

## Bear Markets: Australia

Summary of the findings of: *'From Cage to Consumer (II): A Survey into the trade of bear galls and Chinese bear bile products in Australia'* published by WSPA, September 2002.

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To determine the prevalence of the sale of bear gall bladders and bile products in Australia, thirty-five Traditional Chinese Medicine (TCM) shops and clinics were randomly selected and surveyed in three major cities – Sydney, Melbourne, and Brisbane. The survey also examined current legislation and enforcement; awareness; the type of product; and identified consumers.

Australia has no indigenous bears nor farming for bear products therefore all products are imported.

Of the shops surveyed, 17 (49%) were found to sell bear gall bladders or bear bile products, despite the fact that most of the shops recognised that the sale of bear galls or bile products in Australia is illegal. One shop, in Sydney city centre, was selling six bear gall bladders. Fifteen shops, (43%) in all three cities, were selling manufactured bile medicines such as haemorrhoid ointment and bear bile capsules. Two shops from Sydney & Melbourne claimed that intact bear galls from China, Hong Kong or Malaysia could be ordered by special arrangement. In addition, two products found in this survey were clearly produced by Chinese 'bear farms'.

TCM shops in Australia sell less variety of manufactured bear bile medicines than other countries examined by WSPA and the products were not so openly displayed.

Illegal bear galls and bile products were either found to be brought into Australia by individuals in personal luggage. The availability of similar manufactured bile products suggests that products are illegally imported by individuals, and then distributed on a commercial basis.

A selection of illegal bear bile products found on sale in Australia, including an intact bear gall bladder.



Australia has a population of approximately 20 million people, with those of Asian (the dominant consumers of TCM products) descent, increasing from 276,000 in 1981 to approximately 1.25 million in 1999. Each of the target cities has a distinctive Chinatown area, a significant number of TCM shops and clinics, and a high population of Asians.

Regardless of Australia's international reputation for positive and progressive legislation on preserving endangered species, and animal welfare concerns, the illegal sale of bear galls and bile products were found in this survey. The findings and analysis reveal a need for further enforcement and awareness education within the country.

### **Endangered species: international restrictions and Australian national legislation**

Trade in the eight species of bears is controlled by legislation implemented by the 159 Parties of the Convention on International Trade in Endangered Species (CITES) Australia became a Party to CITES on July 29th, 1976. International trade in the species listed on Appendix I should be strictly controlled. The Convention specifies that the international trade of species listed in Appendix I must not be "detrimental to the survival of the species" or traded without permits granted by the appropriate authorities<sup>7</sup>. See page 59.

International trade for commercial purposes is only allowed if the specimens originate from captive breeding facilities registered with the CITES Secretariat in Switzerland and these facilities must follow the specific CITES guidelines for Appendix I species. At present, no captive breeding facilities for the three Asian bear species are registered with the CITES secretariat.

There are not believed to be any Australian sources of these products, therefore any bear parts or derivatives found in Australia have been illegally imported.

The implementation of CITES comes under the jurisdiction of the federal government. Environment Australia, which is a division of the Department of Environment and Heritage. This includes Wildlife Protection which is the CITES management authority, and Wildlife Management which is the CITES scientific authority in Australia

Current legislation concerning the possession and trade of endangered species is the Environment Protection and Biodiversity Conservation Act 1999 amended in 2001, administered by Environment Australia. This is regarded as a comprehensive piece of legislation and it is regarded that Australia has a willingness to protect native and non-native species.

Part 13A of the Act -- International movement of wildlife specimens, largely focuses on integrating commitments to the Convention into Australian legislation. Section 303BA(1) states:

- 1) The objects of this Part are as follows:
  - (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;
  - (b) to protect wildlife that may be adversely affected by trade;
  - (c) to promote the conservation of biodiversity in Australia and other countries;
  - (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way;
  - (e) to promote the humane treatment of wildlife;
  - (f) to ensure ethical conduct during any research associated with the utilisation of wildlife;
  - (h) to ensure that the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.

