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Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600 **CANBERRA ACT 2600**

Fisheries Research and Development Corporation submission to the Inquiry into the current requirements for labelling of seafood and seafood products

Executive Summary

The Fisheries Research and Development Corporation (FRDC) is a co-funded partnership between the Australian Government and the fishing industry. It was formed as a statutory corporation on 2 July 1991, under the provisions of the Primary Industries Research and Development Act 1989 (PIRD Act) and is responsible to the Minister for Agriculture.

The FRDC undertakes research, development, extension and marketing activities along the whole supply chain – from producer to consumer.

FRDC firmly contends that many of the concerns raised by consumers will be addressed through the formal recognition and legislated adoption of the Australian Fish Names Standard (AFNS) within the Food Standards Code. This measure would provide a huge boost in consumer confidence in the Australian seafood industry and would go a long way to reducing the opportunity and incidence of deceptive practices in the seafood supply chain.

Recommendations

1. Fish and fish products be labelled with standard fish names as defined by the Australian Fish Names Standard - <http://seafoodstandards.com.au/fish-names/>.
2. Use of the names defined in the AFNS be prescribed through an amendment to the Standard 2.2.3 of the Food Standards Code to make the AFNS mandatory rather than an advisory note.
3. The existing labelling requirement that fish and fish products be identified with the Country of Origin be continued and enforced.
4. Fish and fish products have the option to be labelled with further information as to its regional provenance e.g. "Product of Tasmania;" provided it can be justified.
5. There be no reduction in the traceability information that is currently required on packaging of fish and fish products.
6. The major supermarket chains are encouraged to provide access to information collected on consumers to assist in communicating to them in the event of a seafood recall.
7. Support in principle elements of the European Union Regulation 1379/2013 Article 35. Noting that a formal regulatory impact assessment should be done to understand impact of implementation on seafood businesses.
8. Inspection of food service outlets be increased to encourage compliance with labelling laws and to ensure that labelling claims are in fact correct.

FRDC as a Standards Development Organisation

The FRDC is an accredited Standards Development Organisation. It has been accredited to develop Australian Standards within the scope of terminology, sustainability and operational practices in the fishing industry.

One of the key Australian Standards that FRDC is responsible for is the Australian Fish Names Standard AS 5300.

FRDC and the Fish Names Committee, the standards reference body responsible for the maintenance of the Australian Fish Names Standard (AFNS) have been continually improving the AFNS since 1998 and have put together a committee that is representative of all key stakeholders in the Australian seafood industry.

The Australian Fish Names Standard defines standard names to be used for fish and fish products traded in Australia. The purpose of the AFNS is:

- To improve monitoring and stock assessment thereby enhancing the sustainability of fisheries resources;
- To Increase efficiency in seafood marketing and improve consumer confidence and industry profitability;
- To Improve accuracy in trade descriptions which enables consumers to make more informed choices when purchasing seafood and reduces the potential for misleading and deceptive conduct;
- To provide more efficient management of seafood related public health incidents and food safety through improved labelling and species identification which reduces public health risk and facilitates efficient product recall arrangements;
- To enhance marketability and consumer acceptability of the standard fish names used for a species eliminating misleading and deceptive conduct.

It is important to note that Australia has over 5000 native species of finfish, crustaceans and molluscs. Around 600 of these species are important commercially, and many others support recreational activities such as fishing and diving.

The Australian Fish Names list prescribes a standard fish name for around 4,000 of the Australian species and most of the species that are imported into Australia.

More information on Standards and the AFNS is available via the web – www.seafoodstandards.com.au and www.fishnames.com.au

Additional Submissions and comments

The FRDC has received additional feedback on this submission from three of its representative organisations. A summary of their comments are located at [Attachment 1 – Individual submissions and comments from FRDC Representative Industry Organisations.](#)

The FRDC Common Language Group (CLG) – as referred to in the *Terms of Reference* item (f) – was invited to provide additional comment to this submission. Their formal response to the FRDC is included as [Attachment 2 – Submission from FRDC Common Language Group.](#)

Comments on the specific terms of reference

The FRDC have provided detailed responses to all the terms of reference. These are outlined in the following pages.

a) Whether the current requirements provide consumers with sufficient information to make informed choices, including choices based on sustainability and provenance preferences, regarding their purchases;

Existing labelling requirements

The labelling requirements for fish and fish products for retail sale vary considerably depending on the category of food. E.g. packaged fish and fish products need to include ingredients listing and nutritional panels whereas there is no such requirement for unpacked fish and fish products

Food for retail sale must comply with the following standards:

- Food Identification Requirements (Standard 1.2.2 sub clause 1(2))
- Characterising Ingredients and Components of Food; (Standard 1.2.10 sub clause 2(3))
- Country of Origin Labelling (Standard 1.2.11 subclasses 2(3) and 2(4), and clause 3)
- Fish and Fish Products (Standard 2.2.3 clause 2)

There are no legislated and enforceable labelling requirements for fish and fish products sold to consumers through the foodservice sector (restaurants, cafes, etc.). The table below provides a brief outline of current requirements.

