

SCOMM

75.21

~~Scope of what is prohibited~~

Scope of what is prohibited
once something is
"mis-branded" See:

AS 17.20.290 (1) - (3)

and AS 17.20.340

off to home
AKPIRG
278-3661

This bill comes under
food, drug & cosmetics
statutes regarding "mis-branding."

It is strictly a
commerce, labeling issue.

Consumer's Right to Know:

Health concerns - farmed fish
has antibiotics and chemicals,
wild fish does not. Consumer
has right to know which
product they are buying.

Truth in advertising:

If AK processor buys farmed fish from out of state, smokes it and re-sells it - if they are only required to label it as "farmed" and "Product of AK" it implies "farmed in AK." So need to require labeling to state both that it is "farmed" & "not in AK"

Preserves Alaska's ability to assure world wide consumers that if you buy Alaskan fish it is real & wild.

Scope of applicability of "mis-branded":

See 17.20.290 (1) - (3)

and 17.20.340

17.20.040

17.20.370 - in supple.

17.20.290

17.20.340

Doug
Donnegan

463-3566 FAX

Phone: 465-2696

BEFORE



AFTER



Dangers of eating
too much farmed fish.

BY THE LABOR & COMMERCE COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing certain labeling and identifica-
7 tion requirements for food products containing farmed
8 finfish."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 17.20.040 is amended by adding a new paragraph to read:

11 (12) the food is a farmed finfish product, unless

12 (A) the product is labeled to identify the product as
13 farmed fish raised outside the state, if the product is sold in a
14 packaged form; or

15 (B) the product is conspicuously identified as farmed
16 fish raised outside the state, if the product is sold in an
17 unpackaged form.

18 * Sec. 2. AS 17.20.370 is amended by adding a new paragraph to read:

19 (14) "farmed finfish product" means a food product that
20 contains finfish that is propagated, farmed, or cultivated in an
21 aquatic farm; in this paragraph

22 (A) "aquatic farm" means a facility that grows, farms,
23 or cultivates finfish in captivity or under positive control, but
24 does not include a salmon hatchery that is owned by the state or
25 that holds a salmon hatchery permit under AS 16.10.400;

26 (B) "positive control" has the meaning given in
27 AS 16.40.199.
28
29

BY THE LABOR & COMMERCE COMMITTEE

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For an Act entitled

BE IT ENACTED BY THE

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(12)

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* Sec. 2. AS 17.2

(14)

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AS 16.40.19

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assure world wide consumers
that if you buy Alaskan
fish it is real & wild.

MESSAGE

Date 12/19 Time 9:10

For: LF

From: Brad Tufto

of _____

Phone No. 5283

Telephoned (X) Called to see you(}
Please call Will call again }
Returned your call(} Urgent }

Message Carrs - Salmon was
labeled

Letter December 1990 from

Doug Donegan notifying processors
Operator & retailers about

LAA-16 labeling & farmed salmon
in particular. Product may be detained
but not set up to fine.

Personnel not earmarked
to follow through w/
statute.

No mechanics
for issuing & no manpower

Cory Willis
Regional Supervisor
South Central

Covered by Field →
Sanitarian & Environmental Health
They receive lots of complaints
about smoking, food-borne illness,
inspections of all kinds

Thomas Pease

373-2518

Vicki Jarnek

373-1465

Wasilla

"Fresh King Salmon" Yesterday
Carrs in

165-2696 Wasilla

Supposedly earmarked called yesterday

500,

Final Version

Original sponsor(s): Labor & Commerce Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 531 (~~Finance~~)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act establishing certain labeling and identification requirements for food products containing farmed

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~~salmon~~, and providing for an effective date."

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AS 16.40.199.

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* Sec. 3. This Act takes effect August 1, 1990.

CSSB 531 (Fin), REQUIRING THE LABELING OF FARMED SALMON

SB 531 adds to the food and drug statutes the requirement that any farmed salmon sold or being prepared for sale in Alaska be labeled to reveal that it is farmed fish farmed outside of the state.

Under the bill, if farmed salmon is not clearly identified to the consumer as farmed, it is considered "mis-branded," and thus subject to the statutes which pertain to mis-branded items.

It is important to note that this is a TOTALLY different issue from the current debate about whether we should allow the activity of fish FARMING itself to occur in Alaska.

This bill will not prevent anyone from selling or buying farmed fish.

The main issue addressed by THIS bill is the Consumers' Right to Know.

With increasing consumer awareness of food safety issues, there are growing health concerns about the use of the antibiotics and chemicals in farmed fish which are not found in wild fish.

Farmed salmon and wild stock salmon are truly different products, and the consumer should have the right to know which product they are buying.

SB 531 is also a Truth in Advertising bill.

There is currently a big shake-out happening in the worldwide fish farming industry, with lots of bankruptcies.

Markets are glutted and fishfarmers are dumping huge amounts of fish on world markets.

In facing this competition, one of the biggest marketing edges Alaska now has is the fact that all of our fish is a pure, wild, natural product ---- something that no other major fish producing area of the world can claim.

PASSAGE OF THIS BILL IS CRUCIAL TO OUR ABILITY TO ENSURE AND PROTECT CONSUMER TRUST IN THIS CLAIM.

Alaska has spent years and millions of dollars promoting its salmon as wild, natural fish grown in cold clean Alaskan waters.

(2)

It is unfair advertising to have the farmed product from out of state, or from foreign countries, riding on the well established reputation of Alaska's wild fish.

The very small DEC fiscal note is intended to ^{cover} ~~cover~~ the cost of providing a onetime distribution of information to grocery stores and restaurants about the new labeling requirement. I would ask that the committee zero out that fiscal note as DEC has indicated that they can manage without it, and there is little time left in the session to deal with an additional referral to Finance.

IN SUMMARY --

It is important to avoid jeopardizing consumer confidence in Alaska's salmon.

Farmed salmon and wild salmon are different products, and enactment of SB 531 will ensure the public that when they buy salmon IN Alaska, or FROM Alaska, they will know WHICH product they are buying.

There are several different types of situations that would be covered by SB 531. For example:

When consumers buy salmon in a store or order salmon in a restaurant in Alaska, they are very likely to assume that it's pure wild Alaskan salmon. If they are really buying farm-grown Chilean salmon, they have a right to know that.

OR

If an Alaskan seafood processing company buys farmed salmon from British Columbia, smokes it, and ships it out of state for sale, they would currently be allowed to simply label it with their Alaska company name. If we add only a requirement to label it as "farmed fish," it implies that it was "farmed in Alaska." This bill requires that the labeling be fully truthful by letting the consumer know that the raw product was actually non-Alaskan farmed fish.

Besides giving the consumer full information about a particular purchase, this requirement also prevents creating a public perception that some Alaskan salmon is actually farmed.

Penalties
(As 17.20.310)

1st offense
\$500 (or 6 mos. or both)

2nd offense
\$1500 (or 1 yr. or both)

Original sponsor(s): Labor & Commerce Committee

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example of
"Misbranding"
and products
mis-using Alaska's
good reputation
for seafood

Blackie's.
SPECIAL

Bleu cheese and crackers

**BROILED FRESH FILET OF
ALASKA
SWORDFISH STEAK
Anchovies butter**

Choice of Potato • Tossed green salad
Assorted breads and butter

\$14.95

Alaska Salmon

O N C O R H Y N C H U S

From Alaska's cold waters come the world's greatest salmon resource. Alaska salmon, member of the salmonidae family, lead a legendary life. Spawned in pure, freshwater mountain streams, they migrate to the ocean where they mature, then faithfully return home to the streams where they were born. Because their timing and unerring sense of direction is so precise, they're an enigma to the biologists who study them—and especially vulnerable to the fishermen who know exactly when and where to catch them. Although some salmon are caught by trollers, the majority are captured with nets—gillnets and purse seines. They are then whisked by a tender vessel to the processing plant where they are prepared for freezing or, in the case of fresh salmon, for delivery to markets around the world.

There are five species of Alaska salmon, each with its own distinct characteristics.

King (Chinook) is the largest of the salmon, averaging 20 pounds. Most Kings have red flesh although some—White Kings—are very light colored. Because of its rich oil content, King salmon is an excellent choice for smoking (with Whites generally kippered). It is marketed as fillets, steaks, roasts or whole dressed.

Sockeye (Red) weighs from 4 to 12 pounds. One of its most desirable features is that it retains its deep red color better than any other salmon when cooked or processed. Sockeye is marketed in whole, steak or fillet form.

Silver (Coho) is the second largest of the Alaska salmon, averaging about 6 pounds. It has an orange-red flesh and is considered very choice for smoking. It is usually marketed as steaks or fillets.

Pink is the most abundant of Alaska salmon and also the smallest—averaging from 2 to 3 pounds. As its name suggests, this salmon ranges in color from light to deep pink. Because of its size, Pink salmon can be marketed as whole fish and is especially good barbecued on a charcoal grill.

Chum (Keta) is, of all the Alaska Salmon, the lightest in color and contains the least amount of oil. Possessing a fine, delicate flavor and texture, it ranges in size from 4 to 13 pounds with the smaller ones marketed whole and the larger Chums sold smoked or as fillets.

While salmon is enjoyed for its flavor, its nutritional attributes are no less significant. Alaska salmon contains important vitamins and minerals and is an excellent source of high-quality protein. The fats in salmon are predominately unsaturated and, evidence suggests, the development of artery disease may be avoided when unsaturated fats are consumed.

Nutritional Value of Alaska Salmon

Analyses of salmon performed on the raw muscle without skin and bones.

100 GRAM (3½ OUNCES) RAW WEIGHT PORTION	KING (Chinook)	SOCKEYE (Red)	SILVER (Coho)	PINK	CHUM (Keta)
Protein, grams	20	20	22	19	21
Fats, grams	12	9	5	5	4
Carbohydrate, grams	0	0	0	0	0
Calories	188	161	133	121	120

NOTE: Nutritional value for salmon will vary 1-2% in protein and fat content from these average values, depending upon the maturity of the fish.

Reference Source: *Chemical Characteristics of Fish Caught in the Northeast Pacific Ocean*, Stansby, Maurice E., MFR Paper No. 1198, NMFS, NOAA (1976).

Alaska salmon, available year-round, is easy to prepare. Simply sauté, bake, broil, barbecue, poach or microwave.

Please contact:



ALASKA

Alaska Seafood Marketing Institute
P.O. Box DX • Juneau, AK 99811-0800

Alaska Salmon

I N F O R M A T I O N G U I D E





NIGHTLY FEATURES •• FRIDAY, MARCH 30, 1990

Tonight's vegetable is, carrots, broccoli, and red onions with an orange sauce. Fresh Fish, seafood, & poultry entrées are served with Pecan Wild Rice. Beef entrées are served with steamed new potatoes.

TONIGHT'S FRESH FISH

WASHINGTON ROCKFISH BLACKENED CAJUN-STYLE 13.95 Light cut 12.95

We take fresh Washington Rockfish and season it with a blend of oregano, thyme, garlic, onion, and peppers, then blacken it with unsalted butter over a white hot cast iron skillet.

PAN-FRIED IDAHO TROUT 14.95

A fresh farm-raised Idaho Trout, dipped in an egg wash and rolled in Panko bread crumbs, pan-fried to a golden brown. Served with fresh lemon and our housemade tarter sauce.

ALASKAN TRUE COD with RASPBERRY GARLIC SAUCE 14.95 light cut 13.95

Fresh Alaskan True Cod baked and placed atop a bed of fresh spinach, topped with our fresh raspberry garlic sauce, a smooth and light blend of raspberries, cream, butter and a hint of garlic.

WASHINGTON ROCKFISH with THAI-MUSHROOM RELISH 14.95 light cut 13.95

Fresh Rockfish marinated in curry and lemon grass, grilled and garnished with a relish of Shiitake mushrooms, black beans, fresh ginger, lemon grass, and Thai chiles. Served with steamed white rice.

ALASKAN TRUE COD with PECAN SPREAD 14.95 light cut 13.95

Fresh Alaskan True Cod baked with our housemade fresh Pecan spread, using "I Can't Believe It's Not Butter". A Heart-Healthy Preparation.

ECUADORIAN MAHIMAHÍ with SWEET CURRANT SAUCE 17.95 Light cut 15.95

A fresh fillet of Ecuadorian Mahimahi, broiled and topped with a sauce of sweet red peppers, tomatoes, garlic, Madeira, crushed red peppers, red raspberry vinegar, and red currant jam.

CANADIAN KING SALMON with GARLIC-VERMOUTH BUTTER 18.95 Light cut 16.95

Fresh farm-raised Canadian King Salmon fillet cut to insure moistness, broiled to order and topped with our housemade Garlic-Vermouth basting butter.

TONIGHT'S DINNER SPECIALS

We now offer a Lite Citrus-Shallot dressing made with Dijon mustard, Safflower oil, shallots, wine vinegar and orange juice, for a low cholesterol, low fat salad dressing.

MICK'S PEPPER PRAWNS 17.95

The prawns are marinated in olive oil and garlic, grilled and brushed with Mick's pepper glaze a tangy mixture of Mick's Pepper Jelly, red wine vinegar and Serrano Chili's. Served on a bed of pecan wild rice with chopped cilantro. Served with a side of glaze for dipping.

SCALLOPS ETOUFFEE 18.95

Tender scallops sautéed in an authentic etouffee sauce made with a rich seafood stock, onions, green peppers, and creole seasonings. Served with Cajun rice.

TONIGHT'S DESSERT SPECIAL

NEW ORLEANS PEAR-BREAD PUDDING with BOURBON SAUCE

A traditional New Orleans bread pudding made with French bread, golden raisins and fresh Pears. Topped with our own housemade bourbon sauce. 3.95 a slice

VARIETAL WINES by the GLASS or BOTTLE

	GLASS	BOTTLE
Whites		
J. Lohr White Zinfandel	2.95	11.75 Carafe
Saddle Mountain Johannisberg Riesling	3.25	12.95 Carafe
Robert Mondavi "Woodbridge" Sauvignon Blanc	3.50	14.95
Grand Cru Chardonnay	3.50	14.95 Carafe
Vendange Chardonnay, Sonoma	4.50	16.95
Round Hill Chardonnay, Napa Valley	4.50	16.95
Reds		
Riverside Farms Cabernet Sauvignon	2.95	11.75 Carafe
Georges Duboeuf Beaujolais Villages '88	4.50	16.95
J. Pedroncelli, Cabernet Sauvignon, Dry Creek Valley	4.95	17.95
Lindemans, Cabernet Sauvignon, Bin 45	5.00	18.95
Sparkling		
Cooks Extra Dry (San Joaquin Country)	3.25	12.95
Mirassou Brut, Monterey '83	4.95	19.95

 **SAY NO TO DRUGS** 

DON'T EAT FARMED FISH

ALASKA SALMON

There's a big difference between imported salmon and the salmon that thrive in Alaska's cold, clear waters. Alaska Salmon live a natural life and feed on natural food. This pure, natural diet gives Alaska Salmon a rich color, firm texture, and excellent flavor that can't be matched.

VARIETIES OF ALASKA SALMON

▲ KING (CHINOOK)

The King is the largest salmon and features a rich oil content. Kings have a deep red flesh.

▲ SOCKEYE (RED)

Sockeye shows off its rich red color when cooked, so it's popular served as steaks and fillets.

