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Thank you for the opportunity to provide comment on the current requirements for labelling of seafood and seafood products. The Australian Marine Conservation Society (AMCS) provides the Australian public with an independently produced guide to the sustainability of seafood products commonly available for sale in Australia. *Australia's Sustainable Seafood Guide* (hereafter the 'Guide') contains recommendations on around 90 different seafood options and covers both domestically caught or produced and imported seafood.

However, AMCS are concerned that in the absence of stringent labelling requirements, regulated with sufficient resourcing and within a suitable policy framework, that the current labelling situation hampers recognition of good practice. It also prevents consumers from making informed decisions when buying seafood, due to the confusing system of voluntary labelling schemes and misuse or lack of understanding of current initiatives to identify specific species of seafood. Seafood labelling requires improvement from a regulatory perspective in order to provide the framework within which responsible production can be communicated to consumers prepared to make purchasing choices based on sustainability.

In particular, the dominance of imported product in the seafood market with limited information on the provenance hampers the ability of the public to clearly delineate between the sustainability of species caught overseas. In light of increasing per capita seafood consumption and the continuation of the trend of importing of cheaper seafood products, seafood labelling required significant improvements.

In recognition of the range of sources from which consumers receive information on sustainability, there is a clear need for values-neutral data that details the species, production method and origin as a minimum in order to enable the public to make seafood choices based on reliable information.

In order that Australians have adequate information on which to base their purchases, seafood labels at all seafood retail outlets should include the following:

1. Species – a standard unique species common name and/or scientific name
2. Where it was caught or farmed, to the level of Australian Commonwealth, state or territory managed fishery, and for imported seafood, the FAO major fishing area designated by name or the name of the specific country where a fish is harvested exclusively in a national Exclusive Economic Zone (EEZ), and the individual stock where more than one stock has been identified in a given FAO area, EEZ or fishery
3. How it was caught – the specific gear type used as designated by the UN FAO



AMCS address the specific terms of reference 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;

AMCS does not believe that current seafood labelling requirements provide consumers with sufficient information to make informed choices when purchasing seafood.

The development of the Australian Fish Names Standard (AFNS) was a step in the right direction in order to distinguish species by a commonly understood name. AMCS uses the AFNS in the Guide in an effort to provide clarity to consumers regarding which species of fish is under assessment; however, the standard name is not always used by retailers, so the Guide also contains information on names that are still commonly used but are not the AFNS (for example hoki for blue grenadier).

However, the lack of regulation and enforcement that accompanied the development of the AFNS has devalued the Standard itself. There is limited incentive for retailers to use the AFNS name as there are no consequences for improper use or incorrect labelling; the end result is that the consumer has little information on which to base their choices, and instead must trust in the retailers to undertake responsible seafood labelling voluntarily on their behalf. AMCS does not consider this acceptable, due to lack of consistency in use of the Standard across the retail sector.

In addition, a single name in the AFNS can refer to a number of different species, which precludes usefulness of a standard in making purchasing decisions. For example, 'Flathead' is an AFNS name, but 'tiger flathead' and 'dusky flathead' are also AFNS names. As different species are caught in different fisheries using different gear and managed by different jurisdictions, there are varying sustainability issues for separate species that is not reflected in current labelling requirements.

A number of different species of prawn are caught in Australian fisheries, and provide an interesting discussion point that highlights how the current paucity of catch and species information on labels prevents consumer from making decisions based on sustainability. Caught in multiple fisheries in Australia managed by different jurisdictions, there are different management approaches to mitigating bycatch and threatened, endangered or protected species interactions and differences in impact on marine habitats. Consumers wishing to purchase a better option of prawn that is caught with minimal environmental impact are rarely able to differentiate to the level of species caught or the region caught in.

Feedback from consumers and monitoring of usage of the Guide (website hits and downloads of the apps) indicates a growing awareness of and interest in sustainable seafood. As with other food movements, such as interest in buying local or Australian, or choosing organic or free range terrestrial farmed produce, consumers are ready to be informed of the issues around the production of seafood, and are actively seeking ways to choose and purchase sustainable options. The seafood labelling situation in Australia currently prevents the Australian public from making purchasing choices based on sustainability.

The current legal requirements for labelling of seafood in Australia stem from a variety of laws at Federal and state levels, which form a confusing patchwork of legislation. Seafood labelling requirements fall into two broad categories: 'country of origin' and 'ingredient identification' labelling.



Federal laws require that unpackaged seafood available at retailers must at minimum state whether the product is local or imported. Packaged seafood must be labelled with the so-called ‘country origin’ and there are restrictions on what may be labelled a ‘product of Australia’ (all significant ingredients must originate in Australia; otherwise ‘packaged’ or ‘manufactured’ in Australia applies).