Food category	Labelling Requirement
Name of food	
Fish and fish products for retail sale – packaged	<ul style="list-style-type: none"> • The prescribed name of the food, where the name of a food is declared in this Code to be a prescribed name; and • in any other case, a name or a description of the food sufficient to indicate the true nature of the food.
Fish and fish products for retail sale – unpackaged Fish, including cut fish, filleted fish, fish that has been mixed with one or more other foods and fish that has undergone any other processing including cooking, smoking, drying, pickling or coating with another food	<ul style="list-style-type: none"> • The prescribed name of the food, where the name of a food is declared in this Code to be a prescribed name; and • in any other case, a name or a description of the food sufficient to indicate the true nature of the food; must be displayed on or in connection with the display of the food; or provided to the purchaser upon request.
Country of origin	
Fish and fish products for retail sale – packaged	<ul style="list-style-type: none"> • a statement on the package that identifies where the food was made or produced; or • a statement on the package that identifies the country where the food was made, manufactured or packaged for retail sale; and to the effect that the food is constituted from ingredients imported into that country or from local and imported ingredients as the case may be.
Fish and fish products for retail sale – unpackaged Fish, including cut fish, filleted fish, fish that has been mixed with one or more other foods and fish that has undergone any other processing including cooking, smoking, drying, pickling or coating with another food	<p>A label on or in connection with the display of the food:</p> <ul style="list-style-type: none"> • identifying the country or countries of origin of the food; or • containing a statement indicating that the foods are a mix of local foods or imported foods or both.

Requirements for the export and imported of fish and fish products

An anomaly exists in the labelling requirements to import and export of fish and fish products to and from Australia.

Australian exporters of fish and fish products must use the Australian Fish Names list as part of the Department of Agriculture ExDoc system. This means exporters are compliant with the AFNS.

Importers of fish and fish products however do not have the same requirements. The Imported Food Inspection Scheme refers to the Food Standards Code. Because the use of the AFNS is not mandated in the Food Standards Code, the naming of fish and fish products cannot be enforced at the border. This means the seafood that is in the box, may not necessarily match what is written on the outside on the box.

Enforcing and policing correct labelling.

The second anomaly is in relation to complaints about imported fish or seafood products. Because the names are not mandated in the Australian Food Standards Code, when a complaint is made, responsibility for it falls between the State Department of Health (custodian of the Food Standards Code) and Department of Consumer Affairs.

If names were mandated in Standard 2.2.3 of the Food Standards Code, this anomaly would be addressed.

Sustainability

There is currently no requirement that food for retail sale be identified with information about either sustainability or farming, harvest or capture methods.

Australian Fisheries are well managed for sustainability and are assessed and reported against. The Status of Australian Fish Stocks Report (www.fish.gov.au) provides detailed data about stock levels and individual state and territory fisheries report on the status of their fisheries.

Therefore, by inference, all fish and fish products that are labelled as Product of Australia are from well managed and sustainable sources. A key issue is that at present consumer may not realise that they are not buying Australian seafood.

In addition without knowing where a fish and fish products is from it is much more difficult to research its origin. Therefore it is much harder to find any information about its sustainability status.

Legislated use of the AFNS would allow interested consumers to more easily research the products that they are interested in.

Capture method

There is currently no requirement to indicate the farming, harvest or capture methods methods of fish and fish products.

At present there is no Australian consumer (market) research that explores preferences for information on farming, harvest or capture methods method being included in product labelling.

b) Whether the current requirements allow for best-practice traceability of product chain-of-custody;

Discussion

The starting point for any traceability system should be consistent naming and labelling. Therefore all fish and fish products should be labelled with the proper fish name from the AFNS.

A basic system for traceability uses the “one-up one-down” approach, whereby every person in the chain knows where a product has come from and who it has been supplied to.

All food businesses are required to be able to trace their product (basic purchase and sales records) and to have a documented food recall plan in place. Additionally, packaged food including fish and fish products must include certain information sufficient to be able to trace and recall the product if necessary.

Traceability information that is specifically required on food packaging and therefore available to the consumer is:

- The name of the food;
- Lot identification sufficient to be able to trace the food; and
- Name and business address of the supplier (manufacturer, packer, vendor or importer).

The same level of information is not required nor always available to the customer for fresh unpackaged fish and fish products.

A wholesaler may supply a retailer a number of boxes of fish or fish products that are appropriately labelled and contains the necessary information for traceability. The retailer however can mix the batches for retail sale. While there is nothing that currently prevents this, tracing product in the event of a food recall becomes increasingly difficult.

Advances in technology and innovative solutions are providing new ways to provide information and improve traceability throughout the supply chain. These include:

- Barcoding at point of capture;
- Tagging with relevant information;
- Tagging with QR codes;
- RFID tagging.

Where the information on capture/harvest is made available throughout the chain, a person in a restaurant could be informed with information such as date, time, and location of farming, harvest or capture methods, temperature of storage throughout the chain.

There is nothing that currently prevents the implementation of these innovations and the cost of implementation is becoming increasingly less expensive.

Individual tagging of the animal is realistically only an option for higher value products such as Abalone, Rock Lobster, Southern Bluefin Tuna, and Atlantic Salmon etc. For instance, it would not be practical or cost effective to tag every prawn at point of capture.

