

# BTSF

## Anonymous purchases — Dennis RASCHKE

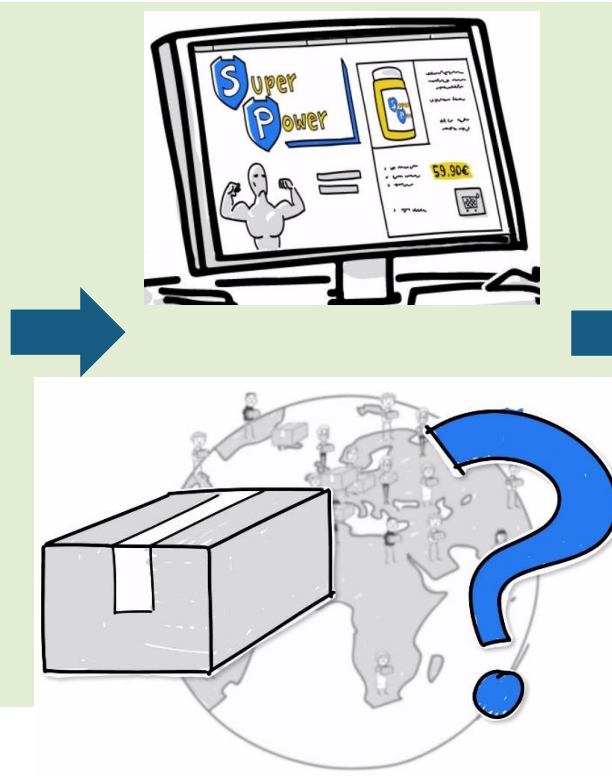
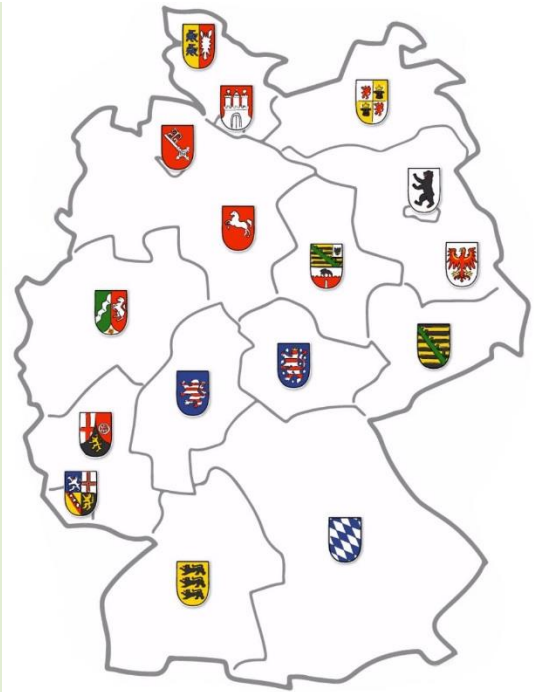
Contract number 2017 96 05 — New Food Investigation Techniques —  
Phase II - *Course 2b: E-Commerce of food advanced*

© European Union 2020

Unless otherwise noted the reuse of this presentation is not authorised. For any use or reproduction of elements that are owned by the EU, permission may need to be sought directly from the respective right holders. All statements and references in this presentation come from the Training coordinator and tutors and do not represent the official position of the European Commission.



