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COMMITTEE ON ANIMAL LAW

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November 16, 2012

CHRISTINE L. MOTT  
CHAIR

LORI A. BARRETT  
SECRETARY

Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue  
Washington, DC 20580

Re: Fur Rules Review, Matter No. P074201

Dear Secretary Clark:

In response to your request for comments on proposed amendments to regulations under the Fur Products Labeling Act (the “Fur Rules”), the Committee on Animal Law of the New York City Bar Association urges the Federal Trade Commission (“FTC”) to (1) change the name of *Nyctereutes procyonoides* from “Asiatic raccoon” to “raccoon dog” in the Fur Products Name Guide (the “Name Guide”) and (2) reject the proposals to allow the use of the terms “finnraccoon,” “tanuki,” or “magnut” in the Name Guide to describe *Nyctereutes procyonoides*.

As explained below, the use of the term “Asiatic Raccoon” or “finnraccoon” is misleading because *Nyctereutes procyonoides* is not a raccoon nor is it closely related to a raccoon. As the FTC observed, it is undisputed by the fur industry and animal advocacy organizations that the classification of the *Nyctereutes procyonoides* is in the canidae family, which includes domestic dogs, foxes, and wolves.<sup>1</sup> Raccoons are not in the canidae family and they are unrelated to *Nyctereutes procyonoides* even though they have similarities in appearance. Misidentifying the fur of a canid as that of a raccoon violates

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<sup>1</sup> Regulations Under the Fur Products Labeling Act, 77 Fed. Reg. 57043, 57044 (Sept. 17, 2012) (“All who addressed the subject agreed that *nyctereutes procyonoides*’ taxonomic classification is in the canidae family, which includes foxes, wolves, and domestic dogs. All commenters further agreed that raccoons are not closely related to *nyctereutes procyonoides*.”)

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the purpose and spirit of the Fur Products Labeling Act<sup>2</sup> and the Truth in Fur Labeling Act of 2010<sup>3</sup> as well as the requirement that the name be the “true English name” or “the name by which such animal can be properly identified in the United States” and not a coined name or the name of a fictitious animal.<sup>4</sup>

A. The Committee on Animal Law has a history of supporting consumer protection legislation concerning the accurate labeling of fur.

The New York City Bar Association is an independent non-governmental organization of more than 23,000 lawyers, principally from New York City but also from throughout the United States and 50 other countries. The Committee on Animal Law is the first committee of its kind in the country and has previously supported federal legislation to enable consumers to make informed choices about the specific kind of fur they are purchasing.<sup>5</sup>

New York State and New York City<sup>6</sup> have some of the most robust consumer protection laws in the country, including requirements for the labeling of fur. For example, New York General Business Law section 399-aa requires that articles of clothing bearing fur include a label indicating whether it is real or faux fur. The passage of this consumer protection law received widespread support from consumer protection organizations, including the New York State Consumer Protection Board, the National Association of Consumer Agency Administrators, and the Consumers Union.<sup>7</sup>

B. Federal law requires that names in the Name Guide be the “true English name” instead of a coined name or the name of a fictitious animal; therefore, “raccoon dog” is the only appropriate name.

The Fur Products Labeling Act requires that fur products be labeled with the name of the animal from which the fur is derived (as it is listed in the Name Guide or, if it is not listed, in accordance with the fur regulations) and the country of origin, among

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<sup>2</sup> 15 U.S.C. § 69 et seq.

<sup>3</sup> Pub. L. No. 111-313, 124 Stat. 3326 (2010).

<sup>4</sup> 15 U.S.C. § 69e(a).

<sup>5</sup> Report of the NYC Committee on Legal Issues Pertaining to Animals in support of the Amendment to Dog and Cat Fur Prohibition Enforcement Act, *available at* [http://www.nycbar.org/pdf/report/Fur\\_Labeling.pdf](http://www.nycbar.org/pdf/report/Fur_Labeling.pdf). (Last visited Oct. 12, 2012.)

<sup>6</sup> *E.g.*, the New York City Consumer Protection Law; New York City Administrative Code, Tit. 20, Ch. 5.

<sup>7</sup> Memo from the New York State Consumer Protection Board to David Nocenti, Counsel to the Governor (Aug. 8, 2007), <http://image.iarchives.nysed.gov/images/images/95202.pdf>; NCCAA Policy Resolution (June 19, 2007), <http://image.iarchives.nysed.gov/images/images/95202.pdf>; Consumers Union, Memorandum Of Support For A.8966-AIS.6209-A, An Act To Amend The General Business Law, In Relation To Selling And Manufacturing Of Fur-Bearing Articles Of Clothing, <http://image.iarchives.nysed.gov/images/images/95202.pdf>. (Last visited Oct. 12, 2012.)

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other information.<sup>8</sup> The Truth in Fur Products Labeling Act of 2010 requires the FTC to review the Name Guide, which is set forth at 16 CFR section 301.0.<sup>9</sup> (In fact, the Senate bill summary for S.1076 states that the Truth in Fur Products Labeling Act: “Directs the Federal Trade Commission (FTC), in the Fur Products Name Guide, to replace the term ‘Raccoon, Asiatic’ with ‘Dog, Raccoon.’”<sup>10</sup>) The names in the Name Guide must be the “true English names for the animals in question, or in the absence of a true English name for an animal, the name by which such animal can be properly identified in the United States.”<sup>11</sup> The fur regulations specifically prohibit the use of “trade names, coined names, nor other names or words descriptive of a fur as being the fur of an animal which is in fact fictitious or non-existent.”<sup>12</sup> The Name Guide was first issued in 1952 and has since been amended once in 1967.

It is undisputed that there are errors in the Name Guide and that some names are outdated; both commentators from the fur industry and animal advocacy organizations agree on this point.<sup>13</sup> However, there is disagreement about how the animal *Nyctereutes procyonoides* should be listed in the Name Guide. Since 1952, the FTC listed *Nyctereutes procyonoides* as “Raccoon, Asiatic,” in the Name Guide.<sup>14</sup> It is preceded by “Raccoon” (*Procyon lotor* and *Procyon cancrivorus*) and the “Raccoon, Mexican” (*Nasua* sp.). The Humane Society of the United States (“HSUS”) advocates changing the name to “Raccoon dog”<sup>15</sup> while representatives from the fur and retail industries advocate retaining the name “Asiatic raccoon” and allowing the use of the term “finnraccoon” or “Tanuki” or “magnut.”<sup>16</sup>

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<sup>8</sup> 15 U.S.C. § 69b(2)(A)&(F).

<sup>9</sup> The Truth in Fur Products Labeling Act also ended a labeling exception for fur products less than \$150. Pub. L. No. 111-313 § 2, 124 Stat. 3326, 3326 (2010).

