

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

2014 - 2015

Department/Agency: Australian Competition and Consumer Commission
Question: AET 7
Topic: Australis Barramundi
Reference: written - 02 March 2015
Senator: Williams, John

Question:

7. At the recent Senate inquiry into seafood labelling, it was stated that a product called Australis Barramundi is available in Australia but is actually imported from Vietnam. Therefore they are riding on the back of Australia's good name in seafood. Most people would think the name Australis means the product is Australian.

Has the ACCC received a complaint about this labelling and if so where is the investigation up to?

Answer:

7. The ACCC has not received any complaints about this labelling from individual complainants.

On 29 October 2014, the ACCC received a ministerial from Senator Glenn Sterle advising the ACCC of the issue.

On 21 November 2014, the ACCC advised Senator Sterle that while further enquiries would be required, we were concerned that the product name and image may potentially mislead consumers as to the place of origin or the ownership of products. The ACCC noted that the fact that the trader is registered in Massachusetts, United States, is likely to limit the capacity for the ACCC to pursue it under the *Competition and Consumer Act 2010*. Further information would be needed regarding the extent to which the products are sold in Australia, or whether the trader has a physical presence in Australia.

The ACCC is currently assessing the matter in accordance with the ACCC Compliance and Enforcement Policy and making relevant enquiries with overseas counterparts.