This month I want to share with you a list of restricted Chinese herbs that we maintain here at Mayway USA. This is a list of restricted and/or prohibited Chinese herbs that cannot be exported from China or imported into the US. Some of these restrictions are only now being implemented and have not yet been put into operation at all ports of entry. These are the restrictions being applied in Oakland, CA as of September 2011 and are subject to change. Links to a number of resources including regulatory agencies that provide much more information are included in the list.

**FDA** (Food & Drug Administration) [http://www.fda.gov](http://www.fda.gov)

Herbs that have been banned and/or restricted from importation:

*Poisonous* plants and substances
- **Ban Mao** 斑蝥/Mylabris—cantharidin toxin (Obsolete B1036†)
- **Bing Lang** 檳榔/Arecæ Semen—carcinogenic/addictive
- **Chan Su** 蟾酥/Bufo Venenum—bufo-toxins, cardiac glycosides (Obsolete B1038†)
- **Da Fu Pi** 大腹皮/Arecae Pericarpium—carcinogenic/addictive
- **Ji Nei Jin** 雞內金/Geriææ galli Endothelium Corneum—potential source of avian flu virus*
- **Ma Qian Zi** 馬錢子/Strychni Semen—strychnine (Obsolete B1050†)
- **Ying Su Ke** 威靈錢/Papaveris Pericarpium—opium alkaloids/addictive (Obsolete B1047†)

*Bulk herb only; finished products from Ji Nei Jin are exempt.

**Unfit for human consumption**
- **Can Sha** 蠶砂/Bombycis Faeces—excrement
- **Wu Ling Zhi** 五靈脂/Trogopteri Faeces—excrement
- **Ye Ming Sha** 夜明砂/Verpertilionis Faeces—excrement
- **Zi He Che** 紫河車/Hominis Placenta—human product

Contains *aristolochic acid*
- **Guang Fang Ji** 廣防己/Aristolochia fangchi Radix—(Obsolete B1056†)
- **Guan Mu Tong** 閩木通/Aristolochiae manshurensis Caulis—(Obsolete B1055†)
- **Ma Dou Ling** 馬兜鈴/Aristochiae Fructus—(Obsolete B1053†)
- **Qing Mu Xiang** 青木香/Aristolochiae debilis Radix
- **Xi Xin** 細辛/Asari Herba

Contains *Ephedrine Alkaloids* or is a part of the *Ephedra plant* *
- **Ma Huang** 麻黃/Ephedrae Herba
- **Ma Huang Gen** 麻黃根/Ephedrae Radix

*In addition to the FDA restriction on the use of Ma Huang in dietary supplements, the PRC no longer issues an export license for this herb.*
CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) Herbs that are regulated (require an export permit) and/or prohibited (no importation allowed) Updated 10 Oct 2010:

**Appendix I** lists species for which no commercial trade is allowed in order to protect them from extinction.

- Bao Gu 豹骨/Pardi Os (Panther or Leopard bone + any other parts)
- Dai Mao 猴瓊/Carapax Eretmochelydis (Hawksbill turtle shell)
- Hou Zao 猴棗/Calculus Macaeae Multatattae (Rhesus monkey bile stone)
- Hu Gu 虎骨/Tigris Os (Tiger bone + any other parts) (Obsolete B1071†)
- Mu Xiang 木香/Aucklandiae Radix (aka Saussurea costus, Family Asteraceae)
- She Xiang 麝香/Moschus (certain species)
- Shi Hu 石斛/Dendrobrii Herba (certain species—see note under Appendix I)
- Shi Hu 石斛/Dendrobrii Herba (wild species only; artificially propagated hybrids are exempted)
- Ta Gan 獲肝/Lutrae Jecur (Sp. Lutrae lutra, L. Nippon) Otter liver
- Xi Niu Jiao 犀牛角/Rhinoceri Cornu (Rhino horn)
- Xiang Pi 象皮/Xiang Ya 象牙/Corium et Dens Elephantis (Elephant skin and tusk)
- Xiong Dan 熊胆/Vesica Fellea Ursi (Obsolete B1065†)
- Yang Zi E 扬子鱷/Carapax Alligatoris (Yang Zi Alligator skin)
- Zhu Long Cao 豬籠草/Herba Nepenthe (sp. = N. khasiana & N. rajah; Pitcher Plants)

**Appendix II** lists the species which are threatened, but for which limited trade is allowed. An export permit is issued only if the specimen was legally obtained and if the export will not be detrimental to the survival of the species. Some of these species are being farmed and are available in limited quantities. In some cases, substitute species are available.

