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# MSC: THE BLUE TICK DECEIVING CONSUMERS

## Forced Labor

Human rights abuses are all too common within the fishing industry. Weak inspection regimes and legal protections, the inaccessibility of fishing vessels, and deceitful recruitment tactics have created conditions for vulnerable workers in desperate economic situations to be [exploited](#). These conditions create [labor abuses](#) ranging from hazardous working conditions, wage withholding, and denial of food and medical care to human trafficking, forced labour, torture, debt bondage, and slavery. The International Labor Organization (ILO) estimates that around [128,000 fishers](#) are trapped in forced labor aboard fishing vessels.

Despite the prevalence of these issues, the Marine Stewardship Council (MSC), a third party certification scheme that certifies fisheries, has done little to address these problems and [claims](#) it has “a low risk of Modern Slavery in [its] business and supply chains.” The evidence suggests otherwise: multiple organizations have documented forced labor tied to the MSC.

In the recent article, [Is tuna ecolabeling causing fishers more harm than good?](#), Katrina Nakamura found that MSC-certified fisheries work with fishing vessels where incidents of forced labor have been reported by fishermen. The [Outlaw Ocean Project](#) documented forced Uyghur labor in ten MSC-certified facilities in China. A [2023 report](#) by a coalition of international environmental non-profit organizations has further critiqued the MSC for its lax environmental standards, lack of labor protections, and deception of consumers.

In spite of all this evidence, the MSC continues to fail consumers by allowing them to believe that buying MSC-certified products is the sustainable option when, in reality, the fish coming from MSC-certified facilities were procured and processed in a manner comparable to those originating from non-certified facilities. Certification schemes like the MSC need either to effectively protect workers’ rights and the environment or remove themselves from occupying the space of a more effective alternative, such as a union or worker-driven model.

*This blog post provides an overview of the MSC and its common critiques. It then delves into the MSC’s inconsistent messaging about its role in addressing human rights and labor challenges. Lastly, it considers how the MSC fails consumers and provides retailers with a convenient excuse to avoid purchasing genuinely sustainable seafood.*

## What is the MSC?

The MSC is one of the world’s most prevalent ecolabels. As of March 2023, [19%](#) of the world’s wild marine catch was either certified, had been certified and is now suspended, or is in with the MSC. It claims to “[contribute to the health of the world’s oceans](#)” by certifying fisheries, influencing consumer choices, and promoting sustainable seafood. Fisheries are certified based on [three categories](#):

1. *Sustainable fish stocks*: Fishing must be at a level that allows the fish population to remain healthy and productive.
2. *Minimizing impacts*: Fishing activity must be carefully managed to ensure the health of other species and habitats.
3. *Effective fisheries management*: Fisheries must comply with relevant laws and be able to adapt to changing environmental conditions.

The MSC has been widely criticized for having lax environmental standards. [Environmentalists](#) have claimed that the MSC certified fisheries that practice unsustainable fishing methods, including overharvesting and an excessive use of plastics and fuel. In 2017, over [50 NGOs](#) sent a letter to the MSC expressing concern over fisheries being certified with high amounts of [bycatch](#), a practice by which inedible marine life, such as dolphins, whales, sea turtles, and seabirds, and undesirable smaller fish are caught in fishing nets and discarded, often dying from injuries sustained from capture. [More than half](#) of MSC’s “sustainable tuna” is caught using fish aggregating devices (FADs), an aggressive fishing method linked to reduced biodiversity, increased bycatch, and ocean pollution. The MSC also allows for [dredging and bottom trawl fishing](#) techniques, which can devastate seafloor biodiversity, raise bycatch levels, and disturb carbon sediments. This, in turn, undermines the ocean’s crucial role in carbon sequestration and effectiveness in combating climate change, which MSC standards [do not address](#).

Fisheries can become MSC certified by undergoing [assessments](#) conducted by accredited independent certifiers that look at how well fisheries perform under the three criteria listed above. Getting certified can take between [12-18](#) months. After obtaining certification, a fishery is certified for the following five years. Each year during that period, an audit will be conducted.

The cost of certification depends on the complexity of the fishery, but can range from [\\$15,000 - \\$120,000](#). Although the MSC is a non-profit, [most of its revenue](#) is derived from the licensing fee it charges businesses for the right to sell seafood with the certified sustainable label. [88.7%](#) of the MSC’s revenue comes from royalties on products that carry its logo, meaning that the MSC has a financial interest in keeping major fisheries in its program, even where there is evidence of forced labor. This is an inherent conflict of interest baked into the MSC’s financing structure.

Groups can object to a fishery’s certification, but have to do so within [15 days](#) of the final certification report’s publication and have to pay an objection fee, which is around \$8,000. The MSC then chooses an independent adjudicator to review the objection and who has the discretion to evaluate whether the objection should proceed, after which an oral hearing, which the objector also has to pay for, may be conducted. In light of these hurdles, there have only been [19](#) objections to MSC-certified fisheries to date.

The certification process is not a difficult barrier to overcome. Of fisheries being [assessed for the first](#) time, 79% were predicted to become certified, 4% to fail, and 17% to withdraw before completion. These statistics suggest that fisheries willing to pay MSC’s fees are often certified, implying that the MSC might not be as rigorous as it leads consumers to believe.

## The MSC presents itself as an organization that adheres to labor standards, while simultaneously denying its role as a social certifier.