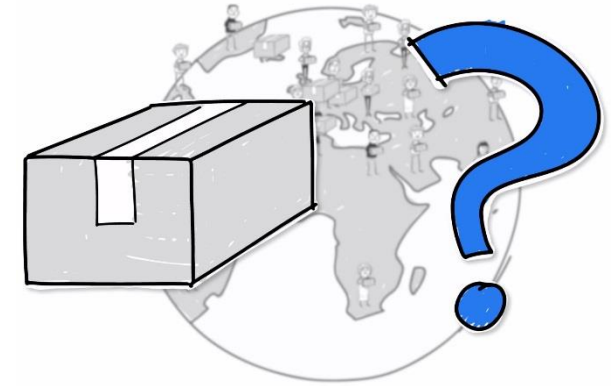
# BTSF G@ZIELT - online sampling



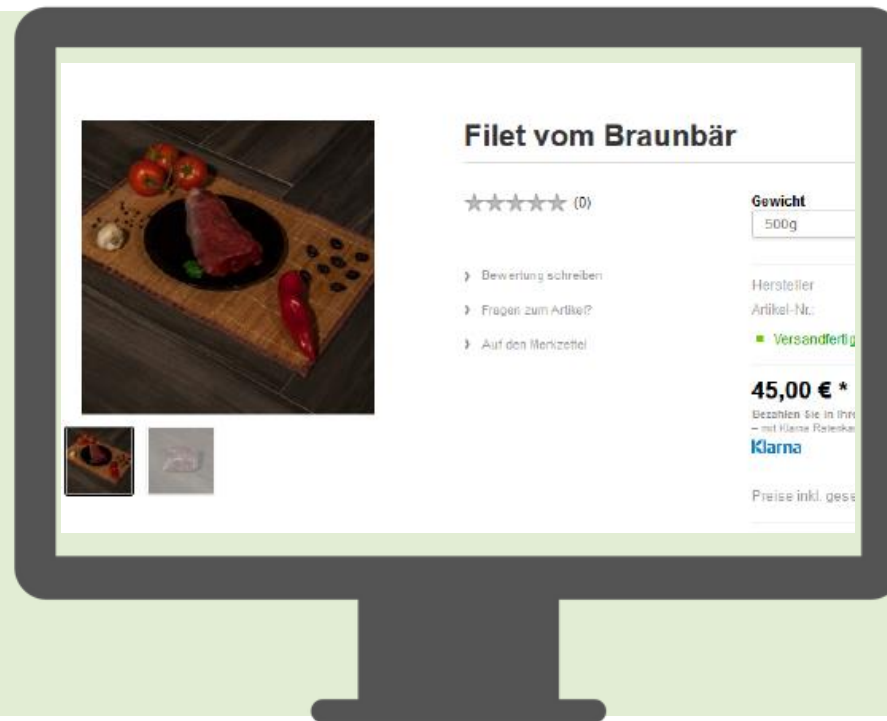
# BTSF Online sampling

## WHY?

- Advantages
  - ✓ Option to obtain product/sample
    - ✓ Cross-border?, Unknown vendor?
    - ✓ Maintenance of the cold chain
  - ✓ Proof of vendor activity
    - ✓ “Demo shops”
    - ✓ “Removed/Out of stock” offers
  - ✓ Check for offer/sales restrictions
    - ✓ Age
    - ✓ Chemicals



# BTSF Test purchase – example (brown bear file)



eFBO?

Origin?

Cold chain?

Labelling?

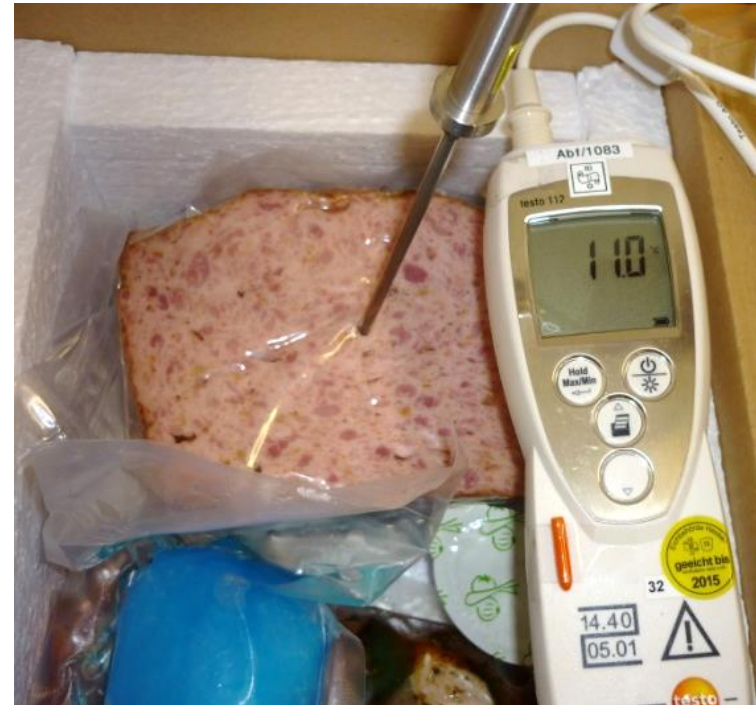
Species?

Species protection?



