

# **Ice Glazed Seafood Fraud: National and State Testing and Enforcement**

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## National Seafood Fraud Actions

The Better Seafood Bureau, a division of the industry association The National Fisheries Institute, presented: The Economic Integrity of Seafood at the January, 2009 NCWM Interim.

- \$22.7 billion of seafood purchased and consumed at home, \$46.6 billion consumed through food services.
- Industry education, written commitments and reporting violations to Federal Enforcement Agencies, primarily the FDA.
  - Short weight due to ice glazing
  - Species Misrepresentation

## GAO Report, February, 2009

- **Recommendation:** To maximize the efficiency and effectiveness of each agency's efforts to detect and prevent seafood fraud and to increase interagency collaboration, improve information sharing, and reduce overlaps, the Commissioner of Customs and Border Protection, the Under Secretary of Commerce for Oceans and Atmosphere, and the Commissioner of the Food and Drug Administration should develop goals, strategies, and mechanisms to share information and resources related to seafood fraud detection and prevention across agency boundaries.

## NIST/NCWM Seafood Forum May 2009

NCWM and NIST sponsored a forum on seafood fraud that was well attended by stakeholders.

Participants included:

- FDA
- FTC
- USDA
- Customs Border Protection-Office of International Trade
- US Dept. of Commerce National Marine Fisheries
- NAAG
- Seven States
- Three Industry Associations
- Three businesses

## Seafood Forum: Economic Impact of Fraud

- Industry described widespread mislabeling of frozen seafood products sold to the food service industry with ice glazing included in the net weight.
- Wisconsin Weights and Measures presented findings of widespread retail sales with ice glazing included in the weight; in some cases with glazing as high as 25%.

## Economic Impact of Fraud

- A one pound bag of shrimp with 25% glazing included in the weight, selling for \$12, defrauds each consumer by \$3!
- Consumers purchase \$22.7 billion of seafood to eat at home, and food services purchase \$46.6 billion every year. If 2% of the weight of the \$69.3 billion of seafood purchased annually is ice, annual loss would be \$1.4 billion

## Seafood Short Weight Fraud Work Group

- Seafood Forum participants decided that a work group should look at compliance options.
- The Seafood Short Weight Fraud Work Group, comprised of state and regulatory officials, began work in September 2009.
- If your jurisdiction wishes to participate, contact me: [judy.cardin@wi.gov](mailto:judy.cardin@wi.gov)

## State Weights and Measures Seafood Inspection

- Comprehensive weights and measures regulation occurs at the state level
- However, Federal Regulations, including those of the USDA and FDA, can pre-empt state authority
- Most states adopt the National Conference on Weights and Measures standards that are published in NIST handbooks
- NIST HB 133 “Checking the Net Contents of Packaged Goods” includes procedures for testing glazed seafood.



## State Weights and Measures Programs

- Although testing procedures are established to promote uniformity, each state decides:
  - Adoption of NCWM standards in NIST HB 133
  - Frequency of testing-some states don't test ice glazing
  - Enforcement actions
- This presentation describes Wisconsin's seafood ice glazing compliance program.

## Overview: Glazed Seafood Testing and Enforcement

- Inspection Locations
- Products Tested
- Procedures for Testing
  - Audits
  - Enforcement testing
- Enforcement Approaches
- Enforcement Actions



Where do W&M inspectors find glazed seafood?

## Testing Locations

- Retail
  - Grocery Stores
  - Mobile Sites
- Store Distribution Centers
- Wisconsin Seafood Distributors
- Ask Other States to Test

## Product Tested

- Prepacked
- Store packed
- Any ice glazed seafood

## Audit Testing

- Determine an estimated/predetermined tare
- Weigh packaged product, deduct estimated tare
- Conduct enforcement testing on questionable lots

## Enforcement Test Procedures: NIST HB 133

### Basic Test Procedures-Gravimetric Testing

- Use appropriate scale
  - At least 100 scale divisions
  - Adequate resolution: a scale division no larger than  $\frac{1}{6}$  of the Maximum Allowed Variance for the packages being weighed
  - Test accuracy of scale using described performance tests to verify scale meets NIST HB 44 acceptance tolerance before testing, and also if a lot fails

## Basic Test Procedures-Gravimetric Testing continued

- Define the inspection lot
- Use sampling plan for Category A
- Select a random sample
- Measure the net contents of the packages in the sample
- Evaluate compliance with the average requirement and HB 133 MAV Table for packages labeled by weight

Example: .044 lb MAV for a 1 lb package



# Enforcement Test Procedures: NIST HB 133

Determining the weight of glazed  
seafood and fish: modified to match  
proposed revisions



Use a Number 8 mesh sieve: 8" diameter for packages 1 lb or less; 12" diameter for packages over 1 lb.



