

## Seafood labelling inquiry

### Submission from Matthew Evans

Summary.

It is my view that current labelling laws for seafood, in particular those that apply to the food service industry (which is currently estimated to sell more than half of the seafood sold in the nation), let down the consumer, the fishers, the fish farmers and the environment. Australian consumers currently have little or no chance of knowing exactly what they're eating, where it is from and how it was grown or fished, and hence are powerless to make informed choices about their seafood eating, especially when eating out.

I suggest mandatory labelling for the sale of all seafood should include the following:

1. The species of fish
2. Where it was caught
3. How it was caught or if it was farmed

Responses to the Committee's individual criteria are listed below.

- 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;

The current labelling regime for wet fish (that sold for consumers to cook or serve at home), and cooked or prepared seafood served outside the home, all lacks the information needed for people to make informed choices regarding sustainability.

Wet fish, while requiring country of origin labelling (CoOL), is mired in difficulty because standardised fish names aren't legally obliged to be used, there is no information on how the fish was caught or farmed, and CoOL under its current incarnation, doesn't require packaged food to say exactly what the fish is, or where it was caught.

These problems with labelling, however, are an even bigger issue for food cooked or prepared outside the home – where most Australians consume their seafood. Nobody, under the current system of voluntary, often misleading labelling of cooked and prepared seafood can make any valid decisions regarding sustainability or provenance preferences, because any useful information simply doesn't exist on menus. You can simply use the term 'fish' on a menu as a descriptor, which is unlike every land based animal (beef can't be called lamb, chicken can't be called turkey), or land based plant (carrots aren't called cabbages). Imagine a menu that offered 'mammal and root vegetable', or 'bird and green leaf'. But seafood, for some reason,

can be referred to in obscure, obfuscating, or misleading terms that deny the consumer the right to information.

As a former restaurant critic, consumer advocate and in recent research for an SBS television series on the sustainability of seafood in Australia, I have come to the conclusion that the only way we can make informed choices about what we're eating is if we're told what we're eating. With seafood in Australia today, this isn't happening. The current, voluntary system of labelling seafood accurately has failed. To simply say 'flake', which could be bronze whaler or hammerhead or gummy shark – all with entirely different breeding cycles and sustainable reputations – is to let down not only those fishers who do the right thing, and the fisheries managers who run that area, but the consumers who eat it, not to mention the ecosystem that provided the fish. To simply add enough words so that consumers know *exactly* what they're eating doesn't seem like a giant impost when the resultant expansion of public knowledge would be so great.

I have spent many, many hours on fishing boats, at fish markets, talking to chefs, scientists, environmental groups and consumers alike. And those most connected in the industry, almost without exception, feel that the best way to fully understand what we put in our mouths is to be given enough information to make a valid choice. If a fish is a certain species, say so. If it's from a certain area (or country), tell us so. And if it's wild or line caught or trawled or farmed, tell us that too. Current labelling laws deny the Australian consumer eating outside the home even the first of these, to know what fish they're putting in their mouths, something that – to an outsider – would seem a most basic right.

Importantly, it's not just a group of environmentally aware chefs, food writers and activists who see the need for proper information on seafood. The government and fisheries run Fisheries Research and Development Corporation (FRDC) has set up a Common Language Group with the aim of taking the uncertainty out of fish names. Their aim is to look at ways to better inform everybody about seafood, its varieties, its sustainability, its provenance.

It's telling to look at the FRDC's own words about the current, confusing language used to describe seafood: "(It) is contributing significantly to the negative perception of the Australian seafood industry on a range of important issues (fish management, environment, etc)."

Issues paper 1 from the FRDC's Common Language Group could be summarised for the consumer like this:

*In order for consumers to make an informed choice on sustainable seafood, they need to know:*

- *Which fish is this?*
- *Where did it come from?*

- *How much is caught and how is it caught?*
- *How is the fishery managed and assessed?*
- *Who is saying/endorsing that the fish is sustainable and on what basis?*<sup>1</sup>

Providing information is one of the best ways to allow consumers to make choice. Simply stating exactly what fish it is, where it's from, and how it's farmed or fished, are not judgement calls. They are facts that allow the Australian public to make their own decisions.

