



Statutory Document No. 918/04

THE FOOD ACT 1996
THE FISH LABELLING REGULATIONS 2004

Approved by Tynwald 19th January 2005

Coming into operation 1st February 2005

In exercise of the powers conferred on the Department of Local Government and the Environment by sections 4(3), 17(1)(e), 21, and 41(3), of the Food Act 1996¹ and of all other enabling powers and after consulting such organisations as appear to it to be representative of interests likely to be substantially affected thereby, the following Regulations are hereby made:-

1. Citation and commencement

These Regulations may be cited as the Fish Labelling Regulations 2004, and subject to section 41(7) of the Act, shall come into operation on the 1st February 2005.

2. Interpretation

In these Regulations –

"the Act" means the Food Act 1996;

"Department" means the Department of Local Government and the Environment;

"Regulation 104/2000" means Council Regulation (EC) No. 104/2000² on the common organisation of the markets in fishery and aquaculture products;

"Regulation 2065/2001" means Commission Regulation (EC) No. 2065/2001³ laying down detailed rules for the application of Council Regulation (EC) No. 104/2000 as regards informing consumers about fishery and aquaculture products;

and any expressions used in these Regulations and in Regulation 104/2000 or Regulation 2065/2001 have the same meaning as in those Regulations.

¹ 1996 c.8

² OJ No. L17, 21.1.2000, p. 22

³ OJ No. L278, 23.10.2001, p. 6.

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3. Offences relating to consumer information

Any person

- (a) who, in contravention of Article 4.1 of Regulation 104/2000 (consumer information) as read with Regulation 2065/2001, offers for retail sale to the final consumer any of the products to which that Article applies, or.
- (b) who fails to comply with Article 8 of Regulation 2065/2001 (traceability and control)

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5000 or imprisonment for a term not exceeding 6 months or to both.

4. Lists of commercial designations

(1) The list of commercial designations required under Article 4(2) of Regulation 104/2000 is that set out in the Schedule to these Regulations, and accordingly, the commercial designations set out in that Schedule are names prescribed by law for the purposes of regulations 6(1), 7 and 8(a) of the Food Labelling Regulations 2004⁴.

(2) In relation to a species included both in the Schedule to these Regulations and in a list published in English under Article 4(2) of Regulation 104/2000 having effect in another Member State (including the UK), the commercial designation for that species in the list having effect in that other Member State shall be an alternative to the commercial designation for that species set out in the Schedule to these Regulations.

5. Omission of reference to the production method

In the case described in Article 4.2 of Regulation 2065/2001 (situation where it is obvious from commercial designation and catch area that the species is caught at sea) it shall not be a contravention of Article 4.1 of Regulation 104/2000 to offer for retail sale to the final consumer a fisheries product to which that Article applies without the product being marked or labelled with the production method.

6. Small quantities of products

(1) For the purposes of Article 4(1) of Regulation 104/2000 as read with Article 7 of Regulation 2065/2001, the small quantity of products which may be sold directly to consumers shall be products to a value not exceeding 20 Euro for each purchase.

(2) For the purposes of this regulation, the reference to 20 Euro shall be taken to be a reference to the sterling equivalent of that number of Euro, converted by reference to the rate of conversion published annually on the first working day of the preceding September in the C series of the Official Journal of the European Communities or, if no rate is published in it on that day, the first rate published in it thereafter.

⁴SD 453/04

7. Additional information relating to the catch area

The indication of catch area required by Article 4(1)(c) of Regulation 104/2000 may where the circumstances described in Article 5(1)(c) of Regulation 2065/2001 apply, indicate the various Member States or third countries in which the product was farmed.

8. Provisional commercial designations

(1) For the purposes of Article 2 of Regulation 2065/2001 (provisional commercial designations), the Department shall be the competent authority.

(2) The Department shall draw up and publish a list of provisional commercial designations laid down pursuant to the said Article 2.

9. Enforcement

The Department shall execute and enforce these Regulations.

