Ben the Bear is free!
The Animal Legal Defense Fund is thrilled to share the exciting news! In the fall 2012 issue of The Animals’ Advocate, we told you about Ben’s immense suffering at the pathetic roadside charade called “Jambbas Ranch” in North Carolina.

For six years, Ben lived in solitary confinement at Jambbas Ranch. Day in and day out, Ben was restricted to a barren, concrete cage. Bear expert Else Poulsen’s evaluation determined that Ben exhibited the physical and psychological anguish associated with substandard care. Ben was denied even a basic level of comfort, with no natural “bear” experiences.

However, as a result of a joint lawsuit against Jambbas Ranch, a judge has removed Ben from a life of misery and awarded permanent custody to the Performing Animal Welfare Society (PAWS).

Ben can now live a bear’s life. In August, he moved to his new home at the California PAWS sanctuary, with the help of a climate controlled plane-ride from FedEx, or what the flight crew dubbed “Bear Force One.” Ben is thriving in his natural habitat, where he swims in his own pool and sleeps soundly in a large straw nest under oak trees. His two acre home is part of the Bob Barker Bear Habitat, and he is finally able to walk his sore paws in the grass, play in his pool, and interact with his next-door neighbors.

Free at Last!
Judge grants permanent sanctuary for Ben the Bear
ALL MY LIFE I HAVE WORKED HARD to protect wildlife and wild places, from Chicago to Alaska to California, and across America. Bears especially have been a source of fascination for me. When Alaska is allowing aerial hunting of brown bears and fighting to remove polar bears from the Endangered Species List, there is no more important time than now to pay attention to all laws protecting or endangering the North American bear population.

As a loyal supporter of the Animal Legal Defense Fund, you may have received our action alert out about a California ballot initiative, otherwise known as “SB 1221,” that would ban the practice of bear-hounding. We are delighted to report that, with ALDF’s encouragement, Governor Brown has signed this bill into law. (Not yet on our action alert list? Sign up at aldf.org/alerts.)

This law will stop hunters from using hounds to hunt bears and bobcats, a hunting method which is unsafe and inhumane for all nonhuman animals involved. Frightened and exhausted bears and bobcats are besieged by malnourished dogs - who are frequently chained up and improperly cared for in between “hunts” by hunters who treat them as nothing more than a tool in a toolbox.

An overwhelming majority of California voters oppose the practice of “hounding” because it is cruel and unethical in the extreme and even violates private property rights. In these hunts, wild animals may be chased over private property, and through national parks and forests. This creates an inhumane hunt not only for the bear and bobcat, but also puts the hounds, other wild animals, including protected species, and homeowners, in harm’s way.

California bears and bobcats deserve protection. Thousands of animals have suffered needlessly every year because of the inhumane and dangerous practice of hounding, which is already banned in fourteen states, including Colorado, Montana, New York, Oregon, Pennsylvania, and Washington. ALDF is proud to finally add California to this list of states that ban the cruelty of hounding.

For the animals,

Stephen Wells
Executive Director
**THINK THE TUNA YOU PURCHASED** is “dolphin-safe”? Think again. This summer, ALDF filed a petition with the Federal Trade Commission to protect consumers from deceptive claims made by Bumble Bee, Chicken of the Sea, and StarKist, who indicate their tuna is totally dolphin-safe, eco-friendly, and a necessary part of a healthy diet. ALDF’s suit centers on misrepresentations about dolphin safety, unsustainable fishing practices, and health risks of consuming tuna products. These false claims should be considered “unfair practices” under the Federal Trade Commission Act.

**100% DOLPHIN-SAFE?**

Surveys show that consumers believe “dolphin-safe” means no dolphins were harmed. But the truth is that supposed “dolphin-safe” fishing practices can still lead to dolphin disturbance, injury, and sometimes even death. Thousands of dolphins are affected every year by “dolphin-safe” tuna nets, and certification only requires no nets intentionally set on dolphin-associated tuna schools and no dolphin mortality observed. Deaths from harassment, injury, fishing practices, or disruption of the ecosystem are an inevitable consequence of sweeping the ocean with giant nets. Touting their products as “100%” dolphin-safe or “not caught...in association with dolphins”, these tuna producers exploit a gap in common consumer knowledge.