# BTSF Test purchase – example (fresh meat)

Results of the program „Perishable / refrigerated foods“



Cooling packs do not always ensure sufficient temperature control

(Source: Task Force Lebensmittelsicherheit  
Hessen)



# BTSF Test purchase – example (fresh meat)



no cooling packs → cold chain interrupted

(Source: Task Force Lebensmittelsicherheit  
Hessen)

# BTSF Test purchase – example (fresh meat)



(Source: Task Force Lebensmittelsicherheit Hessen)

# BTSF Test purchase – example (gin)

Coordinated control programmes “Annual Plan”



## Gin

- Länder request
- Paid with prepaid-credit card
- Sensory analysis: no gin-aroma profile
- Administrative assistance



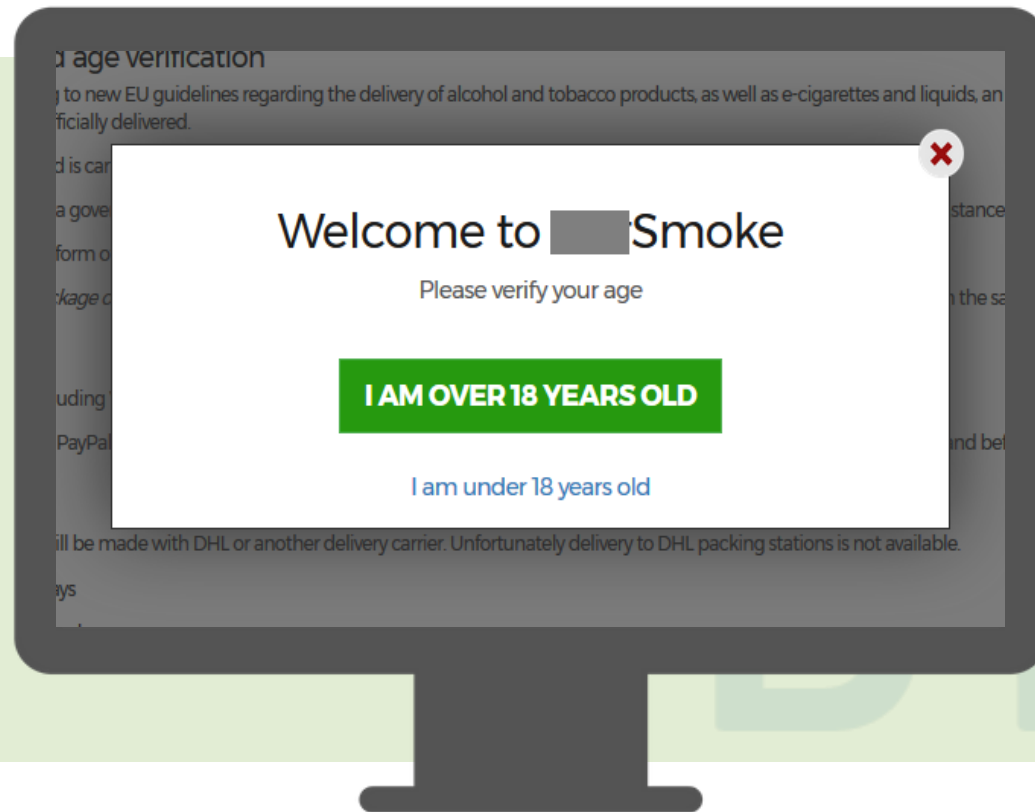
# BTSF Test purchase – potential appl. (disclaimer)