The problem with conducting a food recall after purchase is that consumers must listen to or read media reports and be able to find the relevant batch code on the product packaging.

The major supermarkets capture information from the consumers at point of purchase including product, date purchased and customer information. Access to this information, if made available, would greatly assist in communicating with consumers should there be a food recall and potentially reduce the potential for illness and fatalities.

c) The regulations in other jurisdictions, with particular reference to the standards in the European Union (EU) under the common market regulation (EU) No 1379/2013 Article 35;

Background

In December 2013 the European Union put in place Regulation 1379/2013. The regulation sets out conditions for the common organisation of the European Union market for fish and fishery products. It is one of several regulations arising from the reform of the Common Fisheries Policy. Article 35 is one of five Articles making up Chapter IV of the Regulation defining regulations for Consumer Information. It needs to be read with other articles in the chapter, notably Articles 38 and 39 and Annex III. Chapter IV comes into force on 11 December 2014. As such, it has yet to be tested in European markets.

Article 35 requires that all fishery and aquaculture products marketed within the Union, irrespective of their origin or marketing method may be offered for sale to the final consumer or to a mass caterer only if appropriate marking or labelling indicates:

- a. The commercial designation of the species and its scientific name;
- b. The production method, in particular by the following words “...caught...” or “...caught in freshwater...” or “...farmed...”;
- c. The area where the product was caught or farmed and the category of fishing gear used in capture of fisheries;
- d. Whether the product has been defrosted;
- e. The date of minimum durability, where appropriate.

The information may be supplied by billboard or posters at point of final sale for non-pre-packaged fish.

Discussion on regulations

The regulation defines information that must be supplied on the label at the point of sale to the final consumer or to a mass caterer (who will use the fish as an ingredient).

Discussion 35 (a)

Point (a) requires the common market name for the species (commercial designation) which in the EU can vary from member state to member state, and the scientific name – i.e. the Latin name for the species. This is elaborated in Article 37.

The requirement to supply a common market name for each species is normal practice in many markets, although how names are codified (if at all) varies widely. In Australia, standard fish names have been listed in the AFNS but, as noted previously, the use of these names has not been mandated to date.

In the EU, where there are more than 20 official languages, the requirement to supply the species (or Latin) name is probably the most reliable way to avoid doubt and be precise about what species the fish or seafood item is.

Discussion 35 (b)

Point (b) requires that customers are specifically informed as to whether the seafood was from wild caught or farmed. Informing customers as to whether the seafood they are buying is from wild or farmed origin is an emerging requirement in other jurisdictions also – notably in the USA and Canada.

Discussion 35 (c)

Point (c) requires the origin of the product to be supplied. This is defined in Article 38 of the Regulation as being, for fishery product caught at sea, the fishing area defined by the Food and

Agriculture Organisation (FAO) as well as the name of the area in terms that can be understood by the consumer of a map or pictogram:

- For freshwater catch, the body of water in the country where the fish was caught;
- For farmed fish the country where the product reached more than half its body weight or stayed for more than half of the rearing period;
- For shellfish, the place where the shellfish spent at least six months in final rearing or cultivation.

The requirement to supply the fishery or farm origin of a fishery product is in addition to any other requirements under EU consumer law to supply the country of origin where the fish may have been processed.

The EU's requirement in this regulation is unusual because it goes to a very fine level of detail. It is normal in most country of origin statements – as in the current case in Australia – to just name the country where the fish was processed or packed or the fish product was manufactured. This also aligns with Customs requirements and Rules of Origin.

Regulation 1379/2013 will require the origin (fishery) of a fish to be on the label in a form that can be easily understood by the purchaser. In addition it will have to supply the country of processing or manufacture as is required under general food labelling law.

Capture method

Point (c) of the regulation also requires the method for the capture of the fish and the fishing gear used to be stated on the label. The regulation only outlines and defines eight catching methods. They are:

- Seines;
- Trawls;
- Gillnets and similar nets;
- Surrounding nets and lift nets;
- Hooks and lines;
- Dredges;
- Pots; and
- Traps.

There is no provision for any other catch methods, for example diving, spearing or hand gathering – which is a short coming of the regulation. The requirement to identify fishing gear or method for commercially caught and sold fish is unique to the European Union.

Mixed catches

Article 35 addresses the issues of mixed products being offered for sale in paragraph 3. Where the product is the same species but the mixing is of fishing method, “the method for each batch shall be stated”. This will require fish sellers to maintain batch separation for each catch method throughout the supply chain; e.g. line caught or trawl caught fish of the same species kept in separate containers. This process could substantially increase the cost along the supply chain.

Where the mixed product is the same species derived from different fishing areas or fish farming countries it is a requirement that the labelling cover “at least the area of the catch which is most representative in terms of quantity, with an indication that products come from different catch or fish farming areas”. This approach has greater flexibility than is required for separating fish by catch method.

Both these requirements are unique to the EU. The requirement to maintain batch separation between fish caught by different catch methods is potentially most onerous. It will extend back to a requirement for vessel operators to maintain separation on board when the same species is caught by different methods during a single trip and onwards through the value chain to final point of sale – including separation in auction markets etc. It is likely to be a costly imposition

requiring separation of small quantities of bycatch of a particular species caught in greater abundance by a different catch method.

