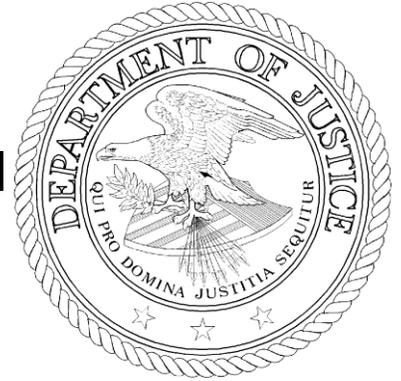


# ***NEWS RELEASE***

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## ***OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA***

*San Diego, California*

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*Laura E. Duffy*

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*For Immediate Release*

### **Massive Trade in Endangered Species Uncovered; U.S. Attorney Charges 7 with Smuggling Swim Bladders of Endangered Fish Worth Millions on Black Market; Officials See Trend**

#### **NEWS RELEASE SUMMARY - April 24, 2013**

When Song Shen Zhen came through a border crossing in Calexico recently, an officer noticed something under the floor mats in the back seat. But the plastic grocery bags he found weren't filled with typical border contraband.

They contained 27 dried swim bladders taken from the endangered *Totoaba macdonaldi* fish. The Totoaba's large swim bladder – which is an internal gas-filled organ that helps a fish control its buoyancy - is highly prized for use in Chinese soups and is considered a very expensive delicacy. But because the species is federally-protected in both the U.S. and Mexico, it's illegal to take, possess, transport or sell Totoaba.

On Friday, Zhen became the seventh person charged by the U.S. Attorney's Office with Totoaba smuggling since February, when border officers first started noticing the rare fish under floor mats and concealed in coolers in the vehicles of border crossers.

The Southwestern border is most often associated with the highly lucrative drug- and people-smuggling trades. But there is another smuggling category of increasing concern to authorities – trafficking of endangered wildlife, with a black market that is potentially valued in the millions of dollars.

In the Zhen case, Customs and Border Protection officials seized 27 bladders and turned them over to a U.S. Fish and Wildlife Service agent (FWS), and the rest were returned to Zhen, who was allowed to leave. But unknown to Zhen, agents kept him under surveillance and followed him to his home in Calexico. Once they obtained a search warrant, they discovered that the house was sparsely furnished and appeared to be set up as a Totoaba factory.

In the hallways and rooms of the house, Totoaba swim bladders were laid out in rows to dry, with fans positioned to blow air over them. There were ledgers, packing materials and other evidence consistent with the shipment of Totoaba swim bladders overseas.

Agents found an additional 214 swim bladders at the house, bringing Zhen’s total to 241, according to court documents. Agents estimated that if sold into foreign markets, the 241 Totoaba bladders could conservatively be worth more than \$3.6 million. Black market value in the U.S. is about \$5,000 per bladder and \$10,000-plus in certain foreign Asian markets.

In the Chinese culture, the fish swim bladder is referred to as “fish maw” and may also come from a variety of non-endangered fish. Totoaba fish maw is valued for its high collagen content and some people believe the Totoaba swim bladders can boost fertility and improve circulation and skin vitality. Besides the soup, Totoaba meat is also used for food.

Zhen is the most recent example of Totoaba smuggling cases. In all, federal officials have charged seven defendants in what are currently believed to be unrelated cases, and have seized 529 bladders since February, and the season is only halfway over. The bladders were tested by the U.S. Fish and Wildlife Service’s (FWS) forensic lab to confirm species identification through DNA analysis.

In recent years, prosecutors have brought cases involving everything from endangered iguana meat to shark fins.

“Earth Week reminds us all of the importance of protecting our precious resources,” said U.S. Attorney Laura Duffy. “Our nation’s laws prevent plundering and poaching for financial gain. We intend to enforce those laws with passion.”

“One of the highest priorities of the USFWS Office of Law Enforcement is to investigate individuals and companies that are involved in the unlawful commercial trafficking and smuggling of protected animals and plants here and around the world. Many species, including Totoaba, are teetering on the brink of extinction

due to poaching to supply the illegal wildlife trade. While we may never know how many Totoaba bladders were harvested illegally, such disregard for the protections that were put in place to benefit this endangered species could have a disastrous effect on the fish population,” said Deputy Chief Edward Grace.

