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Food Retailers as Drivers for Food
Safety Standards

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FOOD RETAILERS AS DRIVERS FOR FOOD SAFETY STANDARDS

Tetty Havinga*

Abstract

This chapter discusses the increased role of retailers in global food safety regulation and its consequences for food producers. The first section deals with the development of retail-driven private food safety regulation from the 1990s onwards. The dominant transnational retail-driven standards are introduced with particular attention to the dissemination outside Europe and to the power of retailers in the governance structure of the standards. The next section discusses the reasons for retailers to engage in food safety standards. Subsequently, section 3 deals with the reasons for food producers to comply with food safety standards.

Key words

Food safety; food standard; retailer; supermarket; regulation; private regulation

1. THE EMERGENCE AND DISSEMINATION OF RETAIL-DRIVEN FOOD SAFETY REGULATION

Looking at the global system of food regulation we see a shift from national law to law of the European Union and other transnational governmental organisations and from public to private governance. In the 1980s in most Western European countries food regulation was mainly the domain of the national (or local) government and governmental food inspectorates. Several developments form the background for both transitions. Food supply chains became increasingly international promoted by faster and cheaper transportation, improved techniques for preservation and cooling of fresh food and growing public purchasing power. Several food scares and incidents (such as BSE, dioxin in chicken and milk, and salmonella infections) created public concern about food safety and pressure on governments to tighten up regulations and enforcement. In addition, governmental regulation has been criticised for being inefficient and ineffective and taking the wheel from citizens and businesses. A final development that has contributed to the changing food governance system is the increased power of multinational food retailers.

The growing role of retailers in food governance is significant in various analyses of the development of food regulation. Marsden c.s. (2010) distinguish three phases in the development of food safety regulation in the UK since the 1980s: 1) state-centered regulation focusing on food hygiene and public health (up to the mid 1980s), 2) two tier approach: state-centered system remains for non-corporate producers and retailers next to privately regulated supply chain for corporate retailers up to 2000, 3) complex public-private

model of food governance. In the second and third phase major retailers play a key role in food governance. Burch and Lawrence (2005) analyse the shifting power relations in the global agri-food supply chain: in the 1st food regime (from 1870 onwards) nation states and farmers were the main drivers, in the 2nd food regime (from 1950) processing companies are the main drivers and in the 3rd food regime (emerging from 2000) retailers are the main drivers (See also Smith c.s. 2010). Marsden c.s. and the food regimes theory both stress the powerful key position of large supermarkets. Henson (2008) observes that systems of public and private food regulation differ across countries and supply chains. In the UK the system is characterised by strict public regulation, the dominant position of multiple food retailers and private standards audited by third-party certifiers. Conversely, the US relies heavily on legal liability and manufacturer brands maintained their leadership position and retailers are less important than in the UK.

Food retailers and food manufacturers have developed initiatives for decreasing food safety risks and increasing consumer confidence in safe food. In the 1990s several large food manufacturers and supermarket chains in Europe developed their own quality control system. A company quality control system often included requirements for suppliers in order to control the input. The corporate supermarkets want to make sure that the goods they purchase will meet particular standards and qualifications. These goods may be raw materials, parts of or semi-finished products for further manufacturing, or end products ready for sale. For example, in the 1990s several British and Dutch supermarket chains contractually obliged suppliers to meet a comprehensive quality assurance standard including unexpected inspections at farms, gardens and plants (e.g. Albert Heijn in the Netherlands, Tesco and Sainsbury in the United Kingdom) (Havinga & Jettinghoff 1999, Havinga 2006). Examples of such supermarket standards include Tesco Nature's Choice, which was introduced in 1991 by the British retailer Tesco.¹

Since the 1990s private retail-driven standards have expanded dramatically. Several private collective standards were created. Food retailers joined forces to harmonise supplier standards. Regulation of food safety by retailers using quasi legislation as an instrument to force trade partners to take food safety measures, evolved from regulation originating from one supermarket chain to regulation of united supermarkets, monitored by independent certification and inspection organisations. National private certification schemes have crossed borders and became global or transnational. Currently dominant transnational retail-driven standards are BRC (British Retail Consortium Global Standard for Food Safety), IFS (International Featured Standards Food standard), SQF (Safe Quality Food standard) and GlobalGAP (Global Partnership for Good Agricultural Practices standards) (Fuchs c.s. 2011; Van der Kloet 2011).

