



27 September 2024

Deceptive marketing practices Directorate
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The Marine Stewardship Council (“MSC”) appreciates the opportunity to provide input in response to the Competition Bureau’s public consultation related to implementation of the Competition Act’s new greenwashing provisions.

The changes to the Competition Act address unsupported environmental claims, commonly known as greenwashing, by, among other things, requiring that claims about the environmental benefits of a **business** or **business activity** be based on adequate and proper substantiation in accordance with an internationally recognized methodology. As an internationally recognized certification scheme, the only wild seafood label to meet both global best practices for credible ecolabelling set by the United Nations and the credible standards body, ISEAL, the International Social and Environmental Accreditation and Labelling Alliance, the MSC is pleased to provide information in response to the Competition Bureau’s public consultation on new greenwashing provisions of the Competition Act.

The MSC is providing comments because it is critical – and possible – to ensure a high degree of rigor and credibility behind consumer facing seafood sustainability claims and we wish to draw the Bureau’s attention to some of the unique considerations associated with claims related to seafood from wild-caught fisheries

In these comments, the MSC addresses the following topics as related to seafood and wild-caught fisheries:

- the role of the MSC, independent, third-party verifiers, and other reputable certifying organizations in providing reliable, accurate and transparent information to consumers regarding the environmental attributes of products they buy, and
- consumer expectations of sustainability practices and labelling, confusion and attitudes toward ecolabels.

In addition, we will address the following questions posed by the Competition Bureau related to claims about environmental benefits associated with a business or business activity:

1. What kinds of claims about environmental benefits are commonly made about products or services in the marketplace? Why are these claims more common than others?
2. Are there certain types of claims about environmental benefits of products or services that are less likely to be based on adequate and proper testing? Is there something about those types of claims that makes them harder to test?

3. What should the Bureau consider when it evaluates whether testing to support claims about the environmental benefits of products or services (specifically claims regarding the environmental performance of seafood) is “adequate and proper”?
4. What challenges may businesses and advertisers face when complying with this provision?
5. What other information should the Bureau be aware of when thinking about how and when to enforce this provision?

The Role of the MSC

The MSC’s mission is to end global overfishing. A nongovernmental, non-profit organization founded in 1996, it is one of the oldest and most widely respected environmental certification organizations in the world.

Seafood is the world’s last, truly wild, major food source. Fishing provides food security for millions of people around the world who rely on it as a primary source of protein. Seafood is also vital to the livelihoods of fishermen and fishing communities around the world.

Unfortunately, according to the Food and Agriculture Organization of the United Nations 2024 State of World Fisheries and Aquaculture (“SOFIA”) report, 37.7% of global fisheries are overfished as of 2021, in large part due to illegal and destructive fishing. Independent scientists have published peer-reviewed studies that estimate that worldwide fishery stocks have declined by nearly 50% in the last 40 years alone. This is an unsustainable trajectory that is not being stopped by current governmental management efforts alone.

For over 20 years, the MSC has partnered with fisheries, scientists, suppliers, retailers and brands, management bodies, governments, and other seafood and ocean experts, to improve the way our oceans, lakes, and rivers are fished. Fish populations can recover and replenish if they are managed carefully for the long-term. If all fisheries used sustainable practices, they could produce 16 million more tons of wild-caught seafood, which according to MSC analysis, would meet the protein needs of 72 million more people and help insure greater stability of fisheries for future generations.¹

The MSC's goal is to improve the way our ocean is fished and incentivize people to produce and consume seafood sustainably through the MSC Fisheries Standard, MSC Chain of Custody Standard, and verified use of the MSC blue label. The MSC model is built on the idea that as more MSC labeled products become available, consumer awareness and retailer demand increases, which drives further interest in sustainability among fisheries and companies, and thereby creates a virtuous loop.

MSC certification is earned by fisheries that voluntarily demonstrate that they meet the MSC Fisheries Standard (the “Fisheries Standard” or the “Standard”). This means meeting best practice for three principles:

¹ Costello, C.; Ovando, D.; Clavelle, T.; Strauss, C.K.; Hilborn, R.; Melnychuk, M.C.; Branch, T.A.; Gaines, S.D.; Szuwalski, C.S.; Cabral, R.B.; et al. Global fishery prospects under contrasting management regimes. Proc. Natl. Acad. Sci. USA 2016, 113, 5125–5129.

- Sustainable fish stocks – fishing must be at a level that ensures that it can continue indefinitely, and the fish population can remain productive and healthy,
- Minimizing environmental impacts – fishing activity must be managed so that other species and habitats within the ecosystem remain healthy,
- Effective fisheries management – MSC certified fisheries must comply with relevant laws, have effective management practices, and be able to adapt to changing environmental circumstances.

