

Seafood substitution in restaurants and takeaways

Seafood substitution is when one species of fish, crustacean or shellfish is sold as another species. Food businesses must ensure the food they sell is safe and properly labelled. Describing food incorrectly is an offence under the NSW Food Act 2003 (the Act).

Food description

Under the Act, food that is falsely described includes food to which any one or more of the following applies:

- the food is misrepresented as being of a particular nature or substance;
- the food does not comply with the prescribed standard under the Food Standards Code (where a standard exists for that food);
- the food is altered (including mixed or diluted with any substance) in a manner that significantly diminishes its food value or nutritive properties as compared with the represented food;
- the food is packaged, labelled, advertised or offered for sale in a manner which creates a false impression as to the nature, substance, or commercial value of the food.

Types of seafood substitution

The NSW Food Authority found the most common types of seafood products substituted in restaurants and takeaways includes:

- Tilapia fillets advertised as 'Bream fillets'
- Vannamei prawns or Tiger prawns advertised as 'King prawns'
- imported scallops advertised as 'Tasmanian scallops'
- Basa fillets advertised as 'Dory', 'Perch' and 'Jewfish' fillets
- imported product' advertised as 'local product'.

Fish and other seafood products, such as scallops and prawns, should be advertised and described by their correct species or marketing name. For example, the word 'King' does not refer to the size of the prawn in 'King prawns' but is the name of the species. 'Tiger prawn', 'School prawn' and

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'Vannamei prawn' are all different species of prawns. Similarly, a 'Tasmanian scallop' is a species of scallop, which is different to imported scallop varieties from China and Japan.

What names to use for seafood

The Australian Fish Names Standard (AS 5300) was developed in consultation with industry and government and funded by the Fisheries Research Development Corporation (FRDC). The Standard includes names for fish, crustaceans and shellfish and can be viewed on the FRDC website frdc.com.au.

Addressing seafood substitution

The NSW Food Authority is responsible for enforcing the Australia New Zealand Food Standards Code (the Code) and Food Act 2003 (NSW). Under Standard 3.2.2, Clause 5 (2), of the Code, a food business, when requested by an authorised officer, must provide:

- the name and business address in Australia of the vendor, manufacturer, packer or importer, and
- the prescribed name, or description of the food sufficient to indicate the true nature of the food.

Misleading conduct relating to the sale of food, including substitution, is an offence. The Act specifies a person must not:

- mislead or deceive through the advertising, packaging or labelling of food intended for sale or the sale of food,
- falsely describe the food through the advertising, packaging or labelling, and
- sell food that has been falsely described in its packaging or labelling nor sell food if it is not what the purchaser has requested.

Seafood substitution and misleading conduct can result in penalty notices of up to \$1,540. Repeat or serious offences can result in court-imposed fines of up to \$55,000 for individuals and \$275,000 for corporations.

What businesses can do

- Keep paperwork that states clearly the species of fish bought and sold.
- Routinely check promotional material to ensure the advertised type and species of seafood is the same species as the one being sold to customers. Promotional materials include menus, menu boards, store signage, advertisements or pamphlets advertising specific products, meals or dishes.

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More information

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More information about labelling requirements, including those specific to seafood, is on the NSW Food Authority website under 'Food labelling'.

Visit foodauthority.nsw.gov.au/industry

Email food.contact@dpi.nsw.gov.au

Phone 1300 552 406

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