The BRC Global Standard for Food Safety was originally developed in 1997 by the British retailers organisation for own-branded food products. Its aim was to assist retailers in their fulfilment of legal obligations; under British law retailers had the legal obligation to take all reasonable precautions and exercise all due diligence in the avoidance of failure (Havinga 2006). The BRC standard is now accepted by many supermarkets all over the world and can be applied to any food processing or packing operation where open food is handled, processed or packed. In course of time BRC has developed three other standards covering consumer products, packaging manufacture and storage & distribution next to the Food standard. Initially only retailers were involved in the decision making process of the standard. Later also representatives of food manufacturers and certification bodies were included in the technical committee of the standard; although the retail organisation BRC remains the owner of the standards. The scope of the standards is extended fourfold:

- 1) Geographically: not only British supermarkets adopted the standard but also supermarket chains in other countries and food manufacturers all over the world are in compliance with the standard;
- 2) Scope food: not limited to private branded foods anymore: the standard is also used for processing and packing of not private branded food products;
- 3) Scope beyond food: not only food production: BRC developed standards for non-food, for packaging and for storage/distribution;
- 4) Participation: not only (British) retailers participate in the committees of the standard, participation of food manufacturers and certification bodies.

Other retail-driven food standards expanded similarly. The IFS Food standard was initiated by the German retailers organisation in 2002. In the second edition the French retailers' organisation joined the initiative, since then the formal organisation is a joint German-French retail project. Retail federations from Italy now also participate in the IFS standard.

Both BRC and IFS are developed and applied predominantly by European food retailers. The American supermarkets decided not to join one of the two standards owned by platform organisations of European retailers, nor to develop their own food safety standard. Instead, at the request of its retail members in 2003 the American Food Marketing Institute acquired the Australian food safety standard SQF. The Safe Quality Food standard started as a public voluntary standard in 1994 and was formerly owned by the West-Australian Department of Agriculture. The SQF certification program includes both food processing and primary production.

Table 1. Characteristics of food safety standards recognised by the Global Food Safety Initiative²

Food standard	Current Standard Owner	Initiated by	Start date	Date of first recognition GFSI	Product range
BRC Global Standard for Food Safety ³	British Retail Consortium (Association of British retailers)	British retailers (BRC)	1998	2000	Any operation where open food is handled, processed or packed
IFS Food standard ⁴	IFS Management GmbH (non-profit company owned by retail federations from Germany and France) ⁵	German retailers (Hauptverband des Deutschen Einzelhandels HDE)	2003	2003	Post-farm gate stages of food processing
SQF	Food Marketing Institute (Association of US food retailers and wholesalers)	West-Australian government	1994/2003	2004 or 2005	Primary production Food manufacturing and distribution
Global Red Meat Standard	Danish Agriculture & Food Council (non-profit association of farming and food industry)	Danish Agriculture & Food Council	2006	2009	Red Meat supply chain
CanadaGAP	CanAgPlus (not-for-profit corporation)	Canadian horticultural Council	2008	2010	Fresh fruits and vegetables
GlobalGAP	Foodplus GmbH ⁶	European retailers	1999	Between 2005 and 2009	Fruits and vegetables Meat Aquaculture fish
Food Safety System Certification 22000	Foundation for Food Safety Certification (non-profit organisation)	Dutch Certification Organisations	2009	2009 ⁷	Processing or manufacturing food products and packaging material
Primus GFS	Azzule Systems (datamanagement company)			2010 or before	Fresh agricultural produce
Global Aquaculture Alliance Seafood Processing standard	international, non-profit trade association		1997	2010	Aquaculture seafood

European retailers also developed GlobalGAP (Global Partnership for Good Agricultural Practices) as a certification program for primary produce. It started as EurepGAP in 1997 at the initiative of twelve European supermarkets and retailers.⁸ Their aim was to take first steps towards the harmonisation of

their own standards and develop one European standard for Good Agricultural Practices (Van der Kloet 2011).

The European retailers also engaged in another process to harmonise retailer food safety standards. They established the Global Food Safety Initiative (GFSI) in 2000 in order to agree on globally accepted food safety standards. The initiative sets baseline requirements for food safety standards and intends to improve efficiency costs throughout the food chain. By now, five food safety standards have been benchmarked to be in compliance with the GFSI Guidance Document (sixth edition). Four more schemes that were recognised against the 5th edition of the GFSI Guidance document are still going through the benchmarking process against the 6th edition.