▲ SILVER (COHO)

Silvers are the second largest salmon. Most are marketed as steaks and fillets.

▲ PINK

Pinks are the smallest Alaska salmon, and the most plentiful. The Pink's flesh is light in color and contains little oil.

▲ CHUM (KETA)

Chum flesh ranges from red to light pink and contains very little oil. It's a good choice for cooked dishes where color is not of prime importance.



ASMI generic
promotion of
Alaska's fish as
wild, natural



ALASKA SALMON

ADVANTAGES OF ALASKA SALMON

- ▲ A premium seafood you can sell at a popular price
- ▲ Natural diet gives it better flavor than imports
- ▲ Easy to prepare
- ▲ Low labor cost keeps margins high
- ▲ Readily available year-round
- ▲ Very nutritious
- ▲ Contains health benefits that are nationwide news

PREPARATION METHODS

- ▲ Bake
- ▲ Broil
- ▲ Poach
- ▲ Sauté
- ▲ Grill
- ▲ Microwave
- ▲ Barbeque

SERVING SUGGESTIONS

- ▲ Broiled Alaska Salmon steak with light citrus sauce
- ▲ Poached Alaska Salmon fillet with kiwifruit coulis
- ▲ Baked Alaska Salmon with savory Florentine stuffing

NUTRITION

- ▲ High-quality protein
- ▲ Furnishes important vitamins and minerals
- ▲ Oils in salmon may help to lower dangerous cholesterol in blood

AVAILABILITY

Frozen Salmon Packs
Steaks and fillets in
shatterpacks, vacuum bags
and Individually Quick Frozen

Carton Size
5, 10 lbs.

Portion Size
6 to 10-oz. steaks
6 to 12-oz. filets



ALASKA

Alaska Seafood Marketing Institute
P.O. Box DX, Juneau, AK 99811-0800

Source
PHD
Additives to the Environment of Net-Pen Reared Fish
Pacific Marine Fisheries Commission 42nd Annual Meeting
Seattle, Washington, October 16-18, 1989

Arthur H. Whiteley and Annamarie Johnstone

We have been asked to address our remarks to the matter of additives to the environment of net-pen reared fish. In this particular forum, we assume the emphasis should be on additives that may have an impact on humans when these fish come to market, rather than the impact on the plant and animal communities in the natural environment, though these are not wholly separable.

By its very nature, net-pen rearing of salmon requires the use of numerous chemicals, sometimes in large amounts, some used in the fresh water hatcheries to produce the fry and smolts, some used in the grow-out period in the marine pens, and others used during processing of the fish for the market. Partial lists are shown in Table 1, compiled from Austin and Austin, 1987, from a 1988 report for the Nature Conservancy Council by the University of Stirling, and from other sources.

The lists include chemicals used in salmon and in other forms of fish culture, both in this country and in foreign countries. Inasmuch as farmed fish are imported from some of these other countries, inclusion of these chemicals in the lists may be relevant to the matter of seafood surveillance in the United States marketplace.

Chemotherapeutics. The most relevant additives for present purposes are antibiotics and therapeutants used to control bacterial diseases. Because of stress, disease may cause losses of 30-40%, sometimes higher. Diseases in salmon farms include *Vibrio anguillarum* (vibriosis), *Aeromonas salmonicida* (furunculosis), *Aeromonas hydrophila* (hemorrhagic septicemia), *Yersenia ruckeri* (red mouth), *Vibrio salmonicida* (Hirra disease), *Renibacterium salmonarum* (bacterial kidney disease). To combat these diseases, medicated food containing antibiotics is supplied. In Washington, the FDA approved antibiotics and therapeutants are oxytetracycline (OTC), Romet 30 (sulfadimethoxine and orhomoprim) and sulfamerazine. In addition, Tribissen (sulfadiazine and trimethoprim) is used in Norway and Scotland, and in British Columbia erythromycin is used to control BKD. In Japanese fish culture a wide variety of antibiotics has been used, but has recently restricted the use of chemotherapeutics in cultured fish (Aoki, 1988, pers. comm).

In the US, Norway, BC and Scotland, doses of drugs are as indicated in Table 1B. It is anecdotal, however, that additional amounts of antibiotics are used by farmers, who may mix the drugs with feed and binders. Control of use of antibiotics in Norway and Scotland is regulated by veterinarians, and this is supposed to be the case in B.C. In the British Isles it is apparently easy to find legal loopholes to permit other antibiotics and doses to be used (Austin and Austin, 1987). In Washington fish farmers are supposed to notify the Department of Fisheries if they use antibiotics, but veterinarian supervision is not required. Generally approval exists for only therapeutic use of these

P. 5/11

Table 1
Chemicals Used in Net Pen Culture of Fish
 (From Austin and Austin, 1986; The Nature Conservancy
 Report, Scotland, 1988; and other sources)

Chemotherapeutics

Oxytetracycline	Streptomycin
Romet 30 ^R (sulfadimethoxine and orthomeprim)	Sulfisoxazole
Sulfamerazine	Kanamycin
Tribrissen ^R (trimethoprim)	Fumequine
Erythromycin	Chloramphenicol
Penicillin G	Chloramine T
Oxolinic acid	Acriflavin
Minocycline	Acetic acid
Clindamycin	Formalin
Kitasamycin	Malachite green
Rifampicin	Iodine
Hyamine 3500	Iodophor
Copper sulfate	Benzalkonium
	Nitrofurantoin

Pesticides

Dichlorvos (Nuvan^R, an organophosphate)
 Trichlorfon (Neguvon^R, an organophosphate)
 Carbaryl (Sevin, a carbamate; used in oyster culture)
 Diquat

Antifoulants and Disinfectants

Tributyl tin - now banned
 Copper paint
 Bitumen
 Chlorine
 Chlorothalonil

Anaesthetics

MS-222 (tricaine methane-sulfonate)
 Benzocaine
 Carbon dioxide

Food additives

Colorants-canthaxanthin
 Minerals
 Vitamins
 Omega 3 fatty acids

Table 1B
Doses of Antimicrobials Commonly Used in Salmon Net-pen Culture

Antimicrobial	Dose, mg/kg of fish/day	Days of Treatment
Oxytetracycline	75	10
Romet 30	50	5
Sulfamerazine	220	14
Tribissen	30	10
Erythromycin	10-25, or unspecified	4-21

These regimens are repeated 2 or 3 times a year

P. 117-12

Table 2
Mineral and Vitamin Food Additives
in Salmon Pellets
(Data from Nature Conservancy Council Report 1988, and
Moore-Clark Analysis)

Minerals

Calcium phosphate
Magnesium sulfate
Sodium Chloride
Potassium chloride
Iron sulfate
Zinc sulfate
Copper sulfate
Manganese sulfate
Cobalt sulfate
Chromium chloride
Ethylenediamine dihydroiodide
Selenium

Vitamins

Thiamine hydrochloride
Riboflavin
Calcium pantothenate
Niacin
Pyridoxine hydrochloride
Biotin
Folic acid
Cyanocobalamin
Inositol
Ascorbic acid
Choline chorlide
Menadione
alpha tocopherol acetate
p-aminobenzoic acid
Retinol acetate
Vitamin A
Vitamin B12
Vitamin D3
BHA-BHT, antioxidant

CSSB 531 (Fin), REQUIRING THE LABELING OF FARMED SALMON

By Senator Dick Eliason

SB 531 adds to the food and drug statutes the requirement that any farmed salmon sold or being prepared for sale in Alaska be labeled to reveal that it is farmed fish farmed outside of the state.

Under the bill, if farmed salmon is not clearly identified to the consumer as farmed, it is considered "mis-branded," and thus subject to the statutes which pertain to mis-branded items.

It is important to note that this is a TOTALLY different issue from the current debate about whether we should allow the activity of fish FARMING itself to occur in Alaska.

This bill will not prevent anyone from selling or buying farmed fish.

The main issue addressed by this bill is the Consumers' Right to Know.

With increasing consumer awareness of food safety issues, there are growing health concerns about the use of the antibiotics and chemicals in farmed fish which are not found in wild fish.

Farmed salmon and wild stock salmon are truly different products, and the consumer should have the right to know which product they are buying.

SB 531 is also a Truth in Advertising bill.

There is currently a big shake-out happening in the worldwide fish farming industry, with lots of bankruptcies. Markets are glutted and fishfarmers are dumping huge amounts of fish on world markets.

In facing this competition, one of the biggest marketing edges Alaska now has is the fact that all of our fish is a pure, wild, natural product ---- something that no other major fish producing area of the world can claim.

PASSAGE OF THIS BILL IS CRUCIAL TO OUR ABILITY TO ENSURE AND PROTECT CONSUMER TRUST IN THIS CLAIM.

Alaska has spent years and millions of dollars promoting its salmon as wild, natural fish grown in cold clean Alaskan waters. It is unfair advertising to have the farmed product from out of state, or from foreign countries, riding on the well established reputation of Alaska's wild fish.

IN SUMMARY --

It is important to avoid jeopardizing consumer confidence in Alaska's salmon.

Farmed salmon and wild salmon are different products, and enactment of SB 531 will ensure the public that when they buy salmon IN Alaska, or FROM Alaska, they will know WHICH product they are buying.

There are several different types of situations that would be covered by SB 531. For example:

When consumers buy salmon in a store or order salmon in a restaurant in Alaska, they are very likely to assume that it's pure wild Alaskan salmon. If they are really buying farm-grown Chilean salmon, they have a right to know that.

OR

If an Alaskan seafood processing company buys farmed salmon from British Columbia, smokes it, and ships it out of state for sale, they would currently be allowed to simply label it with their Alaska company name. If we add only a requirement to label it as "farmed fish," it implies that it was "farmed in Alaska." This bill requires that the labeling be fully truthful by letting the consumer know that the raw product was actually non-Alaskan farmed fish.

Besides giving the consumer full information about a particular purchase, this requirement also prevents creating a public perception that some Alaskan salmon is actually farmed.

Examples of
how the labeling
requirement would
be applied.

rected soon after the 1988 inspection, and the airline was safe. "They did a great job of fixing things up and that's why the fines weren't higher," said Paul Wegrzyn, the FAA's Alaska spokesman.

At a Friday press conference to announce the action, Ted Beckloff, FAA regional administrator, said he would have no hesitation today to fly with Wilbur's.

"Their accident rate has been reduced significantly in the past few years," said James Michelangelo, a National Transportation Safety Board official who investigates crashes.

Please see Page D-2, **WILBUR'S**

the basis for the higher prices," he said.

The way they look at it,

uled for delivery in November traded as high as \$35.60 a barrel before closing at \$35.43 on the

reporters in Amsterdam on Thursday that war could bring \$60-a-barrel oil.

Judge won't cut Keating's \$5 million bail

The Associated Press

LOS ANGELES — A judge refused Friday to reduce Charles H. Keating's \$5 million bail, ruling that the central figure in the nation's most expensive savings and loan collapse was a flight risk.

Bail was reduced for the defendants named in a 42 criminal fraud indictment. Superior Court Judge Charles Klausner said numerous civil lawsuits and the threat of prison

gave Keating "significant reasons not to stick around."

"There has been a picture painted here ... of a person who has creditors knocking at the door," he said.

Keating is the former chairman of Phoenix-based American Continental Co., which owned the Lincoln Savings & Loan of Los Angeles, Calif. Bailout of the S&L is expected to cost taxpayers \$2 billion.

The indictment alleges that

Keating and three others bilked investors by selling them worthless American Continental "junk" bonds at Lincoln branches.

The defense said Keating could not afford \$5 million and wanted his bail reduced to \$500,000, which his children could post.

Klausner said pending lawsuits and the threat of prison combined to make the Arizona developer a flight risk.



The Associated Press

Goodbye Gilley's

A tractor demolishes the famous honky-tonk Gilly's in Pasadena, Texas. Owners won a settlement to raze the club, already damaged by two fires.

Trout masquerading as salmon lure bureaucrats into brouhaha

By MALCOLM GLADWELL

The Washington Post

WASHINGTON — In the days before aquaculture and carotene pigments, before fishermen wrote petitions for regulatory clearances, trout was trout and salmon was salmon. That was all there was to it.

But for the Food and Drug Administration and Van Brown's Carolina Mountain fish hatchery in North Carolina, which have been locked in battle for nearly two years, things are no longer so simple.

In 1988, in the interest of ending consumer confusion about the fish they buy, the FDA ruled that the species *Salmo gairdneri* must hither-to be sold only under the name "Steelhead Trout." Brown, who raises a million and a half pounds of *gairdneri* every year, demurred. He mixes a natural red dye into the

food he feeds his fish, turning their flesh from a troutlike white to an altogether more appealing, salmon-like pink.

The name Steelhead Trout, he said, does not do his product justice. He wants the FDA to let him call his fish "Salmon Trout."

At stake is more than the label Brown puts on his fish wrappers. North Carolina is a state very much interested in making a big business out of aquaculture, seen as a lucrative alternative to the troubled tobacco industry. And officials are aware of how much bigger that business would be if steelhead trout could become salmon. Brown estimated, for example, that just including the word "salmon" in his product's name would allow him to fetch an additional 50 to 75 cents a pound.

Please see Page D-2, **FISH**

*Quick News
Daily News
9/22/90*

According to the fund's contract with the state, Draper was supposed to give 30 days' notice before mak-

tive director.

Draper told the board he is considering investing in two other California companies with which he has financial ties. He also said the

struggled to come up with a way to keep better track of the fund's management.

"I'd like to explore a process of better communicating" so that "AIDEA is not surprised by the investments

regional affairs. "It's bizarre that there hasn't been more communication."

Yarmon said the general partners would welcome the opportunity to meet more frequently with AIDEA officials or board members.

to have legal immunity should fund actions result in lawsuits, said Jim Balan, an assistant attorney general. He said the board must preserve that immunity. Board members must be clear of any efforts to

FISH: A trout is a trout . . .

Continued from Page D-1

This has brought the political heavyweights into the fray. North Carolina Gov. James G. Martin has made a direct appeal to the FDA, as have Sen. Jesse Helms, R-N.C., and Rep. J. Alex McMillan, R-N.C., who buttonholed FDA acting commissioner James Benson for two hours this week when the agency chief made his weekly rounds on Capitol Hill.

At the same time, the economic consequences of Brown's proposal have not been lost on the states of the American Northwest, which sell several billion dollars worth of salmon every year in supermarkets and are not about to let their market monopoly be usurped by what they see as regulatory sleight of hand. Just after Helms weighed in, Sen. Bob Packwood, R-Ore., sent a letter and the Western salmon lobby began to raise a ruckus.

"You can't call anything that comes out of the ocean red snapper," said Tom Robinson, a senator from the Oregon. "So we're able to call it salmon."

that isn't one of the five known salmon species?"

If the dispute were only about money and market share, however, it might be simple. But it is not.

Just a year after the FDA required all *Salmo gairdneri* be sold as steelhead, the American Fisheries Society, which is the bible on such matters, made an important announcement. Based on new data from scientists at the University of Michigan and a comparison with species caught off the Soviet peninsula of Kamchatka, the society said, *Salmo gairdneri* was more properly classified as *Oncorhynchus mykiss*, which, in layman's terms, is the category to which Western salmon belong.

"We still call a (steelhead) a trout because of longstanding convention," said Robert Kendall, an AFS official. "But the steelhead trout is actually more closely related to Pacific salmon than it is to the true trouts, the brown trouts of Europe."

