



# **CANADIANS EATING IN THE DARK:**

**A REPORT CARD OF INTERNATIONAL  
SEAFOOD LABELLING REQUIREMENTS**

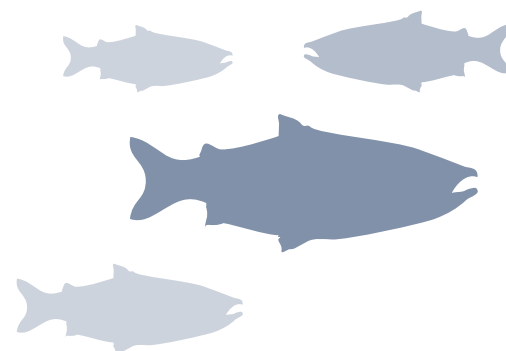
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“The fishing industry supports better seafood labelling because we have made significant investments in sustainable fishing and want retailers and consumers to know what they are buying.

*Brian Mose, 5th generation fisherman,  
Executive Director of the Deep Sea Trawlers Association*



# INTRODUCTION

Seafood is an important part of Canada's economy and culture, particularly in coastal areas. The origin of Canada's seafood tells much of the nation's history—from cod on the East Coast, to salmon on the West Coast, to char in the Arctic. Each year, about one million tonnes<sup>1</sup> of fish and shellfish are caught or farmed in Canada, with nearly 75 per cent then exported around the globe.<sup>2</sup> While Canada exports seafood like lobster, haddock, shrimp, rockfish and both wild and farmed salmon, an approximately equal volume of seafood such as tuna, shrimp and salmon is imported.<sup>3</sup> As a result, Canadian consumers are faced with diverse seafood choices from both domestic and international origins.

Consumers are becoming increasingly aware of, and interested in, the origins of their seafood, particularly as issues such as environmental sustainability, impacts on endangered species, toxin accumulations, incidents of illegal, unregulated and unreported (IUU) fishing, quality assurances and human rights abuses are better understood. Reports of seafood fraud—where seafood is advertised as something it is not—are also further eroding consumer confidence. Many of these issues can be addressed, and at least partially solved, by requiring comprehensive product labelling and traceability, both of which increase transparency from harvest to plate.

“According to a recent study by Dalhousie University, 42% of Canadians believed that they had purchased a counterfeited food product at some time, and seafood was the highest category selected. Consumers are recognizing that we have a huge challenge ahead.

*Dr. Sylvain Charlebois,  
Dean, Dalhousie School of Management*

# SEAFOOD LABELLING REGULATIONS REPORT CARD

Canada Scores an “F” for seafood labelling regulations.



## HOW DOES CANADA COMPARE?

**Seafood labelling regulations should require, at a minimum: the scientific name, production and harvest methods and geographic origin of a seafood product.**

This information should be available at all stages of the supply chain—from producer to consumer. With retailers selling two-thirds of seafood sold in Canada,<sup>4</sup> labelling at the point-of-sale in retail venues is essential. To assess the adequacy of Canada’s seafood labelling regulations, SeaChoice compared Canadian regulatory requirements for seafood labelling to two of Canada’s major seafood trade partners:<sup>5</sup> the European Union (EU) and the United States (US).<sup>a</sup>

**FIGURE 1. Seafood Labelling Report Card**  
Comparison of Seafood Labelling Regulatory Requirements in the European Union (EU), United States (US) and Canada across six key elements of comprehensive labelling.



### EUROPEAN UNION

**Policy:** Common Organisation of the Markets (2014)

**Responsible Department:** Council of the European Union and Member States



### UNITED STATES

**Policy:** Agricultural Marketing Act of 1946 with the following amendments: The Farm Security and Rural Investment Act (2002); the Food, Conservation and Energy Act (2008); Consolidated Appropriations Act (2016)

**Responsible Department:** United States Department of Agriculture’s (USDA) Agriculture Marketing Service






### CANADA

**Policy:** Food and Drug Act, Consumer Packaging and Labelling Act, Fish Inspection Act (1985)

**Responsible Department:** Canadian Food Inspection Agency (CFIA) and Health Canada

## REPORT CARD

### Basic Elements of Seafood Labelling

			
<b>Common Name</b>	✓	✓	✓
<b>Scientific Name</b>	✓	✗	✗
<b>Production Method (Farmed or Wild)</b>	✓*	✓	✗
<b>Harvest Method</b>	✓**	✗	✗
<b>Geographic Origin</b>	✓	✗	✗
<b>Country of Last Major Transformation/Processing***</b>	✓	✓	✓
<b>GRADE</b>	A	D	F

Scoring: A=above 5; B=5; C=4; D=3; F=2 or lower

<sup>a</sup>Canada’s top major export trade partners in 2015: US (64%); China (11%) and EU (10%). Only the US and EU were used for comparison in this report.

\*Labelled under the following designations: ‘farmed’ or ‘caught’.

\*\*Depicts harvest method for wild-caught fisheries, but not for farmed seafood: a ½ score is awarded.

\*\*\*Labelled as “Identification mark” in the EU and “Country of Origin” in the US and Canada.



Of the six requirements for well-labelled seafood, Canada's regulations only require two: the common name and the country of final processing. While US regulations are similar to those in Canada, the production method is also required. The EU regulations require all elements of good seafood labelling, with the exception of specificity on the harvest method for farmed products. The differences between the three sets of regulations are perhaps most striking when comparing a typical label found within a retailer's fresh seafood counter.



**FIGURE 2. One Fish: Three Labels**

An example of labels depicting mandatory requirements for Pacific yellowtail rockfish sold in EU, US and Canadian stores.





