

Attachment 2 – Submission from Common Language Group to FRDC

Submission to FRDC

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 submission from the Common Language Group forms part of the Fisheries Research and Development Corporation response for the purposes of the Rural and Regional Affairs and Transport Legislation Committee Enquiry into Seafood Country of Origin Labelling.