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Towards a standard nomenclature for seafood species to promote more sustainable seafood trade in South Africa



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ABSTRACT

Seafood fraud is widespread and undermines attempts to achieve more sustainable fisheries and seafood trade. Deliberate mislabelling of fish was first detected in South Africa in 2009, exposing the lack of coherent or explicit naming and labelling regulations. It was followed by considerable media coverage and public outrage. This catalysed a series of events that led to the creation of a new space of engagement where scientists, academics, and industry could begin to jointly solve the issue of seafood mislabelling. This paper first evaluates and identifies the shortcomings of the existing policy and regulatory framework applicable to seafood naming and labelling in South Africa. Next, it examines approaches of some other countries to deal with seafood (mis)naming, and puts forward a set of suggestions that could be used to improve the status quo in South Africa, or any other country in a similar position. Finally, it reports on subsequent developments over the past five years following the seafood scandal, including the formation of a working group with representation from across the seafood supply chain, regulatory bodies, and experts: resulting in a submission of a proposal for a new national standard for seafood market names in South Africa. These findings show how diverse actors can work in a cooperative and practical manner, to solve a common problem. Finally, it highlights the importance of the “bridging” role that non-governmental organisations can play in achieving this.

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1. Introduction

Seafood mislabelling and by implication, misnaming, is a very widespread form of marketing fraud [1]. This is evidenced by the frequency of occurrence, and ever-growing number of species involved in published cases where DNA fingerprinting and related molecular techniques [2,3] have revealed deliberate market substitution, e.g., one species sold for another [4], farmed fish for wild-caught [5], lower for higher value species [6], unsustainable catches as eco-labelled [7], or concealing the true identity of endangered, protected, or overexploited species [8]. Seafood market substitution has been found in countries in North America [4,9], Europe [10], and also South Africa [11,12]. Several authors (e.g., [1,13]) have discussed the possible (mostly devious) motivations for misnaming as well as potential (negative) implications for sustainability, markets and human health [14] and there is general accord that correct and consistent naming and labelling of seafood species is critical for the promotion and implementation of legal and sustainable seafood trade [1].

Although seafood market deception accounts for a relatively small component (2%) of all published cases of food ingredient fraud [15], it could be argued that seafood as a collective (including marine, freshwater, and cultivated types) has certain attributes that is more conducive to misnaming, both intentional and unintentional, than other foods. Seafood includes a staggering number of potential species: the most recent edition (2014) of the ASFIS list compiled by the Food and Agriculture Organization (FAO) – probably the most comprehensive global seafood listing available – includes some 12,560 species of “interest or relation to fisheries and aquaculture” [16]. Moreover, seafood is the most globally traded food commodity [17] which heightens the likelihood of encountering a species that is unknown to traders and consumers in any given country, or is not suitably traceable or labelled to allow identification. This situation is aggravated by the complex supply chain [18], multitude of processed forms so typical of seafood [19], and widespread occurrence of products derived from illegal, unreported, and unregulated (IUU) fishing activities, much of which may enter the formal supply chains at some stage [20].

In South Africa, two independent studies have been published on the issue of seafood market substitution. The more recent [12] recorded some 70 fish species/types available in the retail and food service

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sector, a low incidence of adequate labelling, and high rates of mislabelling (9% of samples from wholesalers and 31% from retailers). An earlier paper [11] reported an even higher rate (50%) of fraud for filleted fish. Both studies highlighted the vulnerability of consumers to be defrauded due to the lack of on-product information, low levels of knowledge about legislation, species, provenance, and sustainability among dealers and buyers alike [21], and the inadequacy of extant South African labelling and naming regulations and guidelines to address these issues. In reference [11] several steps were identified that, if implemented, should improve the situation, including, the “establishment of standardised market and trade name list and naming protocol”. Nothing happened however, until the preliminary findings of the research were televised on a current affairs journalism programme¹ (Supplementary data, Appendix A). The ensuing “Seafoodgate” scandal sparked outrage and distrust among consumers and heightened awareness in the industry about the incidence and risks associated with seafood fraud [22]. As a knee-jerk reaction some restaurant chains and foodservice companies adopted voluntary DNA testing to confirm species. More importantly, the incident served as a catalyst for inclusive dialogues between non-governmental organisations (NGOs), regulatory authorities, and the seafood industry.

It is against this backdrop that a follow-up to these events is presented. This paper aims to: (1) evaluate the current regulatory framework applicable to trading and naming of seafood in South Africa; (2) identify the key issues; (3) summarise what some other countries have done to resolve similar challenges; and (4) drawing recommendations from this, suggest a protocol for naming of seafood species common to the South African market, including foreign and imported species. The findings are discussed in the context of events that followed the seafood fraud scandal.

