

SeaChoice Submission to the Safe Food for Canadians Regulations Public Consultations



Submitted by Colleen Turlo, on behalf of SeaChoice and its member organizations –

David Suzuki Foundation, Ecology Action Centre, Living Oceans Society



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SeaChoice would like to thank the CFIA for accepting this submission, and would like to express our interest in remaining engaged in regulatory consultations and initiatives as they pertain to labelling of seafood products that may have concerns related to health and safety, misleading or fraudulent claims, traceability requirements, lack of supply chain transparency, and other environmental or social sustainability concerns.

In addition to our formal submission, we would like to request a meeting with the relevant CFIA representatives, to further discuss our comments and suggestions around how to improve seafood labelling and traceability in Canada.

Organizational Overview

SeaChoice is a Canadian collaborative conservation program of the [David Suzuki Foundation](#), the [Ecology Action Centre](#) and [Living Oceans Society](#).

SeaChoice's focus over the past decade has been to provide informative resources on seafood sustainability to both consumers and businesses. Launched in 2006, SeaChoice was created to help Canadian businesses and consumers take an active role in supporting sustainable fisheries and aquaculture at all levels of the seafood supply chain. Based on scientific assessments, SeaChoice has created easy-to-use tools that help Canadians make the best seafood choices.

SeaChoice is a member of the international [Conservation Alliance for Seafood Solutions](#), and has worked closely with the Monterey Bay Aquarium's acclaimed [Seafood Watch](#) program. SeaChoice has also collaborated with its member organizations in selected Marine Stewardship Council and Aquaculture Stewardship Council certifications of Canadian fisheries and farming operations.

Having achieved significant progress over the past decade, particularly with our retail partners achieving their sustainable seafood procurement commitments, SeaChoice is in the process of pivoting into the next decade of work to improve the sustainability of seafood produced in, and imported into, Canada.

Moving forward, SeaChoice will be directing more resources into issues of transparency and traceability, verifying seafood labelling through DNA testing in Canadian markets, using market leverage to improve some of the least sustainable Canadian fisheries and aquaculture productions, and providing retailers the tools and incentive necessary to design and improve their own sustainable seafood policies in-house.

Rationale for Submission

Our main focus for this submission is on **fish and seafood labelling and traceability** throughout the supply chain, with an emphasis on transparent labelling at the point of sale.

Consumers are becoming increasingly aware of, and interested in, the origins of their seafood, particularly as issues such as environmental sustainability, impacts on endangered species, toxin accumulations, incidents of illegal, unregulated and unreported (IUU) fishing, quality assurances and human rights abuses are better understood. Reports of seafood fraud—where seafood is advertised as something it is not—are also further eroding consumer confidence. The “eat local” movement has further increased the number of Canadians wanting to support more local, Canadian seafood producers. Many of these issues can be addressed, and at least partially solved, by requiring comprehensive product labelling and traceability, both of which increase transparency from harvest to plate.

In order for a consumer or a business to make an informed seafood choice, they must have a certain amount of information about the product they are purchasing. While working closely with the seafood supply chain through direct and indirect partnerships, SeaChoice has noticed a reoccurring issue as we try to assist businesses in procuring sustainable seafood, related to inconsistent data, poor labelling and questionable traceability of seafood.

After researching and releasing our 2016 report [Taking Stock: Sustainable Seafood in Canadian Markets](#) (key results of the report highlighted [here](#)), SeaChoice identified several priority areas where we could have the most significant impact on creating positive change on the water, and increasing the sustainability of Canadian fisheries and aquaculture operations.

One of these newly identified areas of focus for SeaChoice moving forward was demanding better labelling and traceability within the seafood supply chain in Canada. Stronger, more detailed labelling can simplify some of the complexities that exist within the seafood supply chain around verifying product information, and allow for better analysis and traceability of the large volumes of seafood being produced, exported, and imported into Canada. Having a clearer picture of the seafood that remains in Canada, and the export markets where Canadian seafood is eventually sold, can help SeaChoice target the fisheries and aquaculture operations which are in most need of improvement.

The consultation on the proposed Safe Food for Canadians regulations is an important opportunity for us to submit comments on what key data elements should be mandatory on seafood packaging and labels, and the traceability assurances needed to verify their validity. These key data elements are necessary for both companies and consumers to make informed decisions about the seafood they support and purchase, as they can shed light on environmental and socio-economic sustainability. Other issues, such as health implications, Illegal, Unregulated, Unreported (IUU) fishing and quality assurances can be addressed by including these key pieces of information as well.