## EU LEADS THE WAY IN SEAFOOD LABELLING WHILE CANADA LAGS BEHIND



The comprehensive regulations for seafood labelling in the EU allow seafood buyers to know the species of seafood, where it was caught or farmed, and what fishing gear was used.<sup>6</sup> The EU Common Organisation of the Markets also places onus on the supply chain, requiring that the necessary catch documentation associated with the seafood product remain with it throughout the entire supply chain. There are strict penalties to further deter non-compliance.<sup>7</sup> This level of transparency provides businesses with greater assurances on products and their origins. In turn, this allows them to more easily determine: whether they are meeting corporate sustainable seafood policies, whether they are sourcing from IUU fisheries or supporting human rights abuses and whether they are receiving a product of lesser value than that purchased.



Introduced into US law via amendment to the Agricultural Marketing Act of 1946, the *Country of Origin Labelling* (COOL) regulation requires most US retailers to provide the “country of origin” and production method for all fish and shellfish.<sup>8</sup> Suppliers are required to make these two pieces of information available to their buyers. A significant shortcoming of the regulation, however, is the confusion caused by allowing the last place of processing to be labelled as the “country of origin” instead of its true *geographic* origin (i.e. where the seafood was originally caught or farmed). The confusion between *geographic* origin and “country of origin” exists as well in Canadian regulations, as noted below. The COOL regulations also lack requirements for detailed information such as species name and catch or harvest type.





In Canada, a combination of regulations from Canadian Food Inspection Agency (CFIA) and Health Canada form a minimalist approach to seafood labelling. The only two requirements for Canadian seafood are that all seafood produced in or imported into Canada be labelled with a common name (the CFIA provides a suggested list of appropriate common names),<sup>9</sup> and that imported seafood displays a “country of origin” label.<sup>10</sup> The CFIA-approved fish list of common names contains generic names, with one name applying to a variety of different species. Similarly, “country of origin” is actually the country of the last major transformation or processing, not where the fish was caught or farmed. Collectively, these two requirements misinform consumers by not including the data needed to verify the species and origin of the product.

## MISLEADING COMMON NAME LABELLING IN CANADA

### A Deeper Dive

In addition to the already misleading CFIA fish list of common names, a species could also be labelled with a common name listed in the Fish Inspection Regulations, the Food and Drug Regulations, other legislation, or if not listed in any legislation, a name by which it is “generally known”.<sup>11</sup> Thus, even the common name can come from a variety of places and be chosen subjectively.

Furthermore, as a seafood product travels through the supply chain, the common name can also change at each exchange until the point of sale.

Maintaining a scientific name along the supply chain should be required for product verification. Currently, only the EU requires scientific names be included.

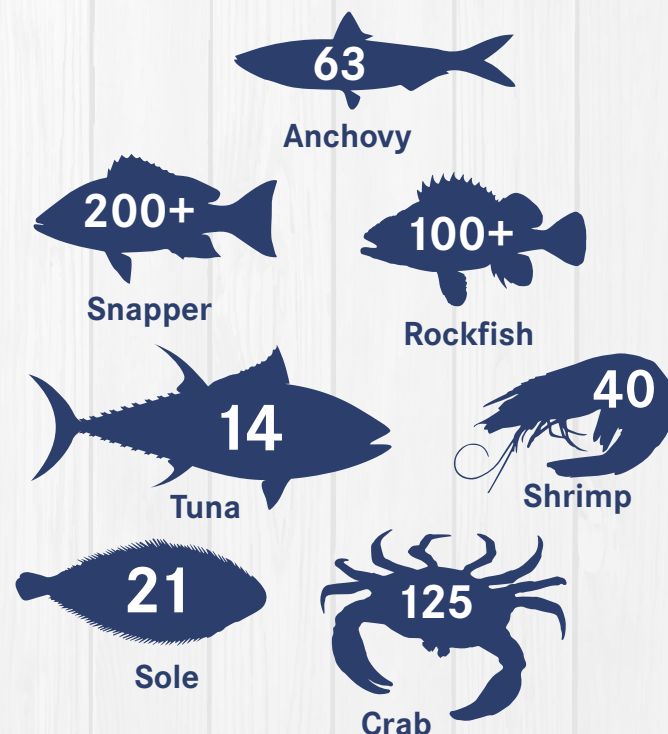
## MISLEADING COUNTRY OF ORIGIN LABELLING IN CANADA

### A Deeper Dive

To demonstrate the shortcomings of Canada’s regulations, consider a fish caught in the Gulf of St. Lawrence by a Canadian fishing vessel. That fish may be exported to China for processing to produce fillets, which are then imported back into Canada. In this scenario, the seafood returning to Canada would be labelled as a “Product of China” (Note: this shortcoming is also found in US Country of Origin Labelling regulations).

Requiring *geographic origin* to be included can eliminate this issue of misrepresentation of the species’ true origin and allow the label to differentiate between bodies of water (or FAO regions as occurs in the EU). For example, a product of the US could be labelled as coming from the Atlantic Ocean, the Pacific Ocean, the Gulf of Mexico or an inland lake or river, providing key information to determine the sustainability of the species.

## ONE COMMON NAME = MANY SPECIES



**FIGURE 3.** The CFIA Fish List allows for the lumping of many specific species under one common name.

It is interesting to note however, that greater details are necessary in order to *import* seafood into Canada. As part of its Fish Import Notification form, the following are required to be disclosed to the CFIA upon import: common name, Taxonomic Serial Number (TSN), production method (i.e. wild or farmed) and country of harvest. The TSN is associated with a scientific name within the CFIA Fish List.<sup>12</sup> In addition, importers need to provide the ‘species risk group’, as per the CFIA Fish List, which specifies whether the species is known to be a health risk (i.e. environmental contaminants, histamine production or marine toxins). Unfortunately, despite being required and collected by the CFIA at the point of importation, none of this key information is passed on to the next stages of the supply chain, and is certainly not presented to the end consumer.