- Bai Ji 白芨/Bletillae Rhizoma
- Chuan Shan Jia 穿山甲/Manitis Squama
- Chen Xiang 沉香/Aquilariae Lignum resinatum
- Da Ji 大薊/Euphorbiae Radix
- Gan Song 甘松/Rhizoma Nardostachyos (sp. Nardostachys grandiflora = N. jatamansi DC.)
- Gan Sui 甘遂/Euphorbia Kansui Radix
- Gou Ji 狗脊/Ciboti Rhizoma
- Gui Ban 龜板/Testudinis Plastrum
- Hai Ma 海馬/Hippocampus
- Hong Dou Shan 紅豆杉/Cortex Taxus (sp. = T. chinensis, T. sumatrana, et al.) Himalayan Yew
- Ling Yang Jiao 羚羊角/ Saigae Cornu (Critically endangered)
- Qing Tian Kui 青天葵/Herba Nervliae (Family Orchidaceae)
- Rou Cong Rong 肉蓯蓉/Cistanches Herba
- Shan Ci Gu 山慈菇/Cremastrae Pseudobulbus
- She Xiang 麝香/Moschus (certain species)
- Shi Hu 石斛/Dendrobrii Herba (certain species—see note under Appendix I)
- Shou Shen 手參/Radix Gymnadeniae (Family Orchidaceae)
- Su Tie (et al.) 蘇鐵/Herba Cyas Revolutae (This Sago Palm is widely cultivated)

(Tao Er Qi 桃兒七/Radix et Rhizoma Podophylli (Mandrake)
- Tian Ma 天麻/Gastrodiae Rhizoma
- Xian Ren Qiu 仙人球/Herba Echinopsis Multiplicis & Herba Opuntiae (Cactaceae Family)
- Xi Yang Shen 西洋參/Radix Ginseng (sp. = Panax quinquefolius; unless obtained from within the US; that is, it cannot be “imported” without a permit)
- Zhu Long Cao 豬籠草/Herba Nepenthe (all sp. not listed under App. I; Pitcher Plants)
- Zi Tan Xiang 紫檀香/Pterocapri Indici Lignum (sp. = Pterocarpus santalinus; red sandalwood)
Contrary to some prior reports in other sources:

1. The PRC Class Protections I, II, and III are enforceable only within the PRC and are irrelevant to importation or possession restrictions in the United States.

2. Lu Hui 蘆薈/Aloe Certain species (Aloe barbadensis & A. vera) are specifically excluded from the CITES Appendices.

3. Ren Shen 人参/Radix et Rhizoma Ginseng (Panax) is not listed on any CITES Appendices except for plants from the Russian Federation.

4. Shan Yao 山藥/Rhizoma Dioscoreae is not listed on any CITES Appendices.

5. Hu Huang Lian 胡黃連/Rhizoma Picrorhizae is not listed on any CITES Appendices. Species Picrorhiza scrophulariiflora is specifically excluded from the Appendices.

6. Ba Dou 巴豆/Croton tiglium is not listed on any CITES Appendices. Even though it is a member of the Family Euphorbiaceae, which contains 7500 species, only succulent plants of this family are subject to the provisions of the Convention.

7. Mai Ma Teng 買麻藤/Herba Gneti (sp. = Gnetum gnemon) is not listed on any CITES Appendices. (However, species Gnetum montanum is listed under CITES App. III)

8. Ze Qi 澤漆/Herba Euphorbiae Helioscopiae) is not listed on any CITES Appendices. See note in #6 above. It is considered highly poisonous.

9. Xian Ren Zhang 仙人掌/Herba Opuntiae stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera Opuntia are exempted from CITES restrictions.