Brown's hatchery-grown North Carolina trout, in other words, are salmon.

What remains is best described as a regulatory mess.

WILBUR: 100,000 fine sought

Continued from Page D-1

Steve Wilbur, a Wilbur's vice president, said the airline hadn't decided yet whether to agree to the settlement, and may make a counteroffer.

who did not have enough flying experience to operate the aircraft. The pilot also lacked a transport pilot certificate.

• Operating 200 overweight flights between Aug.

Alaska jobless rate edges up to

The Associated Press

JUNEAU — Alaska's jobless rate increased slightly in August to 5.5 percent, signaling the end of this year's summer employment boom.

The statewide rate was up from 5.3 percent in July and was above the 4.7 percent rate in August 1989, the Labor Department reported Friday.

"The job market continues to be a good one for job

seekers, but it doesn't compare favorably to last year's oil-spill-induced job boom," said John Boucher, a department economist.

Boucher said Alaska's unemployment rate normally increases after the peak salmon season, although it stays relatively low through September.

The biggest job losses occurred in manufacturing, primarily in Southwest

Alaska's seafood-processing industry, he said.

Anchorage, the state's largest city, had a job rate of 4.6 percent last month, up from 4.3 percent in July and 4 percent in August 1989. The city has estimated 113,614 people employed and 5,508 unemployed last month, the department reported.

Juneau's rate was 4.1 percent last month, up from



THE UAA MINING & PETROLEUM SERVICE

The UAA Mining & Petroleum Service will offer a 40-hr. HAZ-WOPER training course October 4-7, 1990 which is designed to provide required training for those people who may be involved in handling uncontrolled hazardous waste sites.

A HAZARDOUS PAINTING course will be offered October 6-7, 1990 which will train and certify painters under AS18 63.010-100 for painters using paints containing hazardous materials.

Advance payment is required for enrollment in these courses. To register or for more information call 563-8098, Suite 104, AK 99669.

Office, Suite 100, AK 99508
EO/AA Employer National Institution.

COUPON—

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Save Big Bucks on a new Honda — now through the

**\$1000
\$500**

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OFFER ENDS 9/30/90

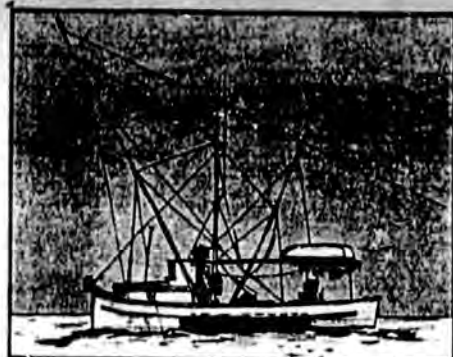
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As always, we will meet or beat any advertised price in Alaska on your new Honda.



Alaska Trollers Association

REPRESENTING ALASKA TROLLERS

130 Seward St., No. 213
Juneau, Alaska 99801
(907) 586-9400

Labor & Commerce Committee
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, AK 99811

May 4, 1990

Dear Committee Members:

The Alaska Trollers Association (ATA) urges your support in the passage of SB 531, which relates to labeling and identification requirements for farmed finfish.

In the day to day culture of pen reared fish it is common practice to provide additives to feeds to color the flesh, increase growth potential, or control disease outbreaks. Additionally, some farms use topical substances to control parasitic infestation of the fish and algal growth on the nets. This is an item of concern for many health conscious individuals.

Our fishermen provide a wholesome drug-free product that should be differentiated in the marketplace from farmed fish, to ensure that the consumer has all of the facts in hand prior to making their seafood selection.

The troll fleet has already been impacted by the glut of farmed fish on the world market, as noted by the low prices paid to our fishermen for chinook and coho salmon in 1989 and anticipated for 1990. The Bush administration is currently investigating allegations that the U.S. has imported subsidized Norwegian farmed fish that are selling at unfair market prices. We do not wish to see our fleet further disadvantaged as farmed fish enter the marketplace under the guise of an equivalent product at a bargain basement price.

Alaska's high quality wild salmon is something to be proud of, and we should commit to promoting it as the distinctive product that it is. The labeling of farmed fish would go a long way toward clearing up the misconception that "fish is fish". Please support your seafood industry and respect the consumers right to know by enacting SB 531!

Sincerely,

Dale A. Kelley
Dale A. Kelley, Executive Director

Anch. Times
4-27-90

Senate passes 'farmed fish' labeling bill

By BRIAN S. AKRE
Associated Press

JUNEAU — Senators unanimously passed a bill Thursday that would require labeling of pen-reared salmon as out-of-state "farmed fish" when sold in Alaska.

Senate Bill 531 would require packaged products made of salmon reared in captivity to be identified as "farmed fish" to distinguish them from wild fish.

Products sold unpackaged, including fresh salmon in a supermarket, would have to be "conspicuously identified" as farmed fish, under the legislation.

Sen. Dick Eliason, R-Sitka, an ardent opponent of salmon ranching, described the bill as consumer right-to-know legislation.

Eliason said there are concerns about the use of antibiotics and chemicals in fish ranching.

"I don't have any problem with farmed fish, but I don't think I'd feed it to my cat," he said.

A two-year ban on salmon ranching in Alaska expires in July, but a bill to make the ban permanent is pending in the Senate.

CSSB 531 (Fin), REQUIRING THE LABELING OF FARMED SALMON

SB 531 adds to the food and drug statutes the requirement that any farmed salmon sold or being prepared for sale in Alaska be labeled to reveal that it is farmed fish farmed outside of the state.

Under the bill, if farmed salmon is not clearly identified to the consumer as farmed, it is considered "misbranded," and thus subject to the statutes which pertain to misbranded items.

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This bill will not prevent anyone from selling or buying farmed fish.

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Markets are glutted and fishfarmers are dumping huge amounts of fish on world markets.

In facing this competition, one of the biggest marketing edges Alaska now has is the fact that all of our fish is a pure, wild, natural product ---- something that no other major fish producing area of the world can claim.

PASSAGE OF THIS BILL IS CRUCIAL TO OUR ABILITY TO ENSURE AND PROTECT CONSUMER TRUST IN THIS CLAIM.

Alaska has spent years and millions of dollars promoting its salmon as wild, natural fish grown in cold clean Alaskan waters.

It is unfair advertising to have the farmed product from out of state, or from foreign countries, riding on the well established reputation of Alaska's wild fish.

The very small DEC fiscal note is intended to cover the cost of providing a onetime distribution of information to grocery stores and restaurants about the new labeling requirement. I would ask that the committee zero out that fiscal note as DEC has indicated that they can manage without it, and there is little time left in the session to deal with an additional referral to Finance.

IN SUMMARY --

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Farmed salmon and wild salmon are different products, and enactment of SB 531 will ensure the public that when they buy salmon IN Alaska, or FROM Alaska, they will know WHICH product they are buying.

Examples of Application

There are several different types of situations that would be covered by SB 531. For example:

When consumers buy salmon in a store or order salmon in a restaurant in Alaska, they are very likely to assume that it's pure wild Alaskan salmon. If they are really buying farm-grown Chilean salmon, they have a right to know that.

OR

If an Alaskan seafood processing company buys farmed salmon from British Columbia, smokes it, and ships it out of state for sale, they would currently be allowed to simply label it with their Alaska company name. If we add only a requirement to label it as "farmed fish," it implies that it was "farmed in Alaska." This bill requires that the labeling be fully truthful by letting the consumer know that the raw product was actually non-Alaskan farmed fish.

Besides giving the consumer full information about a particular purchase, this requirement also prevents creating a public perception that some Alaskan salmon is actually farmed.

example of
"Misbranding"
and products
mis-using Alaska's
good reputation
for seafood

Blackie's.

SPECIAL

Bleu cheese and crackers

**BROILED FRESH FILET OF
ALASKA**

**SWORDFISH STEAK
Anchovies butter**

Choice of Potato • Tossed green salad
Assorted breads and butter

\$14.95

Original sponsor(s): Labor & Commerce Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 531 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing certain labeling and identifica-
7 tion requirements for food products containing farmed
8 salmon; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 17.20.040 is amended by adding a new paragraph to read:

11 (12) the food is a farmed salmon product, unless

12 (A) the product is labeled to identify the product as
13 farmed fish raised outside the state, if the product is sold in a
14 packaged form; or

15 (B) the product is conspicuously identified as farmed
16 fish raised outside the state, if the product is sold in an
17 unpackaged form.

18 * Sec. 2. AS 17.20.370 is amended by adding a new paragraph to read:

19 (14) "farmed salmon product" means a food product that
20 contains salmon that is propagated, farmed, or cultivated in an
21 aquatic farm; in this paragraph

22 (A) "aquatic farm" mean
23 or cultivates finfish in captivity
24 does not include a salmon hatchery
25 that holds a salmon hatchery permit

26 (B) "positive control
27 AS 16.40.199.

28 * Sec. 3. This Act takes effect August 1

Penalties
(AS 17.20.310)

1st offense
\$500 (or 6 mos. or both)

2nd offense
\$1500 (or 1 yr. or both)



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-463-3366

AEL ISSUE PAPER - SB 531 ESTABLISHING CERTAIN LABELING AND IDENTIFICATION REQUIREMENTS FOR FOOD PRODUCTS CONTAINING FARMED FINFISH

The Alaska Environmental Lobby supports this legislation.

* In Alaska, we are fortunate to have a vast supply of fresh seafood available to consumers. The finfish commercially harvested in our state and sold in our markets and restaurants grows in its natural habitat. The product is thus not only fresh but lives in clean waters and feeds in this natural environment.

* An increasing amount of finfish marketed in Alaska comes from farms outside the state. Because Alaskans are accustomed to buying a product they assume to be natural, they may think they are purchasing fresh, ocean-grown fish when in fact the product is farmed. We believe it is the consumers' right to know what it is they are getting when they purchase finfish at the store or in a restaurant. For this reason, we support this legislation which would require any farmed finfish product sold in Alaska be labeled as such. Further, it is important that these products be labeled as not being from Alaska so that consumers can continue to trust that any non-labeled finfish they purchase is indeed a natural Alaskan product.

* Many consumers prefer to purchase and eat naturally-grown rather than farmed finfish because the latter are fed food different from what would be available in the natural habitat and are often treated with chemicals and/or hormones to insure their survival and faster growth. For these Alaskans, it is important to know whether the finfish being sold is farmed or not.

* Because this legislation protects Alaskans' right to be informed consumers, we urge legislators to support it.

April 10, 1990
Ellen Wolf
Volunteer Lobbyist

CLEAN AIR COALITION • PRINCE WILLIAM SOUND CONSERVATION ALLIANCE • ALASKA CENTER FOR THE ENVIRONMENT
ALASKA CHAPTER, SIERRA CLUB • JUNEAU GROUP, SIERRA CLUB • KNIK GROUP, SIERRA CLUB • DENALI GROUP, SIERRA CLUB
ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY • DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH
JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY • KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY
LYNN CANAL CONSERVATION • SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER
SOUTHEAST ALASKA CONSERVATION COUNCIL • KNIK CANDOERS AND KAYAKERS

Statutes re:
Scope of
applicability of
"mis-branded"

§ 17.20.030

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17.20.290
17.20.340

SB
531

§ 17.20.040

FOOD AND DRUGS

§ 17.20.040

~~§ 17.20.040. Misbranded food. A food is misbranded if~~ ←

- (1) its labeling is false or misleading in any particular;
- (2) it is offered for sale under the name of another food;
- (3) it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated;
- (4) its container is made, formed, or filled so as to be misleading;
- (5) it is in package form unless it bears a label containing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; however, under (B) of this paragraph reasonable variations are permitted, and exemptions for small packages shall be established by regulations prescribed by the department;
- (6) a word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed with the conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in terms which make it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (7) it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by AS 17.20.010, unless (A) it conforms to the definition and standard, and (B) its label bears the name of the food specified in the definition and standard and the common names of optional ingredients other than spices, flavoring, and coloring present in the food as required by regulation;
- (8) it purports to be or is represented as (A) a food for which a standard of quality has been prescribed by regulations, and its quality falls below that standard, unless its label bears, in the manner and form the regulations specify, a statement that it falls below that standard; or (B) a food for which a standard of fill of container has been prescribed by regulation as provided by AS 17.20.010 and it falls below the applicable standard of fill of container, unless its label bears, in the manner and form as the regulations specify, a statement that it falls below that standard;
- (9) it is not subject to the provisions of (7) of this section, unless it bears labeling clearly giving (A) the common or usual name of the food, if any, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that however spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; however, to the extent that compliance with the requirements of (B) of this paragraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the department, but the requirements of (B) of this paragraph do not

apply to food products which are packaged at the direction of purchasers at retail at the time of sale, the ingredients of which are disclosed to the purchasers by other means in accordance with regulations adopted by the department;

(10) it purports to be or is represented for special dietary uses, unless its label bears information concerning its vitamin, mineral, and other dietary properties the commissioner determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for those uses;

(11) it bears or contains artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; however, to the extent that compliance with the requirements of this paragraph is impracticable, exemption shall be established by regulations adopted by the department. (§ 11 ch 129 SLA 1949)

Collateral references. — Validity and misrepresentation in the sale of Kosher construction of regulations dealing with food, 52 ALR3d 959.

Sec. 17.20.045. Misbranding halibut. No person may label or offer for sale any food fish product designated as halibut, with or without additional descriptive words, unless the food fish product is *Hippoglossus* or *Hippoglossus Stenolepis*. A person who violates this section is guilty of misbranding food under provisions of this chapter. (§ 1 ch 59 SLA 1968)

Sec. 17.20.050. Emergency permit control. When the department finds after investigation that the distribution in the state of a class of food may, by reason of contamination with microorganisms during the manufacture, processing, or packing, be injurious to health, and that the injurious nature cannot be adequately determined after the articles have entered commerce, it, in that case only, shall adopt regulations providing for the issuance of permits to manufacturers, processors, or packers of that class of food, to which shall be attached the conditions governing the manufacture, processing, or packing of that class of food, for a temporary period of time as may be necessary to protect the public health. After the effective date of the regulations, and during the temporary period, no person may introduce or deliver for introduction into commerce the food so manufactured, processed or packed by any manufacturer, processor, or packer unless the manufacturer, processor, or packer of it holds a permit issued by the commissioner. (§ 12(a) ch 129 SLA 1949)

Sec. 17.20.060. Suspension and reinstatement of emergency permit. The commissioner may suspend immediately upon notice a permit issued under AS 17.20.050 if it is found that the conditions of the permit have been violated. The holder of a suspended permit may apply for the reinstatement of the permit, and the commissioner, immediately after prompt hearing and an inspection of the estab-

§ 17.20.270

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§ 17.20.280

FOOD AND DRUGS

§ 17.20.290

any room, building, vehicle of transportation or other structure which is unsound, or contains filthy, decomposed, or putrid substance, or a substance that may be poisonous or deleterious to health or otherwise unsafe, is a nuisance. Whenever the commissioner of environmental conservation finds such an article, the commissioner shall immediately condemn or destroy it or in any other manner render it unsalable as human food. (§ 6(d) ch 129 SLA 1949; am Executive Order No. 51, § 28 (1981))

Effect of amendments. — The 1981 amendment added "of environmental con- servation" following "the commissioner" in the second sentence.