In 2007 seven major food retailers agreed to reduce duplication in the supply chain through the common acceptance of any of the GFSI benchmarked schemes: Carrefour, Tesco, Metro, Migros, Ahold, Wal-Mart and Delhaize (Samsawat & Mulyil 2011:4). Later other retailers followed (see table 2). Most major international food retailers support certification against one of the major food safety schemes (see table 2). Retailers have a key position in these food standards as BRC, IFS, SQF and GlobalGAP are owned by retailers organisations. Other stakeholders such as food manufacturers, wholesalers and certification bodies do participate in technical committees and working groups of the food schemes (Fuchs c.s. 2011).

In the past years the GFSI also recognised some schemes that are not initiated and managed by retailers, such as the Global Red Meat Standard, CanadaGap, FSSC22000, Global Aquaculture Alliance Seafood Processing standard and Primus GFS.

Certified firms are unequally distributed over different countries and regions. Table 3 shows that the majority of firms that are certified against BRC, IFS and GlobalGAP are European. This reflects the European origin of these standards. Third party certification against GFSI recognised schemes (particularly SQF, and also BRC) is increasing in the USA. The share of certificates in Asia, Africa, and South America is growing. Recently a Chinese food safety standard, China HACCP, has applied for recognition by the GFSI.

Herzfeld c.s. (2011) investigated the adoption of the BRC Food Technical standard and GlobalGAP at cross-country level. They conclude that the adoption of these standards reflects and reinforces already existing trade relations. Countries with established trade relations with the home countries of the standards (Germany, the UK and The Netherlands), countries with better institutional quality and countries with a high level of economic development are most likely to have high numbers of certified firms. A case study of the New Zealand kiwifruit production revealed a strong relationship with EurepGAP building on the old colonial trade relationship with the UK: New Zealand as Britain's farm

(Campbell 2005). Studies of the adoption of standards at farm level suggest that producers' orientation towards exporting, their involvement in producer organisations and vertical integration via contracts are positively correlated with certification (Herzfeld c.s. 2011: 402).

Table 2 Retailers supporting the food standards

Food standard	Ownership	Supporting/demanding certification from suppliers
All schemes recognised by the Global food Safety Initiative		24 retailers: ⁹ Aeon, Ahold , Asda, Auchan, Carrefour, Coles, COOP, Daymon, DelHaize, Food Lion, H.E.B., ICA, Kroger, Loblaw, Metro, Migros, Pick n Pay, Publix, Raley's, ShopRite, Tesco, US Foodservice, Walmart, Wegmans
BRC Global Standard for Food Safety	Association of British retailers	Website does not provide this information
IFS Food standard	Retail federations from Germany and France	31 retailers: ¹⁰ Auchan, Aldi, ANCD, Billa, Carrefour, Casino, Conan, Coop, Cora, Edeka, Francap, Globus, Kaufland, E.LeClerc, Lidl, Match, Metro, Migros, Monoprix, NettoPlus, Norma, Picard, Pomona, Real, Rewe, U, tegut, WalMart, Tengelmann, Kaiser's, and Superunie.
SQF	Association of US food retailers and wholesalers	41 retailers: ¹¹ A & P Tea Company, Ahold, Albert Heijn, Big Y Foods, Bottom Dollar Foods, Carrefour, Coles, Costco, CVS Pharmacy, Daymon, Food Lion, Giant Food, Hannaford Bros, Harris-Teeter, H-E-B, Kash n' Karry Food Stores, Lund Food, Metro, Migros, Pathmark Stores, Peapod, Price Chopper Supermarkets, Publix Super Markets, Raley's Family of Fine Stores, Safeway, Sam's Club, Schnuck Markets, Schwans, Sobeys, Supervalu, The Stop & Shop Supermarket Company, Target, Tesco, Tops Markets, US Foodservice, Wakefern Food Corporation, Wal-Mart, Wawa, Wegmans Food Markets, Weis Markets, Winn-Dixie Stores
GlobalGAP	Foodplus GmbH (retail industry)	38 retailers: ¹² Ahold, Albert Heijn, Aldi, Asda, Carrefour, Colruyt, Conad, Coop, Delhaize, Dohle, Edeka, El Corte Inglés, Eroski, Fedis, Freshmark, Globus, Hofer, Ica, Kaiser's Tengelmann, Kesko, Lidl, Marks and Spencer, Metro. Migros, Musgraves supervalu, Norma, Pick n Pay, Rewe, Rimi Baltic, Sainsbury, Spar, Superunie, tegut, Tesco, US Foods, Walmart, Wegmans food market, Wm Morrisons

From the 1990s onwards supermarkets are expanding in developing countries. Authors observe a rapid rise of supermarkets, first in urban areas for wealthy consumers spreading geographically and to low income and poor consumers (Neven c.s. 2006; Reardon c.s. 2004: 169-173; Reardon & Gulati 2008: 5-7). This includes both local supermarket chains as well as internationally operating chains.

