

Seafood Fraud

AFDO Seafood Committee

Lisa Weddig
National Fisheries Institute
June 18, 2017

Topics for discussion

- Introduction to NFI
- Seafood Fraud Overview
- Species Substitution
- FDA Resources
- Short Weighting
- BSB Best Practices
- Enforcement

- National Fisheries Institute - nation's leading advocacy organization for the seafood industry.
- NFI's members represent almost every element of the industry
 - fishing vessels
 - processors
 - importers
 - restaurant and retail chains
 - suppliers to the industry

Better Seafood Board

- A corporate entity separate from National Fisheries Institute
- Sole focus is seafood fraud
- Link between industry and government
 - encourage enforcement
 - raise awareness of problem
 - supply chain outreach





NATIONAL
FISHERIES
INSTITUTE

MY COMMITMENT TO ECONOMIC INTEGRITY

The seafood community provides American families one of the most beneficial food choices they can make. Our entrepreneurial spirit enables us to provide consumers a variety of products, nutritious, easy to prepare and delicious.

As an industry, we recognize that it is vital for our customers and consumers to trust our industry and we want to encourage them to be confident in our products.

As a leader in the seafood community, I am committed with my NFI peers in the industry to conduct myself and my business in an honest and trustworthy manner. My company's commitment to my peers and customers is:

- That our products are correctly labeled for weights and counts.*
- That our products are correctly labeled for identity and that species are not substituted in any manner.*
- That our products are correctly labeled for the country of origin.*
- That our products adhere to all other labeling laws.*

I pledge to work with my employees, supply chain and customers to ensure they understand our company's commitment to economic integrity.

In realizing that I have made this formal commitment with my NFI peers in the industry, I also commit that if my customers have documented and unresolved concerns about the economic integrity of our business practices, I will submit to and pay for an independent audit to ensure our company's labeling practices are fair and lawful; and to provide confidence that my company is adhering to these industry principles of economic integrity.

Name (Print or type)

Title

Signature

Date



NATIONAL FISHERIES INSTITUTE

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(Type)

Title

Signature

Date

Correctly labeled for identity and species are not substituted

Correctly labeled for weights and counts

Correctly labeled for country of origin

Follow all labeling laws

Why Be Concerned?

- Erodes consumer confidence in the industry and product category
- Unfair business practices hurt companies that follow the rules
- Promotes environment of “bending the rules” to succeed
- Food safety and public health concerns
- Against the law!

Types of Seafood Fraud

- Species substitution
- Misleading labeling
 - Misidentifying country of origin
 - Misrepresenting wild vs. farmed
 - Previously frozen sold as fresh
 - Inaccurate qualifiers such as “chem-free”, “all natural”, “local catch”
- Including weight of ice glaze as part of net weight of product
- Over-treating to increase water content
- Trans-shipping to avoid Customs duties or FDA regulatory actions

Species Substitution

The substitution of a cheaper, “less desirable” fish for a more expensive, higher in demand fish.

Often misrepresented
Grouper
Red snapper

Don't exist!
White tuna
Steelhead Salmon
White Roughy

The Boston Globe ¶

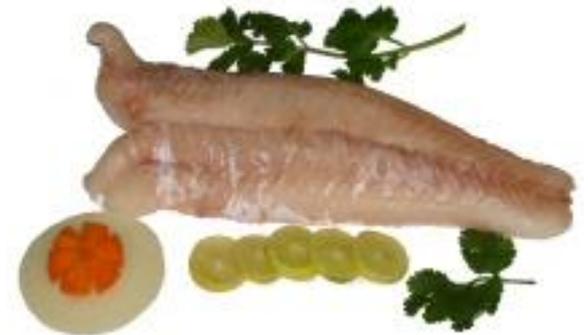
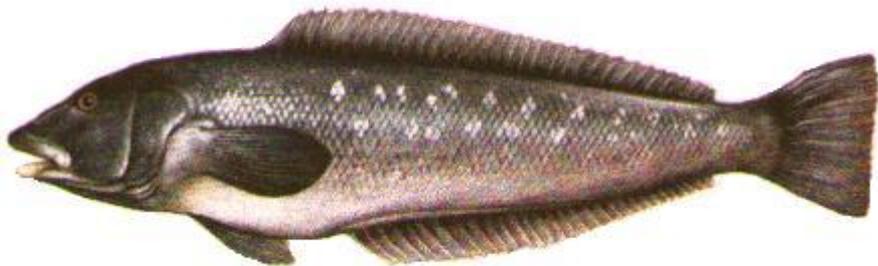
From sea to sushi bar, a system open to abuse ¶

The rampant mislabeling of fish that consumers buy can be largely traced to this: the lack of anything like the regulations

- One restaurateur used the name **butterfish** instead of **sablefish** simply because it sounds better. “Butterfish rolls off the tongue,”
- Restaurateur admitted serving **ocean perch** instead of the \$14 **red snapper** in garlic sauce listed on menu
 - The switch began when red snapper was hard to find and more expensive
 - Ocean perch about \$4/pound compared to red snapper at about \$8/pound

Understanding Fish Names

- A single species will have several different names
 - Scientific name (*Mugiloides chilensis*)
 - Common name (Chilean Sandperch)
 - Vernacular name (Sea Salmon)
 - Acceptable market name (Sandperch)



