

ILLINOIS STATE BAR ASSOCIATION

JUNE 2024

VOL. 4 NO. 12

Food Law

The newsletter of the Illinois State Bar Association's Section on Food Law

of severe charges. As a consequence it is required to register the products according to a well organised and detailed application that complies with the strict Hungarian regulations.■

Tamás Dr. Balázs, +36 1 302 5697, balazs@bakolegal.com, www.bakolegal.com

Publications: Altogether I have written about 70 studies and articles on the European and Hungarian law partly in Hungarian, partly in foreign languages published both in Hungary and abroad. In addition, I have held numerous professional lectures both in Hungary and abroad.

Author of the chapter of Cross-Border Sub-Contracting. Legal aspects of sub-contracting the production of goods insofar as they relate to Hungary. In: Handbook On Cross-Border Industrial Sub-Contracting. The Hague/London/Boston, 2001

Professional adviser: Co-operation in European Union. Selected Instruments on social Protection - Az Európai Unió szociális védelemről szóló egyes jogszabályai bilingual (English-Hungarian) book (1998) supported by PHARE

Author of the article published in The International Construction Law Review on FIDIC contracts and Hungarian law - Important aspects of using FIDIC contracts in Hungary (2014)

A Comparative Journey Through Food Security in Illinois and Peru

BY ALBERTO MIRANDA

Introduction

In a world where the table unites us and food connects cultures, food security emerges as a global challenge that does not respect borders. Every year, millions of people around the world are affected by the risks derived from unsafe food, a situation that causes a high number of hospitalizations in places like the United States. Similarly, in Peru, the reality is worrying due to the frequent epidemiological outbreaks that compromise public health. These episodes not only reveal critical vulnerabilities in our food control systems, but also underscore the pressing need to adopt more robust and flexible regulatory systems that can adapt to the changing dynamics of globalization and international trade. The urgency of strengthening these systems is evident, since the integrity of our diet directly impacts collective well-being, demanding effective preventive measures and a coordinated response that ensures the health and safety of all communities.

Legal and Regulatory Framework

In the state of Illinois, food safety is based on legislation such as the “Illinois Food, Drug and Cosmetic Act”, which ensures that the food that reaches tables is safe and of high quality. Supported by the 2017 FDA Food Code, this legal framework facilitates cohesive and efficient

management of food risks. For its part, the Illinois Department of Public Health plays a crucial role, implementing inspections and educational campaigns to strengthen regulatory compliance. In Peru, the General Health Law and Legislative Decree No. 1290 provide fundamental support for food safety regulations, from the production to the point of consumption. Institutions such as the General Directorate of Environmental Health (DIGESA) and the National Agri-Food Health and Quality Service (SENASA) are responsible for supervising and enforcing these standards, facing the challenge of covering an extensive geography, diverse with limited resources.

Although these frameworks provide the structures necessary for food security, the true test of their effectiveness is seen in implementation, which varies greatly between Illinois and Peru, reflecting the adaptations necessary to their unique local contexts.

Comparison of Implementation Strategies

In Illinois, food safety law enforcement benefits from advanced infrastructure, allowing for consistent and effective management across the state. On the other hand, Peru faces significant challenges due to its geographic diversity and resource variability, resulting in uneven

implementation, especially in rural areas. This comparison not only highlights differences in policy implementation but also underlines the need to adapt strategies to local conditions to be effective.

Building a Bridge to Concrete Examples

To illustrate how these differences in implementation strategy affect practice, let's look at some specific incidents. These examples not only demonstrate the challenges and successes in food safety management, but also show how adaptive regulatory responses can mitigate risks and protect consumers.

Specific Examples of Food Safety Incidents

Illinois has been the site of significant outbreaks, such as the E. coli O157:H7 outbreak in 2012, linked to the consumption of romaine lettuce. The prompt action of health authorities, which included rapid identification of the source and effective communication with the public, was key to controlling the situation and minimizing its impact. In 2018, a similar outbreak underscored the importance of preventative measures and cooperation between federal and local agencies to protect public health. In Peru, the challenges are even more marked in contexts where infrastructure and resources are limited. The Salmonella outbreak in

eggs in 2018 highlighted the challenges in monitoring food production in remote areas, showing the critical need to strengthen surveillance and control capabilities. Additionally, food contamination in informal markets has fueled a movement toward improving food education and health inspections to ensure safety at all levels of the market.

Regulations on Food Safety Labeling and Education

After exploring how Illinois and Peru manage food safety challenges and strategies, it is essential to address how labeling regulations and educational policies play a crucial role in this area. These regulations ensure that consumers are fully informed about the food they consume, thereby enhancing their ability to make conscious and safe decisions.

In Illinois, transparency is the cornerstone of labeling regulations. Each food product must contain detailed information about:

- **Complete Nutrition Information** : This includes calories, fat, carbohydrates, proteins, vitamins and minerals, offering consumers the tools to manage balanced and healthy diets.
- **Allergen Data** : It is crucial that products disclose ingredients that may cause allergic reactions, such as nuts, gluten, shellfish and dairy, to protect the health of those with food sensitivities.
- **Education and Transparency** : Beyond ingredients, consumers are informed about manufacturing processes, including genetic modification of products, fostering greater understanding and confidence in the foods they choose.