Consequently, in Canada, there is insufficient information accompanying fish and seafood products intended for human consumption, leaving businesses and consumers in the dark about what they are purchasing. The mandated labelling information—limited to a common name and the country of last major processing<sup>b</sup>—does little to inform buyers about environmental or social sustainability, potential health implications, quality assurance, or even if the species they are paying for is what they believe it is.

## IF CANADA IS ALREADY REQUIRED TO COMPLY WITH LABELLING REGULATIONS FOR OVERSEAS MARKETS, WHY NOT AT HOME?

Fish labelling requirements are in many ways not consistent with the legal tenets of Canadian regulations to not mislead consumers. Section 27 of the Fish Inspection Regulations states, “No person shall package any fish or mark or label any container of fish in a manner that is false, misleading or deceptive”.<sup>13</sup> Omitting information on what a species actually is, and where it comes from, could arguably be deemed misleading and not representative of truthful labelling.

Despite the lack of detail required on retail shelves in Canada, major trade partners, principally the EU, have stringent import requirements to meet their labelling regulations. Canadian aquaculturists, fishermen, processors and seafood exporting businesses need to ensure the necessary detailed label information accompanies their product in order to sell to both the EU and the US. This equates to 73 per cent<sup>c</sup> of Canada’s seafood exports being sold with greater product information abroad than required at home.



<sup>12</sup>This is referred to by the CFIA as the “Country of Origin” for imported fish and seafood. For fish and seafood produced or caught domestically the “Country of Origin” label is voluntary. “Indication of Geographic Origin” for all seafood is voluntary.

<sup>c</sup>64 per cent to the United States; 10 per cent to the European Union in 2015.



# EU AND US RAISE THE BAR WITH TRANSPARENCY AND TRACEABILITY INITIATIVES

Improvements in labelling requirements in other jurisdictions have been driven, in part, by the results of genetic testing of seafood. For example, genetic testing of fish in EU and US seafood markets have exposed extensive fraud, where seafood labelled as one type of fish is in fact an entirely different species.<sup>14,15</sup> Following this testing, stricter labelling regulations and governance have been implemented in the EU with a resulting reduction in instances of mislabelled seafood.<sup>16</sup> Most recently, in response to a report that found that one-third of seafood tested at restaurants was mislabelled,<sup>17</sup> the EU has pushed to expand seafood labelling requirements beyond major retailers into an EU-wide labelling scheme, with traceability for all fishery products sold in restaurants and shops.<sup>18</sup> Genetic surveys in Canada have also revealed seafood mislabelling as a serious concern,<sup>19,20</sup> yet so far no improvements to seafood labelling have been made.

As a result of widespread media coverage of human rights violations in Thai shrimp fisheries, the US established the Presidential Task Force on Combatting IUU Fishing and Seafood Fraud.<sup>21</sup> In March, 2015 the task force published an action plan<sup>22</sup> with 15 recommendations, including two that support a traceability program to “track seafood from point of harvest to entry into U.S. commerce.” The National Ocean Council Committee on IUU Fishing and Seafood Fraud (NOC Committee) has identified 16 priority species and species groups, representing approximately 40 per cent of seafood by value imported to the US<sup>23</sup> for the first phase of the Seafood Import Monitoring Program. Again, Canada lags behind the EU and US in their supply chain transparency and traceability initiatives.

# CANADA'S OBLIGATIONS TO INTERNATIONAL TRADE AGREEMENTS AND COMMITMENTS

Recent developments in trade agreements provide further incentive to upgrade Canada's labelling regulations. The EU-Canada Comprehensive Economic and Trade Agreement (CETA),<sup>24</sup> which was signed in October 2016 and passed by the EU Parliament in February 2017,<sup>25</sup> opens up EU markets to more of Canada's seafood by removing tariffs. As part of the negotiations,<sup>26</sup> Canadian fisheries products are expected to meet Rules of Origin (RoO).<sup>d</sup> Without domestic mandatory requirements that govern product origin, Canada's accountability to CETA is put at risk.

The fisheries negotiations also include sustainable development commitments, with a reference to combatting IUU fishing, which overlap with the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing that entered into force in June 2016.<sup>27</sup> Canada is expected to ratify the agreement in 2017.<sup>28</sup> Furthermore, the US Presidential Task Force on Combatting IUU Fishing and Seafood Fraud's upcoming traceability program will place additional onus on Canadian fisheries and exporters, with Atlantic cod, swordfish and tuna amongst the priority species.<sup>29</sup> A robust labelling and traceability legislative framework in Canada would aid in closing opportunities for IUU products to enter the marketplace, both domestically and abroad.

“

As a Chef who feeds thousands of people a year, in a country surrounded by three oceans, and as a father, the sustainability of the seafood I serve and eat is extremely important. That's why I believe knowing the what, where, how and who of our seafood is too important to ignore. I challenge us all to demand better seafood labelling in Canada – for the health of Canadians and the sustainability of our fish and seafood resources into the future.

*Ned Bell, Ocean Wise Executive Chef, Founder, Chefs for Oceans*

<sup>d</sup>The rationale for Rules of Origin (RoO) is to avoid the potential of a third country wrongly benefitting from the trade agreement. For example, an imported fish product from South America to Canada, which is then processed in Canada, cannot be exported to the EU as 'Canadian'.



## WHY DOES SEAFOOD LABELLING MATTER?

Detailed labelling can help those in the seafood supply chain to safeguard themselves against the reputational risk of sourcing from fisheries or farms with negative environmental or socio-economic practices. Better labelling requirements can ensure better transparency throughout the supply chain, benefitting the fishing industry, suppliers, food service industries, retailers and consumers. It can also benefit government agencies (such as the Department of Fisheries and Oceans (DFO), Statistics Canada (StatsCan) and the Canadian Food Inspection Agency (CFIA)) by providing more robust and accurate data on imports and exports, as well as the ability to more efficiently respond to health and safety issues identified with a certain product or species.