Sec. 17.20.280. Injunction proceedings. The commissioner of environmental conservation and the commissioner of health and social services may apply to the superior court for, and the court has jurisdiction to grant, a temporary or permanent injunction restraining a person from violating their respective portions of AS 17.20.290. (§ 4 ch 129 SLA 1949; am Executive Order No. 51, § 29 (1981))

Effect of amendments. — The 1981 amendment added "of environmental con- servation and the commissioner of health and social services" following "commis- sioner" and added "their respective portions of" following "person from violating."

Article 6. Prohibited Acts and Penalties.

Section

290. Prohibited acts
300. Determination of misleading labeling or advertisement
310. Penalties

Section

320. Effect of written guaranty
330. Liability for dissemination of false advertising

Collateral references. — 25 Am. Jur. 2d, Drugs, Narcotics, and Poisons, § 40 et seq.; 35 Am. Jur. 2d, Food, §§ 63 et seq., 74 et seq.

Prohibited Acts. — The following acts, when done with knowledge that the article is adulterated or misbranded, are prohibited:

(1) the manufacture, sale, or offering for sale, holding for sale, or offering for sale of food, drug, device, or cosmetic that is adulterated or misbranded;

(2) the sale, delivery for sale, holding for sale, or offering for sale of food, drug, device, or cosmetic that is adulterated or misbranded;

(3) the sale, delivery for sale, holding for sale, or offering for sale of food, drug, device, or cosmetic that is adulterated or misbranded;

(4) the sale, delivery for sale, holding for sale, or offering for sale of an article in violation of AS 17.20.050 — 17.20.070 and 17.20.100;

- (5) the dissemination of a false advertisement;
- (6) the refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by AS 17.20.200;
- (7) the giving of a guaranty or undertaking which is false, except by a person who relied on a guaranty or undertaking to the same effect signed by and containing the name and address of the person residing in the state from whom the person who relied on the guarantee or undertaking received the food, drug, device, or cosmetic in good faith;
- (8) the removal or disposal of a detained or embargoed article in violation of AS 17.20.230 — 17.20.270;
- (9) the alteration, mutilation, destruction, obliteration, or removal of the whole or part of the labeling of, or the doing of any other act with respect to, a food, drug, device, or cosmetic, if the act is done while the article is held for sale and results in the article being ~~misbranded~~;
- (10) forging, counterfeiting, simulating, or falsely representing, or without proper authority using a mark, stamp, tag, label or other identification device authorized or required by regulations adopted under AS 17.20.230 — 17.20.270;
- (11) the using, on the labeling of a drug or in an advertisement relating to a drug, of a representation or suggestion that an application with respect to the drug is effective under AS 17.20.110 or that the drug complies with the provisions of that section;
- (12) the sale or offering for sale of frozen fish as fresh fish;
- (13) the improper labeling and drug substitution by pharmacists under AS 17.20.105.

(b) The commissioner of environmental conservation or a designee of the commissioner is responsible for enforcing the provisions of paragraphs (a)(1), (2), (3), (4), (6), (7), (8), (9), and (10) of this section, if the subject of the prohibited act involves food or cosmetics, and the provisions of paragraph (a)(12) of this section. This subsection does not limit the authority of peace officers.

(c) The commissioner of health and social services or a designee of the commissioner is responsible for enforcing the provisions of paragraphs (a)(1), (2), (3), (4), (6), (7), (8), (9), and (10) of this section, if the subject of the prohibited act involves drugs or devices, and the provisions of paragraphs (a)(5), (11), and (13) of this section. This subsection does not limit the authority of peace officers. (§ 3 ch 129 SLA 1949; am § 1 ch 119 SLA 1967; am § 2 ch 17 SLA 1971; am Executive Order No. 51, § 30 (1981))

Cross references. — For adulteration of food and its sale, see AS 17.05.020

Effect of amendments. — The 1981 amendment added subsections (b) and (c)

Sec. 17.20.300. Determination of misleading labeling or advertisement. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false

Effect of amendments. — The 1981 amendment deleted "on" preceding "the request of," added "of health and social services" following "the request of the commissioner" and deleted "the commissioner" preceding "the name and

post office address."

Collateral references. — What constitutes "false advertising" of food products or cosmetics within §§ 5 and 12 of the Federal Trade Commission Act (15 USCS §§ 45, 52), 50 ALR Fed. 16.

Article 7. General Provisions.

Section

- 340. Scope of provisions dealing with sale
- 350. Report of minor violations
- 360. Hearing before report of criminal violation

Section

- 370. Definitions
- 380. Short title

Sec. 17.20.340. Scope of provisions dealing with sale. The provisions of this chapter regarding the sale of food, drugs, devices, or cosmetics include the manufacture, production, processing, packing, exposure, offer, possession, and holding of them for sale; the sale, dispensing, and giving of them, and the supplying or applying of them in the conduct of a food, drug, or cosmetic establishment. (§ 2(q) ch 129 SLA 1949)

Sec. 17.20.350. Report of minor violations. Nothing in this chapter requires either the commissioner of environmental conservation or the commissioner of health and social services, as the case may be, to report minor violations of their respective portions of this chapter for prosecution, or for the institution of libel or injunction proceedings, when that commissioner believes that the public interest will be adequately served by a suitable written notice or warning. (§ 8 ch 129 SLA 1949; am Executive Order No. 51, § 32 (1981))

Effect of amendments. — The 1981 amendment added "either" following "chapter requires," added "of environmental conservation or the commissioner of health and social services, as the case may

be" following "the commissioner," added "of their respective portions" following "report minor violations" and substituted "that" for "the" preceding "commissioner believes that."

Sec. 17.20.360. Hearing before report of criminal violation. The attorney general, to whom the commissioner of environmental conservation or the commissioner of health and social services, as the case may be, reports a violation of this chapter, shall institute appropriate proceedings in the superior court without delay and prosecute them in the manner required by law. Before a violation of this chapter is reported to the attorney general, the person against whom the proceeding is contemplated shall be given appropriate notice and an opportunity to respond to the appropriate commissioner, orally or in writing, in person or by attorney, with regard to the contemplated proceeding. (§ 7 ch 129 SLA 1949; am Executive Order No. 51, § 3 (1981))

(2) "food bank" means an organization recognized by the state or federal government as a nonprofit organization and that operates principally to collect, inspect, and salvage donated food for free distribution to needy persons. (§ 1 ch 75 SLA 1984)

Definitions Chapter

(1) "advertisement" means a representation disseminated, other than by labeling, for the purpose of inducing, or which is likely to induce directly or indirectly the purchase of food, drugs, devices or cosmetics;

(2) "antiseptic", in the labeling or advertisement of a drug, is a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or other use involving prolonged contact with the body;

(3) "contaminated with filth" means food, drug, device, or cosmetic not securely protected from dust, dirt, and as far as necessary by all reasonable means, from foreign or injurious contamination;

(4) "cosmetic" means an article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance, and an article intended for use as a component of an article enumerated in this paragraph; except that the term does not include soap intended for cleansing purposes only;

(5) "device" except when used in AS 17.20.040(6), 17.20.090(3), 17.20.150(3), 17.20.290(a)(10) and 17.20.300 means an instrument, apparatus, and contrivance, including its components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animal; or to affect the structure or function of the body of man or animal;

(6) "drug" means an article recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary; an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animal; an article other than food, intended to affect the structure or function of the body of man or animal; and an article intended for use as component of an article specified in this paragraph but does not include devices or their components, parts, or accessories;

(7) "federal act" means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 — 392; 52 Stat. 1040 — 1059;

(8) "food" means an article used for food or drink for man or animal, chewing gum, and articles used for components of either of them;

(9) "immediate container" does not include a package liner;

§ 17.20.370

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§ 17.20.370

FOOD AND DRUGS

§ 17.20.370

Other information, including the name of the drug, shall be placed with unless the word, statement, or other information also appears on the outside container or wrapper of the drug. If there is one, or is easily accessible, on the outside container or wrapper, the name of the drug shall be placed on the article or its container or wrapper accompanying the article.

(12) "new drug" means a drug the composition of which is such that it is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of drugs as safe for use under the conditions prescribed, recommended, or suggested in the labeling of it; or a drug the composition of which is such that the drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in these investigations, been used to a material extent or for a material time under those conditions;

(13) "official compendium" means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or supplements to them. (§ 2(a) — (k) (m) — (p) (r) ch 129 SLA 1949; am § 6 ch 104 SLA 1971; am § 14 ch 208 SLA 1975; am E.O. No. 51, § 41 (1981))

Editor's notes. — This section is set out above to correct a minor error in the main pamphlet.

NOTES TO DECISIONS

The terms "food" and "drug" are not mutually exclusive. — A food may be a drug so long as it is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease. *Ross Labs v. Thies*, 725 P.2d 1076 (Alaska 1986). "Polycose" held "drug". — "Poly-

cose," a glucose and water solution intended to be used for the treatment and mitigation of numerous diseases, is a drug within the meaning of this section. *Ross Labs v. Thies*, 725 P.2d 1076 (Alaska 1986).

Chapter 30. Controlled Substances.

Article

1. Regulation of Manufacture, Distribution, Prescription, and Dispensing of Controlled Substances (§§ 17.30.010 — 17.30.080)
2. Enforcement Forfeiture and Review Provisions (§§ 17.30.100, 17.30.126, 17.30.130)
4. General Provisions (§§ 17.30.150 — 17.30.900)

Article 1. Regulation of Manufacture, Distribution, Prescription, and Dispensing of Controlled Substances.

Section

10. [Repealed]
20. Registration requirements
- 30 — 50. [Repealed]
60. Records of registrants

Section

70. Order forms; prescriptions
80. Unlawful administration, prescription and dispensation of controlled substances

Penalties ^{As} 17.20.310

1st offense

\$500 (or 6 mos. or both)

2nd offense

\$1500 (or 1 yr. or both)

SB 531, REQUIRING THE LABELING OF FARMED FISH

SB 531 adds to the food and drug statutes the requirement that any farmed fish sold or being prepared for sale in Alaska be labeled to reveal that it is farmed fish farmed outside of the state.

Under the bill, if farmed fish is not clearly identified to the consumer as farmed, it is considered "mis-branded," and thus subject to the statutes which pertain to mis-branded items.

It is important to note that this is a TOTALLY different issue from the current debate about whether we should allow the activity of fish FARMING itself to occur in Alaska.

This bill will not prevent anyone from selling or buying farmed fish.

The main issue addressed by THIS bill is the Consumers' Right to Know.

With increasing consumer awareness of food safety issues, there are growing health concerns about the use of the antibiotics and chemicals in farmed fish which are not found in wild fish.

Farmed fish and wild stock fish are truly different products, and the consumer should have the right to know which product they are buying.

SB 531 is also a Truth in Advertising bill.

There is currently a big shake-out happening in the worldwide fish farming industry, with lots of bankruptcies.

Markets are glutted and fishfarmers are dumping huge amounts of fish on world markets.

In facing this competition, one of the biggest marketing edges Alaska now has is the fact that all of our fish is a pure, wild, natural product ---- something that no other major fish producing area of the world can claim.

PASSAGE OF THIS BILL IS CRUCIAL TO OUR ABILITY TO ENSURE AND PROTECT CONSUMER TRUST IN THIS CLAIM.

Alaska has spent years and millions of dollars promoting its fish as wild, natural fish grown in cold clean Alaskan waters.

It is unfair advertising to have the farmed product from out of state, or from foreign countries, riding on the well established reputation of Alaska's wild fish.

The Senate Finance committee CS changes the scope of the labelling requirement from all farmed finfish, to just covering farmed SALMON. I would have preferred it to cover all finfish, but I don't object to the narrowing to just salmon as that does take in the bulk of the concern.

The very small fiscal note will provide a onetime distribution of information to grocery stores and restaurants about the new labeling requirement.

IN SUMMARY --

It is important to avoid jeopardizing consumer confidence in Alaska's fish.

Farmed fish and wild fish are different products, and enactment of SB 531 will ensure the public that when they buy fish IN Alaska, or FROM Alaska, they will know WHICH product they are buying.

Alaska Salmon

Down through the ages the elusive salmon has been held in the highest esteem by the great nations of the world. Presently, the biggest and best supply of salmon comes from the cold, clear waters off Alaska. Although much of the salmon is canned, there is still an ample quantity of fresh/frozen salmon available year-round thanks to modern methods of processing, freezing and transportation. Alaska salmon can also be found smoked, salted and kippered.

VARIETIES OF SALMON

There are five species of Alaska salmon that are sold commercially. They are differentiated as follows:



KING

Also called Chinook salmon. It is the largest of the salmon, averaging 11 to 30 pounds in size and has been known to reach 125 pounds. King salmon is generally marketed as fillets, steaks, roasts or whole dressed. This species begins running in the spring and is caught throughout Alaskan waters. With its rich oil content, King salmon is the variety generally used for smoking.



SOCKEYE

Also known as Red or Blue-back salmon. The Sockeye salmon averages about 6 pounds. Deep red in color and rich in oil, Sockeye salmon is primarily marketed in cans. The remainder is marketed fresh or frozen here and overseas.



SILVER

Also referred to as Coho salmon. Averaging 4 to 12 pounds, it is generally marketed fresh or frozen in steaks and fillets.



PINK

Smallest of all salmon, Pinks average 2 to 5 pounds in weight. They are the most plentiful of all species and range in color from light to deep pink. Pink salmon are primarily marketed in cans and are also available frozen or fresh in season.



CHUM

Sometimes called Silver Brite, the Chum is lighter in color and has less oil than the other varieties. Averaging about 7 pounds, the Chum salmon is primarily caught in August and September.

ALASKA SALMON

There's a big difference between imported salmon and the salmon that thrive in Alaska's cold, clear waters. Alaska Salmon live a natural life and feed on natural food. This pure, natural diet gives Alaska Salmon a rich color, firm texture, and excellent flavor that can't be matched.

VARIETIES OF ALASKA SALMON

▲ KING (CHINOOK)

The King is the largest salmon and features a rich oil content. Kings have a deep red flesh.

▲ SOCKEYE (RED)

Sockeye shows off its rich red color when cooked, so it's popular served as steaks and fillets.

▲ SILVER (COHO)

Silvers are the second largest salmon. Most are marketed as steaks and fillets.

▲ PINK

Pinks are the smallest Alaska salmon, and the most plentiful. The Pink's flesh is light in color and contains little oil.

▲ CHUM (KETA)

Chum flesh ranges from red to light pink and contains very little oil. It's a good choice for cooked dishes where color is not of prime importance.



Alaska Salmon

O N C O R H Y N C H U S

From Alaska's cold waters come the world's greatest salmon resource. Alaska salmon, member of the salmonidae family, lead a legendary life. Spawned in pure, freshwater mountain streams, they migrate to the ocean where they mature, then faithfully return home to the streams where they were born. Because their timing and unerring sense of direction is so precise, they're an enigma to the biologists who study them—and especially vulnerable to the fishermen who know exactly when and where to catch them. Although some salmon are caught by trollers, the majority are captured with nets—gillnets and purse seines. They are then whisked by a tender vessel to the processing plant where they are prepared for freezing or, in the case of fresh salmon, for delivery to markets around the world.

There are five species of Alaska salmon, each with its own distinct characteristics.