Discussion 35 (d)

Article 35 (d) requires a declaration as to whether the fish product has been previously frozen, unless:

- Freezing was required as a necessary step in the processing technology for the product; or
- Freezing was required for food safety (health) requirements; or
- Freezing took place prior to another processing and preservation step such as smoking, salting, cooking, pickling or drying.

This is a common requirement in many other jurisdictions as defrosted fish is likely to have a shorter shelf life after defrosting than well-handled fresh chilled fish.

Discussion 35 (e)

Article 35 (e) requires a date of minimum durability (where appropriate) to be stated on the label or at point of sale. This too is a requirement common in other jurisdictions.

It should be noted that Chapter IV of EU Regulation 1379/2013, including Article 35 has not yet entered into force in the EU. It will do so on 11 December this year. It is not possible to judge how these parts of the Regulation will perform and how EU fisheries businesses will operate once the Chapter comes into force.

Comment and implications for Australia

1. In regard 35(c), elements of the EU Regulation 1379/2013 Article 35 are in keeping with requirements in other jurisdictions, including Australia, as in the case of fish names and the date of minimum durability.
2. In the case of fish names, the EU regulation is attuned to a multi-lingual a common market area and has identified the Latin species name as the appropriate final way to distinguish between species. This would be unlikely to be necessary in Australia, where fish names have been more simply defined in the AFNS and referenced in Standard 2.2.3 of the FSANZ Food Standards Code. Standardised common names are easier for the consumer to understand and remember.
3. The EU's regulatory requirements in Article 35 requiring distinguishing catch method, will impose significant costs for businesses through the supply chain. The requirements will be most onerous on capture fishery operators, especially those operating in smaller scale, mixed species and multi gear fisheries. It will also impose significant costs on businesses throughout the supply chain who will be required to maintain separation and batching between species in regard to catch method especially and fishery origin to a lesser extent. In addition Annex III of the Regulation only outlines eight fishing gear types and makes no provision for fish caught by any other fishing method. This is a short coming of the regulation.
4. The EU's requirement to identify fishery or farm origin to FAO fishing area or freshwater body in the country of origin or country of origin of a farmed fish is in addition to existing requirements for country of origin labelling required in the EU for food products generally. It will make where fish has been sourced from more transparent; in addition to information on where the product was processed or packed. However, where fish of the same species have been sourced from different fishing areas or farming origins, the labelling requirements will impose additional rigidities on processors to maintain product separation to ensure that batches of processed products of the same species can be distinguished by representative origin. It is unclear what consumer benefit such information will provide.

d) The need for consistent definitions and use of terms in product labelling, including catch area, species names, production method (including gear category), and taking into account Food and Agriculture Organisation guidelines;

Background

The FAO have a large number of guidelines which pertain to seafood and fisheries. It is unclear which Guidelines the Senate Committee is referring to. If it is assumed that the reference is to Guidelines are those that arise from the Code of Conduct for Responsible Fisheries and Aquaculture. Therefore most relevant section would be the FAO Technical Guidelines for Responsible Fish Trade.

The Guidelines do not, in themselves set specific standards to govern the trade in fish and seafood products. Rather they guide states" to cooperate, act transparently and consultatively and to respect international trade rules as defined by the WTO and standards set by recognised standard setting bodies such as the Codex Alimentarius Commission and animal diseases control organisation, OIE".

The FAO provides guidance for fish species naming in Latin through the FishBase Information System or the FAO's ASFIS list of species for fishery statistical purposes. However, Australia is already well served by its Fish Names Standard that has made extensive use of appropriate international references to identify fish species and names for application in Australia.

While the FAO is an excellent technical source of information on fishing gears and methods and aquaculture production systems and has defined fishing areas round the world at a macro-level, it is up to regional and national authorities to further define those terms as may be appropriate to their particular circumstances.

Discussion

If Australia is to require further labelling information for consumers at final point of sale beyond current species naming requirements and country of origin labelling, it is important objectives and purpose for requiring such additional consumer information are clear and supported by stakeholders at large.

Additional information requirements will have implications for business compliance and impact on costs. The more information detail that may be required on point of sale labels – for example as to method of catch or origin of fish tracked back to capture or farming area – the greater the need to maintain secure, physical separation between batches of fish product and ensure that the integrity of those information elements is maintained from origin to point of sale.

It is important also that Australia remain conscious of its international trade rule obligations to ensure equal treatment as between domestic suppliers and suppliers of imported products. Technical requirements for labelling (as with any other matters affecting domestic and international trade) "should not directly or indirectly create unnecessary or hidden barriers to trade which limit the consumer's freedom of choice of supplier or that restrict market access.

The AFNS was developed to address a number of stakeholder needs.

- To ensure all fish names, all persons in the supply chain have a common set of names – i.e. you know what fish you are buying/selling/ managing etc.)
- The correct use of fish names enhances traceability and provides better confidence for consumers.

The protocols that are used to develop and assign fish names have been developed by a group of eminent fisheries taxonomists and industry experts. These protocols are rigorously applied when considering applications to amend the AFNS.

