

## Bear Markets: Malaysia

A summary of the findings of ‘*The Bear Gall Bladder And Bear Bile Trade In Traditional Chinese Medicine Shops In Malaysia*’, WSPA, October 2002.

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Previous studies and reports have indicated a high incidence of illegal trade in bear gall bladder and other wildlife in Malaysia<sup>1,2,3,4,5,6</sup>. This study was conducted to further investigate the bear gall bladder and bear bile trade with a sample of 73 Traditional Chinese Medicine (TCM) shops spread across Malaysia in the cities of Kota Kinabalu, Kuching, Penang, Johore Bahru and Kuala Lumpur.

### Summary of findings

Malaysia is in the heart of Southeast Asia, comprising Peninsular Malaysia, Sabah and Sarawak (both the latter known as East Malaysia collectively). It has a population of about 23 million, with Chinese, the primary users of TCM, comprising 26% of this number.

Mills and Servheen’s research into the trade in bear gall bladders in Malaysia found all shops surveyed selling either bear gall bladders or bear bile capsules<sup>2</sup>. Other researchers who have investigated East Malaysia have also found a pronounced bear trade there<sup>1,3</sup>.

The current study was undertaken to determine the bear gall bladder and bile trade in the Traditional Chinese Medicine industry in detail in cities spread over Peninsular and East Malaysia.

Fifty seven out of the 73 (78%) TCM shops visited in Malaysia sold bear galls, bear bile powders or manufactured bear bile medicines containing bear bile – all items sold/presented as bear products are

**Four intact galls found on sale in a Malaysian shop**



treated as genuine for the purposes of this survey unless they were clearly counterfeit. Of these 57 shops, 21 sold bear galls, 39 sold bear bile powders and 23 sold manufactured bear bile medicines. One shop had bear claws for sale. More than 90 bear galls were seen in TCM shops across Malaysia during this study. “Hsuing Dan Tieh Ta Wan” was a common manufactured bear bile medicine found.

Johore Bahru had the highest percentage of shops selling bear products at 100% (every shop surveyed), followed by Penang (89.5%) with Kuala Lumpur very closely behind (86.7%), then Kota Kinabalu (75%) and trailing quite far behind, Kuching (58.3%). Kota Kinabalu had the highest number of shops selling intact galls and Kuching had the lowest. Less than 50% of shops in each Peninsular Malaysian city visited sold intact galls although Kuala Lumpur did have a relatively high percentage at 46.7% of surveyed shops selling them.

Many traders claimed: The presence of counterfeit galls in the market; that bear galls are prohibited from sale but that bear bile powders and manufactured bear bile medicines are not; that recent imports of manufactured bear bile medicine have “xiong dan” (bear bile) omitted from their ingredients list or product name. Most said bear bile continued to be in the medicine while others were not sure or said it no longer contained bear bile. This was documented during the study, especially for the product “Hsuing Dan Tieh Ta Wan”.

The price range for all the bear products was wide, especially for galls. This could be because some were counterfeit. The most expensive specimen found cost RM 20,000 (US\$ 5263) for one gall.

The chief source of bear products, for all categories of products was China. Local/neighbouring sources were significant nevertheless, from areas such as the border between Sarawak and Indonesia, Kalimantan, Pahang, Klang and “Si Ma” or “Spanjung” near Kuala Lumpur.

While gall acquisition was more irregular, bear bile powders and manufactured bear bile medicines were usually in stock all the time or regularly imported. There was evidence of traders being able to meet orders of large quantities.

Import methods ranged from being trafficked by Chinese nationals to coming in through cargo aboard ships, hidden among herbs. One shop also mentioned that the Orang Asli (native people of Malaysia) were involved in hunting bears for their gall bladders.

There was significant knowledge of bear protection among traders. There was also significant knowledge of bear farming. Traders often thought bear bile imports from farms were legal by virtue of them being from farmed bears.

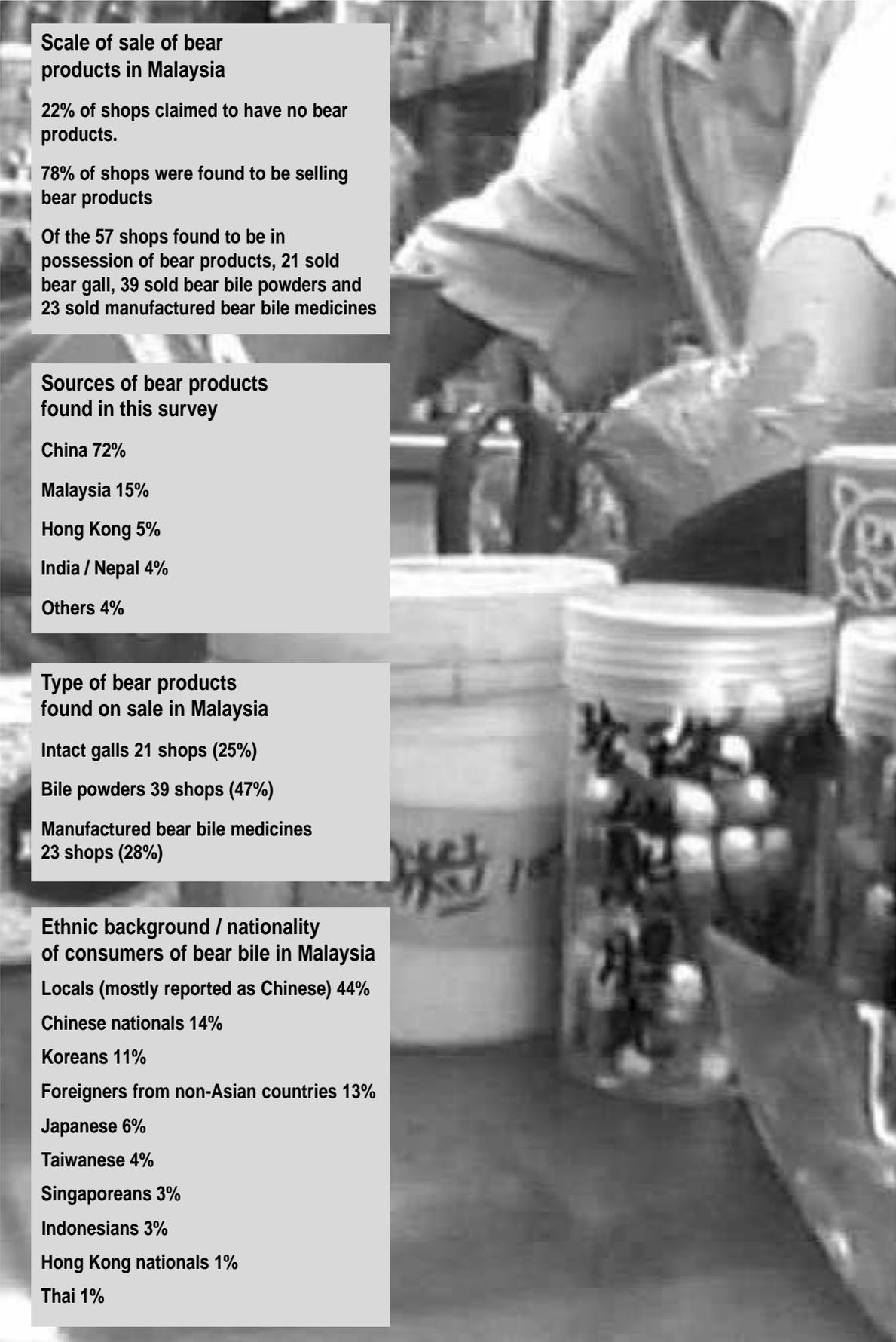
There were at least two bear products from China found to have “MAL” registration numbers which means that they were passed by the Malaysian Health authorities.

There is a network of retailers, distributors, wholesalers and manufacturers in Malaysia for the bear gall and bile trade.

Many traders said bear products could be exported easily by concealing or cutting them up or because bear bile powders and manufactured bear bile medicines could be legally exported without problems. There were more reservations about exporting intact galls.

The majority of consumers were reportedly locals and Chinese of various nationalities. Koreans formed a large part of foreign consumers.

The most common use of bear bile was for heatiness and heatiness related symptoms. It was also commonly used for superficial wounds, muscular aches and injuries.



**Scale of sale of bear products in Malaysia**

**22% of shops claimed to have no bear products.**

**78% of shops were found to be selling bear products**

**Of the 57 shops found to be in possession of bear products, 21 sold bear gall, 39 sold bear bile powders and 23 sold manufactured bear bile medicines**

**Sources of bear products found in this survey**

**China 72%**

**Malaysia 15%**

**Hong Kong 5%**

**India / Nepal 4%**

**Others 4%**

**Type of bear products found on sale in Malaysia**

**Intact galls 21 shops (25%)**

**Bile powders 39 shops (47%)**

**Manufactured bear bile medicines 23 shops (28%)**

**Ethnic background / nationality of consumers of bear bile in Malaysia**

**Locals (mostly reported as Chinese) 44%**

**Chinese nationals 14%**

**Koreans 11%**

**Foreigners from non-Asian countries 13%**

**Japanese 6%**

**Taiwanese 4%**

**Singaporeans 3%**

**Indonesians 3%**

**Hong Kong nationals 1%**

**Thai 1%**

## Literature review

### CITES

The Convention on International Trade in Endangered Species of Fauna and Flora (CITES) aims to ensure that international trade does not threaten the survival of endangered species of animals and plants. Species listed in Appendix I of CITES are highly endangered and are not to be commercially traded internationally while those listed in Appendix II can be traded with the relevant permits.

International trade in all bear species is regulated or prohibited by CITES. Appendix I listed bears include the giant panda, Asiatic black bear, Malayan sun bear, sloth bear, spectacled bear, and populations of the brown bear in China, Bhutan, Mongolia and Mexico. Other Asian populations of the brown bear, the polar bear and the American black bear are on CITES Appendix II (see page 59).

Malaysia became a CITES party in 1978. It is a range state of the Malayan sun bear.

The implementation of CITES in Malaysia is divided between the Federal Government in Peninsular Malaysia and the states of Sabah and Sarawak. Each is independent of the other and is responsible for the implementation within its jurisdiction.

### Traditional Chinese Medicine in Malaysia

In Malaysia, the local herbal market was estimated to be worth about RM5.4 billion (US\$ 1.4 billion) in 2000, with a growth rate of 15 - 20 percent annually<sup>8</sup>.

Chinese medicine is used extensively in Malaysia despite the growth of allopathic medicine. It now also attracts non-Chinese who consult physicians in medical halls and there is international interest in developments in Chinese medicine, stimulating younger, modernist Malaysians to learn more about Chinese practices. Chinese medicine users tend to be aged between 30-59 in Malaysia. They are evenly spread across the different education levels<sup>9</sup>.

From January 1992, the registration of traditional medicines became compulsory to ensure that the products sold in Malaysia are safe, efficacious and of high quality.

Evidence of Ministry of Health approval on the package comes in the form of a registration number starting with the letters "MAL" or "PBKD", followed by 8 or 6 digits, and ending with the letter "T" for traditional medicine products<sup>8</sup>.

Bear bile has been used in Traditional Chinese Medicine for thousands of years. It has been used to treat a variety of ailments such as fever, injuries, hemorrhoids, conjunctivitis and liver disease.

Bears are either killed for their gall bladder or bred in farms and have their bile extracted. China has the world's largest bear bile farming industry (See section One).

There are at least 54 herbal alternatives to bear bile in its various medical applications, according to a joint study by EarthCare and the Chinese Association of Medicine and Philosophy (in Hong Kong)<sup>10</sup>.

### The Malayan sun bear

The Malayan sun bear, also known as the "Honey bear" is classified as "Data Deficient" in the 2000 International Union for Conservation of Nature and Natural Resources (IUCN) Red List of Threatened Species<sup>11</sup>. IUCN also classifies the sun bear as vulnerable. It is found in Peninsular Malaysia, Sabah and Sarawak, India, Indonesia, Brunei, Burma, China, Laos, Thailand and Vietnam<sup>12</sup>. The Malayan sun bear is seriously affected by logging, the gall bladder and pet trade.



Various commercially produced and packaged products containing bear bile were found throughout Malaysia.

### Wildlife trade in Malaysia

In 1999, a TRAFFIC report stated that processed tiger bone medicines of Chinese and South-East Asian origins were still relatively widely available in Malaysia. It was found that Chinese manufacturers had changed the names and packaging of certain products to indicate that tiger bone is no longer used<sup>13</sup>.

In 2000, Malaysia tightened up its traditional medicine regulations and TRAFFIC Southeast Asia noted that it hoped steps would be taken not only to address health problems from unregistered medicines containing harmful ingredients, but also the problem of harvesting threatened species for use in such medicines.

In August 2002, the World Wide Fund for Nature Malaysia (WWF Malaysia) prompted the Ministry of Science, Technology and the Environment to initiate the drawing up of the legislation that would make it illegal for anyone to sell products that claim to contain endangered animal parts, including tigers<sup>14</sup>.

The majority of offenders prosecuted by the Department of Wildlife and National Parks (commonly known as “PERHILITAN”) enforcement unit have been those serving endangered or protected wildlife as exotic food<sup>15</sup>. The WWF Malaysia has reported that wildlife meat is being eaten in restaurants all over the country. Animals on the menu include bears, leopards and primates.

Norizan Ahmad, deputy director of the CITES unit at “PERHILITAN” has stated that poachers have a network and that they engage the assistance of paid Orang Asli (native people of Malaysia) to guide them during their hunts<sup>16</sup>.

TRAFFIC Southeast Asia Programme Officer, Chris Shepherd has raised concerns over endangered animals, such as the sun bear, that could be disappearing but to which little attention is paid. Conservationists such as Shepherd say Malaysia sorely lacks research on the local wildlife population and hence faced the difficulty of determining how much effort should be channelled towards their protection<sup>15</sup>.

Enforcement director at PERHILITAN, Khairiah Mohd Shariff, has reported that while the department was apprehending an increasing number of offenders, with an expansive network and highly organised operations, hundreds of smugglers escaped their enforcement efforts. Norizan Ahmad also states that while enforcement has been stepped up, as long as there was consumer demand for these animal parts, the trade would continue<sup>15</sup>.

Another problem cited has been the difficulty detecting smuggled wildlife, which is why PERHILITAN has decided to explore DNA fingerprinting. Yet compiling a useful library of wildlife DNA fingerprints has been noted to be a long procedure while the need to enforce is urgent.

The capacity of enforcement units has also been raised as a problem with enforcement. For example when asked why restaurants serving wildlife meat were burgeoning in Malaysia, including Kuala Lumpur, Khairiah Mohd Shariff said: *"We do not have non-Muslim officers who can go into such restaurants and order such food...it's difficult"*<sup>15</sup>.

The "Master Plan on Capacity Building & Strengthening of the Protected Areas System in Peninsular Malaysia" stated that *"the management of many protected areas had been neglected due to inadequate funding and staffing, remoteness and also due to conflicting land use like the classification of many of these areas as security areas between 1948 and 1989"*<sup>17</sup>.

### **Education and conservation efforts**

Despite the clear problems, several positive educational and conservation efforts have been undertaken in Peninsular Malaysia. They include the following:

- PERHILITAN's education unit has attempted to teach the Orang Asli settlers in Endau Rompin the importance of preserving wildlife in their area.
- PERHILITAN has specialised Tiger and Rhino units. The specialised units were formed as a response to increasingly severe poaching problems.
- More tip-offs from the public have been forthcoming in Peninsular Malaysia. One of the causes of this could be public awareness efforts such as the Asian Conservation Awareness Programme Malaysia (ACAPM), as recommended by the Malayan Nature Society (MNS), to reduce consumer demand for endangered species products.
- The MNS has also announced plans to do a questionnaire with the public to better refine its educational efforts.
- Ongoing efforts by WWF Malaysia. In August 2002 WWF Malaysia called on all Malaysians to boycott meat from tigers and other wildlife that is served in restaurants all over the country. It also encouraged the public to report restaurants selling wildlife meat to the Authorities, TRAFFIC SEA or WWF Malaysia itself.
- A report in the Borneo Bulletin on 10 April 2001 stated that the State Forest Department was clamping down on illegal buying and selling of wild meat in restaurants in Sarawak. Public with knowledge of restaurants selling wildlife meat were asked to report to the department.
- A leaflet on "Wildlife Laws in Sarawak: Important information for travellers" was found in the Kuching tourist information centre. It provided clear cautionary advice for tourists on the purchase, import and export of wild life meat or products (See Recommendations).

Recently, leaders in the TCM industry in Malaysia have also come forth to promote TCM as a medicine that does not need endangered species.



**Bear claw found on sale.**

It has been reported that Eu Yan Sang, which is a leading TCM chain store would not think of using an endangered animal for fear of public humiliation. This shows a growing acknowledgement by the TCM industry itself that a positive public image is associated with not using endangered animals.

Although parts of endangered wildlife such as bear's gall, tiger bones, musk, rhino horns and saiga antelope horns have been successfully substituted, the development manager of Eu Yan Sang, says that convincing consumers to use substitutes can be difficult and needs more education<sup>19</sup>.

### **Bear trade in Malaysia**

Statements from Authorities on trade in bear gall bladders and bear bile powders

- Peninsular Malaysia - The CITES Unit there has reported that there have been no legal import of bear gall bladder to Malaysia and there that was only one case of seizure on bear gall bladder in year 1992. The seizure was reported to be from a Chinese Traditional Medicine Hall in Penang. Three and a half kilograms of bear gall bladders and claws were seized from this operation<sup>20</sup>.
- Sabah - As of 20th Aug 2002, Sabah had not issued any permit to import bear gall bladder and bile products. In fact, the CITES Unit there has stated that they do not allow this trade. So far there have not been any seizures of these products since Malaysia became a party to CITES<sup>21</sup>.
- Sarawak - There have been no reports of import or export and seizure of bears or bear products<sup>22</sup>.

## Documented evidence of bear trade in Malaysia

Caldecott found 74 trophies of sun bears and sun bears as pet animals in 16 longhouses and 1 town, during a door-to-door survey in Sarawak<sup>1</sup>. The bear trophies mainly consisted of bear paws that were for sale in shops. Of all animals and animal groups that were investigated during Caldecott's survey, bears were most often thought to be in rapid decline; 77 per cent of 48 longhouses surveyed reported a serious decline in the abundance of this species.

Mills and Servheen visited 13 TCM shops in Kuala Lumpur, Kota Kinabalu, Lahad Datu and Sandakan in Sabah<sup>2</sup>. All sold bear products, with nine showing them bear gall bladders and 4 showing them capsules with bear bile salts. Hemorrhoid ointment that listed bear gall as an ingredient was also sold. 87 gall bladders were seen in total.

Five out of eight shops that were visited in Sabah sold bear gall bladders in prices ranging from US\$1 - 4 per gram. Four out of five shops visited in Kuala Lumpur sold bear gall bladders ranging from US\$ 1-14 per gram while one of them sold capsules only.

Three shops stated that their galls were from China. One of these also named Thailand as a source. One stated Nepal as the origin and two named Borneo. Prescribed uses were for bruising, to cure heart and liver disease, and "for cooling" illnesses caused by the Chinese medicine concept of "heat".