Our newest SeaChoice report - [Canadians Eating in the Dark: A Report Card of International Seafood Labelling Requirements](#) (key results of the report highlighted in appendix 1) – compares Canada's seafood labelling regulations to those of its two largest export markets,

the European Union and the United States, and highlights the fact that seafood products sold within Canada are accompanied with less information than when sold abroad in these other jurisdictions. The Safe Food for Canadians Regulations presents a rare opportunity for Canada to align its regulations with those of our major trade partners to facilitate smoother trade and business operations, as well as to give Canadian's more information about the seafood they are purchasing.



Figure 1: One Fish, Three Labels.

An example of labels depicting mandatory requirements for Pacific yellowtail rockfish sold in EU, US and Canadian stores.

Recommendations

Recommendation 1:

The Canadian government should amend its labelling regulations to include the following information on seafood products (in addition to common name and “Country of Origin”):

- Species’ (Latin) scientific name
- Production method (wild or farmed)
- Harvest method (gear type or farming method)
- Geographic origin (region of catch or area of production)

More mandatory information on seafood labels and packaging is vital to protect consumers from fraud and misrepresentation and ensures a more fair, truthful and equitable marketplace for retailers and producers alike.

As recommended in our [report](#), and as supported by various academics, industry members, and consumers alike (see www.labelmyseafood.ca), we urge the CFIA to include the following information as mandatory requirements for labels and packaging of seafood sold in Canada: **the scientific name, production and harvest methods and geographic origin**. This information should be transparently available at [all stages of the seafood supply chain](#) – from producer to consumer – regardless if it is harvested domestically or imported. With retailers selling two-thirds of seafood sold in Canada¹, labelling at the point-of-sale in retail venues is essential.

The current Canadian requirements for labelling seafood products intended for human consumption are insufficient. The mandatory requirements of listing only a common name and the country of origin for wholly imported food, or the place of last major processing (also called “country of origin”) for altered foods, does little to inform buyers about potential health implications, quality assurances, environmental or social sustainability, or even if the species they are paying for is what they believe it is. It further obstructs Canadians from supporting local Canadian fisheries and seafood products.

It is important to note that greater details are necessary in order to *import* seafood into Canada. As part of the Fish Import Notification form, the following are required to be disclosed to the CFIA upon import: **common name, Taxonomic Serial Number** (which is associated with a specific scientific name on the Fish List), **production method (i.e. wild or farmed) and country of harvest**. In addition, importers need to provide the ‘species risk group’, as per the CFIA Fish List, which specifies whether the species is known to be a health risk (i.e. environmental contaminants, histamine production or marine toxins). Despite being required and collected by the CFIA at the point of importation, none of this key information is passed on to the next stages of the supply chain, and is certainly not presented to the end consumer.

The current fish labelling requirements are in many ways not consistent with the legal tenets of the regulations to not mislead consumers. Section 27 of the Fish Inspection Regulations states, “No person shall package any fish or mark or label any container of fish in a manner that is false, misleading or deceptive”. Omitting information on what a species actually is (its scientific name over its common name), and where it actually comes from (its geographic origin versus its “country

¹ Food for Thought, Strategic Information Services, Food & Drink Markets, 2007 Edition.

of origin"), is arguably misleading and not representative of truthful labelling. As accurately described in the Implementation Considerations from the Phase II stakeholder feedback of the CFIA's Food Labelling and Modernization Initiative, "complete, accurate, consistent and truthful information on ingredients lists, nutrition, health and consumer values claims are needed."

Despite the lack of detail required on retail shelves in Canada, our major trade partners have more stringent import requirements to meet their labelling regulations. (See page 19-21 of our labelling [report](#) for more details of the jurisdictional regulations).

The **European Union** requires: common name, scientific name, harvest method (farmed or wild), geographic origin, method of catch (gear type) and place of last major processing.

The **United States** requires: common name, method of harvest (farmed or wild), and place of last major processing (also called "country of origin").

Canadian aquaculturists, fishermen, processors and seafood exporting businesses need to ensure the necessary detailed label information accompanies their product in order to sell to both the EU and the US. This equates to 73 per cent of Canada's seafood exports being sold with greater product information abroad than required at home.

If Canada is already required to comply with more stringent labelling regulations for overseas markets, why not at home?

The SmartLabel™ tool was identified in the CFIA's Food Labelling Modernization Initiative as a potential labelling tool and is an initiative that SeaChoice would support if adding all of the product information that we are recommending is too burdensome for the business or company to include on their label. Giving consumers access to information about their seafood, either in print, or digitally through mobile scanning or "QR Code" technology promotes transparency, and allows consumers to confidently buy seafood that supports the elements they value.

