



August 5, 2022

# Ongoing Efforts to Address Fraud and Adulteration of Honey

In the next farm bill, Congress may address concerns raised by U.S. honey producers about the adulteration, misbranding, and fraudulent mislabeling of both domestically produced and imported honey. Some producer groups claim such concerns could be addressed through regulatory standards for what constitutes honey, enhanced country of origin labeling, and enforcement of intentional fraud and adulteration of honey imports in violation of U.S. customs and trade laws.

## Background

Honey is a food product with documented reports of food fraud, adulteration, and misbranding. As highlighted by the Food and Drug Administration (FDA), some companies intentionally dilute honey by mixing in “cheaper sweeteners such as corn syrup, rice syrup, sugar beet syrup, or cane sugar,” which lowers their cost of production, and then market and sell that product to consumers as pure honey at higher prices. U.S. honey production has steadily declined, while imports have sharply increased (Figure 1, Table 1). The Customs and Border Protection (CBP) and the Department of Justice have pursued cases involving illegal imports of fraudulent or adulterated honey. FDA has seized honey imports in response to tests indicating some products contain unapproved chemicals and antibiotics or other agricultural chemicals, triggering FDA import alerts.

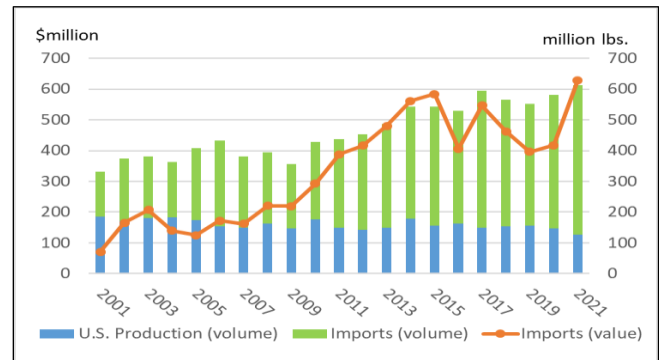
## Product Standards for Honey

The U.S. honey industry has tried to address fraud and adulteration concerns by advocating for stricter product standards. In 2006, honey producers, packers, exporters, importers, and marketers petitioned FDA to develop a national *standard of identity* for honey under 21 C.F.R. 130.6 (Docket No. FDA-2006-P-0207-0001). Standards of identity are established by regulations that determine what a food product must contain to be marketed under a certain name (see **text box**). FDA is the agency responsible for developing a standard of identity for food products, such as honey, under the Food Drug and Cosmetic Act (21 U.S.C. §341).

The 2006 petition asked FDA to implement a federal standard of identity for honey based on the 2001 international standard established by the *Codex Alimentarius Commission*, an intergovernmental organization within the United Nations. Codex standards are voluntary and intended to promote food definitions and requirements to support harmonization and ensure fair practices in international food trade. Codex’s Standard for Honey (CXS 12-19811), for example, describes allowable moisture content and specifies sugar, fructose, glucose, and sucrose content (and in some cases, nectar source); water insoluble solids content; additives, contaminants, and pesticide/veterinary drug residue levels; hygiene and codes of practice; and product labeling. While Codex standards are voluntary, they often serve as a basis for national legislation. Separately, the U.S. Pharmacopeia, a

nonprofit organization that publishes the pharmacopeia for the United States, is examining honey in its 2020-2025 *Food Chemicals Codex* standards review.

Figure 1. U.S. Honey Production and Imports



Source: CRS from USDA (<https://quickstats.nass.usda.gov/>) and USITC DataWeb (<https://dataweb.usitc.gov/>). Data not adjusted for inflation.

Notes: Natural honey (Harmonized Tariff Schedule, HTS 0409). Does not include other related imports (e.g., HTS 1702, 2106.90.9988).

Table 1. U.S. Honey Production and Imports, 2021

U.S. Production (million lbs.)			U.S. Imports (million lbs.)		
State	Vol.	%	Country	Vol.	%
North Dakota	28.3	22%	India	124.7	26%
South Dakota	12.3	10%	Vietnam	123.5	25%
California	9.6	8%	Argentina	95.3	20%
Florida	8.5	7%	Brazil	76.0	16%
Texas	7.7	6%	Ukraine	13.1	3%
All Other	60.2	48%	All Other	53.0	11%
<b>Total</b>	<b>126.5</b>		<b>Total</b>	<b>485.7</b>	

Sources: CRS from USDA data (<https://quickstats.nass.usda.gov/>) and USITC DataWeb (<https://dataweb.usitc.gov/>).

Note: In May 2022, an antidumping duty investigation by the U.S. International Trade Commission concluded that some leading import suppliers in India, Vietnam, Argentina, and Brazil were selling honey at less than fair value that have materially injured the U.S. honey industry.

Perceived delays in FDA’s response to the 2006 petition prompted House appropriators to add language to a FY2010 committee report directing FDA to respond to the 2006 petition (H.Rept. 111-181). The report also urged FDA to address products illegally marketed as honey that contain other ingredients in order to “protect consumers and the domestic honey industry from misbranded honey and honey-derived products that are currently entering the U.S. market.”