Vendors of gels and nail varnish for artificial nails



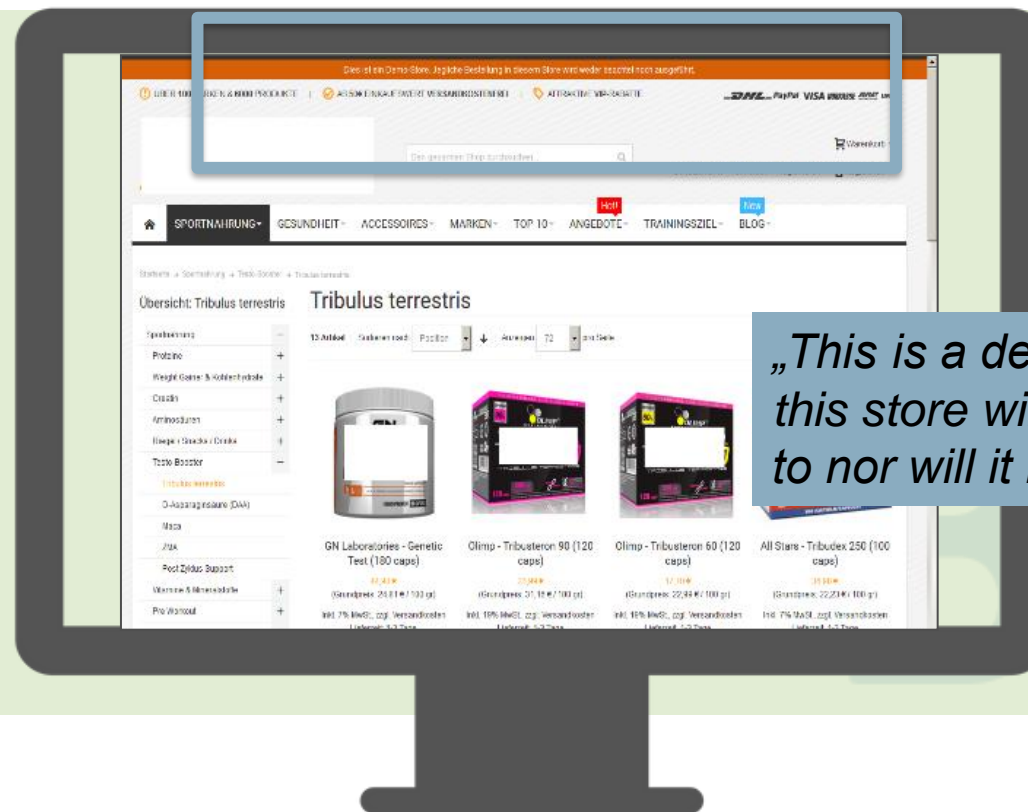
# BTSF Test purchase – potential appl. (age restrict.)

Online traders of tobacco products



# BTSF Test purchase – potential appl. (demo store)

Online shop with non-compliant food supplements



*„This is a demo store. Any order in this store will neither be paid attention to nor will it be processed“*

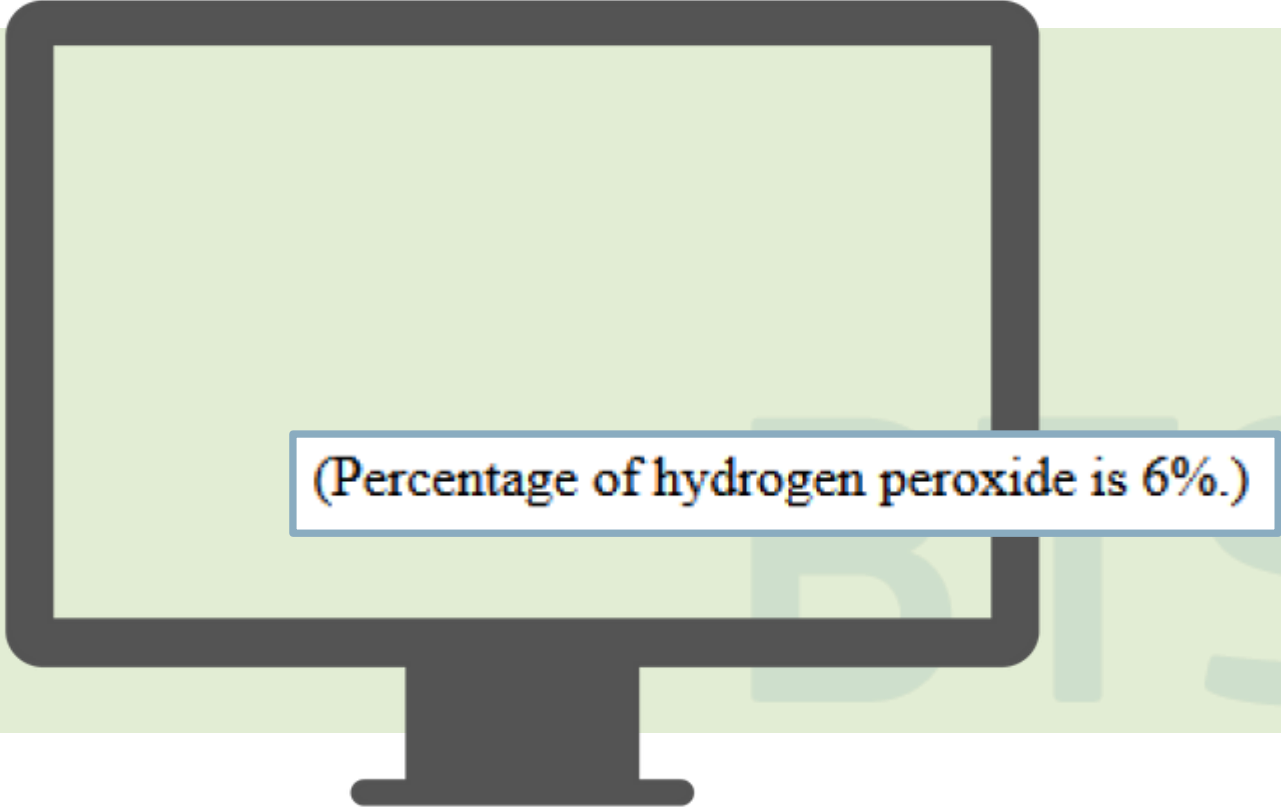
# BTSF Test purchase – potential application (sales restr.)