As Canada's major seafood trading partners increase their traceability requirements for seafood imports, the need for better labelling is quickly becoming a necessity for seafood trade. Incorporating additional information on labels in Canada—such as species scientific name, geographic origin, production method and gear type or farming method—will better align domestic regulations with major trading partners and will help to facilitate smoother sale and trade operations for Canadian businesses.

Without proper labelling, it is impossible for consumers to make informed choices or to advocate for changes along the supply chain. Increasing knowledge about other global commodities—such as paper products, palm oil and diamonds—led to changes in how these products are made, harvested, grown or extracted, and decreased environmental and social impacts.<sup>30</sup> Canada's seafood deserves the same attention.



**IT'S TIME FOR  
CANADIANS TO  
STOP EATING  
SEAFOOD IN  
THE DARK.**



“Canada exports about half a million tonnes of seafood each year, which means that many of our fish producers and processors are already working hard to be transparent and traceable, in an effort to meet the requirements of those countries importing Canadian fish and seafood. So they are already doing the hard part. Requiring Canadian labelling to include that information is an easy next step that will help to democratize seafood sustainability information to Canadian consumers.

*Dr. Megan Bailey, Assistant Professor Canada Research Chair  
Integrated Ocean and Coastal Governance, Dalhousie University*

## TRANSPARENCY AND TRACEABILITY

*It is important to note that more detailed labels will require better supply chain traceability to verify the labels' claims. The accuracy of the labels depends directly on the traceability of the product.*

Fish and seafood remain the top traded food products internationally.<sup>31</sup> This trade occurs via a complex supply chain where seafood is notorious for changing hands, and likely countries, numerous times.<sup>32</sup> Vital product information can be lost or misrepresented (accidentally or intentionally) often with few repercussions. Traceability systems allow for the transparent transfer of product information along the entire supply chain. Businesses should be required to have documentation on hand to quickly and accurately trace their product back to its origin. Accurate and honest labelling requires supply chain traceability from the boat or farm to the plate.

To remain competitive, Canadian seafood needs to adhere to international requirements for traceability.

## WHAT CAN A MORE DETAILED LABEL UNVEIL?

**Sustainability:** Comprehensive labelling that requires the species' name, geographic origin and method of harvest is necessary to verify a product's environmental sustainability. With this information, supply chain purchasers and consumers can identify and avoid species that are overfished, endangered, poorly managed or harvested using destructive methods. It allows them to instead source their seafood from environmentally responsible fisheries and farms.

**Supporting Local/Domestic Fisheries:** Labelling seafood with its geographic origin allows Canadians to choose local seafood products, and support domestic fisheries and aquaculture.

**Illegal, Unregulated, Unreported (IUU) Fishing:** Comprehensive labelling provides transparency about the source fishery. With IUU present in up to 31 per cent of global catches,<sup>33</sup> stronger labelling throughout the supply chain, in concert with traceability, can help combat the risk of IUU seafood entering the marketplace.

**Health:** Labelling provides the opportunity for concerned consumers to better understand the potential health benefits and concerns of seafood products based on the species, production method and geographic origin.



**FIGURE 4. Seafood Supply Chain**

A traditional seafood supply chain is complex, and products pass through many hands before reaching the consumer. Having a national traceability system to ensure that key information follows the seafood product through each step of the supply chain, can help verify the accuracy of the information at the point of sale. The information about the item – such as what it is, and where it was caught – will therefore be uniform all the way from boat or farm to the consumer.



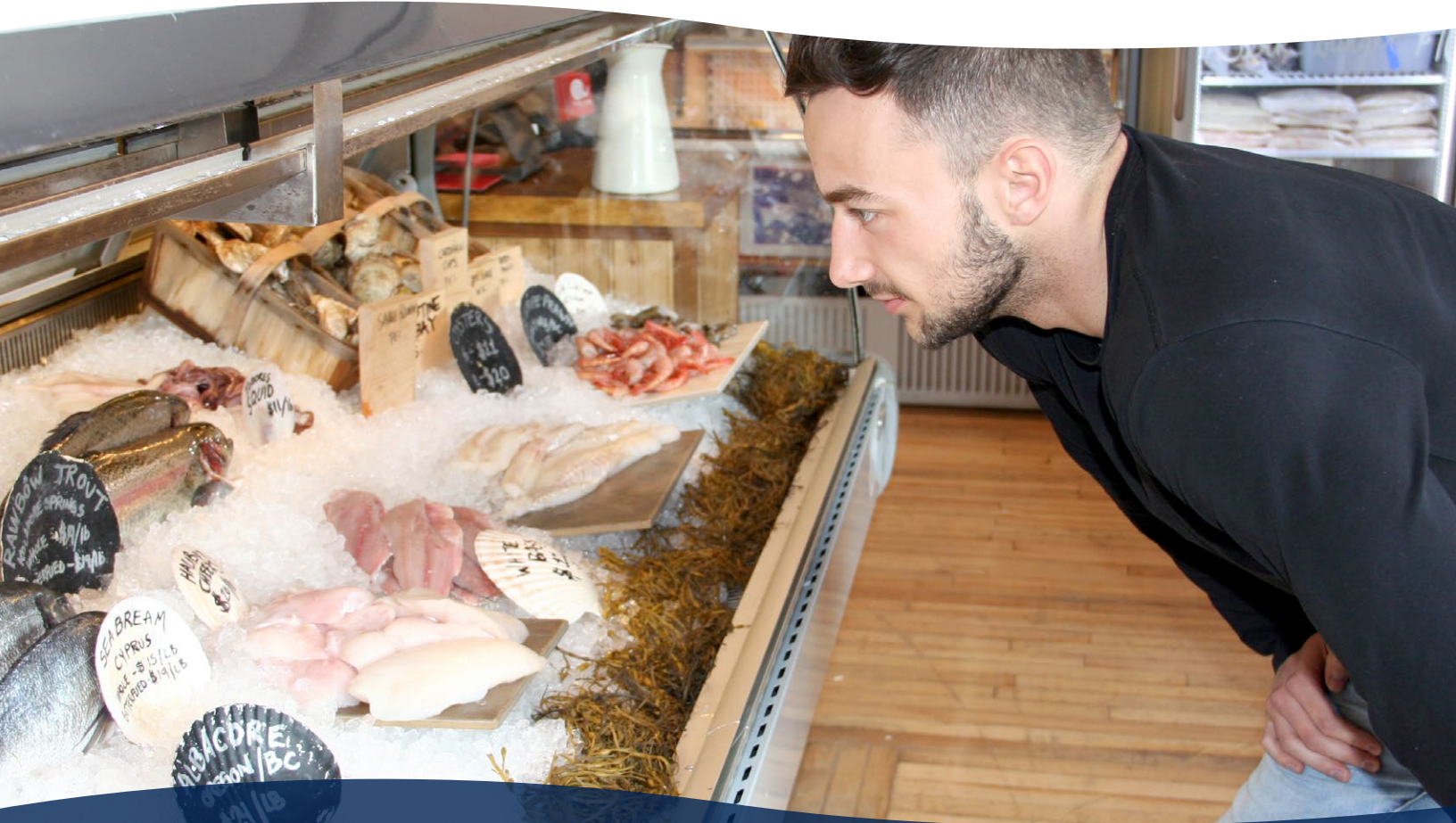
With better labelling, businesses and consumers will be able to confidently buy seafood that supports the environmental and socio-economic sustainability they value.

