

Protect Wild Scotland, 10 August 2014

[The Scottish Salmon Scam](#)
[- Complaints filed with Trading Standards and the Competition & Markets Authority](#)

Protect Wild Scotland has filed complaints with Trading Standards and the Competition & Markets Authority regarding "systemic failures" in the marketing of 'Scottish Salmon'.

Read exclusively via Scotland On Sunday - "[Supermarkets sell Norwegian fish as 'Scots' salmon](#)" - including: "Aldi last night confirmed that it would remove the "Best of Scotland" branding from any Norwegian salmon "for the avoidance of any further confusion"".

Fifteen complaints were formally filed earlier this month (1 August) against supermarkets ([Aldi](#), [ASDA](#), [Marks & Spencer](#), [Morrisons](#), [Tesco](#)); the salmon farming sector ([Grieg Seafood Hjalmland](#), [Loch Duart & Loch Duart Artisan Smokehouse](#), [Scottish Salmon Company](#), [Scottish Sea Farms](#), [Scottish Salmon Producers Organisation](#), [Wester Ross Fisheries](#)); and companies smoking and processing farmed salmon ([Forman & Son](#), [John Ross Jr](#), [Edinburgh Salmon Company](#), [St. James Smokehouse](#)). Complaints were filed with the following Trading Standards agencies in the UK: City of Westminster, Tower Hamlets, West Yorkshire, Warwickshire, Hertfordshire, Highland, Western Isles, Aberdeen, Shetland, Dumfries & Galloway, Perth & Kinross, Stirling and Edinburgh.

The complaints relate to breaches in relation to "[misleading actions](#)" and "[misleading omissions](#)" as defined by the [Consumer Protection from Unfair Trading Regulations 2008](#).

Complaint Re. "Scottish Salmon"
- Breaches of the Consumer Protection from Unfair Trading Regulations 2008

Protect Wild Scotland formally registers a complaint relating to systemic breaches of the [Consumer Protection from Unfair Trading Regulations 2008](#).

Specifically, our complaint relates to breaches by the salmon farming industry in Scotland in relation to "[misleading actions](#)" and "[misleading omissions](#)" - as defined by the [Consumer Protection from Unfair Trading Regulations 2008](#):

Misleading actions

5. (1) A commercial practice is a misleading action if it satisfies the conditions in either paragraph (2) or paragraph (3).
- (2) A commercial practice satisfies the conditions of this paragraph—
 - (a) if it contains false information and is therefore untruthful in relation to any of the matters in paragraph (4) or if it or its overall presentation in any way deceives or is likely to deceive the average consumer in relation to any of the matters in that paragraph, even if the information is factually correct; and
 - (b) it causes or is likely to cause the average consumer to take a transactional decision he would not have taken otherwise.
- (3) A commercial practice satisfies the conditions of this paragraph if—
 - (a) it concerns any marketing of a product (including comparative advertising) which creates confusion with any products, trade marks, trade names or other distinguishing marks of a competitor; or

Misleading omissions

6. (1) A commercial practice is a misleading omission if, in its factual context, taking account of the matters in paragraph (2)—
 - (a) the commercial practice omits material information,
 - (b) the commercial practice hides material information,

"Our complaints detail systematic consumer fraud and misleading advertising of farmed salmon products sold and marketed in the UK and internationally via online sales and marketing as well as in-store sales," states a [letter to the Competition & Markets Authority](#) (1 August) from Jenny Scobie, Chair of [Protect Wild Scotland](#). "Consumer choice in the salmon market is being systematically eroded by deliberately deceptive marketing and misleading labelling which hides the fact that the vast majority of salmon is farmed not wild. Referring to the product as merely 'Scottish salmon' robs the consumer of the ability to make an informed choice to purchase wild or farmed salmon."

"Foreign-owned corporations are exploiting the world renowned and prized image of Scottish salmon – an iconic image of Scotland – to obtain a price premium," continued the [letter to the Competition & Markets Authority](#). "The hijacking of the name 'Scottish salmon' to refer to salmon imported as eggs and/or smolts from outside the UK and on-grown by a predominantly foreign-owned industry is product piracy and plagiarism (over 80% of the 'Scottish' salmon farming industry is now foreign owned with 66% [controlled by Norwegian-owned companies](#))."

