



# City of Richmond

## Report to Committee

**To:** General Purposes Committee  
**From:** Phyllis L. Carlyle  
General Manager, Law and Community Safety  
**Re:** Shark Fins

**Date:** February 22, 2013  
**File:** 12-8000-04/2012-Vol 01

### Staff Recommendation

That the staff report titled "Shark Fins" (dated February 22, 2013 from the General Manager, Law & Community Safety) be received for information.

Phyllis L. Carlyle  
General Manager, Law & Community Safety  
(604-276-4104)

REPORT CONCURRENCE			
REVIEWED BY DIRECTORS	INITIALS: DW	REVIEWED BY CAO	INITIALS: 

## Staff Report

### Origin

At the July 9, 2012 Council meeting, Council heard a delegation regarding the banning of shark fins and passed the following resolution:

*That staff investigate the matter of shark fins, and report back by the end of 2012 on:*

- (1) options for a simultaneous ban with the City of Vancouver;*
- (2) any standard educational plans related to shark fins with information on what is currently in place, and what could be in place with or without other steps;*
- (3) information on what is in place in the region and in other cities; and*
- (4) information on enforcement of a shark fin ban and the associated costs, as well as information on the jurisdictional issues around enforcement.*

This report responds to the above referral.

### Background

Over the summer of 2012 the Vancouver Animal Defence League advanced an awareness program to local governments in the Metro Vancouver region on the practice of shark finning and asked the local governments to enact bylaws banning the sale and or distribution of shark fins and shark fin products.

At the September 2012 UBCM Convention a resolution that the federal government ban the import of shark fins into Canada was endorsed.

The regulation of shark finning and importation of shark fins are matters within federal jurisdiction. Canada is a member nation of *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (the "Convention") which sets controls on the movement of animal (and plant) species that are, or may be, at risk of overexploitation due to illegal trade. As a member nation, Canada is obliged to prevent the import of endangered species and it does so through the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*. The purpose of this Act is to protect Canadian and foreign species of animals and plants by prohibiting:

- the import into Canada of any animal (or plant), or their part or derivative, that was taken in contravention of any law of a foreign state;
- the import into or export from Canada of the above items without a permit; and
- the possession of the above items if they are contained in the endangered species list under the Convention.

A number of shark species (such as the basking shark and great white shark) are included on the endangered species list and are subject to the above prohibitions.

The federal government has legislation aimed at protecting threatened wildlife species within Canada. The *Species at Risk Act* includes a number of shark species in its list of domestic endangered species.

The practice of shark finning in Canadian fisheries waters and by Canadian-licensed vessels is prohibited under the *Fisheries Act*. Sharks harvested in Canadian domestic waters and Canadian vessels must be landed with their fins.

Despite the federal legislation, there is no labelling requirement for shark fin products. Therefore, it is not possible to confirm that fins being imported into Canada are only being sourced from non-endangered species or from fisheries that do not practice shark finning.

There have been two federal Private Members' Bills seeking to address the issues pertaining to shark finning internationally and importation and labelling of shark products in Canada. In December 2011, Bill C-380 (**Attachment 1**) was introduced in the Parliament to amend the *Fisheries Act* to prohibit the practice of shark finning generally (within and outside Canadian fisheries waters) and to amend the *Fish Inspection Act* to prohibit the import of shark fins that are not attached to the rest of the shark carcass (except with a permit for certain limited purposes). In April 2012, Bill C-417 (**Attachment 2**) was introduced which would require labelling of imports of sharks and shark products with the shark's common name and country of harvest and prohibit the import and sale of these products unless they are labelled with such information. Bill C-380 was considered by Parliament on February 11, 2013, with a summary comment during the debate from Mr. Randy Kamp, Parliamentary Secretary to the Minister of Fisheries and Oceans and for the Asia-Pacific Gateway, stating "the government cannot support the private member's bill, Bill C-380." Further discussion on Bill is scheduled for March 22 and a vote tentatively scheduled for March 27, 2013.

