The Word Trade Organization (WTO) has re-iterated its ruling that the use of dolphin-safe labeling by United States trade authorities lacks genuine regulatory value.

However, it has found that Mexico’s proposed solution to the issue would also be unhelpful.

The update – published on April 21, but issued in a review in January — is the latest twist in the WTO case opened by Mexico back in April 2009. In its complaint, the Latin American government, on behalf of the country’s industry, claimed the US’ conditions for dolphin-safe labeling were discriminatory and unnecessary and violated trade regulations.

“The labeling at issue modified the competitive conditions in the US market to the detriment of Mexican tuna products and the US did not demonstrate that this stemmed solely from ‘legitimate regulatory distinctions’. The organization, therefore found that the US ‘dolphin-safe’ labeling measure was inconsistent,” WTO experts explained in the update.

The WTO upheld part of Mexico’s claim in 2012, agreeing that the US’ labeling measures were more restrictive than needed. Both Mexico and the US appealed the decision, however, and the US continued to deny the label to Mexican imports.

Official data showed Mexican tuna sales in the US slumped to $121,259 in 2013, down from $1.45 million in the previous year. Figures last year were even worse than 2011’s $298,000.
In its latest update, the global watchdog said that a combined implementation of domestic and international procedures — a point made by the Mexican party — to ensure tuna sold in the US comes from dolphin-safe sources would be unhelpful.

“The alternative measure proposed by Mexico, AIDCP ‘dolphin safe’ labeling combined with the existing US standard, would contribute to both the consumer information objective and the dolphin protection objective to a lesser degree than the measure at issue.”

The news has fueled renewed concerns among Mexico’s tuna fishing and processing industry, who have voiced their frustration with the local press. Mexican tuna has access to the US market but, without the official dolphin-safe label, sales are very reduced.

**Pinsa’s word versus Earth Island’s boycott**

At Grupo Pinsa, owner of popular brands like Dolores, Mazatun or El Dorado and the sector leader in Mexico, commercial director Ruben Velazquez accused the US of discriminatory treatment.

He said Mexican tuna exports to the European Union were also being deterred, as the US dolphin-safe approval is a requisite.

The WTO dismissed accusations from the US that its conclusions were based on poor information. “The [WTO panel] acted consistently with its duties (...) in its analysis of the arguments and evidence before it,” it said.

Some Mexican companies blamed environmental lobby Earth Island, too, for what they described as the US “boycott”. Despite the WTO ruling, Earth Island campaigns against Mexican tuna continued throughout 2013.

Earlier in April this year, Mexico’s state secretary for the economy said Mexican tuna was guaranteed to avoid harm or ongoing mortality to dolphins according to international standards.

Tuna is the third species most fished by Mexico, with an average annual volume of 97,872 metric tons.