Tooth whitening products (Reg. (EC) No. 1223/2009)

Hydrogen peroxide			Restrictions		
Chemical	Ingredients Glossary		EC number	Product type, body parts	Maximum concentration in ready for use preparation
b	c	d	e	f	g
Hydrogen peroxide, and other compounds or mixtures that release hydrogen peroxide, including carbamide peroxide and zinc peroxide	Hydrogen peroxide	7722-84-1	231-765-0	(a) Hair products	12 % H <sub>2</sub> O <sub>2</sub> (40 vol.)
				(d) Oral products	0,1 % of H <sub>2</sub> O <sub>2</sub> , present or released
				(b) Skin- products	4 % H <sub>2</sub> O <sub>2</sub> , present or released
				(c) Nail hardening products	2 % of H <sub>2</sub> O <sub>2</sub> , present or released
				(d) Oral products	0,1 % of H <sub>2</sub> O <sub>2</sub> , present or released
(e) Tooth whitening or bleaching products	(e) > 0,1 % ≤ 6 % of H <sub>2</sub> O <sub>2</sub> , present or released	(e) To be only sold to dental practitioners.			



# BTSF GTest purchase – potential application (sales restr.)



(Percentage of hydrogen peroxide is 6%.)

# BTSF Online sampling - legal basis & challenges

- EU

Anonymous online sampling:  
Art. 36, Reg. (EU) No. 2017/625  
Date of application : 12/2019

- National?



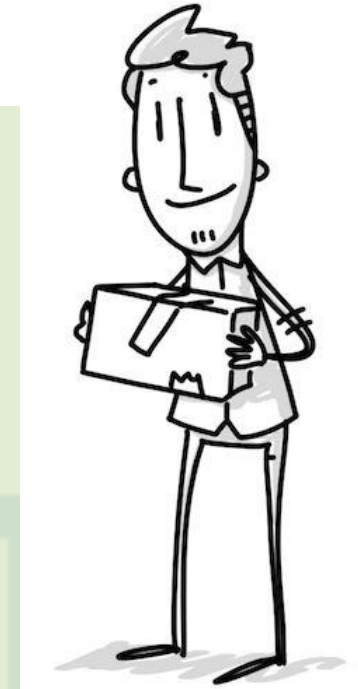
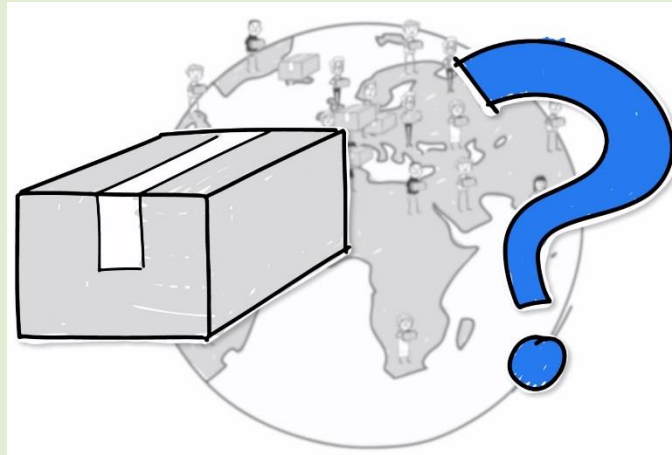
# BTSF Online sampling

