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Seafood COOL Q&A (Updated April 2005)

Retailers who sell unprocessed, fresh and frozen seafood must comply with new labeling and recordkeeping regulations starting April 4, 2005. That's the date when the U.S. Department of Agriculture's (USDA's) mandatory country of origin labeling regulations become effective. Retailers who don't comply may be subject to penalties of up to \$10,000 once USDA and state inspectors start making their rounds later this year. Here's what you need to know:

What do I have to tell consumers? The law requires you to tell your customers the (1) country of origin and (2) method of production ("wild" or "farm-raised") of the unprocessed seafood that you sell.

Which seafood products are covered? All fresh and frozen seafood products that are not "processed" must bear labeling. Examples include: salmon fillets, uncooked shrimp.

Which seafood products are not covered? The exclusion for "processed" foods covers any seafood that has been cooked (including many canned products), cured, smoked, combined with other foods or sauces, or otherwise "restructured." Examples include: fish sticks, canned tuna, marinated fish fillets, surimi, and clam chowder.

What types of labeling can I use? You have lots of choices here. You can use placards, signs, labels, stickers, bands, twist ties, pin tags, or any other format that gives consumers the information. Make sure it is conspicuous.

Are there any type size requirements? No. The information may be typed, printed or handwritten. It must be legible.

What about pre-labeled products? If the manufacturer's label has the necessary information, you do not need to add anything further.

How do I know the country of origin or method of production? Ask your suppliers to give you the required information and to follow all requirements of the law.

Do I have to keep records? The rules require retailers to keep these records: (1) the records relied upon to give consumers information about the seafood; and (2) general business information about your supplier. For the first, you must keep the information

from your supplier that you relied upon at store level to post the country of origin and wild/farmed information. This may be discarded after the product is sold, provided that it had accompanied the seafood to the store, e.g., it was on the box. For supplier-packaged product, such as bags of frozen shrimp, you do not need to separately retain the origin and production information from the supplier if it is on the label.

Second, the general business information that you must keep is the supplier's name, the type and quantity of fish received, and the date of receipt. You must keep the second set of records for 1 year after sale, although not necessarily in the store; for example, you may keep the business records at a corporate headquarters.

Are these rules final? These are "interim final" rules, so some things could change. For the most part, though, the rules provide enough information to move forward. FMI and other organizations will continue efforts to change or repeal the law, which will eventually require labeling of meat and produce if left unchanged.

When do I have to do this? The rules become effective April 4, 2005, but USDA has said that they will focus on helping people comply with the law (rather than fining them for mistakes) until the fall of 2005. For more information, check out FMI's website for retailer-specific information (www.fmi.org) or USDA's website for general information on the law (www.ams.usda.gov/cool).