Recommendation 2:

Canadian food labelling regulations should incorporate an onus on seafood supply chain actors to provide the necessary product information from source to customer to improve **traceability**.

SeaChoice recognizes that consumers have higher expectations about the accuracy of labels and product value claims, and prefers the government to regulate and monitor these claims instead of industry. Increased media attention around fraud and mislabelling of seafood has identified that our existing supply chain requires improved transparency and accountability to safeguard businesses and consumers.

As Canada's major seafood trading partners increase their **traceability requirements** for seafood imports, the need for better labelling and stronger traceability systems in Canada is quickly becoming a necessity for seafood trade.

Recent developments in trade agreements provide further incentive to upgrade Canada's labelling regulations, such as the EU-Canada Comprehensive Economic and Trade Agreement (CETA). As part of the negotiations, Canadian fisheries products are expected to meet Rules of Origin. Without domestic mandatory requirements that govern product origin, Canada's accountability to CETA is at risk.

Additional commitments to combatting IUU fishing overlap with the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing that entered into force in June 2016. Canada is expected to ratify the agreement in 2017.

Furthermore, the US Presidential Task Force on Combatting IUU Fishing and Seafood Fraud's upcoming traceability program will place additional onus on Canadian fisheries and exporters, with Atlantic cod, swordfish and tuna amongst the priority species.

A robust labelling and traceability legislative framework in Canada would aid in closing opportunities for IUU products to enter the marketplace, align our regulations with those of our major trade partners, safeguard the economic integrity of Canadian seafood products, and ensure that we meet existing and upcoming trade commitments.

Comments Specific to the Safe Food for Canadians Regulations

SeaChoice agrees that Canada needs a food system that is more transparent, preventative, robust and supported by modern technology, tools and training (from presentation Jan 17, 2017, Food Regulatory Workshop, Enfield, NS). Our comments are aligned with the belief that the Safe Food for Canadians Regulations need to reflect consistent, internationally recognized requirements, level the playing field between domestic food businesses and imports, support ongoing market access for food businesses, increase confidence in food safety, and align with trading partners for managing risk.

Due to reasons of economically motivated fraud, health concerns, quality assurances, environmental and socio-economic sustainability, risk of human rights abuses and IUU within the supply chain, proper seafood labelling and traceability should fall under a medium-to-high risk category relating to false claims and preventative health attributes, and not as a low-risk, voluntary, consumer value claim. We have summarized our comments specifically related to the Safe Food for Canadians Regulations into four categories – common name, geographic origin, truthful and not misleading claims and traceability.

Common Names

- As there are thousands of species of fish and seafood sold in Canada, the package or label should clearly list the **species scientific name**, or a common name that represents just one species of fish.
- The current CFIA fish list of common names often "hides" species behind one generic category which does not provide meaningful information to the consumers. (See appendix 2 for examples)
- Acceptable common names can also come from **a range of guidance documents**, and therefore is not consistent, clear, and uniform, but rather can be chosen subjectively. (Guidance documents include the CFIA fish list, Fish Inspection Regulations, the Food and Drug Regulations, other legislation, or how it is generally known).
- Listing a species by its **scientific name** (or a common name that only represents one species) can **avoid subjectivity** in listing seafood that may have common names that vary between languages or regional preferences.
- There are common names that can be used for a species whose populations are **healthy and well managed**, while also allowed to be used for a species that is **threatened or endangered** (e.g., over 100 *Sebastes spp.* can be listed simply as "rockfish", over 100 crab species can be listed simply as "crab", 63 species of anchovy can be listed as "anchovy")
- There are common names that can be used for species that have **varying levels of health and safety related issues** – such as "tuna", which can have mercury levels that vary significantly. Health Canada recommends limiting consumption of certain tuna species, but if the species name is not listed on the label, it is not possible for consumers to avoid species with higher mercury levels.

- Identifying the **harvest method** for fish and seafood may fit into the category of class names, by listing whether the species is "wild" or "farmed".
- Both the **United States** and the **European Union** include harvest method as a mandatory labelling requirement for seafood.

Geographic Origin

- The place of last major processing should accompany a seafood product.
- However, processing seafood should not preclude consumers from knowing the true geographic origin of that seafood product. The true geographic origin of the product should also be included on a label or packaging.
- We find it misleading that the country in which the food undergoes processing that changes its nature should be considered to be the “Country of Origin” for the purposes of labelling (last substantial transformation).
- The term “Country of Origin” should be for all seafood products, whether or not they are whole or processed.
- A separate term, such as “Country of Processing”, should be used additionally for products which undergo changes to its nature. This can ensure that consumers are not confused or misled about the true geographic origin of the seafood.
- Geographic origin is crucial to understanding the impact of harvesting on the sustainability and potential health concerns of both wild stocks and farmed species.