The Malayan sun bear, Asiatic black bear, Asian brown bears, giant panda, spectacled bear, and sloth bear are listed within this Act as 'CITES Species' in which trade is prohibited<sup>2</sup>. It is also made clear



Six intact bear gall bladders were found on sale in Sydney.

in Sections 303CC, 303CD and 303GN of the new Act that trade and possession of an illegal CITES specimen is a significant crime with penalties. Relating to CITES species without permits, 303CD asserts:

- (1) A person is guilty of an offence if:
  - (a) the person imports a specimen; and
  - (b) the specimen is a CITES specimen.

Penalty: Imprisonment for 10 years or 1,000 penalty units, or both.

Furthermore, the Act specifies that any product that claims to be, or to contain, a CITES specimen is considered to be, or contain, a CITES specimen<sup>3</sup>. Therefore, any products that profess to be, or to contain, bear bile or bear gall are regarded under the law as such products. The Act also has provisions for the enforcement and seizure of illegal CITES specimens at all Customs barriers, and the Act encourages the Federal government to work in collaboration with State and Territory governments to select officers to have powers similar to those of the appointed Federal CITES investigators.

### **National Complementary Medicine Legislation**

Since bear bile is used for the purpose of traditional oriental medicine, health legislation is relevant. The Federal Department of Health and Ageing is responsible for the overall public health of Australians. The Therapeutic Goods Administration is a sector under the Department of Health and Ageing that administers the Therapeutic Goods Act 1989. This regulates the available medicine and medical devices in Australia, including traditional medicine relating to “quality, safety, efficacy, and timely availability of therapeutics goods”. Although not a central issue, the Act does provide measures for the registration, label and advertisement of therapeutic products, where use and sale of an illegal specimen becomes a larger issue<sup>4</sup>.

Before any medicine can be distributed in Australia, all products must be registered or listed in the Australian Register of Therapeutic Goods (ARTG), unless approved for exemption. Products deemed to have a higher risk or harm to the public, are evaluated by the government for registration. Products deemed to have a lower risk or harm to the public, the product are simply listed without government evaluation, but require the producer to provide evidence that the product is safe, effective and reliable. Evidence must also conform to any medical standards relevant to the product; show that the product is properly advertised or labelled; and prove an accepted manufacturer produced the goods. Products are then allocated a “AUST R number” for registered products or an “AUST L number” for listed products. These numbers must be on the label or packaging of the therapeutic good as specified by the Therapeutic Goods Order No.69. Most complementary goods, such as traditional medicines, are considered as low risk products and are listed rather than registered.

The Therapeutic Goods Act 1989 also controls advertising and labelling for therapeutic products. Penalties are imposed upon those who falsely claim a product is registered or listed, who mislead consumers through advertising, who sell counterfeit products, or who purposefully utilise therapeutic goods that are not registered, listed, exempted or approved by government authority.

All the products found in this survey claiming to be or contain bear bile, but lacking a registered or listed number, have violated the Act.

Furthermore, the Therapeutic Goods Act 1989 “*provide[s] a framework for the States and Territories to adopt a uniform approach to control the availability and accessibility, and ensure the safe handling, of poisons in Australia*”<sup>5</sup>. The Act operates closely with the States and Territories regarding the register of therapeutic products, but little regulation for complementary or traditional medicine has been established in State laws. The first and only statute that relates to Chinese Medicine at State level is Victoria’s Chinese Medicine Registration Act 2000. This is to reassure consumers of Oriental medicine that herbal dispensers or practitioners, such as acupuncturists, are certified and abide to specific standards. This act mainly monitors the practitioner or Chinese medicine dispensers’ activities and behaviours, and their ability to trade, use and prescribe Schedule 1 drugs of the Drugs, Poisons, and Controlled Substances Act 1989. The Schedule 1 list is currently in the process of being confirmed. The Australian government is observing Victoria’s Chinese Medicine Registration Act 2000 in the hope that it’s success can provide a pathway for other states to regulate Chinese Medicine.

### **Type of products found during the WSPA survey**

Products were considered in three categories:

- 1) Manufactured bile medicines
- 2) Farmed bile powder
- 3) Intact bear gall bladders

**Manufactured bile medicines:** Medicines containing bear bile mixed with other ingredients. Deer musk is the most common ingredient to mix with the bear bile. The medicines are produced in various forms including oils, pills, and plasters, and are used for rheumatism, haemorrhoid, and sprains. All the products discovered were produced in China.

**Farmed bear bile powder:** Produced and packaged on bear farms in China. In general the product is in the form of flakes and are packaged in small vials.

**Intact bear gall bladders:** Smuggled from China or Russia, or hunted by local hunters in other provinces or states in North America.



Product containing bear bile used to treat rheumatism and sprains.

Of 35 TCM shops and clinics surveyed, 17 shops (48.6%) were found to sell bear gall bladder or bear bile products. 15 shops (42.9%) throughout the three cities were found to sell manufactured bile medicines such as haemorrhoid ointment and bear bile capsules (see table 1).

In total, three shops (8.6%) either sold or could supply bear gall bladders.

Six bear gall bladders, of unknown origin, were found in one shop in Sydney city centre. The practitioner claimed that brokers sold the galls to him. Each of gall weighed 7-8 grams and priced at Australian \$ 20 each. This practitioner said that his customers were mainly of Korean descent. He also stated that as a professional practitioner, the Australian government would not inspect his shop for sale of illegal products.

Two shops claimed that intact bear galls can be ordered by special arrangement and the galls can be from China, Hong Kong or Malaysia. Although one of these shops had no bear products in stock it is included as a source since this service is available.

Compared to other markets, including the USA and Canada<sup>6</sup>, TCM shops in Australia sold less variety of manufactured bear bile medicines, and these were not openly displayed. Fel Ursi Haemorrhoid Ointment, which is the most widely sold manufactured bear bile medicine in Australia, was found in 12 out of 15 shops. According to the shops and practitioners, this bear bile ointment contains a very low percentage of bear bile. In some of its newer packaging, the bear bile is no longer listed as an ingredient, contrary to its label.

Farmed bear bile powder from China, was not found in this survey although two products found were produced by Chinese bear farms.

**Table 1: Bear galls and bile products found in the survey**

<b>Name of Product</b>	<b>Form</b>	<b>Manufacture/Origin</b>	<b>Price</b>	<b>Area found</b>
Fel Ursi Haemorrhoids Ointment	Ointment	Chung Lien Drug Works, Hankow, Hu Bei Province, China	A\$3.50–55	Sydney, Melbourne, Brisbane
Tieh Ta Wan	Wax egg	The United Pharmaceutical Manufactory, Kwanchow, China	A\$6	Sydney
Xiong Dan Zhi Lin Gao (Bear Bile Haemorrhoid Ointment)	Ointment	Hei Bao Medicine Group	No price	Sydney
Pien Tze Huang Yin Dan Ping Gan	Capsules	The United Pharmaceutical Manufactory, Kwanchow, China	A\$42-68/per box (10 box pack)	Sydney, Brisbane
Xion Dan Giao Nang (Bear Bile Capsules)	Capsules	Zhang Peng Pharmaceutical Factory, Yunan, China	A\$8/each box	Sydney
Six bear galls	Intact gall	Unknown	A\$20/each	Sydney

### **Import routes**

One shop claimed that although bear bile products, for example powder or capsules, are prohibited from import to Australia, should a customer request the product, they would make special arrangements from China. The practitioner stated: *“When the capsules are sold out it would be very difficult to get more. If customers do request the product in future the shop has made special arrangements to ask someone to carry them from China into Australia. If Customs asked what the product was as long as it was self-use it would be no problem. The worst situation would be if customs confiscated the products only. In addition, most bear bile products no longer have bears on the packaging, so if the customs did not see the pattern, it would be alright.”*

The shop also recommended the WSPA researchers to purchase the products from China and ask their friends or relatives to bring them into Australia. Although the quantities may seem minor individually the cumulative effective is likely to become more significant.

