



Building a Fishery Industry that Works

Cracking down on short-weighting in the imported frozen fish, seafood sectors

By Ronald L. Doering

The incidence of short-weighting in the imported frozen fish and seafood industry in Canada is rampant. Estimates range from 10 and 35 per cent of imported frozen seafood is routinely short-weighted. The problem is most profound at the wholesale level, especially product destined to the food service sector. Shrimp, squid, basa, Pollock and yellow fin from Asia are the most affected.

Several methods of short-weighting are used but the most common is the illegal practice of including glaze (ice) as part of the weight. Surprisingly, in spite of efforts by the Fisheries Council of Canada, this issue is not a priority for the Canadian Food Inspection Agency (CFIA), which cites inadequate resources.

The CFIA could do several things to rectify this problem. This includes changing the way samples are taken. Canada should look to its neighbour and follow the U.S. Food and Drug Administration's (FDA) example of randomly selecting samples directly rather than asking importers to provide them. Additionally, the CFIA could issue a strong warning to all fish importers, informing them it is illegal to sell short-weight products in Canada and import licences will be revoked for repeat offenders. Cheaters could then be criminally charged and high fines sought to act as a deterrent. The CFIA could also devote more resources to an enhanced targeted inspection and enforcement regime that includes random spot checks at wholesaler and distributor locations.

Short-weighting in the fish and seafood industry is not a hidden practice. Asian companies routinely send e-mails to distributors offering to sell an array of frozen seafood as low as 70 per cent net weight. Some companies will blatantly quote the price of a 10 kilogram package of squid at, for example, 90 per cent net weight; no effort is made to disguise to the importer that there is only nine kilograms of squid. There is no way the buyer from the importer (for instance, a restaurant) would know it is not getting what it has paid for — 10 kilograms of squid.

Two years ago this practice was so rampant in the U.S. that it was almost impossible to compete without short-weighting. However, there has been noticeable improvement since the National Fisheries Institute set up the Better Seafood Bureau (BSB) in 2007. With a specific mandate to work towards eradicating short-weighting, the BSB has no authority to punish offenders but can send strong 'cease and desist' letters to cheaters with copies sent to the FDA.

In fact, on Oct. 21, the FDA issued a warning letter to an importer selling short-weighted shrimp (by adding ice glaze and marinade) and not disclosing the proper net weight of the shrimp in the box. The FDA has threatened to shutdown the plant should the violations continue. This is a significant move, one that may foreshadow a more aggressive enforcement approach.

Another industry leader, Sysco Corp., has taken strong action against short-weighting. Refusing to turn a blind eye, the largest food service distributor in the U.S. drastically cut its fish and seafood suppliers in 2009, reducing its black tiger shrimp suppliers from 159 to three, its Pacific white shrimp suppliers from 300 to seven, its mahi-mahi suppliers from 60 to three and its scallop suppliers from 25 to two.

Quite apart from the fraud on the ultimate purchaser, honest importers, wholesalers and distributors cannot compete with importers that break the law with impunity. The CFIA has taken some steps to address the problem but needs to do more. This is a problem that has gone on too long and will continue to get worse if action is not taken. ●●

Ronald L. Doering, B.A., LL.B., M.A., LL.D., is the former president of the Canadian Food Inspection Agency. He practices regulatory law with Gowling Lafleur Henderson LLP in Ottawa. For more information, contact Ronald at Ronald.Doering@gowlings.com.