

Testimony before Massachusetts Legislature's Joint Committee on Consumer Protection and Professional Licensure

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Good afternoon and thank you for your time Mr. Chairman.

My name is Gib Brogan and I am the Northeast representative with Oceana, the largest international advocacy group working solely to protect the world's oceans. Oceana is encouraged by the work of this committee to tackle the issue of seafood mislabeling and fraud and looks to Massachusetts to set an example for the rest of the nation. Seafood mislabeling threatens not only seafood consumers but also the work of honest, law-abiding fishermen who deserve to be paid fairly for their catches of local fish that are caught within the bounds of fishery management plans.

Massachusetts is home to two of the top twenty fish ports in the U.S., with ports like Gloucester and New Bedford landing close to \$500 million worth of fish in 2010. These remarkable catches are in competition with other catches from around the world including those coming from the so-called pirate fisheries that are Illegal, Unregulated and Unreported. Today more than 80 percent of U.S. seafood is imported with less than two percent inspected and less than a fraction of a percent specifically inspected for seafood fraud.

Allowing imports to be mislabeled as local Massachusetts catch is a direct threat to the Massachusetts fishing fleet and to the world's oceans.

Oceana decided to work on the issue of seafood fraud after reading stories and reports of mislabeled seafood sold throughout the U.S. Recent studies have found that seafood may be mislabeled as often as 25 to 70 percent of the time for fish like red snapper, wild salmon, and Atlantic cod, disguising species that are less desirable, cheaper or more readily available. To respond to this issue, which we see as both a consumer and a marine conservation issue, Oceana has launched a campaign to highlight the magnitude of this problem and to work toward concrete solutions at both the federal and state levels.

In the spring of 2011, Oceana conducted seafood testing targeting fish sold in major supermarkets in Eastern Massachusetts to confirm the identity of the fish through DNA verification testing. Our results found that:

- In total, 18 percent (16/88) of the species identified by DNA analysis were found to be mislabeled.
- The rate of mislabeling ranged from 14 to 23 percent for any given supermarket chain.
- The species of fish most commonly mislabeled in our study of Boston markets was Atlantic cod. Pacific cod was consistently substituted for Atlantic cod in our study.

- The other consistently mislabeled fish species in our study was vermilion snapper. Four out of the six vermilion snapper fish purchased were actually true red snapper, while the other two were lane snappers.
- The substitution of grey sole for yellowtail flounder rounded out the remaining mislabeled seafood in our study.

The results of this testing supports the findings of the *Boston Globe* study, which was also conducted in 2011.

- Eighteen percent of the Globe's 27 supermarket and fish market samples were similarly found to be mislabeled.
- Nearly half (48 percent) of the Globe's 183 samples collected from all retail venues, including restaurants, were discovered to be mislabeled through DNA testing

The root cause of this mislabeling is likely a range of reasons, from outright economic fraud where cheaper species are sold as more expensive species, to a simpler misidentification of a species from another region, to complex schemes to avoid tariffs or avoid country-of-origin labeling. Regardless of the causes and explanations, this is a problem for both consumers and fisheries managers and should be controlled.

It should also be noted that there are public health issues to be considered related to mislabeling. Some fish are known to harbor dangerous toxins that can cause illness or death if consumed. I can personally attest to seeing Cubera snapper, a Caribbean snapper species that is known to harbor the ciguatera toxin, a frequent cause of food poisoning from fish, being sold in the Boston area as "Red Snapper," a species that is unlikely to harbor this toxin. Seafood mislabeling is a risk for consumers and the oceans.

What can Massachusetts do to stem the tide of mislabeled fish from questionable sources?

Seafood is a global industry and should be regulated like other global industries with oversight, accountability and transparency. As your committee considers the issue, Oceana would like to suggest that you strive to ensure that every piece of fish sold in Massachusetts, whether frozen in a bag in a supermarket, on ice at a fish market or sold at a Boston restaurant, provides the consumer with fundamental facts about their purchase:

Labeling: Requiring a labeling program that will enable consumers to easily view important information about their purchase, including:

- 1) The market name and scientific name or names of the seafood
- 2) The production method of the seafood (farmed or wild-caught);
- 3) Whether the seafood was previously frozen;
- 4) The catch area or aquaculture production area of the seafood;
- 5) For wild-caught seafood, the gear type used to catch the seafood; and,
- 6) The catch date for the seafood.

Traceability: Requiring a traceability program to track catch from the boat to the plate through all intermediate steps will ensure that catches are not co-mingled and substituted before reaching the consumer. Technology exists to allow this traceability and is being used by some restaurant chains around the country. A traceability system that is transparent with oversight and accountability built in would allow fish to be tracked from catch to final point of purchase, thus ensuring that only safe, legal and honestly labeled seafood are sold in Massachusetts. Additionally, consumers would be provided with more information about the fish they are purchasing.

Enforcement and Monitoring: Establishing a penalty schedule for mislabeling will encourage compliance at the wholesale and retail levels and will bring the necessary emphasis to this important issue. The committee should also create a pathway to encourage consumers to report suspected mislabeling.

With more than 1550 registered seafood dealers in the state, this is not an easy problem to tackle. But as a high-risk food with serious health ramifications for consumers and a high value to the thousands of fishermen in the state, your committee must take action to ensure that what is on the label is what is in the bag.

Oceana commends your committee for its action to investigate this important issue. If there is anything that Oceana can do to help you in your work in the future, please do not hesitate to ask.

Thank you for your time,

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