More information on the AFNS is available from the seafood standards website – www.seafoodstandards.com.au.

e) The need for labelling for cooked or pre-prepared seafood products with reference to the Northern Territory's seafood country of origin regulation;

Background

Retailers are required by law to state the country of origin on all pre-packaged or unpackaged fish and fish products. The food service sector, including restaurants, clubs, cafes, takeaway food, etc., is not bound by the same rules. This exemption creates a void in providing information to the consumer.

Many restaurants will voluntarily and in many cases proudly identify on the menu where a product is from, for example Tasmanian Atlantic Salmon or Coffin Bay Oysters. However, there is relatively little enforcement to ensure that the labelling is in fact correct. Generalised headings such as "Fish of the Day" on the menu does not provide any clear indication where the fish is from and would lead a customer to believe that it was locally caught when it may in fact be an imported species.

The Northern Territory implemented legislation to stop this practice and has introduced licence conditions that required fish retailers serving seafood for public consumption (cooked and raw) seafood to clearly identify if the product is imported.

The FRDC funded a survey to assess the impacts of these laws on the food service sector in Northern Territory (FRDC Project 2009/216). The survey results demonstrated a high level of consumer support for seafood labelling laws that identify imported seafood. The laws were generally supported by the food service sector.

The survey reported initial costs were incurred for businesses to become fully compliant with the NT laws and ongoing expenditure of less than \$500 a quarter to accommodate menu changes. In addition due to the high turnover of staff within the food service sector labelling laws need to be clear and simple.

The NT provides a good case study in a defined single market place with limited number of outlets. However further a regulatory impact assessment and benefit cost analysis should be undertaken to fully understand the implications of extending this regulation across Australia.

Discussion

Consumers should be able to find what they are buying (species name) and where it is from. The FRDC believes a minimum starting point is the correct fish name and to get all retailers to use the AFNS. This would go a long way to providing consumers the information needed to make informed decisions about their purchase.

f) Recommendations for the provision of consumer information as determined through the Common Language Group process conducted by the Fisheries Research and Development Corporation;

The Common Language Group (CLG) was set up by the FRDC to develop a consensus on terminology on a range of important issues affecting the Australian fishing and aquaculture sectors. It brings disparate stakeholders, sometimes with competing objectives, together to develop agreed language and positions on key issues.

Outputs from the CLG process aim to assist end users in improving understanding and influence relating to community perceptions about the Australian fishing and aquaculture industry.

The CLG was invited to make a submission addressing the inquiry Terms of Reference. Their submission is located at **Attachment 2 – Submission from FRDC Common Language Group**.

Specific recommendations from the CLG are:

- 1) That country of origin laws applicable to seafood, including unpackaged seafood, be maintained and strengthened.
- 2) That Country of Origin laws applicable to seafood be extended to apply in the restaurant and food service sectors.
- 3) That it be a legal requirement for food labels on seafood to carry the standard fish name in accordance with the Australian Fish Names Standard AS SSA 5300.

g) Whether current labelling laws allow domestic seafood producers to compete on even terms with imported seafood products; and

Background

The majority of Australians prefer to buy Australian produce. However, the limited fisheries resources and high prices associated with most of Australian seafood has kept it beyond the reach of many consumers.

Imported seafood typically makes up more than half of the seafood range in the major supermarket chains. Imported fish and fish products are of critical importance to many food service outlets including hotels, clubs, cafes, restaurants and fish and chip shops. This is reflected in the fact that imported fish and fish products makes up around seventy five percent of all seafood consumed in Australia.

In many cases, domestic seafood and imported product are catering for different markets and are therefore not in competition. The post-harvest and food service sectors for example are very reliant on imports for its viability because of this limited local supply and prices.

The current labelling laws for packaged fish and fish products are quite strong as far as identifying “Product of Australia” or “Grown in Australia”.

The “Made In” claim can be a little more deceiving. If fifty percent of the production costs are in Australia and there has been substantial transformation, the product can be labelled as “Made in Australia” even though a large component of the raw product (seafood) may be from domestic and imported products.

For packaged products, this is less of an issues because processors are required to indicate the source of all products as part of the labelling requirements. Likewise processors of seafood, packaged fish and fish products using domestic and imported sources are required to comply with the same legislation and therefore compete on even terms.

Technically, the situation is the same for retailers of unpackaged fish and fish products where they are required to state whether product is imported or not.

There are no labelling laws that require a packer or retailer to state the catch or growing method: e.g. trawl caught, hand collected, etc. Likewise there is no requirement for a packer to state if the product was farmed.

Discussion

The key issue at the heart of concern is one of substitution and the possibility of an unscrupulous retailer ‘mixing’ lower value” imported product with domestic product. There is anecdotal evidence that this does happen on occasions with prawns in particular.

As discussed above, fish and fish products in the food service sector do not compete on the same terms where there is no requirement for a restaurateur to state where the product was sourced from.

There should be more inspection of food service outlets to ensure that claims that are being made are in fact correct.

h) Any related matters.

Background

There is currently no mandatory requirement for seafood businesses to use names from the AFNS.

The “Australia New Zealand Food Standards Code - Standard 2.2.3 - Fish and Fish Products” includes an editorial note which refers to the AFNS.