Common Names Vary Globally

- *Pagrus auratus*
 - Sold as “snapper” in Australia and New Zealand
 - FDA’s Acceptable Market Name is Porgy or Squirefish
 - Snappers in the US have been historically from the family *Lutjanidae*

Common Names Vary Regionally

- Certain *Sebastes* species
 - FDA's Acceptable Market Name is Rockfish
 - California, Oregon, Washington allow the various species to be called "Pacific Snapper"

Common Names and Politics

- Catfish
 - may only be considered to be a common or usual name for fish classified within the family *Ictaluridae*;
 - *Pangasius hypophthalmus* scientifically classified as a type of catfish but can't be called that in the U.S.
- Alaska Pollock
 - Congress mandated in FY 2016 Omnibus Appropriations that only *Gadus chalcogrammus* caught in Alaskan waters can be called Alaskan "Pollock" or Alaska "Pollock."
 - Previously any *Gadus chalcogrammus*, regardless of where harvested could be labeled as "Alaska Pollock."



U.S. Food and Drug Administration
Protecting and Promoting *Your* Health

Guidance for Industry: The Seafood List - FDA's Guide to Acceptable Market Names for Seafood Sold in Interstate Commerce

Contains Nonbinding Recommendations

- Goal is to create an appropriate, nonmisleading statement of identity
- Outlines 6 principles for acceptable market names that are not misleading

<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Seafood/ucm113260.htm>

Search the List

IV. *The Seafood List*

When determining how to appropriately label seafood, one should either check *The Seafood List*, or type in the species name using the search box below to identify acceptable market names.

Search the FDA Seafood List:



Basic Search

Advanced Search

Search: white tuna

Show Items

Clear

Search within these results

Records Found

Type

Acceptable Market Name(s)

Common Name

Scientific Name

V

Escolar or Oilfish

Escolar

Lepidocybium flavobrunneum

The Seafood List

[FDA Home](#) [The Seafood List Guidance](#) [The Seafood List](#) [Original Search Results](#) [Lepidoc](#)

Scientific Name: *Lepidocybium flavobrunneum*

Acceptable Market Name(s): Escolar or Oilfish

Common Name: Escolar

DNA Sequence Data: DNA

RFE Photos and Data: RFE

Hazard Information: HAZ

ITIS TSN (see note below): TSN

Vernacular Name(s) (See note* below): White Tuna

***Note:** The Vernacular Name(s) (above) are for **CROSS REFERENCE ONLY**, and generally not acceptable for product labeling in interstate commerce. Their use may result in seafood misbranding.

DNA Barcode Sequences for Seafood Species Identification:
Lepidocybium flavobrunneum; Escolar; FDA Market Name:
Escolar or Oilfish

Sample #FDA-178

Lepidocybium flavobrunneum; Escolar; FDA Market Name: Escolar or Oilfish

Authenticated: yes; vouchered: yes

Alabama Deep Sea Fishing Rodeo

COI DNA Sequence (barcode, FASTA format)

Additional information: NINHP ID 295225

```
>FDA_178|CFSAN19411|Lepidocybium flavobrunneum|COI-5P
TTGGGTGCATGAGCTGGTATAGTGGGGACAGCCCTAAGCCCTCTCATCCGAGCTGAACTAAGCCAA
CCAGGGGCCCCCTTCTCGGAGACGACCCAGATTTATAATGTAAATCGTTACGGGCACACGCCCTTGTAAATA
ATCTTCITTATAGTAATAACAGTATGATCGGAGGATTTGGGAACCTGACTTATCCCTCTAATAATT
GGAGCCCCCGACATAGCATTCCTCGAATGAATAACATAAGCTTTTGACTCTCTGCTCCGCTCTCTC
CTCTACTATTAGCTCTTCAGGAGTGAAGCCGGAGCTGGAACCCGGGTGGACAGTATAACCCCTCC
CTGGCCCGTAATCTAGCCCATGCTGGGGCATCCGTTGACCTAACTATTTTTTCCCTGCACTTAGCA
GGGGTCTCTCAATTCTCGGGGCAATTAATTTTATTACACCAATTATTACATGAAGCCCGCAGCC
ATCTCCCAATACCAACACCCCTATTTGTATGGGCGCTTCTAATTACAGCCGCTCTACTTCTATTA
TCCCTCCAGTCTCTAGCTGCGGGAATTACATACTACTCACAGCCGAAACCTTAACACAACTTT
TTGACCCCCGAGGCGGGGGAGACCCCAATCTCTATCAACACTTATTT
```

Sample #FDA-178 photograph: Full-size photograph (1250 x 950 px)



Photographer: J. Deeds

<http://www.fda.gov/Food/FoodScienceResearch/RFE/default.htm>

Learning Modules

FDA and Seafood Labeling Part 3

This video illustrates FDA's current work to discourage the mislabeling of seafood, and offers specific tips for regulators, retailers, and consumers in a combined effort to ensure proper seafood labeling.



