

## SSC Wild Capture Labelling W.G. Meeting Minutes

**Attendees:** total of 17, comprising SSC members and non-member advisers.

**Chair and Secretariat:** ClientEarth

**Location:** British Retail Consortium, 21 Dartmouth Street, London SW1H 9BP.

**Date & time:** 15 June 2011, 10am – 4pm.

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### Agenda Item 1: Labelling Overviews

1. Began with three presentations:
  - Overview of current laws, typical labels found on seafood today and aim of SSC 'Labelling' working group.
  - Consumer perspective on existing labels.
  - Industry perspective on labelling.
2. Some preliminary issues and discussion arising from the presentations were as follows:
  - Labelling products from all the individual seas around the world and the high seas would be potentially very difficult – there are thousands.
  - It was suggested that most consumers probably don't consult the MCS 'fishonline' guide to make their seafood choices. Consumers need simple, coherent, consistent language on products to make their choice.
  - Do consumers need additional information to what they are already receiving (e.g. gear type, stock reference, ICES area, etc.)? There were concerns about flooding the consumer with too much information on the packaging of products.
  - It was suggested that the group should choose to focus on one or two terms for simplicity and that the words might cross-over into, for example, aquaculture.
  - It was reiterated that the aim of the group was to provide a level-playing field for self-declared claims on seafood.
  - Whether the labelling terms used were a claim or just a marketing tool? The consensus was use of such terms were both informative and a marketing tool.
  - That the Seafish Code of Practice on the Declaration of Fish Content 1998 is being updated, although this is currently on hold. This concerns the labelling of the percentage fish content in seafood products and there is no potential overlap with the SSC's work.
  - It was clarified that the nature of frozen products means that there is more space for information on the packaging, but changing the labels depends on, amongst other things, whether the ink is sprayed on (easier to change, but only limited options) or pre-printed (for mass production, therefore must change entire batch). It was suggested that consumers generally did not read all the information that was put on the labels.

## Agenda Item 2: Consumer Requirements

3. Sustainability is not the main issue that concerns consumers (it was ranked 5<sup>th</sup> in order of importance by a Which? survey), whereas price and value for money are ranked higher. However, many surveys relating to ecolabels show that consumers say they are keen to buy sustainable fish and complain that if labels were clearer they would buy more sustainably. It was suggested that consumers are often prompted in these surveys and don't always answer in a way that reflects their buying habits, thus the results should be viewed with caution. It was also suggested that 30% of consumers recognising the MSC label was a good result and showed good market penetration of that logo.
4. An experiment carried out in one store in the USA trialled a traffic light system in relation to fish sustainability on the product packaging of all seafood products in the store. The results showed a possible overall drop (15%) in seafood sales, a drop in yellow ('proceed with caution') labelled products, and no change in sales of red ('worst choice') and green ('best choice') labelled products. It recommended that the value of ecolabels should be critically assessed before investing.
5. It was suggested that Health appears to be high up on consumer concerns, particularly if it is a negative health impact. Media coverage of a seafood dioxin contamination scare in 2005 resulted in a 25% drop in seafood sales overnight.
6. Consumers were not pushing for sustainability in 2004/05; yet the main UK seafood retailers and suppliers got together of their own accord and made marked efforts to improve fishing (e.g. working towards eliminating IUU in the Baltic and Barents Sea cod fisheries); companies that drove those changes want recognition for their efforts, and feel justified using meaningful ecolabels.
7. Retailers/suppliers want to continue to make claims where possible, but must be able to differentiate legitimate claims from unsubstantiated claims. The SSC wants to create this level playing-field and is hopeful that eventually other companies in the seafood industry will join the group and observe the codes.
8. The Baltic / Barents Sea cod examples were cited. At the time NGOs had asked the industry to cease selling cod from these fisheries because they were overfished. Industry collectively continued to sell the cod but also assisted in improving the fishery and biomass rather than walking away. As a result of the improvements and investment in the fishery it has improved in recent years.
9. The international perspective should be considered, for example the group should be wary of translation issues when it comes to key terms.
10. The consensus is that fishery sustainability was and is industry led more than consumer led. However, the UK consumer is perhaps slightly ahead of other countries on sustainability issues, particularly premium consumers.
11. It was suggested that it might be worth considering one eco-label for all products. However impractical this may be, it would avoid the drip feed of misleading or

confusing information that consumers are receiving from different NGOs, fish-rating agencies and certification bodies.