<sup>10</sup> Thomas, The Library of Congress, Bill Summary S.1076, <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:SN01076:@@L&summ2=m&> (visited Oct. 6, 2012).

<sup>11</sup> 15 U.S.C. § 69e(a).

<sup>12</sup> 16 C.F.R. § 301.11.

<sup>13</sup> E.g. Letter from Michael Markarian, Chief Operating Officer of the Humane Society of the United States to the FTC regarding Advance Notice of Proposed Rulemaking under the Fur Products Labeling Act; Matter No. P074201 (May 16, 2011), <http://ftc.gov/os/comments/furlabeling/00017-59948.pdf> (last visited Oct. 12, 2012); Comments of the Fur Information Council of America in Response to the Federal Trade Commission Request for Comments on Fr Rules Review Matter No. P074201 at 2 (May 16, 2011), <http://ftc.gov/os/comments/furlabeling/00014-59945.pdf>. (Last visited Oct. 12, 2012.)

<sup>14</sup> 16 C.F.R. § 301.0.

<sup>15</sup> Letter from Michael Markarian, Chief Operating Officer of the Humane Society of the United States to the FTC regarding Advance Notice of Proposed Rulemaking under the Fur Products Labeling Act; Matter No. P074201 at 2 (May 16, 2011), <http://ftc.gov/os/comments/furlabeling/00017-59948.pdf>. (Last visited Oct. 12, 2012.)

<sup>16</sup> E.g., Letter from Pertti Fallenius, CEO, Finnish Fur Sales to the FTC, regarding Comment of Finnish Fur Sales in Response to the FTC Request for Comments on Fur Rules Review Matter No. P074201 at 2 (May 16, 2011) (advocating use of the term “Finnraccoon”), <http://www.ftc.gov/os/comments/furlabeling/00015-59946.pdf> (last visited Oct. 12, 2012); Comments of the Fur Information Council of America in Response to the Federal Trade Commission Request for Comments on Fur Rules Review Matter No. P074201 at 2

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As explained below, “raccoon dog” is the “true English name” for *Nyctereutes procyonoides* and the term that is most familiar to the American public because (1) the term “raccoon dog” is the only word used for *Nyctereutes procyonoides* in five major American dictionaries and the terms “Asiatic raccoon,” “finnraccoon,” and “magnut” are not in the dictionaries; (2) all American zoos identify *Nyctereutes procyonoides* in their collections as “raccoon dogs”; (3) the term “raccoon dog” currently appears much more frequently than “Asiatic raccoon” or “finnraccoon” in a wide variety of non-advertising materials, including state and federal laws, newspapers, children’s educational materials, and adult books and magazines; (4) the term “raccoon dog” has been used in America since the 19th Century, decades before the terms “Asiatic raccoon” or “finnraccoon” came into use; and (5) The terms “Asiatic raccoon” and “finnraccoon” are coined names or describe the fur of an animal which is fictitious or non-existent. These considerations dictate that, to be compliant with federal law, the FTC must use the term “raccoon dog” for *Nyctereutes procyonoides* and not accede to industry efforts to mislead the public.

1. The term “raccoon dog” is the only word used for *Nyctereutes procyonoides* in five leading American dictionaries and the terms “Asiatic raccoon,” “finnraccoon,” “magnut” are not in the dictionaries.

The most obvious place to look for the “true English name” for any word is the dictionary. In a trademark infringement case, a federal district court observed that, because a product name not in the dictionary, it was “not a common word” but rather a “fabricated” word.<sup>17</sup> The five leading on-line American-English dictionaries, including Merriam Webster and the Oxford English Dictionary, use the term “raccoon dog” as the common English word for *Nyctereutes procyonoides*.<sup>18</sup> None of these dictionaries contain

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(May 16, 2011) (advocating the use of the term “Asiatic raccoon” for fur originating in Asia and “finnraccoon” for fur originating in Finland), <http://ftc.gov/os/comments/furlabeling/00014-59945.pdf> (last visited Oct. 12, 2012); Letter from Erik O. Autor, National Retail Federation, Fur Rules Review, Matter No. P074201 (May 16, 2011) (“[I]t should also be acknowledged that the Asiatic Raccoon, indigenous to East Asia, is also not closely related to the North American Raccoon (*Procyon lotor*). If any clarification is necessary in the Names Guide with respect to the designation of this animal, we would suggest the names ‘Tanuki’; and ‘Magnut,’ by which the animal is also commonly known.”), <http://www.ftc.gov/os/comments/furlabeling/00018-80115.pdf>. (Last visited Oct. 12, 2012.)

<sup>17</sup> *American Home Products Corp. v. Morton-Norwich Products, Inc.*, 1978 U.S. Dist. LEXIS 15089, \*6 (S.D.N.Y. Oct. 6, 1978) (“The mark OVRAL is fabricated in that it is not a common word; it is not found in a dictionary of English words.”)

<sup>18</sup> Merriam-Webster online at <http://www.merriam-webster.com/dictionary/raccoon%20dog> (last visited Oct. 12, 2012); Oxford English Dictionary at [http://oxforddictionaries.com/definition/american\\_english/raccoon%2Bdog?region=us&q=raccoon+dog](http://oxforddictionaries.com/definition/american_english/raccoon%2Bdog?region=us&q=raccoon+dog) (last visited Oct. 12, 2012); Dictionary.com at <http://dictionary.reference.com/browse/raccoon+dog?s=ts> (last visited Oct. 12, 2012); The Free Dictionary at

definitions for “Asiatic raccoon,” “finnraccoon,” or “magnut.”<sup>19</sup> “Tanuki” is defined in three of these dictionaries as a word of Japanese origin that means “raccoon dog”; two of the dictionaries do not define it.<sup>20</sup>

2. All American zoos identify *Nyctereutes procyonoides* as “raccoon dogs.”

In the United States, only two zoos exhibit *Nyctereutes procyonoides*, Zoo Atlanta in Georgia and the Red River Zoo in Fargo, North Dakota. Both identify the animal as a “raccoon dog.”

In 2012, Zoo Atlanta acquired two raccoon dogs and the public announcement noted that they are members of the same family that includes domestic dogs and that their populations are declining in part due to commercial hunting for fur.<sup>21</sup> The announcement on Zoo Atlanta's Web page reads in part:

A popular pathway at Zoo Atlanta is bustling again with the activities of busy canines. Loki and Thor, a pair of raccoon dogs, have made their debut in Trader's Alley . . . Raccoon dogs are native to eastern Asia, with introduced populations found in Europe. Also known as tanuki, they are named for their resemblance, rather than close relation, to raccoons. Members of the same family that includes coyotes, wolves and domestic dogs, raccoon dogs are the only canids that hibernate in winter. The species is not currently classified as endangered, but Asian populations have declined in recent years as a result of human encroachment and commercial hunting for fur.