Weigh and record weight of the receiving pan



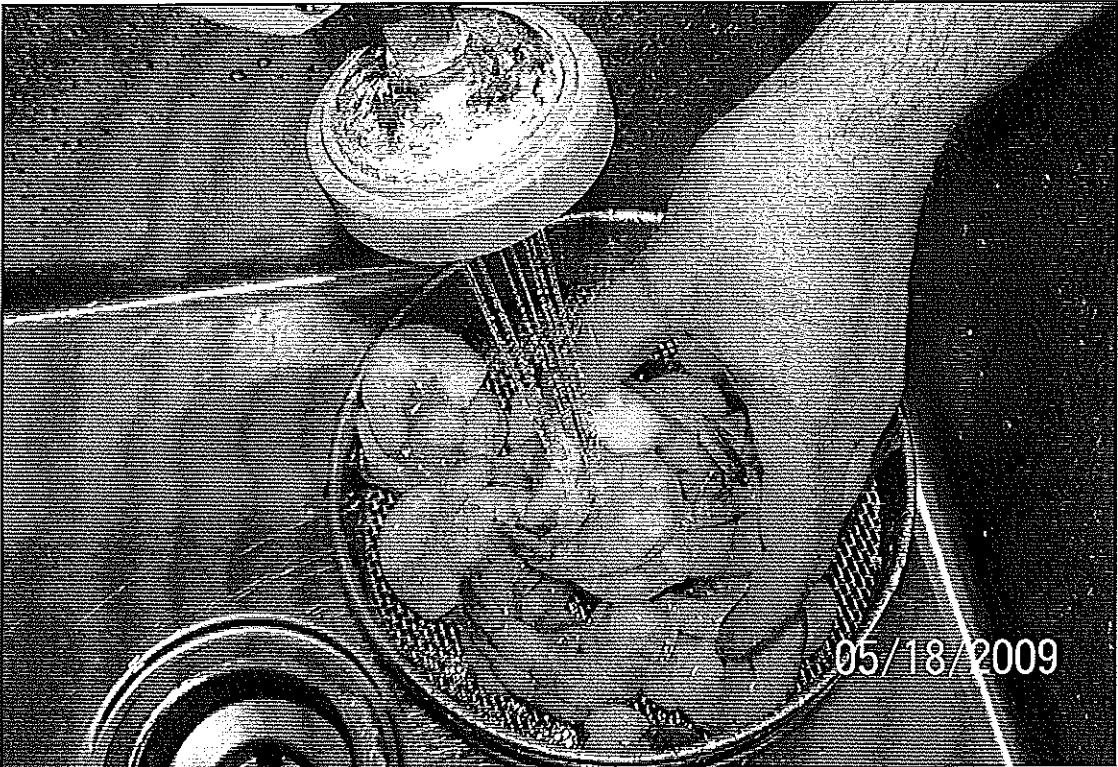
Remove package from freezer, open immediately



And place contents in sieve



Place contents under a gentle spray of cold water



Carefully agitate to avoid breaking the product



Continue to spray until all ice glaze that is seen or felt is removed. In general, product should remain rigid.





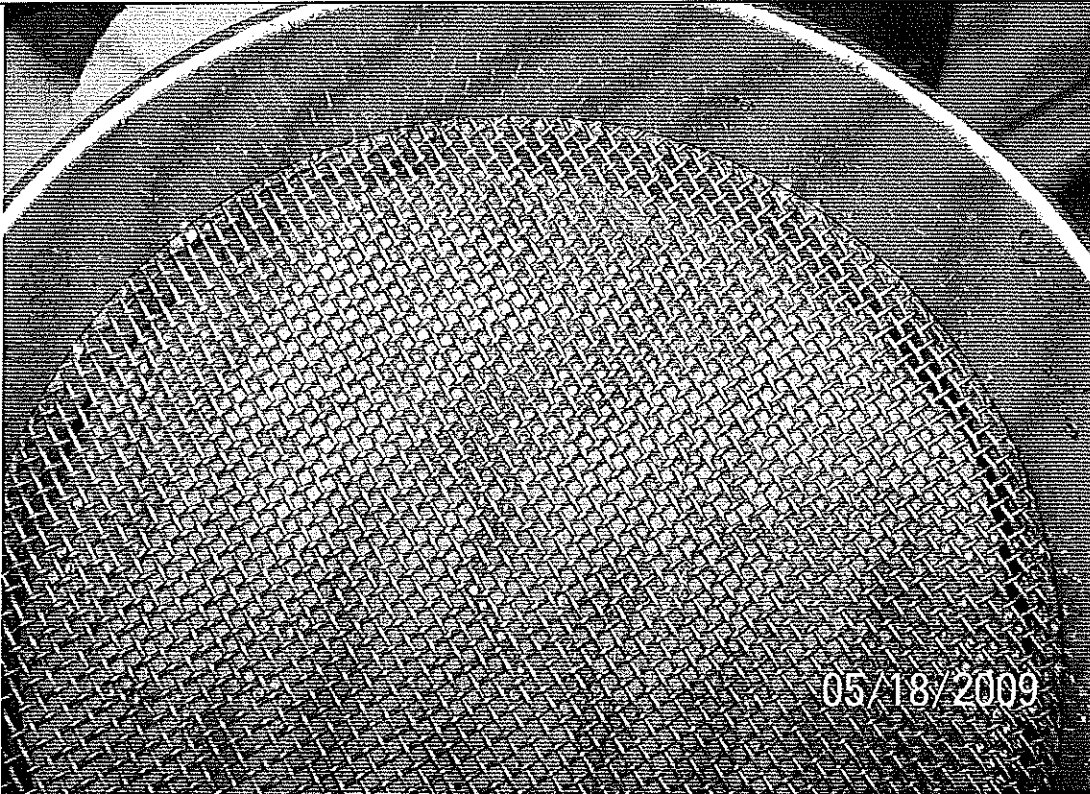
Without shifting the product,



Incline the sieve to an angle of 17 to 20 degrees for exactly 2 minutes.