The rise of supermarkets in developing countries results in changing market relations (Reardon c.s. 2004; Reardon & Gulati 2008). Supermarkets often have more demanding requirements for suppliers with respect to volumes, quality, hygiene, labelling and consistency. Reardon c.s. (2004) distinguish four pillars of the new procurement system. 1) Traditional wholesalers are partly replaced by specialised and dedicated wholesalers and logistic firms. 2) Procurement is centralised and regionalised. 3) Sourcing with 'preferred suppliers' to assure consistent supply. 4) Imposition of private food standards for quality and for safety on suppliers.

Table 3 Geographical distribution of certified firms in major global food standards

Food standard	Number of certified firms	% certificates in Africa, Asia and South America	% certificates in Europe
BRC Global Standard for Food Safety ¹³	15,534 certified sites in 112 countries ¹⁴	20%	66%
IFS Food standard	More than 11,000 in 96 landen ¹⁵	No figures available (expanding in US, Brasil and China)	No figures available; majority in Europe
SQF	App. 4,000 certified sites in more than 22 countries ¹⁶	6% (mainly Asia, not Africa)	none
GlobalGAP	123, 115 certified suppliers in 96 countries ¹⁷	21%	74%
FSSC 22000	2,956 certified companies in 109 countries ¹⁸	39%	37%
Global Red Meat Standard	18 certified sites	0	100% (predominantly Denmark)

Food retailers are the main drivers for the emergence and dissemination of global food safety standards. Next to retail-driven standards many other private food standards have emerged initiated by food industry, industrial associations, trading corporations, civil society organisations and alliances between these organisations. Their objectives range from securing safe food to improving animal welfare, protecting the environment, improving working conditions

and ascertain labour rights and fair trade. Examples include fair trade labels (Ethical Trading Initiative, Max Havelaar), sustainability programs (Marine Stewardship Council, Carbon Trust), religious food standards¹⁹ (Orthodox Union, OK Kosher Certification, and Ifanca, IHI Alliance), organic food labels (Ifoam, KRAV, EKO), food safety standards (FS22000, Dutch HACCP, Global red meat standard, Qualität Sicherheit, TrusQ), and vegetarian or biodynamic labels (Vegan, Demeter) (see Havinga 2010, Van der Meulen 2011, Van Amstel 2007). Retailers are involved in some of these standards, either as part of the rule-making committee or by encouraging suppliers to comply with the standard. For example the Dutch supermarket Albert Heijn aims at selling only MSC and ASC certified fish in its shops in 2015.²⁰ In some cases retailers also compete with civil society standards, e.g. initiate an alternative standard with other, more convenient requirements (e.g. UTZ certified next to Max Havelaar fair trade).

2. WHY DO RETAILERS ENGAGE IN FOOD SAFETY REGULATION?

There are several drivers for retailers to be engaged in food safety regulation: a safeguard against liability claims, an instrument to assure high quality of food products, standardisation of product requirements over suppliers, to avoid incidents and unfavourable media attention, confidence-building (build and maintain an image of reliable and responsible company) and outsourcing expensive quality controls.

Current legislation in the European Union explicitly postulates that businesses producing, processing and distributing food are primary responsible for ensuring food safety. Henson (2008) calls this a pull factor for the promulgation of private food safety standards as this establishes a 'legal position' for private standards.

In the United Kingdom, the introduction of the principle of due diligence under the Food Safety Act 1990 is said to have stimulated firms to establish private food safety regulations (Buzby and Frenzen 1999:648; Caswell 1998: 416; Henson and Caswell 1999:594; Henson and Northen 1998; Hobbs et al. 2002). British retailers have been required to take all reasonable steps to ensure that the food they sell is safe. Previously, the retailers only had to prove that the food was not compromised while under their control and the manufacturer was held liable for the rest. This shift of the legal responsibility for safe food downstream in the supply chain makes food retailers ultimately responsible for the safety of the products on their shelves. This includes the verification of technical performance at food production sites of retailer branded products. For a due diligence defense against food safety offenses a retailer has to demonstrate that all reasonable precautions are taken. All major British super-

market chains have developed initiatives to ensure a certain quality of retail food products by committing suppliers to a specified set of standards. In the British meat industry a quality assurance scheme was set up. The British Retail Consortium developed a set of food safety standards and retailers require their suppliers to be certified against these standards. The aims of the BRC Global Standards are to improve supplier standards and consistency and avoid product failure, and to provide concise information to assist with a due diligence defense.²¹