The spring 2012 newsletter of the Red River Zoo features a color photograph of its raccoon dog on the cover. The newsletter identifies the animal as a raccoon dog.<sup>22</sup>

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<http://www.thefreedictionary.com/raccoon+dog> (last visited Oct. 12, 2012); Collins American English Dictionary at <http://www.collinsdictionary.com/dictionary/american/raccoon-dog?showCookiePolicy=true>. (Last visited Oct. 12, 2012.)

<sup>19</sup> *Id.*

<sup>20</sup> Merriam-Webster online dictionary, at <http://www.merriam-webster.com/dictionary/tanuki>; Dictionary.com, at <http://dictionary.reference.com/browse/tanuki?s=t> (last visited Oct. 12, 2012); the Free Dictionary, at <http://encyclopedia.thefreedictionary.com/tanuki>. (Last visited Oct. 12, 2012.)

<sup>21</sup> *Zoo Atlanta welcomes two new raccoon dogs* (Aug. 13, 2012), at [http://www.zooatlanta.org/home/article\\_content/tanuki\\_arrival](http://www.zooatlanta.org/home/article_content/tanuki_arrival). (Last visited Oct. 12, 2012.)

<sup>22</sup> *Wild Times* (Spring 2012), at <http://www.redriverzoo.org/downloads/newsletter/wildtimes-spring2012.pdf>. (Last visited Oct. 12, 2012.)

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3. Currently, the common name “raccoon dog” is used most frequently in the United States to identify *Nyctereutes procyonoides* in non-advertising materials.

A survey of materials ranging from state law to children’s books indicates that the term “raccoon dog” is used far more frequently than the term “Asiatic raccoon” or “Finnraccoon” to identify *Nyctereutes procyonoides* in America outside of advertisements for fur garments or publications by the fur industry.

- i. Federal law: Section 16.11(a) of Title 50 of the Code of Federal Regulations prohibits the importation, transportation, or acquisition of live specimens of “any raccoon dog, *Nyctereutes procyonoides*.” Aside from the Name Guide, the term “Asiatic raccoon” appears in no other federal regulation or statute.
- ii. State statutes: A total of 12 states have one or more laws concerning *Nyctereutes procyonoides*. In 15 statutes or regulations (including one New York City regulation), the term “raccoon dog” or “Asian raccoon dog” is used as the common name; two statutes use “finnraccoon” along with and as an alternative to the term “raccoon dog” but not by itself; and no states use the term “Asiatic raccoon.” See Exhibit A for a complete list of statutes and regulations and relevant excerpts from the laws.
- iii. Newspapers: The *New York Times* uses the term “raccoon dog” in all articles that concern *Nyctereutes procyonoides* except one which quotes a Humane Society representative stating that “Asiatic raccoon” is the name the fur is sold under.<sup>23</sup> The *Albany Times Union*,<sup>24</sup> *New York Post*,<sup>25</sup> and *New York Daily News*<sup>26</sup> use the term “raccoon dog” exclusively in articles concerning *Nyctereutes procyonoides*.

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<sup>23</sup> Mike Hale, *Film Fables Spun in Japan*, N.Y. TIMES, C1 (Dec. 16, 2011); Norimitsu Onishi, *Village Writes Its Epitaph: Victim of a Graying Japan*, N.Y. TIMES, 18 (Apr. 30, 2006); Lawrence K. Altman, *2 Teams Identify Chinese Bat As SARS Virus Hiding Place*, N.Y. TIMES, A23 (Sept. 30, 2005); Alice Dubois, *In Japan, Hiking An Ancient Trail To See Rural Life*, N.Y. TIMES, Sec 5 page 8 (Mar. 20, 2005); Jim Yardley, *The SARS Scare in China: Slaughter of the Animals*, N.Y. TIMES, A3 (Jan. 7, 2004); Lawrence K. Altman, *The SARS Enigma*, N.Y. TIMES, sec. 1, page 18 (June 8, 2003); Lawrence K. Altman and Keith Bradsher, *Tests in China Suggest Some With SARS Don't Become Ill*, N.Y. TIMES, A10 (May 27, 2003); Denise Grady and Lawrence K. Altman, *The Sars Epidemic*, N.Y. TIMES A1 (May 26, 2003); Keith Bradsher and Lawrence K. Altman, *Strain of SARS Is Found In 3 Animal Species in Asia*, N.Y. TIMES, A1 (May 24, 2003); Barry Lopez, *Japan's True North*, N.Y. TIMES, Sec, 6 page 36 (Oct. 5, 1986); Michael T. Kaufman, *European Bison, Bred of Zoo Stock, Roam the Wild Again*, N.Y. TIMES C3 (Mar. 11, 1986); John Corry, *TV Review; 'Bison Forest,' A PBS Documentary*, N.Y. TIMES, C22 (Oct. 23, 1985); Lawrence Van Gelder, *Travel Advisory: Exploring Peru's Jungles: A Mythic Beast*, N.Y. TIMES, Sec, 10 page 3 (Aug. 19, 1984). In only one article, the term “Asiatic raccoon” is used in the following quote from the Humane Society: “About two million dogs and cats are killed each year worldwide to provide food, coats, glove liners, boot liners and other products sold under names like Asiatic raccoon and China wolf, said Richard W. Swain, a chief investigator for the Humane Society of the United States.” *Kirsty Sucato, N.J. LAW; Trenton Considers 2000 Computer Bug and Animal Fur*, N.Y. TIMES, 14NJ (Mar 14, 1999).

<sup>24</sup> Dina Cappiello, *Wild, woolly and -- maybe -- banned*, ALBANY TIMES UNION, A1 (Mar. 25, 2002).

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- iv. English Versions of Japanese Newspapers: In Japanese, “tanuki” is the word for *Nyctereutes procyonides*. “Raccoon dog” the most frequently used term to translate the Japanese word “tanuki” into English in newspapers. In *The Japan Times*, the term “raccoon dog” is exclusively used to translate the word “tanuki” into English (a search on the newspaper’s Web site reveals 34 articles using the term “raccoon dog”) while the terms “Asiatic raccoon,” “finnraccoon” and “magnut” are never used. For example, in June 2012, The Japan Times reported on attempts to rid the Imperial Palace of a raccoon dog in an article entitled “Raccoon Dog Evades Palace Guards.”<sup>27</sup> Similarly, the English Web versions of the leading Japanese newspapers, *The Asahi Shimbun*, *Japan Today*, and *Daily Yomiuri*, exclusively use the term “raccoon dog” and do not use either “Asiatic raccoon,” “finnraccoon” or “magnut” to describe the animal.<sup>28</sup>
- v. Children’s educational materials: Several children’s books refer to *Nyctereutes procyonides* as a “raccoon dog,” among them, *The Fox and the Raccoon-Dog*,<sup>29</sup> *Exploring Mammals*,<sup>30</sup> *Animal Records*,<sup>31</sup> *Carnivores: Meat-Eating Mammals*,<sup>32</sup> *DK Eyewitness Books: Dog*,<sup>33</sup> and *The Furry-Legged Teapot*.<sup>34</sup> Research has not disclosed the use of the terms “Asiatic raccoon” or “finnraccoon” in American children’s literature.