The City has received over 400 public emails and comments speaking in favour of a ban on shark fins, with most noting the inhumane treatment of sharks and impact on endangering the species. The BC Asian Restaurant Cafe Owners Association has submitted a petition with 1,130 signatures in support of not imposing a ban on shark fin. Other public comments note that local governments should not be mandating what the public cannot consume.

In response to concerns about endangered sharks, the Chinese government is moving toward no longer serving shark fins at formal state dinners. Cathay Pacific Airlines, which had been the largest transporter of the commodity, is no longer accepting shipments.

### **Analysis**

The following provides information as requested in the resolution passed by Council on July 9, 2012. Further, staff have identified options with respect to this issue for consideration by Council.

#### **(1) Options for a simultaneous ban with the City of Vancouver**

On September 18, 2012, Vancouver City Council passed the following resolution:

"Therefore be it resolved that Vancouver City Council instruct staff to work directly with the Cities of Richmond and Burnaby in order to develop a common approach to ban the sale of Shark Fin in our cities and report back to City Council on these options."

As of the date of this report, City of Vancouver staff has not brought forward a report to their Council in response to the above referral.

Coincidental to Council's referral in July, Burnaby City Council on June 25, 2012 also heard a delegation from a representative from the Vancouver Animal Defence League requesting that the City of Burnaby, in conjunction with the cities of Richmond and Vancouver, implement a simultaneous ban on the possession, sale and trade of shark fins. Arising from that delegation, the following motion was passed by Burnaby City Council:

“THAT the presentation by the delegation be **REFERRED** to staff for report.”

On February 18, 2013, Burnaby City Council considered a staff report in response to the above referral. The staff report recommended against the adoption of a bylaw prohibiting the possession, sale and trade of shark fins for the following reasons:

- Legal uncertainty relating to City authority to prohibit shark fins
- No City authority to seize alleged bylaw violations for verification
- Gaps in the shark fin verification process for regulation and enforcement

Burnaby Council decided against a ban on shark fin.

Notwithstanding the efforts of the Vancouver Animal Defence League and their supporters for local governments to enact municipal bylaws prohibiting the possession, consumption, sale and distribution of shark fins, City staff are of the opinion that such a prohibition is outside of the City's jurisdiction. In November 2012, the Ontario Superior Court ruled that a Toronto bylaw prohibiting the possession, consumption and sale of shark fin and shark fin food products was invalid due to a lack of municipal purpose. The Court found that the Toronto bylaw did not have any identifiable benefit for Toronto as it relates to the environmental or social well-being of the City and there was no evidence that consumption of shark fin food products had an adverse impact on the health of the community as a local entity. The City of Toronto will not be pursuing its appeal of the Court decision.

While Toronto will not be pursuing its appeal, Toronto City Council did resolve the following:

*That:*

1. *City Council request the City Manager, in consultation with the Medical Officer of Health, to:*
  - a. *conduct a comprehensive review to identify any adverse consequences to the City and its inhabitants arising from population depletion of oceanic species used as food sources, including any health, environmental, ecological and animal welfare consequences, such review to include consideration of shark populations and shark finning;*
  - b. *to identify and consider options available to the City, including any regulatory options, to reduce or eliminate whatever environmental, ecological, health, animal welfare or other concerns may be identified in the review; and*
  - c. *to report, in consultation with the City Solicitor, to the June 27, 2013 meeting of the Licensing and Standards Committee.*

Given the Ontario Superior Court decision striking down Toronto's shark fin bylaw, which reinforces staff's opinion on the issue of jurisdiction, staff does not recommend the adoption of a bylaw regulating the possession, consumption or sale of shark fins and shark fin food products in the City of Richmond.

**(2) *Any standard educational plans related to shark fins with information on what is currently in place, and what could be in place with or without other steps***

The internet provides an abundance of information available for consumers to educate themselves on the issue of shark fins and shark fin food products. With this information the informed consumer is in a position to make their own choice about shark fin food products.