The supposedly “dolphin-safe” tuna companies named in ALDF’s petition rely on fishing practices with extremely high “bycatch” (non-targeted animals). For example, “purse-seine” fishing, along with “fish aggregating devices” (FADs), draws tuna and other creatures to the net, while “longline” fishing, the least sustainable option, leads to massive amounts of bycatch. Sometimes 50% of their catch is marine life other than tuna: seabirds, dolphin, turtles, porpoises, sharks, and whales — some of which are endangered.

Despite their claims, the fishing practices of these companies—the three largest canned tuna retailers in the nation—devastate fish, mammal, and seabird ecosystems. Bumble Bee describes its dedication to “eco-friendly manufacturing,” and StarKist says it “stands for sustainability,” while Chicken of the Sea claims to promote oceanic sustainability. Yet shark and sea turtle populations are facing extinction due to commercial fishing. Over one million sharks are killed every year because of tuna fisheries, while hundreds of thousands of fish, turtles, dolphins, porpoises, whales, and other sea life meet the same fate. Of course, tuna populations are also suffering. In 2009, the World Wildlife Fund predicted that the breeding population of Atlantic bluefin tuna would disappear by 2012. Safer and more sustainable fishing practices are available, but not chosen.

Meanwhile, StarKist claims consumers should eat tuna for dietary health. On the contrary, the 2010 Dietary Guidelines put forth by the Department of Health and Human Services (“Guidelines”) indicate tuna is significantly higher in methyl mercury than all other seafood except tilefish, shark, swordfish, and king mackerel, all of which the Guidelines suggest should be avoided. StarKist also misleadingly asserts the Guidelines make “a strong recommendation for all Americans to double the amount of seafood they eat.” Actually, the Guidelines state young children should consume less than eight ounces per week, and vegetarian diets “have been associated with improved health outcomes” including lower levels of obesity, lower blood pressure, and a lower risk of cardiovascular disease. Moreover, StarKist fails to mention that the Guidelines recommend pregnant women limit their consumption of albacore tuna for the health of mother and infant.

**CAUGHT IN THE NET**

In times of economic difficulty, consumers are careful about where they spend their money. Studies show that even those whose budgets are strained are willing to pay more for eco-friendly products. Tuna producers capitalize on these good intentions by distorting messages to appear totally dolphin-safe, eco-friendly, and healthy. Those who want to buy affordable and responsible products are vulnerable to this misinformation. ALDF’s suit aims to fight this “green-washing.”

The FTC initially denied ALDF’s petition but failed to adequately address many of ALDF’s factual claims. Accordingly, ALDF is swiftly rebutting this determination and will consider litigation if appropriate.”We are calling upon the Federal Trade Commission to discharge its duty by preventing these companies from misleading well intentioned consumers” says Chris Berry, ALDF attorney.

ALDF will catch these tuna producers in their pack of lies. And you have a choice as a consumer. Be a friend to tuna, and to all marine life, by reducing or eliminating tuna from your diet. Save your hard earned dollars for companies who deserve it.
K-9 Heartbreak...
when Police Officers Shoot Dogs

ALDF receives many calls from people whose companion animals have been harmed or killed by police officers. Although there are no national records of how many dogs are killed each year by law enforcement, the tragic stories deeply affect individuals, officers, and communities.

People can protect their companion animals by protecting police officers. An unleashed dog is the most common reason an officer uses force against an animal, and shootings are deemed justified if an officer perceives a threat. It is important to fix all fences, screens, and gates, and to follow all leash laws and crate dogs, when making calls to the police, or if officers are in the area.

However, it is shockingly common for a dog to be shot in his own yard, and many "perceived threat" cases involved small dogs like arthritic Labradors, tiny Chihuahuas, barking puppies, and tethered or restrained dogs. In Michigan, an elderly golden retriever named Scout was killed in his own yard after playing in his neighborhood while unleashed; when coaxed from a hiding spot by the officer, Scout growled nervously, bore his teeth, and was shot and killed. Similarly, in Atlanta, when officers arrived at the wrong address, a two year old German Shepard named Easy was killed by officers even though he was chained up.