Editorial note:

This Standard does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia.

1. Hard copies of the Australian Fish Names Standard (AS-SSA 5300) are available from Seafood Services Australia at <http://www.seafood.net.au/shop>.
2. A searchable database of Australian Standard Fish Names is available at <http://www.fishnames.com.au>.
3. New Zealand common, Maori, and scientific names for fish species are available from the website of the Ministry of Agriculture and Forestry at <http://www.foodsafety.govt.nz/industry/sectors/seafood/fish-names/index.htm>.

The Table to clause 5 of Standard 1.4.1 prescribes the maximum level of histamine permitted in fish and fish products.

Discussion

Fish labelling is an important issue that needs to be addressed as a priority.

- a) Consumers have a right to make informed choices when purchasing so must have confidence in correct labelling;
- b) Some species of seafood may cause problems to susceptible populations, ranging from allergies to serious illness.
- c) It is essential for product traceability for seafood quality and safety to be able to trace the product. (How can you recall it if people are calling it different names?)

The FRDC and the Fish Names Committee are firmly of the view that the use of the fish names listed in the AFNS throughout Australia should be mandatory.

This would go a long way to removing a lot of the confusion about fish names and give consumers confidence when purchasing seafood.

Attachment 1 – Individual submissions and comments from FRDC Representative Industry Organisations

Feedback and comments were received from three of the FRDC Representative industry organisations. These are:

1. National Aquaculture Council supports the FRDC submission.
2. The National Seafood Industry Association (NSIA) members support the concept of codifying the Australian Fish Names Standard. However, they wanted CoOL regulations extended to the restaurant/dining sector.
3. The Commonwealth Fisheries Association (CFA) supports the submission in general. However, does not support the suggestion that capture/harvest method be included or displayed for packaged and unpacked fish and fish products

Formal Submission

In regard to the

The current requirements for labelling of seafood and seafood products

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General Comment

Seafood labeling within this review should support, among other things, the policy objectives of public health and safety contributing to sustainability through traceability enabling consumers to make informed choices.

It is important within this review to recognize that all food labeling requirements impose costs and that it is important that all food labeling laws:

- Are evidence based and affective at achieving their policy purpose;
- Do not impose unjustifiable regulatory burdens on business;
- Provide a level of traceability; and
- Are capable of being enforced in an effective, proportionate and consistent manner

Recommendations

1. That country of origin laws applicable to seafood, including unpackaged seafood, be maintained and strengthened.
2. That Country of Origin laws applicable to seafood be extended to apply in the restaurant and food service sectors.
3. That it be a legal requirement for food labels on seafood to carry the standard fish name in accordance with the Australian Fish Names Standard AS SSA 5300.

In response to specific T o R

Whether the current requirements provide consumers with sufficient information to make informed choices, including choices based on sustainability and provenance preferences, regarding their purchases;

We are fully supportive of the benefits delivered to consumers and producers through the application of country of origin labeling laws on both packaged and unpackaged seafood however they do not pertain to sustainability or provenance unless stated through a branded logo or program. These logos and brands are so wide and varied that consumers are confused. The reliability and acceptability of these branded logos are open to interpretation by consumers. The current requirements do not support any of these programs.

There is more than adequate justification for retaining the current requirements for country of origin labeling for seafood and these requirements should not be reduced.

It is clearly evident since the introduction of country of origin labeling requirements that many consumers take the product country of origin into consideration when purchasing products. This applies in particular to seafood (and other food groups) where consumers are now more conscious of global concerns relating to the environmental performance of international fisheries and aquaculture management regimes as well as the source country social and hygiene conditions.

It is also evident that while price remains a major factor in consumer choice, the benefits of supporting 'own country' products is an increasingly important consideration for a growing number of consumers. This is supported by the report 'Retail Sales and Consumption of Seafood' (Ruello & Associates 2006) and the 'Seafood Consumption Omnibus Results' (2006) which identify that around 70 percent of consumers prefer Australia seafood to imported seafood.

We support mandatory Country of Origin labeling for seafood to ensure the consumer is always able to make informed choices about their seafood in all territories.

Whether the current requirements allow for best-practice traceability of product chain-of-custody;

Current seafood labelling requirements under the FZANZ (Food Standards Australia New Zealand Act) and ACCA (Australian Competition and Consumer Act) fall into two broad categories: country of

origin labelling and species labelling. The current requirements need improvement within these two key areas of the FZANZ legislation:

- i. Within the FSANZ legislation, there needs to be made a variation of the Food Standards 1.2.4 and 2.2.3 to require that all point-of-sale and package labelling of fish and fish products to be labelled in accordance with the AFNS.
- ii. FSANZ need to make a variation of the Food Standards to require the source, method of harvest, and sustainability assessments for both domestic and internationally caught seafood. In addition, FSANZ should develop regulations to display provenance of domestic and international seafood products and on standards of sustainability for imported seafood product.

It is well recognised that as resources have become more stressed, there is a trend towards the sustainable management of fisheries, and, consequently, greater demand for robust seafood traceability regimes and labelling. These traceability measures also support allergen and food poisoning programs within Food Standards.