In Sabah, Japanese, Koreans and Taiwanese engaged in timber and mining companies were buying significant amounts of bear gallbladders in the late 1980s.

Eric Meijaard, expert on the sun bear in Borneo, has stated that in Sarawak and Sabah trade in gall bladders still seems to continue at a high level<sup>3</sup>.

Information from Sarawak suggests that the sun bear is one of the Bornean mammals most severely affected by hunting.

In West-Kalimantan, Meijaard investigated the trans-border trade with Sarawak. At the border crossing at Sawit, Kapuas Hulu, the Meijaard observed vehicles crossing the border without being inspected by Indonesian Customs. He learnt that sun bears had been transported from Indonesia to Sarawak. Meijaard also reports that the trade in sun bear bile across the border with Sarawak was reported once in an Iban (indigenous people of West Kalimantan and Sarawak) village near Sawit.

In each city of Sarawak that Meijaard visited in 1997, he found evidence of the sale of bear gall bladders in TCM shops with every TCM shop having at least one or two bear gall bladders in store, and sometimes as many as 10. Most gall bladders were reported to probably originate in Sarawak. One shop owner claimed that his bear gall bladders were from polar bears.

In their report, "*The Trade in Bear Gall Bladder and Bile Products in Singapore*", Govind and Ho reveal that two TCM shopkeepers in Singapore claimed that alleged intact bear gall bladders they sold were from Malaysia while two others selling bear bile pills also claimed this<sup>4</sup>.

Kurniawan and Nursahid report of the export of live and dead bears to Kuching, Sarawak and of sun bear galls being delivered to Malaysia from Indonesia<sup>5</sup>. They also cite a newspaper report on how animals such as the Malayan Sun bear is hunted in Gunong Palong National park and sold to foreigners in countries such as Malaysia and Singapore.

The researchers found "Tieh Ta Wan" to be the most common bear bile product in Kuching. One trader had reported that the product previously contained bear bile and stated "Hsuing Tan" (bear bile in Chinese) but after being banned, the name was apparently changed to "Yang Cheng Brand". Bear bile was not listed as an ingredient on this product yet the shopkeeper claimed that it contained bear bile. In Batam, they also found the same product imported by Malaysian company but still using the words, "Hsuing Tan", with bear bile constituting 2% of the product.



Most shops indicated no difficulty obtaining bear bile products, with several talking of regular supplies.

#### **Cases which have resulted in prosecution include:**

- In December 1997, a restaurateur from Taman Datuk, Kandan Baru, Puchong, pleaded guilty to three charges of keeping parts of protected animals, allegedly for medicinal purposes. The leg of a Malayan sun bear was found in his fridge. He was fined and jailed<sup>6</sup>.
- Seven Malayan sun bears were seized from stalls selling tourist items in the town of Betong, in the Yala Province, near the Malaysian border<sup>7</sup>.

#### **Malaysian wildlife legislation**

Malaysia became a CITES party in 1978 under which the local sun bear is subject to Appendix I protection in Peninsular Malaysia, Sabah and Sarawak.

#### **Peninsular Malaysia - Protection of Wild Life Act (As of January 2002)**

Peninsular Malaysia does not have any specific law or regulations for the implementation of CITES in Malaysia but most of the species protected under CITES are covered in the Malaysian Wildlife Protection Act 1972<sup>20</sup>.

Under the Protection of Wild Life Act, the Malayan honey bear (sun bear), the Asiatic black bear, the spectacled bear, giant panda, Indian sloth bear and the brown bear are listed in Schedule One as totally protected animals. The polar bear is a Protected Wild Animal under Schedule Two, Part III.

A dealer is defined as “any person who carries on the business of a dealer in wild animals or wild birds by housing, confining or breeding any wild animal or wild bird for sale or selling any wild animal or wild bird live or dead or part thereof as food or for medicinal purposes whether the same is imported or not”.

**Some of the key provisions include the following.**

- **Totally protected animals**

No person may unlawfully shoot, kill, take or possess a totally protected animal. [Part I, Section 3 and Part VI, Section 64(1)]. No license or permit shall be granted with respect to any totally protected wild animal or part thereof [Part III, Section 34], therefore, no person may sell, buy, export or import a totally protected wild animal or a part of a totally protected wild animal. However, Part V contains one exception to this rule—the Minister responsible for the protection of wild life may grant one special permit to each applicant who fulfills certain criteria to shoot, kill, take, keep, buy, sell, import, export, house, confine or breed any totally protected wild animal. [Part V, Section 51(1)(a)].

- No person except a Director of Wild Life and National Parks acting under section 103 shall sell any protected wild animal or protected wild bird or dead or part thereof to any person other than a licensed dealer or a licensed taxidermist. [Part III, Section 40]

There are exemptions to the law in Part V, Section 52 which allow aborigines to shoot, kill or take the wild animals and birds listed in Schedules Two and Four for food for himself or his family. However, bears are not included in the schedules.

**Future amendments**

Peninsular Malaysia’s legislation is in the process of being amended. The amendments, were reported as being finalised by the Attorney-General’s Chambers in August 2002, and are expected to be tabled in Parliament later in 2002. These amendments include:

- That smugglers and traders of protected wildlife will face heavier penalties, including a maximum jail term of 12 years and more than 100% increase in fines.
- The department dealing with wildlife issues wants to increase the number of officers to carry out monitoring efforts and enforcement duties.
- More power to lower-ranking officers to carry out searches without warrants on individuals suspected to be involved in illegal activities.
- Expanding the list of protected species to include species that were previously not listed.

**Sarawak Wild Life Protection Ordinance 1998**

Under the Sarawak Wild Life Protection Ordinance (“Sarawak Ordinance”) the sun bear is listed as a protected animal in Part II of the First Schedule. All other bears listed on Appendix I and II of CITES are also listed as protected animals in Part II of the First Schedule. The key provisions are:

- Any person who hunts, kills, captures, sells, offers for sale or claims to be offering for sale, imports, exports, or is in possession of, any protected animal of any recognisable part or derivative thereof, except in accordance with the terms and conditions of a licence issues under this Ordinance, shall be guilty of an offence. [Part IV, Section 29(2)].
- A wild animal or any recognisable part or derivative of a wild animal can only be sold or offered for sale if the wild animal is bred, reared or kept in accordance with a license issued under Section 35. [Part IV, Section 33(1)].



Intact bear galls being sold in packets.

The only exemption is that: No person shall, unless licensed under this Ordinance, have in his possession any species of wild mammal, bird, reptile or amphibian: Provided that-

(a) a native residing within a Native Area Land or Native Customary Land may have in his possession, for his own consumption or use, any wild mammal, bird, reptile or amphibian or other recognisable part or derivative thereof; and

(b) any other person may have, for his own consumption, not more than five kilograms of wild mammal, bird, reptile or amphibian [Part IV, Section 37(1)].

The law clearly states that natives can possess wild mammals for their own consumption only. Commercial trade with dealers is not included in this exemption.

A brochure, "Wildlife Laws in Sarawak" by the Sarawak Forest Department in Kuching states that "*the wildlife law in Sarawak bans all trade in wildlife and wildlife products taken from the wild.*" This includes "*any part of a wild mammal, bird, reptile or amphibian, including skins, hides, fur, bone, teeth, shell, antlers, feathers, hooves, claws, etc*". The only exceptions are wildlife items obtained from licensed wildlife breeders.

The brochure also clearly states that people "*need a licence to import and export all wild animals and plants, regardless of their country of origin and that "for wild plants and animals listed under CITES, you will need a CITES permit as well as an export licence, both of which are issued by the Sarawak Forest Department."*

## **Sabah - Wildlife Conservation Enactment (1997)**

Under Sabah's Wildlife Conservation Enactment (1997), the sun bear is listed as a "Totally Protected Animal". [Schedule 1, Part 1, Section 25(1)]

The relevant definition of "animal product" for this study from the Enactment is "*any dead animal or part thereof whether or not included in a manufactured or processed article except where it has ceased to be in a readily identifiable form as a result of such manufacturing or processing*" (referring to protected or totally protected species). The key provisions are:

- No person shall hunt any animal of a species listed in Part 1 of Schedule 1. [Part IV, Section 25(1)]
- No person shall possess any animal of a species listed in Part 1 of Schedule 1 or an animal product of an animal listed in Part 1 of Schedule 1 unless authorised in writing by the Minister acting on the advice of the Director. [Part V, Section 41(1)]
- The sale or purchase of live protected animals or animal product of a protected animal is prohibited except where that person has a certificate of legal ownership in respect of that animal or animal product; under the authority of an animal dealer's permit granted under section 51; where the person has an animal farming permit granted under section 78. [Part V, Section 48 (1), Section 48(2)]
- The import and export of a live protected animal or animal product of a protected animal is prohibited except under the authority of permit granted by the Director upon such conditions as may be specified therein and subject to the payment of such fee as may be prescribed. [Part V, Section 53(1)]

## **The WSPA study of the trade in bear products in Malaysia**

In June and July 2002, 73 Traditional Chinese Medicine (TCM) shops were randomly visited in five cities chosen to provide a geographical spread across Malaysia, namely -

Kota Kinabalu, Sabah

Kuching, Sarawak

Georgetown, Penang

Johore Bahru, Johore

Kuala Lumpur, Selangor (Capital city of Peninsular Malaysia)

Researchers asked TCM retailers a series of questions on bear galls, bear bile powders and manufactured bear bile medicines that they sold. Usually, the same questions were asked to all traders visited, though at times, fewer questions had to be asked and at times, more in-depth questions could be asked.