In addition to a Vancouver Animal Defence League representative speaking to Council supporting a ban on shark fins, a local non-profit organization called Shark Truth (<http://www.sharktruth.com>) promotes awareness, education and action for sharks with a specific focus on creating change in the community. Internationally, there are a number of organizations promoting awareness and action in regards to the issue.

To promote consumer awareness of the issue, the City has proposed to work with the BC Asian Restaurant Cafe Owners Association who indicate support for the development and distribution a brochure dealing with consumption of shark fins.

**(3) *Information on what is in place in the region and in other cities***

At the provincial level, none of the Canadian provinces and territories has implemented prohibitions on the sale or possession of shark fin.

At the municipal level, the City of Calgary and several Ontario municipalities have implemented bans dealing with shark fins. The Ontario municipalities include Toronto, Mississauga, Oakville, Brampton, Brantford, London and Newmarket. The bylaws prohibit possession, sale, distribution, trade, consumption or a combination of these. As discussed above, Toronto's bylaw was struck down by the Ontario Superior Court, which held that the Toronto bylaw was invalid due to a lack of municipal purpose.

Within British Columbia, as of the date of this staff report, the municipalities of Port Moody, City of North Vancouver, Maple Ridge, New Westminster, Nanaimo and Abbotsford have each adopted bylaws to prohibit the sale and distribution of shark fins. Councils for the City of Surrey, City of Burnaby and Corporation of Delta also received delegations advocating a prohibition on the possession, sale and distribution of shark fins but decided to not implement such a bylaw.

**(4) *Information on enforcement of a shark fin ban and the associated costs, as well as information on the jurisdictional issues around enforcement.***

The enforcement of federal legislation and the prosecution of violations under their legislation are within the jurisdiction of the responsible federal government department.

There are significant challenges associated with enforcing a bylaw prohibiting the sale and distribution of shark fins, including:

- lack of authority for City staff to seize products for analysis and verification; and
- identifying shark fin and or its origin (without sufficient packaging detail) will require outside agencies to assist in product identification as the product is typically skinned, dried, processed, fragmented or cooked and the fin is visually unidentifiable.

**Financial Impact**

There is no financial impact associated to this report.

**Conclusion**

There has been much media attention around the issue of prohibiting the sale and distribution of shark fins and shark fin food products. Matters relating to shark finning and shark fin food products, however, are within federal rather than municipal jurisdiction.



W. Glenn McLaughlin  
Chief Licence Inspector & Risk Manager  
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*Done - Leung for,*  
May K. Leung  
Staff Solicitor  
(604-276-4693)

## Attachment 1

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60 Elizabeth II, 2011Première session, quarante et unième législature,  
60 Elizabeth II, 2011

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

**BILL C-380****PROJET DE LOI C-380**An Act to amend the Fish Inspection Act and the Fisheries Act  
(importation of shark fins)Loi modifiant la Loi sur l'inspection du poisson et la Loi sur les  
pêches (importation de nageoires de requin)

FIRST READING, DECEMBER 8, 2011

PREMIÈRE LECTURE LE 8 DÉCEMBRE 2011

MR. DONNELLY

M. DONNELLY

411408

## SUMMARY

## SOMMAIRE

This enactment amends the *Fish Inspection Act* to prohibit the importation of shark fins in Canada. It also amends the *Fisheries Act* to prohibit the practice of shark finning, thereby establishing a legislative prohibition.

Le texte modifie la *Loi sur l'inspection du poisson* afin d'interdire l'importation de nageoires de requin au Canada. Il modifie également la *Loi sur les pêches* afin d'interdire la pratique de l'enlèvement des nageoires de requin, établissant ainsi une interdiction législative.

Also available on the Parliament of Canada Web Site at the following address:  
<http://www.parl.gc.ca>

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>

1st Session, 41st Parliament,  
60 Elizabeth II, 20111<sup>re</sup> session, 41<sup>e</sup> législature,  
60 Elizabeth II, 2011

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

**GP - 19**

## BILL C-380

## PROJET DE LOI C-380

An Act to amend the Fish Inspection Act and the Fisheries Act (importation of shark fins)

Loi modifiant la Loi sur l'inspection du poisson et la Loi sur les pêches (importation de nageoires de requin)

Preamble

Whereas in 1994 the Canadian Government banned shark finning — namely, the practice of removing the fins from sharks and discarding the remainder of the sharks while at sea — in Canadian fisheries waters and with respect to Canadian licensed vessels fishing outside of Canada's exclusive economic zone;

Attendu :

Préambule

qu'en 1994 le gouvernement du Canada a interdit, dans les eaux de pêche canadiennes et pour les bateaux immatriculés au Canada qui pêchent à l'extérieur de la zone économique exclusive du Canada, l'enlèvement des nageoires de requin, pratique qui consiste à couper les nageoires du requin et à jeter le reste de la carcasse en mer;

Whereas Canadians are increasingly aware of the devastating effect of the continuing practice of shark finning and the resulting decline in shark species in Canadian waters and around the world and support measures to stop this practice and to ensure the responsible conservation, management and exploitation of sharks;

que la population canadienne est de plus en plus consciente des effets dévastateurs de cette pratique et du déclin des espèces de requins dans les eaux canadiennes et à l'échelle mondiale qui en découle, et qu'elle appuie les mesures prises pour y mettre fin et assurer la conservation, la gestion et l'exploitation responsables des requins;

And whereas the importation of shark fins is not supportable in the face of the dramatic decline in shark species;

que l'importation de nageoires de requin n'est pas justifiable au vu du déclin marquant des espèces de requins,

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

## SHORT TITLE

## TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Ban on Shark Fin Importation Act*.

1. *Loi interdisant l'importation de nageoires de requin.*

Titre abrégé

R.S., c. F-12

## FISH INSPECTION ACT

## LOI SUR L'INSPECTION DU POISSON

L.R., ch. F-12

2. The *Fish Inspection Act* is amended by adding the following after section 3:

2. La *Loi sur l'inspection du poisson* est modifiée par adjonction, après l'article 3, de ce qui suit :

Prohibition

3.1 (1) Except as provided in subsection (2), it is prohibited to import or attempt to import shark fins that are not attached to the rest of the shark carcass.

3.1 (1) Sous réserve du paragraphe (2), il est interdit d'importer ou de tenter d'importer des nageoires de requin séparées du reste de la carcasse.

Interdiction

Exception

(2) A person may import shark fins that are not attached to the rest of the shark carcass only if the Minister has issued a permit to that person authorizing such an importation.

(2) Toute personne peut importer des nageoires de requin séparées de la carcasse à la condition qu'elle détienne un permis délivré par le ministre autorisant cette importation.

Exception

Conditions for issuing permit

(3) The permit referred to in subsection (2) may be issued only if the Minister is of the opinion that

(3) Le permis visé au paragraphe (2) ne peut être délivré que si le ministre estime :

Conditions de délivrance

(a) the importation supports scientific research relating to shark conservation and conducted by qualified persons; and

a) d'une part, que l'importation appuie des recherches scientifiques sur la conservation des requins menées par des personnes compétentes;

(b) the activity benefits the survival of the shark species or is required to enhance their chance of survival in the wild.

b) d'autre part, que l'activité profite aux espèces de requins ou est nécessaire à l'augmentation des chances de survie de ces espèces à l'état sauvage.

Regulations

(4) The Minister may, after consultation with the Minister of Fisheries and Oceans, make regulations respecting the issuance of the permit referred to in subsection (2) and the renewal, revocation, amendment and suspension of such a permit.

(4) Le ministre peut, après consultation du ministre des Pêches et des Océans, prendre des règlements concernant la délivrance du permis visé au paragraphe (2) ainsi que son renouvellement, sa révocation, sa modification et sa suspension.

Règlements

R.S., c. F-14

## FISHERIES ACT

## LOI SUR LES PÊCHES

L.R., ch. F-14

3. The *Fisheries Act* is amended by adding the following after section 32:

3. La *Loi sur les pêches* est modifiée par adjonction, après l'article 32, de ce qui suit :

Prohibition

32.1 (1) No person shall engage in the practice of shark finning.

32.1 (1) Il est interdit de pratiquer l'enlèvement des nageoires de requin.

Interdiction

Definition of "shark finning"

(2) In this section, "shark finning" means the practice of removing the fins from sharks and discarding the remainder of the sharks while still at sea.

(2) Au présent article, « enlèvement des nageoires de requin » s'entend de la pratique consistant à couper les nageoires du requin et à jeter le reste de la carcasse en mer.

Définition de « enlèvement des nageoires de requin »



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Attachment 2

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C-417

C-417

First Session, Forty-first Parliament,  
60-61 Elizabeth II, 2011-2012Première session, quarante et unième législature,  
60-61 Elizabeth II, 2011-2012

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

**BILL C-417****PROJET DE LOI C-417**An Act to amend the Fish Inspection Act and the Consumer  
Packaging and Labelling Act (importation and labelling of shark)Loi modifiant la Loi sur l'inspection du poisson et la Loi sur  
l'emballage et l'étiquetage des produits de consommation  
(importation et étiquetage du requin)

FIRST READING, APRIL 5, 2012

PREMIÈRE LECTURE LE 5 AVRIL 2012

MS. MAY

M<sup>ME</sup> MAY

411525

## SUMMARY

## SOMMAIRE

This enactment amends the *Fish Inspection Act* to add a requirement that, if a person is importing shark or shark product, the country of harvest and the common name of the shark must be indicated, in writing, to an inspector. It also amends the *Consumer Packaging and Labelling Act* to prohibit the sale or importation of shark and shark product unless it is prepackaged and labelled to show certain information, including a statement that it may be unfit for human consumption due to mercury contamination.

Le texte modifie la *Loi sur l'inspection du poisson* afin d'exiger que, lorsqu'une personne importe du requin ou des produits de requin, le pays de capture et le nom commun du requin soient communiqués par écrit à l'inspecteur. Il modifie également la *Loi sur l'emballage et l'étiquetage des produits de consommation* afin d'interdire la vente et l'importation de requin ou de produits de requin, sauf s'ils sont préemballés et étiquetés de manière à indiquer certains renseignements, notamment une déclaration signalant qu'ils peuvent être impropres à la consommation humaine en raison de la contamination par le mercure.

Also available on the Parliament of Canada Web Site at the following address:  
<http://www.parl.gc.ca>

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>

**GP - 22**

1st Session, 41st Parliament,  
60-61 Elizabeth II, 2011-2012

1<sup>re</sup> session, 41<sup>e</sup> législature,  
60-61 Elizabeth II, 2011-2012

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

### BILL C-417

### PROJET DE LOI C-417

An Act to amend the Fish Inspection Act and the Consumer Packaging and Labelling Act (importation and labelling of shark)

Loi modifiant la Loi sur l'inspection du poisson et la Loi sur l'emballage et l'étiquetage des produits de consommation (importation et étiquetage du requin)

Preamble

Whereas mercury and other heavy metals are dangerous environmental contaminants, with grave consequences for human health if consumed in high concentrations;

Attendu :

Préambule

que le mercure et autres métaux lourds sont de dangereux contaminants de l'environnement qui ont de graves conséquences pour la santé humaine lorsqu'ils sont consommés en des concentrations élevées;

Whereas numerous scientific studies have identified dangerous levels of mercury and other heavy metals in some shark fin products that make them unfit for human consumption and a food safety risk;

que de nombreuses études scientifiques ont décelé la présence, dans certains produits d'ailerons de requin, de niveaux dangereux de mercure et autres métaux lourds qui les rendent impropres à la consommation humaine et en font un risque pour la salubrité alimentaire;

Whereas it is of critical importance to Canadian consumers to have all necessary information about the products they consume presented in an accessible and transparent manner, in order to make informed decisions about health and diet;

qu'il est d'une importance cruciale, pour les consommateurs canadiens, de disposer de tous les renseignements nécessaires — présentés de manière accessible et transparente — sur les produits qu'ils consomment, afin de pouvoir prendre des décisions éclairées en matière de santé et d'alimentation;