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<sup>25</sup> *Forbidden Fur*, N.Y. POST 17 (Jan. 18, 2007); *Dog Diddy Breaks Vow to go Faux; Fails to Shed his Label’s Fur*, N.Y. POST 3 (Dec. 24, 2006); *Lions and Tigers and Bears? Oh my!* N.Y. POST at 7 (June 30, 1999).

<sup>26</sup> *Fur Flies as Jacket Flaps Dogs Diddy*, N.Y. DAILY NEWS 8 (Dec. 23, 2006).

<sup>27</sup> Mizuho Aoki, *Raccoon dog evades palace guards*, THE JAPAN TIMES (June 2, 2012), at <http://www.japantimes.co.jp/text/nn20120602a3.html>. (Last visited Oct. 12, 2012.)

<sup>28</sup> The *Asahi Shimbun* Web site, at <http://ajw.asahi.com>; *Japan Today* Web site, at [www.japantoday.com](http://www.japantoday.com); The *Daily Yomiuri* Web site, at <http://www.yomiuri.co.jp>

<sup>29</sup> CYNTHIA SWAIN & BILL GREENHEAD, THE FOX AND THE RACCOON-DOG (2012) (“*Tanuki* is the Japanese word for raccoon-dog. Raccoon-dogs are not raccoons; they are actually related to dogs and wolves.”)

<sup>30</sup> MARSHALL CAVENDISH, EXPLORING MAMMALS 345 (Marshall Cavendish Corporation, 2008) (“The raccoon dog has small round ears and a long coat. Its face coloring resembles a raccoon.”)

<sup>31</sup> MARK CARWARDINE, NATURAL HISTORY MUSEUM ANIMAL RECORDS 53 (2007).

<sup>32</sup> CARNIVORES: MEAT-EATING MAMMALS 67-68 (John P. Rafferty, ed., Britannica Educational Publishing, 2011).

<sup>33</sup> JULIET CLUTTON-BROCK, DK EYEWITNESS BOOKS: DOG 27 (2004) (“The raccoon dog (above and right) has this name because it looks similar to a raccoon. It is a chubby canid with a short tail and a very thick, fine coat of gray-black and white fur. Because the coat is highly valued by fur traders, the raccoon dog has been bred in captivity in many countries.”)

<sup>34</sup> TIM MYERS, THE FURRY-LEGGED TEAPOT (2012) (Publisher’s book description states: “Yoshi the tanuki—a Japanese raccoon-dog—learns how to magically transform himself into anything, even a teapot.”)

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- vi. Adult Books: A search on Google Books<sup>35</sup> for the term “raccoon dog” in books published since January 1, 2007 resulted in over a thousand hits. Most popular adult books published in the last five years refer to the “raccoon dog,” including the popular *For Dummies* and *Complete Idiot’s Guide* series.<sup>36</sup> “Raccoon dog” is also the term used most frequently in science-related books, for example, *The Genetics of the Dog*,<sup>37</sup> *A Guide to Animals of China*,<sup>38</sup> *Pleistocene Mammals of Europe*,<sup>39</sup> *Handbook of Alien Species in Europe*.<sup>40</sup> A search on Google Books disclosed only seven books in the Google Books archive published in the last five years that refer to the “Asiatic raccoon” or the “finnraccoon.”<sup>41</sup>
4. The term “raccoon dog” has been used in America since the 19th Century, decades before the terms “Asiatic raccoon” or “finnraccoon” came into use.

The term “raccoon dog” has been used to describe *Nyctereutes procyonides* in print materials as far back as the mid-1800s, roughly a century before the FTC adopted the term “Asiatic raccoon” in the Name Guide.<sup>42</sup> The following is a representative list of dozens of publications in which the term “raccoon dog” was used in American publications around the turn of the 20th Century:

- i. In 1889, The Annual Report of the Board of Trustees of the Public Museum of the City of Milwaukee used the term “raccoon dog.”<sup>43</sup>
- ii. In 1893, the ASPCA magazine used the term “raccoon-dog.”<sup>44</sup>

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<sup>35</sup> Google has scanned millions of English language books, which are searchable on-line. *Author’s Guild v. Google, Inc.*, 2012 U.S. Dist. LEXIS 76080 at 35 (S.D.N.Y. May 31, 2012). Although some books are not scanned into Google Books, it represents a sample of all books in print. Finding that a particular term is used more frequently in the books available on Google Books suggests that term is also used more frequently in all books.

<sup>36</sup> WILLIAM L. COLEMAN, *THE BIG BOOK OF ANIMAL DEVOTIONS* 142-43 (2009); ALISON BEHNKE, *FRANCE IN PICTURES* 14 (2011); EVANS LANSING SMITH & ROBERT BROWN, *THE COMPLETE IDIOT’S GUIDE TO WORLD MYTHOLOGY* (2007); CHRISTOPHER BLACKWELL & AMY HACKNEY BLACKWELL, *MYTHOLOGY FOR DUMMIES* (2011); JAKE PAGE, *DO DOGS LAUGH?* 16 (2008) (“What was a raccoon doing in a book about dogs? The animal *is*, it turns out, a dog called the raccoon dog, the ponderous binomial hybrid of Latin and Greek meaning ‘night-roaming, raccoon-like.’”)

<sup>37</sup> ELAINE A. OSTRANDER & ANATOLY RUVINSKY, *THE GENETICS OF THE DOG* (2012) (no use of “finnraccoon” or “Asiatic raccoon”).

<sup>38</sup> *A GUIDE TO ANIMALS OF CHINA* 419 (Andrew T. Smith et al., eds., 2008).

<sup>39</sup> BJORN KURTEN, *PLEISTOCENE MAMMALS OF EUROPE* (2007) (no use of “finnraccoon” or “Asiatic raccoon”).

<sup>40</sup> KAARINA KAUHALA & MARTEN WINTER, *HANDBOOK OF ALIEN SPECIES IN EUROPE* 365 (2009) (no use of “finnraccoon” or “Asiatic raccoon”).

<sup>41</sup> Google Books Web page, at [books.google.com](http://books.google.com).

<sup>42</sup> *Merriam-Webster Dictionary* states that the first known use of “raccoon dog” was in 1868. Merriam-Webster online, at <http://www.merriam-webster.com/dictionary/raccoon%20dog>.

