



July 2012

Dear Customers and Friends,

I'm sure that many of you have been wondering why products containing E Jiao (Donkey-skin glue) were not available for so long "due to regulatory reasons", and why they are available again now. I apologize for the inconveniences this has caused, and would like to explain the situation fully.

In August of 2010, Mayway imported a shipment of products, two of which contained E Jiao. We disclosed all ingredients of every product to the Regulatory Authorities as usual. However, the two products containing E Jiao were detained by the U.S. Fish & Wildlife Service (FWS) due to E Jiao being made from "Equus asinus" (the scientific name for all donkeys) which is listed under the US Endangered Species Act (ESA). After researching the issue, I wrote a letter explaining that the donkeys used to make our E Jiao were obtained from among the 11 million farmed, domesticated Chinese donkeys, not from endangered, feral populations from the Horn of Africa referred to in the ESA and CITES (Convention on the International Trade in Endangered Species). For the full background, read Skye Sturgeon's article "Equus asinus and the Endangered Species Act" below.

Receiving no reply from the FWS, I later spoke with an FWS Inspector, and tried to explain our position again. I also pointed out that we had been importing E Jiao for about 40 years, and if Equus asinus from China was an issue, shouldn't we have known about it earlier from other inspectors? He responded that they had recently been given the mandate to be more vigilant about enforcing the ESA, and that the ESA does not distinguish between farmed or wild, or whether it is from the U.S. or international, but is based on nomenclature only. He also said that he thought it was no big deal as we were the only company affected. I was astounded to learn from him that Mayway was the only importer of record (which implies that all other E Jiao and E Jiao-containing products available on the market were smuggled or that not all ingredients were declared upon importation as required by law).

In the end, the FWS would not reverse their decision, and seized our shipment. We decided to stop selling E Jiao containing products to comply with the law, but also resolved to find a solution.

Given the sensitivity of the issue (we were unsure whether to question the sources of the E Jiao of our competitors) we were hesitant to seek help from our trade associations' herb committees. We decided to deal with the issue ourselves. We engaged lawyers who specialize in endangered species issues, and wrote to the FWS both locally and in Washington DC. This past May we received a final response from FWS HQ upholding the original decision. However, to our surprise, a week later the FWS put in a proposal to revise the scientific name of the endangered African donkeys to Equus africanus and to replace Equus asinus with it in the Federal Register.

We quickly drafted a letter in support of the FWS' proposal, and also decided to make our E Jiao containing products available for purchase again. We are reasonably confident that the FWS proposal will be accepted, and we will continue to work towards ensuring that this important herb will remain available. Thank you for your support.

Sincerely yours,  
Yvonne Lau, President