



# Protecting consumers against seafood fraud

*"There are many reasons to eat fish and other seafood products. It's healthy, nutritious, and tasty, and it supports our local fishing industry. But we need to be able to trace how our fish went from the baits to our plates to make sure our families are getting safe, quality food . . ."*

— Rep. Brian Blake, prime sponsor of the bill that became law in 2013

About 84 percent of all seafood consumed in the United States is imported from other countries. With about 1,700 fish and shellfish species available in the nation's marketplace, there are a lot of choices for consumers. But, unfortunately, there is a lot of fraud as well. Some studies indicate that fish is often mislabeled, disguising species that are less desirable, cheaper, illegally caught or contaminated. To help fight against this consumer fraud, the Washington State Legislature in 2013 adopted a new law that provides a higher standard for seafood labeling and stiffer penalties for those found guilty of mislabeling their product.

## Under the new law:

It is unlawful to knowingly sell or offer to sell at wholesale or retail any fresh, frozen, or processed food fish or shellfish without identifying the species of food fish or shellfish by its common name.

This new law provides the common name for salmon species, which also must be clearly labeled to indicate whether those fish are farm-raised or commercially caught. The common names of all other food fish and shellfish are provided by the U.S. Food and Drug Administration. The use of descriptive language or a trade name beyond the common name is not prohibited.

In addition, the Washington Department of Agriculture – in consultation with the Washington Department of Fish and Wildlife (WDFW) – may adopt rules as necessary to establish reasonable definitions and identification standards for species of food fish and shellfish that are sold for human consumption.



## Enforcement

To ensure fish are legally caught, WDFW police officers routinely trace fish and shellfish back to its source through inspections at borders crossings, storage facilities, wholesale and retail markets, and restaurants.

WDFW officers, which are general authority police, regularly enforce criminal provisions related to labeling fraud. Because WDFW officers also hold law enforcement commissions from the federal National Marine Fisheries Service, they enforce federal law related to large scale fraud when interstate or foreign commerce is involved.

Common observed violations include:

- No invoices for fish or shellfish
- Mislabeling fish or shellfish
- No Washington Department of Health certification tags on hardshell clams
- Harvest in closed areas
- Illegal sale of sport-caught fish and shellfish
- Undersized fish and shellfish
- Commercial catch accountability
- Licensing issues

More information on WDFW's police officers is available on the department's website at <http://wdfw.wa.gov/enforcement/>.



### Penalty for seafood fraud

A person is guilty of unlawful misbranding of food fish or shellfish:

- In the third degree if the person misbrands food fish or shellfish with a fair market value of less than \$500;
- In the second degree if the fair market value of the food fish or shellfish is at least \$500 but less than \$5,000;
- In the first degree if the fair market value of the food fish or shellfish is at least \$5,000.

HB 1200 - 2013-14

Concerning the labeling of seafood

[apps.leg.wa.gov/billinfo/summary.aspx?bill=1200](http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1200)

U.S. Food and Drug Administration:

[fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Seafood/ucm113260.htm](http://fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Seafood/ucm113260.htm)



## Examples of Commonly Mislabeled Seafood

You PURCHASED	You RECEIVED
Red Snapper	Slender Pinjalo, Channel Catfish, Rockfish, Tilapia, Nile Perch, Mahi Mahi, Mullet Snapper, Malabar Blood Snapper, Atlantic Cod
Mahi Mahi	Yellowtail
Grouper	Channel Catfish, Hake, Tilapia, Alaska Pollock, Nile Perch
Wild Salmon	Farmed Salmon
Swordfish	Mako Shark
Bluefin Tuna	Bigeye Tuna, Yellowfin Tuna
Albacore/White Tuna	Mozambique Tilapia, Escolar
White Snapper	White Hake
Atlantic Cod	Alaska/Norwegian Pollock, Whiting, Pollack, Saithe, Oilfish, Escolar
Chilean Sea Bass	White Bass, Striped Bass
Shark Meat	Nile Perch
Red Drum	Black Drum
Halibut	Sea Bass, Deep-water Cape Hake
Haddock	Saithe
Anchovies	Icefish
Orange Roughy	Oreo Dorey, John Dorey
Red Mullet	Spotted Goatfish
Monkfish	Pufferfish

Source: Oceana

## Mislabeling

Most often the incentive for seafood fraud is money. A restaurant or distributor can make a substantial profit by mislabeling farmed-raised Atlantic salmon as highly desirable king salmon or selling sea bass as halibut.

## Impacts of seafood fraud

### Human health

Seafood fraud potentially can threaten human health. Without proper labeling, people may unknowingly purchase a product that is contaminated, which in some cases can lead to severe illness. The most common example is the illegal harvest and distribution of shellfish, such as clams and oysters, from uncertified or polluted beaches and are sold to consumers.

### Conservation concerns

Seafood fraud also can undermine conservation efforts designed to protect threatened fish and shellfish species and provide for sustainable fisheries. Underreporting harvest, mislabeling, and concealing illegally harvested fish can jeopardize fish and shellfish populations, especially less abundant species that are at risk of extinction.



Example of Atlantic salmon marketed as king salmon. Further investigation showed no invoices for king salmon but multiple invoices for Atlantic salmon.

## Salmon Labeling

There are many names for salmon. To prevent mislabeling and to minimize confusion the new law specifies the common salmon names required on the label.

Below are those common names:

### Chinook Salmon or King Salmon

*Oncorhynchus tshawytscha*

### Coho Salmon or Silver Salmon

*Oncorhynchus kisutch*

### Chum or Keta Salmon

*Oncorhynchus keta*

### Pink Salmon

*Oncorhynchus gorbuscha*

### Sockeye or Red Salmon

*Oncorhynchus nerka*

### Atlantic Salmon

*Salmo salar* (in other than its landlocked form)

## What Can You Do?

Choose fish and shellfish carefully and support the high standards set by the seafood industry. If the price is too good to be true, it probably is. Ask questions about what you're buying.

- Ask to see when and where they received the seafood. The retail outlet is required to keep seafood invoices onsite for at least 3 years.
- Check Department of Health certification tags for clams and oysters to make sure the harvest dates are close to the current date. Retail outlets are required to keep these tags onsite for 90 days.
- Verify that the seafood is stored properly.
- If you suspect a business of seafood mislabeling, contact WDFW Police at 1-877-933-9847.



## How to Choose Seafood?

- Fresh seafood shouldn't smell fishy
- Fish eyes should be clear
- Fish gills should be red and not dull
- Discard any clams with broken or cracked shells
- Discard clams that stay open before cooking
- Discard clams that stay closed after cooking
- Know your fish vendor and ask questions

## Contact Information:

Washington Department of Fish and Wildlife Police  
600 Capitol Way North  
Olympia WA 98501

**1-877-933-9847**  
**wdfw.wa.gov**