Peru, like Illinois, emphasizes the importance of exhaustive labeling, but with particular attention to:

- **Complete Listing of Ingredients and Allergens** : Ensuring that all consumers, regardless of dietary restrictions, can identify safe products.
- **Warnings on Potentially Harmful Contents** : Crucial information about artificial additives and

preservatives, helping consumers avoid substances that could be harmful.

- **Food Safety Education Initiatives** : Through educational programs, citizens are empowered to properly interpret labels, improving food safety at the individual and community levels.

Labeling regulations are essential to address public health issues related to food allergies, obesity, and chronic diseases linked to diet. They empower consumers to make more informed and healthy choices, which is essential to foster a more informed and health-conscious society.

Impact of Legislation on Public Health

Effective implementation of food safety laws directly impacts public health. Illinois, with its ability to quickly manage and respond to food incidents, shows a lower incidence of food-related illnesses. Peru, facing challenges in uniform implementation of regulations, sees more significant impacts on public health due to inconsistency in supervision and education.

Legal Consequences of Food Safety Violations

In Illinois, food safety violations are not only viewed as an administrative offense, but can have significant legal consequences that reflect the seriousness with which these violations are treated:

- **Civil and Administrative Penalties** : These can include substantial fines, with penalties ranging up to \$10,000 for each violation, depending on its severity. These sanctions are applied by the Food and Drug Administration (FDA) and other state agencies with the objective of ensuring compliance with regulations and promoting safe practices in the production and handling of food.
- **Criminal Penalties** : For the most severe cases, where violations result in considerable harm to public health, criminal charges may be imposed. Those responsible can face from high fines to imprisonment of

up to three years. Additionally, the legislation provides for corrective and follow-up measures to prevent future violations and maintain the integrity of food safety standards.

Peru also establishes severe repercussions for those who fail to comply with public health regulations:

- **Financial Penalties** : Fines imposed for violations are designed to be severe enough to deter bad practices, adjusted according to the seriousness of the offense. These sanctions are intended to be a clear reminder of the importance of following established rules.
- **Closures and Administrative Sanctions** : Establishments that do not comply with regulations may face temporary or permanent closures. Organizations such as the General Directorate of Environmental Health (DIGESA) are empowered to apply these measures, ensuring that operations that do not comply with legal standards are appropriately sanctioned.

Legal Context and Recommendations

In Illinois, these penalties are supported by a robust legal framework that includes both state and federal laws, providing a comprehensive system that spans everything from food handling to processing. In Peru, the legal framework includes detailed regulations administered by the Ministry of Health and DIGESA, which guarantee sanitary quality and adequate labeling of food products.

Food safety policies and regulations are not only essential to prevent incidents that could compromise public health, but also to establish a clear operating framework for food producers and distributors. These legal systems strengthen the market by ensuring safe and transparent practices, which in turn builds trust among consumers and helps maintain public health. The legal strategies and sanctions established in Illinois and Peru serve as examples of how governments can protect their citizens and promote a responsible food industry.

Final Conclusion of the Article

This comparative analysis between Illinois and Peru has allowed us to discover valuable lessons about the implementation of food security policies. While Illinois benefits from a well-funded and coordinated system that shows the effectiveness of robust and well-structured strategies, Peru highlights how local adaptability is essential to meet the specific challenges presented by its geographic and economic diversity.

The effectiveness of food safety policies depends not only on the strength of legal and regulatory frameworks, but crucially, on how these regulations are implemented in different local contexts. Adaptation and response to local conditions are critical to addressing global food security challenges effectively.

This adaptive approach not only improves food security, but also fosters international collaboration, essential for the sustainable development of global food systems. By sharing best practices and learning from each other, we can move towards a future where

food security is an accessible and sustainable reality for all, benefiting both consumers and producers. ■

Lawyer Alberto Miranda has more than 20 years of experience in civil, contractual, and business law. As a senior partner at ALBERTO MIRANDA ABOGADOS-Global Legal Consulting, he leads a team committed to offering cutting-edge legal advice to a diverse clientele both in Peru and internationally.

If you or your company require legal advice in areas such as business investments or contractual agreements, Alberto Miranda offers reliable guidance and effective legal solutions, supported by deep knowledge of the Peruvian legal framework and vast experience in complex global transactions.

For inquiries or more information about our services, visit our website: www.albertomiranda.org

At ALBERTO MIRANDA ABOGADOS, we are dedicated to building lasting relationships with our clients, ensuring efficient and ethical legal management of their legal matters in Peru.

Announcing **TWENTY | 20** *by LexBlog, Inc.*

Interested in having a legal blog but don't have time for the setup and maintenance?

LexBlog can help!

ISBA members receive a blog **FREE** for the first 6 months, and then **\$39.99/month** thereafter, with no setup fees and the blog will automatically be featured on Illinois Lawyer Now.



ILLINOIS STATE
BAR ASSOCIATION

For more information, visit isba.org/lexblog

Comparative Journey Through Food Security in Illinois and Peru
by Alberto Miranda

Published in the Illinois State Bar Association's Food Law Newsletter,
June 2024

For inquiries or more information about the author, please contact:

Website: www.albertomiranda.org

Phone: +51 997 917 798

Email: info@albertomiranda.org