

Congress of the United States
House of Representatives
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October 28, 2011

The Honorable Margaret A. Hamburg
Commissioner U.S. Food and Drug Administration
U.S. Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993

Dear Dr. Hamburg,

A recent Boston Globe investigation in Massachusetts confirmed through DNA testing that 48 percent of seafood in our grocery stores, restaurants and seafood markets is mislabeled. This implies that almost half of Massachusetts consumers are being misled about what kind of fish end up on their dinner plates. This study is further evidence of nationwide seafood fraud. Other recent scientific reports find that seafood may be mislabeled as often as 25 to 70 percent of the time for fish like red snapper, wild salmon, and Atlantic cod. Seafood fraud of this magnitude transfers both economic costs and potential health risks from retailers to consumers. In 2010 nearly ten million pounds of Vietnamese catfish was sold in the United States as grouper and sole to evade \$63 million dollars in tariffs. Meanwhile, consumers in Kansas City, Baltimore, and Tampa were paying \$25 a plate for cheap frozen catfish sold as pricier grouper.

There are multiple U.S. laws to ensure fish is caught sustainably and responsibly. Seafood fraud creates a market for illegal fishing by making it easy to pass off illegally caught seafood. This undermines law-abiding fishermen, leading to loss of hard-earned profits for them and potential illness for consumers. Mislabeled fish also prevents purchasers from making ecologically responsible seafood selections.

Not only are these deceptions hindering the ability for people to make economic and responsible seafood choices, mislabeled fish poses an unacceptable risk to human health. For example, the Boston Globe articles identified that many sushi restaurants were selling escolar, which contains oils that can cause severe gastrointestinal problems, as tuna. In the United States, over 80 percent of the seafood we consume is imported, yet only 2 percent is inspected and less than 0.001 percent is inspected for seafood fraud. Almost half of the fish we import, including shrimp, salmon and tilapia, is generated through aquaculture where confined production often requires farmers to use antibiotics or antifungal agents to increase fish survival rates. Exchanging

one fish for another may expose people to these toxins, contaminants or allergens and make them sick.

Under the Federal Food, Drug, and Cosmetic Act, it is the responsibility of the FDA to ensure our food, including seafood, is sanitary, and properly labeled. Given the frequency and danger of seafood fraud, I respectfully request the following information:

1. What percentage of imported fish is inspected specifically for mislabeling? What percentage of domestic fish is inspected? Do the agencies inspect for other economic fraud including shortweighting and fraudulent processing?
2. How is FDA coordinating with NOAA and the U.S. Customs and Border Patrol to detect and enforce the mislabeling of domestic and imported seafood? Are you collectively tracking the results of these inspections?
3. When mislabeling or other false information is found, what enforcement actions are taken?
4. What additional resources are needed to increase seafood inspections for species substitution?
5. What was the number of seafood inspections and cost of these inspections for the last 5 years? Please indicate the nature of the inspections, i.e. for food safety, mislabeling or other false information.
6. When will the FDA begin to routinely use gene sequencing equipment to test fish for mislabeling?
7. What are the goals of the economic seafood fraud working group and who serves on this working group?

Thank you for your assistance and cooperation in responding to this request. I ask that you provide a full and complete responses to these questions contained in this letter by close of business on November 10, 2011. Should you have any questions about this request, please have your staff contact Michal Freedhoff of my staff at 202-225-2836.

Sincerely,



Edward J. Markey
Member of Congress