

# 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 *Food Act 2003* (NSW).

## Types of seafood substitution

The NSW Food Authority has found that the most common types of seafood products being substituted in restaurants and takeaways include:

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

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 '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

Use the Australian Standard Fish Name List. This list, which includes names for fish, crustaceans and shellfish, was developed in consultation with industry and government and is maintained by Seafood Services Australia. You can obtain a copy of the list by:

- downloading it from Seafood Services Australia ([www.seafood.net.au/fishnames](http://www.seafood.net.au/fishnames)), or
- phoning 1300 130 321.

## 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 address of the vendor, manufacturer, packer or importer, and
- the prescribed name or designation of the food.

Under *Food Act 2003* (the Act), misleading conduct relating to the sale of food is also an offence.

Substitution is misleading conduct relating to the sale of food. 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 \$1320. 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 to help

- 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.

## About the NSW Food Authority

The NSW Food Authority is the government organisation that helps ensure NSW food is safe and correctly labelled.

It works with consumers, industry and other government organisations to minimise food poisoning by providing information about and regulating the safe production, storage, transport, promotion and preparation of food.

## More information

- visit [www.foodauthority.nsw.gov.au/industry](http://www.foodauthority.nsw.gov.au/industry)
- phone the helpline on 1300 552 406

## Note

This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW).