

115TH CONGRESS
2D SESSION

H. R. 5024

To exclude the species known as bullet tuna and frigate tuna from the standard of identity established for canned tuna, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2018

Mrs. RADEWAGEN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To exclude the species known as bullet tuna and frigate tuna from the standard of identity established for canned tuna, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Re-Establishing Accuracy in Labeling of Tuna Act of
6 2018” or the “REAL Tuna Act of 2018”.

7 (b) FINDINGS.—Congress finds the following:

8 (1) There are no fishery management plans in
9 place for the commercial harvest of the bonito fish
10 known as *Auxis thazard* and *Auxis rochei*.

1 (2) In 2013, Customs and Border Protection
2 ruled that bonito fish of the *Auxis* species in airtight
3 containers not in oil are dutiable at 4 percent ad va-
4 lorem which created a dramatic advantage in com-
5 parison to tunas which under the Harmonized Tariff
6 Code are dutiable to 35 percent for tuna preserved
7 in oil and 12.5 percent for tuna preserved in water.

8 (3) Since 2013 there has been a dramatic in-
9 crease in the unregulated harvest of these species by
10 foreign fishing fleets for sale into the United States
11 market.

12 (4) The Food and Drug Administration allows
13 *Auxis thazard* and *Auxis rochei* to be labeled and
14 sold as “light tuna” so long as the fish is not darker
15 in coloration than Munsell value 5.3.

16 (5) The combination of the duty differential
17 and the ability to label *Auxis thazard* and *Auxis*
18 *rochei* as light tuna has caused a flooding of the
19 United States food service and canned tuna markets.

20 (6) Consumers are purchasing *Auxis thazard*
21 and *Auxis rochei* under the mistaken belief they are
22 purchasing tuna such as albacore, skipjack, or yel-
23 lowtail.

1 **SEC. 2. STANDARD OF IDENTITY FOR CANNED TUNA.**

2 (a) IN GENERAL.—The standard of identity for
3 canned tuna, as issued by the Secretary of Health and
4 Human Services pursuant to section 401 of the Federal
5 Food, Drug, and Cosmetic Act (21 U.S.C. 341), is deemed
6 not to include the following species:

7 (1) *Auxis rochei* (Risso, 1810)—Bullet tuna.

8 (2) *Auxis thazard* (Lacepede, 1800)—Frigate
9 tuna.

10 (b) REGULATIONS.—The Secretary of Health and
11 Human Services, acting through the Commissioner of
12 Food and Drugs, shall amend such regulations as may be
13 necessary to implement subsection (a).

14 (c) EFFECTIVE DATE.—Subsection (a) takes effect
15 on the date that is 6 months after the date of enactment
16 of this Act.

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