## Art. 36, Reg. (EU) No. 2017/625

„Sampling of animals and goods offered for sale by means of distance communication“

1. [...] samples ordered from operators by the competent authorities without identifying themselves may be used for the purposes of an official control.
2. Competent authorities, once they are in possession of the samples, shall take all steps to ensure that the operators [...] :
  - (a) are informed that such samples have been taken in the context of an official control [...] ; and
  - (b) [...] are able to exercise the right to a second expert opinion, as provided for in Article 35(1).
3. Paragraphs 1 and 2 shall apply to delegated bodies and natural persons to which certain official controls tasks have been delegated.

# BTSF GOnline sampling - Challenges



Payment

Logistics

Information  
of FBO

2<sup>nd</sup> expert  
opinion

Capturing of  
evidence





# BTSF

## Online sampling - Payment

- Options
  - Authority bank account?
    - nearly impossible
  - (Pre-paid) Credit Card
  - Payment accounts
- Challenges
  - Legislation/investigative powers
  - Anonymous credit card/Payment account
  - Reclaim purchase price?

# BTSF Online sampling - Payment



<https://pay.amazon.com>



<https://www.paypal.com>



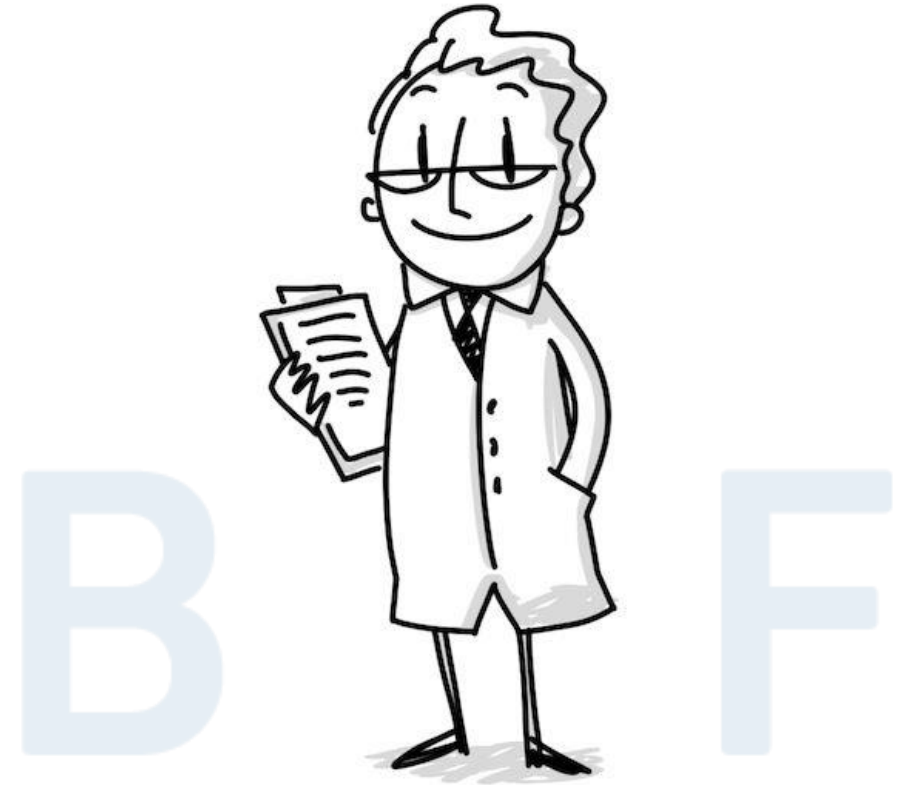
<https://www.viabuy.com>



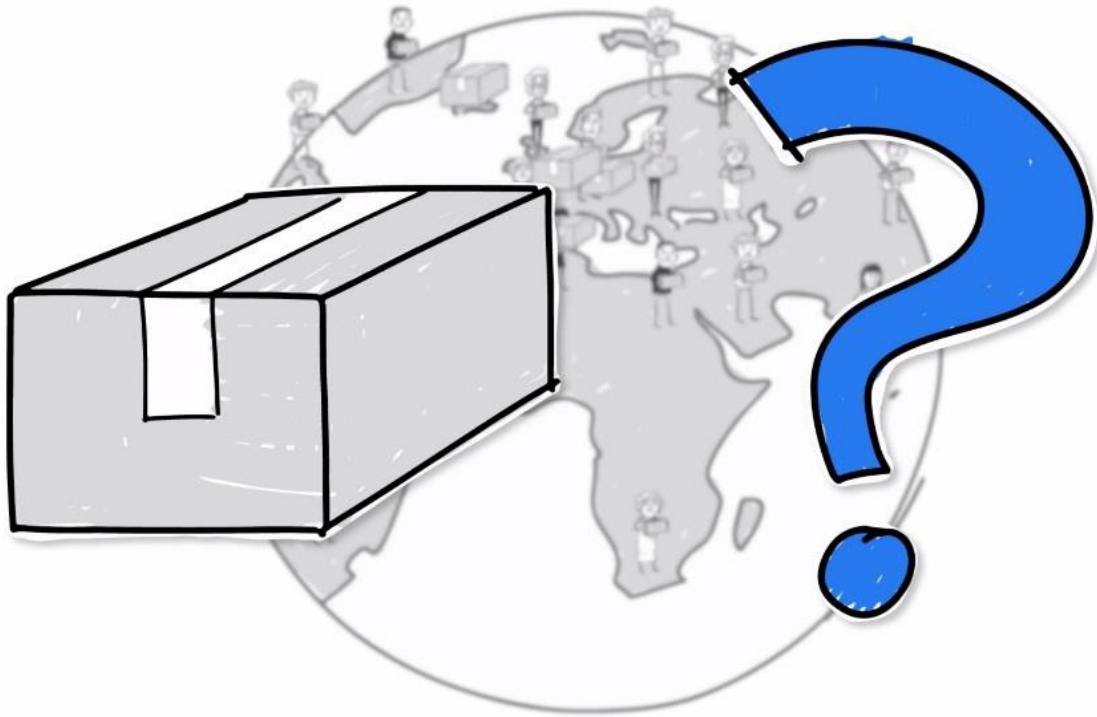
<https://www.paylife.at>

# BTSF Online sampling – Logistics

- IF possible, samples should be delivered directly to laboratory
  - e.g. for maintenance of cold chain
- Challenges
  - Anonymous delivery address
  - Cooperation with
    - Logistic companies
    - Packing stations



# BTSF Online sampling - Logistics



- Cooperation with Logistic companies
- DHL, DPD, Hermes, FedEx, TNT, Amazon etc...
  - Use of “model” addresses
  - Forwarding requests
  - Packing stations



# BTSF Online sampling - Logistics

- Packing stations
  - Amazon Locker, DHL Packstation etc.
  - also refrigerated packing stations



<https://www.dhl.de>



<https://www.amazon.com>