Similarly, in the Netherlands the introduction of a stricter liability regime by the European Union seems to have resulted in fear for the consequences. This new liability law stimulated the development of third party certification schemes, such as quality assurance certification in the dairy industry and retailer-led certification. The Dutch supermarkets feared possible claims and litigation and they tried to cover themselves by sharpening supplier contracts. Insurance companies raised the premiums. In these circumstances the Dutch retailing sector decided to adopt the British BRC food safety standard; this resulted in the translated CBL-BRC standard (Havinga 2006). As one supermarket quality manager put it in an interview: 'Looking back I would say product liability was magnified beyond all proportion; after ten years, there have not been serious liability cases'. In the United States liability law plays a less significant role as incentive for quality assurance according to Henson and Caswell (1999: 594).

The first initiatives by retailers seem to have been driven – at least partly – by liability legislation. However, the moment food safety standards were in place the standards are a driving force unto itself. Although liability claims were not perceived to be a real threat after some time, food safety initiatives flourished ever since. They proved to be very useful instruments for supermarkets (and other parties). Henson (2008) observes 'emerging evidence that the experiences of the Europeans are now serving to 'demonstrate' the efficacy of collective private standards and inducing, at least in part, the evolution of similar governance structures elsewhere, for example the SQF series of standards in the US'.

Private food safety standards are an instrument for supermarkets to assure high quality of food products and to avoid incidents and the subsequent unfavourable media attention. A standard is an instrument of coordination of supply chains: by specifying and harmonising product and delivery attributes the standard may increase efficiency and lower transaction costs. In international and global supply chains this implies standardisation across national borders, which induces a convergence with the standards of the toughest market such as the European (Reardon c.s. 2004: 178).

A collective food safety standard has considerable advantages above a company quality assurance system. Maintaining and implementing a company food scheme including controls on the spot is very expensive and the supermarket has to pay. Using collective food safety standards with third party certification is outsourcing of the costs of quality controls. In collective standards the costs are paid by the businesses that are certified, in this case food manufacturers, farmers and slaughterhouses. Another advantage is that the supermarket can source products in the market and is not limited to preferred suppliers that are included in the company's assurance system. Competition between suppliers allows retailers to pay lower prices.

Engaging in private food safety standards might also be important for supermarkets to restore and maintain confidence of consumers. However, supermarkets do not seem to utilise this opportunity extensively. The dominant retailer-led food safety standards are business-to-business standards and conformity with those standards is not communicated to customers. The BRC, IFS or GlobalGAP logo is not printed on product labels. Certification against these food safety standards is not considered to be a consumer preference issue unlike organic food or halal food. Supermarkets say they do not want to compete on food safety; consumers should trust all food in supermarkets to be safe. However, many supermarkets do communicate to consumers on their website and in their company magazine that they assure all products in their shop are safe and of high quality. Recently GlobalGAP initiated a consumer awareness campaign to inform consumers about their work and how important it is for sustainable agriculture, workers' welfare and safety, animal welfare and the environment.²²

3. WHY DO PRODUCERS COMPLY WITH 'VOLUNTARY' FOOD SAFETY REGULATION?

Supermarkets (or their wholesalers) must have sufficient buying power to impose private standards on suppliers. A supermarket chain may have oligopolistic power or offer higher prices or other assistance to producers (Reardon c.s. 2004: 178-179). Retailers use their economic power to impose food safety and quality requirements on their suppliers. As Grabosky (1994: 429-432) noted in his study on environmental regulation, 'Large retailers are in a position to register their product and process preferences with suppliers, and the awesome purchasing power that large retailers command often carries considerable influence.' Corporate retailers are increasingly powerful in the food chain because of mergers and take-overs. A small number of large grocery retailers have gained a powerful position, both economical and political (Marsden cs 2010, p 9). In the UK since 2000 the number of stores operated by the four largest grocery retailers has more than doubled (Tesco, Asda/Walmart, Sains-