“HSI agents are committed to using our investigative authorities and resources to combat all forms of illegitimate cross border trade,” said Derek Benner, special agent in charge for HSI San Diego. “Not only did this investigation stop the exploitation of an endangered species for financial gain, but it exposed the illicit smuggling pathways and networks used to bring these specimens into the country and beyond.”

“This is a great example of the continued diligence of CBP officers and agriculture specialists at ports of entry in California,” said Pete Flores, CBP director of field operations for the San Diego and Imperial Counties. “In addition to protecting our country from narcotics and stopping violators of immigration law, CBP officers and agriculture specialists have disrupted this criminal enterprise’s attempts to profit from the illicit trade of this endangered species.”

*Totoaba macdonaldi* is the largest species in its genus, which includes California white sea bass and corvina. It can grow to more than 6 feet in length, weigh up to 220 pounds, and can live up to 25 years. Totoaba – pronounced Toe-TWAH-bah - are endemic only to the Gulf of California, the narrow inlet between Baja California and Mexico’s mainland (also called the Sea of Cortez). This fish can be identified by its dusky silver color, elongated body, sharp snout, a projecting lower jaw, and a slightly convex tail.

During their winter migration, schools of adult Totoaba travel northward along the east coast of the Gulf of California to the Colorado River delta, where they remain for weeks before spawning in the spring. The Totoaba’s spawning season runs from approximately March to May each year. During this time, Totoaba travel to the shallower waters at the mouth of the Colorado River, making them vulnerable to commercial and sport fishermen.

While the Totoaba were once abundant in the Gulf of California, and even at one point constituted the second most important commercial fish for Mexico, their populations have declined drastically due to overfishing, pollution and diversion of waters from the Colorado River.

The bladders are removed from the fish, dried, and often exported from Mexico to other countries. In some instances, the fish are taken from the Colorado River, carved open so their swim bladders can be removed, and discarded on the shores.

The Totoaba was included in the most protected list of species covered by the Convention on International Trade in Endangered Species (CITES, Appendix I) in 1977, and was listed as endangered under the Endangered Species Act in 1979. Mexico included it on its list of species In Danger of Extinction in 1994. Both Mexico and the United States are signatories to CITES. It is a violation of law in both countries to trade in Totoaba or any part of a Totoaba.





Raquel Castaneda

Age: 54

Mexicali, Mexico

### **SUMMARY OF CHARGES**

Smuggling, in Violation of Title 18, United States Code, Section 545.

Maximum Penalties: 20 years in custody, \$250,000 fine, supervised release of up to 3 years, \$100 special assessment.

Unlawful Importation of Wildlife, in Violation of Title 16, United States Code, Sections 3372 and 3373

Maximum Penalties: 5 years in custody and \$250,000 fine, \$100 special assessment.

### **AGENCIES**

U.S. Fish and Wildlife Service

Homeland Security Investigations

U.S. Customs and Border Protection

### **Other Recent Cases of Environmental Significance in the Southern District of California:**

-On August 5, 2012, Alberto SIERRA-Ochoa entered the U.S. through the Otay Mesa Port of Entry with approximately 77 pounds of raw iguana meat that was undeclared when he entered from Mexico. The U.S. Attorney's Office of the Southern District charged Sierra-Ochoa with one count of smuggling. Sierra-Ochoa pled guilty to that charge.

-On June 6, 2011, Eliodor SORIA-Fonseca illegally imported approximately 159 pounds of iguana meat from Mexico through the Otay Mesa Port of Entry. The iguana meat was found hidden inside coolers that SORIA-Fonseca declared to Customs and Border Protection officers as fish. SORIA-Fonseca was indicted for one count of smuggling and one count of violation of the Endangered Species Act. SORIA-Fonseca pled guilty to one count of smuggling on September 27, 2011 and was sentenced to two years of imprisonment, followed by three years of supervised release.

-On December 21, 2011, a 54-year-old female Mexican citizen entered the San Ysidro port of entry as a pedestrian and was asked to place her belongings through an x-ray machine. An agriculture specialist noticed that two of the woman's bags had what appeared to be shark fins. A special agent with the National Oceanic and Atmospheric Administration (NOAA) responded to the port, took custody of 29 pounds of shark fins, and issued a citation to the woman for violation of the Lacey Act. Customs and Border Protection cancelled the woman's visa and she was returned to Mexico.

Please check our website for related photos, complaints and indictments:

<http://www.justice.gov/usao/cas/press/news.html>.

**An indictment or complaint itself is not evidence that the defendants committed the crimes charged. The defendants are presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.**