King (Chinook) is the largest of the salmon, averaging 20 pounds. Most Kings have red flesh although some—White Kings—are very light colored. Because of its rich oil content, King salmon is an excellent choice for smoking (with Whites generally kippered). It is marketed as fillets, steaks, roasts or whole dressed.

Sockeye (Red) weighs from 4 to 12 pounds. One of its most desirable features is that it retains its deep red color better than any other salmon when cooked or processed. Sockeye is marketed in whole, steak or fillet form.

Silver (Coho) is the second largest of the Alaska salmon, averaging about 6 pounds. It has an orange-red flesh and is considered very choice for smoking. It is usually marketed as steaks or fillets.

Pink is the most abundant of Alaska salmon and also the smallest—averaging from 2 to 3 pounds. As its name suggests, this salmon ranges in color from light to deep pink. Because of its size, Pink salmon can be marketed as whole fish and is especially good barbecued on a charcoal grill.

Chum (Keta) is, of all the Alaska Salmon, the lightest in color and contains the least amount of oil. Possessing a fine, delicate flavor and texture, it ranges in size from 4 to 13 pounds with the smaller ones marketed whole and the larger Chums sold smoked or as fillets.

While salmon is enjoyed for its flavor, its nutritional attributes are no less significant. Alaska salmon contains important vitamins and minerals and is an excellent source of high-quality protein. The fats in salmon are predominately unsaturated and, evidence suggests, the development of artery disease may be avoided when unsaturated fats are consumed.

Nutritional Value of Alaska Salmon

Analyses of salmon performed on the raw muscle without skin and bones.

100 GRAM (3½ OUNCES) RAW WEIGHT PORTION	KING (Chinook)	SOCKEYE (Red)	SILVER (Coho)	PINK	CHUM (Keta)
Protein, grams	20	20	22	19	21
Fats, grams	12	9	5	5	4
Carbohydrate, grams	0	0	0	0	0
Calories	188	161	133	121	120

NOTE: Nutritional value for salmon will vary 1-2% in protein and fat content from these average values, depending upon the maturity of the fish.

Reference Source: *Chemical Characteristics of Fish Caught in the Northeast Pacific Ocean*, Stansby, Maurice E., MFR Paper No. 1198, NMFS, NOAA (1976).

Alaska salmon, available year-round, is easy to prepare. Simply sauté, bake, broil, barbecue, poach or microwave.

Please contact:



ALASKA

Alaska Seafood Marketing Institute
P.O. Box DX • Juneau, AK 99811-0800

A QUALITY FOOD FROM THE SEA

From the cold, clear waters of Alaska comes Alaska smoked wild salmon. A special treat for almost every occasion from a Sunday brunch to evening hors d'oeuvres, its rich, savory flavor satisfies even the most discriminating palates.

Alaska smoked wild salmon comes lightly smoked and thinly sliced with a silky texture or firm with a full robust, heavier smoked flavor. Its texture and flavor varies according to the salt curing (brining) process, time and temperature of the smoking (drying), as well as packaging and shelf life.

Available in four varieties, there's an Alaska smoked wild salmon for any budget or taste preference:

- Mild Cured and Cold Smoked Lox, Nova Scotia-Style or Nova
- Kippered or Hot Smoked Salmon
- Dried Salmon or Salmon Jerky
- Retort Pouch or Canned Smoked Salmon



VARIETIES

Mild Cured and Cold Smoked Salmon has a delicate, moist texture and mild flavor. Commonly called Lox, Nova Scotia-Style or Nova, this smoked salmon has been cured under salt and lightly smoked at very low temperatures.

Frequently vacuum-packed, this variety can be found in sliced or whole smoked sides as well as tray packs. Depending on the end use, retail or institutional, packaging for this product may range from three or four ounces up to five pounds, or five to 15 pounds for whole sides. Unopened packages of Lox or Nova can be stored in the refrigerator for up to six weeks. Once opened, however, packages of salmon should be consumed within 10 days.

Kippered or Hot Smoked Salmon is cured in a brine solution and smoked at high temperatures creating a flakier texture and stronger smoked flavor than Lox or Nova.

Packaged in whole sides or chunks, the refrigeration shelf life of this variety will vary depending on the concentration of salt and whether or not other preservatives are used. Kippered or Hot Smoked Salmon can be refrigerated for up to 10 days at temperatures below 38°F. For storage periods over 10 days, the salmon should be frozen.

Packages of **Cold and Hot Smoked Salmon** can be frozen at 0°F or lower for six or more months. Smoked salmon will not freeze at 32°F, so lower temperatures **MUST** be used to ensure freezing conditions.

Dried Salmon or Salmon Jerky combines both the Lox and Kippered Salmon processes. The salmon is cut into strips, soaked in a brine and cold smoked for an extended period of time. Its texture is firm and chewy and offers a distinctively smoky flavor.

Available in individual portions or in bulk, this variety is vacuum-packed and may be refrigerated for up to three months. Once the package has been opened, the salmon should be consumed within three weeks.



Retort Pouch or Canned Smoked Salmon is a brined, lightly smoked variety which is packed in either a foil laminated vacuum pouch or can. The pouch or can is then vacuum sealed and pressure cooked (retorted) to ensure a stable shelf life without refrigeration. (Once opened, salmon should be refrigerated immediately.)

With initial refrigeration unnecessary, Retort Pouch or Canned Smoked Salmon is ideal for gift packs and ranges in size from four to 24-ounce portions.

While each of these four varieties are marketed under the name "smoked salmon," their differences are considerable in flavor as well as texture. Each smokehouse has its own carefully guarded brining recipes and smoking procedures to produce their own special and unique product. For the best results, read individual company labels and follow their suggested handling guidelines.

CLASSIC SMOKED SALMON APPETIZER

- 8 ounces Alaska lox, Nova or kippered smoked salmon
- Herbed Cream Cheese*
- 12 slices cocktail-size rye or pumpernickel bread**
- ½ cup thinly sliced red onion
- 3 tablespoons capers
- Lemon slices
- Fresh dill sprigs

Arrange smoked salmon, small bowl of Herbed Cream Cheese and bread on medium-sized serving platter. Garnish with red onion, capers, lemon slices and dill. Makes 6 servings.

***Herbed Cream Cheese:** Beat together until smooth 8 ounces softened cream cheese, 2 tablespoons milk, 1 teaspoon each lemon juice and dill weed, and 4 to 5 drops bottled hot pepper sauce.

****Six mini-sized bagels, split, can be substituted.**



SERVING SUGGESTIONS

Fold julienne pieces of lox or Nova smoked salmon or small chunks of kippered smoked salmon into scrambled eggs or omelets. Garnish with dairy sour cream and chopped green onions.

Bake julienne pieces of lox or Nova smoked salmon or small chunks of kippered smoked salmon with grated Cheddar cheese into your favorite basic quiche recipe.

Stir julienne pieces of lox or Nova smoked salmon or flakes of kippered smoked salmon into cream cheese; then season to taste with lemon juice and horseradish. Serve as a spread for crackers or as a filling for sandwiches.



SMOKED SALMON PASTA

- 1 tablespoon garlic, minced
- $\frac{1}{4}$ cup butter or margarine
- 2 cups each half-and-half and whipping cream
- 4 ounces julienne Alaska lox or Nova smoked salmon*
- $\frac{1}{2}$ cup peeled, seeded and chopped tomatoes
- 1 tablespoon chives
- Salt and ground white pepper to taste
- 8 ounces linguine or fettucine**
- $\frac{1}{2}$ cup grated Parmesan cheese
- 1 tablespoon minced parsley

Saute garlic in butter about 5 minutes or until softened. Add half-and-half and whipping cream; heat to simmer and cook, uncovered, about 45 minutes or until thickened and reduced to $2\frac{1}{2}$ cups liquid. Add smoked salmon, tomatoes and chives; heat thoroughly over low heat about 2 minutes. Season with salt and pepper. Cook linguine in boiling water about 10 minutes or until barely tender; drain. Fold hot pasta into cream sauce; place on serving platter and sprinkle with Parmesan cheese and parsley. Makes 4 servings.

* Four ounces kippered smoked salmon, coarsely chopped or flaked, can be substituted.

** One pound fresh linguine or fettucine noodles can be substituted.



ALASKA

Alaska Seafood Marketing Institute
P.O. Box DX, Juneau, AK 99811-0800

Testimony of Sen. Eliason
Before Senate Finance
4-11-90

SB 531, REQUIRING THE LABELING OF FARMED FISH

SB 531 adds to the food, drug and cosmetics statutes regarding "mis-branding," the requirement that any farmed fish sold or being prepared for sale in Alaska be labeled to reveal that it is farmed fish farmed outside of the state.

This is accomplished by simply stating that if farmed fish is not clearly identified to the consumer as farmed, it is considered "mis-branded." That then makes it subject to the statutes which pertain to mis-branded items.

It is important to note that this is a TOTALLY different issue from the current debate about whether we should allow the actual act fish FARMING itself to occur in Alaska.

The main issue addressed by THIS bill is the Consumers' Right to Know.

In keeping with increasing consumer awareness of food safety issues, there are growing health concerns about the use of antibiotics and chemicals in farmed fish which are not found in wild fish.

BUMPER STICKERS LIKE THIS ONE show public perception and concern about the chemicals used in fish farming.

Farmed fish and wild stock fish are truly different products, and the consumer should have the right to know which product they are buying.

SB 531 is also a Truth in Advertising bill.

Without a farmed fish labeling requirement, when fish is sold out of state as a "product of Alaska," and when fish is sold in Alaskan stores or restaurants, the consumer is likely to believe that it is wild fish, and that it is Alaskan fish.

Besides that presumption being unfair to the consumer for food safety reasons, it's unfair advertising to have the farmed product from out of state, riding on the well established reputation of Alaska's wild fish which is a different product.

Alaska has spent years and millions of dollars promoting its fish as wild, natural fish grown in cold clean Alaskan waters.

This truth in advertising requirement will help preserve Alaska's ability to assure consumers worldwide that if you buy ALASKAN fish, it is natural and wild.

It's important to avoid jeopardizing consumer confidence in Alaska's fish.

There is currently an enormous glut of farmed fish on the worldwide fish markets.

In 1982 farmed salmon accounted for about 5% of the world's fresh/frozen markets.

By 1987, that was up to 32%.

And farmed fish production has soared since then. There is a big shake-out happening in the fish farming industry, and lots of bankruptcies. Meanwhile, they are dumping huge amounts of fish on world markets, creating tough competition for Alaska's fish.

One of the big marketing edges we now have is the fact that all of our fish is a pure, wild, natural product --- something that no other major fish producing area of the world can claim.

- Copies in committee folders
SHOW ASMI LITERATURE ~~AND POSTERS~~

We are already playing up the fact that Alaska's fish are not farmed.

PASSAGE OF THIS BILL IS CRUCIAL TO OUR ABILITY TO ENSURE AND PROTECT CONSUMER TRUST IN THIS CLAIM.

There are several different types of situations that would be covered by SB 531. For example:

When consumers buy salmon in a store or order salmon in a restaurant in Alaska, they are very likely to assume that it's pure wild Alaskan salmon. If they are really buying farm-grown Chilean salmon, they have a right to know that.

OR

If an Alaskan seafood processing company buys farmed fish from British Columbia, smokes it, and ships it out of state for sale, they would currently be allowed to simply label it with their Alaska company name. If we add only a requirement to label it as "farmed fish," it implies that it was "farmed in Alaska." This bill requires that the labeling be fully truthful by letting the consumer know that the raw product was actually non-Alaskan farmed fish.

Besides giving the consumer full information about a particular purchase, this requirement also prevents creating a public perception that some Alaskan fish is actually farmed.

IN SUMMARY

Farmed fish and wild fish are different products.

Enactment of SB 531 will ensure the public that when they buy fish IN Alaska, or FROM Alaska, they will know WHICH product they are buying.

show Anchorage menu in committee files - shows it is easy to comply.

There is currently an enormous glut of farmed fish on the worldwide fish markets.

In 1982 farmed salmon accounted for about 5% of the world's fresh/frozen markets.

By 1987, that was up to 32%.

And farmed fish production has soared since then. There is a big shake-out happening in the fish farming industry, and lots of bankruptcies. Meanwhile, they are dumping huge amounts of fish on world markets, creating tough competition for Alaska's fish.

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SHOW ASMI LITERATURE ~~AND POSTERS~~

We are already playing up the fact that Alaska's fish are not farmed.

PASSAGE OF THIS BILL IS CRUCIAL TO OUR ABILITY TO ENSURE AND PROTECT CONSUMER TRUST IN THIS CLAIM.

(3)

If we don't require "out of state" part it implies some Alaskan fish is farmed and we lose consumer assurance that "Alaskan" means wild.

"AK" and consumers start to think only some AK fish is wild
"Product of AK" "farmed fish"
silverlining can label fish: "AK" "farmed fish"

Budget Almost Double:

ASMI Begins Campaign to Counter Salmon Competition

The Alaska Seafood Marketing Institute (ASMI) will nearly double its salmon promotion budget for Japan this year to fend off incursions of farmed salmon in a market that is vitally important to the Alaska seafood industry.

Lionel 'Butch' Kagley, chair of ASMI's Export Committee, said last week that Norway, Chile, Finland, New Zealand and the Shetland Islands have established a presence in Japan and are aggressively marketing farmed salmon. Kagley was in Japan last week meeting with seafood trade officials.

Japan is the major market for fresh and frozen Alaska salmon and accounted for more than 95 percent of all seafood exports from Alaska in 1989. Japanese buyers spent just under \$1 billion on Alaska seafood last year.

In addition to the new competition in the Japanese salmon markets from farmed product, seafood consumption in Japan is falling off. The average Japanese consumer eats 164 pounds of seafood each year but eating patterns in Japan are

changing. The U.S. Department of Agriculture has noted younger Japanese "are learning to enjoy a more American-style diet, in part because of the rapid growth of fast-food outlets."

ASMI originally budgeted \$1.1 million for promotion of Alaska salmon in Japan this year. Kagley said the revised salmon promotion budget for Japan will be over \$2 million to meet the challenge of changing consumer tastes and farmed salmon market incursions. "We hope to expand and protect our share of the market in the face of vigorous marketing by farmed salmon exporters," he said.

ASMI is a joint state-industry agency that promotes Alaska seafood in domestic and foreign markets. In FY 89, ASMI's promotional budget was \$10.6 million. The state provided \$2.1 million, the Alaska seafood industry provided \$3.3 million and the federal government provided \$5.2 million in federal export funds. ASMI's Japanese promotions use federal funds.

In addition to targeting the seafood trade and the Japanese consumer, Kagley said ASMI also will develop promotions in nontraditional markets and non-traditional ways of preparing salmon. He noted most Alaska salmon is served salted or broiled in Japan but ASMI's Japanese agency will develop recipes and strategies to expand consumer awareness of other ways to prepare salmon.

The Japanese are learning to enjoy a more American style diet." —Butch Kagley

Kagley, an officer with Peter Pan Seafoods, Mike Bristow, affiliated with Ocean Premium Marketing and Export Committee vice chair, and Evyn Zell of Evans/Kraft-ASMI's foreign marketing coordinating agency, participated in Foodex '90 while in Japan. The five-day food and beverage trade show is the

largest in Asia. ASMI was invited to participate by the Foreign Agriculture Service of the U.S. Department of Agriculture. More than 75,000 people affiliated with the food industry attended.