10. Application of various provisions of the Act

The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of the Act shall be construed as a reference to these Regulations and to those provisions of Regulation 104/2000 and Regulation 2065/2001 to which these Regulations relate -

- (a) section 3 (presumptions that food is intended for human consumption);
- (b) section 24(7) (which relates to documentary evidence);
- (c) section 26 of the Act (powers of entry);
- (d) section 27(1) (obstruction etc of officers);
- (e) section 27(2) with the modification that the reference to "any such requirement as is mentioned in subsection (1)(b)" shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (d) above;
- (f) section 29(1) (punishment of offences) insofar as it relates to offences under section 27(1) as applied by sub-paragraph (d) above;
- (g) section 29(2) and (3) insofar as it relates to offences under section 27(2) as applied by sub-paragraph (e) above;
- (h) section 30 (offences by bodies corporate);
- (i) section 31 (offences due to fault of another person);
- (j) section 32 (defence of due diligence) as it applies for the purposes of section 6, 15 or 16.

SCHEDULE

COMMERCIAL DESIGNATIONS

(1) Subject to sub-paragraphs (2) and (3) of this paragraph, the commercial designation for any species of fish specified in column 2 of the following Table shall be a name specified for that species in the corresponding entry in column 1 of the said Table.

(2) A customary name may be used for any species of fish which has been subjected to smoking or any similar process, unless the name of the species in column 2 of the following Table is followed by an asterisk. In such cases the name used for the food when the fish is smoked shall be either -

- (a) a name specified for that species in column 1 of the said Table preceded by the word "smoked", or
- (b) except in the case of *Salmo salar* (L.), "smoked Pacific salmon".

(3) Sub-paragraph (1) of this paragraph, as read with the following Table, shall not apply to fish regulated by Council Regulation (EEC) No 2136/89⁵ laying down common marketing standards for preserved sardines, or Council Regulation (EEC) No 1536/92⁶ laying down common marketing standards for preserved tuna and bonito.

<i>Column 1</i>	<i>Column 2</i>
<i>Commercial designation</i>	<i>Species of fish</i>
Sea Fish	
Anchovy	All species of the family <i>Engraulidae</i>
Barracuda	All species of <i>Sphyraena</i>
Barramundi	<i>Lates calcarifer</i>
Bass or Sea bass	<i>Dicentrarchus labrax</i> (L.)
Japanese sea bass	<i>Lateolabrax japonicus</i>
Spotted sea bass	<i>Dicentrarchus punctatus</i>
Southern rock bass	<i>Paralabrax callaensis</i>
Bigeye	All species of <i>Priacanthus</i>
Bluefish or Tailor	<i>Pomatomus saltatrix</i>
Bogue	<i>Boops boops</i>
Bonito	All species of <i>Sarda</i> All species of <i>Euthynnus</i> , with the exception of <i>Euthynnus (Katsuwonus) pelamis</i> All species of <i>Auxis</i>
Brill	<i>Scophthalmus rhombus</i> (L.)
Brisling	<i>Sprattus sprattus</i> (L.) when canned
Catfish or Rockfish or Wolffish	All species of <i>Anarhichas</i>
Cobia	<i>Rachycentron canadum</i>
Cod or Codling	<i>Gadus morhua</i>
Pacific cod or Cod	<i>Gadus macrocephalus</i>
Greenland cod or Cod	<i>Gadus ogac</i>
Saffron cod	<i>Eleginus gracilis</i>
Red cod	<i>Pseudophycis bachus</i>
Blue cod	<i>Parapercis colias</i>
Coley or Saithe or Coalfish	<i>Pollachius virens</i> (L.)

⁵ OJ No. L 212, 22.7.89, p. 79

⁶ OJ No. L 163, 17.6.92, p. 1.

Conger	All species of <i>Conger</i>
Croaker or Drum or Jewfish	All species of the family <i>Sciaenidae</i>
Dab	<i>Limanda limanda</i> (L.)
Yellowtail dab	<i>Limanda ferruginea</i>
Pacific sand dab	<i>Citharichthys sordidus</i>
Dogfish or Flake or Huss or Rigg or Rock Salmon or Rock Eel	All species of <i>Galeorhinus</i> All species of <i>Mustelus</i> All species of <i>Scyliorhinus</i> <i>Galeus melastomus</i> <i>Squalus acanthias</i> (L.)
Dory or John Dory or St Peter's fish	<i>Zeus faber</i> (L.)
Eel	All species of <i>Anguilla</i>
Emperor	All species of <i>Lethrinus</i>
Escolar or Snake Mackerel	All species of the family <i>Gempylidae</i>
Flounder	<i>Platichthys flesus</i> (L.)
Flying fish	All species of the family <i>Exocoetidae</i>
Greenling	<i>Ophiodon elongatus</i>
Grouper	All species of <i>Mycteroperca</i> All species of <i>Epinephelus</i>
Gurnard	All species of the family <i>Triglidae</i> <i>Peristedion cataphractum</i> (L.)
Haddock	<i>Melanogrammus aeglefinus</i> (L.)
Hake	All species of <i>Merluccius</i> Alternatively, the following may be used
Cape hake	<i>Merluccius capensis</i> <i>Merluccius paradoxus</i>
White hake	<i>Urophycis tenuis</i>
Halibut	<i>Hippoglossus hippoglossus</i> (L.) <i>Hippoglossus stenolepis</i>
Black halibut or Mock halibut	<i>Reinhardtius hippoglossoides</i> (Walbaum)
Herring	<i>Clupea harengus</i> (L.)
Hilsa	<i>Tenualosa ilisha</i>
Hoki	<i>Macruronus novaezelandiae</i>
Chilean hoki	<i>Macruronus magellanicus</i>
Jack or Scad or Horse Mackerel or Trevally	All species of <i>Caranx</i> All species of <i>Hemicaranx</i> All species of <i>Seriola</i> All species of <i>Trachurus</i> All species of <i>Decapterus</i>
Kingklip	<i>Genypterus capensis</i>
Ladyfish	All species of the family <i>Elopidae</i>
Ling	All species of <i>Molva</i>
Lumpfish or Lump sucker	<i>Cyclopterus lumpus</i>
Mackerel	All species of <i>Scomber</i>
King Mackerel or Kingfish	<i>Scomberomorus cavalla</i>
Mahi Mahi	<i>Coryphaena hippurus</i>
Marlin	All species of <i>Makaira</i>
Megrin	All species of <i>Lepidorhombus</i>
Milkfish	<i>Chanos chanos</i>
Monk(fish) or Angler(fish)	<i>Lophius piscatorius</i> (L.) <i>Lophius americanus</i>
Cape monk(fish) or Cape angler(fish)	<i>Lophius vomerinus</i>