<sup>43</sup> *SEVENTH ANNUAL REPORT OF THE BOARD OF TRUSTEES OF THE PUBLIC MUSEUM OF THE CITY OF MILWAUKEE* at 18 (1889).



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- iii. In 1897, the Universal Dictionary of the English Language used the term “raccoon dog” to describe *Nyctereutes procyonides*.<sup>45</sup>
- iv. In 1904, the New York Zoological Society referred to *Nyctereutes procyonides* as a “raccoon dog” in its annual report of 1903 in an article entitled “A New Species of Raccoon Dog.”<sup>46</sup>
- v. In 1907, a sportsmen's magazine referred to *Nyctereutes procyonides* as a “raccoon dog.”<sup>47</sup>
- vi. In 1907, an encyclopedia's entry for “raccoon dog” described the animal as “[a] small, short-eared wild dog (*Canis procyonoides*) of Japan and the Chinese coast, which has a curious resemblance in the form and color to the raccoon. . . .”<sup>48</sup>
- vii. In 1911, Encyclopedia Britannica included an entry for “raccoon dog” and described it as a “small, wild dog.”<sup>49</sup>

The term “raccoon dog” continued to be used throughout the 20th century and, as explained in section (A)(3), above, is still used much more frequently than the terms “Asiatic raccoon” and “finnraccoon.”

5. The terms “Asiatic raccoon” and “finnraccoon” are coined names or describe the fur of an animal which is fictitious or non-existent.

The fur regulations specifically prohibit the use of “trade names, coined names, nor other names or words descriptive of a fur as being the fur of an animal which is in fact fictitious or non-existent”<sup>50</sup> and the statute requires that names be the true English name or, in the absence of a true English name, the name by which such animal can be properly identified in the United States.<sup>51</sup>

The Finnish Ministry for Foreign Affairs argues that the term “finnraccoon” should be added to the name guide because “[t]he term Finnraccoon is used for furs

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<sup>44</sup> Ernest Ingersoll, *Some Dog Family Portraits*, OUR ANIMAL FRIENDS 9 (Sept. 1893) (“In China and Japan are certain small wild species with very long hair, such as the raccoon-dog, so that it is not surprising to learn that the King Charles spaniel is supposed to have been first derived from that part of the world.”)

<sup>45</sup> ROBERT HUNTER ET AL., UNIVERSAL DICTIONARY OF THE ENGLISH LANGUAGE 3864.

<sup>46</sup> William T. Hornaday, *A New Species of Raccoon Dog*, EIGHTH ANNUAL REPORT OF THE NEW YORK ZOOLOGICAL SOCIETY, Apr. 1, 1904, at 70-73.

<sup>47</sup> Lawrence Irwell, *Some Curious and Little Known Animals Wild Dogs*, WESTERN FIELD: THE SPORTSMEN'S MAGAZINE OF THE WEST, Aug. 1907, at 17 (“The raccoon dog is a small animal of Eastern China and Japan, which is said to resemble a miniature raccoon, especially about the head.”)

<sup>48</sup> Daniel Coit Gilman, Harry Thurston Beck & Frank Moore Colby eds., THE NEW INTERNATIONAL ENCYCLOPAEDIA, Vol. 16, 633 (1907).

<sup>49</sup> HUGH CHISHOLM, ENCYCLOPEDIA BRITANNICA Vol. 22, 774 (1911).

<sup>50</sup> 16 C.F.R. § 301.11.

<sup>51</sup> 15 U.S.C. § 69e(a).

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produced in Europe also in international fur trade.”<sup>52</sup> “Finnraccoon” is not an English word or a Finnish word—it is a coined word. The Finnish word for *Nyctereutes procyonides* is “supikoira”; “supi” means raccoon and “koira” means dog. That the animal may be identified by another name in Europe does not prove that the animal is identified in the United States by this name given the widespread use of the term “raccoon dog” described above. The fur industry conceded that there is no evidence that United States consumers are familiar with the term “finnraccoon.”<sup>53</sup>

The word “Asiatic” means “Asian.”<sup>54</sup> *Nyctereutes procyonides* is not a raccoon (*Procyon lotor* and *Procyon cancrivorus*). Using the adjective “Asiatic” to modify the word “raccoon” creates a fictitious and non-existent type of raccoon.

C. The “true English name” or the “name by which such animal can be properly identified in the United States” must be used even if it will result in a decline in sales of a product.

Representatives from the fur and retail industry argue that the names “finnraccoon,” “tanuki,” and “magnut,” should be used because use of the name “raccoon dog” could cause a decline in sale of the fur as consumers may not wish to buy the fur that is produced under lax Asian animal welfare standards or that “Asiatic raccoon” should be used because consumers may feel uncomfortable purchasing fur from the relative of a domestic dog. As explained below, these arguments are self-serving and do not help consumers understand what kind of animal is the source of a fur.

1. “Finnraccoon” should not be listed in the Name Guide; current regulations prevent confusion with animals raised in Asia.

Both the Finnish Ministry and Finnish Fur Sales assert that animal welfare standards in Europe are stronger than those in Asia; therefore, some consumers may not be willing to buy fur if they think that it comes from Asia.<sup>55</sup> Therefore, they object to the

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<sup>52</sup> Pekka Säilä, Deputy Director General, Department for External Economic Relations, Finland (May 16, 2011), at <http://www.ftc.gov/os/comments/furlabeling/00010-59918.pdf>. (Last visited Oct. 12, 2012.)

<sup>53</sup> Testimony of Charlie Ross, Fur Information Council of America, FTC Hearing: Fur Name Guide Transcript, 97:6-9 (Dec. 6, 2011), <http://www.ftc.gov/os/comments/furlabeling/111206FURtranscript.pdf>. (Last visited Oct. 12, 2012.)

<sup>54</sup> Merriam-Webster online dictionary, <http://www.merriam-webster.com/dictionary/asiatic> (last visited Oct. 7, 2012).

<sup>55</sup> Pekka Säilä, Deputy Director General, Department for External Economic Relations, Finland (May 16, 2011), at <http://www.ftc.gov/os/comments/furlabeling/00010-59918.pdf> (last visited Oct. 12, 2012); Letter from Pertti Fallenius, CEO, Finnish Fur Sales to the FTC, regarding Comment of Finnish Fur Sales in Response to the FTC Request for Comments on Fur Rules Review Matter No. P074201 at 2 (May 16, 2011), <http://www.ftc.gov/os/comments/furlabeling/00015-59946.pdf>. (Last visited Oct. 12, 2012.)