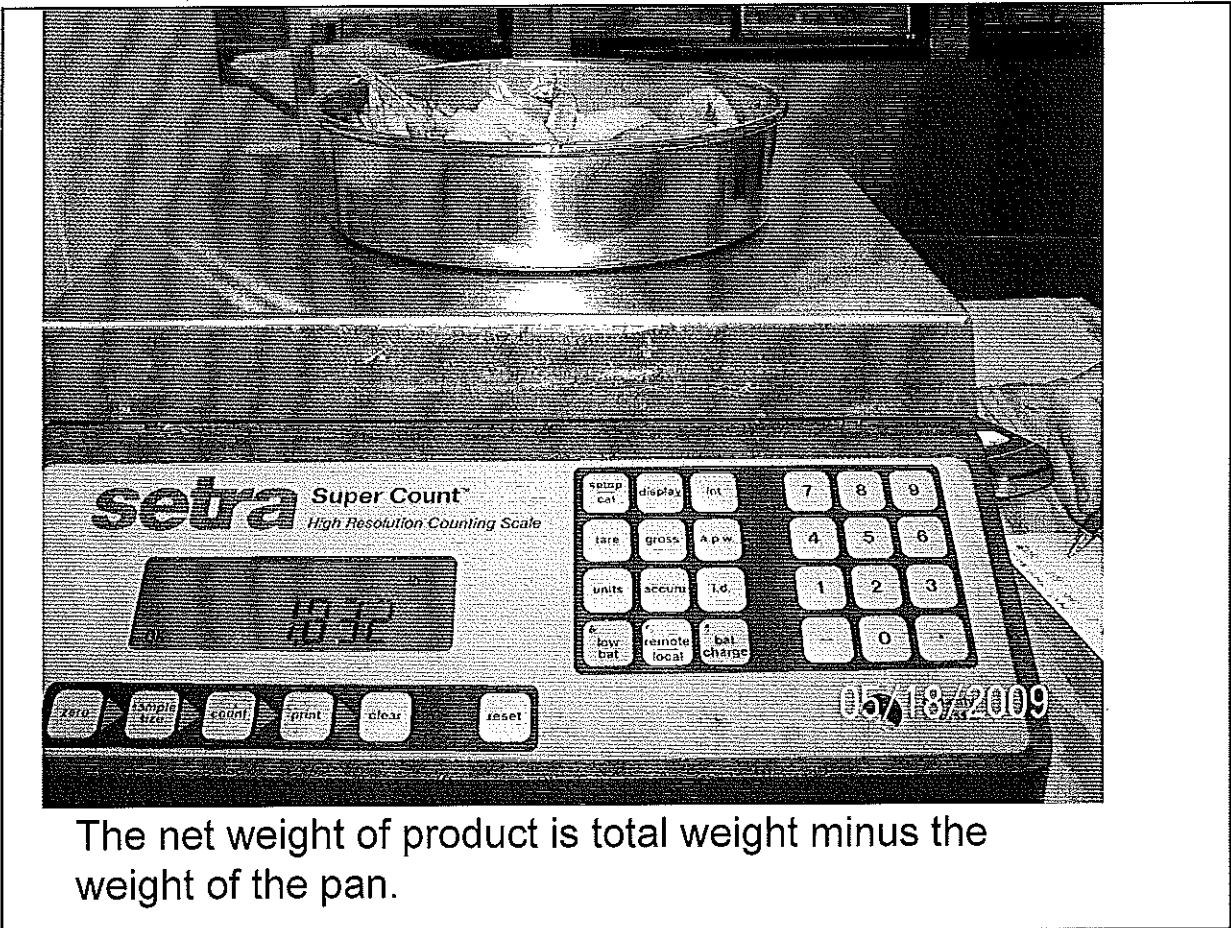
Transfer the product to the receiving pan



Check sieve to ensure all product is transferred to receiving pan.



Place the product and receiving pan on the scale.



The net weight of product is total weight minus the weight of the pan.



Clean and dry the sieve and pan, test next package.

## Enforcement Approaches: Progressive Enforcement

- Order product off sale
- Warning letter to business identified in declaration of responsibility
- Enforcement Conference: Assurance of Compliance
- If problems continue, hold state retailers and distributors responsible for short weight product



## Enforcement Actions

- Require Retailers and Distributors to sample test glazed product rather than relying on glaze percentages received from packer.
- Civil Forfeitures- Fines filed in Circuit Court
- Publicity

Other states?

Questions?