The MSC Chain of Custody (“CoC”) Standard requires that the supply chain is fully audited to verify that, among other things, any fishery product bearing the MSC ecolabel (see Figure 1) comes from a certified sustainable source, is properly labeled, and is never mixed with non-MSC certified fishery products. The MSC CoC certification plays an important role in protecting consumers and seafood buyers by ensuring fishery products are accurately labeled, minimizing the chance for fraud. DNA testing has shown that the mislabeling rate for MSC labeled fishery products is less than 1%— much lower than rates from other mislabeling studies around the world (estimated average of 30%).²



Figure 1 – The MSC ecolabel.

The presence of the MSC blue logo on a fishery product readily identifies it for the consumer as coming from a MSC-certified fishery, which gives the consumer added confidence that the fishery adheres to the MSC’s Fisheries Standard, which is designed to ensure that the fishery is well-managed and environmentally sustainable.

As of 2024, over 700 fisheries representing approximately 19.5% of global landings volume are engaged in the MSC program, and more than 46,000 sites have MSC Chain of Custody (CoC) certification. Over 20,000 products worldwide bear the MSC ecolabel, worth nearly CAD\$14 billion in sales in 62 countries. In Canada, the MSC program has experienced widespread adoption. Over the past five years, sales of seafood products carrying the MSC ecolabel have surged by more than 240%. Currently, the top five grocery chains in Canada display the MSC ecolabel to indicate that they provide sustainable seafood, catering to the needs of their increasingly discerning customers. Certified fisheries now represent 61% of Canadian fisheries landings, enhancing their access to sustainability-focused markets in Canada, the U.S., the EU, and beyond by leveraging MSC certification.

The MSC fishery certification – earned by fisheries that are determined to meet the Fisheries Standard by a third-party auditor – is valid for five years, is subject to an annual third-party surveillance audit, and may be subject to an expedited audit in the event of new information. These audits confirm that the fishery continues to meet the Standard. Failure to demonstrate conformity with the Standard can result in suspension of the fishery certificate until nonconformities are found by the auditor to have been remedied. Suspension decisions result in downstream implications for

² Barendse, J. et al., DNA barcoding validates species labelling of certified seafood, *Current Biology* 29: 198-199 (March 18, 2019) (available at [https://www.cell.com/current-biology/fulltext/S0960-9822\(19\)30153-8?_returnURL=https%3A%2F%2Flinkinghub.elsevier.com%2Fretrieve%2Fpii%2FS0960982219301538%3Fshoall%3Dtrue](https://www.cell.com/current-biology/fulltext/S0960-9822(19)30153-8?_returnURL=https%3A%2F%2Flinkinghub.elsevier.com%2Fretrieve%2Fpii%2FS0960982219301538%3Fshoall%3Dtrue))

CoC certified companies and companies and brands that use the MSC ecolabel that source from that fishery, as product must no longer be sold as MSC certified after a specific date. Chain of Custody certificates are awarded to sites based on a third-party auditor determination that the site is able to identify, separate, trace, record, and properly manage certified volumes. Verification also extends to ensuring that there is a valid license agreement covering the proper use of the MSC label and truthfulness of any associated claims through licensing and product approvals. Chain of Custody certificates are valid for three years, subject to annual surveillance audits – which may include DNA testing if determined to be necessary — to confirm the site continues to meet requirements for handling MSC certified fishery products. The MSC also reserves the right to check MSC labelled products for integrity, testing samples (ex. DNA testing) and running investigations that trace products through the supply chain. Further, a required number of unannounced audits of certificate holders are built into the program for true, real-time checks of company and fishery performance.

The MSC seeks to incentivize changes to fishing practices to reduce the environmental impacts of fisheries. Its success in this effort depends on consumer awareness of and understanding of sustainability. “Sustainability” refers to the ability of a natural system to replenish itself indefinitely, without depletion. As discussed below, this term, as it has traditionally been used in the fishery management context, refers to environmental attributes, specifically ensuring harvest at levels where the target fishery stock(s) can replenish themselves over time and reducing the impact of fishing activity (e.g., destructive fishing practices or impacts to non-target populations) on the overall health and productivity of the ecosystem. The UN Food and Agriculture Organization’s Code of Conduct for Responsible Fisheries describes a number of factors that contribute to a sustainable fishery.³ The UN Code of Conduct is the international framework that underpins development of the MSC Fisheries Standard so the MSC’s use of the term “sustainable” is focused in context on environmental protection, as called out in the blue logo.

1. What kinds of claims about environmental benefits are commonly made about products or services in the marketplace? Why are these claims more common than others?

There are a wide variety of sustainability claims and ecolabels on seafood in Canadian markets.⁴ These can include:

- “first-party labeling schemes typically established by producers or resellers based on their own standards;”
- “second-party labeling schemes usually established by industry associations and based on their own certification standards;” and
- “third-party labeling schemes that are created by organizations external to the industry and which thereby have a perceived degree of independence in the verification of products according to the standards the particular scheme sets.”

³ <https://www.fao.org/fishery/en/code>

⁴ Winson A, Choi JY, Hunter D, Ramsundar C. Ecolabeled seafood and sustainable consumption in the Canadian context: issues and insights from a survey of seafood consumers. *Marit Stud.* 2022;21(1):99-113. doi:10.1007/s40152-021-00245-y

Claims include language such as “sustainably sourced” and “responsibly sourced” and ecolabels include certifications (Marine Stewardship Council, Aquaculture Stewardship Council, Best Aquaculture Practices, Friend of the Sea, Dolphin Safe) and ranking (recommendation) programs (Ocean Wise).

Sustainable seafood ecolabels and sustainability claims in Canada are commonly based on underlying certifications or ratings (also known as “recommendations”) schemes, each of which have different processes and levels of underlying assurance and effectiveness.⁵

Ratings focus on assessing as many seafood sources as possible in key markets to provide information on the full spectrum of low-to-high performance for fisheries and aquaculture. This information can be used to identify opportunities for producers to pursue improvement projects and certifications, as well as help businesses evaluate sourcing options.

Certifications, on the other hand, engage directly with fisheries or farms and require them to address social and environmental challenges to improve and meet the certification standard. Certifications also engage with the supply chain to verify the sustainability and origin of certified products.

- Certification provides the highest level of assurance that the product is verified to be sustainable/responsible, is harvested legally, and is traceable back to its source.
- Ratings or recommendations indicate that the source has a high level of environmental sustainability/responsibility, but the responsibility for verifying the claim and ensuring traceability lies with the business purchasing from the source.

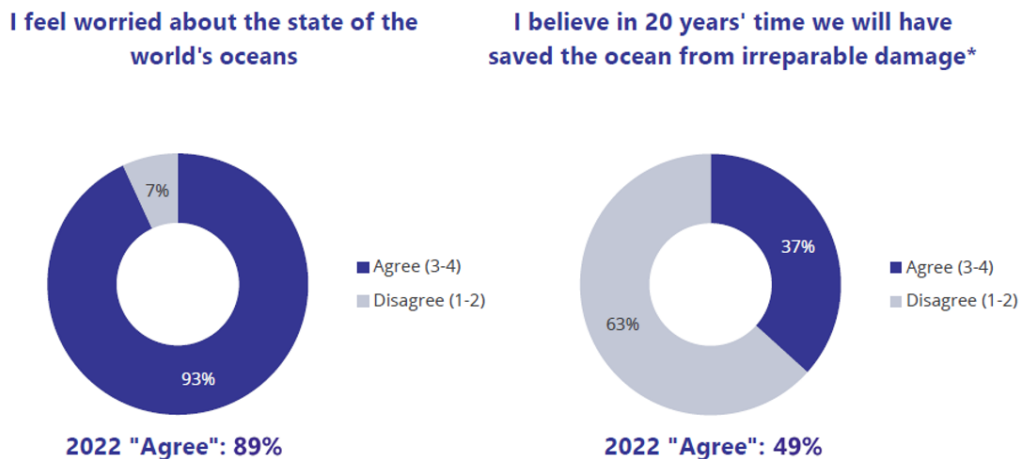
In general, certification ecolabels in use in Canada always specifically refer to a single publicly disclosed standard. There are other third-party labeling schemes which may appear similar, but which should be distinguished from certification ecolabels or claims based on certification. Such labeling schemes aggregate publicly available information from multiple certifications and ratings schemes into a single set of recommendations. They then offer a single ecolabel to indicate their recommendation, which may indicate that a product meets one or more of a list of ‘approved’ standards. In contrast to a certification ecolabel that clearly connected to a given set of standards and assurance requirements, these “aggregated” schemes and labels correspond to several differing sets of requirements. In this latter case, it may be less transparent to consumers exactly which set of requirements the label use is based on.

⁵ <https://certificationandratings.org/featured-projects/clarifying-roles-of-certifications-and-ratings/>

These various sustainability claims and ecolabels are likely a response to the high level of awareness and concern about ocean health among Canadians. A consumer insights survey conducted for the MSC in 2024 by GlobeScan revealed that 93% of Canadians are worried about the state of the oceans, with increasing concern about harmful fishing practices over the past two years. The survey also indicates growing pessimism and feelings of disempowerment among Canadians; only 37% believe that we will have saved the oceans from irreparable damage in 20 years' time, a decline from 49% in 2022 (Figure 2). Additional polling by Deloitte in 2023 showed that 57% of Canadian consumers distrust most green claims made by brands, and many are confused and frustrated by the proliferation of sustainability claims.⁶

Figure 2: Concern about the state of the oceans has risen along with pessimism about our future ability to save the oceans from irreparable damage and about the future availability of seafood

Worry and level of optimism/pessimism about the oceans, 4-point scale, 2022–2024



Q105: To what extent do you agree or disagree with the following statements? Base: Canadian Seafood consumers: n=1516

The proliferation of ecolabels and sustainability claims on seafood might be causing confusion among Canadians. Research has indicated that the primary barrier preventing Canadians from purchasing sustainable seafood is a limited understanding of seafood certifications and labels. Furthermore, over a third of Canadians have identified the abundance of ecolabels as an obstacle to making sustainable seafood purchases and understanding sustainability issues.⁷ The authors suggest that governments could play a role in establishing a universally accepted minimum standard for sustainability with respect to ecolabel programs and in effectively communicating this standard to consumers.

Many seafood brands and retailers use third-party certifications to communicate and support their sustainability claims about their products. According to an international consumer insights survey conducted for the MSC in 2024 by GlobeScan, over 50% of Canadian consumers said they would be willing to pay more for sustainable products and almost two-thirds believe that

⁶ <https://www2.deloitte.com/content/dam/Deloitte/ca/Documents/consumer-industrial-products/ca-en-consumer-creating-value-from-sustainable-products-aoda.pdf?icid=en-hero>

⁷ See Winson A, et al. Ibid.

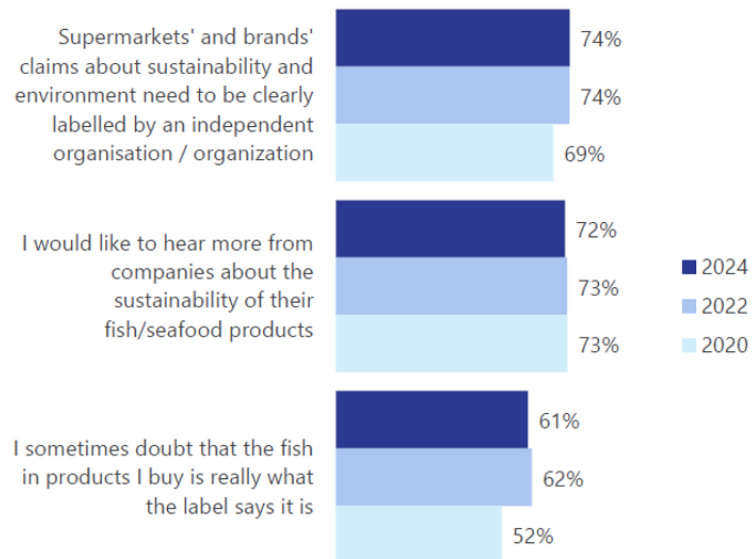
supermarkets' and brands' claims about sustainability need to be clearly labelled by an independent organization. (Figure 3). Certification organizations are influential to consumers and businesses and are a critical catalyst for meaningful environmental progress.

Reliable certification programs can benefit advertisers in many ways.

Many advertisers lack the expertise to carry out the scientific assessment of certified attributes. For example, in the case of the MSC, the fishery participants that seek MSC certification for fish they intend to sell at market might not have the expertise or wherewithal to carry out a fishery certification or assessment program. They rely on the expertise of the standard setter and certifiers, whose business it is to carry out the required standards development and assessments, and to ensure integrity of the certification, or else the use of a seal would not be possible. Further, by displaying the certification at retail, these purveyors can provide assurance to consumers who are increasingly aware of the supply chains underlying their fish purchase.

Figure 3: Demand for more information about sustainable seafood products and product origin has remained steady

Attitudes toward ocean sustainability issues, "describes opinion well," top three (5+6+7 on a 7-point scale), 2020–2024



Q5.1: How well does each of the following statements describe your opinions?
Base: Canadian Seafood consumers: n=1516

Even among certifications not all are created equal, depending on the underlying assurance, structure and monitoring and evaluation, some are better able to both ensure sustainability and effect positive change. Some employ rigor, transparency, best-science, and independence – all components of the ISEAL Code of Good Practice. Some do not adhere to some or all of these standards. Unfortunately, in most cases, consumers do not have the tools to distinguish strong certification programs from weak ones. Here, the Bureau's guidelines can play an important role in articulating the criteria or principles underlying strong certification programs.

2. Are there certain types of claims about environmental benefits of products or services that are less likely to be based on adequate and proper testing? Is there something about those types of claims that makes them harder to test?

Canadian consumers should have confidence that sustainability claims made by advertisers are credible, specific, verifiable and have demonstrated impacts. This would contribute greatly to reducing Canadian consumers' confusion and their growing skepticism and disempowerment.

There are several considerations unique to seafood that make their sustainability claims more difficult to test.

Seafood is the most widely traded food commodity in the world often sold through complex international supply chains, making assurance and verification of source integral in credible claims. When a product carries the MSC blue fish label, it means that every company within that supply chain must have a valid Chain of Custody (CoC) certificate. To achieve and maintain CoC certification, a business must be regularly assessed against the Standard by an independent certification body. The MSC Chain of Custody (CoC) Standard provides assurance that certified fish and seafood products are kept separate from non-MSC certified products throughout the supply chain and that procedures are in place so they can be traced back to MSC certified sustainable fisheries. Supply chain assurance and verification is also integral to making credible sustainability claims and should be considered in adequate and proper testing.

The sustainability of wild seafood fisheries is dynamic and necessitates regular assessments due to the significant impact of external environmental factors on fish populations, ecosystems, and the overall health of marine environments. These factors, which include human activities, climate change, and natural variability, can change over time, making the management of fisheries a complex and continuously evolving challenge. MSC certified fisheries are required to undergo annual audits to ensure that any significant changes in the physical environment or in fishery management are accounted for. Regular audits to verify the sustainability of the source are essential for thorough and appropriate testing. If regular third-party audits reveal that a fishery no longer meets the MSC standard there are assurance mechanisms in place to ensure seafood sourced from that fishery no longer carries the MSC ecolabel.

Canadian consumers might encounter a number of challenges when trying to determine the effectiveness and veracity of various ecolabels they encounter. For example:

A Canadian consumer who is concerned about the health of the ocean purchases seafood with a sustainability ecolabel on it and wants to know more about what the ecolabel represents and whether the claim is credible. This consumer goes to the internet to learn more about what the logo means and finds that the sustainability claim behind the logo is based on participation in one of several certified wild or aquaculture standards, or a recommendation from one of several ranking organizations.

The consumer would not be able to determine which scheme supported the recommendation for the fishery or farm from which the seafood in the product was sourced; they would not know by which of these different specific standards the ecolabel was granted and therefore determine why the seafood they are buying was deemed sustainable. Furthermore, as the product does not have an ecolabel from one of the several potential underlying certifications, there is no supply chain verification (Chain of Custody) required by these certification organizations to confirm the connection between the ecolabel and the sustainable fishery or farm. Moreover, a false equivalency between the various wild capture seafood certifications, aquaculture certifications, and ranking programs with different measures of sustainability, underlying processes to assess sustainability, assurance systems and evidence of positive impacts.

A credible certification ecolabel will ensure consumers can find information that pertains to that product so that they can be confident in the sustainability of the product. Specifically, it means the claim is:

- Clear - The ecolabel must be accompanied by language qualifying what the ecolabel specifically means, such as “This product comes from a fishery that has been independently certified to the MSC’s standard for a well-managed and sustainable fishery. www.msc.org”
- Verifiable - The package must carry a searchable Chain of Custody code specifying that the company who owned the product is certified and audited for their traceability systems for certified products.
- Based on a transparent, robust system backed by evidence - Publicly available information should describe the standards the product and fishery is assessed against, the underlying assurance systems of the certifications and monitoring and evaluation that demonstrates the impact of the underlying program for the environment.

3. What should the Bureau consider when it evaluates whether testing to support claims about the environmental performance of seafood is “adequate and proper”?

The Competition Bureau should affirm that any third-party sustainability system meets internationally recognized best practice, including meeting ISEAL’s Code of Good Practice.⁸

ISEAL is a nongovernmental organization that, among other things, provides advice to sustainability-focused organizations regarding best practices for standard-setting and implementation of standards. It is, in effect, a “certifier of certifiers.” The ISEAL Code of Good Practice draws upon relevant standard-setting guidelines developed by the World Trade Organization (“WTO”) and International Standards Organization (“ISO”), among others. It also draws upon another ISEAL standard, and the ISEAL Credibility Principles, which define the core values of credible and effective sustainability systems.⁹ In summary, there are eleven such Credibility Principles, covering sustainability goals, measurable progress, stakeholder engagement, transparency, truthfulness and continuous improvement, among other values. In turn, these principles are given further definition within the ISEAL Code of Good Practice.

The MSC’s Fisheries Standard and Chain of Custody Standard apply the ISEAL framework to provide foundations for sustainability systems to deliver greater impact on fisheries sustainability.

The complete MSC Fisheries Standard is attached hereto for reference [here](#). It embodies the ISEAL Code of Good Practice in numerous ways. The Fisheries Standard is designed around the assessment of fish stocks and is based on a published Fishery Certification Process,¹⁰ which is the process relied on by third-party auditors¹¹ who assess compliance of the fishery with the Fisheries Standard. The goal of this is to ensure that the fishery is conducted in a manner that does not lead

⁸ https://www.iseal.org/sites/default/files/resource/2017-11/ISEAL_Standard_Setting_Code_v6_Dec_2014.pdf

⁹ <https://www.iseal.org/get-involved/resources/iseal-credibility-principles-v2-2021-english>

¹⁰ <https://www.msc.org/standards-and-certification/developing-our-standards/the-fisheries-certification-process-review>

¹¹ <https://www.msc.org/for-business/certification-bodies>

to overfishing or depletion of exploited populations and, for those populations that are depleted, fishing levels allow the target species to maintain high levels of productivity.

The Fisheries Standard has been proven to work. Fisheries that stay in the program improve over time. Fisheries score significantly higher on average at their second assessment on all three principles of the Fisheries Standard: sustainability of stock, ecosystem impacts and effective management. (See Figure 4). This showcases that consumer recognition and buy-in from businesses can drive continuous improvement on the water.