Fish SCALE (Seafood Compliance and Labeling Enforcement)

- Develop and implement regulatory genetic methods that allow FDA, other regulatory agencies, and the seafood industry to
 - confirm seafood labeling
 - identify at which supply chain step mislabeling occurs
- Perform targeted field sampling assignments for high risk species

DNA Testing in the News

The Boston Globe

From sea to sushi bar, a system open to abuse

The rampant mislabeling of fish that consumers buy can be largely traced to this: the lack of anything like the regulation imposed on meat suppliers

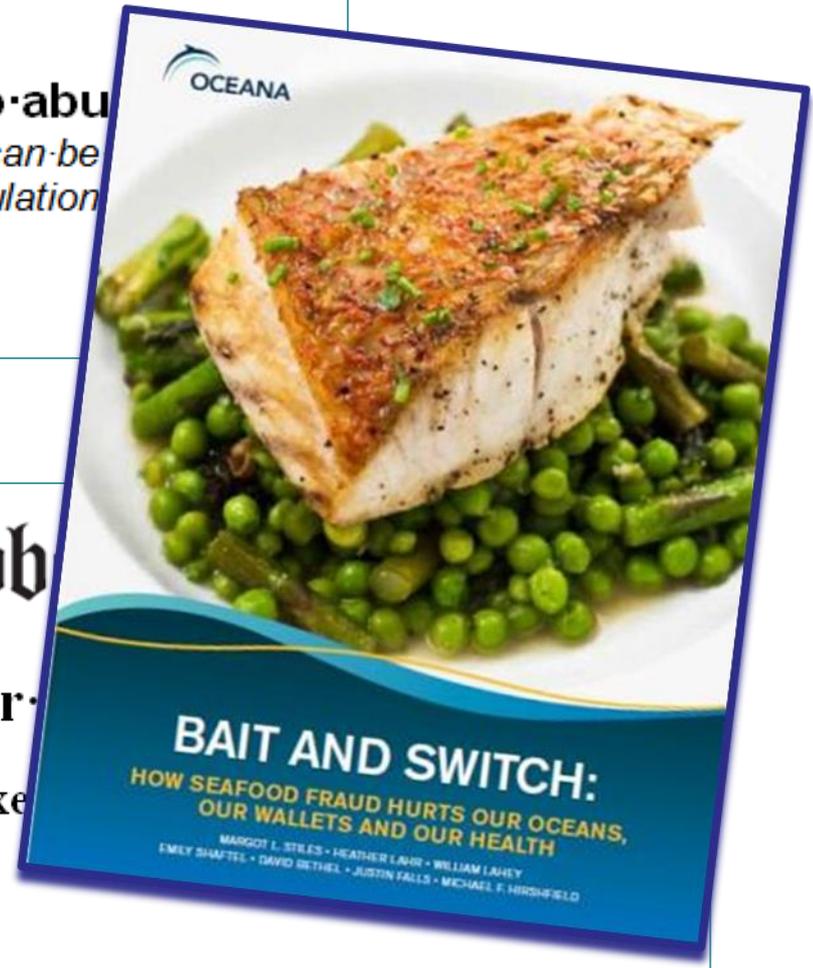
October 24, 2011 | By Beth Daley and Jenn Abelson, Globe Staff
Second of two parts

The Boston Glob

A watered-down deal for

**Frozen fish from the supermarket
consumers pay the price**

By [Jenn Abelson](#)