For the purposes of the investigation, the bear products being looked at were defined thus:

- 1. "Bear gall" or "bear gall bladder"** refers to intact galls. They may have been cut up but not ground or mixed with other ingredients.
- 2. "Bear bile powders"** refers to bear bile powders, capsules, crystals, flakes, etc which are usually pure bear bile from farms, though capsules are sometimes mixed with herbs or pearl powder.
- 3. "Manufactured bear bile medicine"** refers to manufactured medicines containing bear bile chemically processed with other ingredients and could take the form of ointment, capsules and pills.
- 4. "Bear products"** is the collective term for bear galls, bear bile powders and manufactured bear bile medicines.

**5. Authenticity:** When referred to in this report, “bear gall”, “bear bile product” or “manufactured bear bile medicine” or “bear products” refer to how the products were sold/promoted/presented. determining whether traders were selling counterfeit products was not the remit of the investigators.

**6. Traders:** Are any TCM Shopkeepers or salespersons interviewed.

**7. Stock / items for sale:** If traders said that they sold a particular bear product and said it was out of stock, it was counted as a product they had for sale.

### Key findings

Fifty seven (78%) shops, out of the 73 visited in East and Peninsula Malaysia sold bear galls, bear bile powders or manufactured bear bile medicines containing bear bile.

**Table 1 - Range of bear products in Malaysia**

City	Total number of shops	Number of shops selling ‘bear galls’ (and %)	Number of shops selling ‘bear bile powders’ (and %)	Number of shops selling ‘bear bile medicine’ (and %)	Total number of shops selling ‘bear products’ (and %)
Kota Kinabalu, Sabah	8	5 (62.5%)	2 (25.0%)	1 (12.5%)	6 (75.0%)
Kuching, Sarawak	24	3 (12.5%)	5 (20.8%)	7 (29.2%)	14 (58.3%)
Georgetown, Penang	19	5 (26.3%)	13 (68.4%)	11 (57.9%)	17 (89.5%)
Johore Bahru, Johore	7	1 (14.3%)	7 (100.0%)	3 (42.9%)	7 (100.0%)
Kuala Lumpur, Selangor	15	7 (46.7%)	12 (80.0%)	1 (6.7%)	13 (86.7%)
<b>Total</b>	<b>73</b>	<b>21 (28.8%)</b>	<b>39 (53.4%)</b>	<b>23 (31.5%)</b>	<b>57 (78.1%)</b>

NB: 1) Percentages are calculated from the total number of shops in each category  
2) Some shops sold more than one type of bear product

Johore Bahru had the highest rate of sale of bear products at 100%, followed by Penang (89.5%) with Kuala Lumpur very closely behind (86.7%), then Kota Kinabalu (75%) and trailing quite far behind, Kuching (58.3%). See Table 1.

Kota Kinabalu had the highest percentage of shops selling intact galls and Kuching had the lowest. Less than 50% of shops in each Peninsular Malaysian city visited sold intact galls although Kuala Lumpur did have a relatively high percentage at 46.7% of surveyed shops selling them.

More than 90 bear galls were seen in TCM shops across Malaysia during this study.

Many traders noted:

- The presence of counterfeit galls in the market.
- That bear galls are prohibited from sale but bear bile powders and patent medicines are not.

- That recent imports of manufactured bear bile medicine have “xiong dan” [bear bile] omitted from their ingredients list or product name. Most said bear bile continued to be in the medicine while others were not sure or said it no longer contained bear bile.

The price range for all the bear products was wide, especially for galls. This could be because some were counterfeit. The most expensive specimen found was valued at RM 20,000 (US\$ 5263) for one gall.

The chief source of bear products, for all categories of products was China. Local/neighbouring sources were significant nevertheless, from areas such as the border between Sarawak and Indonesia, Kalimantan, Pahang, Klang and “Si Ma” or “Spanjung” near Kuala Lumpur.

There was significant knowledge of bear protection among traders. There was also significant knowledge of bear farming. Traders often thought bear bile imports from farms were legal by virtue of them being from farmed bears.

At least two bear products from China were found displaying “MAL” registration numbers.

There is a network of retailers, distributors, wholesalers and manufacturers in Malaysia for the bear gall and bile trade.

While gall acquisition was more irregular, bear bile powders and manufactured bear bile medicines were usually in stock all the time or regularly imported. There was evidence of traders being able to meet orders of large quantities.

Many traders said bear products could be exported easily by concealing or cutting them up or because bear bile powders and manufactured bear bile medicines could be legally exported without problems. There were more reservations on whether galls could be exported.

Import methods ranged from being trafficked by Chinese nationals to coming in through cargo such as a ship, hidden among herbs.

A significant number of shops (40) kept bear products out of the sight of customers. Yet many were displayed openly as well, especially manufactured bear bile medicines.

The majority of consumers were locals and Chinese of various nationalities. Koreans formed a large part of foreign consumers.

The most common use of bear bile was for heatiness and heatiness related symptoms. It was also commonly used for superficial wounds, muscular aches and injuries.

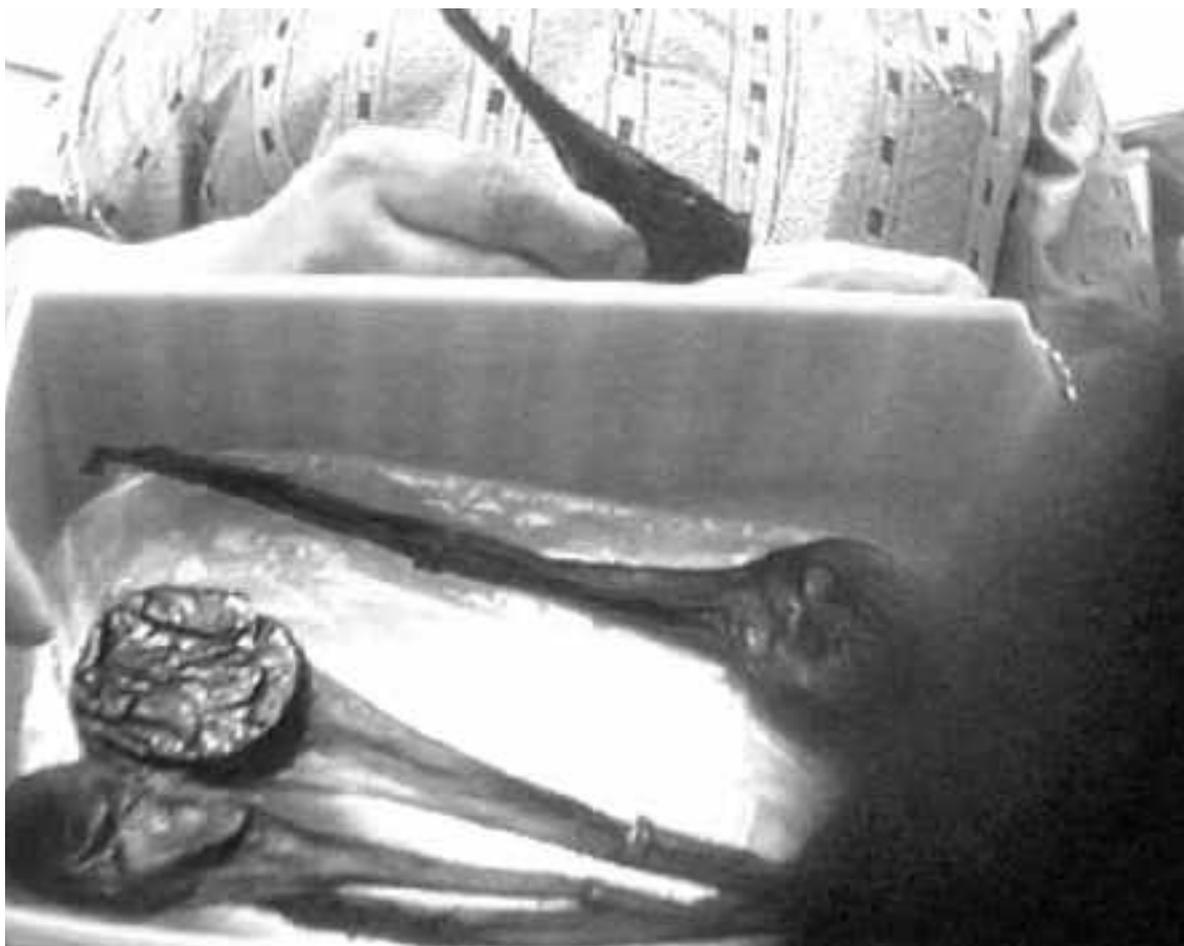
Appendix 1 summarises the key statistics found in this study.

## **Overview**

It is noted that the sample size of shops varied across cities, however, some general observations can be made when comparing the overall findings.

## **Scale of the bear bile business in Malaysia**

Peninsular Malaysia had the highest percentage of shops selling bear products (90%), followed by Kota Kinabalu (75%) and Kuching (58%). One factor for this could be the more affluent population there which can afford expensive bear products. Although the bear trade seems to be less pervasive in East Malaysia, shops that do sell it in Kota Kinabalu seem to have easier access to intact galls from local bears than the more urban Peninsular Malaysia.



A box of four galls in a TCM shop – over 90 galls were found on sale during the study.

More than 90 galls were seen in TCM shops during this study. It is significant that Kota Kinabalu had the highest percentage of shops selling intact galls (63%), followed by Kuala Lumpur (47%). Again, Kuching had the lowest percentage of shops surveyed selling bear galls among the cities surveyed at only 13%.

By contrast, Meijaard found more evidence of the bear trade in Sarawak than Sabah<sup>3</sup>. This could be due to a number of variables, not least the sizes of samples in the studies, or may indicate some evolution of the bear trade in the past few years, for example increased imports of manufactured products with bile ingredients.

One trader in Peninsular claimed that bear bile capsules were imported more frequently because they posed fewer problems with Authorities than intact galls. The same trader also said that such forms of bear bile were more convenient for users and for sale. “Hsuing Dan Tieh Ta Wan” was the most popular manufactured bear bile medicine found.