bury's, Morrisons). This concentration enables large corporate retailers to expand their grip on the global and domestic food supply chain. In Western countries such as the UK, the Netherlands, and the USA, supermarkets have a large majority share of the food consumers market. By 2006 in the UK, 72% of all grocery sales took place in supermarkets (Marsden *cs* 2010, p. 10). The growing share of own branded products reinforces the strong negotiating power of the retailers (Marsden 2010, p. 134). Large retailers have enormous buying power and require suppliers to meet certain quality standards. Suppliers are dependent on supermarket chains and have to comply with their requirements (Boselie *et al.* 2003; Gereffi & Lee 2012; Grievink *et al.* 2002; Havinga 2006; Marsden *cs* 2000, 2010). In countries such as the UK, Germany and the Netherlands food producers who are not certified against a GFSI recognised food safety scheme (or another scheme accepted by retailers) are excluded from a large proportion of their market.

In addition to the in fact almost mandatory character of third party certification against a 'voluntary' food safety standard, participation may be useful for a producer. It might help in preventing a worst case scenario such as food poisoning or product recall. And these schemes and the certification process offer a structure to organise and manage ensuring a high level of safety and quality. IFS certified firms have reported a substantial reduction in food recalls, complaints, error rate and regulatory issues.²³

Retail-driven private food safety standards are also applied in developing countries. First, because European retailers source some products from these countries and require the same safety and quality from African or Asian suppliers. So Kenyan market gardeners and Thai aquaculture farmers who deliver European (or Western) supermarkets are required to be certified against a standard such as GlobalGAP, just as their colleagues in Spain or Norway. Second, the supermarket revolution in some developing countries also contributed to the growing importance of private food standards in the developing world. Not only the export market but also part of the domestic market asks for certification or compliance with such standards. Interviews with vegetable growers in Kenya have shown that import and export firms and certification agencies appear to occupy a key position in the diffusion of food safety requirements worldwide. They act as go-between in the relationship retailer-producer.

For the successful implementation of private standards producers must be capable of meeting the standards. In some cases there are not enough producers that can meet the standards and supermarkets (or their wholesalers) are forced to gradually implement the standards and to increase technical or financial assistance and support programs (see Reardon *c.s.* 2004: 179 for examples from Guatemala and Costa Rica).

4. CONCLUSION: THE POWERFUL ROLE OF RETAILERS IN FOOD SAFETY REGULATION

Retailers have become increasingly important in food regulation. Major European retailers took the lead in the establishment of private food safety standards with third party certification. They require their suppliers throughout the world to participate in this system of private food governance. The first of these standards were developed by national retailers associations. Later the standards crossed borders, although the distribution of the standards still reflects the geographic pattern of their origin. After a short or longer period of time other stakeholders were included in the governance structure of the schemes. The major standards are retail-driven, in two ways: retailers own the standard and retailers promote the adoption of the standards by requiring compliance from their suppliers all over the world.

REFERENCES

- Boselie, D., S. Henson & D. Weatherspoon (2003) 'Supermarket Procurement Practices in Developing Countries: Redefining the Roles of the Public and Private Sectors', *American journal of agricultural economics* 85: 1155-1161.
- Burch, D. & G. Lawrence (2005) 'Supermarket own brands, supply chains and the transformation of the agri-food system', *International Journal of Sociology of Agriculture and Food* 13/1: 1-18.
- Buzby, J.C. & P.D. Frenzen (1999) 'Food safety and product liability', *Food Policy* 24 (6): 637-651.
- Campbell, H. (2005) 'The rise and rise of EurepGAP: European (re)invention of colonial food relations?', *International Journal of Sociology of Food and Agriculture* 13/2: 1-19.
- Caswell, J. (1998) 'Valuing the benefits and costs of improved safety and nutrition', *The Australian Journal of Agriculture and Resource Economics* 42 (4): 409-424
- Fuchs, D., A. Kalfagianni & T. Havinga (2011) 'Actors in Private Food Governance: The legitimacy of retail standards and multistakeholder initiatives with civil society participation', *Agriculture and Human Values*, 28: 353-367.
- Gereffi, G. & J. Lee (2012), 'Why the world suddenly cares about global supply chains', *Journal of supply chain management* 48/3: 24-32.
- Grabosky, P.N. (1994) 'Green Markets: Environmental Regulation by the Private Sector', *Law & Policy* 16: 419-448.
- Grievink, J.-W., L. Josten & C. Valk (2002) *State of the art in food. The changing face of the worldwide food industry*, [Doetinchem]: Elsevier Business Information
- Havinga, T. (2006) 'Private regulation of food safety by Supermarkets', *Law & Policy*, 28: 515-533.
- Havinga, T. (2010) 'Regulating halal and kosher foods. Different arrangements between state, industry and religious actors', *Erasmus Law Review*, 3/4: 241- 255 (Issue on 'Food regulatory regimes and the challenges ahead')
- Havinga, T. & A. Jettinghoff (1999) 'Self-regulation in business: Beyond associational self-regulation', in: F. van Loon & K. van Aeken (eds), *60 maal recht en 1 maal wijn: Rechtssociologie, Sociale problemen en justitieel beleid*, Liber Amicorum prof. dr. Jean Van Houtte, Leuven: Acco, 1999: 609-620.
- Henson, S. (2008) 'Public and private incentives to adopt enhanced food safety controls, Ontario: University of Guelph', InFERG Working papers no 7_FS.

