



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2026-N-2741]

Consideration of Acceptable Market Name Change for Certain Rockfish (*Sebastes* spp.);

Request for Information

AGENCY: Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS)

ACTION: Notice; request for information.

SUMMARY: The Food and Drug Administration (FDA or we) is requesting data and information to help make an evidence-based determination that balances food safety, regulatory clarity, and industry interest regarding a potential update to the acceptable market name for the following fish: *Sebastes alutus*, *Sebastes borealis*, *Sebastes ciliatus*, *Sebastes crameri*, *Sebastes entomelas*, *Sebastes flavidus*, *Sebastes goodei*, *Sebastes levis*, *Sebastes melanops*, *Sebastes miniatus*, *Sebastes ovalis*, *Sebastes paucispinis*, *Sebastes pinniger*, *Sebastes proriger*, *Sebastes reedi*, *Sebastes ruberrimus*, *Sebastes rufus*, and *Sebastes serranoides*.

DATES: Either electronic or written comments on the notice must be submitted by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: You may submit comments and information as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2026-N-2741 for "Consideration of Acceptable Market Name Change for Certain Rockfish (*Sebastes* spp.); Request for Information." Received comments, those filed in a timely manner (see

ADDRESSES), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- Confidential Submissions--To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at:

<https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Karen Swajian, Office of Microbiological Food Safety, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College

Park, MD 20740, 240-402-1614; or Lauren Ferguson Baham, Office of Policy and International Engagement, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2378.

SUPPLEMENTARY INFORMATION:

I. Background and Current Regulatory Framework

Congress enacted Public Law 119-37 in November 2025, which in Section 777 directs FDA to engage with industry stakeholders to update the acceptable market name for the following fishes: *Sebastes alutus*, *Sebastes borealis*, *Sebastes ciliatus*, *Sebastes crameri*, *Sebastes entomelas*, *Sebastes flavidus*, *Sebastes goodei*, *Sebastes levis*, *Sebastes melanops*, *Sebastes miniatus*, *Sebastes ovalis*, *Sebastes paucispinis*, *Sebastes pinniger*, *Sebastes proriger*, *Sebastes reedi*, *Sebastes ruberrimus*, *Sebastes rufus*, and *Sebastes serranoides*. The legislation also directs FDA to provide industry stakeholders with new market name proposals and to update FDA's *Fish and Fishery Products Hazards and Controls Guidance* and any other relevant guidance to reflect any new market name (Section 777, Pub. L. 119-37, 139 Stat. 1937).

In response to the Congressional directive, we are issuing this request for information (RFI) to collect necessary data and information to inform potential updates to the acceptable market name for rockfish (*Sebastes* spp.) and ensure any proposal is based on scientifically sound evidence and considers all stakeholder input. Information collected will help FDA consider, among other things, consumer understanding, food safety, and industry operations in determining whether updates to *The Seafood List - FDA's Guide to Determine Acceptable Seafood Names* (The Seafood List) (Ref. 1) and related guidance documents are warranted. Further, information gathered through this RFI may help FDA understand potential effects of any name changes on consumer trust in seafood labeling. FDA will determine appropriate next steps based on the data and information received.

Seafood must be labeled in a manner that is truthful and not misleading, as required under section 403(a)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 343(a)(1)). An important aspect of truthful labeling for seafood is identifying the species by their acceptable market names. FDA developed The Seafood List to provide guidance to industry about what FDA considers to be acceptable market names for seafood sold in interstate commerce. The acceptable market name or the common name cannot be prohibited by statute or regulation (Ref. 1). The Seafood List is updated every six months, as resources permit, and updates may include new listings and modifications to existing listings to include scientific name changes based on updated scientific information (Ref. 1).

In addition to the acceptable market name guidance provided in The Seafood List, FDA's seafood Compliance Policy Guides (CPGs) provide further guidance on the labeling of seafood. Specifically, FDA's CPG Sec. 540.750 "Use of The Seafood List to Determine Acceptable Seafood Names" explains our policy that acceptable market names should be consistent, accurate, and non-misleading for seafood sold in interstate commerce (Ref. 2). Incorrect use of an established acceptable market name that results in the labeling being false and/or misleading can result in the product being misbranded under section 403(a)(1) of the FD&C Act.

Over the years, FDA has received requests from industry stakeholders to change the acceptable market name that can appear on a product label in The Seafood List for certain *Sebastes* species from "rockfish" to "snapper" for products sold in interstate commerce. Such requests have cited reasons ranging from providing modernized, consumer-friendly names for certain *Sebastes* species that may have lesser known or less attractive market names (i.e., Rockfish) or common names (e.g., Cowcod, Dusky Rockfish) to increasing economic value for the *Sebastes* species. Currently, The Seafood List identifies "rockfish" as the acceptable market name for fish of the genus *Sebastes*, which contains over 100 species. These fish belong to the order Scorpaeniformes and family Sebastidae, as classified by the Integrated Taxonomic Information System (ITIS) (Ref. 3). The Seafood List identifies "snapper" as the acceptable

market name for fish of the genus *Lutjanus*. Snapper belongs to the order Perciformes and family Lutjanidae, as classified by the ITIS (Ref. 4). Therefore, under our current policy for seafood sold in interstate commerce, if rockfish (*Sebastes* spp.) is labeled and sold in interstate commerce under the name “snapper,” FDA would consider this labeling to be false or misleading and the product to be misbranded under section 403(a)(1) of the FD&C Act.¹ Further, FDA’s policy is that *Lutjanus campechanus* is the only fish that may be lawfully sold in interstate commerce as “red snapper.”² As explained in FDA’s CPG Sec. 540.475, FDA considers the labeling or sale in interstate commerce of any fish other than *Lutjanus campechanus* as “red snapper” to constitute misbranding under section 403(b) of the FD&C Act, which provides that a food is misbranded if it is offered for sale under the name of another food (Ref. 5).

While industry interest to date has centered on variations of “snapper” as a preferred name change for rockfish, the Congressional language in Section 777 of Public Law 119-37 was not so narrowly focused. Congress directed FDA to provide industry stakeholders with new market name proposals for the certain *Sebastes* species listed in Section 777, and therefore we are seeking data and information on any new or alternative acceptable market names for the *Sebastes* species.

To help inform public comments, we have identified the following issues we intend to consider when determining appropriate updates to the acceptable market name for rockfish (*Sebastes* spp.).

II. Consideration of Issues

¹ We are aware that when sold within intrastate commerce in some West Coast states, the *Sebastes* species are commonly referred to as “Pacific snapper.” In addition, *Sebastes* species are also referred to as “Rock cod” or “Black bass” within interstate commerce in this geographic region. We note that in some states in the Mid-Atlantic region, the striped bass (*Morone saxatilis*) is commonly referred to as “rockfish” within intrastate commerce.

² We are also aware that some West Coast states allow specific *Sebastes* species to be labeled as “Pacific red snapper” within intrastate commerce, although these specific *Sebastes* species are quite different from *Lutjanus campechanus* and other *Lutjanus* species in appearance, flavor, and texture (Ref. 5).

A. Scientific Classification and Potential Consumer Confusion

Fish species, such as rockfish (*Sebastes* spp.), belong to unique taxonomic order and family with distinct biological characteristics. In recent years there have been reports of seafood in the U.S. being labeled with an incorrect market name that has resulted in consumer confusion (Ref. 6). Seafood mislabeling can impact consumer expectation of the distinction in the taste, texture, and quality characteristics of fish (Ref. 7). Additionally, seafood mislabeling can result in purchase value differences, especially in instances where the name of the fish used on the labeling typically commands premium market prices (Ref. 5, Ref. 7).

B. Food Safety and Hazard Identification

Food safety hazards associated with various fish species may differ. FDA's guidance "Fish and Fishery Products Hazards and Controls" (June 2022) explains the primary hazard for rockfish (*Sebastes* spp.) is parasites, which require proper cooking or freezing to destroy (Ref. 8). This is different from other species, such as, for example, snapper (*Lutjanus* spp.) or grouper (Serranidae family), where the primary hazard is ciguatera poisoning caused from a bioaccumulation of the toxin produced by algae and consumed by fish through the food web (Ref. 8). If an acceptable market name of a fish species is changed, there is a risk that seafood processors could implement controls for incorrect hazards, which could potentially harm consumers and unnecessarily expend processor resources to mitigate hazards for the wrong fish. We seek comment on how to mitigate potential food safety risks that may arise with a market name change, for example, from rockfish to another market name currently used by another species or to a new market name.

C. Labeling Considerations

FDA's "Guidance for Industry: The Seafood List FDA's Guide to Determine Acceptable Seafood Names" (Seafood List Guidance) provides further labeling guidance on understanding and using The Seafood List and principles for determining acceptable market names for use in

interstate commerce (Ref. 9). The Seafood List Guidance states that FDA recognizes the names listed in the “Acceptable Market Name” and “Common Name” columns as suitable for the required label statement of identity (21 CFR 101.3(b)(1)) and the required ingredient list (21 CFR 101.4) (Ref. 9). Accordingly, if FDA updated the acceptable market name for rockfish (*Sebastes* spp.) to a new market name or the market name of another species, that term could be used in both the Principal Display Panel and the ingredient list, provided that the labeling is not false or misleading under section 403(a)(1) of the FD&C Act.

The Seafood List Guidance also explains that a name may be unacceptable if it is the same as the name of another species or is confusingly similar to the name of another species (Ref. 9). For example, “snapper” is the acceptable market name for *Lutjanus* as well as an acceptable market name for *Lutjanus campechanus* (red snapper), which can use both “snapper” and “red snapper” (Ref. 9). Given how “snapper” and “red snapper” are already labeled in interstate marketplace, use of “snapper” for the *Sebastes* species could result in misbranding concerns under section 403(a)(1) of the FD&C Act. In addition, The Seafood List Guidance explains that vernacular names generally are not acceptable names for labeling in interstate commerce, and their use may result in misbranding under section 403(a)(1) of the FD&C Act. The Seafood List currently lists “Pacific red snapper” and “Green Rockfish” as prohibited vernacular names for *Sebastes flavidus*, which is one of the fish that Section 777 of Public Law 119-37 lists to be considered for an acceptable market name change. If FDA allows for a current acceptable market name for a defined genus to be used in interstate commerce for additional species outside of the defined genus, this may increase the likelihood of the use of currently prohibited vernacular names (Ref. 9). Accordingly, FDA may need to consider changes to prohibited vernacular names, should we update the acceptable market name.

D. Food Allergen Labeling Considerations

Allergenicity in fish varies significantly by species due to differing levels and types of the major allergen, a protein family called parvalbumins (Ref. 10). While cross-reactivity among fish species has been commonly reported for fish allergy for closely related fishes, some individuals can tolerate certain fish species while being highly sensitized to others (Ref. 10, Ref. 11). The food allergen labeling requirements of the FD&C Act classify finfish as a major food allergen and require that the specific fish be identified on the label in the list of ingredients or in a “Contains” statement (sections 201(qq) and 403(w) of the FD&C Act (21 U.S.C. 321(qq) and 343(w))). To help consumers identify allergens, the FD&C Act requires this declaration to use the common or usual name.

Changing the acceptable market name of rockfish to another term could potentially cause food safety issues for certain consumers. Consumers allergic to rockfish—but not another species—could inadvertently consume rockfish products if it were labeled with a new market name or the market name of another species and experience allergic reactions. We note that if we update The Seafood List to include a new or current market name in the product label for rockfish (*Sebastes* spp.), manufacturers will still need to comply with allergen labeling requirements under the FD&C Act.

III. Request for Information

We invite comment on the questions below. Please explain your answers and provide references and data, if possible. FDA is seeking comprehensive information from all interested parties, including industry members, consumer groups, state regulatory agencies, and other stakeholders, on the following topics:

1. How are rockfish (*Sebastes* spp.) currently labeled and marketed in intrastate commerce?

Please provide supporting evidence.

2. How do consumers perceive the quality, taste, texture, and value of products labeled as rockfish (*Sebastes* spp.) as compared to other species? Please provide supporting evidence.
3. What new or alternative market names for rockfish (*Sebastes* spp.), if any, would be scientifically accurate, consumer-friendly, and minimize confusion with existing product categories? Please explain.
4. There are biological and taxonomical differences between rockfish (*Sebastes* spp.) and other species, such as snapper (*Lutjanus* spp.). Is there data or any information available to support allowing rockfish to be labeled with the market name of another species? Please explain.
5. Given the food hazard differences that may exist between rockfish (*Sebastes* spp.) and other species, what food safety incidents, if any, have been associated with labeling rockfish (*Sebastes* spp.) with other market names within intrastate commerce? How could these be minimized in any changes to the acceptable market name for rockfish (*Sebastes* spp.)? Please explain.
6. Are there economic or other impacts anticipated if rockfish (*Sebastes* spp.) were labeled with the market name of another species (versus a new market name)?
7. How would changes to the acceptable market name for rockfish (*Sebastes* spp.) affect Hazard Analysis and Critical Control Point (HACCP) plans and other food safety programs? Please explain and include information on any estimated compliance costs for industry to update labeling, recordkeeping, and HACCP plans.

IV. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see ADDRESSES) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at <https://www.regulations.gov>. References without asterisks are not on public display at

<https://www.regulations.gov> because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

- * 1. U.S. Food and Drug Administration. January 2026. “The Seafood List.” . Accessed February 27, 2026. Available at <https://hfpappexternal.fda.gov/scripts/fdcc/index.cfm?set=SeafoodList>.
- * 2. U.S. Food and Drug Administration. July 2020. “CPG Sec 540.750 - Use of The Seafood List to Determine Acceptable Seafood Names.” Accessed February 27, 2026. Available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cpg-sec-540750-use-seafood-list-determine-acceptable-seafood-names>.
- * 3. Integrated Taxonomic Information System (ITIS) online database. “Sebastes.” Accessed February 27, 2026. Available at <https://www.itis.gov>, CC0 <https://doi.org/10.5066/F7KH0KKBK>.
- * 4. Integrated Taxonomic Information System (ITIS) online database. “Lutjanidae.” Accessed February 27, 2026. Available at <http://www.itis.gov>, CC0 <https://doi.org/10.5066/F7KH0KKBK>.
- * 5. U.S. Food and Drug Administration. October 1980. “CPG Sec 540.475 Snapper – Labeling.” Accessed February 27, 2026. Available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cpg-sec-540475-snapper-labeling>.
- * 6. U.S. Food and Drug Administration. March 2024. “FDA DNA Testing at Wholesale Level to Evaluate Proper Labeling of Seafood Species.” Available at <https://www.fda.gov/food/seafood-guidance-documents-regulatory-information/fda-dna-testing-wholesale-level-evaluate-proper-labeling-seafood-species>.

- * 7. U.S. Food and Drug Administration. March 2024. “Seafood Species Substitution and Economic Fraud.” Accessed March 13, 2026. Available at: <https://www.fda.gov/food/seafood-guidance-documents-regulatory-information/seafood-species-substitution-and-economic-fraud>.
- * 8. U.S. Food and Drug Administration. June 2022. “Fish and Fishery Products Hazards and Controls.” Available at: <https://www.fda.gov/food/seafood-guidance-documents-regulatory-information/fish-and-fishery-products-hazards-and-controls>.
- * 9. U.S. Food and Drug Administration. August 2023. “Guidance for Industry: The Seafood List FDA’s Guide to Determine Acceptable Seafood Names.” Accessed February 27, 2026. Available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-seafood-list-fdas-guide-determine-acceptable-seafood-names#principles>.
- *10. Frontiers in Immunology. April 2014. “Fish Allergens at a Glance: Variable Allergenicity of Parvalbumins, the Major Fish Allergens.” Accessed February 27, 2026. Available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC4001008/>.
- * 11. The Journal of Allergy and Clinical Immunology: In Practice. November 2018. “Patients Allergic to Fish Tolerate Ray Based on the Low Allergenicity of Its Parvalbumin.” Accessed February 27, 2026. Available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7060078/>.

Grace R. Graham,

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