

Congress of the United States
Washington, DC 20515

April 22, 2019

The Honorable Norman E. ‘Ned’ Sharpless, M.D.
United States Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, Maryland 20993

Dear Dr. Sharpless,

We are writing regarding food products that are labeled “fishless fish” and offered to American consumers. These so-called “fish alternatives” violate Food and Drug Administration (FDA) regulations and labeling requirements. By their own admission they seek to “deceive” consumers. We request that you enforce the *Federal Food, Drug, and Cosmetic Act* (FFDCA) authorities we provided you to ensure labels are not deceptive.

In recent years, “fishless fish” products made from algae, plants, and legumes have appeared in grocery stores and restaurants. These products contain no fish or seafood. For example, in 2018, the Monterey Bay Aquarium partnered with a startup food company – New Wave Foods – to serve vegan “shrimp” at its café, claiming that it is the “most sustainable seafood option on its Sustainable Catch Menu.” The product contains no seafood. This is dishonest. A product offered for sale under the name of another food or as an imitation of another food – when the label does not expressly state “imitation” – is misbranded under FFDCA Section 343(b) and (c).

The FDA has an obligation to enforce its labeling requirements to protect public health and avoid consumer deception. Packaging and labeling misinformation is a serious infraction, and under Federal law mislabeled food products are regarded as misbranded.

Further, these products trade on seafood’s good name without meeting applicable FDA labeling requirements. In coordination with FDA, the seafood community has made accurate labeling of different finfish and shellfish a priority and has devoted considerable resources towards ensuring that thousands of commercial seafood products meet FDA determinations. For instance, blended seafood products made primarily with fish protein are known as – and lawfully labeled – “Surimi, a fully cooked fish protein” or “Imitation Crab Meat.” In view of the FDA emphasis on proper labeling aimed at permitting consumers to distinguish *among different* fish, the FDA should also enforce these rules on fishless fish products that contain no fish at all.

Consumers should have the option to choose non-meat or non-fish based alternatives. However, those products must be labeled and regulated as stringently as any other food item. As President Lincoln once said, “*How many legs does a dog have if you call his tail a leg? Four. Saying that a tail is a leg doesn't make it a leg.*” Calling a plant-based product seafood, does not make it so. American consumers deserve better.

FDA must use its enforcement ability to remove these misleading labels from the marketplace.

Thank you for your attention to this matter.

Sincerely,



Kurt Schrader
Member of Congress



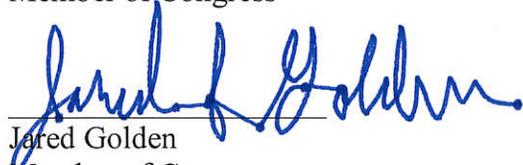
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Ted Budd
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Richard Hudson
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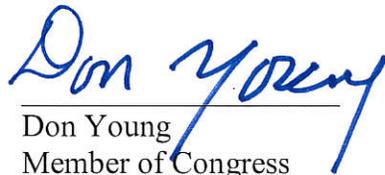
Bobby Rush
Member of Congress



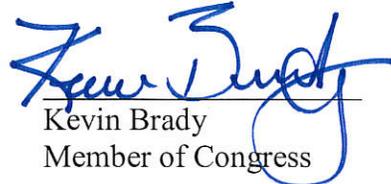
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