- Henson, S. & J. Caswell (1999) 'Food safety regulation: An overview of contemporary issues', *Food Policy* 24: 589-603
- Henson, S. & J. Northen (1998) 'Economic Determinants of Food Safety Controls in Supply of Retailer Own-Branded Products in United Kingdom', *Agribusiness*, 14 (2), p. 113-126
- Herzfeld, T., L.S. Drescher & C. Grebitus (2011) 'Cross-national adoption of private food quality standards', *Food policy* 36: 401-411.
- Hobbs, J.E., A. Fearne & J. Spriggs (2002) 'Incentive structures for food safety and quality assurance: An international comparison', *Food Control* 13: 77-81.
- Marsden, T., A. Flynn & M. Harrison (2000) *Consuming Interests. The Social Provision of Foods*, London: UCL Press.
- Marsden, T., R. Lee, A. Flynn & S. Thankappan (2010) *The New Regulation and Governance of Food. Beyond the Food Crisis?* New York/London: Routledge.
- Neven, D., T. Reardon, J. Chege & H. Wang (2006) 'Supermarkets and consumers in Africa: The case of Nairobi, Kenya', *Journal of international food & agribusiness marketing* 18/1-2: 103-123.
- Reardon, Thomas & Ashok Gulati (2008) *The Rise of Supermarkets and Their Development Implications. International Experience Relevant for India*, IFPRI Discussion Paper 00752, New Delhi: International food policy research institute.
- Reardon, T., P. Timmer & J. Berdegue (2004) 'The rapid rise of supermarkets in developing countries: Induced organizational, institutional, and technological change in agrifood systems', *e Journal of Agriculture and development economics* 1/2: 168-183.
- Sansawat, S. & V. Mulyil (2011) *Comparing global food safety initiative (GFSI) recognized standards. A discussion about the similarities and differences between the requirements of the GFSI benchmarked food safety standards*. SGS (<http://www.sgs.com/~media/Global/Documents/White%20Papers/sgs-global-food-safety-initiative-whitepaper-en-11.ashx>)
- Smith, K., G. Lawrence & C. Richards (2010) 'Supermarkets' governance of the agri-food supply chain: Is the "corporate-environmental" food regime evident in Australia?', *International Journal of Sociology of Agriculture and Food* 17/2: 140-161.
- Van Amstel-van Saane, M. (2007) *Twilight on self-regulation. A socio-legal evaluation of conservation and sustainable use of agrobiodiversity by industry self-regulation*, Utrecht: Copernicus Institute of Sustainable Development and Innovation.
- Van der Kloet, J. (2011) 'Transnational Supermarket Standards in Global Supply Chains. The Emergence and Evolution of GlobalGAP', in J. van der Kloet, B. de Hart & T. Havinga (eds), *Socio-legal Studies in a Transnational World, Special Issue Recht der Werkelijkheid*, (32) 3, p. 200-219.
- Van der Meulen, B. (ed.) (2011) *Private Food Law. Governing food chains through contract law, self-regulation, private standards, audits and certification schemes*, Wageningen: Wageningen Academic Publishers.