### Prices of galls

Kuala Lumpur had the most expensive galls, possibly because as the capital city and a more affluent clientele exists. Mills and Servheen found in Kuala Lumpur a price range for galls of US\$ 1-14 per gram, the researchers in this study found the price range to have increased to US\$ 3 - 24 per gram<sup>1</sup>. Traders who sold entire galls had a staggering range in pricing, from US\$ 46 - 5263 per gall.

Mills and Servheen found the price range in Kota Kinabalu to be US\$ 1 - 4 per gram while researchers in this study found it to be US\$ 3 - 20 per gram with traders selling entire galls citing US\$ 34 to US\$ 263.

Manufactured bear bile medicine was the least expensive as it is mixed with other ingredients; more expensive are bear bile powders; and more expensive still are intact bear galls.

## Supply

Peninsular Malaysia provides strong evidence that China is not only able to provide the most bear products, but it is also able to sustain a regular supply. Here traders said that they would always have bear galls, bear bile and bear bile manufactured bear bile medicines in stock despite Peninsular Malaysian legislation prohibiting such trade. And that these were chiefly from China. Traders in Sabah and Sarawak said that the supply of galls, believed to be principally from local bears, were irregular.

It is not only the regularity of supply but also the scale of the trade that is of concern. In Penang and Johore Bahru quite a few traders claimed to be able to take on large orders and just asked for sufficient notice.

**China:** Seventy-two percent of the bear products found during this study were reported to be from China, with many believed to be recent imports. Northern and Northeastern China including Suzhou, Yunnan Province, Hei Long Jiang, Fuo Shan, Guangzhou were specifically mentioned as sources of bear products.

**Southeast Asian countries:** Meijaard's observation of trade between Sarawak and Indonesia was echoed by one shop in Sarawak. In both Kuching and Kota Kinabalu, local bears were a common source for galls. In Peninsular Malaysia, where sun bears are totally protected, specific sources of galls were "Simah" or "Spanjung" near Kuala Lumpur, Pahang and Klang.

Malaysian manufacturers' addresses were found on bear bile products indicating a local industry of commercially viable size.

**Others:** Hong Kong and India/Nepal were equally cited as sources of bear products (4% each of total products found in study). Alaska, Canada and Russia were also cited as sources.

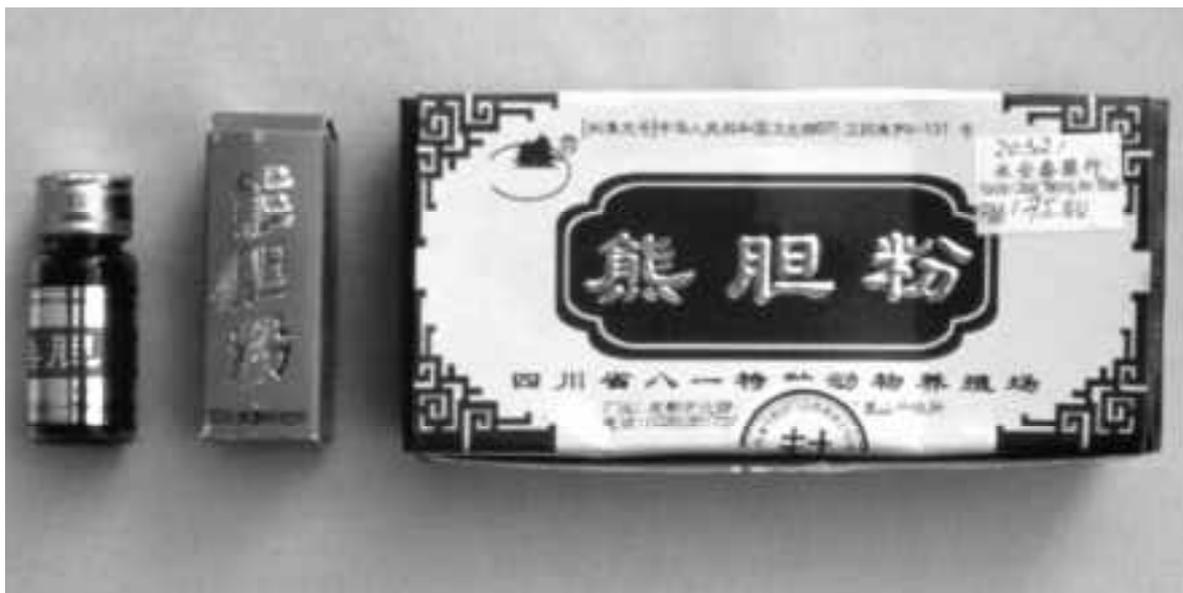
## Import and acquisition

There were some interesting trends in import. Evidence was found of passengers importing bear products as well as the products coming in through cargo.

**Large scale import:** Wholesalers and distributors were mentioned as importers, particularly strong in Johore Bahru. Furthermore, two traders said a Malaysian "factory" imports bear bile powder stored in clear bags about 0.5 metre in length and then distributes them to local medical halls. Another factory was reported to receive galls from China to confirm the authenticity of the bear bile.

**Concealing among herbs:** One import method, cited twice, was to conceal the bear products among herbs. One trader expanded on this, saying that the products were shipped in a large container with other herbal products, with the bear products omitted from Customs declaration forms. She claimed that if Customs officials discovered the undeclared stock, bribes may be used.

**Chinese nationals:** Chinese nationals who imported galls or crystals were cited at least twice and another Chinese distributor reported carrying in the products himself.



72% of the bear products found during this study were reported to be from China, with many believed to be recent imports

**Orang Asli (native people of Malaysia):** At least one trader said she received bear galls from an individual who liaises with the Orang Asli in Peninsular Malaysia where the sun bear is protected without exception.

Although there are variations in the animal protection legislation (see earlier), any commercial trade involving the Orang Asli hunting sun bears would be illegal.

One trader said bear bile was now more frequently imported in the form of capsules partly because this posed fewer problems with Customs and Authorities as the authenticity of the product was almost impossible to determine by visual examination.

One trader who said that traders in TCM, can always “find alternative routes of importation” for bear galls, adding that Taiwan imports large amounts without problems.

Such a response shows an almost invincible response to law enforcement. It ties in with what Enforcement Director at the PERHILITAN, Khairiah Mohd Shariff, has said about fighting a losing battle with wildlife crime which boasts an expansive network, highly organised operations and hundreds of smugglers<sup>15</sup>. This illustrates the urgent need for multi-faceted, large-scale efforts to curb wildlife crime in Malaysia.

## Legality

There were several key findings that surfaced among traders on the issue of legal issues surrounding the trade in bear products in Malaysia.

**Misconception of bear bile from farmed bears being legal:** Amongst the traders it was generally recognised that bears are protected. They also associated the scarcity of bears with the difficulties acquiring bear parts. However, most also felt that they were not flouting any laws, perceiving the sale of bear derivatives from farmed bears to be legal. Some traders thought this was because the bears did not have to be killed for the bile.

Clearly there is a need to inform the TCM industry of the suffering on China’s bear farms, and that international trade in bile from these farms is strictly banned. Only one trader said that bear farming was more cruel than killing a bear for its gall.

**Galls preferred to bile:** There was also evidence, that traders still saw galls (as compared to processed forms of bear bile) as a way of authenticating the specimen. This is an example of how as long as there is a demand for bear bile, galls from wild bears would still be in demand because they are seen as the real ‘McCoy’. This illustrates how farming bears is not the solution to curbing the illegal wild bear trade as promoted by Chinese proponents of bear farming<sup>24,28</sup>.

**Illegal products considered legal:** Many traders also believed that while trade in intact galls was banned, they could continue to trade in manufactured/processed bear bile products. Legislation in Sarawak uses the term “recognisable part or derivative” when referring to parts of protected animals that cannot be traded. Sabah legislation defines an “animal product” as “any dead animal or part thereof whether or not included in a manufactured or processed article except where it has ceased to be in a readily identifiable form as a result of such manufacturing or processing”. The legislation needs to be amended urgently in these states.

In Peninsular Malaysia, the legislation refers to “parts” of totally protected animals that cannot be traded but it does not specify for them to be readily recognisable so there is more leeway for bear galls, bile products and manufactured bear bile medicines to be covered under the relevant provisions and in fact, one seizure of bear galls has been reported in Penang. Yet there is a need to clarify that manufactured and processed medicines containing totally protected animals are covered by the Act.

Despite these possible loopholes in the legislature, CITES permits would need to be issued by the relevant CITES authorities for the import of such products and all three Malaysian CITES Management Authorities have stated that they have never issued permits for bear galls or bear bile products. So the import of the bear products found during this study could not have been legal (unless they were Pre-Convention stock).

Since indigenous sun bears cannot be legally hunted, there is no internal or external supply of these products that is legal.

**Export:** Many traders told researchers to conceal the bear products or they offered to manipulate the specimen (such as by cutting it) to enable export from Malaysia. One also told researchers to falsely declare it as an herb to Customs officials who would not be able to tell the difference. The Australian Customs were regarded as being stricter than the others. Whilst most traders were therefore aware of the illegality of exports, some felt that it was perfectly legal to export bear products simply because it was not a liquor or drug. Clearly another example of the need for education with the TCM community.

**Kuching - a special note:** It is significant to note that the leading TCM retail chain in Malaysia did not sell bear products. In fact their salesperson at Kuching seemed to be well informed of several aspects of the bear trade including the legislation, and the fact that farmed bear bile cannot be sold. He claimed that finding bear bile would be harder in Kuching than in Peninsular Malaysia. He turned out to be correct although the trade in Kuching is nevertheless significant at over 50% of the shops surveyed selling bear products. He surmised that products found were probably counterfeit which would need to be verified.