- The European Union (EU) includes geographic origin as well as the place where substantial transformation or processing occurred (called identification mark).
 - For geographic origin of fish caught at sea, the EU requires the FAO area or sub-area of catch, accompanied with a simplification for the customer, such as a clearer name, a map or a pictogram.
 - For fish caught in freshwater, the EU requires the body of water and the EU country, or the non-EU country of origin to be listed.
 - For farmed fish, the EU requires the country of final rearing to be listed.

Towards Truthful and Not Misleading Claims

- Not including key information on seafood labels (as outlined in recommendation 1) is misleading consumers, and not having this information mandatory on seafood packages throughout the supply chain puts seafood businesses at risk of fraud.
- Requiring many of these key information pieces at the point of import for the Fish Import Notification form, but not passing the information down to businesses is a missed opportunity for CFIA to ensure that seafood is properly labelled, truthful, accurate and not misleading as it travels through the supply chain.
- We support the government adopting risk-based enforcement relating to food safety, economically motivated adulteration of food and fraud to ensure that packaging and label claims are truthful and not misleading.
- Certain species of seafood are at higher risk of fraud than others.
- Targeting inspections of those high-risk species which are more commonly mislabeled; or those more likely to be from an Illegal, Unreported or Unregulated (IUU) fishery; or to have human rights abuses in their supply chain; or those who may have health or quality related issues would be a positive first step in verifying seafood entering the Canadian marketplace.
- Traceability and transparency are important components of being able to identify seafood that is at higher risk of fraud.

Traceability

The proposed requirements for a “one-up, one-down” traceability system proposed in the Safe Food for Canadians Regulations is not sufficient to safeguard businesses and consumers from food fraud, and health and safety risks, especially as there is no requirement for retailers to pass on detailed information to the consumer. In order for a traceability program to be truly successful SeaChoice believes it needs to be transparent, with the information available at minimum to all players along the supply chain, but ideally to the public as well, to be truly accountable. In addition to not having adequate transparency (the traceability information is only available to CFIA, and is only requested if there is a food recall or safety concern. It is not available to other businesses purchasing and handling the product), the information required for collection and retention related to the traceability systems is insufficient for fish and seafood products. We believe that *at minimum*, the information required for the Fish Import Notice should accompany the seafood product to the point of sale.

In relation to fish and seafood products, we have outlined jurisdictional examples of regulations that are in place to minimize seafood fraud, labels and packaging that have a more mandatory information, and mentioned several international initiatives and trade agreements that provide further incentive for Canada to develop more robust and transparent traceability systems to ensure that our seafood remains competitive in our domestic and export markets.

Canada is currently in a unique position to develop new traceability systems and update our labelling regulations to align with the requirements of our major trade partners, namely the EU and the US.

CANADIANS EATING IN THE DARK: A REPORT CARD OF INTERNATIONAL SEAFOOD LABELLING REQUIREMENTS

To assess the adequacy of Canada's seafood labelling regulations, SeaChoice compared Canadian regulatory requirements for seafood labels to two of Canada's major seafood trading partners, the European Union (EU) and the United States (US). With retailers selling two-thirds of seafood sold in Canada, proper labelling at the retail point-of-sale is essential to promote transparency, reduce seafood fraud, and increase consumer confidence.

Here's what we found.

EUROPEAN UNION



UNITED STATES



CANADA



Canada Scores an "F" for seafood labelling regulations.

REPORT CARD

Basic Elements of Seafood Labelling

Common Name	✓	✓	✓
Scientific Name	✓	✗	✗
Production Method (Farmed or Wild)	✓	✓	✗
Harvest Method	✓**	✗	✗
Geographic Origin	✓	✗	✗
Country of Last Major Transformation/Processing***	✓	✓	✓
GRADE	A	D	F

Scoring: A—above 5; B—5; C—4; D—3; F—2 or lower

*Labelled under the following designations: 'farmed' or 'caught'.

**Depicts harvest method for wild-caught fisheries, but not for farmed seafood: a ½ score is awarded.

***Labelled as "Identification mark" in the EU and "Country of Origin" in the US and Canada.

Why Does Seafood Labelling Matter?

Comprehensive labels required on seafood can:

FOR CONSUMERS:

- Reduce risk of seafood fraud.
- Increase transparency.
- Provide information on environmental sustainability and/or human rights abuses.
- Improve consumer confidence and allow for consumer choice.

