



September 14, 2020

Julia Solomon Ensor
Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission
Room CC-9528
600 Pennsylvania Avenue NW
Washington, DC 20580

RE: Shareholders' Alliance Comments on MUSA Rulemaking, Matter No. P074204 (FTC-2020-0056-0001)

Dear Ms. Ensor,

On behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance), please accept the following comments on the "Made in the USA" Rulemaking (FTC-2020-0056-0001).

The Shareholders' Alliance is the largest organization of commercial snapper and grouper fishermen in the Gulf of Mexico. We work hard to ensure that our fisheries are sustainably managed so our fishing businesses can thrive, and our fishing communities can exist for future generations. We are the harvesters that provide much of the American public with a reliable source of domestically-caught wild Gulf seafood, and we do this through a philosophy that sustainable seafood and profitable fishing businesses depend on healthy fish populations.

We support efforts like the proposed "Made in the USA" Rulemaking because American seafood consumers deserve to know that they're enjoying the very seafood we harvest for them, and that they aren't being duped into eating something foreign.

Seafood fraud is a growing concern of those who make their living at sea. In 2019, Oceana analyzed seafood samples from restaurants throughout the United States and found that one out of every three establishments sold mislabeled seafood, and that seafood was most frequently mislabeled in restaurants.¹ The report found that often "imported seafood {is} sold as regional favorites, fooling consumers into thinking their seafood is locally sourced."² This type of fraudulent behavior is often done to artificially inflate the value (cost) of this seafood to the consumer. This happens when lower-value product are substituted for higher-value ones, and/or

¹ Oceana. "Casting a Wider Net: More Action Needed to Stop Seafood Fraud in the United States." March 2019 <https://usa.oceana.org/publications/reports/casting-wider-net-more-action-needed-stop-seafood-fraud-united-states>

² *ibid.*

when less common/familiar species are substituted for more common/familiar ones. Without proper regulations, standards, and enforcement, these economic incentives can drive this deceitful behavior.

The Federal Trade Commission (FTC) should treat problem this as both a human health concern and threat to the food security of the United States. Measures to mitigate these dangers could include:

- Increased stringency of country of origin labelling (COOL) laws, including a *federal* requirement to include this information on restaurant menus, and a prohibition on exclusively using non-specific descriptors like “gulf” shrimp and “local” snapper.
- Standardized labelling procedures across all retail establishments that sell seafood (i.e. grocery stores, fish markets, restaurants, retail markets, etc.).
- Identification and mitigation of common practices that result in seafood mislabeling on menus.
- Increased penalties for foreign fish labelled as being “Made in the USA.”
- Increased transparency and accountability within the seafood supply chain, using the [Gulf Wild™](#) program as an example.
- Development of a nation-wide FTC Seafood Fraud Taskforce, including commercial fishing industry leaders, to develop a long-term action plan to eliminate seafood fraud by a date certain.

Commercial fishing is an economic engine for our nation that employs millions and supplies critical protein to tens of millions of Americans. In 2017, commercial fishermen landed nearly 10 billion pounds of seafood³. The commercial fishing industry in the United States supported 1.25 million jobs (up 5% from 2016), generated \$170.3 billion in sales (up 15% from 2016), and produced \$69 billion in value-added (up 12% from 2016).⁴ We have some of the world’s most resilient successful fisheries due in large part to the strong conservation and science-based backbone of our nation’s fishery laws and policies – the Magnuson-Stevens Fishery Conservation and Management Act. We are proud of our industry, our heritage, and our way of life. We will fight to protect it from threats that undermine our life’s work, including and especially attempts to defraud American seafood consumers from their access to the fresh, healthy, wild seafood we harvest for them in U.S. waters.

Sincerely,



Eric Brazer, Deputy Director
Gulf of Mexico Reef Fish Shareholders’ Alliance

³ National Oceanic and Atmospheric Administration, “Fisheries of the United States 2017.” December 2018. <https://www.fisheries.noaa.gov/resource/document/fisheries-united-states-2017-report> (p. viii)

⁴ National Oceanic and Atmospheric Administration, “Fisheries Economics of the United States 2017.” October 2019. <https://www.fisheries.noaa.gov/national/sustainable-fisheries/fisheries-economics-united-states#current-report>