

Bice busted: Eateries caught in fish fraud

June 11, 2009

BY ISAAC WOLF | SCRIPPS HOWARD NEWS SERVICE

Restaurants in four cities across the country have been caught charging patrons for top-notch seafood while actually peddling inferior fillets.

A Scripps Television Station Group investigation in Kansas City, Mo., Phoenix, Baltimore and Tampa, Fla., found that in 23 out of 38 meals tested the fish species was incorrectly marketed and billed as fancier fare.

For instance, fish listed on menus as "red snapper" was often found to be far-cheaper tilapia, while "grouper" was really catfish, the investigation showed. Such substitutions can save a restaurant a bundle -- while red-snapper fillets cost around \$5.20 a pound wholesale, tilapia goes for just \$2.20 a pound, according to food commodity analysts.

The Scripps reports, based on DNA analyses of the fish, provide more evidence of the pervasiveness of fish fraud in U.S. restaurants. Although similar testing has been done in New York City and Mobile, Ala., the Scripps project is the first to look at several cities in different parts of the country.

It also is the most extensive look at the incidence of fish mislabeling since a National Marine Fisheries Service report found that 37 percent of fish and 13 percent of other seafood (such as shellfish) were mislabeled over a nine-year period ending in 1997.

Spencer Garrett, who heads the fisheries-service laboratory that conducted that study, thinks fish fraud has increased since then. But he doesn't know for sure, because no follow-up study has been done.

The Scripps investigation found:

- The president of an international restaurant chain, Bice Bistro, admitted to intentionally swapping catfish for grouper after NBC Action News KSHB-TV tested fish in Bice's Kansas City, Mo., location.
- JK Sushi in Phoenix changed its menus the day after ABC15 News KNXV discovered that the advertised red snapper was actually tilapia.
- The owner of the Baltimore restaurant Luna Del Sol apologized after ABC2 News WMAR found that the "grilled grouper" -- priced at more than \$25 -- was in fact Asian catfish.
- When Acropolis Greek Tavern in Tampa, Fla., was caught serving catfish instead of grouper, the eatery's owner told WFTS ABC Action News that the fish suppliers -- and not him -- were to blame.

Industry experts say fish fraud comes in a variety of forms: substitution and mislabeling at the restaurant level, misrepresentation by restaurant suppliers, and fraud by domestic fish importers and foreign exporters.

Los Angeles federal prosecutor Joseph Johns, who broke up a fish-fraud ring last year, said the scope of the problem is huge.

"There's just an unbelievable amount of fraud being perpetrated on the American public," Johns said. "It's high time somebody really (looks) into this."

But government oversight has been scant, Scripps found.

Industry experts say that because the federal government isn't tracking mislabeled fish in restaurants or supermarkets, they have no idea about how often it's happening -- or how much money it's costing the public. Americans consume about 5 billion pounds of seafood a year.



These are real grouper fish. But some restaurants -including the Kansas City location of Bice - use catfish instead. (AP)

While federal authorities want to understand the extent of the fraud, they don't have the resources to address it head-on, said Gavin Gibbons, spokesman for the National Fisheries Institute, a Washington-based trade group that wants closer oversight of fish imports.

In a February report, the U.S. Government Accountability Office criticized the U.S. Food and Drug Administration, which concentrates on food-safety matters, for giving short shrift to detecting and preventing fish fraud. The GAO investigators urged the FDA to expand its focus to include false labeling and to collaborate with the U.S. National Marine Fisheries Service and U.S. Customs and Border Protection to root it out.

But the FDA, citing budget constraints, said it is not planning to scrutinize fish for misrepresentation, said agency spokeswoman Stephanie Kwisnek.

"Species substitution isn't our top concern," Kwisnek said. "But we do take it seriously."

Also pleading a shortage of resources, the parent agency of the National Marine Fisheries Service -- the U.S. National Oceanic and Atmospheric Administration -- says it doesn't have the manpower to conduct spot checks on fish imports for labeling accuracy more than every month or two, said Alan Wolf, NOAA assistant special agent in charge for the northwest region of the country. The service spends most of its time protecting endangered fish species.

Garrett, who directs the National Seafood Inspection Laboratory, thinks fish inspections for veracity should be mandatory. Currently, federal inspectors examine for quality only a third of fish imports under a voluntary program in which large purchasers, such as supermarkets and restaurant chains, pay a fee for the tests, Garrett said.

"We have to tighten our (inspection) program and then demand the same from our exporters," Garrett said, calling for stronger oversight of seafood exporters overseas. "We need to take a fresh look with new eyes at an old problem."

To take such a look, Scripps reporters in March ordered fish meals listed on the menus at the restaurants and sent the fish to two testing facilities: Fort Lauderdale, Fla.-based Guy Harvey Research Institute at the Oceanographic Center of Nova Southeastern University, and St. Augustine, Fla.-based Fish DNA ID.

After KSHB-TV in Kansas City, Mo., found that Bice Bistro was selling catfish instead of the advertised grouper at the Kansas City eatery, the restaurant chain's president, Raffaele Ruggeri, admitted that his company regularly changes species without updating its menu.

"We would consider changing the name on our menu to accurately reflect all species of fish being served nationally but in no way will we change the product as we stand by its quality," Ruggeri said in a statement. His company, Bice Restaurant Holding, owns 40 restaurants around the world, with locations in Naples and Palm Beach, Fla., Glendale, Ariz., as well as New York City, Chicago and Los Angeles, according to the company Web site.

Lawyers at the U.S. Federal Trade Commission are reviewing KSHB's report to see if Bice's practice amounts to false advertising and will decide whether to launch an investigation, said agency spokeswoman Betsy Lordan. The FTC never has investigated cases of fish fraud, but has the authority to do so, Lordan said.

The Scripps investigation found that both suppliers and restaurants engage in substitution.

Reporters at WFTS in Tampa found restaurants that commonly use a cheaper type of fish after they've run out of what's on the menu. When El Rincon Mexicano Restaurante was out of the "fried fillet of grouper," the eatery simply served catfish. Owner-manager Felix Lugo insisted that servers always tell customers when the kitchen's out of a specific kind of fish.

But WFTS found that, in 2008, the restaurant was cited for food-product misrepresentation when a Florida state inspector identified 130 pounds of catfish in the freezer that was labeled as grouper.

Among the places you are most likely to receive the wrong fish are sushi houses, according to the Scripps TV investigation. Scripps tested fish billed as red snapper at nine Japanese restaurants -- eight in Kansas City and one in Phoenix. All of them substituted cheaper species, the reporters found. Sushi houses commonly serve Izumidai, a cheap tilapia specially processed to have a red hue so it resembles snapper.

In Tampa, Costa Waez, owner of the Acropolis Greek Tavern, blamed his suppliers for sending him catfish instead of grouper when WFTS reporters found the switch. "I pay for grouper -- high-price grouper -- and I'm expecting to have grouper," Waez said. "If any of those companies send me grouper, and it's not grouper, how would I know?"

In Phoenix, KNXV tested four restaurants, and found two served fish that did not match what they were called on the menus. When reporters asked the manager of one restaurant, JK Sushi, why it served tilapia instead of the advertised red snapper, the eatery fixed its menu the next day. And at McGrath's Fish House in the Phoenix suburb of Scottsdale, the advertised Pacific snapper was actually rockfish. McGrath's didn't return calls for comment.

In Baltimore, seafood restaurants fared better. Of four restaurants tested by WMAR, only one -- Luna Del Sol -- served the wrong species. Owner Tony Assadi said he takes pride in knowing his fish, and apologized for serving Asian catfish instead of the advertised grilled grouper.