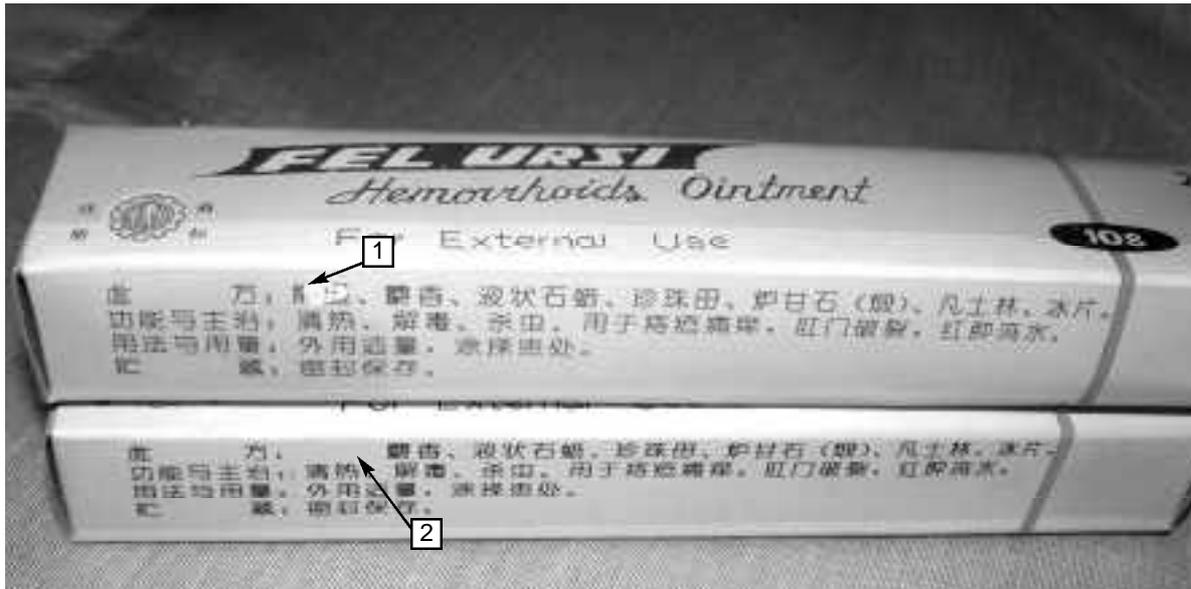
In addition, the widespread availability in Australia of similar manufactured bile products suggests that the products are illegally imported from China in large quantities by local importers / distributors.

### **Disguised bear bile products**

Cases of products being relabelled to conceal the ingredients were identified. In addition to this violation of the Therapeutic Goods Act 1989, none of products found in this survey displayed an ARTG registered or listed number.

Case 1: Correction fluid was used to cover the word ‘bear bile’ from the ingredient list, although the name of the product is still called ‘Fel Ursi’ in English and ‘bear gall bladder’ in Chinese.

Case 2: Same product as case 1 but the new package no longer has the printed words ‘bear bile’ in the ingredient list. Again the name of the product is still called ‘Fel Ursi’ in English and ‘bear gall bladder’ in Chinese.



On the package of the product on top (1) the bear bile ingredient has been deleted with correction fluid. On the packaging below (2), the ingredient has been deleted altogether. A shop keeper where this product was being sold claimed this was because of the low percentage of bear bile in the ointment.

Case 3: The words 'bear bile' or 'bear gall bladder' were replaced by a direct conversion of the Chinese pronunciation such as 'Xiong Dan', 'Xion Dan' or 'Siong Dan' into English. For example product no. 5 in table 1, 'Xion Dan Giao Nan' is the product's English name, but 'bear bile capsules' is still shown in Chinese characters on the product's packaging. Chinese customers can recognise it as a bear bile product.

Case 4: Snake gall bladder is used in place of bear gall bladder in the ingredients list. For example, product no. 4 in table 1 Pien Tze Huang Yin Dan Ping Gan (capsules). A number of shops claimed that these capsules contained bear bile. Due to a ban on the use of bear galls, the manufacture in China has used the name of snake galls instead of bear galls in the ingredient list.

