

differences between some the species of *Pectens* than between *Placopecten magellanicus* and *Pecten maximus*. Basic electrophoresis reveals that there are more differences between *Pecten alba* (which can be labelled "coquilles Saint-Jacques") and *Pecten maximus* than there are between *Placopecten magellanicus* and *Pecten maximus*. It is clear, therefore, that France does not have an analytical technique that can be used to make reliable and valid distinctions between the various species. This means that in practical terms, the Order is unenforceable.

16. Finally, even if there was a reliable and valid electrophoretic technique available that could consistently and accurately distinguish between all species of scallops, the results would be irrelevant to this dispute. The differences that would be revealed would be irrelevant to the purposes for which scallops are used. Such a technique would probably only be useful for purely scientific purposes unrelated to commercial classification.

## 2. Consumer Perceptions

- a. *The Canadian surveys establish that French consumers prefer to purchase scallops labelled "coquilles Saint-Jacques" or "noix de Saint Jacques" even if more expensive than scallops labelled "pétoncles"*

17. Canada's surveys make two things clear. First, the size, colour and texture of shucked frozen scallops are important characteristics that consumers take into account when purchasing scallops. Second, in addition to the importance of such characteristics, scallops purchasers perceive shucked frozen scallops labelled "pétoncles" to be a lower quality of scallop than scallops labelled "coquilles Saint-Jacques". Accordingly, there is less demand for shucked frozen scallops labelled "pétoncles", and such scallops command a lower price in the French market, than for those scallops labelled "coquilles Saint-Jacques".

- b. *The French survey fails to establish that consumers consider the species of scallop important when purchasing shucked frozen scallops*

18. It is surprising that having spent so much time analyzing the Canadian-commissioned consumer survey, the EC should have commissioned a survey with only two questions. It seems rather a leap to conclude, as the EC did in its first oral submission, that consumers would be "shocked" to learn that their scallops did not come from a specific shell, i.e., that of *Pecten maximus*.

19. Consumers were not asked about purchasing shucked frozen scallops, nor were they asked if they cared which species the scallop meat came from, or whether French consumers consider species an important factor when purchasing such scallops. This is important as the