Traders in Kuching were generally more aware of legislation prohibiting trade in bear products. The Sarawak Forest Department also had brochures cautioning tourists against purchasing illegal wildlife products. Education of traders and consumers appear to have helped to keep the bear trade at a lower level here.



**Shelves of bear bile products:** Although the level of discretion concerning displaying bear products varied, there was generally little concern about displaying manufactured products containing bear bile.

### **Registration By Health Authorities**

There were several important observations made on the “MAL” registration system.

**Bear bile considered a herb:** One trader said that there would be no problems bringing bear bile out of the country as bear bile was considered a herb and did not need a “MAL” number, just as herbal plants are imported into TCM shops and do not require a permit for sale. She explained that bear bile capsules were not considered a “manufactured bear bile medicine”. The Physician and Executive Director of the shop explained that all “manufactured bear bile medicines” are required to apply for the “MAL” permit number by July 1st 2002.

While bear bile capsules are not herbs, their categorisation alongside herbs (if true) can be understood as health authorities have specific criteria for the registration of what they perceive to be “manufactured bear bile medicines”.

**Bear bile products which do not list bear bile as an ingredient and are “MAL” certified:** There was also another response from traders (including one physician) who said that bear bile products (which in fact contain bear bile) imported of late, do not list bear bile or “fel ursi”(pharmaceutical name for bear bile) on the list of ingredients. Traders explained that such an ingredient, from a protected animal, can no longer be listed if it is to be approved by the Health Ministry.

New versions of some manufactured bear bile medicines were in fact found to not list bear bile as these traders mentioned. An example was “Tieh Ta Wan” which no longer carried “Hsuing Dan”

(bear bile) in its name. Another, a red and white capsule, where physician showed researchers his book of ingredients – the older version of the capsule listed “fel ursi” while the later version did not.

This is similar to how many Chinese manufacturers have been found to have changed the names and packaging of certain products to indicate that Tiger bone is no longer used<sup>13</sup>.

Some traders however claimed that the products no longer contain bear gall, bile or its derivatives while others were unsure.

If the traders’ hypothesis is true that health authorities do not permit endangered species such as bears to be traded, this is a welcome move. However some traders still claim that the products contain bear bile. If such products continue to contain bear bile, the relevant parties need to be questioned on false labelling. If they no longer contain bear bile, then traders (including manufacturers) need to be informed that their false claims deceive customers and perpetuate the view that bear bile is important / necessary.

**Bear bile products found with MAL number:** Two manufactured bear bile medicines, “Hsuing Tan Tieh Ta Wan” and “Tian Tai Tiang, Tienchi, Zhi Shang Wan”, found during this study had “MAL” registration numbers. If authentic, this would mean products were registered by the health authorities but had not been pointed out to the CITES authorities (it is likely they were imported). Another trader also said his “Hsuing Tan Tieh Ta Wan” had health certificates that were procured and kept by dealers.

While the health authorities in any country are primarily concerned about public safety and not CITES issues, it is important for them to work with CITES Management Authorities (MA).

**Counterfeit bear products:** Traders admitted that some in the TCM industry sold galls or products made from the galls of animals such as cows and pigs. This still perpetuates and sustains the bear bile industry itself.

**Alternatives:** Ginseng, herbal teas and “Ling Zhi” (a mushroom extract) for example were recommended as alternatives to bear bile by traders. This shows that there is local knowledge of herbal alternatives. The fact that the country’s leading TCM retailer does not sell bear galls shows that the industry can thrive without endangered species.

Eu Yan Sang’s (EYS) development manager said to the Malaysia media that parts of endangered wildlife such as bear’s gall have already been successfully substituted but that convincing users to use substitutes is the difficult part and needs more education. It is thus proposed that leading companies such as EYS be part of this education by for example, having brochures at their stores which educate consumers on the need for TCM to protect endangered animals and alternatives to endangered species products.

**Uses for bear products:** “Heatiness” was the most commonly cited use for bear products during this study, uses for sore throat, pimple and fever may also come under this general category. Also common was the selling bear products for superficial wounds, muscular strains and the like. Information on local herbal alternatives to these ailments needs to be promoted to consumers in Malaysia.

While Mills and Servheen found bear bile being used for heatiness and bruising as well, they also found it being used for liver and heart conditions<sup>2</sup>. It was not often that bear bile was said to be used for liver disease during this study. Indeed, many of the uses for bear bile found during the study were not for serious illnesses so it is hoped that alternatives will be more acceptable to consumers.



Fel Ursi (the pharmaceutical name for bear bile) is clearly listed on a product ingredients.

## Consumers

**Locals/Chinese** were considered the main consumers.

**Koreans and Japanese** were also identified by traders, though the former more than the latter. One trader said that Taiwanese and Koreans prefer intact galls to processed bear bile. Koreans were reported to visit Malaysia specifically to purchase galls, because sometimes it was difficult to get them in Korea. Also, the galls of more superior quality were sold to foreigners to fetch higher prices while inferior galls were sold to the locals in Malaysia. They were also reported to be resourceful, knowing where and how to find bear gall products. Such observations underscore Mills and Servheen's finding that South Koreans were willing to go to the greatest lengths to get authentic bear gall bladder<sup>2</sup>. Koreans were also reported to be knowledgeable in identifying genuine bear galls from counterfeits.

This indicates a need for a consumer education campaign for Koreans in Korea as well as by tour agents and tourist authorities in Malaysia.

It is also notable that people from **non-Asian countries** were mentioned as popular customers a few times. One trader said that European herbalists formed part of their clientele. He said this was because of a lack of knowledge in Europe as to how to dehydrate the galls appropriately. The ethnicity of the consumers from non-Asian countries was unclear but this ties in with the growth and popularity of Traditional Chinese Medicine around the world and hence the need to educate TCM communities world-wide on using alternatives to endangered species.

Consumers from **Singapore, Indonesia, and Thailand** were mentioned to a lesser degree.

## Recommendations

Enforcement, legislative and educational recommendations are made here based on the data gathered during the course of this study.

### Recommendations for China

(a) China, which has been found in this study to be the chief source for bear products, needs to monitor and curb this tremendous illegal bear trade originating there.

(b) Bear bile farming should be banned. The bear farming industry in China seems to be fuelling the demand for illegally traded bear bile internationally, including Malaysia where traders think that farmed bear bile can legitimately be imported.

(c) China needs to increase awareness among its people of the severity of trafficking bear bile internationally.

(d) Two manufacturers from China were reported to have changed the name and ingredient lists of bear bile products. If these products continue to contain bear bile, then such manufacturers should be imposed strict penalties for false labelling.

### Enforcement

There is an urgent need to step up enforcement efforts, using data gathered such as trade routes and import methods gathered during this study. In particular to enhance border checks through better inspection of cargo and personal luggage. The prevalence of Chinese bear bile products in Malaysia emphasises how CITES regulations are at present not being adequately enforced by Customs at borders.

**Personal luggage:** Just as Mills et al found anecdotal evidence suggesting that substantial amounts of international smuggling of bear galls and bile takes place via travellers' personal luggage, this study found similar indications<sup>25</sup>.

There is a need for more stringent and random checks on passengers from China. Methods of export suggested by traders for researchers to export bear bile from Malaysia may provide clues to how bear products are imported as well - concealed, for example, in handbags, wrapped as a gifts, in books, cut into pieces.

Inspections need to recognise that bear bile is now frequently imported in the form of capsules or processed medicine.

**Cargo:** Inspections for cargo, especially Traditional Medicinal cargo need to be strengthened. Bear galls were reported to be concealed among herbs so such cargo should be subject to extra scrutiny. "Factories" were reported importing bear bile power in packets measuring 50 cm. Urgent priority should be given to detecting large scale consignments.

In referring to the tiger trade, TRAFFIC India Director Manoj Misra says, "*The trade is now largely illegal and operating almost exclusively through smuggling, with large numbers of individuals smuggling small volumes through a variety of channels,...This type of trade is very difficult to eliminate and it is critical for countries to significantly increase law enforcement and trade monitoring capacity*"<sup>29</sup>.

The same is true for the bear trade in Malaysia as well.



The survey revealed that the majority of bear bile products sold in Malaysia are for relatively minor ailments.

**Border controls:** The border between Sarawak and Indonesia was reported by Meijaard to have lax Customs checks as he witnessed vehicles crossing the border without being stopped<sup>3</sup>. The latest study indicates a similar weakness, which should be addressed immediately.

**Australia as a model for Customs:** Several traders referred to difficulties exporting to Australia and this was also found in Govind and Ho's<sup>4</sup> study of the bear trade in Singapore. The Australian Customs protocol, procedures and penalty system could be studied to understand what gives this image of strict control and be emulated in Malaysia and elsewhere. Although it should be noted from the Australia Bear Markets report (page 229), that the Australian model still has room for improvement.

**Improve species identification:** All relevant authorities need to be trained to identify smuggled wildlife products. With the issue of exotic meat, the lack of non-Muslim officers was admitted to be a problem in preventing identification of this illicit trade in Malaysia. It is fair to assume that this may be a problem in the case with Customs/Health authorities/Wildlife trade officers who may not be able to read Chinese and thus not be able to identify bear bile products in Traditional Chinese Medicine.

This can be addressed in a variety of ways: -

(a) Compulsory English labelling could be enforced to enable officers who do not read Chinese to identify illegal products.

(b) A manual such as the "Traditional Asian Medicine Identification Guide for Law Enforcers" (Her Majesty's Customs and Excise and TRAFFIC International) could be used or localised for use in Malaysia. This manual contains full colour images of traditional Asian medicines that, according to the packaging, may contain animal and plant species that are controlled in international trade. It was specially created for users who cannot read Chinese. It can help identify potential problem shipments that may need more detailed inspection and allow other shipments to be cleared faster. It is also said to make the inspection process easier.