In 2011, FDA denied the 2006 petition, claiming “no standard of identity for honey was necessary” (79 *Federal Register* 49279). Congress addressed the issue again in the 2014 farm bill (Agricultural Act of 2014, P.L. 113-79, §10012). The 2014 farm bill required the U.S. Department of Agriculture (USDA) to submit a report to FDA “describing how an appropriate federal standard for the identity of honey would be in the interest of consumers, the honey industry, and United States agriculture.” In the manager’s report accompanying the 2014 farm bill, the conferees stated that some states have “enacted differing honey standards raising concerns about inconsistencies, the flow of commerce within the honey industry, confusion in the marketplace and unanticipated legal challenges,” highlighting the need “to develop a consensus federal standard of identity” by FDA, the federal agency responsible for regulating honey and assuring its safety and labeling accuracy.

### Standards of Identity for Food

Standards of identity establish a common name and set of content requirements for a food product. They refer to requirements that define the composition of food, prescribing both mandatory and optional ingredients in a product, and may specify the amount of each ingredient the food must contain or the relative proportion of each ingredient. They may also prescribe a specific method of production. If the appropriate term is not used or if the content requirement is not met, the food is considered misbranded and in violation of U.S. food safety laws. Standards of identity do not address quality issues, inadvertent adulteration, or dietary needs.

Standards of identity are established by regulations that determine what a food product must contain to be marketed under a certain name. FDA, USDA, and the Alcohol and Tobacco Tax and Trade Bureau (TTB) have the authority to set federal requirements for foods entering interstate commerce. FDA oversees about 300 identity standards in 20 categories of food products (21 C.F.R. Parts 130-169). USDA oversees standards for meat and poultry products (9 C.F.R. Parts 319 and 381). TTB oversees standards for wine, spirits, and malt beverages (27 C.F.R. Parts 4, 5, and 7).

USDA’s 2014 report to FDA concluded that while many support establishing a standard of identity for honey, there are “divergent opinions on the content and wording of such a standard, and its relationship to existing international standards.” Again, perceived delays in FDA’s follow-up to USDA’s 2014 report prompted some in Congress to urge FDA action. In 2018, FDA finalized its industry guidance on the proper labeling of honey and honey products (83 *Federal Register* 8996). FDA’s nonbinding guidance recommends that products labeled as “pure honey” not contain added sugar, corn syrup, or other sweeteners. Honey products with added sweeteners must be labeled as a “blend.” To date, FDA has not established a standard of identity for honey.

USDA has established grades and standards for both comb honey and extracted honey, as well as guidance for inspectors of honey packed in commercially acceptable containers. USDA standards and grades help ensure the quality of foods and promote efficiency in marketing and procurement. These differ from federal standards of identity. Similar to other sweet or sweetened products, an FDA standard of identity for honey would likely include additional product specifications, such as allowable content of different sugars in honey, water, additives, and contaminants, as well as hygiene practice and labeling requirements. A standard of identity would also likely define in regulation key terms (such as raw, unfiltered,

pure, and natural) to facilitate enforcement. By comparison, USDA standards and grades do not encompass the identity or purity of honey and do not provide the means to enforce against intentional circumvention or adulteration of honey. The U.S. honey industry claims that establishing a federal standard of identity would improve the industry’s recourse to address economic adulteration of honey and support enforcement of country of origin rules, thus promoting fairness and benefitting both consumers and U.S. beekeepers.

### Country of Origin Labeling for Honey

Honey imports from a “non-authentic geographic origin” remain an ongoing concern for U.S. producers. In most cases, this refers to honey from China that is transshipped through another Asian country and falsely sold as honey from that second country—usually to avoid higher customs duties and tariffs that would be imposed on Chinese honey. Related concerns include the need to safeguard U.S. honey producers from unfair trade practices by combatting antidumping and countervailing duty noncompliance for some honey imports.

The 114<sup>th</sup> Congress addressed honey fraud in the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125, §608) by directing CBP to facilitate the verification of country of origin markings of imported honey. In 2020, CBP released its *Strategy for Increasing Targeted Testing of Honey Imports*, describing the agency’s plan to initiate testing and cargo inspections of imported honey to identify transshipment violations, verify foreign suppliers of honey suppliers, and detect adulteration. CBP states it conducts enhanced risk analysis and random sampling to improve targeting of suspected honey imports; however, the agency also states “legal, resource, and interagency limitations that can hinder enforcement activities.” The report accompanying FY2020 Department of Homeland Security appropriations directed additional CBP funding of \$1.5 million to test, verify country of origin, and detect adulterated honey imports (S.Rept. 116-125). The report accompanying FY2022 Consolidated Appropriations further required CBP to submit a report in collaboration with FDA. That report is to highlight the number of imported honey shipments tested for country of origin fraud and adulteration; the number of shipments that testing suggests involve such fraud or adulteration; the technologies employed in carrying out those tests; and CBP’s ongoing strategy to detect and combat country of origin fraud (H. Comm. Print 47-047, Division F). Separately, CBP also enforces violations of USDA’s country of origin labeling requirements of packed honey that contain official USDA grade marks or statements (74 *Federal Register* 32389).

FDA’s honey labeling guidance does not directly address country of origin requirements for imported honey. The American Beekeeping Federation claims current country of origin labeling for honey is confusing and deceptive, and they seek to “work with FDA to establish ... mandatory and accurate country of origin labeling regulations” for honey.

### Considerations for Congress

In the next farm bill, Congress may consider policies to further address honey fraud, adulteration, and misbranding. Such policies could include addressing country of origin rules for imported honey or engaging with federal regulators regarding a honey standard of identity.

---

**Renée Johnson**, Specialist in Agricultural Policy

---

## Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.