FOOTNOTES

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- 1 Tesco still has a company food safety scheme with 15,000 certified firms (www.tesco.com/nurture, last consulted 11-7-2012).
 - 2 <http://www.mygfsi.com/about-gfsi/gfsi-recognised-schemes.html> (last consulted 12-2-2013). The following standards are still in the benchmarking process against GFSI 6th ed.: GlobalGAP, FSSC 22000, Primus GFS and Global Aquaculture Alliance Seafood Processing standard.
 - 3 <http://www.brcglobalstandards.com/GlobalStandards/Standards/Food.aspx>. Next to this standard covering food; BRC also has 3 standards covering consumer products, packaging manufacture and storage & distribution.
 - 4 Next to the food standard the IFS Logistic standard is developed for transport, storage and distribution, and cash&carry-wholesale. New projects are in development, such as IFS for Household and Personal Care. All IFS standards are developed at the request of retailers.
 - 5 The IFS Standard is managed by IFS Management GmbH, a company owned by the German retail federation (Handelsverband Deutschland (HDE) and its French counterpart (Fédération des Entreprises du Commerce et de la Distribution FCD). Retailers from Italy, Switzerland and Austria participated in the development of recent editions of IFS.
 - 6 Financial and legal ownership and responsibility for FoodPLUS GmbH is held by the EHI Retail Institute via its 100% subsidiary EHI-Verwaltungsgesellschaft mbH. EHI Retail Institute is a non profit scientific institute of the retail industry with 550 members including international retail companies and their associations, manufacturers of consumer goods and capital goods, and various service providers. (<http://www.ehi.org/en/about-us/company.html>)
 - 7 Dutch HACCP, a food safety standard owned by the same foundation that can be considered the predecessor of FSSC, was already recognised in 2003.
 - 8 Member of the Euro-Retailer Produce Working Group (Eurep) were: Tesco, Safeways, Sainsbury's, GB Supermarkets, Continent, Delhaize, ICA Handlarna, KF, Albert Heijn, Martinavarro, APO and Promodores.
 - 9 <http://www.mygfsi.com/gfsi-benchmarking-general.html> (14-11-2012).
 - 10 <http://www.ifs-certification.com/index.php/en/ifs-certified-companies-en/introduction-to-ifs/retailers-supporting-ifs> (29-10-2012).
 - 11 <http://www.sqfi.com/buyers/sqf-buyer-supporters/> (14-11-2012).
 - 12 http://www.globalgap.org/uk_en/who-we-are/members/retailers-food-service/ (14-11-2012).
 - 13 <http://www.brcglobalstandards.com/GlobalStandards/Standards/Food.aspx>. Next to this standard covering food BRC also has 3 standards covering consumer products, packaging manufacture and storage & distribution.
 - 14 <http://www.brcdirectory.com/Siteresults.aspx?CountryId=0&StandardId=972f3b26-5fbd-4f2c-9159-9a50a15a9dde> (15-10-2012).
 - 15 <http://www.ifs-certification.com/index.php/en/faq-en#> (24-10-2012).
 - 16 [https://sqf.etq.com/production/reliance?ETQ\\$CMD=CMD_CREATE_DOC&ETQ\\$NEW_DOCUMENT_FORM=PUBLIC_SEARCH&ETQ\\$APPLICATION_NAME=COMPANY_1&ETQ\\$SCREEN_WIDTH=1440&ETQ\\$USER_NAME=Anonymous&ETQ\\$LOGIN_USERNAME=ANONYMOUS&ETQ\\$USE_SETTING_NAMES=true](https://sqf.etq.com/production/reliance?ETQ$CMD=CMD_CREATE_DOC&ETQ$NEW_DOCUMENT_FORM=PUBLIC_SEARCH&ETQ$APPLICATION_NAME=COMPANY_1&ETQ$SCREEN_WIDTH=1440&ETQ$USER_NAME=Anonymous&ETQ$LOGIN_USERNAME=ANONYMOUS&ETQ$USE_SETTING_NAMES=true) (2013-2-15).
 - 17 http://www.globalgap.org/export/sites/default/.content/.galleries/documents/130124_AR12_web_en.pdf (2013-2-22).
 - 18 <http://www.viasyst.net/fssc> (last consulted 03-11-2012).
 - 19 In some Islamic countries the government is involved in setting and enforcing religious food laws, such as the Malaysia's Department of Islamic Development (JAKIM).

- 20 Marine Stewardship Council (MSC) and Aquaculture Stewardship Council (ASC) http://www.wnf.nl/nl/home/bedrijven/strategische_partners/albertheijn2/ and <http://www.ah.nl/vis/samenwerking> (both last consulted 11-7-2012).
- 21 www.brc.org.uk/standards/background.htm (2004-06-21), Havinga 2006.
- 22 http://www.globalgap.org/uk_en/for-consumers/ (consulted 2013-4-5).
- 23 <http://www.ifs-certification.com/index.php/en/consultants-en/customer-testimonials/51-global-news/1420-news-2010-08-23-newsletter-en> (consulted 2013-2-15).