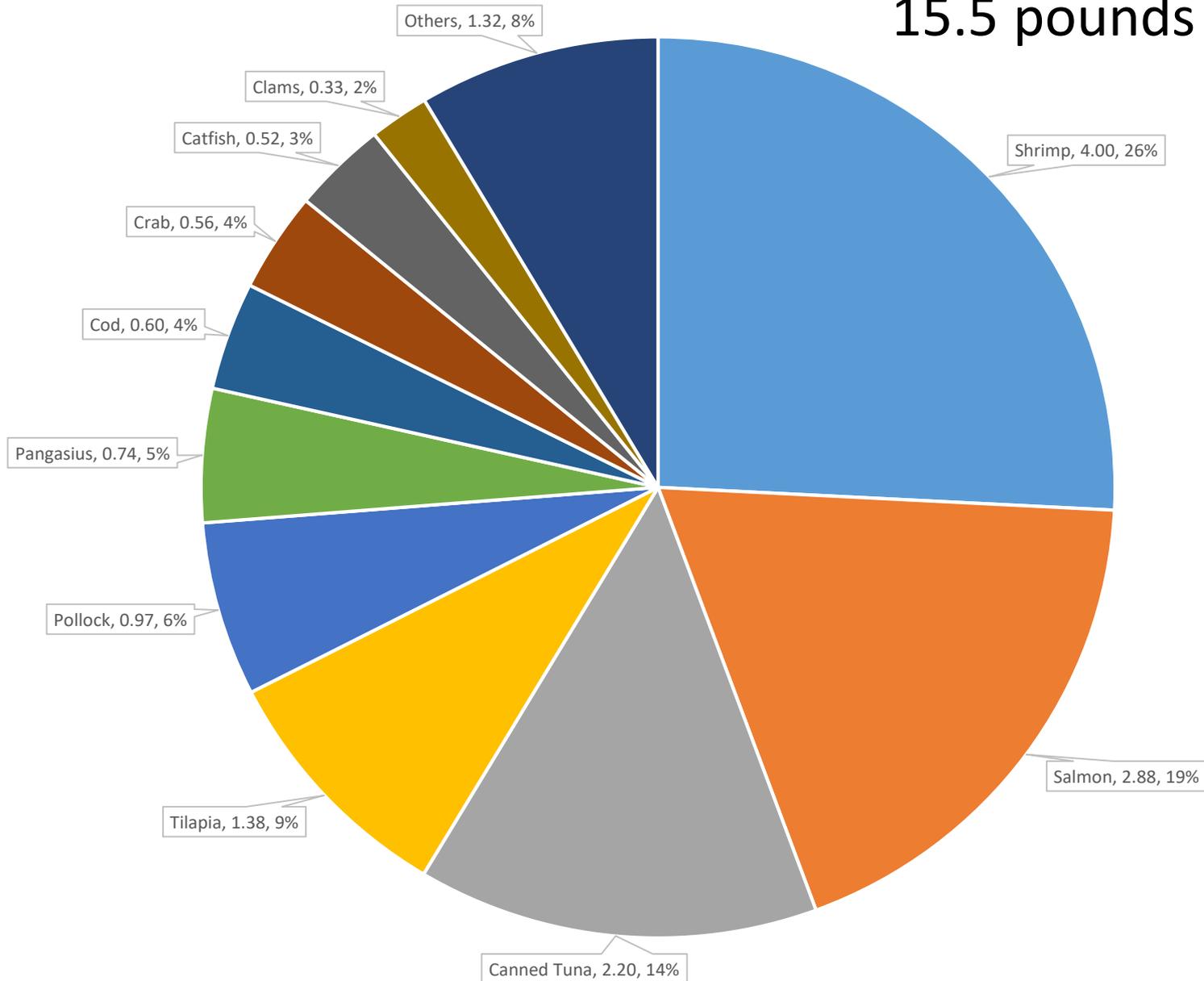


Sampling of What was Found

- South Florida
 - 31% of samples tested were mislabeled
 - Red Snapper – 86% (6 of 7)
 - Grouper – 16%
 - Atlantic salmon for wild or king salmon – 19% (1 of 5)
 - “White tuna” – 100%

2015 Seafood Consumption

15.5 pounds



- DNA testing in FY 2012 and 2013
- Samples taken at wholesale/importer level
- Purpose was to understand rate of mislabeling prior to reaching retail/restaurant

FDA Testing - Results

- 85% species tested were properly labeled
- 100% swai, catfish, cod, haddock properly labeled
- 89% grouper properly labeled
- 63% snapper properly labeled

Short Weighting

Generally the result of including the weight of the ice glaze as part of the net weight of the frozen product.

June 4, 1991 ¶

Dear Seafood Manufacturer: ¶

The Food and Drug Administration (FDA) is, by this letter, warning members of the frozen seafood industry that the net weight of frozen seafood may not include the weight of glazing (ice). FDA has received a number of complaints from seafood trade associations, the seafood industry and other Federal agencies concerning recent increases in the fraudulent practice of including glaze (ice) as part of the weight of frozen seafood such as shrimp, lobster, and fish fillets. ¶



Games People Play

TO: SEAFOOD BUYER

FROM: Alphen Yuan

TEL: 86-532-80999580

FAX: 86-532-80999380

EMAIL: joinseafoods@ahoo.com

Website: www.joinseafoods.com

LOS ANGELES OFFICE:

TEL: 1-626-336-3218

FAX: 1-626-336-3230

PRODUCT OF CHINA

2008-09-30

CHANNEL CATFSIH: JUST RELEASED BY FDA

CHANNEL CATFISH IQF, 15LBS CARTON

BRAND: XIHE

90%NW 5-7/7-9OZ FOB PFS CHICAGO \$1.80/LB

95%NW 5-7/7-9OZ, FOB PFS HOUSTON: \$1.90/LB

100%NW3-5/5-7OZ, FOB PFS NEWARK: \$2.00/LB

100%NW3-5/5-7OZ, FOB PFS NORFOLK: \$2.00/LB

Subject: Crystal Cove Seafood is looking for...Kingfish

Crystal Cove Seafood is currently looking for the following items:

(1) Item: Kingfish - Whole Head-On Gutted

Size: 5/15 lbs

Net Weight: 90%

Quantity: 3 loads

(2) Item: Kingfish Steaks

Size: 6/8 thru 10/12 oz

Quantity: 2 loads

Shipment to: San Juan, Puerto Rico

Please advise your best prices.

Thank you.

Regards,

Jim Salierno

Crystal Cove Seafood Corp.



BSB Response

- we were recently informed of an offer that you made to a U.S. importer offering 90 - 95% net weight on channel catfish
- This communication appears to constitute an offer to collude to violate U.S. law. We ask that you reconsider such offers to U.S. businesses.
- .. send a copy of this letter to officials in the U.S. Food and Drug Administration,
- ..providing a copy of this letter to the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) and to the Commercial Minister of the Chinese Embassy in Washington, DC.