Since 2014, the MSC has had a small list of [labor policies](#) that apply to MSC-certified entities. These policies boil down to the MSC claiming to refuse certification to entities that have had a forced labor or child labor violation in the last two years and requiring accused entities to submit self-assessment forms and social audits as proof of compliance. This requirement falls short of meeting genuine human rights standards and actually reducing the amount of forced labor present in the fishing industry.

Social audits and self-assessment forms are [ineffective](#). They are prone to corruption, they are predictable, ill-equipped to target sensitive social issues, near impossible to conduct on fishing vessels, have opaque standards, and are not verifiable by uninterested third-parties. Self-assessment leads to biased interpretations of work, and can be influenced by internal pressures or economic goals. Despite claiming to prohibit forced and child labor, the MSC itself has noted that the MSC is an ecolabel that “[does not offer an assurance](#) on forced or child labour.”

Beyond these weak policies, the MSC does not include important provisions that can mitigate human rights abuses. The MSC notes that its contract terms and conditions include “[references to](#)” modern slavery and human trafficking and that it continues to “take action to embed a zero-tolerance policy towards modern slavery.” Neither of these statements suggests that the MSC has made a serious commitment to addressing either slavery or trafficking. Furthermore, the MSC does not include important labor standards as part of its certification process.

Under the [ILO’s Work in Fishing Convention](#), fishers are entitled to basic protections against forced labor, including:

1. Safety on board fishing vessels;
2. Food, accommodation and medical care at sea;
3. Non-exploitative employment and recruitment practices;
4. The protection of a written work agreement in a contract workers understand;
5. Minimum age requirements for work on board fishing vessels;
6. A living wage; and
7. Protection in the case of work-related sickness, injury or death.

MSC standards do not include any of these protections for workers. The MSC has responded to critiques of its labor policies by claiming that it is an environmental certifier and is not a social certifier. In particular the MSC has said:

- “We recognise forced and child labour is a complex and distressing issue affecting the seafood industry. However, the [focus](#) of MSC’s work is to address the immense challenge of overfishing and the environmental difficulties that this poses for the ocean,” explained an MSC representative.
- “The Marine Stewardship Council (MSC) sets voluntary standards for the ecological sustainability of fisheries. It is therefore [misleading](#) to assess the MSC, an environmental standard-setting organisation, against social welfare criteria ... Our current requirements on labour are not insignificant and are aimed at tackling egregious forms of forced or child labour while also facilitating greater knowledge and transparency on how to address these abhorrent practices.”
- “Our Standards focus on [environmental](#), science-based criteria, nevertheless we are committed to supporting collective efforts to improve human rights and to working with other organisations that have a focus on labour issues.”

These comments are confusing and contradictory; consumers are receiving mixed messages about what the MSC prioritizes in its standards. On the one hand, the MSC is claiming to care about serious labor issues and to commit itself to resolving the most egregious labor concerns. On the other hand, the MSC makes clear that it is an [environmental entity](#) who cannot “offer an assurance on forced or child labour.”

The MSC appears to want the best of both worlds: it wants to project an image of caring about labor issues to consumers, but it does not seem willing to take meaningful steps to address these issues. This is a serious problem. By appearing to address social and environmental problems in the fishing industry, the MSC is concealing a void that could be filled by a separate entity.

## The MSC acts as a veil that conceals labor violations, allowing retailers to use the label as a shield instead of making real improvements and deceiving consumers into believing they are buying ethical fish.

The MSC continues to profit from deceiving consumers into believing that their products are any more sustainable and ethical than those the MSC does not certify. The MSC reports that [55%](#) of consumers believe that the MSC label increases the likelihood of them purchasing a seafood product, and that – of consumers who recognize the MSC – 73% trust in the certification process. [Numerous studies](#) have shown that consumers care about purchasing environmentally friendly goods and rely on third party certifiers as a tool for deciphering which products are ethical and sustainable. Retailers [know this](#), and take advantage of this in their marketing.

There are [over 1,750](#) MSC certified products in the US and Canada, and all of them are using the MSC to deflect responsibility for purchasing fish made with forced labor. By claiming that they are relying on the MSC to tell them whether fish was caught sustainably and procured in an environmentally friendly manner, retailers can continue appealing to consumers while avoiding conducting their own due diligence.

For instance, [McDonald’s](#) has used the MSC label to deflect criticism over the sustainability of the New Zealand Hoki Fishery, which has been criticized for perpetuating environmental harms including discarding high levels of fish and engaging in destructive trawling methods. [Walmart](#) has also been sued for using the MSC label to deceive consumers into believing that they are purchasing sustainable fish through its marketing of the MSC label instead of actually purchasing sustainably caught fish. [Additional lawsuits](#) have been filed against Mowi, Gorton’s, ALDI, Conagra, Bumble Bee Foods, and Red Lobster for claims these retailers have made regarding sustainability claims and eco-labels.

Corporate Accountability Lab has documented the [failures of certification](#) schemes before. They often fail to [uphold their own standards](#), fail to uncover sensitive [human rights abuses](#), do not contribute to supply chain [transparency](#) and traceability, and fail to include input from the most vulnerable communities, including [workers](#) at the bottom of the supply chain. The MSC is no exception.

Seafood retailers who want to achieve genuine sustainability in their supply chains, and to avoid deceiving consumers, should reconsider their reliance on the MSC and recognize it for what it is: a marketing strategy that profits off consumers’ desire to be ethical.

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