The regulations in other jurisdictions, with particular reference to the standards in the European Union (EU) under the common market regulation (EU) No 1379/2013 Article 35;

The EU law ensures consumers which fish they are purchasing, where it was caught and how it was caught. Fishery and aquaculture products sold must carry the following information:

- i. Species name
- ii. Where the product were caught (wild catch, freshwater or farmed)
- iii. Catch production area (suitably defined)
- iv. Fishing gear used

FSANZ needs to clarify that WTO accreditation under the EPBC Act does not constitute achievement of sustainability and should not be used, or represented as such in the labelling of Australian seafood.

It is essential that FSANZ actively prevents the misuse of the *EPBC Act* as a means for industry to claim or label seafood as sustainable. While some industry bodies are signalling their wish to use *EPBC Act* strategic assessment as a form of sustainability label or ecolabel, the *EPBC Act* fisheries assessments lack the rigour, independence and transparency to be used in such a way. Further, the decision criteria are undisclosed, there are limited types of evidence, there is limited review of monitoring and fishery improvement, and production benchmarks rather than conservation benchmarks are used.

Implementation of fisheries assessments has been designed to lever incremental improvements in the management of fisheries rather than certify that a fishery has, for example, no bycatch of threatened species, which would be consumers' expectation for an ecologically sustainable label.' There are different guidelines and a different process in the *EPBC Act* from that used in ecolabelling, and it is inappropriate to confuse the two processes.

Internationally the European Community (EC) and the United States of America have adopted measures to regulate the import of seafood sourced from Illegal, Unregulated or Unreported (IUU) fisheries. Greater transparency is needed on the provenance of seafood products imported into Australia beyond the current, minimal requirement of country of origin. In addition to this, Australia is currently reviewing the discussions of pursuing an FTA with the EU. Within these discussions, it is important that country of origin issues be addressed as outlined within this document.

The need for consistent definitions and use of terms in product labelling, including catch area, species names, production method (including gear category), and taking into account Food and Agriculture Organisation guidelines;

The Common Language Group has recently developed an Issues Paper and survey exploring the most important drivers of sustainability. Within the analysis process, the Issues Paper and survey

results from a broad range of industry and consumers. The survey found that there was a great deal of confusion around the subject of sustainability which starts around the need to agree key elements to be included in sustainability definitions. Use consistent terms and agree on terminology used across all the key elements of sustainability.

i. Accurate Fish Names

Accurate labelling starts with the correct name of the fish. Scientists have developed a rigorous scientific system for naming types of fish, based on unique names for each species. Achieving national consistency in scientific and common trading names for seafood in Australia has been the subject of a concerted effort by the industry since 1983 and one which is considered important by the Common Language Group (see latest Issues Paper on ‘Sustainable Fishing: A Common Language for Sustainable Wild Catch Fisheries’).

The challenge of accurate fish names was initially taken up through the Fish Names Committee (FNC) in 2001. In October 2007, the list of standard fish names and process for inclusion or amendment of fish names was formally approved by Standards Australia – the resulting document being the Australian Fish Names Standard (AS SSA 530).

FRDC is now in the process of promoting compliance with the Standard throughout the seafood industry and relevant government agencies in Australia. Broad uptake and compliance with the Standard is essential to eliminating confusion in the market names of fish.

It is now timely for all producers and retailers of seafood (supermarkets, sole traders and the service industry) to incorporate the Standard into their labelling and signage, through a legal requirement requiring food labels on seafood to carry the standard fish name in accordance with the Australian Fish Names Standard (AS SSA 5300).

The application of country of origin labelling throughout the supply chain, coupled with a requirement to use fish names in accordance with the Australian Fish Names Standard (AS SSA 5300), would largely resolve this area of misrepresentation, deception and subsequent consumer complaints.

This misrepresentation is often conveyed to consumers through the use of inaccurate product names, including fish names that lead the consumer to assume that the product is Australian when it is, in fact, imported. Even among imported products, the practice of displaying signage indicating importation from a ‘more favourable’ country continues to occur (e.g. Scottish Haddock – only to find the product cartons clearly identify ‘Product of Argentina’).

ii. Where it is caught

Putting an accurate name on seafood is only one aspect of tracing whether the seafood is sustainable because different stocks of fish of the same species are harvested and managed differently. Many fish species occur widely in nature, within Australian waters and in waters of many other countries. For example barramundi (*Lates calcarifer*) occurs wild and is cultured in Australia and widely throughout tropical waters of Asia and the Western Pacific. In the case of some species, especially the highly migratory species, the species may consist of only a single population throughout its whole range, such as the Southern Bluefin Tuna, but this is not the case for other species for which many distinct stocks of the same species exist. For more localised species, a critical element of knowing about sustainability is to know where it is caught and what conditions apply there.

The need for labelling for cooked or pre-prepared seafood products with reference to the Northern Territory’s seafood country of origin regulation;

The Common Language Group firmly believes that the country of origin labeling laws should now be extended to prepared food sold in restaurants and by the food service sector, including fast food outlets. Consumer feedback confirms that they are either not informed at all about the country of origin of these products or are presented with misleading statements or claims as to their country of origin.

In November 2008, the Northern Territory government introduced regulations to make it a requirement for all venues to identify imported seafood at the point of sale to the consumer.