“Justifying” Short Weights

FROZEN BASA FILLETS



NUTRITION INFORMATION (Per 100g)	
Calories	50
Protein	
Fat	
Carbohydrate	

INGREDIENTS : BASA FILLETS, GLAZE WATER
NOT FOR RETAIL SALES

TOTAL WEIGHT : 15 LBS (6.81 KGS)

GLAZE WATER : 3 LBS

NW : 80% OF FROZEN SEAFOOD PRODUCT

PACKED BY :

FDA REG No :

PRODUCT OF VIETNAM

Limens
FROZEN SEA PRODUCTS

COOKED
SHRIMP
PEELED & DEVEINED
TAIL - ON

PRODUCED BY: 14092214550 READY TO EAT
INDIVIDUALLY QUICK FROZEN

Imported & Distributed by:

MENDEZ & CO

Calle Diana # 16

Centro de Distribución Amelia

Guaynabo, Puerto Rico, PR. ZIP# 00969

Weight: 1 Lb

Net Weight: 12.8 Oz

KEEP FROZEN
NUDBR -18°C

7LBS
8LBS

100%
TOP QUALITY

9LBS
 10LBS

PRODUCT DATE : 12/06/2013
CHINA

BEST BEFORE: 24 MONTH
HACCP NO : 2100/02964
FDA REGISTRATION NO: 13111227560

Best Practices for Addressing Fraud

Industry Guidance of Best Practices for Addressing Seafood Fraud

Developed by a Task Force of
Better Seafood Board and
National Fisheries Institute Members

2016



NATIONAL
FISHERIES
INSTITUTE

The Guidance is available to both members and non-members as a useful tool to promote the objectives of the Better Seafood Board

Scope of Guidance

- The guidance does not go beyond what is required by the FDA, USDA, Customs and Border Protection and, in certain instances, the Federal Trade Commission
- Relies on applicable U.S. rules and regulations as reference throughout the document

Intention of Guidance

Developed with two audiences in mind.

Provides information to help ensure that:

1. Sellers are not committing fraud, and
2. Buyers are receiving the product they want.

Addresses 4 Types of Fraud

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Each section includes an introduction and the significant laws and regulations

Products are correctly labeled for weights and counts

Introduction: According to federal regulations, seafood is sold by weight, with the exception of shellfish which can be sold by weight and/or count. Labels attached to the product must accurately reflect the declared weight or count. Mislabeling for weight, other than what is accurate, is considered a fraudulent activity and lessens the seller's credibility. Examples would include rounding up or adding extra materials to increase the weight.

Laws and Regulations: Laws regarding weights and counts of seafood are contained in the Food, Drug and Cosmetic Act, 21 CFR, Part 101; and in the NIST Handbook 133.

Methods for processors and suppliers

Methods to Ensure Correct Weights and Counts during Processing: Measuring devices, such as scales, should be calibrated regularly to ensure accuracy. Staff should be trained to accurately weigh product before printing and affixing the label. Quality control examples may include:

- *Have a policy statement to always pack the product to at least the declared weight or count.*
- *Have and implement a written net weight control procedure.*
- *Ensure that all relevant staff are trained in the calculation of weights and counts, and the corresponding labeling policy and procedures for weights and counts.*
- *Maintain documentation to demonstrate that in-plant testing has been done and/or net weight calculations are regularly performed to verify products against the label net weight declaration.*
- *Maintain records of operation parameters for glazing process (for frozen products, if applicable).*
- *Follow USDC or AOAC method for deglazing and determining net weight for frozen product.*
- *Use AOAC methods for calibration procedures for thermometers and scales.*
- *If purchasing frozen product with the intent to repack, procedures should include calculating the actual glaze percentage, keeping in mind the amount of glaze will be deducted when determining net weight.*

Methods for buyers

Methods to Verify Supplier is Delivering Correct Weights and Counts: Examples of verification procedures and controls may include:

- *Clearly state in the product purchasing specifications that net weight must be accurate and verified according to the specific testing methodology. For frozen product, specify that the net weight does not include the weight of the glaze.*
- *Establish procedures for addressing short weight shipments with the supplier.*
- *Upon receipt, samples taken from a shipment should be weighed to verify the net weight listed on the label is an accurate statement of the deglazed weight of the product and documented.*
- *Shipment records and bills of lading should be kept according to regulatory requirements.*

Each section has a corresponding appendix with detailed information

Appendix 1 – Net Weight Determination for Seafood

(Version 08.01.2016)

Background

The net weight of fish and seafood products is a large factor in determining the price and the credibility of the seller. As a consequence, determining the correct net weight plays a large role in preventing seafood fraud. The following guidance is offered for determining the correct net weight for seafood.

Accuracy of the Scales

An important first step is maintaining accuracy of the scales. Necessary steps include:

- *Calibrating the scales on a routine basis*
- *Maintain a log of when scales are checked for accuracy*
- *Conducting, at a minimum, an annual third party or regulatory calibration, e.g., local weights and measures*
- *Checking the calibration weights for accuracy on a regular basis, following state guidelines*

Weighing Procedures

Weighing Procedures include:

- *Training new employees in scale maintenance and instructing them on the importance of preventing water buildup*
- *Keeping scale surfaces free of water and debris while in operation*
- *Using squeegees, as needed, at every scale station to prevent water and particulate build up*

Quality Control

Quality Control steps include:

- *During quality control inspections on incoming products, checking for excess liquid in containers, especially box-in box-out, where a problem could easily be forwarded to the next step in the chain*
- *Controlling the tare on containers in an ongoing manner*