**Human Rights and Social Issues:** Detailed labelling provides the transparency needed to identify products with a higher risk of coming from a supply chain with human rights abuses. Incidences of abuse, slavery, forced and child labour, kidnapping and murder within the seafood supply chain are a tragic reality<sup>34,35,36</sup> and the corporate social responsibility risk for retailers and supply chain purchasers are significant. Accurate labelling avoids accidentally sourcing from these fisheries or aquaculture operations.

**Economic Sustainability and Quality Assurance:**

Accurate labelling enables Canadian seafood products to remain competitive with primary trading partners and facilitates international obligations and agreements. There are economic incentives throughout the supply chain to ensure that the product is labelled truthfully, allowing for its sustainability (and hence price) to be more easily understood by buyers (e.g. gear used, or processing and handling standards). This, in turn, rewards and incentivizes fishermen to employ sustainable practices and processors to maintain high operational standards.

**Genetically Modified Organisms (GMO):** In addition to the basic elements that a more detailed seafood label would provide, there is overwhelming consumer support for mandatory labelling of GMOs.<sup>37</sup> With GM salmon soon to enter the Canadian marketplace,<sup>38</sup> labelling that would differentiate it from other salmon would help consumers consciously choose their preferred products.





# LABELLING CASE STUDIES: CANADA'S FISHY LABELS

SeaChoice selected three commonly found seafood items in the Canadian marketplace: tuna, shrimp and rockfish. These case studies illustrate what Canada's current seafood labels don't tell you.

## TUNA

Tuna is a staple item in many Canadian supermarkets, restaurants and kitchen cupboards. Tuna imports typically include albacore, bigeye, bluefin, skipjack and yellowfin tuna.<sup>39</sup> However, the CFIA fish list allows 16 species to be labelled simply as "tuna".<sup>40</sup>

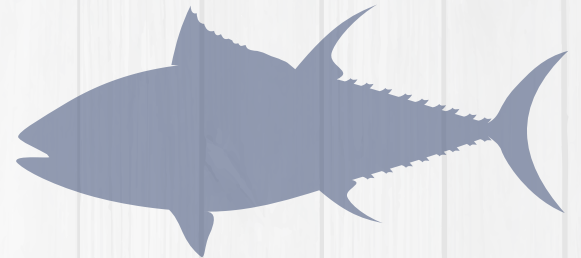
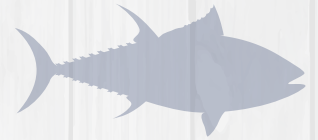
**IUU and overfishing** have long plagued many tuna populations.<sup>41</sup> Skipjack caught with fish aggregating devices (FADs) have high levels of **bycatch**, including juvenile tuna, sharks and sea turtles.<sup>42</sup> More than half of Canada's tuna imports come from these red-ranked skipjack fisheries.<sup>43</sup> Recent media reports highlighted **human rights violations** in global tuna fleets, from Thailand<sup>44</sup> to Hawaii.<sup>45</sup> Studies show **mercury levels** in tuna vary significantly,<sup>46</sup> posing a legitimate concern particularly for pregnant women. Health Canada recommends limiting consumption of certain tuna species.<sup>47</sup>

## SHRIMP

Canada exports more cold-water shrimp than any other country in the world.<sup>48</sup> However, shrimp is also one of the country's largest seafood imports.<sup>49</sup> The shrimp that is available in the Canadian market is predominantly farmed tropical shrimp,<sup>50</sup> which can be laden with a myriad of environmental, social, or health related issues. According to the CFIA fish list, 40 species of shrimp can be labelled simply as "shrimp".<sup>51</sup>

Imported farmed shrimp can be associated with **environmental destruction** of natural coastal areas. Often densely stocked, production may use large amounts of **antibiotics, pesticides** and other **chemicals**.<sup>52</sup> This has raised health concerns where chemical residues have been found in shrimp being consumed by humans.<sup>53</sup>

