



Asa Hutchinson  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598



Wes Ward  
Secretary of Agriculture

## **20-61-202. Definitions.**

- (2) "Catfish" means any species of the scientific family Ictaluridae;
- (3) "Catfish-like" means any species of the scientific genus *Pangasius*, family Claridae, or family Siluridae;

*\* Genus Pangasius, family Claridae, or family Siluridae would include fish by the common names of Pangasius, Swai, Basa or Tra.*

## **20-61-203. Penalties -- Injunction.**

- (a) (1) (A) Any person who violates any provision of this subchapter for which no civil penalty is provided by this subchapter shall upon conviction be guilty of a violation and subject to a fine of not more than five hundred dollars (\$500).
  - (B) However, no person shall be subject to penalties under this section for receiving for transportation any article in violation of this subchapter if the receipt was made in good faith unless the person refuses to furnish on request of a representative of the Director of the Arkansas Bureau of Standards the name and address of the person from whom he or she received the article and copies of all documents, if there are any, pertaining to the delivery of the article to him or her.
  - (2) All distributors, processors, wholesalers, or retailers who are distributing or selling species of fish as catfish or catfish-like that are not within the definition of "catfish" or "catfish-like" under § 20-61-202 shall be in violation of this subchapter and shall be assessed a civil penalty of:
    - (A) Not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for a first violation;
    - (B) Not less than eight hundred dollars (\$800) nor more than two thousand dollars (\$2,000) for a second violation within three (3) years after the date of the first violation;
- and
- (C) Not less than one thousand five hundred dollars (\$1,500) nor more than two thousand five

(continued on next page)

hundred dollars (\$2,500) for a third violation within three (3) years after the date of the first violation.

**20-61-206. Labeling.**

- (a) A catfish or catfish-like product shall not be offered for direct retail sale for human consumption by a processor, distributor, or retailer unless the catfish or catfish-like product name is specifically labeled in the following manner:
- (1) "Farm-Raised Catfish", if the product has been specifically produced in fresh water according to the usual and customary techniques of commercial aquaculture;
  - (2) "River or Lake Catfish", if the product has been produced in any freshwater lake, river, or stream of the state but has not been produced according to the usual and customary techniques of commercial aquaculture;
  - (3) "Imported", provided the catfish or catfish-like species is produced from freshwater, either according to the usual and customary techniques of aquaculture, or from freshwater lakes, rivers, or streams of a country other than the United States; and
  - (4) "Ocean Catfish", provided the catfish product is produced from marine or estuarine waters in the United States.
- (b) Any person selling river or lake catfish or catfish-like species exclusively and directly to the consumer may have on his or her premises a sign reasonably visible to the consumer which identifies the product as river or lake catfish or catfish-like species, rather than labeling each individual container or package of catfish or catfish-like product, as provided in subsection (a) of this section.
- (c) Any retailer selling catfish or catfish-like products not wrapped or in a container may comply with this subchapter by placing a sign on the display case or refrigeration unit so that the sign is reasonably visible to the consumer, giving notice that the catfish or catfish-like species is either farm-raised catfish or catfish-like species, river or lake catfish or catfish-like species, imported catfish or catfish-like species, or ocean catfish, as the products are defined in subsection (a) of this section.
- (d) Any advertising as to any catfish or catfish-like product shall state whether the catfish or catfish-like product is farm-raised catfish or catfish-like species, river or lake catfish or catfish-like species, imported catfish or catfish-like species, or ocean catfish, as defined in

(continued on next page)

subsection (a) of this section.

(e) Subsections (a)-(d) of this section shall not apply to catfish or catfish-like products exported from the United States.

(f) All distributors, processors, or wholesalers of catfish or catfish-like products distributing or selling catfish or catfish-like products shall provide information to each person, firm, or corporation to whom they distribute or sell catfish or catfish-like products for resale as to whether the catfish or catfish-like product is farm-raised catfish or catfish-like species, river or lake catfish or catfish-like species, imported catfish or catfish-like species, or ocean catfish, as these terms are defined in subsection (a) of this section.

HISTORY: Acts 1975 (Extended Sess., 1976), No. 1209, §§ 4, 5; A.S.A. 1947, §§ 82-990, 82-991; reen. Acts 1987, No. 1005, §§ 4, 5; 2015, No. 1191, § 3.

*\*\* For complete Catfish Identification Regulation, go to the Arkansas Bureau of Standards website: <http://www.aad.arkansas.gov/bureau-of-standards> Click “**Laws and Regulations**” on the right side of page. Then click “**Fish and Seafood Identification**” under Arkansas Code Annotated.*