[www.emmasbox.de](http://www.emmasbox.de)

# BTSF Online sampling - Information of FBO

- Challenges
  - Vendor located outside field of jurisdiction
  - Way of communication
    - email, letter
  - Proof that information was received?



# BTSF Online sampling – 2nd exp. opinion

## Art. 35(1), Reg. (EU) No. 2017/625

„Second expert opinion“

1. The competent authorities shall ensure that operators, whose animals or goods are subject to sampling, analysis, test or diagnosis in the context of official controls, have the right to a second expert opinion, at the operator's own expense.

The right to a second expert opinion shall entitle the operator to request a documentary review of the sampling, analysis, test or diagnosis by another recognised and appropriately qualified expert.



# BTSF

## Online sampling – 2nd exp. opinion

- Challenges
  - Interpretations of Reg. (EU) 2017/625, Art.36 in conjunction with Art 35(1)
    - National interpretation?
  - Comprehensive documentation
    - → Capturing of evidence



# BTSF Online sampling – Capturing of evidence

- Screenshots of online offers (pdf with links and date)
- Digitally signed screenshots
  - <https://www.icanprove.de/en/>
- If products are ordered online: video of purchase action (software hypercam)



# BTSF Online sampling – Capturing of evidence



## ICanProve

Reload

Add Screenshot

Create Signed Document

Keyboard


---

Settings:

log keystrokes

log clicks

log mouse movement



## ICanProve

digitally signed screenshots  
and session logs

---

Start a session  
for free

---

**ICanProve: digitally signed screenshots and session logs for legal evidence proofs and discovery**

If you want to prove that something is displayed on a website you typically

- take a screenshot - but there is no way to prove that you didn't fake it by painting it yourself
- hope for web archiving services to crawl it in just this moment
  - well that's hope and does not work for many dynamic or password protected sites

www.icanprove.com acts as a third party to overcome these problems. Try it!