ASMI's booth at Foodex was the most popular booth in the seafood section, Kagley said. Salmon was cooked and samples were handed out. Recipe books, Alaska seafood supplier directories and salmon pamphlets also were distributed. Booth visitors filled out questionnaires that will be analyzed by ASMI's Japanese agency.

"Our presence at Foodex made a positive statement," Kagley said. "The farmed salmon exporters had sizable displays at Foodex and we needed to maintain our presence."

While in Japan, the ASMI delegation also met with retailers and other seafood trade representatives. ASMI has worked with the trade representatives on successful in-store and other promotions and will work closely with them in the future as market competition increases.



FOOD & WATER INC.

Three Whitman Drive • Denville • New Jersey 07834
(212) 941-9340 • (201) 625-3111

NEWS RELEASE

FOR IMMEDIATE RELEASE
March 12, 1990

FOR MORE INFORMATION CONTACT:
Michael Colby (212) 941-9340
Christina Roessler "

SEAFOOD IRRADIATION CALLED 'ECONOMIC CATASTROPHE' NATIONAL CONSUMER GROUP SEEKS TO PROTECT ALASKA SEAFOOD

FOOD & WATER, INC. (F&W) today offered to assist the Alaskan seafood industry in avoiding the economic catastrophe of being associated with radiation processing. In a letter addressed to the Alaska Seafood Marketing Institute and the United Fisherman of Alaska - with copies sent to more than 3,000 food industry representatives - F&W outlined the worldwide consumer opposition to irradiated foods and, as a result, the trend to avoid the technology in the food industry.

"The accelerating contamination of our environment has fostered a ~~heightened consumer awareness of food safety issues~~" stated the letter written by Michael Colby and Christina Roessler of F&W. "Based on the public outcry over alar and other substances that have adulterated our food in recent years, can you imagine how consumers will react to having their seafood exposed to radiation?"

Last year, Governor Steve Cowper rejected funding from the U.S. Department of Energy for a seafood irradiator because he was "convinced that the association of Alaska with food irradiation will have a detrimental effect on Alaska seafood sales." The Governor's action, however, did not deter private irradiation companies from pursuing the project. In fact, Isomedix, one of the nation's largest irradiation firms, is lobbying heavily to kill a statewide ban on the process. The bill, HB-25, passed 31-4 in the House of Representatives and is now awaiting consideration in the State Senate.

Exposing food to radiation creates unique dangerous residues, some of which are known to be carcinogenic. In addition, there are serious environmental and worker safety hazards associated with irradiation facilities. New York, New Jersey and Maine have all banned the sale of irradiated foods and food companies such as McDonald's, H.J. Heinz, Quaker Oats and Borden Foods have made it company policy to avoid irradiated products.

"Consumers throughout the world look to Alaska for quality seafood from "cold, clear, and pure water," concluded the F&W letter. "You've worked hard to establish your "pure and pristine" reputation - reject radiation processing of seafood and maintain the consumer confidence you've earned."

FOOD & WATER, INC. is a national non-profit consumer organization coordinating educational projects on food safety and environmental issues.



FOOD & WATER INC.

Three Whitman Drive • Denville • New Jersey 07834
(212) 941-9340 • (201) 625-3111

March 13, 1990

Alaska Seafood Marketing Institute
Victor Horgan Sr., Chairman
P.O. Box DX
1111 W. 8th Street, Suite 100
Juneau, Ak 99811-0800

United Fisherman of Alaska
Ken Castner, Executive Director
211 4th Street, Suite 106
Juneau, Alaska 99801

Dear Mr. Horgan and Mr. Castner,

~~The 'pure and pristine' image of Alaskan seafood is in jeopardy.~~

While friends of the Alaskan seafood industry are busy promoting the health benefits of consuming fresh, safe seafood products from Alaska, others are scheming to expose those same products to radiation. This catastrophe must be avoided.

Alaska and its prosperous seafood industry has been targeted by irradiation proponents, led by the U.S. Department of Energy, as the recipient of a food irradiation facility. This facility is intended to 'demonstrate' the feasibility of treating fresh seafood with the equivalent of 10 million chest x-rays. Last year, Governor Steve Cowper rejected government funding for this facility because he was "convinced that the association of Alaska with food irradiation will have a detrimental effect on Alaska seafood sales." Governor Cowper's action, however, did not deter the profit-seeking private irradiation companies interested in implementing this project. They still plan to descend on Alaska and impose this technology on the fishing industry.

As a friend of the Alaskan seafood industry, FOOD & WATER, a nonprofit consumer group, would like to assist your organizations in avoiding this unproven and consumer rejected technology which, if implemented, could be devastating to your economy and the nation's health.

The accelerating contamination of our environment has fostered a heightened consumer awareness of food safety issues. Based on the public outcry over alar and other substances that have adulterated our food in recent years, can you imagine how consumers will react to

having their seafood exposed to radiation? The more you know about the process the less appealing it becomes: exposing food to radiation depletes essential nutrients and creates unique dangerous residues, some of which are known to be carcinogenic. In addition, there are serious environmental and worker safety hazards associated with irradiation facilities. Food irradiation is simply not necessary, especially for a food industry that prides itself on the safety of its products.

The consumer perception of this technology is so intensely negative that groups throughout the nation -- and the world -- have mobilized to oppose food irradiation. The International Organization of Consumers' Unions (IOCU) -- the largest international consumer group, representing more than 170 organizations in 70 different countries -- has called for a worldwide moratorium on the sale of radiation-exposed food until the safety questions have been answered. IOCU has pledged to alert all of its affiliates about the impending imports of irradiated foods and has pledged to support distributors providing safe, non-irradiated products. In addition, groups in Japan, the number one market for U.S. seafood, have pledged to avoid all products from any region implementing food irradiation.

In the U.S., the evidence of consumer opposition to food irradiation is overwhelming. A Lou Harris poll of American consumers recently showed that 76 percent of those surveyed considered irradiated food a hazard. In fact, no one has successfully marketed irradiated food in this country. A&P of Canada once attempted to test market irradiated potatoes but, due to the reaction of consumers before the products were even put on the shelves, the project was abandoned and the potatoes were given to employees.

Public reaction in the U.S. is so unfavorable to radiation exposed food that it has been legally banned in New York, New Jersey and Maine. In fact, Alaska is among ten other states actively considering similar bans. On the federal level, legislation banning the process was introduced by Senate Majority Leader George Mitchell who enjoys the support of more than 100 legislators representing millions of consumers.

Many in the food industry are taking preventative actions to distance themselves from being associated with radiation processing. Companies such as Quaker Oats, H.J. Heinz, McDonald's, Ralston Purina, Borden Foods, and Beatrice have all made it official company policy to avoid such foods. Thousands of other food processors, retailers and wholesalers have taken a similar position.

The seafood industry is not the first to be courted by proponents of food irradiation. Hawaii's papaya industry and Florida's citrus industry were also targets for irradiation facilities. Fortunately, the governor of Hawaii recognized the economic devastation such a facility could cause the papaya industry and, like Governor Cowper, halted the project by rejecting federal funding.

Earlier this year, Mulberry, Florida, a small community in the hub of the Florida citrus region, voted unanimously to prevent the construction of an irradiation plant. The plans for the citrus irradiator were doomed after citrus industry officials refused to support the project. The Florida Citrus Commission recognized negative consumer attitudes toward the process and publically refused to support radiation treatment of citrus and, instead, recommended two "safe and economical" alternatives.

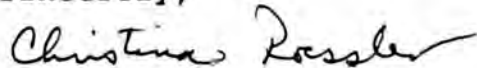
There is one unique aspect to the proposed Alaska irradiation 'experiment.' Alaskan irradiation proponents, which include elements within the University of Alaska, are planning to construct a linear accelerator irradiation facility. Linear accelerators - also known as electron-beam irradiators - 'zap' the food with the equivalent of more than 10 million chest x-rays. Advocates of this plan knew that public opinion would not allow the use of cesium-137, a radioactive isotope provided by the Department of Energy's weapons programs. What they do not tell the people of Alaska is that there has never been a successful linear acceleration facility designed for food treatment.

Currently, the primary use for linear accelerators is in cancer treatment. If seafood is treated in a similar manner, the radiation dose will be between ten and one hundred million times that received by cancer patients. If seafood is to undergo radiation treatment, consumers will inevitably wonder if seafood has cancer. Obviously, we know that Alaskan seafood does not have cancer and, therefore, does not need to be treated with radiation.

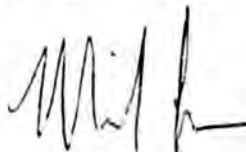
Again, as your friend, we hope that we can work together to avert the catastrophe of having fresh seafood being associated with the consumer-rejected irradiation technology. ~~Throughout the world look to Alaska for quality seafood from cold, clear, and pure waters. We have the reputation for quality and pristine reputation - reject radiation processing of seafood and maintain the consumer confidence you've earned.~~

Together, we will stop radiation exposed food. We will!

Sincerely,



Christina Roessler
Executive Director



Michael Colby
Associate Director

cc: Jeff Stephan, Vice Chairman, Alaska Seafood Marketing Inst.
(ASMI)

Sandra Cesarini, Secretary, ASMI
Alec Brindle, Director, ASMI

Robert Brophy, Director, ASMI
 J.B. Crow, Director, ASMI
 Bart Eaton, Director, ASMI
 Eric Eckholm, Director, ASMI
 Laurence Irving, Director, ASMI
 Daniel J. Ohara, Director, ASMI
 David Osterback, Director, ASMI
 J. Richard Pace, Director, ASMI
 William Saletic, Director, ASMI
 Robert Scott, Director, ASMI
 Harold Thompson, Director, ASMI
 Bob Waldrop, Director, ASMI
 Connie Yoshimura, Director, ASMI
 All 26 Member organizations of United Fisherman of Alaska
 National Fish & Seafood Promotional Council:
 Tom Jones, Director
 Jeane Grasso, Program Manager
 Nancy L. Abrams, Inland Fisheries Marketing Institute
 Samuel Hinote, Inland Fisheries
 Dr. Mary Stiedemann, Nutrition Vice President, HeartGuide
 Program, American Heart Association
 Gregory Carr, Carr's Quality Centers
 Terry Gardiner, Silver Lining Seafoods
 Roseleen Moore, Northern Enterprises
 Kenelm Coons, New England Fisheries Development Foundation
 Murry Berger, MB International Consultants
 James McCauley, Point Judith Fishermens' Association
 Terry Baker, Arctic Alaska Seafoods
 Dixie Blake, Ocean Garden Products
 Kathryn Kendrick-Vanderpool, Okamoto Enterprises
 John Pestalozzi, Seafood Processor/Receiver
 Phyllis Shaffer, Seafood Harvester
 Michael Voisin, Motivati Seafoods
 All major seafood/fishermen's trade organizations, including:
 Cooper River Fisherman's Cooperative
 Cordova District Fisherman United
 Alaska Crab Coalition
 Alaska Independent Fisherman's Marketing Association
 Alaska Longline Fisherman's Association
 Alaska Troller's Association
 Bering Sea Fisherman's Association
 Bristol Bay Herring Marketing Cooperative
 Concerned Area "M" Fisherman
 Cook Inlet Aquaculture Association
 Kenai Peninsula fisherman's Association
 North Pacific Fisheries Association
 Northern Southeast Regional Aquaculture Association
 Peninsula Marketing Association
 Petersburg Vessel Owner's Association
 Prince William Sound Aquaculture Association
 Seafood Producers Cooperative
 Southeast Alaska Seiners

Southern Southeast Regional Aquaculture Association
 United Cook Inlet Drift Association
 United Southeast Alaska Gillnetters
 Western Alaska Cooperative Marketing Association
 Food Marketing Institutes' Seafood Committee
Key federal, state, and local government officials, including:
 Alaska Governor Steve Cowper
 U.S. Senator Frank Murkowski
 U.S. Senator Ted Stevens
 All members of the Alaska State Legislature
 Representative Donald E. Young
 Larry Merculieff, Commissioner, Alaska Dept. of Commerce
 Dennis Kelso, Commissioner, Alaska Dept. of Environmental
 Conservation
 Don. W. Collinsworth, Commissioner, Alaska Dept. of Fish & Game
 Myra M. Munson, Commissioner, Alaska Dept. of Health & Social
 Services
 Jim Sampson, Commissioner, Alaska Dept. of Labor
 Lennie Gorsuch, Commissioner, Alaska Dept. of Natural Resources
 Hugh Malone, Commissioner, Dept. of Revenue
 Dr. Donald D. O'Dowd, President, University of Alaska
Members of the media, including:
 Seafood Business
 National Fisherman
 Alaska Fisherman's Journal
 Alaska Commercial Fisherman
 Anchorage Daily News
 Anchorage Times
 Bristol Bay Times
 Seward Phoenix Log
 Juneau Empire
 Sitka Daily Sentinel
 Wrangle Sentinel
 Peninsula Clarion
 Homer News
 Valdez Vanguard
 Haines Sentinel
 Skagway News
 Tundra Times
 Cordova Times
 Kodiak Daily Mirror
 Fairbanks Daily Miner
 Petersburg Pilot
 Ketchikan Daily News
 All Alaska Weekly
 The New York Times
 The Washington Post
 Chicago Tribune
 Los Angeles Times
 The Christian Science Monitor
 60 Minutes
 ABC Nightline
 National Public Radio
 MacNeil/Lehrer News Hour
 ABC 20/20

Time Magazine
Food Chemical News
Supermarket News
Produce News
Modern Grocer
The Packer

All Major seafood processors, suppliers and wholesalers, including:

Arctic Alaska Fisheries Corp.
Beaver Street Fisheries, Inc.
British Columbia Packers Ltd.
Cana Foods, Inc.
Coldwater Seafood Corp.
Conagra Seafood Companies
Day Lee Foods, Inc.
Delta Pride Catfish, Inc.
Export Packers Co., Ltd.
Fishery Products, Inc.
Gorton's of Gloucester
Iceland Seafood Corp.
Icicle Seafoods, Inc.
Meridian Products, Inc.
Milrose Foods
Mitsui Foods, Inc.
National Sea Products Ltd.
Ocean Garden Products, Inc.
O'Donnell-Usen Fisheries Corp.
Frank B. Peterson Co. Icy Cape International
Red Chamber Co.-Seafood Sales Office
Rich-SeaPak Corporation
S.N.G. (U.S.A.) Inc.
Singleton Seafood Co.
Tai Fong International Ltd.
Tri-Marine International, Inc.
Trident Seafoods Corp.
Ward Cove Packing Co.
Washington Fish & Oyster, Inc.
Western Alaska Fisheries, Inc.
Abba North America
Acme Smoked Fish Corp.
American Fish & Seafood Co.
Atlantic Queen Seafoods, Ltd.
B.G. Lobster & Shrimp Corp.
H.J. Baker & Bro., Inc.
Baltimore Spice
Bee Gee Shrimp
Bellboy Corp.
The Berelson Co. Sea Legs
Central Seaway Co., Inc.
Century Seafoods, Inc.
Chicago Fish House
Chugach Fisheries Inc.
Clouston Foods Canada Ltd.
Daerim America, Inc.
Darik Enterprises, Inc.
Empress International LTD