Wild-caught shrimp comes with other concerns, such as the use of **destructive** bottom trawl **gear** on sensitive benthic environments, large amounts of **bycatch**<sup>54</sup> and an association with **human rights abuses**, either on board the vessel or throughout processing (such as in peeling sheds).<sup>55</sup>





## ROCKFISH

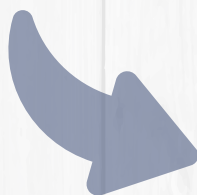
There are over 100 species of fish worldwide belonging to the genus *Sebastes*, more commonly referred to as “rockfish”. Although biologically related, **sustainability** ranges from endangered to highly sustainable. Rockfish are a difficult species to manage as they are very slow growing, long-lived, late to reproduce, are caught by all **gear types** and don’t survive as **bycatch**. Rougheye rockfish have been found as old as 205 years!<sup>56</sup>

Canada is a large producer of rockfish on both the Atlantic and Pacific coasts, with 22 species making up the majority of the catch. The CFIA fish list allows them all to be labelled as “rockfish”, while some can also be labelled as snapper, Pacific snapper, redfish and rosefish.<sup>57</sup>

Without better labelling requiring the scientific name, country of origin and gear type, there is no way to verify the sustainability of the product at the point of sale in Canada.



## WHAT YOUR LABEL DOESN'T TELL YOU



### Nutrition Facts\* Valeur nutritive

Serving Size About 1 Piece (145g)

Portion environ 1 morceau (145g)

Amount Teneur	% Daily Value % valeur quotidienne
IUU	?%
Human Rights Violations	?%
Overfishing	?%
Bycatch	?%
Habitat Damage	?%
Antibiotics	?%
Pesticides	?%
Preservatives	?%
Mercury Levels	?%

Without information on a species scientific name, production method, harvest method, or geographic origin, it is nearly impossible to determine whether or not it is associated with the issues listed above. More detailed labelling can help shed some light on the likelihood of these issues being associated with seafood products.

\*This image is not an example of what seafood labels should include. It is meant to illustrate the fact that there can be many associated issues with a seafood item that Canadian consumers are unable to identify when key labelling information is not included on a label or package.



Seafood labels must include the species scientific (Latin) name, along with where and how it was caught or farmed – key determinants of a products environmental and social sustainability.

# A SEAFOOD LABELLING ACTION PLAN FOR CANADA

The review of regulatory measures in other jurisdictions demonstrates a movement toward stricter labelling regulations for seafood products abroad. This presents Canada with an opportunity to increase transparency throughout the seafood supply chain and reduce mislabelling of domestically sold seafood products. There is pressure for Canada to remain competitive and synchronized with major seafood trade partners. Through recently improved traceability requirements and international trade agreements, there are incentives from both the EU and the US for Canada to strengthen its labelling regulations.<sup>58</sup>

SeaChoice calls on the government to take the following two actions to improve seafood labelling in Canada. By following these actions, the country will remain competitive in the seafood export market. Businesses and consumers will then be able to confidently buy seafood that supports the environmental and socio-economic sustainability they value.

## SEAFOOD LABELLING ACTION PLAN

1

The Canadian government should amend its food labelling policy to include the following information on seafood products:

- Species' scientific name
- Production method (*farmed or wild*)
- Geographic origin (*region of catch or area of production*)
- Harvest method (*gear type or farming method*)

2

Canadian food labelling policies should incorporate an onus on supply chain actors to provide the necessary product information from source to customer to improve traceability.



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# APPENDIX: SEAFOOD LABELLING REQUIREMENTS IN THE EUROPEAN UNION, THE UNITED STATES AND CANADA

## EUROPEAN UNION

The EU has, arguably, the most robust regulations on seafood labelling. The Common Organisation of the Markets regulation requires EU retailers to provide the common name, scientific name, production method, geographic origin, fishing gear type and last country of processing (e.g. identification mark). In addition, the regulations also apply to the labels on seafood sold to mass caterers (i.e. restaurants, institutions and catering). However, mass caterers are not currently required to provide this information to their customers. This is likely to change in the near future.<sup>59</sup>

The omission of a farming method requirement is a shortcoming of the EU regulation. There is also the potential for common names (called commercial designation) to create confusion because a number of species can be blanketed under one name.<sup>60</sup> However, the requirement to list the species’ scientific name alongside the common name helps to overcome this issue. Overall, the EU labelling policies and regulations are comprehensive, despite having to navigate multiple countries and languages. The requirements of the Common Organisation of the Markets complement the general EU rules on food information to consumers “and contribute to more transparency on the market as they enable consumers to make informed choices on the products they buy”.<sup>61</sup>

Additionally, the EU has some of the world’s leading traceability regulations. This is primarily as a result of the EU legislation on IUU fishing, which mandates catch documentation for seafood products imported into the EU from non-EU sources.<sup>62</sup>