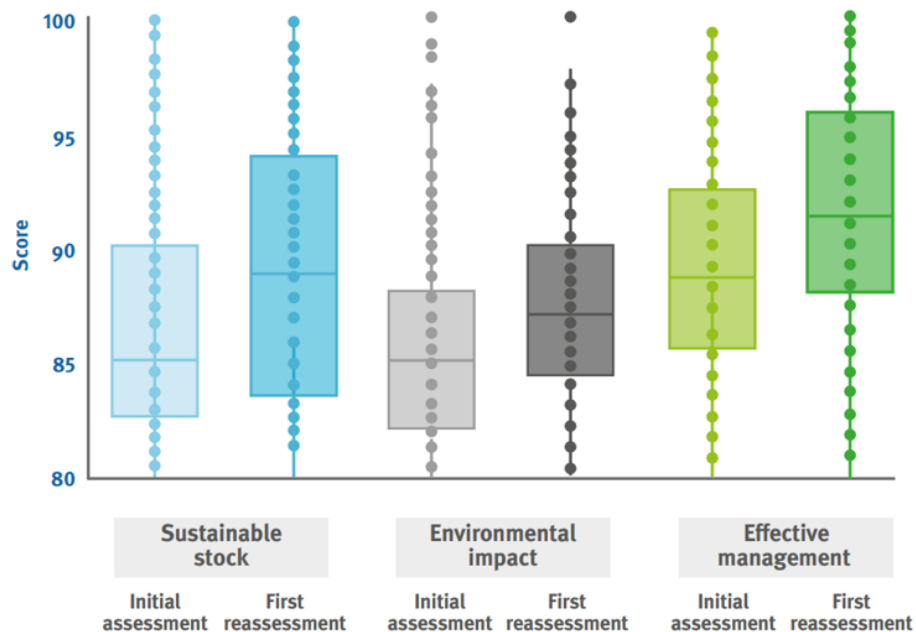


Figure 4: For certified fisheries that have completed at least two full assessments against the MSC Fisheries Standard, there is a statistically significant improvement between the average (median) score when they join the program and at the end of the certification period.

MSC-certified fisheries have made over 2,000 improvements since becoming certified. In Canadian fisheries alone, there have been 153 recorded improvements.¹² These do not include the uncountable number of improvements fisheries around the world have made to reach a point where they can be assessed against the Standard. More than 95% of MSC certified fisheries have made at least one improvement to achieve or maintain MSC certification. Improvements are delivered by over 1,400 conditions of certification (required improvements over the length of the certificate) set by independent assessors using the Fisheries Standard. Improvements have benefited ecosystems and habitats (66 improvements since 2018), endangered, threatened and

¹² https://www.msc.org/docs/default-source/na-files/msc-ca-state-of-the-water-report-2023.pdf?Status=Master&sfvrsn=31fbea01_3/%20MSC-CA-State-of-the-Water-Report-2023%20.pdf

protected species and bycatch (134 improvements since 2018), fishery management and governance (71 improvements since 2018) and stock status and harvesting (101 improvements since 2018).

The MSC periodically reviews its Fisheries and Chain of Custody Standards to ensure the overall program aligns with best practices. The Fisheries Standard has been reviewed and revised three successive times since 2011; the most recent review was concluded in 2022 and version 3.0 of the Standard released in October 2022. The review process is open to the public and attracts wide comment, thus satisfying the transparency principle.

The MSC Governance Structure (Figure 5) ensures that there are checks, balances and transparency associated with standards development. There is a Technical Advisory Board, made up of up to 15 fisheries scientists and technical experts, who can advise the MSC Board and Executive on standards development and implementation.

Another critical best practice implemented by the MSC is the separation of auditors from standards development. The MSC program is an independent certification program. This means that the MSC develops and publishes the Fisheries and Chain of Custody Standards. Assessments and certification decisions for fisheries or supply chain businesses are undertaken by third-party assessors, known as Conformity Assessment Bodies (“CABs”). Third-party assessments are independent, unbiased and offer the highest level of assurance that standards are being adhered to.

Certificates are issued by CABs who are independently accredited to perform assessments against our Fisheries and Chain of Custody Standards. To ensure complete independence, a third organization, Accreditation Services International (“ASI”), manages the accreditation of CABs to conduct MSC assessments. In this way, potential for self-interest is removed from the process.

For a fishery product to bear the MSC ecolabel, the fishery must be certified against the Fisheries Standard and businesses in the supply chain that buy and sell that product must be certified against the Chain of Custody Standard. The company that places the MSC ecolabel on a consumer facing product must sign a license agreement and submit those products for review and approval to