(c) Officers who cannot read Chinese could at least learn some key Chinese characters.

(d) The capacity of Government agencies could be increased with more officers who can read and communicate in Chinese with TCM traders. The ability to communicate in Chinese is especially important when doing covert inspections.

**DNA:** The proposal for the Wildlife and National Parks Department to build a DNA library is still being reviewed. Forensic testing would strengthen enforcement efforts and is important especially in a range state for the sun bear.

In the case that it is not possible for local forensic testing, CITES MAs can use the services of foreign laboratories such as those of the United States Fish and Wildlife Service. With modern technology, the inability to identify illegal wildlife products should be resolved.

**Covert inspections:** Just as Mills et al recommend for East Asian countries, long-term covert investigations are needed to identify suppliers, importers, middleman, hunters and retailers involved in the trade in Malaysia<sup>25</sup>. Manpower needs to be specially trained for this.

Regular covert inspections leading to raids are essential in TCM shops so that bear galls and manufactured bear bile medicines can be seized and can serve as a strong deterrent to traders.

**Increase manpower and capacity of relevant authorities:** In more than one instance during the course of the literature review for this study, the lack of manpower was cited as a problem for enforcement in Malaysia. For example, the management of many protected areas has been neglected due to inadequate funding and staffing (Department of Wildlife and National Parks, 1999). Mills and Servheen's personnel communication with M. Kavanagh revealed that there was a shortage of trained personnel for policing the illicit wildlife trade<sup>2</sup>.

Although the Department is reported to have stepped up enforcement efforts, if manpower and funding restrictions remain, such efforts will always be limited.

**Increase anti-poaching activities:** Specific poaching areas such as "Simah" or "Spanjung" near Kuala Lumpur, Pahang and Klang identified during the course of this study provide direction for increased anti-poaching efforts.

The need for a specialised Bear Unit (like the Tiger and Rhino unit) at Wildlife and National Parks Department (PERHILITAN) has been illustrated by this study.

## Legislation

**Processed medicines:** It is proposed to amend all the relevant legislation so that parts of endangered species and processed medicines, (whether in unadulterated form or in manufactured bear bile medicine form) whether they are recognisable or not, are included in any controls involving protected or totally protected animals.

Patent and processed forms of the parts of endangered animals contribute to the illegal trafficking of wildlife just as much or perhaps even more so now.

**False claims:** As WWF Malaysia has recommended, it is proposed that products claiming to contain endangered species should fall under the provisions to protect wildlife, even if the product does not contain the authentic ingredient. It is important that this is done not only for flagship species such as tigers. At the eleventh CITES Conference of the Parties, Parties were urged to consider, where appropriate, introducing measures within their territory to facilitate implementation of CITES with respect to the trade in bear parts and derivatives and products labelled as containing parts and derivatives of bear.

**Increase legislative protection for the sun bear in Sarawak:** It is proposed that the sun bear in Sarawak should be “Totally Protected”. This is recommended by sun bear expert Meijaard and mentioned in “The New Masterplan for Wildlife in Sarawak” (Wildlife Conservation Society and Sarawak Forest Department, 1996) because the species is “*extremely rare, extinct in many areas, and hunted heavily for meat, gall bladders, claws, teeth, and for trade*”<sup>3</sup>.

Even in 1988, Caldecott noted that sun bears were declining rapidly due to the opening up of the interior of Sarawak and increased hunting<sup>1</sup>.

**Use CITES terminology in Peninsular Malaysian legislation:** While the Peninsular Malaysian legislation has incorporated many CITES regulations, it does not make any mention of CITES. It is important for CITES and CITES terminology to be included in the Act to provide clarification to traders, consumers and all relevant parties that Malaysia is a Party to CITES and that it is bound to follow CITES regulations.

**Increase Penalties:** As environmental NGOs in Malaysia have said, the fines are not severe enough to provide a deterrent to illegal activity in Peninsular Malaysia, even with the proposed amendments to the “Protection of Wild Life Act”<sup>23</sup>. It is proposed that penalties are made more severe for wildlife crime.

## Collaboration

**Interstate:** One of the products from Sabah was manufactured in Penang. And traders in Peninsular Malaysia cited the Sarawak border with Indonesia as a source for galls. Federal and state authorities need to undertake coordinated conservation initiatives.

**International:** Many tiger range states have collaborated to create The Global Tiger Forum where they have pledged “*to co-operate to police illegal trade in Tiger bone, discourage commercial consumption of Tiger bone and Tiger derivatives and to encourage other countries to enforce international measures aimed at protecting Tigers*”<sup>26</sup>.

This study has illustrated how several countries are supplying bear products to Malaysia and how consumers from various countries are also buying bear products in Malaysia. There is also evidence of regional illegal bear trade<sup>4,5</sup>. Thus it is recommended that similar collaborative initiatives be started to increase bear protection especially among range states but also among consumer countries as well.

The sun bear is one of the animals mentioned by Shepherd from TRAFFIC SEA as probably disappearing but to which little attention is paid in Malaysia. He noted research on the local wildlife population was insufficient. Sun bear range states can cooperate on research and enforcement efforts. A comprehensive study of the status of the sun bear population, including identification of habitat, threats to habitat, trade impacts, and identification of conservation measures to ensure survival is needed not only in Malaysia but in all sun bear range states.



Current penalties for wildlife crimes are not considered a deterrent.

The predominance of illegally imported Chinese bear bile products in Malaysia points at the need for the Chinese Government to cooperate with consumer countries on how to curb this.

### **Working with the TCM industry**

It has been found that when compared to the other traditional medical systems in Malaysia, Chinese medicine is found to be the one that is subject to most change and modernisation, with practitioners tending to keep abreast of new developments<sup>9</sup>. This bodes well for recommendations to make Chinese medicine and the TCM industry more open to protecting endangered species.

Cooperative work with the TCM industry including TCM academics, importers distributors, retailers, physicians, pharmacists, and other TCM health professionals is necessary to work on positive solutions that enable them to continue providing the public with responsible medicine that is not at the expense of endangered species.

**Education:** Educational efforts with the TCM community should include:

- CITES regulations affecting TCM
- Clear guidance on Appendix 1 and II listed animals commonly used in TCM
- Names, pictures and manufacturers of common medicines in violation of CITES regulations and sold in Malaysia
- Conservation of endangered species
- Domestic legislation, including the protection for sun bears
- Penalties for violating legislation
- Bear bile from farmed bears not being legally imported by virtue of it being farmed
- Welfare problems with bear bile farms to address the misconception that killing a bear is always worse than farming it
- Responsible retail practice (for example, preventing falsely labelled products)
- Substitutes (both herbal and synthetic) to bear bile and other endangered species

It is helpful that the country's biggest TCM retail chain has a policy against using endangered species so the precedent has been set for use of alternatives to endangered species.

It is important that any training or education be done sensitively in the language that the traders speak in and that circulars or any information they are sent be in their predominant language as well. Concepts of Traditional Chinese Medicine may be best explained in Chinese and when someone's mother tongue is used to educate them, they may be more receptive to the message.

**Incentive schemes:** Incentive schemes such as the "Good Manufacturing Practice (GMP) licence" which was awarded to traditional medicine factories nationwide in Malaysia<sup>27</sup> can be expanded to include manufactures or retailers who do not trade in endangered species. These serve as positive reinforcement for responsible practice.

Another proposed scheme is used by the Metropolitan Police in London where a window decal is given to TCM shops which undertake to not sell endangered species knowingly. The decal would state that the TCM shop does not sell endangered species.

**Working closely with Health Authorities**

The Health Authorities in Malaysia have regular contact with TCM products especially because they are now involved in regulation. Thus they are well positioned to report to the CITES MA if they come across TCM products which may be in violation of CITES.

**Education**

**Local consumers:** Before undertaking education, it would be useful to conduct surveys to establish the profile and attitudes of consumers to bear bile or gall bladders or endangered species in general. It is laudable that the Malayan Nature Society has announced plans to undertake such a survey.

Educational efforts by several Non-Government Organisations such as Malaysian Nature Society and World Wide Fund Malaysia are commended and need to continue.

It is also proposed that leading companies such as EYS be part of this education drive by, for example, having brochures at their stores informing consumers on the need for TCM to protect endangered animals and specific alternatives to endangered species parts in TCM.

It is important for information on local herbal alternatives to such problems to be propagated to consumers in Malaysia in languages they understand well.

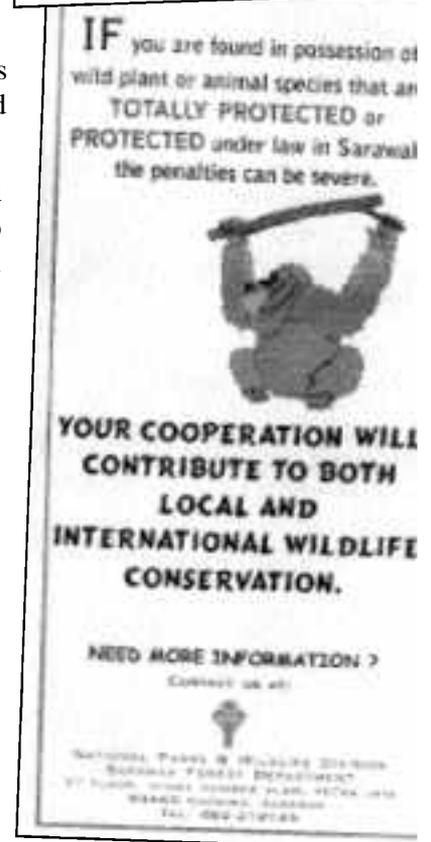


There are already efforts in Sarawak and Peninsular Malaysia to encourage the public to report wildlife crime by the Government and these are commended and should be continued.

