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Fisheries Research and Development Corporation submission- Standard 2.2.3 Fish and Fish Products of the Food Standards Code

Executive Summary

The Fisheries Research and Development Corporation (FRDC) is a co-funded partnership between the Australian Government and the fishing industry. It was formed as a statutory corporation on 2 July 1991, under the provisions of the Primary Industries Research and Development Act 1989 (PIRD Act) and is responsible to the Minister for Agriculture.

The FRDC undertakes research, development, extension and marketing activities along the whole supply chain – from producer to consumer.

As will be demonstrated below, much has been achieved with regard to standardising fish names throughout Australia and the Australian Fish Names Standard (AFNS) is now recognised and implemented through government agencies. All major stakeholder groups are represented on the Fish Names Committee.

Confusion and consumer concern still remains around the mis-labelling of seafood in the marketplace.

FRDC firmly contends that many of the concerns raised by consumers will be addressed through the formal recognition and legislated adoption of the AFNS within the Food Standards Code. This measure would provide a huge boost in consumer confidence in the Australian seafood industry and would go a long way to reducing the opportunity and incidence of deceptive practices in the seafood supply chain.

This view is consistent with two submissions the FRDC recently submitted to parliamentary enquiries:

1. The House of Representatives Agriculture and Industry Committee inquiry into country of origin food labelling.
2. Senate Rural and Regional Affairs and Transport References Committee: the current requirements for labelling of seafood and seafood products.

Recommendations

1. Use of the names defined in the AFNS be prescribed through an amendment to the Standard 2.2.3 of the Food Standards Code making the AFNS mandatory rather than an advisory note.
2. The reference in dot point 1 of Note 3 be changed from AS SSA 5300 to AS 5300.

FRDC as a Standards Development Organisation

The FRDC is an accredited Standards Development Organisation. It has been accredited to develop Australian Standards within the scope of terminology, sustainability and operational practices in the fishing industry.

One of the key Australian Standards that FRDC is responsible for is the Australian Fish Names Standard (AFNS) AS 5300.

FRDC and the Fish Names Committee (FNC), the standards reference body responsible for the maintenance of the AFNS have been continually improving the AFNS since 1998 and have put together a committee that is representative of all key stakeholders in the Australian seafood industry.

The AFNS defines standard names to be used for fish and fish products traded in Australia. The purpose of the AFNS is:

1. To improve monitoring and stock assessment thereby enhancing the sustainability of fisheries resources;
2. To Increase efficiency in seafood marketing and improve consumer confidence and industry profitability;
3. To Improve accuracy in trade descriptions which enables consumers to make more informed choices when purchasing seafood and reduces the potential for misleading and deceptive conduct;
4. To provide more efficient management of seafood related public health incidents and food safety through improved labelling and species identification which reduces public health risk and facilitates efficient product recall arrangements;
5. To enhance marketability and consumer acceptability of the standard fish names used for a species eliminating misleading and deceptive conduct.

It is important to note that Australia has over 5000 native species of finfish, crustaceans and molluscs. Around 600 of these species are important commercially, and many others support recreational activities such as fishing and diving.

The Australian Fish Names list prescribes a standard fish name for a majority of the Australian and most of the important imported species.

More information on standards and the AFNS is available via the web – www.seafoodstandards.com.au and www.fishnames.com.au.

Discussion

There is currently no mandatory requirement for seafood businesses to use the names listed in the AFNS.

As you are aware, the “Australia New Zealand Food Standards Code - Standard 2.2.3 - Fish and Fish Products” includes an editorial note which refers to the AFNS.

The Consultation Draft of 7 July 2014 in particular states:

- Note 3** This Code does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia.
1. Hard copies of the Australian Fish Names Standard (AS SSA 5300) are available from FRDC’s Online Shop at <http://www.seafood.net.au/shop>.
 2. A searchable database of Australian Standard Fish Names is available at <http://www.fishnames.com.au>.
 3. New Zealand common, Maori, and scientific names for fish species are available at <http://www.foodsafety.govt.nz/industry/sectors/seafood/fish-names/index.htm>

The AFNS is to be republished in the immediate future and the SSA components will no longer be included in the standards nomenclature. This means that the next and all future standards will be numbered as AS 5300.

