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August 22, 2012

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. jfielding/ms
Director and Health Officer

SUBJECT: **MISLABELED SEAFOOD SOLD IN RESTAURANTS AND GROCERY STORES**

On April 24, 2012, on a motion by your Board, the Department of Public Health (DPH) was directed to make contact with federal and State Agencies to identify gaps in local import inspections that may be strengthened through collaborative agency efforts. DPH was further directed to assess the feasibility of Public Health use of the Food and Drug Administration's (FDA) specialized laboratories for testing fish. The Board requested that DPH report back on the actions that can be taken by the County, State, and federal agencies to address any fraudulent and unsafe wholesale and retail practices related to seafood referenced in recent press reports.

On May 4, 2012, DPH detailed in correspondence to your Board that a Seafood Task Force (STF) composed of California Department of Public Health, Food and Drug Branch (FDB), FDA and DPH staff was being assembled to survey retail and wholesale facilities that distribute or sell seafood in Los Angeles County to determine if and where misbranding/mislabeling occurs and to what extent. The FDA Laboratories were also made available as needed for species identification.

The STF continued discussions throughout May 2012, which resulted in the development of survey teams, inspection protocols, survey forms, and procedures for sample and evidence collection and custody transfer. The discussions also resulted in additional technical assistance from the National Oceanic and Atmospheric Administration and a determination to conduct a pilot survey of six sites to identify any deficiencies or gaps in the survey process.

The survey commenced on June 6, 2012 and remains in progress. The initial findings represent a broad range of package mislabeling (e.g. incorrectly identified product, undeclared ingredients, failure to disclose country of origin) and false/misleading advertisement on menus (e.g. product substitution or incorrectly identified). To date, information from initial 38 food markets and restaurants surveyed has revealed the following:

- 84% of all sites surveyed had some degree of seafood mislabeling or false/misleading advertisement;
- 70% of all markets surveyed had some degree of seafood mislabeling;
- 95% of all restaurants had some degree of seafood menu infractions;
- 12 sites had significant seafood identification violations that required further enforcement actions by DPH; and
- One market site surveyed revealed packaged shrimp with undeclared dyes. As a result, a food product recall was initiated by the processor.

Since July 3, 2012, the State FDB has been unable to provide field support due to the growing demands for seafood inspections across the State. The FDA also reduced committed field staff to one inspector due to other field activities scheduled prior to the survey. However, both FDB and FDA agencies remain committed to the project and continue to provide consultation and technical support. This reduction of federal and State field support necessitated the training and deployment of additional DPH inspectors to meet the survey needs.

The STF anticipates all the surveys to be completed at the end of August 2012 with a report of survey findings provided to your Board by mid-September 2012. In the meantime, if you have any questions or need additional information, please let me know.

JEF:tp
PH:1204:004

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors