



IMPORTANT INFORMATION

for Florida's Hospitality Industry



ATTENTION: Public Food Service Establishments

Number: 2002-06 Date: 2002 December 04

SUBJECT: Misbranding Seafood or Buying Seafood from Unlicensed Sources

With stone crab season underway, all retailers/restaurants must understand the laws pertaining to labeling and selling stone crabs.

In addition, it is important to emphasize the law as it pertains to purchasing seafood from an individual other than a licensed commercial fisherman or certified aquaculturist. **It is a violation of Florida law to buy seafood products from unlicensed individuals, retailers or wholesalers.** Wholesalers, retailers or restaurants that purchase seafood from unlicensed individuals can be fined up to \$5,000 with a 24-month suspension of their wholesale/retail dealer's license. Illegal purchase or sale of seafood harvested illegally and brought across a state or federal line could trigger a violation of the Federal Lacey Act with fines up to \$100,000 or more. To verify licensing of any seafood purveyor call 850.487.3122.

Under Title 21 of the Code of Federal Regulations (CFR), Part 123, all fishery products sold for human consumption are to be processed by a facility that has a Hazard Analysis and Critical Control Points (HACCP) plan. Companies put customers at risk by not purchasing seafood that has been put through the HACCP sanitation and safety requirements.

The US Food and Drug Administration (FDA) concentrates on histamine fish poisoning as a major hazard. Certain species of fish have the unique ability to develop histamine poison if they become heated at anytime after they are caught. Fish such as mahi-mahi, tuna, wahoo, king and Spanish mackerel, amberjack and bluefish are more susceptible than others when not handled properly.

To report unlawful purchases or sales, please contact the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement toll free at 1.888.404.3922.

Truth In Labeling Seafood

THE FACTS

Stone crab season provides an opportunity to be alert for unlawful labeling practices. The two species of stone crab, *Menippe adina* and *Menippe mercenaria*, and their hybrids, harvested in Florida, other Gulf Coast states, and the Caribbean are the only crabs to be labeled "stone crab." **NO OTHER TYPE OF CRAB MAY BE LABELED "STONE CRAB."**

It is unlawful to label and advertise Jonah crabs and crabs from Chile as stone crabs.

Below is the Florida Statute addressing misbranded products. The full text of the statute may be viewed at: www.MyFlorida.com.

Florida Statute 500.11 (paragraph 1a-e) states in part

- (1) A food is deemed to be misbranded:
 - a. If its labeling is false or misleading in any particular; ...
 - b. If it is offered for sale under the name of another food.
 - c. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the words "imitation" and, immediately thereafter, the name of the food imitated;
 - d. If its container is so made, formed, or filled as to be misleading;
 - e. If in package form, unless it bears a label containing:
 - 1. The name and place of business of the manufacturer, packer, or distributor; ...

Florida stone crab season is from October 15 through May 14 annually. Frozen stone crabs may be sold if they were in a firm's inventory prior to May 14. The U.S. Food and Drug Administration (FDA) advises to "use either the Acceptable Market Name or the Common Name in labeling seafood products which will help assure that identity labeling of the seafood will comply with FDA and National Marine Fishery regulations."

To report stone crab mislabeling, please contact the Division of Food Safety, Florida Department of Agriculture and Consumer Services at 850.488.3951, fax 850.488.7806, or e-mail to: foodinsp@doacs.state.fl.us.

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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