The Common Organisation of the Markets of Fishery and Aquaculture Products		
REGULATORY BODY	Council of the European Union, and Member States	
POLICY NAME	The Common Organisation of the Markets of Fishery and Aquaculture Products	(Under the Common Fisheries Policy)
DATE ENACTED	December 13, 2014	
LINK TO POLICY	<a href="#">The Common Organisation of the Markets, Consumer Information</a>	<a href="#">Infographic of proper label</a>
LABELLING DETAILS	Identify the commercial and scientific name of the species; whether the product was caught at sea or in freshwater, or farmed; catch or production area and the type of fishing gear used to catch the product; whether the product has been defrosted and the date of minimum durability (also known as the ‘best before’ or ‘use by’ date), in line with general food labelling rules.	<b>For fish caught at sea:</b> In the Northeast Atlantic, Mediterranean and Black Sea: the name of the FAO sub-area or division, as well as a simplification for the consumer (a clearer name, a map or a pictogram); In other waters: the name of the FAO area.
	Products may also be accompanied by additional voluntary information, such as the date of catch or landing, information on environmental, social or ethical matters, production techniques and nutritional content.	<b>For freshwater fish:</b> the body of water and the EU country of origin or the non-EU country of provenance. <b>For farmed fish:</b> EU or non-EU country of final rearing period.
SPECIES UNDER THE REGULATIONS	Fish, Molluscs, Crustaceans, Algae. Unprocessed and certain processed (e.g. salted, smoked, cooked in-shell) fishery and aquaculture products; Prepacked or non-prepacked.	Note: common names are typically listed on labels as well, but are usually determined by fish lists of the importing EU country. For example, the UK provides a list titled, ‘Commercial designations of fish’.
APPLICABLE BUSINESSES	Retailers and mass caterers.	
SUPPLY CHAIN’S RESPONSIBILITY	The labelling requirements must follow the seafood product from boat or farm to retailer. Therefore, all supply chain actors must provide the required information at each step of the chain. Furthermore, for imported seafood originating from non-EU sources, catch documentation must accompany the product.	
SPECIFIC TRACEABILITY LEGISLATION AND REGULATIONS	The EU fisheries control regulation requires supply chain traceability of EU harvested and landed unprocessed seafood products. It does not apply to processed products. A catch certification scheme applies to imported products from non-EU sources.	

## UNITED STATES OF AMERICA

The Country of Origin Labelling (COOL) regulation requires most U.S. retailers to provide the country of origin and production method (wild or farmed) for all fish or shellfish. Suppliers also need to make these two pieces of information available to their buyers. However, there are significant shortcomings to the regulation. The regulation's definition of 'country of origin' can conceal a product's original 'country of *harvest*' (i.e. where the seafood product was originally caught or harvested), as products that experience "substantial transformation" such as filleting or processing, are required to list the country for which this transformation occurred as the country of origin. An example of this shortcoming would be that an Alaskan caught halibut, processed in China, would therefore have 'China' listed as the country-of-origin.<sup>63</sup> In addition, some processed products such as canned tuna and fish sticks are exempt from COOL. Lastly, the majority of fishmongers and all restaurants are exempt from the regulation.

The Food and Drug Administration (FDA) Seafood List is a guidance only document. The list inherently allows for misrepresentation and mislabelling to occur, as the list is non-binding (with exceptions). The list allows for ambiguity and blanketing of many species under one market name.

Country Of Origin Labelling (COOL) Regulation		
REGULATORY BODY	USDA's Agriculture Marketing Service	Responsible for the administration and enforcement of COOL
POLICY NAME	Agricultural Marketing Act with the following amendments: The Farm Security and Rural Investment Act of 2002; the Food, Conservation and Energy Act of 2008; Consolidated Appropriations Act 2016	
DATE ENACTED	Seafood – September 30, 2004 and mandatory compliance date April 4, 2005	
LINK TO POLICY	<a href="#">Country of Origin Labelling overview</a>	
LABELLING DETAILS	Identify the country of origin and method of production (i.e. wild or farmed).	Method of production can be listed as: farm-raised, farmed, wild caught or wild.
SPECIES UNDER THE REGULATIONS	Fish and shellfish covered commodities include fresh and frozen fillets, steaks, nuggets, and any other flesh from a wild or farm-raised fish or shellfish.	Overarching "covered commodities": muscle cuts and ground lamb, chicken, goat, wild and farm-raised fish and shellfish, perishable agricultural commodities, peanuts, pecans, ginseng, and macadamia nuts.
APPLICABLE BUSINESSES	Retailers subject to the licensing requirements of the Perishable Agricultural Commodities Act of 1930 (PACA). PACA licensed retailers purchase more than \$230,000 of fresh or frozen produce a year.	Generally, includes most grocery stores and supermarkets. However smaller business such as fish mongers may be exempt as they do not meet the threshold of fresh produce. Food service and restaurants are exempt.
SUPPLY CHAIN'S RESPONSIBILITY	Suppliers of COOL commodities to applicable retailers (directly or indirectly) must provide country information and method of production to the buyer	Suppliers can provide this information on the product itself, on the master shipping container or a document such as an invoice.

The FDA Seafood List (FDA's Guide to Acceptable Market Names for Seafood sold in Interstate Commerce)		
REGULATORY BODY	Food and Drug Administration	Responsible for "ensuring that the nation's seafood supply, both domestic and imported, is safe, sanitary, wholesome, and honestly labelled".
POLICY NAME	N/A	
DATE ENACTED	First published in 1988 as The Fish List. 1993 as Seafood List when invertebrate species included. Typically updated annually.	
LINK TO POLICY	<a href="#">FDA Seafood List</a>	
LABELLING DETAILS	Guidance only. Assists suppliers on the "acceptable market name".	The list is non-binding, except for the following, where regulation or law require specific common or usual names: Pacific whiting, Bonito, Crabmeat, Greenland turbot, Canned oysters, Canned Pacific salmon, Canned tuna and Catfish.
SPECIES UNDER THE REGULATIONS	1800+ records	
APPLICABLE BUSINESSES	All markets sold in interstate commerce, however non-binding.	
SUPPLY CHAIN'S RESPONSIBILITY	N/A	
SPECIFIC TRACEABILITY LEGISLATION AND REGULATIONS	The <b>Presidential Task Force on Combating IUU Fishing and Seafood Fraud</b> has developed the Seafood Import Monitoring Program (SIMP) for 16 seafood species and species groups, representing approximately 40% of seafood imports by value. Beginning 1st January, 2018, all importers of the affected species under the SIMP, will be required to provide all necessary sourcing and chain or custody information directly to the government via an electronic form. Species need to be identified using the ASFIS 3-alpha code which is based on the species' scientific name, not common name.	



