



LOSING VIRGINITY: The adulteration of olive oil



Olive oil fraud is rampant. That's the compelling case made by Tom Mueller in his new book *Extra Virginity: The Sublime and Scandalous World of Olive Oil*.

Good virgin olive oil is difficult, time-consuming and expensive to make, but easy, quick and cheap to adulterate. Mueller argues that not nearly enough is being done by governments to stop the fraud. Citing a recent University of California study that found "widespread mislabelling in the extra-virgin grade" and an estimate that more than 50 per cent of the imported olive oil sold as extra virgin in the U.S. today is not what it claims to be, Mueller concludes that "the U.S. is an oil criminal's dream" because the Food and Drug Administration has stated that it doesn't have the resources to take enforcement action. Mueller also argues that enforcement in Europe is still no better than in the U.S., and that fraud is so widespread there that "extra virgin" has become "empty of meaning."

What about Canada? We appear to be relatively better in three important respects: the clarity of the law, regular testing and consistent enforcement. Under our *Food and Drug Regulations*, Olive oil must be the oil obtained exclusively from the olive, and must meet 17 additional chemical parameters (B.09.003). Canada does not have a specific definition for virgin or extra-virgin oil, a concept that was only invented in 1960 by the International Olive Oil Council (IOOC).

Under the IOOC scheme, the lowest grade is lampante or lamp oil, which is made from damaged or ground-gathered fruit and cannot be sold as food. Virgin and extra-virgin oils — the highest quality — have to be made by a physical (rather than chemical) process from freshly picked olives. Unlike most vegetable oils, which are extracted from seeds or nuts and refined through the use of strong solvents, virgin olive oil is made from a fruit, using a basic hydraulic press, or modern centrifuge, so it is more like a freshly squeezed fruit juice — with all its natural tastes, aromas and health-enhancing ingredients intact — than an industrial oil.

To make up for the absence of a regulatory definition for virgin olive oil, on Jan. 20, 1998 the Canadian Food Inspection Agency (CFIA) released an Information Letter to the Industry making it clear that in addition to meeting B.09.003, products sold as virgin or extra virgin were also expected to meet the standards and definitions of IOOC. Canada is one of the few countries that annually tests olive oil, and is the only North American lab accredited by the IOOC. Canada's "olive oil detective" Stan Bacler, formerly of the CFIA, is internationally recognized as an expert chemist in identifying olive oil adulteration.

Canada also has an impressive record in prosecuting fraudsters. In its first criminal prosecution, the CFIA convicted an importer for selling adulterated olive oil sold as extra virgin. When routine testing continued to find adulteration, the CFIA continued to bring criminal charges. In May 2009, an Ontario company was fined \$40,000 and ordered to destroy 27,000 L of seized olive oil that was labelled extra-virgin olive oil but found to be 50 per cent sunflower oil. Two months later, another company president was fined \$150,000 and ordered to destroy 47,000 L of adulterated oil.

In recent years the CFIA has wasted too many resources on high-handed "gotcha" enforcement of questionable labelling violations where the law was unclear, fraught with considerable discretionary interpretation, and where there was no fraud as there was no intent to mislead. Enforcement of virgin olive oil labelling is a model of good regulatory practice — provide the industry with clear regulatory guidance and concentrate investigation and enforcement where the labelling is clearly fraudulent. ■

Ronald L. Doering, BA, LL.B., MA, LL.D., is a past president of the Canadian Food Inspection Agency. He practices food law in the Ottawa offices of Gowling Lafleur Henderson, LLP. Contact him at Ronald.doering@gowlings.com