Farm Fresh Catfish Co.
 Fishking Processors, Inc.
 Freshwater Fish Marketing Corp.
 Frionor U.S.A.
 Golden Age Fisheries
 Golden Dipt Co.
 H & N Fish Co.
 Harbor Seafood, Inc.
 International Seafood Traders
 Jana Brands, Inc.
 King & Prince Seafood Corp.
 Kitchens of the Oceans
 Kodiak Seafood
 Kyokuyo U.S.A., Inc.
 Lions Gate Fisheries Ltd
 Marine Resources Co., International
 J.S. McMillan Fisheries Ltd.
 National Sea Products, Inc.
 North Pacific Seafoods
 Nozaki America, Inc.
 Penguin Frozen Foods
 Peter Pan Seafoods
 Harrison Pierce & Co.
 Profish International, Inc.
 Rema Foods
 Shafer-Haggert Ltd.
 Shore Group
 Stavis Seafoods, Inc.
 Toyomenka (America) Inc.
 Treasure Isle, Inc.
 UniSea Foods, Inc.
 Waldco Enterprises, Inc.
 Washington Fish Exchange, Inc.
 L.N. White & Co. Inc.
 Whitney Foods Div. of Kyokuyo U.S.A. Inc.
 Zaloom Brothers Co., Inc.
 Other representatives of the food industry, including:
 Food Marketing Institute (including all directors and officers)
 Produce Marketing Association
 United Fresh Fruit & Vegetable Association
 National Business Center for Food Safety
 Executives of the top 150 supermarket chains in the U.S.
 Dan Gunter, Executive Director, Florida Citrus Commission
 Major citrus growers, shippers and processors
 Major poultry farms, processors and wholesalers
 International & National Consumer/Environmental Groups, Including:
 International Organization of Consumers' Unions
 Natural Resources Defense Council (NRDC)
 Public Voice for Food & Health Policy
 Citizens Clearinghouse for Hazardous Waste
 National Toxics Campaign
 Food Irradiation Network - Japan
 International Food Irradiation Network
 Trustees for Alaska
 Alaska/SANE

DEC 19 1989
BURRELLE'S

CORPORATE RESPONSIBILITY

Food Irradiation Process Opposed

By Guy Halverson

Staff writer of The Christian Science Monitor

NEW YORK

9798
PUBLIC interest groups eager to promote "corporate responsibility" are now taking an innovative approach here: They are seeking to limit or curtail certain production processes.

Last month, the Quaker Oats Company announced at its annual meeting that it would no longer irradiate food products or buy irradiated food. That decision followed a campaign by public interest activists who had - among other steps - filed a shareholder's resolution with the Chicago-based food company seeking clarification of Quaker Oat's food preparation policies. Stockholders learned that the company's Golden Grain subsidiary, which makes pasta products, had once used irradiated mushrooms in its food preparation process.

Irradiation is a federally approved production process for

vegetables, fruits, nuts, certain meats, flour, and grains that lengthens their shelf life. Some activists dislike the process because it requires that food be exposed to ionizing radiation from cobalt 60 and cesium 137, both radioactive sources.

"When the food is subjected to irradiation, molecules are hit so hard that they break apart; but when they come back together, new chemicals are formed. It is our contention that it is just impossible to determine the safety of these new chemicals at this time," says Christina Roessler, executive director for Food & Water Inc. The non-profit public interest group, based in Denville, N.J., is determined to curb the practice.

To say that Food & Water Inc. has been successful so far may be somewhat of an understatement, according to food industry analysts. Prior to the decision by Quaker Oats to adopt an anti-irradiation policy, H. J. Heinz & Company announced in September that it would adopt an anti-irradiation policy. Another food

producer, Ralston-Purina, has agreed that it will announce such a policy at its annual meeting this January, according to Ms. Roessler.

New Jersey's legislature passed a bill earlier this month, just signed into law by Governor Thomas Kean, banning irradiated foods for two years. Several other states, including New York

Quaker Oats, H. J. Heinz, and Ralston-Purina plan to stop irradiating food. New Jersey, New York, and Maine plan to restrict the sale of such food.

and Maine, have either imposed or are considering curbs on the sale of irradiated food.

Currently, Food & Water Inc. is seeking to block the construction of a poultry plant in central Florida that would use irradiation. On the national level, the or-

ganization works with such groups as the Interfaith Center on Corporate Responsibility, which is made up of a number of Roman Catholic and Protestant congregations who seek to influence corporations through the corporate shareholder process.

Corporate experts note that while seeking to persuade companies to adopt specific public policy issues is not new - such as asking companies to divest holdings in South Africa, for example - attempting to persuade firms to alter or abolish actual production processes is somewhat unique.

Corporations come under the scrutiny of public interest groups over other issues. On Jan. 9, for example, the Council On Economic Priorities, in cooperation with Ballantine Books, will issue its latest edition of "Shopping For A Better World," a handbook that rates companies on a number of public policy issues. "Some 168 companies will be looked at, including over 1800 brands," according to Alice Tepper Marlin, executive director of the Council.

Penalties

17.20.310

6 months or \$500 or
both

2nd offense 1 yr. or \$500 or
both

Class A
Misdemeanors - not
felony - class B
Not more than 30
days

STATE OF ALASKA THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99801
907/465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 26, 1990

SUBJECT: Application of SB 531 to restaurants
(Work Order No. 6-2366A)

TO: Senator Dick Eliason
Chair, Senate Labor & Commerce Committee

FROM: Theresa L. Bannister *TB*
Legislative Counsel

You have requested an opinion from this office as to whether SB 531 prohibits the sale of certain farmed finfish products in restaurants.

SB 531 establishes a new category of misbranded foods under AS 17.20, specifically farmed finfish products that don't comply with certain labelling or disclosure requirements. AS 17.20.290(a)(1) contains an unqualified prohibition against the sale of misbranded foods. AS 17.20.340 indicates what a "sale" covers. AS 17.20.340 reads as follows:

Sec. 17.20.340. SCOPE OF PROVISIONS DEALING WITH SALE. The provisions of this chapter regarding the sale of food, drugs, devices, or cosmetics include the manufacture, production, processing, packing, exposure, offer, possession, and holding of them for sale; the sale, dispensing, and giving of them, and the supplying or applying of them in the conduct of a food, drug, or cosmetic establishment.

It is not clear whether all of the aspects of sale described in AS 17.20.340 are tied to the phrase "in the conduct of a food . . . establishment". If not, the section would clearly cover restaurants, since there would be no place limitation.

On the other hand, if sale is tied to food, drug, or cosmetic establishments, the coverage appears to include restaurants.

Senator Dick Eliason
Page 2
March 26, 1990

The term "food establishment" is not defined in the chapter. Although "establishment" is used in other sections, "food establishment" is not, and there do not appear to be any provisions expressly limiting the scope of "food establishment". In 18 AAC 34, the regulations that address misbranded food and that have been adopted under the authority of AS 17.20 are not particularly helpful on this issue. They do not state explicitly that they apply to restaurants but their definition of "establishment" (and its accompanying definition of "prepare" and "processing") appears to be broad enough to include restaurants. See 18 AAC 34.010, 18 AAC 34.140, and 18 AAC 34.910.

A reasonable interpretation of the broad term "food establishment" would include a place where food is prepared and sold, to-wit, a restaurant. If the legislature had intended to limit the term, such as to grocery stores, it could have done so easily by using a more limited term. The use of such a broad, inclusive term suggests that a broad coverage was intended.

Therefore, in light of the above it is my opinion that AS 17.20 covers the sale of misbranded products in restaurants, and that the sale of SB 531's new category of misbranded food in a restaurant is prohibited under AS 17.20.-290.

If I may be of further assistance, please advise.

TLB:pl:mi
WKP3/077

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

Alaska's
unique image

Cover of cookbook
by Alaska Canned Salmon
Information Service
in London

GO WILD WITH
ALASKA
Salmon



ALASKA



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-463 3366

AEL ISSUE PAPER - SB 531 ESTABLISHING CERTAIN LABELING AND IDENTIFICATION REQUIREMENTS FOR FOOD PRODUCTS CONTAINING FARMED FINFISH

The Alaska Environmental Lobby supports this legislation.

* In Alaska, we are fortunate to have a vast supply of fresh seafood available to consumers. The finfish commercially harvested in our state and sold in our markets and restaurants grows in its natural habitat. The product is thus not only fresh but lives in clean waters and feeds in this natural environment.

* An increasing amount of finfish marketed in Alaska comes from farms outside the state. Because Alaskans are accustomed to buying a product they assume to be natural, they may think they are purchasing fresh, ocean-grown fish when in fact the product is farmed. We believe it is the consumers' right to know what it is they are getting when they purchase finfish at the store or in a restaurant. For this reason, we support this legislation which would require any farmed finfish product sold in Alaska be labeled as such. Further, it is important that these products be labeled as not being from Alaska so that consumers can continue to trust that any non-labeled finfish they purchase is indeed a natural Alaskan product.

* Many consumers prefer to purchase and eat naturally-grown rather than farmed finfish because the latter are fed food different from what would be available in the natural habitat and are often treated with chemicals and/or hormones to insure their survival and faster growth. For these Alaskans, it is important to know whether the finfish being sold is farmed or not.

* Because this legislation protects Alaskans' right to be informed consumers, we urge legislators to support it.

April 10, 1990
Ellen Wolf
Volunteer Lobbyist

CLEAN AIR COALITION • PRINCE WILLIAM SOUND CONSERVATION ALLIANCE • ALASKA CENTER FOR THE ENVIRONMENT
ALASKA CHAPTER SIERRA CLUB • JUNEAU GROUP SIERRA CLUB • KNIK GROUP SIERRA CLUB • DENALI GROUP SIERRA CLUB
ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY • DENALI CITIZENS COUNCIL • ALASKA FRIENDS OF THE EARTH
JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY • KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY
LYNN CANAL CONSERVATION • SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER
SOUTHEAST ALASKA CONSERVATION COUNCIL • KNIK CANOERS AND KAYAKERS

Alaska Salmon

ALASKA BARBECUED SALMON

- 1 (5 to 8 lb.) whole dressed Alaska salmon, thawed if necessary
- Salt and pepper
- 2 tablespoons butter or margarine, softened
- 1/2 medium onion, sliced
- 1/2 lemon, sliced
- 2 or 3 sprigs fresh parsley
- Oil
- Lemon wedges

Wash salmon and pat dry. Sprinkle inside of salmon with salt and pepper; dot with butter. Arrange overlapping slices of onion, lemon and parsley in cavity. Brush salmon with oil. Wrap in heavy-duty aluminum foil; seal edges with double fold. Place on grill over medium-hot coals. Carefully turn salmon every 10 minutes. Test for doneness after 45 minutes by inserting meat thermometer in thickest part. Cook to internal temperature of 160° F. or until salmon flakes easily when tested with a fork at thickest part. To serve, transfer salmon to serving platter and fold back foil. Cut between bone and meat with a wide spatula; lift off each serving. Serve with lemon wedges. Makes 8 to 12 servings.

BROILED SALMON WITH HERBED LEMON BUTTER

- 8 (about 4 to 6 oz. each) Alaska salmon fillets, thawed if necessary
- 1/4 cup butter, melted
- 2 tablespoons lemon juice
- 2 tablespoons chopped parsley
- 1/4 teaspoon dill weed, rosemary or marjoram, crushed
- 1/4 teaspoon salt
- 1/8 teaspoon coarsely ground pepper

Line broiler pan with foil and place salmon fillets on the well-greased rack. Combine remaining ingredients; baste salmon with mixture. Broil 4 inches from heat allowing 10 minutes cooking time per inch of thickness measured at its thickest part or until salmon flakes easily when tested with a fork. Do not turn salmon. Baste several times during cooking. Makes 8 servings.



ALASKA

Alaska Seafood Marketing Institute, P.O. Box DX • Juneau, AK 99811-0800

Prepared by the Home Economists of Pacific Kitchens, 190 Queen Anne North, Seattle, WA 98109, (206) 285-5625



Alaska Salmon

Down through the ages the elusive salmon has been held in the highest esteem by the great nations of the world. Presently, the biggest and best supply of salmon comes from the cold, clear waters off Alaska. Although much of the salmon is canned, there is still an ample quantity of fresh/frozen salmon available year-round thanks to modern methods of processing, freezing and transportation. Alaska salmon can also be found smoked, salted and kippered.

VARIETIES OF SALMON

There are five species of Alaska salmon that are sold commercially. They are differentiated as follows:



KING

Also called Chinook salmon. It is the largest of the salmon, averaging 11 to 30 pounds in size and has been known to reach 125 pounds. King salmon is generally marketed as fillets, steaks, roasts or whole dressed. This species begins running in the spring and is caught throughout Alaskan waters. With its rich oil content, King salmon is the variety generally used for smoking.



SOCKEYE

Also known as Red or Blue-back salmon. The Sockeye salmon averages about 6 pounds. Deep red in color and rich in oil, Sockeye salmon is primarily marketed in cans. The remainder is marketed fresh or frozen here and overseas.



SILVER

Also referred to as Coho salmon. Averaging 4 to 12 pounds, it is generally marketed fresh or frozen in steaks and fillets.



PINK

Smallest of all salmon, Pinks average 2 to 5 pounds in weight. They are the most plentiful of all species and range in color from light to deep pink. Pink salmon are primarily marketed in cans and are also available frozen or fresh in season.



CHUM

Sometimes called Silver Brite, the Chum is lighter in color and has less oil than the other varieties. Averaging about 7 pounds, the Chum salmon is primarily caught in August and September.

Alaska Salmon

NUTRITIONAL INFORMATION

Few single foods bring as many valuable contributions to the table in significant quantities as Alaska salmon. It is an excellent source of high-quality protein, containing all the essential amino acids. Salmon contains vitamins A and D as well as niacin and riboflavin from the B-complex group. Iron, zinc, magnesium and phosphorus are also present in appreciable amounts in this choice seafood. The fats in salmon are predominantly unsaturated. There is evidence to indicate these unsaturated fats help avoid development of artery disease.

NUTRITIONAL VALUE OF FRESH OR FROZEN ALASKA SALMON

Analyses of fresh or frozen salmon performed on the raw muscle without skin and bones.

100 GRAM (3 1/2 OUNCES) RAW WEIGHT PORTION	KING (Chinook)	SOCKEYE (Red)	SILVER (Coho)	PINK	CHUM
Protein, grams	20	20	22	19	21
Fat, grams	12	9	5	5	4
Carbohydrate, grams	0	0	0	0	0
Calories	188	161	133	121	120

NOTE: Nutritional value for fresh or frozen salmon will vary 1-2% in protein and fat content from these average values, depending upon the maturity of the fish.

Reference Source: Chemical Characteristics of Fish Caught in Northeast Pacific Ocean, Stansby, Maurice E., MFR Paper No. 1198, NMFS, NOAA (1976).

PREPARATION OF SALMON

Fresh or frozen salmon can be prepared by several cooking methods. One precaution when cooking salmon: Do not overcook.

BAKE

Stuff dressed salmon if desired. Place in a well-greased or foil-lined baking pan. Brush fish with melted butter or oil inside and out. Bake at 450°F., allowing 10 minutes baking time per inch of thickness measured at its thickest part. Salmon should flake when tested with a fork at thickest part. If stuffing salmon, measure thickness *after* stuffing. Do not turn fish during baking.