When officers enter domestic premises, the tense situation can lead to serious mistakes. In Vallejo, Calif. a woman's eleven year old Labrador was shot and killed in her own yard, after the woman had called the police to report an identity theft. After being told an officer wasn't being sent out, an officer arrived unexpectedly and shot the woman's dog in her yard. In Maryland, a couple was awarded $620,000 when officers unlawfully entered their home and killed the couple's brown Labrador.

If a companion animal is (or appears to be) a dog considered a "dangerous breed," like a pit bull or a Rottweiler, officers will likely put the dog down automatically, even if the dog may simply be barking, as his nature tells him to do. A Richmond couple won $210,000 after their pit bull Blu was shot 11 times in his own fenced yard when police entered the property while pursuing a suspect.

Perhaps the most shocking is how frequently dogs are shot when officers have the wrong address. After the tragic shooting of Cisco in Austin, Texas, where a dog was shot and killed...
by officers responding to a domestic disturbance call at the wrong address, the Austin Police Department enhanced officer training. New policies include non-lethal alternatives, interpreting a dog’s body language, increased review of shootings and improved communication. Similarly, after the killing of an eleven-year old arthritic yellow Labrador named Gloria, the Oakland, Calif., police have provided additional officer training.

Proper training can help police officers distinguish warning barks from physical threats, a frightened dog from an aggressive one, and how to use vocal commands and non-lethal weapons. Without training, an officer may perceive a threat where there is none, and, by discharging his weapon, put himself and others in harm’s way. The U.S. Postal Service trains its mail carriers, who, like police officers, encounter dogs on a daily basis. Law enforcement deserves the same training and protection.

Police departments across the U.S must provide better officer training to humanely resolve perceived conflicts with companion animals. Doing so can help law enforcement avoid civil litigation, maintain the public trust, and protect animals.

“These disturbing stories demonstrate that the law does not – yet- offer appropriate recourse for people whose animals have been negligently killed” says Scott Heiser, director of the Criminal Justice Program at the Animal Legal Defense Fund. “Improved officer training is a crucial component to prevention in these cases.”

For more information on how to prevent these tragedies, please visit aldf.org.

SnapperFAIL: Good News for Indiana Turtles

AFTER A YEAR OF INVESTIGATION AND LEGAL LEGWORK BY ALDF, the Indiana Department of Natural Resources (DNR) issued an official announcement about the abuse of turtles at the annual Ohio County event known as “Snapperfest.” ALDF received word from the DNR that Snapperfest was canceled.

In this shameful summer event, “contestants” pull the heads of live turtles far outside of their shells, in a display of supposed showmanship. Following ALDF’s petition, the DNR agreed the state cruelty law applies to the turtles swung by their tails, repeatedly dropped and thrown to the ground, and yanked head-first out of their shells by their necks in the cruel events of Snapperfest.

“Faced with the threat of prosecution and overwhelming pressure from the public, Snapperfest’s organizers have finally decided to cease this cruel and pointless ‘sport,’” says ALDF attorney John Melia. “This victory would not have been possible without the vocal support of our members and other animal lovers. It has been inspiring to see so many people stand up and give a voice to these helpless turtles.”

Recklessly, knowingly, or intentionally neglecting a vertebrate animal—the kind of abuse documented in undercover video taken during last year’s Snapperfest—is a Class A misdemeanor in Indiana. If you have any first-hand knowledge that laws are being broken involving turtles at this event, please contact ALDF at info@aldf.org.

Footage of the 2011 Snapperfest investigation is available at aldf.org/snapperfest.
Samson and Cinnamon, two black bears. PAWS reports Ben has been splashing happily in his pool several times a day and enjoying the fall acorn harvest.

In the lawsuit, ALDF worked with PETA, local counsel, and concerned North Carolina citizens to show that Ben’s basic health and welfare needs were not being met. As a result, Cumberland County Judge Kimbrell Tucker signed a permanent injunction that forbids Jambbas Ranch from acquiring any new bears in the future and from using Ben’s cage as the main enclosure for any wild or exotic animal.