Fish labelling is an important issue that needs to be addressed as a priority.

- a) Consumers have a right to make informed choices when purchasing so must have confidence in correct labelling;
- b) Some species of seafood may cause problems to susceptible populations, ranging from allergies to serious illness.
- c) It is essential for product traceability for seafood quality and safety. (How can you recall it if people are calling it different names?)

Achievements to date

The purpose of the AFNS is to achieve outcomes that are consistent with the aims of industry and government. The key areas the Standard is concerned with are:

1. Improved monitoring and stock assessment enhances the sustainability of fisheries resources

The AFNS has been added to Fisheries Management Legislation to ensure that all fisheries management agencies are referring to the same species when providing data on capture; thereby making the stock status report possible, and facilitating critical knowledge as to the sustainability of Australian wild caught species.

2. Increased efficiency in seafood marketing improves consumer confidence and industry profitability

The seafood industry, through its approved Standard Development Organisation, helped responsibly develop the standard, which is used by reputable suppliers of seafood. The process is open, transparent and rigorous. It is the only such Standard of its kind in the world.

As you will be aware, Food Standards Australia and New Zealand (FSANZ), through its representative on the FNC has assisted greatly in shaping the formation and achievements of the AFNS.

The standard provides consumers with some confidence and consistency of what they are buying when purchasing seafood in Australia. However, while the Food Standards Code does refer to the standard it treats it as a voluntary standard and it is not mandated under the Food Standards Code.

3. Improved accuracy in trade descriptions enables consumers to make more informed choices when purchasing seafood, enhances marketability and reduces the potential for misleading and deceptive conduct.

The Australian Competition & Consumer Commission (ACCC) has primary responsibility to ensure that individuals and businesses comply with Australian competition, fair trading, and consumer protection laws. In particular, the Competition and Consumer Act 2010 have within their power to take action for misleading and deceptive conduct when mislabelling of seafood occurs.

Fair trading laws and food laws in Australia and New Zealand require that labels do not misinform through false, misleading or deceptive representations. In Australia, this legislation includes the Australian Consumer Law (ACL) contained in the Competition and Consumer Act 2010, and State and Territory Fair Trading Acts and Food Acts. In New Zealand, this legislation includes the Food Act 1981 and Fair Trading Act 1986.

The fish name standard affects the marketability of seafood through the application of consumer-friendly naming and the removal of areas of duplication. For example, the Australian Fish Names Committee just announced the addition of the new group name Flake. This now means that only two shark species, Gummy Shark (*Mustelus antarcticus*) and Rig (*Mustelus lenticulatus*) – a predominant New Zealand species - can be sold or marketed in Australia as Flake.

4. More efficient management of seafood related public health incidents and food safety through improved labelling and species identification reduces public health risk and facilitates efficient product recall arrangements

The mandatory use of fish names is integral to an efficient traceability and food recall system. Accurately knowing what fish has been purchased is the first part of implementing a food recall. The second part which is just as important is knowing where the product is from.

In effect, an effective seafood recall is facilitated by:

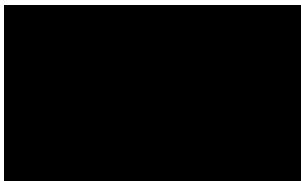
- No confusion as to the species that is subject to a recall
- As much information as possible as to the source of the product, including region, fishery, producer or country of origin.

Therefore having some form of origin or source labelling is an integral component of a seafood traceability and recall system. The AFNS does not provide this level of detail at present, but could easily be amended to address the situation.

To activate and enforce seafood labelling the Australia New Zealand Food Standards Code - Standard 2.2.3 - Fish and Fish Products would need to be amended to formally recognise the AFNS.

Should you have any questions please call me on 6285 0400.

Yours sincerely



Peter Horvat

A/g Executive Director