2. Materials and methods

All available legislation or policies of all governmental entities involved with the regulation of fisheries, seafood trade, and processing standards were examined, by viewing their websites and obtaining electronic copies of relevant documents. Documents were evaluated according to any relation or role impacting directly on seafood naming and labelling, paying special attention to designated market names associated with scientific species names. Key issues (with illustrative examples) were identified in these documents that may inadvertently contribute to seafood fraud, or hamper correct labelling and naming. Next, an internet search was conducted (English only) to find examples of countries with existing regulations or measures that specify how seafood species trade names should be designated, including the use of formal seafood name lists. From these the main trends relating to seafood naming were identified. Based on these findings a set of recommendations were put forward to be used in ongoing discussions on the development of a seafood naming protocol and market name list for South Africa.

3. Results

3.1. Current regulatory framework for seafood trade and naming in South Africa

3.1.1. Regulatory bodies and policies

Three governmental departments (some with sub-divisions) are directly involved in the regulation of fish and fishery products:

Department of Health (DoH), Department of Trade and Industry (DTI), and Department of Agriculture, Forestry and Fisheries (DAFF) (Table 1). These departments have available several legislative tools, including three key acts, viz. the Foodstuffs, Cosmetics and Disinfectants Act (“Foodstuffs Act”), the Consumer Protection Act, and the Marine Living Resources Act (MLRA) (Table 1). In addition, the DTI houses three agencies that are relevant to seafood trade: the National Regulator for Compulsory Specifications (NRCS), South African Bureau of Standards (SABS), and the National Consumer Commission (Table 1). Furthermore, these authorities subscribe to and align with international guidelines and practices, e.g., *Codex Alimentarius* [23], applicable to all products sold in South Africa (both local and imported) and those exported to other countries. Two other entities with indirect influence on seafood trade via the setting and collecting of import/export rates or duties (according to “tariff headings” used to classify commodities) are the South African Revenue Services and the International Trade Administration Commission of South Africa (ITAC) (Table 1).

Several of the available regulations (Table 1) make provision for product labelling (mainly for packaged goods) that would include a “true description” of the contents, full disclosure of ingredients, and specifying the country of origin. Moreover, there is consensus that labelling should be sufficiently descriptive so as to “avoid misleading or confusing the consumer”²: the DoH Foodstuffs Act³ prohibits the adulteration of any foodstuff, including the false representation of a product for the purposes of sale, and the recently promulgated Consumer Protection Act⁴ guards consumers against deceptive or fraudulent labelling of any goods and services. However, to date no regulatory agency has been formed to enforce these regulations and while mislabelling would be in contravention with the majority of legislation, one of the biggest hindrances to adhering to labelling regulations is the absence of a single policy or document explicitly stipulating which trade names should be associated with which specific species. Rather, names are derived formally and informally from a number of sources.

3.1.2. Formal lists of seafood names

The binomial system for naming species provides a standard for establishing a name that should be unique, valid for only one species, and globally applicable, but its current use in trade is inconsistent. Names and name lists (associated with scientific names) do exist in various pieces of legislation mainly for regulatory purposes (Table 1, and Supplementary data, Appendix B, Tables B.1–B.9). The National Standards Act of SABS and applicable standards of the NRCS, in places, contain fairly detailed naming and labelling requirements (tabled as a “true description”) for a number of processed or preserved products (smoked, canned, frozen, etc.) and for several groups of seafood. These include local species such as hake (*Merluccius* spp.), kabeljou (*Argyrosomus* spp.) and various tunas (*Thunnus* spp.) as well as imported fish species e.g., herring (*Clupea harengus*) and salmon (Atlantic salmon *Salmo salar* and Pacific species *Onchorhynchus* spp.). It also includes lists for some molluscs and crustaceans (Appendix B, Tables B.4, B.5, B.7, and B.8). Similarly, the Harmonised Commodity and Coding System (HS) tariff sub-headings cover the majority of imported species in considerable detail (with the notable exception of penaeid prawns) (Table 1, and Supplementary data, Appendix B, Tables B.8 and B.9).

Several amendments and schedules to the MLRA, and many DAFF permit conditions (Table 1), especially those for so-called “traditional

¹ “Fishy Business” screened on M-Net’s Carte Blanche on 25 April 2009 with a follow-up later that year. It was produced by Liz Fish who received a merit award in the SAB Environmental Media Awards and Environmentalist of the Year 2009 (<http://carteblanche.dstv.com/awards/2009/>).

² Codex Alimentarius General Standard for the Labelling of Pre-packaged Foods, CODEX STAN 1-1985, Section 6.1.

³ Section 5(1)(b).

⁴ Sections 3(d)(ii) and 24(2)(a).

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