

MONITORING AND COMPLIANCE

Food Standards Surveillance

To: Food Businesses Selling Seafood

Title: Misrepresentation – False Description of Seafood

Purpose

The purpose of this bulletin is to advise South Australian food businesses that misrepresentation of food offered for sale, including fish and fish products, is an offence under the *Food Act 2001*.

Objects of the South Australian *Food Act 2001* include “to prevent misleading conduct in connection with the sale of food”.

Background

SA Health has recently become aware of the practice of misrepresenting seafood offered for sale by substitution of the named species with another species.

Some food businesses presenting seafood for sale for immediate consumption and for preparation by the consumer are:

- presenting seafood for sale which is an unrelated species and of lesser commercial value.
- representing fish species by a commonly used local name resulting in misrepresentation of the country of origin.

For example: Mulloway is traditionally known as butterfish in South Australia. Selling imported Hake or Hoki as butterfish which is of lower value and different country of origin than Mulloway is a misrepresentation of butterfish.

Compliance with the Food Act 2001

Under Section 18 of the Food Act 2001 “Misleading conduct relating to the sale of food.” Food businesses offering or promoting the sale of specific species of seafood must not cause the food to be advertised, packaged or labelled in a way that falsely describes the food.

Section 22 of the Food Act makes the false descriptions of food an offence.

Food that is falsely described includes:

- any word or statement used in the labelling or advertisement of the food that would create a false impression as to the nature or substance of the food or the commercial value of the food in the mind of a reasonable person,
- food that is not of the nature or substance represented by the manner in which the food is packaged, labelled or offered for sale.





This Bulletin is being widely distributed to known seafood outlets. Food businesses discovered misrepresenting seafood at the point of sale will be subject to enforcement action by SA Health. This action may include the issue of warnings and may result in the issue of expiation notices or prosecution.

For more information

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www.health.sa.gov.au/pehs/food-index.htm

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