**Tourists:** The Malayan Nature Society and the PERHILITAN are commended for their plans to distribute educational leaflets at airports, ports and Customs checkpoints for tourists to prevent them from purchasing animal products. The Sarawak Forest Department in Kuching is also commended for having a clear leaflet for tourists on not exporting or buying illegal wildlife products. Such efforts should continue.

Tourists such as Chinese, Koreans and Japanese also need to be reminded not to participate in the illegal wildlife trade. Educational materials need to be in such languages to be effective. Tour agents and authorities also need to proactively remind tourists of not buying endangered species products.

**Orang Asli:** It is laudable that the Kuala Lumpur PERHILITAN's education unit has attempted to



A wildlife laws leaflet produced by Sarawak Forest Department.

teach the Orang Asli settlers in Endau Rompin the importance of preserving wildlife in their area. Such education for the Orang Asli across Malaysia is crucial as at least one trader dealing in bear products disclosed that the Orang Asli hunt bears for her supplier.

## Conclusion

Flagship species, especially tigers and rhinos, receive much attention and protection in Malaysia as they do worldwide. Yet this study shows that the threat to many CITES Appendix I listed bears is severe, partly because of the bear gall bladder and bear bile trade in Malaysia. There is a huge illegal trade involving Chinese bear bile products as well as sun bear galls as illustrated by this study. This latest study confirms previous published research showing that the illegal wildlife trade is rife in Malaysia.

More positively, there are efforts by NGOs and the authorities in Malaysia to improve wildlife protection. But comprehensive measures to curb the illegal wildlife trade, with more focused attention on the illegal bear trade are urgently needed.

The rare Malayan sun bear is the world's least researched bear. Malaysia has the privilege to contribute to international consciousness and conservation by studying it and protecting it.

The Chinese bear bile farming industry has spread its reach to yet another country, Malaysia, with widespread misunderstanding by Malaysian traders that bile from these farms can be legally imported. The demand for bear bile must be reduced with more concerted efforts to promote substitutes. The leading TCM retailer in Malaysia has already set an example. It is hoped that the rest of the industry will emulate this.

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# Appendix 1

## Summary of key findings in study

	Total across all cities	Peninsular Malaysia	Penang	Johore Bahru	Kuala Lumpur	Kuching	Kota Kinabalu
<b>Number of shops selling bear products</b>	57/73 (78% of all shops visited)	37/41 (90.2% of shops visited in Peninsular M'sia)	17/19 (89.5% of shops visited in Penang)	7/7 (100% of shops visited in JB)	13/15 (86.7% of shops visited in KL)	14/24 (58% of shops visited in Kuching)	6/8 (75% of shops visited in Kota Kinabalu)
<b>Price range for galls (RM)</b>	3.16 – 89.58 per gram 31-20,000 per gall	3.16 – 89.58 per gram 31-20,000 per gall	3.16 – 38 per gram 80-100 per gall	31 per gall	11.79 - 89.58 per gram 176.80 – 20,000 per gall	160 – 360 per gall	12 – 75 per gram 130 – 1000 per gall
<b>Shops with galls</b>	21 (28.7% of all shops visited)	13 (32% of shops visited in Peninsular M'sia)	5 (26.3% of shops visited in Penang)	1 (14.3% of shops visited in JB)	7 (46.7% of shops visited in KL)	3 (12.5% of shops visited in Kuching)	5 (62.5% of shops visited in Kota Kinabalu)
<b>Galls seen</b>	More than 93	More than 47	12	6	More than 30	15	31
<b>Predominant supply pattern for galls</b>	More regular in Peninsular Malaysia and less so in East Malaysia		Always in stock and an equal number said they would not bring in again	Always in stock	Always in stock with an equal number saying will not bring in again	Irregular	Irregular
<b>Predominant supply pattern for bear bile powders</b>	Always in stock in Peninsular Malaysia		Always in stock	Always in stock	Always in stock	Always in stock and an equal number said they would not bring in again	Unknown
<b>Predominant supply pattern for manufactured bear bile medicine</b>			Always in stock	Always in stock	Always in stock	Unsure	Unknown
<b>Top sources for galls</b>	China and Malaysia	China	China	China	India/Nepal, China, Malaysia	Malaysia, Border of Sarawak and Indonesia	Malaysia
<b>Top sources for bear bile and products</b>	China	China	China, Hong Kong	China	China	China	Malaysia
<b>Top consumers</b>	Locals, mainly Chinese		Locals, local Chinese, Non-Asian Foreigners	Chinese	Locals, Korean, China nationals, Taiwanese, others from non-Asian countries	Chinese followed by Koreans and those active in sports	“All races”, Chinese, Foreigners, Singaporeans, Koreans
<b>Top uses</b>	Heatiness	Heatiness	Heatiness, sore throat, superficial wounds, fever	Detoxify, heatiness	Heatiness, sore throat, pimples	Hemorrhoids, Heatiness, muscle aches	Superficial wounds, heatiness

## Appendix 2

### Product and manufacturer information for bear products found in Malaysia, 2002

S/N	Product	Manufacturer	Ingredients
1	Bear bile, wrapped in plastic and kept in a plastic ball. Trader said there were only trace amounts of bear bile in this. (Product with bear face on box)	Tongten Traditional Herbal Medicine Manufacturer Lot 11 A, Jalan Bunga Raya, Prai Industrial Park, Prai, Penang, Malaysia	Pearl <b>bear gall bladder</b> medicine mixed with several precious ingredients  For: reducing fever, colds, flu
2	Qing Cheng bear bile crystals. One box containing two bottles of Xiong Ling Shan bear bile crystals	"Qing Cheng"	
3	One box containing two bottles of Xiong Ling Shan bear bile crystals	Xiong Ling Shan Ziyang Bear Breeding Farm, Ziyang City, Shang Shi Street No. 236, Sichuan Province. Tel: 8419 622/ 426 625 488 Owner: Chen Zenteh (product made at farm)	<b>Bear bile</b> extracted from live bear and dried.
4	Fel Ursi Hemorrhoids Ointment	Chung Lien Drug Works, Hankow China	Musk 0.16% Mother of Pearl 5.40% Zinkspath 13.84% Borneol 1.60% Yellowish Kaolin 79.00%
5 a	Hsiung Tan Tieh Ta Wan	Yang Cheng Brand. Made by The United Pharmaceutical Manufacturer, Canton	Radix pseudoginseng 8% Radix angelicae sinensis 18% Flos carthami 10% <b>Fel Ursi</b> 2% Radix inulae racemosae 15% Radix curcumae 15% Fructus amomi 15% Rhizoma rhei 17%
5 b	Tieh Ta Wan	Made in China by Guanszmou Medicines and Health Products Import & Export Corp.	This product was exactly the same as the product above but did not have 'Hsiung Tan' in the product title or 'bear bile' listed in the product ingredients.
6	Bear bile crystals	No. 81 Endangered Animal Breeding Farm, Chengdu City, North Suburb, Phoenix Mountain, Sichuan Province. (located: the Chengdu military airforce)	From Asiatic black bear. <b>Bile</b> extracted and dried as powder (irregular shape). Golden yellow/ brown yellow. For: reducing internal heat, relieving internal poison,
			improve eyesight, improve liver function, breaking down gallstones, good for digestion, sore throat, hemorrhoids.

7	Red and white capsules (from pharmacist)	Yi Lin (M) S/B, KL. Kwang ( <i>unclear</i> ) First, Chinese Medi Factory, Guangzhou, China	
8	Tian Tai Tiang. Tienchi. Zhi Shang Manufactured: 1998. Exp. date September 2002.	Tian Tai Tiang. Packaged by Weng Thye Heng S/B., No. 16-18 Chulia Street Penang, Malaysia	Radix pseudoginseng 10% <b>Bear gall 5%</b> Sanguis draconis 10% Ligustisum acutilobum 15% Mastix 10% Myrrha 10% Flos carthami 10% Yee cha 10% Putchuk 15% Borneol 5% NB: The Chinese characters state that bear bile is the most important ingredient in this product.
9	Hing Dan Pills "Xiong dan xie du yao"	Prepared by Bo Lo Marbakliang Medicine Manufacturer. No. 33 Yen Chau Street 3rd floor Kowloon Hong Kong. NB: This manufacturing company is over 100 years old	Rhizoma coptidis 30% Blumea malsamifera DC 12% Calamus margaritae 30% <b>Fel Ursi 3%</b> Radix gentiane seabra 25%.
10	San Tok Pill "Xie du Yao"	Marbakliang Medicine Manufacturer Head Quarters: 306 Queens Rd Central, HK. Tel: 25440539, 25431018. HK. Factory: 30-32 Lee Chung Street, 7 <sup>th</sup> Floor, HK. Tel: 25566539, 28987710 Distributor: 27 Padsai Rd Bangkok 10100 Thailand.	Said by shopkeeper to contain similar ingredients as (1) with a reduced percentage of bear bile. Also the words "Xiong dan" had been removed from the product's packaging.  Also, several other illegal products are listed on the leaflet with the product.
11	Bear bile crystals	Manufactured in local factory	
12	"Bear Heart" bear bile	Yin Bei Bear Breeding Farm, Yanban Changbaishan Special Products, Jilin Province, China.	
13	Changbai Bear Gall Powder	Yanban Changbaishan Special Products Ditri-butou - Corporation, Jilis Province, China.	
14	Bear bile capsules	Manufacturer located in Johor Bahru. Also in Kuala Lumpur	
15	Bear bile capsules	Manufacturer located in Johor Jaya	
16	Bear bile capsules	Manufacturer located in Johor Bahru.	
17	Bear bile capsules	Heng Hong Trading Company. Block (3) Kompleks Lien Hoe, Jln Sentosa, Taman Sentosa, 80150 Johore Bahru	

