

## **Seafood Labeling Law Frequently Asked Questions**

### **Why do we have the Seafood Labeling Law?**

The Seafood Labeling Law was amended by the legislature to take a major step forward in strengthening seafood transparency and consumer trust. This law is designed to help consumers make informed choices about the seafood they purchase and to support America's domestic seafood industry by clearly identifying the source of seafood sold across the state of Mississippi.

### **When will the Seafood Labeling Law go into effect?**

Beginning July 1, 2025, the new law requires labeling of either imported or domestic on all seafood and crawfish sold in Mississippi. This requirement applies to all vendors, including, but not limited to, wholesalers, processors, retailers (such as grocery stores and seafood markets), and food service establishments (such as restaurants and food trucks).

### **Who will be responsible for regulating and enforcing the Seafood Labeling Law?**

Miss. Code Ann. §69-1-55 provides that the Mississippi Department of Marine Resources (MDMR) and the Mississippi Department of Agriculture and Commerce (MDAC) will share regulatory oversight for compliance with the new law.

### **What is the definition of "seafood" as it pertains to labeling?**

"Seafood" means saltwater finfish, crustaceans, molluscan shellfish, and other forms of saltwater aquatic animal life where such aquatic animal life is intended for human consumption. The term seafood does not include catfish as defined in Miss. Code Ann. §69-7-605 or any other freshwater species.

### **Who is required to label as "Domestic" or "Imported"?**

The new law obligates all wholesalers, processors, retailers, and food service establishments to properly label seafood and crawfish as either:

**"Domestic"** – if harvested, raised, and processed in the U.S.; or

**"Imported"** – if harvested, raised and/or processed outside the U.S.

### **Where does the "Domestic" or "Imported" label need to appear?**

Labels must appear on menus, packaging, sales displays, or any form of advertisement prominently available to the public on the premises of where seafood or crawfish is being sold or promoted. The labeling text must be in a font size at least equal to the product name to ensure

visibility. If domestic product is mixed with imported product, then the seafood or crawfish must be labeled as “Imported”.

**Can I use abbreviations such as “I” or “D” or other symbols in place of Import or Domestic? No**

**Can I use the country of origin to label seafood or crawfish in lieu of the terms Domestic or Imported?**

Yes, if it is in a font that is at least the same size as the name of the seafood or crawfish being sold or promoted. All documentation and labeling must support the claim that the product is Domestic.

**What are the labeling requirements for restaurants serving prepared dishes such as “Seafood Gumbo” that may contain a combination of seafood product and origins?**

The restaurant may provide a designation such as this: “This product contains both Domestic and Imported Seafood”

**Do online sales of seafood or crawfish have to be labeled as well?**

Yes, sales of seafood and crawfish are required to be properly labeled at the point of sale.

**Can I place signage in a prominent location in lieu of labeling each menu item?**

Yes. Also, if serving only Domestic or only Imported seafood or crawfish, then clearly visible signage located in a prominent location on the premises stating as such is allowed in lieu of labeling individual items.

**Do I have to have new menus printed by July 1, 2025?**

If menus are not able to be altered at this time and/or the origin of the seafood or crawfish frequently fluctuates, items can be labeled appropriately on menu inserts, daily specials menu, chalkboard signs, digital displays or any other form of signage as long it is placed in a readily noticeable location that is accessible and clearly visible to customers.

**What if we have nightly seafood or crawfish specials that are only verbally advertised?**

The specials containing seafood or crawfish are required to be labeled in a prominent location on the premises and designated as either “imported” or “domestic.”

**What happens if I am serving product that I thought was “Domestic”?**

Any good faith reliance claim must be supported by the appropriate evidence of the documentation from the supplier.

Any individual or entity who supplies seafood or crawfish to a wholesaler, processor, retailer or food service establishment shall maintain a verifiable record-keeping audit trail that permits the MDMR and/or MDAC to verify compliance with this law and relevant regulations. The supplier shall provide documentation to the wholesaler, processor, retailer or food service establishment indicating the country of origin of the seafood or crawfish.

**Does a caterer putting on a private event need signage posted at the venue and/or on the event buffet line?**

No. However, the person hiring the caterer must be informed of the product being served.

**How does a processor comply with the labeling requirement where the seafood or crawfish is already labeled on the package to comply with federal law (7 CFR Part 60 -- Country of Origin Labeling for Fish and Shellfish)?**

For processors in the state of Mississippi, seafood or crawfish being processed must comply with the labeling requirements of §69-1-55.

For seafood or crawfish processed outside of the state of Mississippi, seafood or crawfish must be labeled according to §69-1-55 before being advertised or sold to the consumer.

**Does this law apply to frozen seafood products sold at retail, for example, value-added processed products such as breaded fish, crabcakes, seasoned/marinated ready-to-cook products?**

Yes. Burden of proof is the responsibility of the establishment providing product to the end user.

**What are the labeling requirements for grocers or retailers that have a “fresh” seafood counter?**

USDA Cool labeling laws require that each item in the “fresh” seafood counter be labeled with the Country of Origin and the Method of Production. This labeling may be used in lieu of the terms Domestic or Imported if the font size is at least equal to the product name to ensure visibility if the product has not been processed outside of the US.

**What are the labeling requirements for grocers or retailers that have cases of frozen product that may contain both “Domestic” and “Imported” product?**

When possible, products should be isolated and contained in cases separately and identified on the outside of the case “Domestic” or “Imported”. The signage must be placed in a readily noticeable location that is accessible and clearly visible to customers.

**What are the labeling requirements for grocers or retailers that have a repackaged previously frozen product placed in the fresh meat case?**

USDA Cool labeling laws require that each item in the meat cooler be labeled with the Country of Origin. This labeling may be used in lieu of the terms Domestic or Imported if the font size is at least equal to the product name to ensure visibility if the product has not been processed outside of the US.

**How will I be inspected?**

Inspectors will evaluate for proper labeling. Additionally, agencies have the authority to enter the premises of any wholesaler, processor, retailer or food service establishment to collect samples for laboratory testing to test for species identification.

**What if I violate the seafood labeling law?**

Violators of the seafood labeling law are subject to civil and misdemeanor criminal penalties.

The following civil penalties will be assessed:

1<sup>st</sup> Violation: \$500-\$1000

2<sup>nd</sup> Violation: \$1000-\$2000

3<sup>rd</sup> Violation: \$3000-\$5000

4<sup>th</sup> and Subsequent Violation: not less than \$10,000

A first-time violator will be notified in writing and given 3 days to correct the violation. No civil penalties will apply to a first-time violator that corrects the violation within 3 days from the date of notification. The failure to correct the first violation within 3 days of notification shall subject the violator to the civil penalties.

If convicted of a misdemeanor, a violator is subject to a fine of not more than \$10,000.00 or by imprisonment in the county jail for not more than 6 months, or by both.

**Can I request a courtesy inspection?**

Yes. Courtesy inspections are not only welcome but encouraged.

If you have any questions concerning the new legislation and how it affects you or your business please visit: [www.dmr.ms.gov](http://www.dmr.ms.gov) or [www.mdac.ms.gov](http://www.mdac.ms.gov).