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# Business

SPECIAL REPORT: FISHY BUSINESS | PART 1

## On the menu, but not on your plate

A Globe investigation found fish bought at restaurants across the region was mislabeled about half the time. Sometimes it was innocent error, but often the switch was deliberate, driven by profits

By Jenn Abelson and Beth Daley | GLOBE STAFF    OCTOBER 23, 2011



YOON S. BYUN/GLOBE STAFF

**Restaurants substituted tuna (left) with escolar (right), a less expensive fish that can cause**

**gastrointestinal problems.**

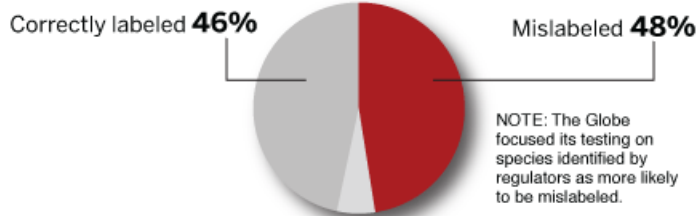
*First of two parts.*

The sliver of raw fish sold as white tuna at Skipjack’s in Foxborough was actually escolar, an oily, cheaper species banned in Japan because it can make people sick.

The Alaskan butterfish at celebrity chef Ming Tsai’s Blue Ginger in Wellesley was really sablefish, traditionally a staple at Jewish delicatessens, not upscale dining establishments.

### The findings

183 samples purchased and tested by The Globe



David Butler GLOBE STAFF

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At Chau Chow Seafood Restaurant in Dorchester, the \$23 flounder fillet turned out to be a Vietnamese catfish known as swai - nutritionally inferior and often priced under \$4 a pound.

Those were among the findings of a five-month Globe investigation into the mislabeling of fish. It showed that Massachusetts consumers routinely and unwittingly overpay for less desirable, sometimes undesirable, species - or buy seafood that is simply not what it is advertised to be. In many cases, the fish was caught thousands of miles away and frozen, not hauled in by local fishermen, as the menu claimed. It may be perfectly palatable - just not what the customer ordered. But sometimes mislabeled seafood can cause

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allergic reactions, violate dietary restrictions, or contain chemicals banned in the United States.

▪ **Coverage: Fishy business**

The Globe collected fish from 134 restaurants, grocery stores, and seafood markets from Leominster to Provincetown, and hired a laboratory in Canada to conduct DNA testing on the samples. Analyses by the DNA lab and other scientists showed that 87 of 183 were sold with the wrong species name - 48 percent.

The results underscore the dramatic lack of oversight in the seafood business compared with other food industries such as meat and poultry. Nationally, mislabeled fish is estimated to cost diners and the industry up to hundreds of millions of dollars annually, according to the National Fisheries Institute, a trade group.

It happens for a range of reasons, from outright fraud to a chef's ignorance to the sometimes real difficulty of discerning one fillet from another. But industry specialists say money is commonly the motivator: It's a way to increase profits - a cheaper fish sold as something more pricey - on the assumption that customers will not detect the difference.

The Globe-sponsored DNA testing found 24 of the 26 red snapper samples were in fact other, less prized species, including fish collected at Minado restaurant in Natick, Teriyaki House in South Boston, and the now closed Big Papi's Grille in Framingham, owned in part by Red Sox slugger David Ortiz.

All 23 white tuna samples tested as some other type of fish, usually escolar, which is nicknamed the "ex-lax" fish by some in the industry because of the digestion problems it can cause.

At a Bertucci's restaurant in Boston's Longwood Medical Area, the baby cod advertised on the menu was hake, a less expensive and mushier fish found off the coast of southern Africa.

Previously frozen chunks of Pacific cod took the place of fresh New England cod or haddock at popular restaurants such as Ken's Steak House in Framingham, Doyle's

Cafe in Jamaica Plain, and Cy's Nantucket Bar & Grill.

“Mislabeling fish is at a ridiculous level,” said Eric Hesse, a Cape Cod commercial fisherman. “The dealers and restaurants have a vested interest in keeping the illusion going. Every time they can say they are selling fresh local fish and get away with selling [Pacific] frozen, they don’t have to buy from us. It kills us.”



DEBEE TLUMACKI FOR THE BOSTON GLOBE

**Eric Hesse said area fishermen are hurt when cheaper seafood is imported and sold as locally caught.**

Frozen fish at grocery stores was far less frequently misidentified, with some sellers - including Walmart, Trader Joe's, and BJ's Wholesale Club - passing muster in all instances.

At restaurants, mahi mahi and swordfish were correctly labeled in all samples tested.