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word “Asiatic” in the current listing in the Name Guide when the fur comes from animals bred in Europe.<sup>56</sup> In support of this argument, they state “[t]he current FTC standards do not provide a manner to distinguish Asiatic racoon [sic] from the Finn racoon.”<sup>57</sup>

The Committee on Animal Law agrees that the word “Asiatic” is confusing because the animals live in other regions of the world; however, it disagrees with the proposed solution to the problem. The FTC regulations, 16 CFR section 301.12(a)(2), require that the country of origin be included in product labeling and advertisements; therefore, an additional descriptor is unnecessary. The regulation reads:

In the case of fur products imported into the United States from a foreign country, or fur products made from furs imported into the United States from a foreign country, the country of origin of the furs contained in such products shall be set forth as a part of the information required by the act in labeling, invoicing and advertising.

Deleting the geographic reference from the animal's name, and calling the animal by its true English name—“raccoon dog” —, along with the existing requirement that the country of origin appear in all advertising and labeling, would clear up any potential confusion about the animal's country of origin.

2. “Tanuki” should not be listed in the Name Guide because it is not English.

The Retail Federation of America acknowledges that the animal is known as a “raccoon dog” and that “the Asiatic Raccoon, indigenous to East Asia, is also not closely related to the North American Raccoon (*Procyon lotor*).”<sup>58</sup> To solve this problem, it suggests the names “Tanuki” and “Magnut.”<sup>59</sup> This suggestion should be rejected.

“Tanuki” is a Japanese word and, when it is used in English versions of Japanese materials, it is usually translated to “raccoon dog.” (See section (B)(3) above, concerning

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<sup>56</sup> Pekka Säilä, Deputy Director General, Department for External Economic Relations, Finland (May 16, 2011), at <http://www.ftc.gov/os/comments/furlabeling/00010-59918.pdf> (last visited Oct. 12, 2012); Letter from Pertti Fallenius, CEO, Finnish Fur Sales to the FTC, regarding Comment of Finnish Fur Sales in Response to the FTC Request for Comments on Fur Rules Review Matter No. P074201 at 2 (May 16, 2011), <http://www.ftc.gov/os/comments/furlabeling/00015-59946.pdf>. (Last visited Oct. 12, 2012.)

<sup>57</sup> Pekka Säilä, Deputy Director General, Department for External Economic Relations, Finland (May 16, 2011), at <http://www.ftc.gov/os/comments/furlabeling/00010-59918.pdf> (last visited Oct. 12, 2012); Letter from Pertti Fallenius, CEO, Finnish Fur Sales to the FTC, regarding Comment of Finnish Fur Sales in Response to the FTC Request for Comments on Fur Rules Review Matter No. P074201 at 2 (May 16, 2011), <http://www.ftc.gov/os/comments/furlabeling/00015-59946.pdf>. (Last visited Oct. 12, 2012.)

<sup>58</sup> Erik O. Autor, National Retail Federation, Fur Rules Review, Matter No. P074201 (May 16, 2011), <http://www.ftc.gov/os/comments/furlabeling/00018-80115.pdf>. (Last visited Oct. 12, 2012.)

<sup>59</sup> *Id.*

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the use of “raccoon dog” in English versions of Japanese newspapers.) 16 CFR section 301.3 requires that all information be provided in English. 301.3 Therefore, “tanuki” should not be used because it is not an English word. The word “magnut” appears in none of the dictionaries cited in section (B)(1) above and, therefore, should not be used because it either not a true English word or cannot be properly identified in the United States by the name.

D. Labeling the fur Asiatic raccoon or finnraccoon violates the spirit of the Truth in Fur Products Labeling Act.

The purpose of the Truth in Fur Products Labeling Act is to ensure that consumers understand whether they are buying real or faux fur and, if real, what kind of animal it came from.<sup>60</sup> The bill summary for S.1076, the Truth in For Products Labeling Act Senate bill, recognizes that the term “Asiatic raccoon” is confusing; the summary states that the law “[d]irects the Federal Trade Commission (FTC), in the Fur Products Name Guide, to replace the term ‘Raccoon, Asiatic’ with ‘Dog, Raccoon.’”<sup>61</sup> As one congressman noted, “many consumers have strong moral objections to purchasing real fur products or have concerns about the use of certain species” and some “designers and retailers were selling fur-trimmed jackets advertised as ‘faux,’ ‘raccoon,’ ‘coyote,’ or not labeled at all, which turned out to be raccoon dog, domestic dog, or wolf.”<sup>62</sup> [Emphasis added.]

As far as retail consumers are concerned, it is important that the name of the fur match the only name that they are exposed to in dictionaries, zoos, and newspapers, and the most commonly used name in other materials so they can make an informed choice about whether to purchase a product containing fur.

The retail and fur industries argue that “Asiatic Raccoon” is preferable to the term “raccoon dog” because the animal is only a “distant” relative of the domestic dog, and they hibernate, do not wag their tails, and climb trees.<sup>63</sup> Because *Nyctereutes procyonides* are related to domestic dogs, and dogs are widely considered pets in the United States and raccoons are not, it follows that some consumers of fur products would have objections to wearing such fur even if the animals cannot wag their tails, are able to climb trees, and hibernate. Other consumers, such as those who learned about an animal called “raccoon

<sup>60</sup> Legislative testimony of Congressman Jim Moran, Congressional Record H6196 (July 18, 2010), <http://thomas.loc.gov/cgi-bin/query/z?r111:H28JY0-0038>. (Last visited Oct. 12, 2012.)

<sup>61</sup> Thomas, The Library of Congress, Bill Summary S.1076, <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:SN01076:@@L&summ2=m&> (visited Oct. 6, 2012).

<sup>62</sup> Legislative testimony of Congressman Jim Moran, Congressional Record H6196 (July 18, 2010), <http://thomas.loc.gov/cgi-bin/query/z?r111:H28JY0-0038>. (Last visited Oct. 12, 2012.)

<sup>63</sup> Fur Information Council of America Letter to FTC re: Fur Rules Review Matter No. P074201 at 5 (May 16, 2011), <http://www.ftc.gov/os/comments/furlabeling/00014-59945.pdf>. (Last visited Oct. 12, 2012.)

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dog” in Zoo Atlanta's educational materials (see section (B)(2), above) or similar materials, may have concerns about contributing to the decline of their population in the wild. Calling an animal a name that is not even in the dictionary in order to ensure that sales do not decline is misleading and against the very spirit of the Truth in Fur Labeling Act.

Fur sellers have exploited the name “Asiatic raccoon” for decades to leave consumers with the impression that the animal is a raccoon. For example, in 1987, in a Bloomingdale’s advertisement for fur coats in *New York Magazine*, the ad copy stated the fur comes from an “exotic, unusual variety of raccoon”:

Take Action Now, And Be Wrapped In Our Sportive Natural Asiatic Raccoon, Before Winter's Chill Arrives . . . Now through November 8 only, save 1500.00 on our most exotic, unusual variety of raccoon, styled with shawl collar . . .<sup>64</sup> [Emphasis added.]