---

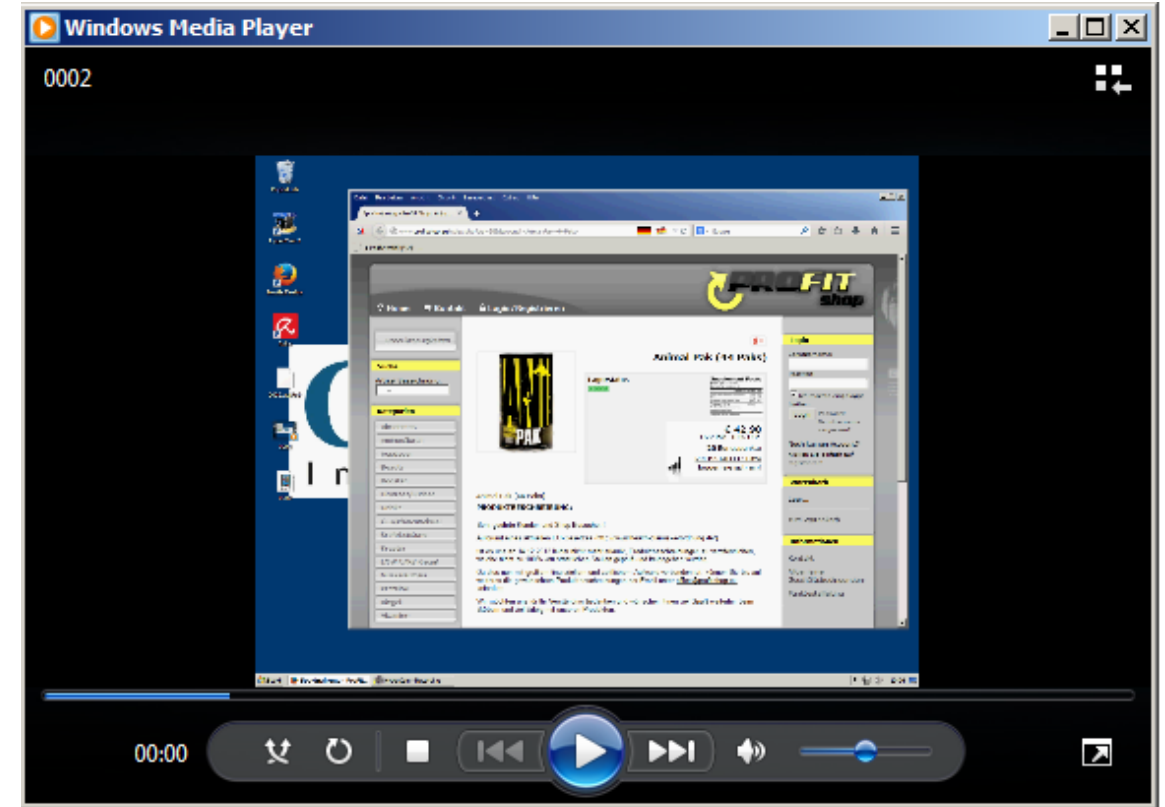
Start a session  
for free

---

# BTSF Online sampling – Capturing of evidence

Video evidence:

- If products are ordered online:  
screen video of purchase procedure
- e.g. software Hypercam



Screen Video captured by Hypercam

# BTSF

# Thank you

European Commission  
Consumers, Health and Food Executive Agency  
DRB A3/042  
L-2920 Luxembourg

**AENOR INTERNACIONAL**  
6, Genova street. 28004. Madrid, SPAIN  
Tel: +34 91 432 61 25  
Mail: [20179605NFIT@aenor.com](mailto:20179605NFIT@aenor.com)  
[www.btsf-aenor.com](http://www.btsf-aenor.com)

## AENOR

© European Union 2020

Unless otherwise noted the reuse of this presentation is not authorised. For any use or reproduction of elements that are owned by the EU, permission may need to be sought directly from the respective right holders. All statements and references in this presentation come from of the Training coordinator and tutors and do not represent the official position of the European Commission.

Slide xx: [element concerned](#), source: [e.g. Fotolia.com](#); Slide xx: [element concerned](#), source: [e.g. iStock.com](#)