BROIL

Place salmon steaks or fillets on well-greased broiler pan. Brush fish with melted butter, oil or basting sauce and place in oven 4 inches below broiler. Broil, allowing 10 minutes per inch of thickness measured at its thickest part; turn steaks halfway through cooking time and brush again with melted butter, oil or sauce. Cook until salmon flakes when tested with a fork at thickest part.

POACH

Cover salmon steaks or fillets with boiling salted water. Season with 2 slices lemon, 2 slices onion, a sprig of parsley and several peppercorns. Bring to boil. Cover, reduce heat to simmer and begin timing. Allow 10 minutes poaching time per inch of thickness measured at its thickest part or cook until salmon flakes when tested with a fork at thickest part.

SAUTÉ

Heat 1/4 inch butter or oil in skillet. Skillet should be hot, not smoking. Sauté salmon steaks or fillets in single layer until golden brown on one side; turn and brown on other side. Complete cooking time will be approximately 10 minutes per inch of thickness measured at its thickest part. Salmon should flake when tested with a fork at thickest part.

GRILL

Place salmon steaks or fillets on hot, well-greased grill. Grill, allowing 10 minutes per inch of thickness measured at its thickest part; turn once. Thoroughly brush salmon with oil or basting sauce several times during grilling. Grill until salmon flakes when tested with a fork at its thickest part.

MICROWAVE

Place 1 (about 6 oz.) salmon steak in microwave-proof baking dish. Cover dish tightly with plastic wrap. Microwave at MEDIUM 1 1/2 to 2 minutes; rotate dish one-quarter turn halfway through cooking time. Drain excess juices. Cover tightly with plastic wrap; let stand 5 minutes. Salmon should flake when tested with a fork at thickest part. Makes 1 serving.



Alaska Salmon

CUTS OF SALMON AVAILABLE

Whole dressed salmon



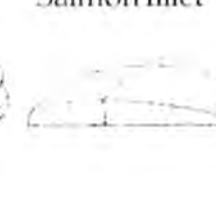
Salmon roast



Salmon steak



Salmon fillet



POACHED SALMON WITH CHOICE OF SAUCES

- 1 (2 lb.) Alaska salmon roast, thawed if necessary
- 2 quarts water
- 1/2 cup white wine vinegar
- 1 onion, sliced
- 2 or 3 sprigs fresh parsley
- 1 1/2 teaspoons salt
- 1 teaspoon whole peppercorns
- 1 bay leaf
- Quick Herbed Hollandaise Sauce
- Egg and Parsley Sauce
- Sauce Verte

Wrap salmon in cheesecloth. Combine remaining ingredients except sauces; simmer 30 minutes. Carefully place salmon in poaching liquid. Liquid must cover salmon; if necessary, add boiling water to cover salmon. Cover and simmer, allowing 10 minutes cooking time per inch of thickness measured at its thickest part or until salmon flakes easily when tested with a fork at thickest part. Remove from poaching liquid; reserve 3/4 cup poaching liquid for Egg and Parsley Sauce. Remove skin and serve hot with choice of sauces. Makes about 6 servings.

Quick Herbed Hollandaise Sauce

- 1/2 cup butter
- 1 1/2 tablespoons fresh lemon juice
- 1/4 teaspoon tarragon, dill weed or basil, crushed
- Generous dash white pepper
- 3 egg yolks, well-drained of whites
- 1 tablespoon chopped fresh parsley

In small saucepan, heat butter with lemon juice, choice of herbs and pepper until bubbly. Add slowly to egg yolks, beating constantly with wire whisk. Stir in parsley. Makes about 3/4 cup.

Egg and Parsley Sauce

- 1/4 cup butter or margarine
- 3 tablespoons flour
- 1/2 teaspoon salt
- Dash white pepper
- 3/4 cup each poaching liquid and milk
- 1/3 cup chopped parsley
- 3 hard-cooked eggs, sliced or chopped

Melt butter; add flour, salt and pepper. Cook and stir until smooth. Combine poaching liquid and milk; gradually add to flour mixture. Cook and stir until thickened; cook 5 minutes longer. Add parsley and eggs. Makes 2 cups.

Sauce Verte

- 1/3 cup each dairy sour cream and mayonnaise
- 1 tablespoon chopped parsley
- 2 teaspoons chopped green onion
- 1 teaspoon lemon juice
- 1/4 teaspoon each dill weed, crushed and salt
- Generous dash bottled hot pepper sauce

Combine all ingredients; mix thoroughly. Chill at least one hour to blend flavors. Makes 2/3 cup.

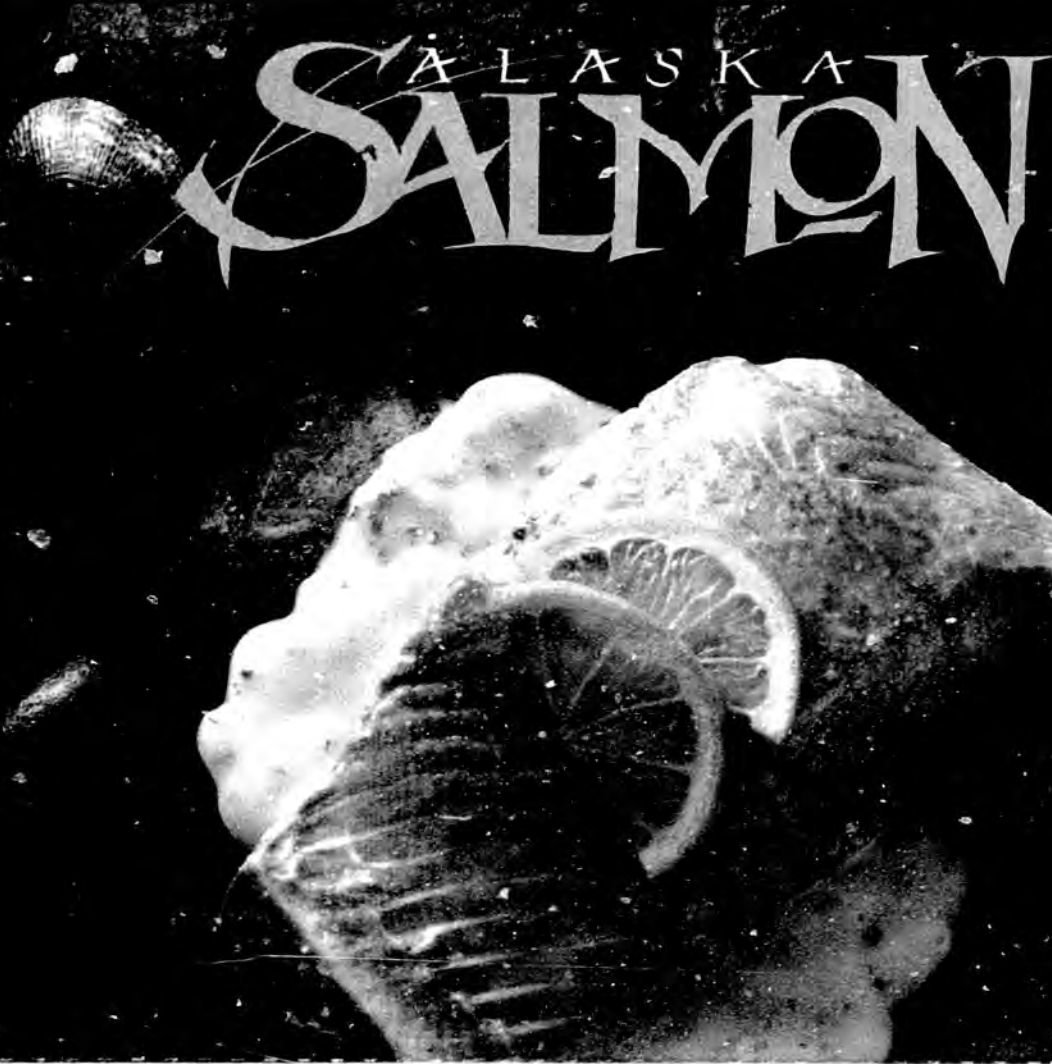
SAUTÉED SALMON STEAKS

- 1 tablespoon butter or margarine, melted
- 1 teaspoon soy sauce
- Dash garlic powder
- 1 tablespoon oil
- 2 (6 to 8 oz. each) Alaska salmon steaks, thawed if necessary
- 4 slices lemon

Combine butter, soy sauce and garlic powder. Heat oil in medium skillet; add salmon steaks and baste with butter mixture. Cook about 5 minutes or until browned on one side. Turn, baste, place lemon slices on steaks and cook until salmon flakes when tested with a fork. Makes 2 servings.



ALASKA SALMON

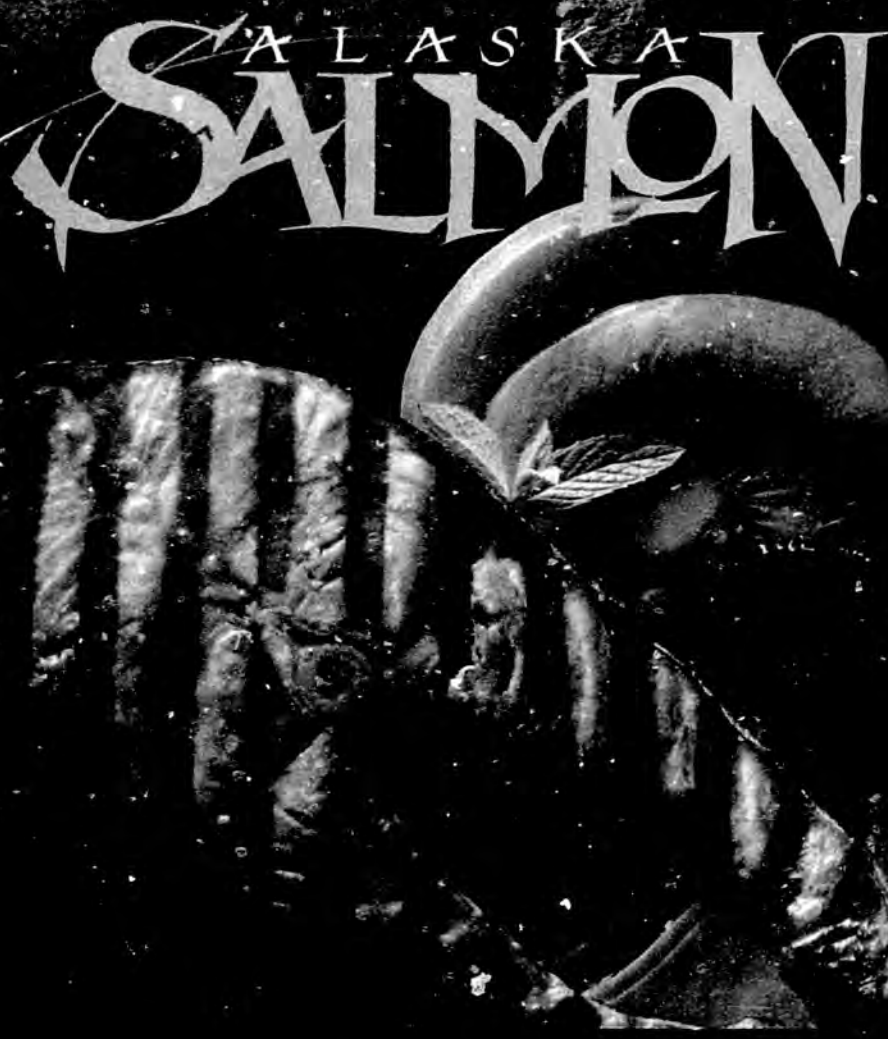


ALASKA SALMON

There's a big difference between imported salmon and the salmon that roam the cold, clear waters of Alaska. Alaska Salmon live a wild life and feed on natural food. This pure, natural diet gives Alaska Salmon a rich color, firm texture and excellent flavor that can't be matched.

Try these recipes that stretch Alaska Salmon by combining it with colorful companion foods into servings that are popular and very profitable.

ALASKA SALMON



BAKED ALASKA SALMON FILLET WITH MUSTARD SAUCE

YIELD: 24 Servings

INGREDIENTS

Alaska salmon fillets,
7-ounce portions
Clarified butter
Vegetable oil
Lemons, thinly sliced

Mustard Sauce:

Shallots, minced
Butter
Dry white wine
Heavy cream
Stone ground mustard
Chives, chopped
Parsley, chopped
Salt

Miniature pear tomatoes
Parsley sprigs

AMOUNT

24
6 ounces
6 ounces
2

¾ cup
3 ounces
24 ounces
1¾ quarts
3 tablespoons
¾ cup
¾ cup
To taste

Garnish
Garnish

METHOD

Arrange salmon fillets in baking pan, drizzle with combined butter and oil and top with lemon slices. Bake in 400°F. oven 15 minutes or until flesh is no longer translucent.

To Prepare Mustard Sauce: Lightly sauté shallots in butter; add wine and reduce until nearly evaporated. Add cream; cook and stir until thickened. Add mustard, chives, and parsley. Season to taste with salt. Hold warm for service.

Individual Serving: Ladle 2 ounces sauce on serving plate, arrange lemon topped salmon on sauce. Garnish with pear tomatoes and parsley sprigs.



ALASKA

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STRETCH YOUR IMAGINATION WITH ALASKA SALMON

ALASKA SALMON MENU SUGGESTIONS:

APPETIZER

Chilled Poached Salmon and Avocado Slices with Horseradish Sauce
Chilled Salmon Chunks and Artichoke Hearts Vinaigrette

SALAD

Chilled Salmon with Red Onion Rings Mounded in Petal-Cut Whole Tomato with Choice of Dressing
Chilled Poached Salmon Chunks, Green Peas, Peppers and Pasta

ENTRÉE

Salmon Pieces and Spinach Rotini Romanoff
Salmon, Swiss Cheese and Broccoli Quiche
Salmon and Asparagus Spears on Toasted French Bread Topped with Mornay Sauce and Shredded Pecorino Cheese



ALASKA

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CHARBROILED ALASKA SALMON STEAK WITH GINGER SAUCE

YIELD: 24 Servings

INGREDIENTS

Alaska salmon steaks,
8-ounce portions
Vegetable oil

Ginger Marinade:

Pineapple juice
Vegetable oil
Saké
Soy sauce
Brown sugar
Ginger root, grated
Hot pepper pods
Cornstarch
Water

Fresh fruits
Mint sprigs

AMOUNT

24
As needed

10 ounces
7½ ounces
5 ounces
5 ounces
2 ounces
¼ cup
2
¼ cup
As needed

Garnish
Garnish

METHOD

Place salmon steaks in flat pan.

To Prepare Ginger Marinade: Combine and blend all liquid ingredients; add sugar, ginger and pepper pods. Pour mixture over salmon; cover and marinate in refrigerator 2 hours. Drain marinade from salmon, remove peppers and reserve. Cover and refrigerate salmon until time of service. Heat marinade; thicken with cornstarch dissolved in small amount of water. Hold Ginger Sauce warm until time of service.

Individual Serving: Lightly oil salmon steak. Place on preheated grill; broil 5 minutes or until nicely browned on first side. Turn and continue cooking until flesh is no longer translucent. Arrange on serving plate accompanied with Ginger Sauce. Garnish with fresh fruits and mint sprig.



ALASKA

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