With this improved level of labeling at the dining outlets, the reaction from the consumer was first one of shock to find out that the majority of the iconic NT species barramundi sold around the Territory was not local and was, in fact, imported product. The improved labeling requirement has gained considerable public support and has already seen many restaurants moving to use local product based around the demands from the consumer.

Recommendations for the provision of consumer information as determined through the Common Language Group process conducted by the Fisheries Research and Development Corporation;

The Common Language Group put out an Issues paper in 2013 for public comment on the 'Elements of Sustainable Seafood – Wild catch'. The vast majority of respondents thought it is possible to inform consumers about the sustainability of seafood.

About two-thirds of respondents thought mandatory regulation to abide by Fish Names should apply.

In summary, many respondents indicated they source their information from FRDC. Publications commonly used include fishery status reports, scientific journals and government or management reports. Some clearly gained their knowledge from working professionally in the fishing industry. Other sources include ENGOs, celebrity chefs, websites, newspapers, television, catch sheets, product labels, government and talking to other fishers.

Respondents commented on the lack of information at point of sale and discrediting of information by eco campaigns or proponents of sustainability. Unfortunately, there appears to be no consistent information regarding sustainable seafood in Australia. All tools and platforms available (e.g. seafood guide from AMCS, tuna guide Greenpeace, consumer guides etc.) have major limitations. Many key players mislead consumers with what they consider to be "sustainable" without providing information on their assessments. Compared to other countries/markets (e.g. various European, North America, Canada) there is little consistency and extremely limited information available

Respondents who indicated they easily source information also answered from the perspective of the general consumer, who they see as lacking awareness and understanding about fish and fisheries. Most believe consumers need better access to good information that is not misleading; although one pointed out that information is easily accessible via the internet.

Those who indicated they do not source information easily also answered from the perspective of the general consumer, stating that much information about fish and fisheries is complex, confusing or misleading.

Key points

Difficulties for consumers:

- Most consumers will not look very far and, if they did take the trouble, most would have difficulty finding the information they needed, and many would be misled by packaging and advertising.
- There needs to be more publicity given to the general public about the fisheries good news stories for there are plenty of them.
- The average consumer has limited understanding of where to look and what the information means. Their fish supplier / retailer is probably the least well informed consumer interface in the process however they rely on the information given as being correct.
- The definition of sustainability around any one species is too technically complex for consumers. Suggestions were provided such as Values-neutral data that identifies

species, origin and production method can and should be provided to consumers to allow them to make informed, independent choices.

A large number of suggestions were provided by respondents, in the areas of effort and leadership, labelling, education/media and others. The need for increased effort by government and industry was emphasised, and the need for accurate and comprehensive labelling. Several also suggested that targeted media campaigns could be effective.

Effort and Leadership:

- A more concerted effort is required, at the Ministerial and other levels within the States and the Commonwealth, to publicise the sound management plans and the emphasis on sustainable exploitation.

Labelling:

- Label at point of sale with an accredited rating.
- Label whether it was line caught, trapped, trawled or farmed – most people are happy with line caught or trapped as these are more discriminate forms of fishing with much less bycatch 'killed' and small fish able to be released.

Education/media:

- Educate through popular media but ensure that the source/s of the information imparted is from a scientific base and the organisations publishing the information are respected and trusted, e.g. independent research and nothing anecdotal from the commercial fishing industry.
- The industry needs to invest together with its key partner (government agencies) in a national education and media campaign (similar to lamb/pork) to introduce the basics of what makes Australian seafood sustainable.

Other:

- What consumers need is one independent, transparent and stringent tool they can rely on; we need information, transparency and accountability.
- A simple report card on Australian fisheries could be developed for consumers, through an agreed forum. Species could be classified as overfished and still have a sustainable catch. This reinforces the importance of having clear definitions of common seafood terms to help ensure confusion is limited. There are challenges to the active uptake of information of the sustainability of products, the most significant of which is the lack of useful and accurate labelling. The real issue is whether information is actively taken up and understood by consumers to the extent that it influences purchasing behaviour.

Whether current labelling laws allow domestic seafood producers to compete on even terms with imported seafood products; and

There is no international standard on Fish Names so Australian seafood is frequently substituted. This is an opportunity for Australia to work with other nations to extend its world's first, Fish Name standard. FAO has a basic standard however it is not mandated.

The species being sold is not always what it says it is. Although a species is required to be correctly labelled there are simple scientific methods e.g. DNA bar coding that can identify the fish species. The estimates are a third of seafood is incorrectly labelled.

Any related matters.

Traceability is very important in managing food safety issues e.g. knowing exactly where a fished product is sourced. Australia is well behind in this area and industry needs to protect consumers

and themselves from legal and market issues. The systems in place have been voluntary and inconsistent across the food chain.

CONCLUSION

The Common Language Group would like this opportunity to thank the FRDC and Rural and Regional Affairs and Transport Legislation Committee established under the Senate Committee for the opportunity to provide input into this important review.

Should you require clarification on any matter raised in this submission, please do not hesitate to contact the officer nominated on the cover sheet. Note this is not a formal submission from the Common Language Group due to timeframes provided.