FOR INDUSTRY & THE ECONOMY:

- Increase supply chain traceability.
- Decrease fraudulent and illegal products from entering the supply chain.
- Maintain market competitiveness, through consistency with international requirements.
- Ensure compliance with international trade agreements.

FOR GOVERNMENT:

- Offer consistency with international requirements to facilitate smoother sale and trade operations.
- Allow for information collected on seafood imports (species name, where and how it was caught or farmed) to be transmitted throughout the supply chain.
- Provide more robust and accurate data on seafood production, imports and exports.
- Allow for a more efficient response to health and safety concerns.

What Your Seafood Label Doesn't Tell You

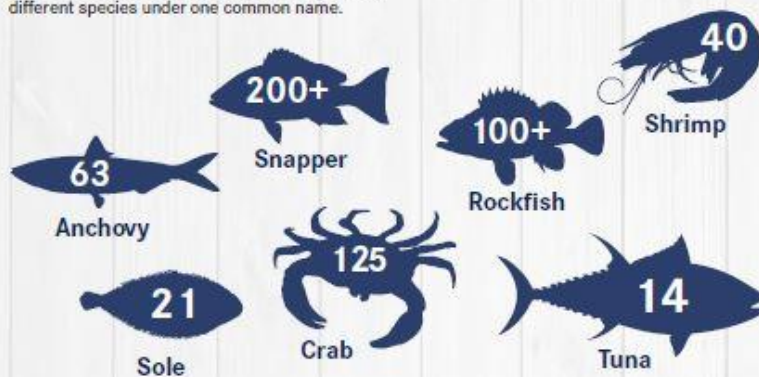
Canada's only labelling requirement for domestic seafood products is to list the species **common name**. According to CFIA's guidelines, one common name can refer to many different species – sometimes hundreds.

For imported species, the "**country of origin**" must also be listed – however this can simply mean the place where the fish was last processed, not where it was actually caught or farmed.

These two requirements alone are insufficient for consumers and businesses to determine key information about the species they are purchasing.

ONE COMMON NAME = MANY SPECIES

The CFIA Fish List allows for the lumping of many different species under one common name.



Nutrition Facts* Valeur nutritive

Serving Size About 1 Piece (145g)
Portion environ 1 morceau (145g)

Amount Teneur	% Daily Value % valeur quotidienne
IUU	?%
Human Rights Violations	?%
Overfishing	?%
Bycatch	?%
Habitat Damage	?%
Antibiotics	?%
Pesticides	?%
Mercury Levels	?%

Without information on a species scientific name, production method, harvest method, or geographic origin, it is nearly impossible to determine whether or not it is associated with the issues listed.

More detailed labelling can help shed some light on the likelihood of these issues being associated with seafood products.

**This image is not an example of what seafood labels should include. It is meant to illustrate the fact that there can be many associated issues with a seafood item that Canadian consumers are unable to identify when key labelling information is not included on a label or package.*

SeaChoice Recommends a Seafood Labelling Action Plan for Canada

SEACHOICE CALLS ON THE GOVERNMENT TO TAKE THE FOLLOWING ACTIONS TO IMPROVE SEAFOOD LABELLING IN CANADA.

- 1** Amend Canadian food labelling regulations to include the following information on all seafood products:

 - Species' scientific name
 - Production method (*farmed or wild*)
 - Geographic origin (*region of catch or area of production*)
 - Harvest method (*gear type or farming method*)
- 2** To improve seafood traceability, Canadian seafood labelling regulations must require comprehensive seafood labelling throughout the seafood supply chain, from source to consumer.



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Fishy Labels:

What Canadian Seafood Labels Don't Tell You

ONE COMMON NAME CAN REPRESENT MANY DIFFERENT SPECIES WITH DIFFERENT CONCERNS

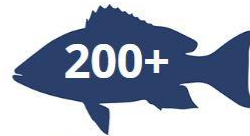
Each of these common fish names can be used for a large number of different species.



Anchovy



Sole



Snapper



Crab

Shrimp



If a species is simply listed as shrimp, it may or may not be:

- responsible for habitat destruction
- associated with human rights abuses
- caught alongside large numbers of bycatch
- ladden with chemicals, pesticides and antibiotics

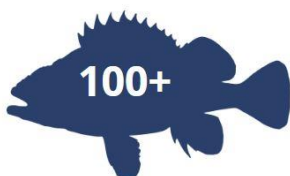
Tuna



If a species is simply listed as tuna, it may or may not be:

- an endangered species
- from an IUU fishery
- overfished
- caught alongside large numbers of bycatch
- associated with human rights abuses
- high in mercury

Rockfish



If a species is simply labeled as Rockfish, it may or may not:

- be an endangered species
- be overfished
- have ever had a stock assessment