USDA (United States Department of Agriculture)
http://www.aphis.usda.gov/

Restricted from importation (may be only sold in a powdered form or enclosed in a paper sachet)
Tu Si Zi 菟絲子/Cuscuta Semen—can sprout/noxious, invasive plant
Bai Mao Gen 白茅根/Imperatae Rhizoma—can sprout/noxious, invasive plant


USFW (US Fish & Wildlife)
http://www.fws.gov/endangered/
NMFS (National Marine Fisheries Service)
http://www.nmfs.noaa.gov/pr/laws/mmpa/
DFG (CA Department of Fish & Game)
http://www.dfg.ca.gov/wildlife/nongame/

Restricted and or prohibited under the 1973 US Endangered Species Act (ESA)
The USFW and the NMFS are in charge of enforcing that all products derived from and containing derivatives of species listed in the 1973 ESA are prohibited from importation and interstate trade. Possession or sale of ESA listed species or products without an ESA importation permit can be prosecuted as a felony.

E Jiao 阿膠/Asini Corii Colla—Equus Asinus is listed on the ESA*
*This should apply only to Equus africanus; Mayway is appealing this ban.

Endangered Species Act (1973, as amended) 16 USC
CHAPTER 35
http://uscode.house.gov/download/pls/16C35.txt

ESA List of Species (Amended) 50 CFR 17.11 (30 pages)

Special status of genus Panthera
Tigers, lions, jaguars, panthers, and leopards are afforded special protection. All trade in tiger parts is illegal under CITES Appendix I and a domestic trade ban has been in place in China since 1993. Panthera tigris is also a beneficiary of the Rhinoceros and Tiger Conservation Act of 1994. In 1998, this Act was amended to prohibit the sale, importation, or exportation of products labeled or advertised as rhinoceros or tiger products, even if there were no actual parts in the product. The law states that a person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger. USFW has extended this ruling to include any product in which any part of any animal in Genus Panthera has been used as a substitute or alternative for tiger parts. A formal petition to de-list the tiger from the 1973 ESA was denied on August 12, 2010.
Special status of abalone
Haliotis cracherodii (Black) and Haliotis sorenseni (White), two species of abalone, are listed on the Endangered Species Act and possession of any part, including the shell, of these species of abalone is a felony under US law. Chinese herbalists using and possessing Shi Jue Ming/ Haliotidis Concha must have documentation that this herb was not obtained from these species. Your herb supplier should have a Statement of Origin accompanying every lot that is imported. Standard species from the PRC Pharmacopeia 2005 are: Haliotidis diversicolor Reeve, H. discus hannai Ino, H. ovina Gmelin, H. ruber (Leach), H. asinina Linnaeus, or H. laevigata (Donovan).

Special status of seals and sea lions
Hai Gou Shen 海狗腎/Callorhini Testes et Penis (seal penis; aka wan na qi) is a body part of an animal that is protected under the Federal Marine Mammal Protection Act (1972). Possession of this herb, even if not for sale, is a felony.

Special status of bears in California
If you have any bear parts in your dispensary, store, or clinic, it is considered prima facie evidence of your intent to sell these parts and it will be prosecuted as a felony. This includes any part of any bear including, but not limited to: gall bladders, bile, paws and teeth. CA law assumes that if you are in CA and have any bear parts, then they came from poached animals within CA (even if it originally came from a bear “farm” in China!). Many other states have laws protecting bears but suffer from a loophole regarding origin. Currently, there is a law before Congress to create a federal law protecting bears: H.R.3480 - Bear Protection Act of 2009. It reads in part: To conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes. This bill has bi-partisan, but not universal support in the Senate and House.