The complaints to Trading Standards include:

- the [Scottish Salmon Company](#) markets themselves as purveyors of "authentically Scottish salmon" despite being registered in Jersey; owned by a Swiss bank with Ukrainian and Norwegian investors; floated on the Oslo Stock Exchange in Norway; and, most importantly, using imported Norwegian genetic material for their farmed salmon
- [St. James Smokehouse](#) market their salmon as "natural" and the "finest quality salmon from the nearby clear, fast-flowing waters of Western Scotland" yet source exclusively from salmon farms with the recent claim via a lawsuit in the United States that they also source salmon from farms in Chile and Norway
- [Grieg Seafood Hjaltland](#) market "superior quality Scottish salmon" via the 'WildWaters' brand with the advertising slogan "from the wild waters of Shetland" yet all their salmon is farmed not wild
- [Forman & Son](#) promote "genuine wild smoked Scottish salmon" yet fail to inform customers that most of their products are fake farmed salmon
- [Aldi](#) promote "Best of Scotland" salmon with an image of a fishing boat when it is farmed in Norway and the Faroe Islands
- [Morrisons](#) promote 'Catch of Day' salmon which is sourced from farms in Norway and "Scottish Quality" salmon which is farmed in Norway and only smoked in Scotland
- [John Ross Jr](#) markets "fresh Scottish salmon" which is advertised as "the world's best salmon" yet do not provide consumers with the information that it is farmed not wild salmon
- [Marks & Spencer](#) market Lochmuir salmon but fail to inform customers that Lochmuir is a fictional name and the salmon is farmed by Norwegian-owned Scottish Sea Farms using imported genetic material from Norway

- the Norwegian-owned company [Scottish Sea Farms](#) market 'Scottish Salmon' and 'Scottish Superior' farmed salmon using images of the 'King of Fish' and using imported Norwegian genetic material
- [Wester Ross Fisheries](#) market their fake farmed salmon as "Real Scottish Salmon" without informing customers it is fed artificial colourings and unnatural feed, doused in toxic chemicals and infested with sea lice parasites
- [Loch Duart and Loch Duart Artisan Smokehouse](#) markets "Scottish salmon" and "premium smoked salmon" without reference to the fact that it is farmed or recent cases of listeria contamination and sea lice infestation
- [Tesco](#) clearly label wild salmon but fail to label their farmed salmon which some stores promote as "100% Scottish Salmon" despite being sourced predominantly from Norway

Protect Wild Scotland's [letter to the Competition & Markets Authority](#) (1 August) includes:

"This issue is timely in view of the tightening of fish labelling regulations in the UK and in Europe. It has been law for retailers to label fish products as wild or farmed for over a decade - since [European Council Regulation 104/2000 was implemented in the UK in 2003](#). However, a new EU law extending mandatory labelling for wild and farmed fish products will [come into force in December 2014](#)."

"The distinction between wild and farmed salmon clearly falls in line with how the EU's Protected Geographical Indication status distinguishes between '[Scottish Farmed Salmon](#)' and '[Scottish Wild Salmon](#)'. For more details please read Appendix 1 as well as [article 35 of Regulation No. 1379/2013](#) requiring the labelling of farmed salmon as such (previously in [Regulation No. 104/2000](#)). These labeling requirements reflect an EU policy of ensuring that consumers are provided with the necessary information to make informed choices about the products they choose to purchase. However, the effectiveness of the labeling requirements is eliminated if companies can bypass them by creating confusion for consumers in marketing and promotional materials."

"Wild salmon is clearly marketed as wild salmon so why should consumers be misled by inadequately labelled and falsely marketed farmed salmon? Companies selling farmed salmon should specify that their product is farmed on their websites and promotional materials. Failure to do so is an intentional effort to confuse consumers, who would reasonably be expected to assume that the product is Scottish wild salmon. The blatant double standard in operation in the marketplace demands correcting."

"The stark message is that consumers deserve an informed choice about the salmon they are buying - hence the need for clear labelling. "One should avoid farmed salmon like the plague," said Dr. David Carpenter of the State University of New York at Albany (co-author of the 2004 paper in [Science](#)) in [ScienceNews](#) in 2007. How can consumers avoid farmed salmon if salmon is not properly labelled and consumers are unaware of the provenance of the salmon?"

Read Protect Wild Scotland's letter to the Competition & Markets Authority (1 August) – [online here](#)

Read background evidence – “Appendix 1: The Scottish Salmon Scam” – sent to the Competition & Markets Authority [online here](#)

Read Protect Wild Scotland’s complaints to Trading Standards (1 August):

- [Scottish Salmon Company](#)
- [Scottish Sea Farms](#)
- [Scottish Salmon Producers Organisation](#)
- [Wester Ross Fisheries](#)
- [Loch Duart & Loch Duart Artisan Smokehouse](#)
- [Tesco](#)
- [Forman & Son](#)
- [Aldi](#)
- [Morrisons](#)
- [ASDA](#)
- [John Ross Jr](#)
- [Edinburgh Salmon Company](#)
- [St. James Smokehouse](#)
- [Grieg Seafood Hjaltdland](#)
- [Marks & Spencer](#)

The press release is available online via "[The Scottish Salmon Scam: Complaints filed with Trading Standards and the Competition & Markets Authority](#)" (10 August)

For more details about Protect Wild Scotland visit www.protectwildscotland.org