Red mullet	All species of <i>Mullus</i>
Goatfish	All other species of the family <i>Mullidae</i>
Grey mullet	All species of <i>Mugil</i> All species of <i>Liza</i> All species of <i>Chelon</i>
Opah or Moonfish	All species of <i>Lampris</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Parrotfish	All species of the family <i>Scaridae</i>
Picarel	<i>Spicara smaris</i>
Pilchard	<i>Sardina pilchardus</i> (Walbaum)
Pacific pilchard	<i>Sardinops sagax</i> that has been caught in the Pacific Ocean
South Atlantic pilchard	<i>Sardinops sagax</i> that has been caught in the South Atlantic Ocean
Plaice	<i>Pleuronectes platessa</i> (L.)
American plaice	<i>Hippoglossoides platessoides</i> (Fabr.)
Pollack or Pollock or Lythe	<i>Pollachius pollachius</i> (L.)
Pacific pollack or Pacific pollock or Alaska pollack or Alaska pollock	<i>Theragra chalcogramma</i> (Pallas)
Pomfret or Butterfish	All species of <i>Brama</i> All species of <i>Stromateus</i> All species of <i>Pampus</i>
Poor cod	<i>Trisopterus minutus</i>
Pout or Pout Whiting or Pouting or Bib	<i>Trisopterus luscus</i>
Rainbow runner	<i>Elagatis bipinnulata</i>
Redfish or Ocean perch or Rose fish	All species of <i>Sebastes</i> All species of <i>Helicolenus</i>
Sablefish	<i>Anoplopoma fimbria</i>
Sailfish	All species of <i>Istiophorus</i>
Sardine	Small <i>Sardina pilchardus</i> (Walbaum)
Sardinella	All species of <i>Sardinella</i>
Scabbard fish or Sabre or Sabre fish or Silver sabre or Black sabre	<i>Lepidopus caudatus</i> <i>Aphanopus carbo</i>
Sea bream or Porgy	All species of the family <i>Sparidae</i> except <i>Boops boops</i>
Sild	Small <i>Clupea harengus</i> (L.), when canned Small <i>Sprattus sprattus</i> (L.), when canned
Skate or Ray or Roker	All species of <i>Raja</i>
Smelt or Sparling	All species of <i>Osmerus</i>
Snapper	All species of the family <i>Lutjanidae</i> Alternatively, the following may be used
Jobfish	All species of <i>Aphareus</i> All species of <i>Aprion</i> All species of <i>Pristipomoides</i>
Snook	All species of <i>Centropomus</i>
Sole or Dover sole	<i>Solea solea</i> (L.)
Butter sole	<i>Isopsetta isolepis</i>
Californian sole	<i>Parophrys vetulus</i>
Lemon sole	<i>Microstomus kitt</i> (Walbaum)
Petrale sole	<i>Eopsetta jordani</i>
Rex sole or Long-finned sole	<i>Glyptocephalus zachirus</i>
Rock sole	<i>Lepidopsetta bilineata</i>
Pacific sole	<i>Microstomus pacificus</i>
Torbay sole or Witch	<i>Glyptocephalus cynoglossus</i> (L.)
Sprat	<i>Sprattus sprattus</i> (L.), except when canned

Swordfish	<i>Xiphias gladius</i>
Tarpon	All species of the family <i>Megalopidae</i>
Threadfin bream	All species of <i>Nemipterus</i>
Toothfish or Icefish	<i>Dissostichus mawsoni</i> <i>Dissostichus eleginoides</i>
Tuna or Tunny	All species of <i>Thunnus</i>
Skipjack tuna (or tuna)	<i>Katsuwonus pelamis</i>
Albacore tuna (or tuna)	<i>Thunnus alalunga</i>
Yellowfin tuna (or tuna)	<i>Thunnus albacares</i>
Bluefin tuna (or tuna)	<i>Thunnus thynnus</i>
Bigeye tuna (or tuna)	<i>Thunnus obesus</i>
Turbot	<i>Psetta maxima</i>
Wahoo	<i>Acanthocybium solandri</i>
Whitebait	Small <i>Clupea harengus</i> (L.) Small <i>Sprattus sprattus</i> (L.) (except when canned)
Whiting	<i>Merlangius merlangus</i> (L.)
Blue whiting	<i>Micromesistius poutassou</i> (Risso)
Southern blue whiting	<i>Micromesistius australis</i>
Winter flounder	<i>Pseudopleuronectes americanus</i> (Walbaum)
Salmon and Freshwater Fish	
Bacha	<i>Eutropiichthys vacha</i>
Batashi	<i>Pseudeutropius atherinoides</i>
Carp	All species of the family <i>Cyprinidae</i> Alternatively the following may be used
Mowrala	<i>Amblypharyngodon mola</i>
Banspata	<i>Danio devario</i>
Bata	<i>Labeo bata</i>
Kalibous	<i>Labeo calbasu</i>
Ghania	<i>Labeo gonius</i>
Ruhi	<i>Labeo rohita</i>
Punti	<i>Puntius sarana</i>
Chelapata	<i>Salmostoma bacaila</i>
Catfish or American catfish or Channel catfish	All species of the family <i>Ictaluridae</i>
Catfish	All species of the family <i>Clariidae</i> All species of the family <i>Siluridae</i> All species of the family <i>Bagridae</i> Alternatively the following may be used
Magur	<i>Clarias batrachus</i>
Gulsha	<i>Mystus bleekeri</i>
Buzuri	<i>Mystus tengara</i>
Tengra	<i>Mystus vittatus</i>
Pabda	<i>Ompok pabda</i>
Ayre	<i>Sperata aor</i>
Boal	<i>Wallago attu</i>
Chapila	<i>Gudusia chapra</i>
Char	All species of <i>Salvelinus</i>
Kakila	<i>Xenentodon cancila</i>
Keski	<i>Corica soborna</i>
Khalisha	<i>Colisa fasciatus</i>
Koi	<i>Anabas testudineus</i>
Largebaim	<i>Mastacembelus armatus</i>