Potentially Unsafe Herbs (may be subject to detention and/or may require a permit to import)
Ba Dou 巴豆/Crotonis Fructus—poisonous oil content
Bing Pian 冰片/Borneolum—camphor resin
Fu Zi 防己/Caow Wu, Wu Tuo 烏頭/Aconitum sp. – Aconitine alkaloid content
Hu Ji Sheng 胡椒生/Visci Herba—(mistletoe) toxic lectin content
Qian Niu Zi 牽牛子/Ipomoea hederacea, I. nil, I. purpurea (=Pharbitis)—ergot alkaloids
Man Tuo Luo 曼陀羅/Datura Stramonium—tropane alkaloid content
Niu Huang 牛黃/Bovis Calculus—cow gall stone
Qian Dan 黃丹/Minium—lead content
Xuan Gu Feng 寻骨風/Aristolochiae Herba—aristolochic acid (abortifacient)

Other Herbs Classified as Obsolete†
Lei Gong Teng 雷公藤/Tripterygium Radix—(Obsolete B1051†)
Mi Tuo Seng 密陀僧/Litharge (Obsolete B1061†)
Peng Sha 磷砂/Borax—toxic (Obsolete B1063†)
Qing Fen 輕粉/Calomel—very toxic (Obsolete B1058†)
Xiong Huang 雄黃/Realgar—poisonous (As₂O₃) (Obsolete B1060†)
Xun Gu Feng 薪骨風/Aristolochiae Herba—aristolochic acid (Obsolete B1057†)
Zhu Sha 朱砂/Cinnabaris—HgS w/heat (Hg (Obsolete B1045†)


Other Herbs that Mayway USA does not carry as raw (bulk) herbs:
An Xi Xiang 安息香/Benzoinum—resin (balsam)
Shang Lu 商陸/Phytolaccaceae Radix—harsh cathartic
Sheng Tie Luo 生鐵落/Ferri Frusta—toxic
Su He Xiang 蘇合香/Styrax—resin (balsam)
Yuan Hua 芨花/Gengwa Flos—harsh cathartic
Yang Qi Shi 阳起石/Actinolitum—probable asbestos content
Parasitic plants, citrus plants, and potentially contaminated plants
These are regulated products and herbs which may be restricted or require special processing. (Otherwise, these herbs may require a special permit or may be prohibited from importation.)

Huo Ma Ren 火麻仁 / Cannabis sativa L., seed
Zhi Ke 枳椇, Zhi Shi 枳實 / Citrus aurantium (immature Bitter Orange), C. Kotokan, C. natsudaidai, C. wilsonii, Poncirus trifoliata, C. unshiu
Chen Pi 陳皮, Ju He 橘核, Ju Hong 橘红, Qing Pi 青皮, Citrus reticulata, C. tangerina, C. erythrocarpa, C. grandis, C. unshiu, C. nobilis, C. ilicarpa, C. tankan, C. medica
Yi Yi Ren 薏苡仁, Shu Yi Ren 熟薏苡 / Coix lachrymjobi
Bai Xian Pi 白鬚皮 / Dictamnus dasycarpus
Shi Da Gong Lao 十大功劳 / Mahonia bealei, M. fortunei, M. japonica
Sang Bai Pi 桑白皮, Sang Shen 桑椹, Sang Ye 桑叶, Sang Zhi/Morus alba
Yue Ju/Murraya paniculata
Zhu Ru 竹茹, Zhu Li 竹瀝, Tian Zhu Huang 天竺黄 /

Phyllostachys nigra (Bambusaceae)
Song Jie 松節, Song Ye 松葉 / Pinus massoniana
Tu Jing Pi 土荆皮 / Pseudolarix amabilis
Fu Xiao Mai 浮小麥 / Triticum aestivum
Yu Mi Xu 玉米鬚 / Zea Mays
Huang Bai 黃柏 / Phellodendron chinensis

Every effort has been extended to make this as accurate and as complete a document as possible. However, omissions and errors may have occurred. Mayway USA would like to keep this list correct and current. Please contact Skye Sturgeon at skyesturgeon@mayway.com with corrections and questions.

Bio: Skye Sturgeon, MSOM, DAOM (candidate) is the Quality Assurance Manager and Special Consultant for Mayway, USA. Skye is a core faculty member at the American College of Traditional Chinese Medicine where he is also enrolled in ACTCM’s doctoral program. Previously, Skye was president of the Acupuncture & Integrative Medicine College, Berkeley. Before making Chinese medicine his career choice, Skye was a clinical biochemist and toxicologist.

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