Most animal cruelty cases are tried as criminal cases, and animal advocates have to rely on overworked, understaffed police and prosecutors. In Ben’s case, ALDF creatively drew upon a North Carolina statute called “19A,” which allows an ordinary citizen to take possession of an abused or neglected animal. Rescuing an animal from a harmful environment is an important part of animal protection, so this is a much-needed legal avenue. “We think this is a legal trend spreading to other states” says Carter Dillard, litigation director for ALDF. “If passed in other states, it would allow concerned citizens and animal rights groups to greatly reduce the tragedy of animal cruelty in their own communities.”

This is great news for Ben. Unfortunately, the USDA continues to allow Jambbas Ranch to own and profit from the exhibition of many other animals in terrible conditions, despite citing the ranch for Animal Welfare Act (AWA) violations in nearly every inspection in the past six years. If the USDA refused to grant an AWA license to Jambbas, the ranch would be forced to give up the other animals suffering in its cages. Carter says “It is time for the USDA to step up and protect animals from violations of the law.”

The court put an end to the inhumane and illegal treatment Ben endured for years. But the case is not over. ALDF Executive Director Stephen Wells says “We will continue to fight until all the animals at Jambbas Ranch are removed and protected.”

For more information, please visit ALDF.org. Video footage of the transfer and of Ben enjoying his new habitat at PAWS is available on our website.
This fall, Mariann is teaching a course called “Animal Law Fundamentals.” For special projects, students select an animal-related issue to research and present to the class. As she explains, facts about animals are not known to many people, so having students report on conditions animals experience allows students to see “the extraordinary array of things that are going on with animals and some of the horrible things they are subjected to – and how the law applies.”

Another course she teaches is called “Animals in Agriculture: Law and Policy.” The course has been taught previously by ALDF founder Joyce Tischler in a CALS summer program at Lewis & Clark Law School. In this class there are a dozen students, of varying preparation and background.

Mariann is thrilled about teaching at Lewis & Clark. She describes it as “one of the few atmospheres where people who care about animals are in majority.” She has a “brilliant mix of students” this semester and thinks the brainstorming activities and sharing of ideas they engage in is one of the most helpful and productive interactions law students can have.

**“ANIMAL AG IS GOING DOWN”**

These law students will one day change the way animals are protected by our legal system, especially in corporate agriculture. “Animal ag is going down,” Mariann says, “and lawyers are going to be the ones to take it down.”

She notes several key factors leading to a decrease in U.S. meat consumption, such as the damage done by the meat industry to our natural resources as well as enormous individual health concerns. As information is coming out about animal cruelty issues, science is helping people become more aware of health risks, and people are choosing to eat fewer animal-derived products.

So in the end, Mariann’s vision for the future is optimistic. “There will be enormous shifts in the way we deal with animals, and lawyers can hasten the day that happens,” she says. “When we stop eating animals we can see them for the wonderful beings they are. People putting animals in their mouths get in the way of seeing them as our fellow travelers.”

Mariann Sullivan is currently a lecturer in animal law at Columbia University and an adjunct professor of animal law at Brooklyn Law School and Cardozo Law School. This spring, she will be adding New York University Law School to her roster, co-teaching a course on Farmed Animal Law with fellow animal law ambassador, David Wolfson. Mariann has served as chair of the Animal Law Committee of the New York City Bar Association and the American Bar Association’s TIPS Animal Law Committee. She has authored many articles about animal law, focusing on creative legislation tackling agricultural cruelty.
Hens in the Classroom

Mariann Sullivan at Lewis & Clark

ALDF is excited to introduce Mariann Sullivan, co-creator of Our Hen House - a celebrated multimedia resource for animal rights issues, and the first Visiting Professor at the Center for Animal Law Studies (CALS) at Lewis & Clark University in Portland. ALDF is delighted it could help bring such a trailblazing teacher to CALS (a partnership between ALDF and Lewis & Clark). Mariann’s courses will enrich an innovative degree program in animal law as well as the law school curriculum as a whole.

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