Meni	<i>Nandus nandus</i>
Nile perch	<i>Lates niloticus</i>
Pacific dory or Vietnamese sole	<i>Pangasius bocourti</i>
Patabaim	<i>Macragnathus aculeatus</i>
Queen fish	<i>Botia dario</i>
River cobbler	<i>Pangasius micronemus</i> <i>Pangasius hypophthalmus</i>
Salmon or Atlantic salmon	<i>Salmo salar</i> (L.)*
Cherry salmon or Pacific salmon	<i>Oncorhynchus masou masou</i> *
Chum salmon or Keta salmon	<i>Oncorhynchus keta</i> (Walbaum)*
Medium red salmon or Coho salmon or Silver salmon	<i>Oncorhynchus kisutch</i> (Walbaum)*
Pink salmon	<i>Oncorhynchus gorbuscha</i> (Walbaum)*
Red salmon or Sockeye salmon	<i>Oncorhynchus nerka</i> (Walbaum)*
Spring salmon or King salmon or Chinook salmon or Pacific salmon	<i>Oncorhynchus tshawytscha</i> (Walbaum)*
Shol	<i>Channa striata</i>
Taki	<i>Channa punctata</i>
Tilapia	All species of <i>Tilapia</i> All species of <i>Oreochromis</i>
Trout or Brown trout	<i>Salmo trutta trutta</i> (L.) which has spent all of its life in fresh water
Sea trout or Salmon trout	<i>Salmo trutta trutta</i> (L.) which has spent part of its life in sea water
Cut-throat trout or trout	<i>Oncorhynchus clarki clarki</i>
Rainbow trout or Steelhead trout or trout	<i>Oncorhynchus mykiss</i>
Shellfish	
Abalone or Ormer	All species of <i>Haliotis</i>
Clam or Hard shell clam	<i>Mercenaria mercenaria</i> (L.) <i>Venus verrucosa</i> (L.)
Clam or Razor clam	All species of <i>Ensis</i> and <i>Solen</i>
Geoduck or Geoduck clam	<i>Panopea abrupta</i>
Surf clam	All species of <i>Spisula</i>
Cockle	All species of <i>Cerastoderma</i>
Crab	All species of the order <i>Brachyura</i> All species of the family <i>Lithodidae</i>
Crayfish	All species of the family <i>Astacidae</i> All species of the family <i>Parastacidae</i> All species of the family <i>Austroastacidae</i> All species of the family <i>Cambaridae</i>
Cuttlefish	All species of <i>Sepia</i> <i>Rossia macrosoma</i>
Lobster	All species of <i>Homarus</i>
Slipper lobster	All species of the family <i>Scyllaridae</i>
Squat lobster	All species of the family <i>Galatheididae</i>
Crawfish or Spiny lobster or Rock lobster	All species of <i>Panulirus</i> All species of <i>Palinurus</i> All species of <i>Jasus</i>
Indian ocean lobster	<i>Puerulus sewelli</i>
Mussel	All species of the family <i>Mytilidae</i>
Octopus	All species of <i>Octopus</i>
Oyster	All species of <i>Crassostrea</i> All species of <i>Ostrea</i>