Support Enforcement

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, February 6, 2012

**California Seafood Corporation Sentenced to Pay \$1
Million for False Labeling of Seafood Products**



**SEAFOOD WHOLESALER SENTENCED FOR FALSE LABELING OF
FISH**

TUESDAY, MAY 24, 2011

BOSTON, Mass. - Thomas Katz, 65, of Burlington, Mass., and Universal Group Inc., were sentenced today in federal court in Boston for their roles in purchasing and selling falsely labeled Asian catfish. Katz was

Contact: U.S. Department of Justice
United States Attorney
Southern District of Florida
(305)961-9001

FOR IMMEDIATE RELEASE
September 9, 2011

**SEA FOOD CENTER, LLC. AND ITS PRESIDENT
PLEAD GUILTY TO CONSPIRACY TO MISLABEL SHRIMP**



Washington State
Office of the Attorney General

Attorney General
Bob Ferguson

[Home](#) [Safeguarding Consumers](#) [Protecting Youth](#) [Protecting Seniors](#) [Crime & Safety](#) [Office Information](#) [AG Op](#)

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AG: LOCAL BUSINESSES MUST STOP MISLABELING SUSHI

Testing found that the restaurants labeled their sushi as “white tuna” or albacore when it was actually escolar. Additionally, Sushi Tokyo mislabeled tilapia as “Tai red snapper.” AGO investigators determined that the restaurants had purchased correctly named fish but changed the names on their menus.

In addition to agreeing to discontinue deceptive practices, the two businesses must pay the Attorney General's Office's costs and fees in the cases: \$4,000 for Sushi Tokyo and \$1,500 for Oto Sushi.

Florida Dept. of Agriculture & Consumer Services



Adam H. Putnam
Commissioner

Mislabeled Seafood Products is Illegal

Florida Department of Agriculture and Consumer Services

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Mislabeled Seafood Products is Illegal

Consumers need to be informed when it comes to buying seafood. Knowing what

Laws and Regulations

Florida Statutes
Chapter: [509.292](#)

Contact

<http://www.freshfromflorida.com/Divisions-Offices/Marketing-and-Development/Food-and-Nutrition/Food-Safety/Mislabeled-Seafood-Products-is-Illegal>

LA County Dept. Public Health

Our Vision: A Healthy and Sustainable Environment for the Residents of Los Angeles County

Why you should avoid buying or selling mislabeled seafood:

It's illegal. Mislabeling or substituting seafood is a violation of California Health and Safety Code, Section 114087.

Environmental Health conducts special inspections to protect consumers from the sale of adulterated, misrepresented, and/or mislabeled seafood.

Seafood Labeled	Actual Species or Less Expensive Substitute
White Tuna (does not exist)	Escolar
Stripper and Snapper	Rookfish Tai Seabream Tilapia Ocean Perch Pollock Cod
Large Roughy	Swal
But	Striped Bass Fluke Turbot Seabass Flounder
Wild-Caught Salmon	Farm-Raised Salmon

Escolar, pictured to the right, is sometimes mislabeled and sold as "white tuna." White tuna is not a real species. Escolar can cause gastrointestinal illness or other health problems for some customers. It is important to sell and offer honestly presented seafood in order to protect customers' health.



Escolar

Tips for buying and selling safe seafood:

Compare the label on the food container or packaging with the invoice or receipt to make sure it matches what you ordered.

Remember, *white tuna* does not exist. If your invoice says *white tuna* or it is missing information such as species or country of origin, do not accept delivery. Return the product to the supplier or distributor, and ask for more information, or contact your Health Inspector for advice.

Questions? We're here to help!

If you suspect seafood mislabeling or substitution, contact Environmental Health at (626) 430-5200 during business hours, 8 am to 5 pm, Monday through Friday; call the 24-hour Hotline at (888) 700-9995; or send an e-mail to ehmail@ph.lacounty.gov.