## CANADA

Regulations for fish and seafood labelling in Canada are outlined in a variety of acts which are overseen and enforced by Canadian Food Inspection Agency (CFIA) and Health Canada. Currently the only uniform requirement for seafood sold in Canada for human consumption is that it lists a Common Name on the packaging or label. While domestic products do not need to be labelled as a “Product of Canada” (it is voluntary), *Country of Origin* is technically required for all imported seafood. Unfortunately, this only means that the country where the last major transformation or alteration took place (like filleting or de-shelling) needs to be listed, not the country or body of water where the fish was *actually* caught or farmed.

To find an acceptable ‘common name’, the CFIA provides the *Fish List* as a guidance document. It is not legally binding, but simply recommended. A common name may also be from other legislation, or the name by which it is generally known. This ambiguity in even the common name means that there can be hundreds of fish with dozens of common names that can be used interchangeably.

It should be noted that the acts and regulations do not extend to restaurants or food service establishments, pet foods, fish meal, or minced fish paste.

### Various: Canada Food and Drug Act; Consumer Packaging and Labelling Act; Fish Inspection Act

REGULATORY BODY	Health Canada Canadian Food Inspection Agency (CFIA)	Health, Safety and Nutritional Quality Labelling Non-Health and Safety related labelling and enforcement
POLICY NAME	Canada Food and Drug Act; Consumer Packaging and Labelling Act, Fish Inspection Act.	New Safe Food for Canadians Act (2012) and subsequent regulations (2017/2018) will incorporate the Meat Inspection Act, Fish Inspection Act, Consumer Packaging and Labelling Act and Canadian Agricultural Products Act.
DATE ENACTED	1985	
LINK TO POLICY	<a href="#">Food and Drug Act; Consumer Packaging and Labelling Act; Fish Inspection Act</a>	<a href="#">Labelling Requirements for fish and fish products.</a>
LABELLING DETAILS	Identifies the common name and country of origin (country where it underwent last substantial transformation) for only prepackaged fish or fish products. Requirements: <b>Mandatory</b> for imports. Optional for domestic products.	Common Name: As listed in CFIA's fish list (see below), or FDR, or other legislation, or how it's commonly <b>known</b> .  <a href="#">Link to Proper Label.</a>
SPECIES UNDER THE REGULATIONS	Fish and Fish Products for human consumption, canned seafood, some fish oils (single species, or various fish and marine species).	Exempt: Surumi (minced fish paste), fish oil made with: multiple fish species, multiple marine animal species (but must be listed in ingredients section), products not for human consumption, like pet food and fishmeal.
APPLICABLE BUSINESSES	Any retail business selling a seafood product.	Food service and restaurants are exempt.
SUPPLY CHAINS RESPONSIBILITY	N/A	

### The CFIA Fish List (CFIA's List of Canadian Acceptable Common Names for Fish and Seafood)

REGULATORY BODY	CFIA	
POLICY NAME	N/A	“This policy is intended to ensure that these names are not false, misleading or deceptive, are supported by reliable scientific references and foster fair market practices.”
LINK TO POLICY	<a href="#">CFIA Fish List</a>	
LABELLING DETAILS	Guidance only. Assists suppliers on the “acceptable common name”. “The use of common names that are not on the CFIA Fish List can be assessed against the requirement that no person shall package or label fish in a manner that is false, misleading or deceptive [27, FIR; 5(1), FDA; 7(1), CPLA].”	Additional notes: Generic common names are not permitted unless listed in the Fish Inspection Regulations (eg. Fish fillets, fish portions); “Pacific salmon” is not an acceptable common name because of different market values of different species. The geographic location where the fish was harvested is optional.
SPECIES UNDER THE REGULATIONS	908 species, 1900 records due to several acceptable names for one species	
BUSINESSES IT APPLIES TO	All of industry, however it is non-binding.	
SUPPLY CHAIN'S RESPONSIBILITY	N/A	
SPECIFIC TRACEABILITY LEGISLATION AND REGULATIONS	There are discussions in the New Safe Food for Canadians Act (2012) and subsequent regulations (2017/2018) currently in progress, however these are not to end consumer, and only available to CFIA upon request, as the focus is for food recalls.  Under CFIA's import inspection program, the following sourcing details are required on all Fish Import Notification forms: common name, Taxonomic Serial Number (TSN), production method (wild or farmed) and country of harvest. The TSN is associated with a scientific name within the CFIA Fish List. In addition, importers need to provide the ‘species risk group’, as per the CFIA Fish List, which specifies whether the species is known to be a health risk (i.e. environmental contaminants, histamine production or marine toxins). However, no current regulations require this information to be passed beyond CFIA to the supply chain.	

# ACRONYMS

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**CETA** Comprehensive Economic and Trade Agreement

**CFIA** Canadian Food Inspection Agency

**COOL** Country of Origin Labelling

**DFO** Department of Fisheries and Oceans and Canadian Coast Guard

**EU** European Union

**FAO** Food and Agriculture Organization of the United Nations

**FDA** Food and Drug Administration

**FLMI** Food Labelling and Modernization Initiative

**GMO** Genetically Modified Organism

**IUU** Illegal, Unreported and Unregulated

**RoO** Rules of Origin

**StatsCan** Statistics Canada

**TSN** Taxonomic Serial Number

**US** United States

**USDA** United States Department of Agriculture

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An informed consumer is a powerful consumer. Given the state of our oceans and our collective need to feed the planet we must support sustainable seafood sources. It's the only way forward.

***Michael Smith,***

*Food Network Host,*

*Author and Proprietor, The Inn at Bay Fortune*







SeaChoice thanks fellow not-for-profit organisations Client Earth (United Kingdom) and FishWise (United States) for reviewing the report for jurisdictional accuracy.



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