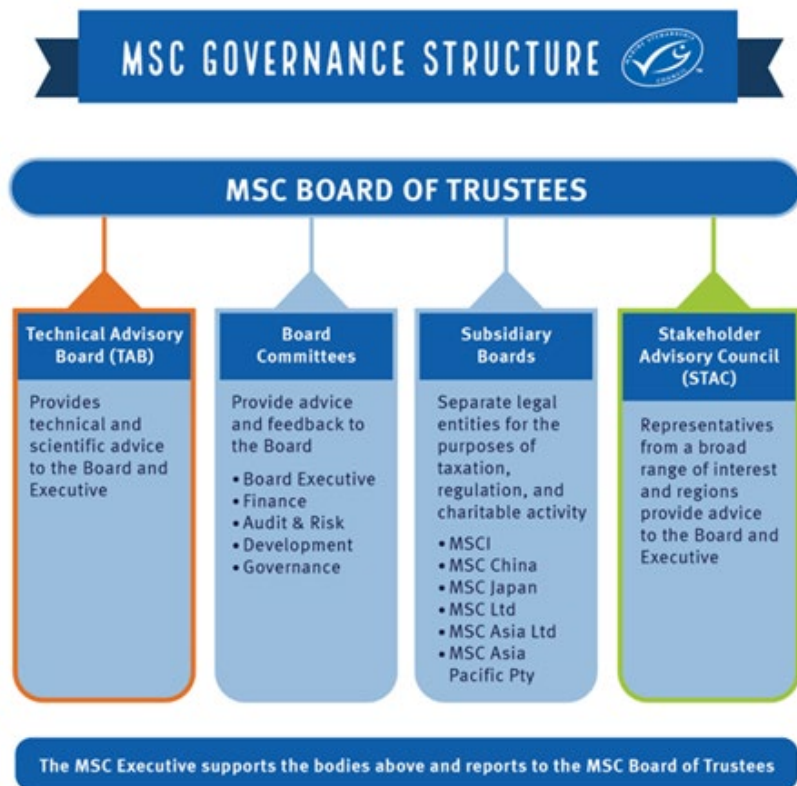


Figure 5: The MSC Governance Structure

ensure that the ecolabel and claim meet requirements, and that all associated on pack claims are correct and credible. This ensures that what is in the product is verified to be what it claims.

4. What challenges may businesses and advertisers face when complying with this provision?

The Bureau should address the different ways environmental claims are communicated and clearly define how various terminology is used. In particular, we refer to the use of the word “sustainable”. While some marketers use the term loosely to refer to “environmentally friendly” practices, the term does have a long and specific set of environmental-specific understandings in the fishery context.

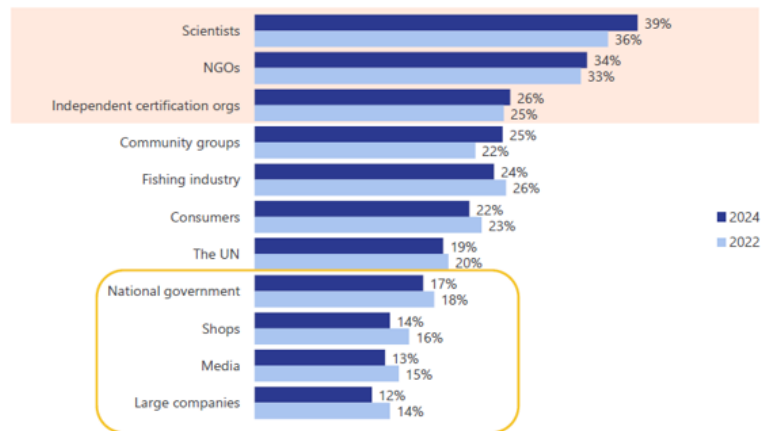
This legal and scientific background understanding of “sustainability” incorporated into Canadian fisheries management is aligned with the UN Food and Agriculture Organization’s Code of Conduct for Responsible Fisheries and this is the framework that underpins development of the MSC Fisheries Standard.

Consumers connect ecolabelled products with sustainability. Nearly half of Canadians (47%) indicate that they are willing to pay more for fishery products from a certified sustainable fishery. And Canadian seafood consumers rank independent certification orgs 3rd (after NGOs and Scientists) in contributing 'very well' to protecting the ocean environment. (Figure 6a)

Moreover, consumer surveys commissioned by the MSC, conducted independently by research consultancy GlobeScan, show that “sustainability” in the context of fisheries is understood by consumers to refer to the environmental impact of fishing. (Figure 6b) This tracks with other consumer studies in which consumers indicate their understanding that some level of responsibility to the environment and/or

Figure 6a: NGOs and scientists continue to be seen as leading on ocean protection, followed by certifications; perceptions of the fishing industry dropped slightly, along with shops, the media and companies

Contributing “very well” to protecting oceans, top two (6+7 on a 7-point scale), 2022–2024



Q3.1: How well do you think the following institutions are contributing to protecting the ocean environment?
 Base: Canadian Seafood consumers: n=1516

Figure 6b: Consumer Understanding of Sustainability

For consumers the understanding of sustainability centres on avoiding the depletion of resources, maintaining stocks and preserving the environment



future generations when describing the word sustainable¹³, and others that describe “sustainable fisheries” as inclusive of concerns about stock status, effective science-based management, and ecosystem impacts.¹⁴