Red Snapper



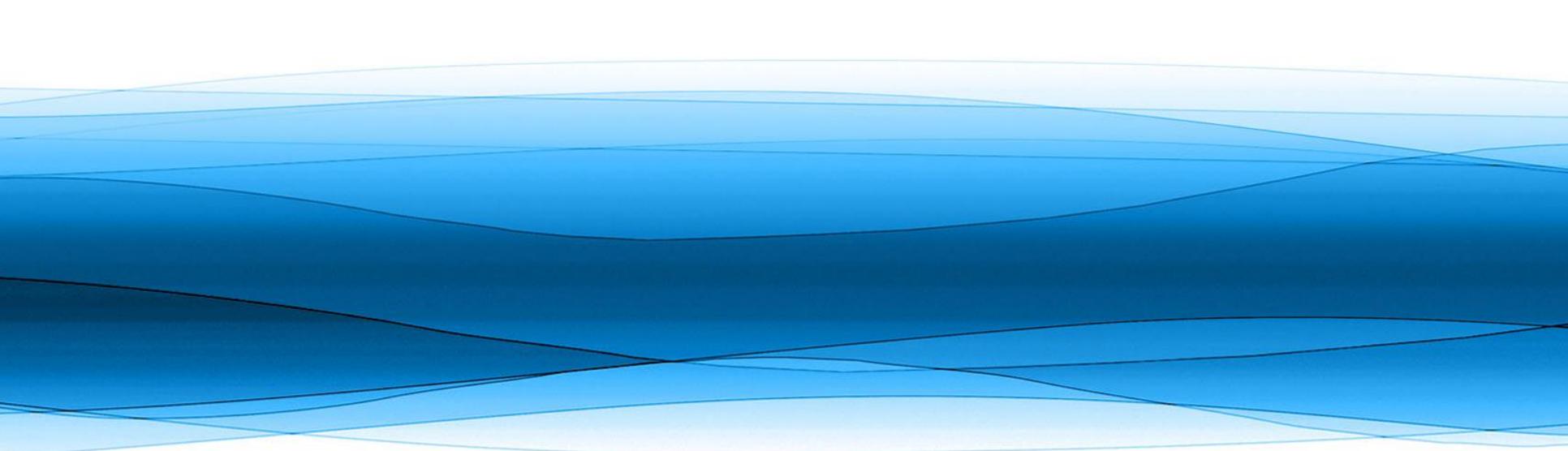
Red Snapper Fillet



Tilapia



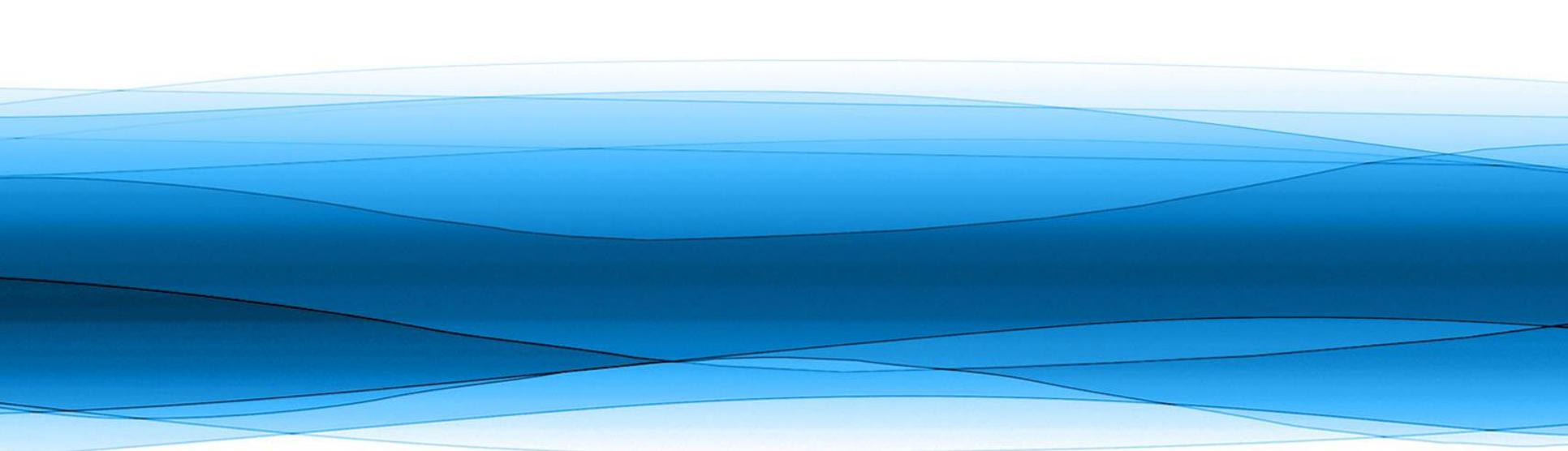
Tilapia Fillet



The Broken Window Theory

Alleviating Larger Problems
by Sweating the Small Stuff

- New York City:
 - 1984-1990: NYC Transit Authority begins patrols of subways to combat graffiti and fare dodging
 - 1993: Mayor Giuliani adopts “zero tolerance” strategy for entire city: NYPD targets all types of petty crime
 - 2001: Study finds that rates of petty and serious crime fell significantly and continued to fall in years after implementation



The Broken Window Theory

But can it apply to food
fraud?

Foreign Suppliers Short Weighting Products

Fraud

- Supplier 1 selling 10 pound boxes of frozen fish fillets that tested at less than 90% net weight
- Supplier 2 selling 10 pound boxes of frozen fish fillets that tested at less than 95% net weight

Food Safety

- Supplier 1 had entries refused for being “filthy”
- Supplier 2 had entries refused for being “filthy” and no ingredient statement

Supplier Mislabeling Species

Fraud

- falsely labeled Chilean-imported farmed salmon as a “product of Scotland”
 - 3 years probation and \$50,000 fine.
- Pled guilty in 2011 for relabeling imported haddock from China as product of the USA.
 - One year probation and \$20,000 fine.