Oyster <i>or</i> Portuguese oyster	<i>Crassostrea angulata</i> (Lmk.)
Oyster <i>or</i> Pacific oyster <i>or</i> Rock oyster	<i>Crassostrea gigas</i> (Thunberg)
Oyster <i>or</i> Native oyster	<i>Ostrea edulis</i> (L.)
Prawn <i>or</i> Shrimp	Whole fish (of a size which, when cooked, have a count of less than 397 per kg) <i>or</i> tails (of a size which, when peeled and cooked, have a count of less than 1,323 per kg) of – all species of the family <i>Palaemonidae</i> , all species of the family <i>Penaeidae</i> , and all species of the family <i>Pandalidae</i>
King prawn	All species of the family <i>Palaemonidae</i> All species of the family <i>Penaeidae</i> Where the count is less than 123 per kg (head on/shell on) <i>or</i> less than 198 per kg (head off/shell on) <i>or</i> less than 242 per kg (head off/shell off)
Tiger prawn	<i>Penaeus monodon</i> <i>Penaeus semisulcatus</i> <i>Penaeus esculentus</i> <i>Penaeus kerathurus</i> <i>Penaeus japonicus</i> <i>Parapenaeopsis hardwickii</i> <i>Parapenaeopsis sculptilis</i>
Scallop <i>or</i> King scallop	<i>Pecten maximus</i>
Atlantic scallop <i>or</i> Scallop	<i>Placopecten magellanicus</i>
Queen scallop <i>or</i> Queen <i>or</i> Scallop	<i>Chlamys</i> (<i>Aequipecten</i>) <i>opercularis</i>
Scallop <i>or</i> Common scallop	All species of the family <i>Pectinidae</i>
Scampi <i>or</i> Norway lobster <i>or</i> Dublin Bay prawn <i>or</i> Langoustine	<i>Nephrops norvegicus</i> (L.)
Pacific scampi	<i>Metanephrops andamanicus</i> <i>Metanephrops challengerii</i> <i>Metanephrops thomsoni</i>
Shrimp	Whole fish (of a size which, when cooked, have a count of 397 per kg <i>or</i> more) <i>or</i> tails (of a size which, when peeled and cooked, have a count of 1,323 per kg <i>or</i> more) of – all species of the family <i>Palaemonidae</i> , all species of the family <i>Penaeidae</i> , and all species of the family <i>Pandalidae</i>
Shrimp <i>or</i> Pink shrimp	<i>Pandalus montagui</i>
Shrimp <i>or</i> Brown shrimp	All species of <i>Crangon</i>
Squid	All species of <i>Loligo</i> All species of <i>Illex</i> <i>Ommastrephes sagittatus</i>
Arrow squid	<i>Nototodarus sloani</i> <i>Nototodarus gouldi</i>
Whelk	All species of <i>Buccinum</i>
Winkle	All species of <i>Littorina</i>

MADE 14th December, 2004

John Rimington

Minister for Local Government and the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the execution and enforcement of Title 1, Chapter 2 of Council Regulation (EC) 104/2000 on the common organisation of the markets in fishery and aquaculture products as applied by Commission Regulation (EC) 2065/2001 laying down detailed rules on the application of Council Regulation (EC) 104/2000 as regards informing consumers about fishery and aquaculture products.

Title 1 of Chapter 2 of Council Regulation (EC) 104/2000 imposes requirements regarding the provision of information about the commercial designation, production method and catch area of certain fishery and aquaculture products offered for retail sale to the final consumer. It further provides for Member States to draw up and publish a list of commercial designations for at least the species listed in Annexes I to IV of the Regulation. Commission Regulation (EC) 2065/2001 describes in more detail the information to be provided to consumers and the exemptions that may be allowed. It also provides for the necessary information to be provided at each stage of the marketing process.

These Regulations:

- (a) provide a list of the commercial designations required to be drawn up (regulation 4 and the Schedule) and further provide for the granting of provisional commercial designations (regulation 8);
- (b) make provision as to the relaxation of the requirements in certain circumstances in relation to information about the production method (regulation 5); in the case of direct sales of small quantities to consumers by fishermen or aquaculture producers (regulation 6) and with regard to the inclusion of additional information about catch area (regulation 7);
- (c) create offences and prescribe penalties (regulation 3), and incorporate specified provisions of the Food Act 1996 (regulation 10).