Under current rules, fish that is crumbed in New Zealand can be labelled product of New Zealand, regardless of where the fish was caught. You can call any number of unrelated species 'flathead' with impunity. There is no information given to consumers enabling them to make informed decisions about true provenance and sustainability.

Who would it hurt to name sand whiting and the state of origin and that it was wild caught? Where is the difficulty in using the term "farmed Vietnamese barramundi" when the barramundi is farmed, and from Vietnam? No-one, unless they have something to hide, or they are selling something they're not proud of. The current system – where any of a thousand species of fish, all with their own distinct flavour, texture, and claims and counterclaims for sustainability, can be called simply 'fish' on a menu with no more information required – lets down the fishers, the fish farmers, the scientists and most importantly the consumers. Australian diners deserve to be given enough information to decide what kind of seafood they are eating, and from this they, as adults with free will, can decide if they want to eat that fish at all.

Any part of the seafood industry that isn't interested in transparency risks losing the public's trust, and hence market share. Simply providing information, with no obfuscation, no weasel words, no loaded terms, will allow those who want to make informed decisions to do so. The current situation doesn't even allow the most well researched, concerned citizen to know exactly what it is that they're putting in their mouth.

The reasoning for my three pronged approach to seafood labelling is as follows

*Which fish is this?* Because every species is different, so it has its own set of characteristics, which have implications ranging from taste to sustainability to health risks/benefits.

*Where did it come from?* Because the same species of fish caught in one fishery or area compared to another may have very different characteristics related to sustainable management. These can include recruitment levels, stock status, fishing gear used or approved, different habitat impacts, along with bycatch and discards. We should also be conscious that some seafood sourced overseas is caught or

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produced in a manner that has impacts on the environment, on human rights, or is produced using a standard that Australians may find confronting. While much imported fish is sourced or caught in a manner that Australians would approve of, distinguishing between the desirable and not so desirable is impossible without providing basic information. (Importantly, provenance has other implications, such as tourism. It is the nature of tourism that visitors to a region might, quite reasonably, want to try the seafood of that region while they are there. Currently, you could be in Tasmania eating “Tassie” scallops from China.)

*How is it caught?* Because different fishing techniques have differing impacts environmentally, this information would allow consumers to decide if they would prefer items from a one system or another (e.g. line caught versus bottom trawling). Telling consumers a product is farmed is an important step because some may consider farmed fish more sustainable, or not, depending on their own points of view and species concerned.

The important thing is that these descriptors are value-neutral. It is then up to consumers to decide if they want the product or not, based on their own beliefs, research or preferences.

**b. whether the current requirements allow for best-practice traceability of product chain-of-custody;**

The current legislative requirements do not allow for traceability of products because no matter how much information is provided by fishermen to wholesalers, and by wholesalers to restaurants, bars, cafes, takeaways, clubs and bistros, this information is then lost between the back door of the restaurant and the dining room. With no legislation to ensure that this information is passed on to the diner, restaurants are either not bothering to do so, or are actively choosing not to tell diners what they are eating. It could be, for example, they want to allow consumers to assume that fish is freshly caught and local.

While we insist fishers tell us what they've caught through facilitators like the Sydney Fish Market, and this information is readily available to all buyers at the market, it is, almost inevitably, lost by the time it comes to the restaurant plate. While some broad rules prevent fish substitution (you can't, under fair trading legislation, call a fish by the wrong name on a menu), you don't actually have to tell someone the actual name. Call it 'white fish' if you like. Or 'flake' if it's one of 400 species of shark.

The FRDC, in consultation with all stakeholders, has come up with a comprehensive and constantly reviewed list of precise fish names. But I can still go to my local pub, order flathead, and not know whether it came from a local fisher, and is a local species (which I know, from my research, is sustainably fished), or is in fact from South America, and a completely unrelated species. When I spoke to Simon Boag

from the South East Trawl Fishing Industry Association, he told me that nearly every fish and chip shop in his area also serves so-called flathead (the broad name for several species, some of which his members bring in to port every day), when in fact what they were selling wasn't even a distant cousin of the local species, but is in fact the South American *Percophis brasiliensis*, (which, if you saw it whole, not filleted, looks nothing like one of the local species of flathead).