### Recognition of illegal trade by TCM shops and practitioners

The majority of shops acknowledged the sale of bear parts and products is prohibited, and any sales would violate the law. Some also recognised the relevant Australian legislation. Five shops claimed that it was illegal to sell any products, which contain any animal parts in TCM products, and all the TCM products need to be registered or listed in the Australian Register of Therapeutic Goods (ARTG). They further explained that if the products did not have an ARTG listed or registered number then the TCM products should not be sold in Australia. Consequently, some shops said that the bear galls or products on sale are likely to be fake.

Despite this, 17 shops were selling bear bile products. The most common bear bile product was Fel Ursi Haemorrhoid Ointment, found in 12 of these shops. Questioned by WSPA why they recognised that it was illegal to sell bear bile products but they still sold this bear bile ointment, these 12 shops gave two answers:

- a. The percentage of bear bile contained in the product is very low
- b. The products may not contain bear bile despite it being listed as an ingredient, and in future packaging the bear bile would be removed from the ingredient list.

## **Enforcement and management of TCM shops & practitioners**

Several shops claimed that the Australian government would occasionally inspect shops and that the inspectors or Customs officers could read Chinese writing. Due to the fear of prosecution, these shops or practitioners chose not to sell bear gall bladders or bear bile medicines.

As explained earlier, Victoria is the first state in Australia to regulate and manage the TCM profession (The Chinese Medicine Registration Act 2001). Although it is only in the early stages of being applied, many TCM shops and practitioners appeared concerned they would lose their licence if they sold medicine with illegal animal ingredients, such as bear galls and bile products.

Of the cities surveyed by WSPA, only Melbourne is in the State of Victoria, and, on average, the TCM shops and practitioners here appeared more aware of the legal position. These shopkeepers and practitioners also advocated stricter state government policy on the sale of illegal products. The recognition and management of the TCM shops and practitioners through a licensing system seems to have a positive impact on the control of illegal wildlife products and medicines.

## **The use of alternatives and educational awareness**

Although no educational posters, stickers or leaflets were found discouraging the sale or purchase of illegal wildlife products and medicines, six TCM practitioners recommended using herbal medicines as alternatives.

TCM shopkeepers and practitioners are the front line to educate consumers, and most consumers are more willing to accept their advice on the use of traditional Chinese medicines. Therefore, the TCM shopkeepers and practitioners' awareness on wildlife conservation and animal welfare issues are vital for stopping the illegal use of endangered species for medicine. Educational materials should be developed with messages detailing the use of alternative products, the legislation on the bear trade, a list of illegal items, and the animal welfare implications that result from bear trade and bear farming. These materials should be distributed to TCM shops, practitioners and the public.

Furthermore, support from Asian community leaders, local TCM associations, TCM importers and Australian based Chinese herbal companies are also vital for stopping the trade on bear galls and bear bile products. A cohesive cooperation and working plan need to be developed between the above relevant parties, Australian government agency and NGOs.

A public awareness education programme for the Asian population in Australia is urgently needed.

## **Conclusion**

Vast amounts of bear bile products are exported from China to other countries such as Japan, Singapore, Malaysia, and Indonesia and North America<sup>7</sup>. This report proves that bear gall bladders and TCM products containing bile derivatives are also being illegally imported in to Australia from China. As with the North American study, the Australian confirms that these products are entering countries with what is generally considered good customs policing.

WSPA recognises the Australian government's efforts to protect endangered species and also acknowledges the important role that traditional Chinese medicine plays in providing complementary health care. The TCM industry in Australia has developed rapidly and professionally in recent years. It is believed that in time TCM traders, retailers, and practitioners will begin to understand the global importance of wildlife conservation and animal welfare if these concerns are addressed and incorporated into practice. A sustainable future of TCM should be achieved by eliminating the use of endangered species such as bear gall bladder and bear bile.



- Recognise the significant contributions of NGOs and enhance communication and collaboration between government/CITES management authority and NGOs.
- More effort must be made to change attitudes towards the use of herbal or synthetic alternatives to bear gall and bear bile medicines, e.g. relevant research on finding alternatives should be carried out.

References:

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