Food Safety

- February 2013 recall of smoked salmon products for *Listeria monocytogenes*
- January 2013 FDA Warning Letter for numerous Seafood HACCP violations

Importer of Short Weight Products

Fraud

- Offers to sell product at less than 100% net weight

Tilapia 350/550	90% net wt	40lbs	\$0.92
Tilapia 550/750	90% net wt	40lbs	\$0.98

Food Safety

- FDA Warning Letter –
- Significant violations of the seafood HACCP regulation
 - failed to have or implement affirmative steps
 - failed to have product specifications that are designed to ensure product imported by your firm is not injurious to health
- On Import Alert 16-119
 - Detention Without Physical Examination Of Fish And Fishery Products For Importer And Foreign Processor (Manuf) Combinations

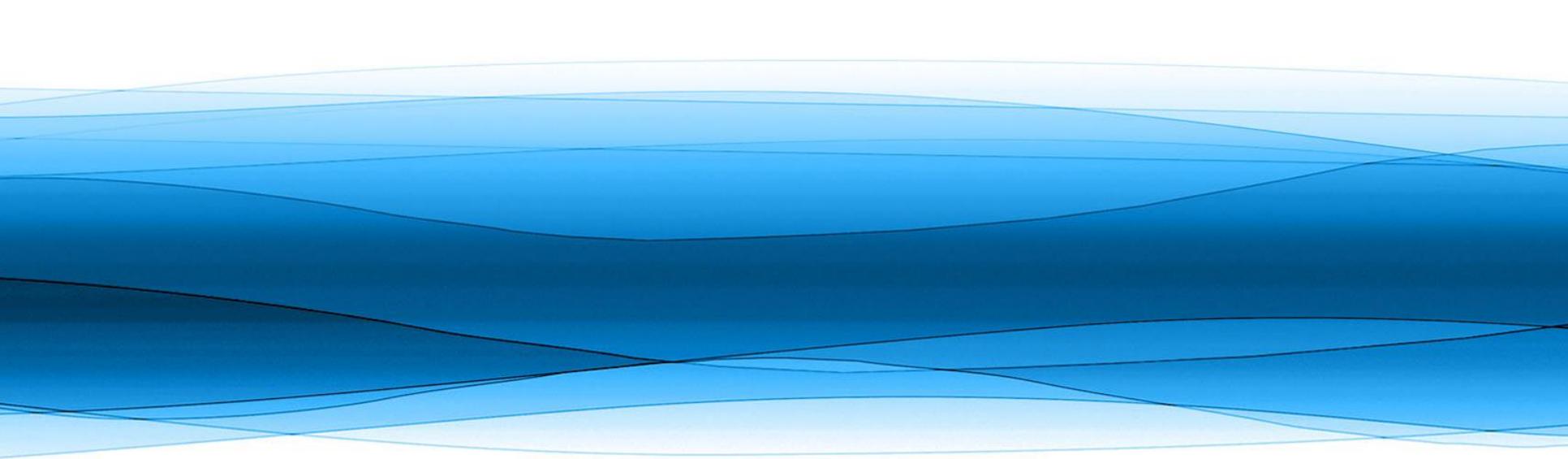
Indicted, Pled Guilty, Serving Time

Fraud

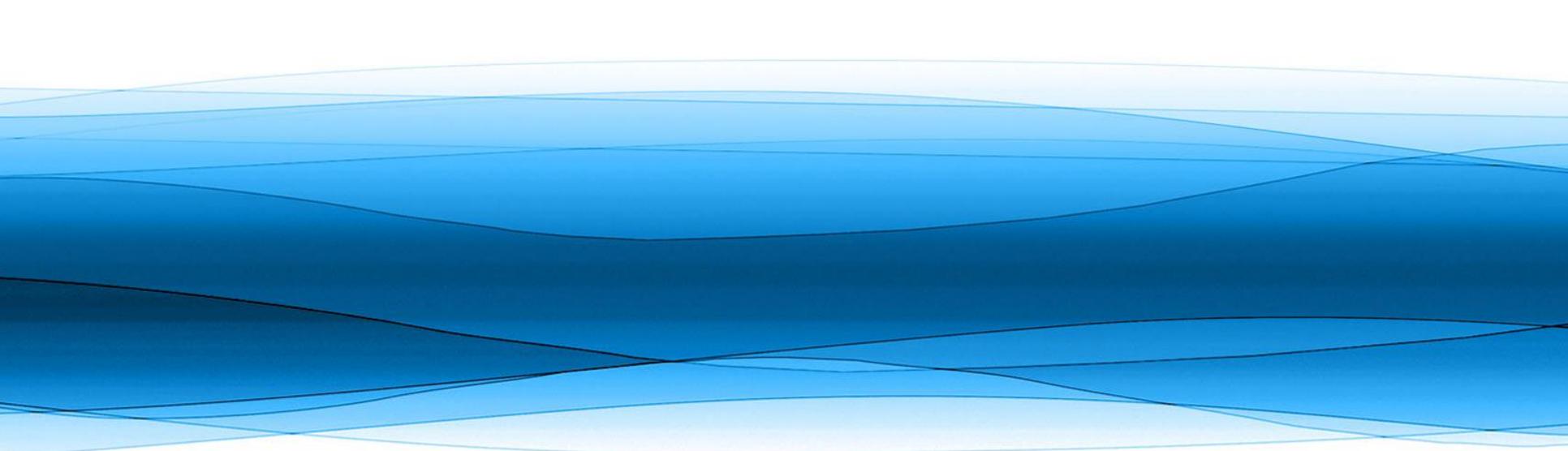
- imported *Pangasius* fillet as sole avoiding duties
- purchasing and creating false labels describing imported *Pangasius* fillet as grouper;
- falsely labeling and selling Lake Victoria perch as grouper and/or snapper

Food Safety

- Changing harvest dates on oyster tags indicating a more recent harvest date



Questions?



Thank You

Lisa Weddig

www.betterseafoodboard.com