

# takepart

## Your Oysters Are Impostors—Expensive, Slurpable Frauds

Here's why your shucker may be a huckster.



(Photo: NightAndDayImages/Getty Images)



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Clare Leschin-Hoar's stories on seafood and food politics have appeared in *Scientific American*, *Eating Well* and elsewhere.

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The first time it happened, the call came from oyster grower Bren Smith's mom. She was ecstatic to see his [Thimble Island oysters](#) for sale at a local market in Newport, R.I.

The problem? His Long Island, N.Y.-based farm wasn't selling to anyone in Rhode Island at the time. Nor was his distributor.

Soon he heard from a shellfisher who had seen his oysters in a fish market in Mystic, Conn., and after that, from friends who rang him up excited to have had his oysters in New York. Places he had never sold to.

"If the oysters are really good, it doesn't hurt me, but I worry about poor-quality or bad-tasting oysters. That will ruin my brand," he says. "After [hurricanes] Irene and Sandy, my whole oyster crop was wiped out. And then I was absolutely sure because I didn't have any oysters on the market, and

people were still calling me up to tell me they were eating my oysters in different places.”

Two to three dollars a pop is a pretty inexpensive price to pay for what many consider to be an aphrodisiac, but order a few dozen with friends, and the price tag mounts, making the food ripe for fraud.

“I’m surprised by very few things when it comes to seafood fraud,” says Beth Lowell of Oceana, an environmental group that’s been investigating fraud in finfish since 2010. Oceana's findings? It’s a pervasive problem across the U.S.

“What we saw with finfish was, when it was a highly desired, more expensive fish, it got swapped out for a lower-cost product. There was an incentive for fraud,” says Lowell.

While we only eat [five species of oyster](#): Eastern, Pacific, Kumamoto, Olympia, and European flats, that’s not the way they’re labeled on most menus. Instead we see [lovely brand names](#) such as Moonstones, Sweet Petite, or Lady’s Island, all of which come with their own “[merroir](#)”—depending on the minerals, salinity, and temperature of the water in which they’re grown—which provides each slurp with its own unique taste. The more desirable the oyster, the higher price it can command.

“This goes back 100 years,” says Jon Rowley, seafood marketing consultant and oyster expert. “Bluepoint oysters were desirable because they had a certain taste and commanded a better price. People started realizing they could get a better price for their oyster [if they sold them as bluepoints](#). New York has a law that says you can’t do that in the state of New York, but they didn’t have a say on oysters shipped out of New York.”

Oyster fraud is about more than just getting duped out of a couple bucks. By law, oysters must carry a tag that includes information on the grower or harvester, origin, harvest date, and more. There’s a reason why strong

traceability requirements are in place: For the most part, we eat oysters raw. They're a high-risk food. The CDC found that incidence of vibrio infection, associated with eating raw shellfish, was [43 percent higher in 2012](#) than it was from 2006 to 2008.

To boot, handling practices and cold-chain management practices can vary wildly from producer to producer.

“When someone substitutes a lower-quality, lower-price oyster in for an Island Creek, they're undermining our efforts at growing our name and brand,” says Chris Sherman, president of Duxbury, Mass.-based [Island Creek Oysters](#), which sells around 5 million oysters a year. He says oyster fraud isn't rampant, but it is persistent. The company acts as its own distributor and tightly controls where the oysters end up. Once a month or so, fraud pops up on his radar. And that's cause for concern, he says.

“If a restaurant substitutes them on the menu, and someone gets sick, it would be traced back to us, and it wasn't our oyster or our fault,” says Sherman. It's troubling, and that's the part that restaurants and retailers don't realize. There's a hefty public health issue in making the swap. If they just run out of Island Creeks and put another in its place thinking they'll change the menu later—it can be very damaging as well.”

The National Restaurant Association says the topic of seafood fraud is a priority and that it is [working closely with the National Fisheries Institute](#), the seafood trade association.

There's a more ominous side to oyster fraud: poaching.

On Wednesday, in one of their largest busts in recent years, Maryland officials confiscated a tractor trailer full of [wild poached oysters](#) headed for a Virginia packinghouse. The truck carried 188 bushels of oysters—nearly all of which were below the legal size.

Maryland Natural Resources Police spokesperson Candy Thompson says the investigation is ongoing and that the oysters were harvested from known beds. However, if the plan had not been foiled, the oysters “could have shown up anywhere—a wholesaler, a restaurant, the public,” said Thompson.

“If it’s a poached oyster, they’re probably not doing any paperwork on it,” says Steve Vilnit of the Maryland Department of Natural Resources Fisheries Service, paperwork that would include traceable information such as history of temperature controls and harvest location.

“If they’re taking oysters from an area not deemed for consumption—like marinas or sewage areas—someone could get very sick on that,” he says.

Still willing to take a risk for that fleeting moment of briny goodness? (We are.) While the shipping tag can be altered, it’s not simple to do. Tags are generated through a licensing process. Many carry the label of the grower.

And Rowley says you have a right to see them.

“That shipping tag is required. A restaurant customer or anyone in the distribution system has a right to see it. So if you’re in a restaurant and you want to check out an oyster’s freshness or origin, ask for the shipping tag. They have to show it to you,” he says.