Whereas due primarily to the pressures caused by overfishing, global shark populations are collapsing, and a 2011 study by Mizue et al. concluded that, "overfishing of sharks is now recognized as a major global conservation concern, with increasing numbers of shark species added to the International Union for Conservation of Nature's list of threatened species";

qu'en raison principalement des pressions exercées par la surpêche, les populations mondiales de requins connaissent un déclin rapide, et que, selon une étude réalisée en 2011 par Mizue et coll., la surpêche du requin est maintenant reconnue en tant que préoccupation majeure en matière de conservation à l'échelle mondiale, compte tenu du nombre croissant d'espèces de requins ajoutées à la liste des espèces menacées de l'Union internationale pour la conservation de la nature,

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

R.S., c. F-12

#### FISH INSPECTION ACT

#### LOI SUR L'INSPECTION DU POISSON

L.R., ch. F-12

1. The *Fish Inspection Act* is amended by adding the following after section 3:

1. La *Loi sur l'inspection du poisson* est modifiée par adjonction, après l'article 3, de ce qui suit :

Shark importation

**3.1 (1)** A person who imports shark or shark product shall provide written indication to an inspector of

**3.1 (1)** La personne qui importe du requin ou des produits de requin doit fournir par écrit à l'inspecteur les renseignements suivants :

Importation de requin

(a) the country of harvest of the shark, regardless of whether it is wild-caught; and

(a) le pays de capture du requin, qu'il soit ou non issu de la pêche sauvage;

(b) the common name of the species and subspecies of shark.

(b) le nom commun de l'espèce et de la sous-espèce de requin.

Country of harvest

(2) For the purposes of this section, "country of harvest" includes, in circumstances where the shark is harvested outside the territorial waters of a particular country, the geographic location in which the shark was harvested.

(2) Pour l'application du présent article, « pays de capture » s'entend notamment, dans les cas où le requin est capturé à l'extérieur des eaux territoriales d'un pays donné, de l'emplacement géographique de cette capture.

Pays de capture

R.S., c. C-38

#### CONSUMER PACKAGING AND LABELLING ACT

#### LOI SUR L'EMBALLAGE ET L'ÉTIQUETAGE DES PRODUITS DE CONSOMMATION

L.R., ch. C-38

2. The *Consumer Packaging and Labelling Act* is amended by adding the following after section 4:

2. La *Loi sur l'emballage et l'étiquetage des produits de consommation* est modifiée par adjonction, après l'article 4, de ce qui suit :

Shark and shark product

**4.1 (1)** No dealer shall sell or import into Canada any shark or shark product unless it is prepackaged and has applied to it a label that, in addition to complying with

**4.1 (1)** Sont interdites la vente ou l'importation, par le fournisseur, de requin ou de produits de requin, sauf s'ils sont préemballés et que leur étiquetage, en plus d'être

Requin et produits de requin

any other requirements of this Act, shows

(a) the shark's common or generic name;

(b) the shark's country of harvest; and

(c) the following statement:

“Shark and shark products may be unfit for human consumption due to mercury contamination.

Le requin et les produits de requin peuvent être impropres à la consommation humaine en raison de la contamination par le mercure.”

Country of harvest

(2) For the purposes of this section, “country of harvest” includes, in circumstances where the shark is harvested outside the territorial waters of a particular country, the geographic location in which the shark was harvested.

conforme aux exigences de la présente loi, présente les renseignements suivants :

a) le nom commun ou générique du requin;

b) le pays de capture du requin;

c) la déclaration suivante :

« Le requin et les produits de requin peuvent être impropres à la consommation humaine en raison de la contamination par le mercure.

Shark and shark products may be unfit for human consumption due to mercury contamination. »

Pays de capture

(2) Pour l'application du présent article, « pays de capture » s'entend notamment, dans les cas où le requin est capturé à l'extérieur des eaux territoriales d'un pays donné, de l'emplacement géographique de cette capture.

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