12. The motivation for the industry in undertaking this work, in addition to reputational benefits, is to improve the seas for future generations.
13. Consumers require simplicity; it was suggested that the use of both responsible and sustainable might be confusing.
14. From a legal perspective, the key question to ask is whether the consumer is misled by the use of such terms; it does not matter what the group believes. In this regard, informing the public will be important.
15. Industry research has shown that 'sustainable' is the key term that consumers understand and want.
16. Others suggested that the focus should not be on just one term. 'Sustainable' should be the gold standard and 'responsible' should be working towards that standard.
17. It was suggested that some companies may not want MSC certification for whatever reason; this does not mean their products cannot be sustainable. Consumers probably don't know that MSC certification costs are passed on to them.
18. Consumers require simple forms of information that make an impact. More detail could be added on the back of the packaging or on a website link.
19. Discussed the Sustainable Fish City Initiative.
20. Some felt things should be kept simple and costs kept low for consumers. However, others suggested that if consumers want sustainably caught fish, they should pay a premium for it.

### **Agenda Item 3: Scope of the Voluntary Code**

21. It was agreed that the SSC code should cover all products where fish is a main ingredient (i.e., fish pie, fish curry, tuna sandwich but not prawn crackers) or possibly a certain percentage such as 20% (as in the definition of a fish product in the Customs Regulation).
22. The scope of the SSC code should include every 'commercial communication' (as used in the Nutritional Health Regulation) (e.g. signs, websites, adverts, etc.) in order to maintain consistency in SSC standards. The SSC is focusing on the supply/retail sector for the time being with a view to expanding to other areas, such as the fishmeal, animal feed and food service sectors, in future.
23. It was discussed whether the SSC code should apply to products that contained small amounts or traces of fish?
24. It was suggested that the group should focus on the resource sustainability aspects of environmental claims on seafood products, rather than more indirect issues (e.g. carbon footprint of a product throughout the supply chain), because the SSC will fail if it takes on too much at this stage. It was clarified that the scope of the code would not

mean a member must put specific additional information on a product, but should they decide to use a self-declared claim, that claim should adhere to the agreed definitions in the code.

25. It was suggested that there should be an overarching principle that members won't make positive claims that imply responsibility that in fact have negative aspects and are hence misleading (e.g. 'dolphin friendly' when there are bycatch issues of concern in the source fishery; or 'line caught', when in fact it is from a long-line fishery that has a large amount of seabird bycatch).
26. There was agreement that the focus of the group should be to agree on the definition of 'sustainable' and 'responsible'; then sub-definitions and others may follow.
27. Catch methods, particularly issues surrounding the use of 'line caught' and its accuracy, were discussed at length. It was suggested that the consumer does not need information on this issue; the perception was that most consumers have limited knowledge on catch methods and extra information would confuse (e.g. a reference to 'otter trawl' might cause consumers to question the fate of the otter species in the fishing method!). Accordingly, product labels should not be too prescriptive about catch methods unless consumer research indicates that extra information is beneficial. There should be nothing restricting the fishing method going on to a product label and there should be a glossary of common terms in the code.
28. It was agreed where members provide more detail beyond EU Fish Labelling Regulations, it should not be used if it does not fit under the SSC umbrella or could mislead consumers – such as 'dolphin friendly' used in isolation on a product where other species are at risk during fishing.

#### **Agenda Item 4: Criteria for Self-declared Claims**

29. Again the group considered that the SSC should focus on fisheries management issues only, and not issues outside this remit, such as carbon issues or life cycle analysis.
30. Much of the group suggested it was easier to focus on fisheries management issues, in relation to the two terms 'sustainable' and 'responsible'. 'Sustainable' is a measurement of a fish stock at one point in time, whereas 'responsible' is about ongoing corporate behaviour. Some believed that there was a less of a difference between the two terms.
31. At the moment, the MSC probably represents the definition of 'sustainability'; however, the group focussed on finding out what the equivalent criteria would look like.
32. Concerns were raised about whether retailers can claim sustainability in the absence of third party accreditation, that is by third party verification of a member's sourcing decision tree and audit process (e.g. by MCS / SFP) and independent evidence (e.g., ICES assessments). It was decided that this is a very grey area, which requires more discussion.
33. It was stated that the criteria that define 'sustainability' are already agreed and used by others more qualified than the SSC (e.g. ICES). Query regarding whether stock health should be used in isolation or in alongside ecosystem and fisheries management?