Decades later, the same department store's product copy continues to confuse consumers about the source of this type of fur by using the name “Asiatic raccoon” to suggest that the product sold is raccoon fur. For example, in a product description for Moncler Fragon Cinched Down Coat with Fur, the product description reads, “Shell: nylon; fill: down/feathers; fur trim: Finland raccoon.” (Emphasis added.) Eleven lines below, the store discloses that the fur is from an “Asiatic raccoon.”<sup>65</sup> It is unlikely that anyone buying this coat would understand that the fur was from an animal unrelated to a raccoon.

A search of fur for sale on the Internet conducted by the Animal Law Committee in September 2012 resulted in countless misleading product descriptions involving the fur of *Nyctereutes procyonides*. In the product description for “M. Miller Finn Raccoon Headband Womens,” [sic] available at Amazon.com, the product description states that the “Finn Raccoon fur headband” is “crafted from real raccoon fur”:

The M Miller Finn Raccoon fur headband for women is crafted from real raccoon fur. Its [sic] so full and warm that youll [sic] only need the headband to keep you warm this winter This headband matches the fur trim on the M Miller Remi down jacket Real Finn raccoon fur.<sup>66</sup>

<sup>64</sup> Bloomingdale's advertisement, NEW YORK MAGAZINE, Nov. 7, 1987, at 1.

<sup>65</sup> Bloomingdale's web page, Moncler Fragon Cinched Down Coat with Fur, item # 613472, at [http://www1.bloomingdales.com/shop/product/moncler-fragon-cinched-down-coat-with-fur?ID=613472&PseudoCat=se-xx-xx-xx.esn\\_results](http://www1.bloomingdales.com/shop/product/moncler-fragon-cinched-down-coat-with-fur?ID=613472&PseudoCat=se-xx-xx-xx.esn_results). (Last visited Oct. 12, 2012.)

<sup>66</sup> Amazon.com at [http://www.amazon.com/Miller-Finn-Raccoon-Headband-Womens/dp/B001P8VC1W/ref=sr\\_1\\_cc\\_3?s=aps&ie=UTF8&qid=1348053383&sr=1-3-catcorr&keywords=finn+raccoon](http://www.amazon.com/Miller-Finn-Raccoon-Headband-Womens/dp/B001P8VC1W/ref=sr_1_cc_3?s=aps&ie=UTF8&qid=1348053383&sr=1-3-catcorr&keywords=finn+raccoon) (last visited Oct. 12, 2012).

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Burberry sells a coat trimmed with “Trim: 100% farmed raccoon, *nyctereutes procyonoides*, Finland.” [Emphasis added.] The Madison Avenue Mall Web site, lists the item “Ferrari Red Cashmere Cape- Finn Raccoon Trim”; the product description states “Fur Content: Red Dyed Finnish Raccoon.”<sup>67</sup> On Overland.com, the product description for “Women’s Gigi Reversible Raccoon Fur and Leather Vest” states, “Take a walk on the wild side in our Gigi Reversible Vest, featuring fluffy, luxe Finn raccoon fur on one side and smooth lambskin leather on the other. The leather side features chic patterned row stitching throughout, plus raccoon fur trim and a soft tie belt to highlight the waist.”<sup>68</sup> [Emphasis added.] A link in the product description leads to the Web site’s fur buying guide, which lists a description for raccoon, not Asiatic raccoon:

### RACCOON

Key Features: Lofty and dense, with beautiful coloring; great for trim

Soft, dense, and fluffy, raccoon fur makes gorgeous collars and tuxedo trims, thanks to its unique coloring and wonderful loft. With long, silvery, tipped guard hairs and thick, heavy underfur, raccoon offers wonderful warmth and is quite durable when cared for properly.

Sometimes the distinctive black tail fur with tan rings is used for trim but generally, the black-tipped, silver-gray body fur is used. Sumptuous to behold both visually and by touch.<sup>69</sup>

Requiring the term “raccoon dog” would make it more difficult for fur sellers to confuse consumers, because dropping the adjective raccoon (which describes how the animal looks rather than the country the animal originally came from) would result in the word “dog,” which more accurately reflects the animal’s classification as a canid.

E. The Fur Industry’s arguments that the term “raccoon dog” violates the law or creates confusion due to a related law should be rejected.

The fur industry argues that the term “raccoon dog” violates 16 CFR section 301.7 because it includes two different breeds of animal.<sup>70</sup> The term “raccoon dog” does

<sup>67</sup>Madison Avenue Mall web page, Ferrari Red Cashmere Cape- Finn Raccoon Trim #1334, *at* <http://www.madisonavemall.com/products/product.asp?SKU=112RED%2FRACC&cid=2> (last visited Oct. 12, 2012.)

<sup>68</sup>Overland web page, Women’s Gigi Reversible Raccoon Fur and Leather Vest, Style# 18716, *at* <http://www.overland.com/Products/NewNotable-590/CustomerFavorites-630/VestsforEveryone-482/WomensGigiReversibleRaccoonFurandLeatherVest/PID-18716.aspx> (last visited Oct. 12, 2012).

<sup>69</sup> Overland web page, *at* <http://www.overland.com/buying-guides/Guides/fur-buying-guide.aspx> (last visited Oct. 12, 2012).

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not violate 16 CFR section 301.7 because there is an exception for names in the Name Guide. (The prohibition applies to names used to identify animals that are not listed in the Name Guide. *See* 16 CFR section 301.6(b) concerning naming for products not in the Name Guide.) The regulation provides:

If the fur of an animal is described in any manner by its breed, species, strain or coloring, irrespective of former usage, such descriptive matter shall not contain the name of another animal either in the adjective form or otherwise nor shall such description (subject to any exception contained in this part or animal names appearing in the Fur Products Name Guide) contain a name in an adjective form or otherwise which connotes a false geographic origin of the animal. For example, such designations as “Sable Mink,” “Chinchilla Rabbit,” and “Aleutian Mink” shall not be used. [Emphasis added.]

The use of the name “raccoon dog” is consistent with the name for another animal in the Name Guide. The Name Guide lists the word “kangaroo-rat” for *Bettongia* sp.<sup>71</sup> *Bettongia* is not a kangaroo or a true rat; it is a marsupial. It only resembles a rat superficially and it is a relative of the kangaroo.