Chain of custody is vital for many reasons, not least for public trust. To see how quickly this trust is lost, look no further than the EU's horse meat scandal. To provide true chain of custody, basic information, such as what something is, where it's from and how it got to you, is pretty important stuff. And I believe most people in the food service industry want to be honest and want their customers to trust what they do.

Asking all those who sell seafood to provide three pieces of information (what it is, where it's from, and how it's farmed or caught) is vital for chain of custody. Legally requiring those in the seafood business, from fishers to restaurateurs, to actually 'say what you sell' is hardly a far-out concept mired in questionable benefit. It just makes common sense.

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;

Sadly, or perhaps fortunately as we can follow their lead, some other jurisdictions do seem to be ahead of the game on this, most notably the EU whose regulation is stated above. While voluntary labelling has been shown to work in some cases (for instance in at least one supermarket in the UK, due to public demand they've actually started naming the fishing boat on the label above the fish), voluntary labelling has failed miserably in Australia.

Under the EU plan, which encompasses multiple nationalities and languages, fish must be labelled accurately and uniformly, as follows (see [http://ec.europa.eu/fisheries/cfp/market/marketing/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/market/marketing/index_en.htm))

- *the species' commercial and scientific names*
- *whether the products were caught at sea or in freshwater, or farmed*
- *the catch or production area:*
  - *fish caught at sea: the FAO sub-area or division (NE Atlantic, Mediterranean and Black Sea) or the FAO area (other waters)*
  - *freshwater fish: the body of water in the EU country or non-EU country of origin*

- *farmed fish: EU or non-EU country of final rearing period.*
- *the fishing gear used.*

It could be argued that the EU, which – like Australia – is totally reliant on seafood imports, is a much more complex market than ours in which to have such requirements, but they believe in their worth not only to the consumer, but to the fishing nations that the seafood comes from. This kind of regulation is not aimed at limiting the varieties and species of fish eaten, but rather to enhance knowledge so that consumers understand more about what they're eating and where it's from. Along the way, they may well end up healthier, happier and with a healthier ecosystem.

It is my contention that, unlike the EU (where species name is more vital because of language differences) only the common name, as defined under the Fish Names Committee, be used in Australia. Otherwise, the EU regulations form a strong, viable, and comprehensive benchmark for Australian legislation.

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;

Consistency is vital for seafood labelling in Australia. Many, many hours have already been spent deciding on nationally acceptable common fish names for our seafood (see [www.fishnames.com.au](http://www.fishnames.com.au)), so most of the hard work in this area has already been done. We simply need to mandate the use of those names and come up with definable catch areas (I would suggest a minimum of state-based catch areas, as they are separate fishing jurisdictions in many cases – with the option of more detailed catch area on labels at the sellers discretion) along with fishing methods. Regarding how to define fishing methods, much of this work has already been done in the EU and through the UN and could form the basis of Australian legislation.

Consistency in labelling should apply to all levels of seafood sales. Currently wet fish is treated differently to foodservice (restaurant) seafood. All this does is create confusion. The consumer who knows what they want at the wet fish counter at their local market wants the same labelling to apply when they dine out. To do otherwise would only complicate matters more than they already are. If provenance, species and catch method are important at one point of sale, they're important at all points of sale. I wholeheartedly recommend closing the loophole in the current legislation, which excludes foodservice from fish labelling responsibilities.

A change in regulations should aid transparency, not hamper it. We already have one example of seafood labelling going part way and causing confusion where none existed.

The Northern Territory's attempt to label the origin of seafood, hugely successful as it has been in proving minimal implementation costs and consumer awareness, fails in one big area; in the NT country of origin labelling is only mandatory if the seafood is imported, not Australian. This creates confusion, as the consumer isn't sure why the information is missing in some instances. (Is the chef hiding something? Is the fish from somewhere I wouldn't usually buy from?) To avoid confusion, consistent, reliable labelling must apply to all seafood, local and imported, wild and farmed, fresh and frozen, uncooked and sold through foodservice.

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

The majority of seafood consumed in Australia is cooked and/or served outside the home, in restaurants, cafes, takeaways, pubs, clubs and bars. For many Australians, particularly those without ready access to fresh, good quality seafood (or without the necessary skills they feel they need to cook it well), this is their only access to seafood. And fish eaten outside the home is where the greatest problem with seafood labelling lies (see above, particularly response to section (a.)).