Unfortunately, ‘country of origin’ in this case does not genuinely refer to the origin of the ingredients contained in product. Instead it is permitted and more likely to refer to the country where value is added to the product, which may have no relation to the actual provenance of the seafood used in its production. For example, canned tuna, which is almost exclusively sourced from processors in Thailand is generally labelled as ‘product of Thailand’ when in fact little to no tuna is actually harvested in Thailand. As a result of pressure from conservation groups, most canned tuna retailers now voluntarily label their product with the FAO fishing area, but this not a requirement and is not applied consistently.

In all but one Australian jurisdiction, the food service industry, where most seafood purchases occur, are exempt from ‘country of origin’ labelling. In the Northern Territory laws require imported seafood, prepared for immediate consumption, to be labelled as imported.

That improvements in labelling are required is supported by information provisions outlined in an Issues Paper produced by the Common Language Group (CLG), a group comprised of seafood import, domestic seafood production, retailers and conservation sector representatives. The Issues Paper produced by the CLG states that:

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?¹*

None of these parameters is currently mandatory on seafood labelling in any retail sector on an Australia-wide basis. AMCS considers that there should be significant improvements in the current labelling situation, and actions to improve the situation should consider the above specifications as the basis for labelling requirements.

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

AMCS does not believe that the current labelling requirements in any way enable or allow best-practice traceability of product chain-of custody. With no regulation specifying even the use of an agreed unique species name, there are multiple points along the seafood supply chain where product name change, mis-labelling or loss of provenance information is plausible, and with no end-labelling requirement, there is no incentive to ensure best practice in information exchange along the supply chain.

Improvements in seafood labelling would go some way towards improving traceability of seafood products, but labelling should not be considered in isolation of improvements to

¹ Defining Sustainable Australian seafood – Wild Capture Fisheries Issues Paper 1 Final, FRDC, available at



traceability. Traceability procedures and requirements must also ensure accurate information can be provided at retail point.

In particular, AMCS holds significant concerns over the quality of import information collected and the trade codes used to distinguish between species. Information provided to the public is of low resolution and is of limited value to those analysing import and export data. For example, shark import and export trade codes do not differentiate between species, meaning it is unclear whether Australia is importing or exporting endangered species; this will become a more significant issue as additional species of shark caught in Australian and international fisheries have been added to Appendix II of the CITES convention, and the listings will come into force in September 2014.

The ideal situation is where a product can be identified at any stage through the supply chain from specific vessel through to consumer purchase point, which ensures information valuable to enabling consumer choice is easily provided at retail outlets. Third-party schemes that certify not only the end product but also effectively the supply chain provide a model of traceability in the international seafood trade. Standards and methodology applied should be considered in order to develop a traceability and chain-of-custody regime specific to Australia.

(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;

In January 2014, the European Union agreed upon legislation that will make it a uniform requirement for all seafood sold to the public, whether packaged or unpackaged, be identified by labelling that says in language understandable to the average consumer:

- *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.*

Given that the European seafood market is arguably more complex than Australia in terms of abundance of species and trade routes (import and export from multiple countries with multiple languages), it is clear that the Australian labelling requirements are inferior and require updating to meet international best practice.

(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 in definitions and use of terms in product labelling is key to ensuring clarity within the retail market for the fishing industry, the seafood supply chain, the retail sector and consumers, and in ensuring that any improvements in traceability and chain-of-custody can be meaningfully put into operation at point of sale. Inconsistency leads to confusion for all stakeholders and lack of confidence in current labelling requirements.



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

In order that consumers are in a position to make informed choices, the requirement for improvements in seafood labelling outlined in point (a) should apply to all situations where seafood is sold.

However, experience from the Northern Territory scheme indicates that as labelling laws did not extend to seafood caught in Australia, this has led to confusion amongst both retailers and consumers. This further suggests that consistency in labelling requirements across all points of seafood retail need to be consistent in order to reduce confusion.

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

AMCS have been involved in the Common Language Group (CLG) since its inception. We continue to support the process and believe that the joint consideration of terminology by multiple stakeholders will be of great value in reducing consumer confusion.

However, it may be some time before the issue of labelling is considered by the CLG, and AMCS is concerned that output from the CLG may take considerable time to translate into positive labelling outcomes.

We suggest that the outcomes of the Enquiry public consultation process form the basis of CLG discussions on labelling, but that resources within governments are geared towards improving the situation through regulatory channels. This will ensure seafood consumers and the fishing industry, including domestic fishers and import representatives, have certainty around labelling requirements and can begin working towards improving labelling at all levels of the supply chain.

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

AMCS is primarily focused on how seafood labelling and traceability improvements can aid consumers in making seafood choices rather than issues related to competition in the seafood retail market space.

(h) Any related matters.

N/A

We look forward to the outcomes of the enquiry process, and to providing further assistance on a more practical level as to where improvements in current practice can be made through the CLG process and other channels that may result through this Enquiry process.



Australian Marine Conservation Society Inc.

Yours sincerely,

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