

U.S.

# Under Many Aliases, Mislabeled Foods Find Their Way to Dinner Tables

By KIM SEVERSON DEC. 15, 2012

ATLANTA — The menu offered fried catfish. But Freddie Washington, a pastor in Tuscaloosa, Ala., who sometimes eats out five nights a week and was raised on Gulf Coast seafood, was served tilapia.

It was a culinary bait and switch. Mr. Washington complained. The restaurant had run out of catfish, the manager explained, and the pastor left the restaurant with a free dinner, an apology and a couple of gift certificates.

“If I’m paying for a menu item,” Mr. Washington said, “I’m expecting that menu item to be placed before me.”

The subject of deceptive restaurant menus took on new life last week when Oceana, an international organization dedicated to ocean conservation, released a report with the headline “Widespread Seafood Fraud Found in New York City.”

Using genetic testing, the group found tilapia and tilefish posing as red snapper. Farmed salmon was sold as wild. Escolar, which can also legally be called oil fish, was disguised as white tuna, which is an unofficial nickname for albacore tuna.

establishment claimed it was.

“This thing with fish is age old, it’s been going on forever,” said Anne Quatrano, an Atlanta chef who opened Bacchanalia 20 years ago and kick-started the city’s sustainable food movement. “Unless you buy whole fish, you can’t always know what you’re getting from a supplier.”

Swapping one ingredient for a less expensive one extends beyond fish and is not always the fault of the person who sells food to the restaurant. Many a pork cutlet has headed to a table disguised as veal, and many an organic salad is not.

The term organic is regulated by the Department of Agriculture, but many other identifying words on a menu are essentially marketing terms. Unscrupulous chefs can falsely claim that a steak is Kobe beef or say a chicken was humanely treated without penalty.

In cases of blatant mislabeling, a chef or supplier often takes the bet that a local or federal agency charged with stopping deceptive practices is not likely to walk in the door. “This has been going on for as long as I’ve been cooking,” said Tom Colicchio, a New York chef and television personality. “When you start really getting into this stuff, there’s so many things people mislabel.”

At Mr. Colicchio’s New York restaurants, all but about 5 percent of the meat he serves is from animals raised without antibiotics, he said. It costs him about 30 percent more, so he charges more. “Yet I have a restaurant down the street that says they have organic chicken when they don’t, and they charge less money for it,” he said. “It’s all part of mislabeling and duping the public.”

Consumers are misled most frequently when they buy fish, investigators say, because there are so many fish in the sea and such limited knowledge among diners. The Food and Drug Administration lists 519 acceptable market names for fish, but more than 1,700 species are sold, said Morgan Liscinsky, a spokesman with the agency.

Marketing thousands of species in the ocean to a dining public who often has to be coaxed to move beyond the top five — shrimp, tuna, salmon, pollock and tilapia —

is not an exact science.

The line between marketing something like Patagonian toothfish as Chilean sea bass or serving langostino and calling it lobster is a fine one.

Robert DeMasco, who owns Pierless Fish, a wholesaler in New York, used a profanity to describe someone who buys farm-raised fish and sells it as wild. “But on some of this, they’re splitting hairs,” he said.

In 2005, a customer sued Rubio’s, a West Coast taco chain, for misleading the public by selling a langostino lobster burrito. The FDA ruled that practice acceptable, which allowed chains like Long John Silver’s and Red Lobster to sell the crustacean called langostino and legally attach the word lobster to it. Maine lobstermen and lawmakers fought the decision unsuccessfully.

During the Florida grouper scandal of 2006, the state attorney general’s economic crimes division prosecuted 17 restaurants in the Tampa area and a large food-service company for selling Cambodian ponga instead of the more expensive Florida grouper.

The investigation came after The St. Petersburg Times tested fish and found, for example, that a \$23 order of grouper was actually a much cheaper piece of tilapia.

The Boston Globe conducted a similar investigation last year and discovered that Massachusetts consumers routinely paid for more expensive fish and got cheaper substitutes.

In some cases, as many as three-quarters of the samples tested were different fish than what the stores or restaurants said they were. Although state and federal lawmakers said they would improve oversight, a follow-up investigation published this month found that the problem was still widespread.

The battle often plays out on an international scale, where millions of dollars in tax revenue are at play.

For more than a decade, American catfish farmers and federal officials have been fighting Asian imports that are passed on as American catfish or even sole or

flounder, but are often something called pangasius.

But enforcement rarely filters down to individual restaurants. The F.D.A. only this year began testing genetic sequencing equipment in an effort to target wholesalers. And while the Federal Trade Commission takes on false advertising claims as it relates to food, the focus is usually on health claims.

Policing a restaurant or a grocery store for mislabeling food most often falls to a state attorney general or a consumer agency, whose offices do not always have the time or resources to track down whether a chicken is really organic or whether that piece of snapper is really tilefish.

Subsequently, both chefs and consumers need to educate themselves and ask more questions, said Karen Karp, a food industry consultant.

“There are many chefs unintentionally propagating this phenomena,” she said. “They need to learn more.”

So do diners. If a restaurant claims to have fresh Maine diver scallops in July, it helps to know that the tightly regulated bivalves can be harvested only from December to March. (And that they are rarely taken from the sea by actual divers.) Fresh wild Alaska salmon is rarely on plates in January.

And, chefs and others in the food industry say, diners need to push their willingness to try fish species beyond the familiar. That can be a hard sell in a culture that is eating out and buying cookbooks at a record pace but that also loves a dollar menu.

“People want cheap sushi, and this is what happens,” said Mr. DeMasco, the New York wholesaler. “You pay for what you get. That’s what I think gets lost in translation.”

Still, most people do not want to arrive at a restaurant armed with an advanced degree and the phone numbers to regulatory agencies. “Unfortunately, what something like this does is turn people off to eating out,” Mr. Colicchio said. “People stop going to restaurants because they think they are getting ripped off.”

***Correction: December 23, 2012***

An article last Sunday about mislabeled food that finds its way to dinner tables referred incorrectly to serving wild Alaska salmon in January. A limited amount of fresh salmon is available at that time; it is not the case that wild Alaska salmon is not in season that time of year. The article also misidentified the fish that a restaurant substituted for a \$23 dish of grouper. It was tilapia, not “a much cheaper piece of Asian catfish.”

A version of this article appears in print on December 16, 2012, on Page A15 of the New York edition with the headline: Under Many Aliases, Mislabeled Foods Find Their Way to Dinner Tables.

---

© 2018 The New York Times Company