Luckily, we also know that an attempt at more serious labelling of cooked seafood by including country of origin, in the NT (see (d,) above) has proven successful in the most important area; it empowers the consumer so they can make a conscious choice about the seafood they eat. Importantly, the evidence from the NT suggests that the compliance costs are minimal, the consumer's understanding of just where seafood comes from has increased and that consumers consider provenance important when deciding what seafood to eat.

Country of origin labeling laws already apply to the delivery of seafood to the back door of restaurants. Allowing this information to reach the end consumer is the only piece of information missing in this chain.

**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 reason the FRDC set up the Common Language Group is because, under the way the system stands now, there is confusion both within the seafood industry and in the wider community about seafood. (See my reference to the Common Language Group at (a) above.) This arises because there is no universal labelling

system for seafood, and in its absence consumer groups, environmental organisations, industry bodies and marketing firms can all make claims that are very hard to substantiate when it comes to a particular item of seafood.

Under the labelling regime that I recommend, which goes only part of the way the FRDC's Common Language Group suggests, all seafood MUST be labelled by species (a universally agreed common name is fine), location caught, and the method of catch or if it was farmed. These terms are unambiguous, do not come loaded with claims or judgement, and yet empower all those in the seafood industry (not least the end consumer) to make rational choices about seafood. It is not really up to government or industry to determine what is sustainable and label it as such, but merely to allow people to make their own choices based on some basic facts.

The Common Language Group has, very wisely, decided that values-neutral information, provided consistently and regulated for, can go a long way towards eliminating confusion.

This process has been thorough and consultative. And I support the findings of CLG issue paper 1 which have found, regarding labelling, and as highlighted above, that

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- *Who is saying/endorsing that the fish is sustainable and on what basis?*<sup>2</sup>

**g. whether current labelling laws allow domestic seafood producers to compete on even terms with imported seafood products;**

Current labelling laws do not allow domestic seafood producers to compete on even terms. As the home of generally well-managed and responsible fisheries, Australia is amongst the better nations in the world as far as sustainability goes. But consumers wouldn't know, when they buy fish from the foodservice industry, where their seafood comes from. What hope does the local fisher have of differentiating their product, and proudly claiming environmental credentials, when the consumer has no reliable knowledge of where the fish is from, or how it was caught or farmed?

According to the National Seafood Industry Alliance, Australian diners simply assume that the seafood they are eating is local. Yet a vast proportion of seafood sold in Australia (close to 75%) is imported. Much of this has strong environmental

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credentials, but some doesn't. Some comes from fisheries and farms that would never pass muster in Australia. By buying that fish, we – unconsciously – export environmental destruction to nations that can often little afford it. I have witnessed such destruction first hand. Seafood labelling of the style I support will allow local fisheries to compete on their merits with fisheries from around the world. Currently, the paucity of information available to consumers doesn't allow for a level playing field, obscuring the seafood's origin and fishing methods used. In reality, this aids and abets the clandestine practices used in some parts of the globe.

Evidence from the NT (see (d) and (e) above) suggests that provenance does matter when it comes to seafood choices, but so, importantly, does price. Not labelling the origin of seafood removes one very important criterion customers need to make an informed decision about what they eat.

If we do, as some would assert, have the world's best practice in our fisheries, then consumers should be able to decide which fish to eat based on non-judgemental information that simply allows them to know the fish they are eating, where it is from, and how it came to be on the table.

h. any related matters.

As a former chef, I understand the implications for the hospitality industry. I am fully aware of how menus are written, and how the industry works, so I am conscious of the consequences for the restaurant industry of these changes. If proper labelling is implemented with a reasonable lead-time, costs of compliance will be minimal, and understanding of the changes will be broad ranging. Once restaurateurs, managers and chefs understand that it's important to 'say what you sell' they will easily be able to absorb and disseminate the necessary information required under the new legislation. All it will require is a few extra words on a menu, or perhaps a more flexible menu arrangement (blackboards, specials lists, etc), and both the industry, and their customers, will benefit enormously from the amount of knowledge they gain about the food on the plates.