withhold information be influenced by regulatory capture, corporate pressure, or established relationships between public authorities and powerful commercial actors?

5 When do internal compliance, self-regulation, and private assurance mechanisms genuinely control harmful or unlawful practices?

5.1 Food businesses may rely on internal compliance procedures, audits, certification systems, voluntary codes, sustainability commitments, third-party assurance, and other forms of private or self-regulation alongside mandatory legal obligations. How effective are these mechanisms in detecting and correcting harmful or unlawful conduct, and what distinguishes genuine control from systems that principally produce formal or cosmetic compliance? The discussion may consider the independence of verification, access to information, unannounced inspections, frequency and depth of review, measurable standards, incentives and sanctions, and the capacity of the organization being scrutinized to influence what the control process is able to see. Where such systems fail, what are their principal vulnerabilities, and are there concrete examples showing why they failed or, conversely, why they succeeded?

5.2 How effective are internal reporting and investigative systems when concerns originate within the organization itself? What determines whether employees raise concerns internally, remain silent, or eventually disclose externally? Can internal procedures genuinely challenge practices or decisions involving senior management, or are they more effective against lower-level misconduct? What distinguishes a credible investigation from a process that receives, processes, and closes complaints without addressing the underlying conduct? The discussion may also consider retaliation, organizational pressure, and the conditions necessary for employees to regard internal reporting as a realistic mechanism for producing change.

6 How does concealed information become public and capable of producing accountability?

6.1 Whistleblowers, leaks, and investigative journalism can make visible information that corporations or public institutions do not disclose through ordinary channels. How do these different forms of disclosure interact, and how can they reinforce one another? Particular attention could be given to the different obstacles they

face. What difficulties confront investigative journalists in obtaining information, protecting sources, verifying complex allegations, and publishing findings concerning powerful corporate actors? What risks and barriers confront whistleblowers before and after disclosure, and have recent legal protections materially improved their position, or do significant gaps remain? Beyond protection from retaliation, what role can reward and qui tam mechanisms play in prompting disclosure, and are they transferable to the food sector? What legal, institutional, or practical measures could make these forms of disclosure more effective and better protected?

6.2 What roles are played by regulators, lawyers, NGOs, researchers, forensic specialists, affected communities, and technological or data-analysis tools, and how do these actors interact with whistleblowers and investigative journalists? What difficulties arise in those relationships? How does information move from an insider, leak, journalistic investigation, or other initial source into evidence capable of supporting public scrutiny, regulatory action, litigation, or other forms of accountability? What barriers prevent such disclosures and investigations from being translated into effective legal accountability mechanisms?

THEMATIC AREA 3

Lawful Social Harm and the Nutrition Gray Zone

Lines of inquiry: What should count as food-industry harm where products and commercial practices remain lawful, how should scientific and regulatory uncertainty be addressed, and how do corporate power, market structures, and information affect the capacity of law and consumers to respond?

7 When should potential food-industry harm justify regulatory intervention despite scientific uncertainty?

7.1 Many food-related risks do not arise from a discrete act of contamination or fraud, but through repeated exposure, patterns of consumption, or cumulative effects developing over time. What level and type of scientific evidence should be required before a product, ingredient, formulation, or category can properly be regarded as presenting a public-health concern? How should association be distinguished from causation, individual risk from population-level effects, and genuine scientific uncertainty from an absence of evidence?

7.2 How should legal systems respond when evidence of long-term harm is credible but incomplete, contested, or evolving? Different questions arise in relation to

sugar, salt, fat, additives, colorants, artificial or non-sugar sweeteners, processing techniques, and ultra-processed foods. Should intervention depend upon proof of harm, or can widespread exposure combined with credible uncertainty justify monitoring, disclosure, warnings, thresholds, reformulation requirements, or other precautionary measures? How should competing scientific findings be assessed?

7.3 What happens when jurisdictions adopt materially different standards in response to similar products or scientific evidence? A formulation, ingredient, or level of exposure (e.g., sugar content) may be restricted in one country while remaining lawful, or subject to substantially weaker limits, in another. Can multinational food corporations exploit these regulatory asymmetries by applying lower standards where the law permits them to do so, and what vulnerabilities arise in the absence of common or harmonized standards? Can corporate influence also contribute to the creation or preservation of these differences, particularly where weaker standards are commercially advantageous? More broadly, what are the risks of regulatory arbitrage or a race to the bottom, and what determines whether that occurs?

8 How meaningful is consumer choice when corporations shape both consumption and the information available to consumers?

8.1 How far does the food industry respond to consumer preferences, and how far does it actively shape or steer them? What techniques are used to influence demand and consumption, including product formulation and palatability, branding, advertising, pricing, packaging, product placement, sponsorship, and other forms of marketing? To what extent can these practices constrain or manipulate the conditions under which consumers exercise choice, rather than simply respond to preferences that already exist? How are formulation decisions made when health considerations interact with taste, technical requirements, shelf life, cost, and commercial objectives, and what priorities tend to prevail where regulation imposes no clear constraint? Particular concerns may arise in relation to children, infants, families, and other consumers with a limited capacity to assess or resist commercial influence.