The Globe chose to focus most of its testing on certain species, such as red snapper and tuna, because they have been identified by regulators as more likely to be mislabeled, so the findings do not represent all types of fish sold.

Seafood substitution can take place anywhere along the international route most wild and farmed fish take to a diner's plate in the United States. The practice is carried out by fishermen, importers, wholesalers, restaurants, and stores.

Some restaurant owners whose fish was found to be misrepresented said they, too, were victims, misled by distributors. Others acknowledged that they swap species when supplies are low or fresh fish isn't available, or to trim costs.

For instance, Nobel Garcia, owner of El Oriental de Cuba restaurant in Jamaica Plain, admitted serving ocean perch instead of the \$14 red snapper in garlic sauce promised on his menu.

“They are completely different fish. I'm not going to lie to you,” he said. The switch, Garcia said, began when red snapper was hard to find and more expensive - he could buy ocean perch for about \$4 a pound, compared with roughly \$8 a pound for red

snapper fillets.

“The flavor is pretty good,” he said. “I have never received any complaints about it in the last couple of years.”

But after being questioned by a Globe reporter about the substitution, Garcia recently revised the menu at his small Cuban restaurant to list ocean perch.

Recent studies indicate that between 20 percent and 70 percent or more of snapper, cod, grouper, and wild salmon are mislabeled at restaurants and stores. Oceana, a nonprofit based in Washington, D.C., that is campaigning against seafood fraud, also discovered mislabeling this year when it conducted DNA tests of fresh and frozen fish at 15 Boston-area supermarkets.

Nearly one in five fillets tested had the wrong species name, according to Oceana. Atlantic cod was the most frequently misrepresented fish.

Seafood substitution makes it harder for consumers to accept that some species, including red snapper, are overfished, since it regularly appears on restaurant menus.

“If people see something on the menu all the time, they may have no idea it is disappearing from the ocean,” said Beth Lowell, an Oceana campaign director.

### **A fish transformed**

Throughout much of the last century, the cold waters off New England supplied fresh fish that was delivered daily to Massachusetts restaurants and other businesses.

But as overfishing began to deplete populations, the region’s vast network of fresh-fish houses and processing plants increasingly turned to seafood caught thousands of miles away. Restaurants and grocery stores that once exclusively bought just-caught fish



SUZANNE KREITER/GLOBE STAFF

**El Oriental de Cuba owner Nobel Garcia admitted he was serving less expensive ocean perch (left hand) instead of red snapper (right). He has since changed the menu.**

began to accept frozen fillets.

Imported fish - most of it frozen - makes up 86 percent of the seafood Americans eat, compared with less than 50 percent in 1980. Last year, the United States imported about 5.5 billion pounds of fish worth almost \$15 billion, much of it from China.

As consumption of foreign seafood has increased, so has mislabeling, according to industry specialists. Because the sea-to-plate process has become so long and complicated, there are more opportunities for fraud and mistakes to take place. And the absence of regular testing by federal and state agencies has allowed fish substitution to thrive.

The US Food and Drug Administration, which oversees the labeling of imported and domestically shipped fish, maintains a list of acceptable market names for a particular species.

The agency said it is working to develop a better program to identify mislabeled fish using the same DNA method employed by the lab the Globe hired. Officials said they expect to start testing at six field laboratories by early next year.

Without such safeguards in place, consumers often can't tell what kind of fish they are eating. Some seafood importers, for instance, have repeatedly misnamed Vietnamese catfish by calling it grouper, most likely to avoid high tariffs on this Asian species.

Substitutions can also take place at processing plants where whole fish are transformed into standardized fillets that are often indistinguishable from one another. At some restaurants, chefs call fish anything their imagination conjures, disguising the identity with sauces and spices.

“Once you fillet a fish, it can be very difficult to tell what it is, if not impossible,” said John Sackton, publisher of Seafoodnews.com, an online industry newsletter based in Lexington. “Even the best chefs can have difficulty.”

Doyle's Cafe owner Gerry Burke said he thought he was serving Atlantic cod at his Jamaica Plain pub because it arrived fresh on ice. But the fish was actually caught off

Alaska, shipped in freezer containers for about six weeks to New Bedford, and then thawed and sent out across the region. Burke consulted his supplier after being contacted by the Globe and said there was a misunderstanding.

East Bay Grille in Plymouth substituted frozen Pacific cod for the “fresh Chatham day boat” haddock in its Baked Native Scrod dish. General manager Erik Daigle said the restaurant made the switch over the summer because of high prices for local fish but had not updated the menu. A recently revised menu eliminates the words “native” and “Chatham,” but still describes the previously frozen Pacific cod as “fresh day boat scrod.”