Context matters in interpreting sustainability and in evaluating the credibility of ecolabels to support sustainability claims. The credibility of an ecolabel to support a claim should look at the organization-level systems, policies, and processes for bringing about positive outcomes.¹⁵ High performing ecolabels generally “aim big”, implement rigorous compliance procedures, have routine audits and unannounced inspections, engage highly qualified assessors or auditors, and demonstrate transparency throughout their operations.¹⁶ An analysis conducted by Dr. Hamish van der Ven at the University of British Columbia demonstrated that the strength of ecolabelling organizations in each of these areas can vary by organization and by the sector with which they engage.¹⁷

When it is clear from context, such as in the case of fisheries, that the term refers to a specific environmental attribute of preventing overfishing and minimizing impacts on aquatic ecosystems, then the advertiser or certifier should not be required to provide extensive additional explanation. However, there could be less familiar contexts where use of the term is not readily understood, in which case qualification would be appropriate to avoid consumer confusion.

Therefore, the MSC encourages the Bureau to issue guidance regarding the term “sustainability” that is flexible, yet which makes clear that context may drive consumer understanding and that a single recommended qualification is not possible. In this context, we suggest the following example could be useful:

An advertiser labels wild-caught shrimp with a label that states in a blue circle, “Certified Sustainable.” This statement is backed by an up-to-date certification by a reputable, third-party, independent certification organization that has assessed and concluded the shrimp are not overfished or in danger of becoming overfished. If the statement is accompanied by a URL indicating the identity of the third-party certifier, and information regarding the certification process and standard is available at that URL, the claim is not deceptive.

This example recognizes that in this context, the consumer will not be misled by the term “sustainable”. This helps create certainty through a regulatory “safe zone” and enables the claim to be made.

¹³ Gutierrez, Alexis and Thomas F. Thornton, 2014. Can Consumers Understand Sustainability through Seafood Ecolabels? A US and UK Case Study. *Sustainability*.

¹⁴ Packer, Helen et al. 2019. Corporate Social Responsibility (CSR) Practices of the Largest Seafood Suppliers in the Wild Capture Fisheries Sector: From Vision to Action. *Sustainability*.

¹⁵ van der Ven, Hamish. *Beyond Greenwash? Explaining Credibility in Transnational Ecolabeling*. Oxford University Press. 2019. p.4

¹⁶ Ibid, p. 42

¹⁷ Ibid, p. 43

Conversely, if the Bureau were to define “sustainability” in a manner that is too broad or all-encompassing, it would possibly be too onerous, and advertisers and certifiers would start to avoid it. This would remove market incentives created and reduce the possibility of continuous and meaningful environmental improvements.

Further, if lower-integrity seals, logos, or ecolabels proliferate, companies may gravitate toward “easier” and less costly (because they are less rigorous) options and consumers may not be able to easily distinguish between different product claims. This risks lowering consumer trust and confidence in all certification labels. This degradation of consumer trust and demand, and less credible or nonexistent product claims, ultimately negatively impacts the benefits of credible and comprehensive certification programs to work with businesses to drive improvements in fisheries and supply chains through public awareness and demand. Our goal to end overfishing and improve ocean health will not be realized.

5. What other information should the Bureau be aware of when thinking about how and when to enforce this provision?

Guidance developed by the Bureau can help advertisers, in similar ways to the certification bodies they engage with, ensure that the environmental claims they make are clear and well-supported, meeting the needs of consumers and reducing the risks of legal or other challenges and, in turn, providing incentives for advertisers to continue to make improvements that will benefit the environment. Conversely, if every environmental claim remains undefined, and unqualified claims proliferate, challenges from consumer groups is more likely to proceed unchecked and advertisers will be more reluctant to advertise the improvements that they have achieved – leading to so-called “green hushing”.

Regarding the advertiser’s display of a certification mark, we urge the Bureau to be flexible. The meaning of some certification marks or ecolabels are obvious in context. Others, if they potentially communicate unqualified, general environmental benefits, should be qualified. However, because of the underlying complexity in sourcing, supply chains, certification, and packaging, the Bureau should not mandate that advertisers include detailed statements on pack regarding the basis for every certification. Explanatory materials can be provided by QR code or URL, which are an ever more accepted method to refer consumers to more detailed information regarding the certification.

Loading up every package with onerous disclaimers and qualifications will only discourage use of certifications. Over time, familiar certifications will gain in consumer recognition, reinforcing the imperative for the certification organization to maintain a highly credible and rigorous program which will benefit consumers and add value to advertised products that may properly display such marks.

If the bureau establishes guidelines that recognize and support internationally recognized methodologies and certification schemes, this will also ensure consistency with the greenwashing guidance and legislation of other jurisdictions. Such consistency would aid Canadian producers in selling their products in international markets like the United States and the European Union, while also simplifying considerations for products imported into Canada.

We appreciate this opportunity to share our views with the Bureau. The MSC would be happy to respond to any questions the Bureau has about consumer claims related to sustainable wild-caught seafood.

Please feel free to contact me if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'KH', written in a cursive style.

Kurtis Hayne,
Canada Program Director