34. It was queried whether it would be acceptable for retailers to label products from a fishery undergoing a fishery improvement project (similar to the Baltic / Barents Sea cod examples) as 'responsibly sourced'? The consensus was yes, provided efforts were made to ensure the long-term future of the fishery.
35. Transparency of the information that substantiates the self-declared claims is crucial. Information should be accessible on demand. Some members expressed that they have written long letters to individual members of the public who requested information concerning sustainability issues.
36. The current issue surrounding mackerel and its potential loss of MSC certification would mean that the fishery may no longer be called sustainable if it loses its MSC certification. However, it could still become responsible.
37. The three key terms agreed were:
  - 'Sustainably fished'
  - 'Responsibly sourced'
  - 'Responsibly sourced from a [sustainable / well managed] fishery'
38. It was agreed that 'sustainably sourced' and 'responsibly fished' did not make sense in the context of 'fished' relating to the resource itself and 'sourced' relating to corporate behaviour.
39. It was suggested that the group could test what the group felt the terms mean against what the consumer thinks they mean through consumer research. The consumer will benefit from industry driving the process and providing information. It was also suggested to have information on the definition of terms available and easily accessible, e.g. through the use of posters in-store or on member's websites.
40. Discussed the use of 'sustainable' in other industries, such as palm oil: the criteria for 'sustainable palm oil' is set by the RSPO, but are specific to the country in which it is grown.
41. The use of the term 'environmental' is not recommended by the DEFRA Green Claims Code. Similarly the use of the word 'sustainable' is not recommended as there is no common definition, although it may be used in conjunction with an independent third party accredited scheme logo.

## **Agenda Item 5: Workshop Discussions**

42. The attendees were split into two groups to brainstorm ideas for the definitions of various terms. Snapshots of these discussions are provided below, but detailed notes will be incorporated into the draft codes.

### **Group 1**

43. 'Sustainably fished':
  - Is substantiated if the source fishery is independently certified to a standard that at least complies with the FAO Code and has adequate transparency.

- If not independently certified, the question is how do you substantiate such a claim? Answer – if sufficient evidence can be produced (e.g. ICES assessment, environmental impact of catch method, ecosystem criteria, etc.).

44. 'Responsibly sourced':

- Is substantiated by corporate policy (maybe complying with AIPCE-CEP responsible sourcing principles), decision-making process and active engagement in fishery improvement projects (FIPs).
- Who assesses / defines FIPs? Perhaps a third party such as the SFP, who are engaged in FIPs might have definitions; could also be done by applying time constraints / milestones, such as those set out in the AIPCE-CEP Principles.
- Does this mean every product can be labelled as 'responsibly sourced'? No, there should be an assessment process which gives a fishery a rating at the end, and if a certain score is achieved it may be given this label.

45. Third party logos such as 'dolphin friendly / safe' should not be used if there are negative aspects associated with the fishery that would not be obvious if the claim was used in isolation. Note that this might not be possible everywhere, e.g. using the 'dolphin friendly' logo is a legal requirement in the USA and therefore must appear on every tinned tuna product.

46. Information to substantiate claims could be on demand, on the product, on a website, etc. The most important thing is that the information is available and the consumer is made aware of its availability.

## Group 2

47. Similar definition of 'sustainably fished' and 'responsibly sourced'.

48. On 'sustainably fished' claims also felt that definition should include non third party accredited fisheries, perhaps by third party verification of decision tree and audit process (e.g. by MCS / SFP) and sufficient independent evidence (e.g. ICES assessments).

49. On 'responsibly sourced' claims it was felt that active engagement in FIPs should be demonstrated.

50. Also dismissed the use of the terms 'environmentally friendly', 'protects the marine environment', and 'discard free fishery' as too vague and not claims that could be easily substantiated.

## Next steps

51. Secretariat to circulate these minutes and the presentation slides used in the meeting.

52. Secretariat to begin drafting the code for labelling wild capture seafood products to present to SSC members on 1 September 2011.