Some cooks and restaurant operators take other liberties, by substituting haddock, a delectable but more abundant and traditionally cheaper species, for Atlantic cod. Haddock showed up in the “fishwich” at PJ’s Family Restaurant in Wellfleet, instead of the fried cod described on the menu.

One of two cod entrees a Globe reporter ordered at McCormick & Schmick’s in the Back Bay turned out to be haddock.

A similarly minor mix-up happened during a visit to the Legal Sea Foods restaurant in Peabody. The Globe ordered cod, but when a reporter picked up the entree, the receipt indicated it was haddock. Several restaurant employees, including kitchen staff, insisted it was cod.

“It could have been a miscommunication, or it could be a mix-up,” said Roger Berkowitz, chief executive of the nationally known Boston chain. “We should have been accurate, nonetheless.”

Two other fish entrees from the Peabody Legal Sea Foods were found in tests to be correctly labeled.



SUZANNE KREITER/GLOBE STAFF

**Doyle’s Cafe in Jamaica Plain replaced fresh cod with previously frozen Pacific cod, which costs about half the price.**

## Health concerns

Beyond the economic toll, fish mislabeling can have serious health and environmental consequences.

In 2007, two customers at a Chicago restaurant were hospitalized after eating a toxin found in puffer fish. They had ordered monkfish.

That same year, a large shipment of escolar from Indonesia was labeled Atlantic cod and exported to Hong Kong. More than 600 people reportedly fell ill after eating it. Consumption of escolar can cause severe gastrointestinal problems because of the type of oil it contains.

The Globe found escolar being sold as white tuna, super-white tuna, or albacore at merchants such as FuGaKyu in Brookline, Kowloon in Saugus, H Mart supermarket in Burlington, and Oishii Sushi Bar in Chestnut Hill.

Sam Kim, head of management planning at H Mart, a chain of about three dozen Asian grocery stores, said that, in response to the Globe's findings, the company took all frozen fillets marked as white tuna off the shelves and launched its own investigation.

But chefs and owners of many restaurants admitted that they sell escolar as white tuna. None reported any consumer complaints.

“Something like this becomes an industry standard,” Andrew Wilkinson, executive chef of the Skipjack's chain, wrote in an e-mail. “Sushi chefs have called this species white tuna for many years.”

But escolar is not part of the tuna family and should not be sold with that label, according to the FDA's online database of acceptable market names for seafood. Moreover, the agency advises against the sale of escolar in the United States because of its potential health risks. Some chefs and food bloggers have suggested that people are most likely to get sick after eating 4 ounces or more, but there have been reports of diners becoming ill after consuming smaller portions.

The Globe investigation also uncovered repeated instances where a nutritional fish was replaced by a less healthy offering.

For example, nearly all of the sushi restaurants surveyed replaced wild-caught red snapper with tilapia, a farm-raised species usually from Asia that has a significantly higher concentration of the fatty acid Omega 6, which some research suggests increases the risk of heart disease.

Minado, a bustling buffet restaurant off Route 9 that churns out hundreds of rolls of sushi and nigiri pieces daily, admitted it labeled tilapia as red snapper.

“Not because we are trying to trick,” said Alexa Poletti, a Minado manager. “We’re doing it how everybody does it.”

### **Depleting the population**

Mislabeled fish can also result in consumers unknowingly eating species of fish whose existence may be in peril.

The Globe-sponsored testing showed that yellowfin tuna wontons at the chain restaurant Not Your Average Joe’s in Westborough were filled with chunks of southern bluefin tuna. That’s a critically endangered species, according to the International Union for Conservation of Nature, a worldwide environmental network of governments, scientists, and nonprofits.

Kristin Struck, food and beverage director at Not Your Average Joe’s, said she was surprised by the DNA results. She said the company, which has 14 Massachusetts restaurants, would not deliberately place a threatened species on the menu, and had changed seafood suppliers before the chain learned of the Globe’s DNA test.

“It is just sad,” said Jennifer Jacquet, a post-doctoral researcher at the University of British Columbia Fisheries Centre who has written about seafood fraud. “Even if you are doing all you can to avoid a fish species like bluefin, you are still not protected from eating it.”

Ming Tsai, celebrity chef and owner of Blue Ginger, said he understands the economic and environmental costs of mislabeling. But he said he used the name butterfish instead of sablefish simply because it sounds better.

“Butterfish rolls off the tongue,” said Tsai, who added that he thought the FDA allowed its use to describe sablefish in Massachusetts. It does not.

Eric Reid, a seafood wholesaler who sells genuine butterfish that local fishermen catch off Rhode Island, said there is no excuse for misleading consumers.

“A lot of people do it until they get caught,” Reid said. “We don’t play the game. But too many people do. And the average consumer just doesn’t know.”

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