The Fur Council of America argued that calling the fur a “raccoon dog” would “basically ban the sale of this product. As the Retail Federation has commented since 2000, it is illegal to trade or sell dog products. So, by calling it a raccoon dog, the consumer nor the retailer would handle the product.”<sup>72</sup>

The law does indeed ban the sale of “dog fur.”<sup>73</sup> However, the term “dog fur” is narrowly defined as “the pelt or skin of any animal of the species *Canis familiaris*” in the Dog and Cat Protection Act of 2000.<sup>74</sup> The industry can explain in wholesale sales

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<sup>70</sup> Testimony of Larry Lasoff, counsel for Fur Information Council of America, FTC Hearing: Fur Name Guide Transcript, 43: 11-14. (Dec. 6, 2011)

<http://www.ftc.gov/os/comments/furlabeling/111206FURtranscript.pdf>. (Last visited Oct. 12, 2012.)

<sup>71</sup> 16 C.F.R. § 301.0; Dr. Alfred Gardner, Curator, North American Mammals at the National Museum Smithsonian erred in his testimony; the Humane Society of the United States correctly stated the animal's listing in the Name Guide. It is not listed as “rat kangaroo.” FTC Hearing: Fur Name Guide Transcript, 52:22 - 53:5 (Dec. 6, 2011), <http://www.ftc.gov/os/comments/furlabeling/111206FURtranscript.pdf>. (Last visited Oct. 12, 2012.) However, it does appear that the term should be listed as “rat kangaroo,” because a kangaroo rat is not *Bettongia* sp. Dr. Gardner opined that the term should be dropped because fur products are no longer made from the animal even though they were from the past. The Name Guide applies to used furs (*see* 16 C.F.R. § 301.14); therefore, the name should be retained if they are sold as used furs.

<sup>72</sup> Testimony of Charlie Ross, Fur Information Council of America, FTC Hearing: Fur Name Guide Transcript, 59:19-25 (Dec. 6, 2011),

<http://www.ftc.gov/os/comments/furlabeling/111206FURtranscript.pdf>. (Last visited Oct. 12, 2012.)

<sup>73</sup> 19 U.S.C. § 1308.

<sup>74</sup> 19 U.S.C. § 1308(a)(5).

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materials to corporate buyers that “raccoon dog” is not in the species *Canis familiaris* and is, therefore, not covered by the prohibition.

F. Summary

For the reasons above, we urge the FTC to amend the Name Guide to use the name “raccoon dog” exclusively to describe *Nyctereutes procyonides*.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_

Christine L. Mott, Chair

cc: Matthew Wilshire, Staff Attorney, Federal Trade Commission  
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**Exhibit A**

**List of State Statutes Concerning *Nyctereutes procyonides***

- (a) The term “raccoon dog” is used the most common term used to describe *Nyctereutes procyonides* in state and local law:
- (i) Section 180.1(b) of Title 6 of the New York Codes, Rules, and Regulations (“No person may possess, release, transport, import or export, or cause to be released, transported, imported or exported, except under permit from the department, any of the following live wildlife: all subspecies of the lion (*Panthera leo*), the raccoon dog (*Nyctereutes procyonides*) . . .”);<sup>75</sup>
  - (ii) Section 161.01(b)(1) of Title 24 of the Rules of the City of New York (“[A] wild animal is deemed to be . . . All dogs other than domesticated dogs (*Canis familiaris*), including, but not limited to, wolf, fox, coyote, hyaena, dingo, jackal, dhole, fennec, raccoon dog, zorro, bush dog, aardwolf, cape hunting dog and any hybrid or cross-breed offspring of a wild dog and domesticated dog.”);<sup>76</sup>
  - (iii) Section 805.20 of Title 17 of the Illinois Administrative Code (includes “Raccoon dog, *Nyctereutes procyonoides*” in its listing of injurious species);<sup>77</sup>
  - (iv) Chapter 1501:31-19(K)(1) of the Ohio Administrative Code (“It shall be unlawful for any person to possess, import or sell. (1) Raccoon dog (*Nyctereutes procyonides*) . . .”);<sup>78</sup>
  - (v) 002 00 Code of Arkansas Rules and Regulations 01 (lists “raccoon dog” as a kind of wildlife prohibited to be imported);<sup>79</sup>

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<sup>75</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in New York State laws.

<sup>76</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in New York City laws.

<sup>77</sup> There are no references to the “Asiatic raccoon” in Illinois laws. There is a single reference to “finnraccoon” in Ill. Rev. Stat., Ch. 61, para. 3.23 (“No person shall release, hold, possess, or engage in raising . . . finnraccoons (sometimes called raccoon dogs) (*Nyctereutes procyonoides*) in this State and no permit shall be issued therefor.”)

<sup>78</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in Ohio State laws.

<sup>79</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in Arkansas State laws.

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- (vi) Kansas Administrative Regulations section 115-18-10(a)(13) (prohibits importation and possession of the “Asian raccoon dog (*Nyctereutes procyonoides*)”);<sup>80</sup>
- (vii) 301 Kentucky Administrative Regulations 2:082(3)(v) (prohibits import of “Raccoon dog (*Nyctereutes procyonoides*)”);<sup>81</sup>
- (viii) Minnesota Administrative Code section 6216.0250(5)(a) (lists “Asian raccoon dog, also known as finnraccoon (*Nyctereutes procyonoides*)” as a prohibited invasive species);<sup>82</sup>
- (ix) 3 Missouri Code of State Regulations section 10-4.117(2)(A) (listing “raccoon dog *Nyctereutes procyonoides*” as a prohibited species of wildlife);<sup>83</sup>
- (x) Nebraska Administrative Code Title 23, Chapter 2, section 013.03 (prohibiting importation of “Asian raccoon dogs”); Nebraska Admin. Code Title 163, Ch. 4, section 008.07A1 (“Asian Raccoon Dog (*Nyctereutes procyonoides*) constitutes both economic and ecologic threat.”);<sup>84</sup>
- (xi) Nevada Administrative Code 503.110 (1)(d) (listing “Raccoon Dog” as the “common name” for *Nyctereutes procyonoides*);<sup>85</sup>
- (xii) New Hampshire Code of Administrative Rules Fis 803.04(b)(4)(c) (listing “Raccoon dog (*Nyctercutes procyonoides*)” as a prohibited species for import);<sup>86</sup>
- (xiii) South Dakota Administrative Code 12:68:18:03.01 (prohibiting possession of “the family Canidae, genus *Nyctereutes*, species *procyonoides* (raccoon dog).”);<sup>87</sup>

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<sup>80</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in Kansas State laws.

<sup>81</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in Kentucky State laws.

<sup>82</sup> There are no references to the “Asiatic raccoon” in Minnesota laws.

<sup>83</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in Missouri laws.

<sup>84</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in Nebraska laws.

<sup>85</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in Nevada laws.

<sup>86</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in New Hampshire laws.

<sup>87</sup> There are no references to the “Asiatic raccoon” or “finnraccoon” in South Dakota laws.