8.2 Information-based regulation assumes that consumers can protect themselves if they receive adequate information. How realistic is that assumption once the material conditions of consumer choice are taken into account? Healthier products may be more expensive, less readily available, or distributed less extensively than cheaper alternatives, while product placement and shelf positioning may further influence what consumers actually encounter and purchase. Even where

information is accurate and understandable, can choice meaningfully be described as free where income, availability, distribution, time, education, marketing exposure, and the surrounding food environment substantially constrain the alternatives available?

8.3 How does concentration of ownership and market power affect consumer choice? Where a small number of multinational groups own extensive portfolios of brands or progressively acquire competing producers, consumers may appear to have numerous choices while the underlying ownership is increasingly concentrated. Does this make it more difficult for consumers to avoid or boycott particular corporate groups, reward alternative business practices, or exercise meaningful market discipline? At what point does concentration of corporate ownership itself become a constraint on consumer autonomy?

8.4 How transparent are existing labeling, testing, and traceability systems about what consumers actually eat and the risks associated with it? Why do proposals for greater labeling transparency encounter corporate resistance, including legal or regulatory challenges, and what interests are at stake in those disputes? An ingredient may be correctly identified without revealing relevant information about where it was grown, raised, caught, or sourced, including possible environmental contamination or other risks associated with its origin. Similarly, provenance information available for a raw product usually becomes invisible once that material becomes an ingredient in a processed or composite food. Where do these gaps arise between formal compliance and meaningful transparency, and what additional testing, traceability, or disclosure mechanisms could address them?

9 When can voluntary corporate responsibility and self-regulation genuinely prevent lawful social harm?

9.1 Food corporations adopt many forms of voluntary or self-regulatory action, including commitments on nutrition and reformulation, responsible-marketing codes, sustainability standards, transparency initiatives, internal targets, and consumer-health pledges. When do these initiatives produce genuine changes in corporate conduct, and when do they remain primarily promises or forms of reputational positioning? What factors appear to explain success or failure, particularly where meaningful change may conflict with the profitability or commercial value of the product or practice concerned? Concrete examples of both effective and ineffective initiatives would be particularly useful.

9.2 How can voluntary corporate commitments be tested and independently verified in practice? What methods could establish whether promised changes have actually been implemented and whether they have produced meaningful effects? The discussion may consider, for example, measurable baselines and targets, independent audits or testing, access to underlying corporate data, public reporting, external monitoring, comparison of conduct before and after the commitment, and evidence from regulators, researchers, journalists, whistleblowers, or affected communities. Who should carry out that verification, and what would constitute sufficiently reliable evidence that a voluntary initiative has worked?

10 How can corporate power shape science, regulation, and the public understanding of food-related harm?

10.1 Where is the boundary between legitimate corporate lobbying and attempts to prevent, weaken, or delay regulation through disproportionate economic or political influence? What strategies are used, ranging from direct advocacy, industry associations, and participation in regulatory processes to arguments concerning employment, investment, economic disruption, relocation, or other commercial consequences? Do lobbying strategies, and their effectiveness, differ across jurisdictions according to institutional structures, economic dependence, political conditions, and the capacity of governments and regulators to resist concentrated corporate pressure?

10.2 How can economic power affect both the production of scientific knowledge and its translation into public policy? The discussion may consider corporate funding of research, influence over research agendas and the questions that receive attention, selective use or amplification of findings, conflicts of interest, the generation or prolongation of scientific uncertainty, and the adequacy of independent publicly funded research. What obstacles confront independent evidence concerning potentially harmful products or practices, first in being produced and recognized, and then in being translated into regulatory action where powerful commercial interests oppose intervention? What institutional arrangements could better safeguard the independence of both stages?

10.3 How do corporate narratives shape, and potentially distort, public understanding of lawful products and their associated risks? Advertising, branding, sponsorship, corporate responsibility campaigns, lifestyle messaging, and other forms of communication can influence how consumers understand health, safety, responsibility, and consumption itself. Against these narratives, independent scientists, investigative journalists, whistleblowers, civil-society organizations, and

public institutions may seek to establish evidence-based counter-narratives. How does the substantial asymmetry in financial, communicative, and organizational resources affect which account reaches and persuades the public? What obstacles prevent credible counter-narratives from emerging or gaining comparable visibility, and what mechanisms could help citizens and consumers assess competing claims more effectively?

CLOSING SYNTHESIS

From Diagnosis to Change

The session closes by bringing together the three forms of harm examined throughout the discussion: conduct already recognized as unlawful, misconduct that remains difficult to detect or expose, and harmful products or commercial practices that continue to operate within existing legal boundaries. Rather than introducing a further area of analysis, the final exchange invites each panelist to identify the change they consider most important in light of the issues raised during the roundtable.

CLOSING QUESTION TO THE PANEL

> **If you could change only one thing to address any of the problems in the food industry discussed today, what would you change, and why?**

Following Session One, the organizers will circulate a short synthesis note identifying the main harms discussed, the principal detection problems, and the governance questions carried into Session Two, so that the second meeting builds directly on the first.

Corporate Crime Observatory

Organized in partnership with Boston College Law School, Exeter Law School, and the Global Harmonization Initiative.