

TRAFFIC

the wildlife trade monitoring network

OCTOBER 2019

AN UPDATE ON THE

BEAR BILE TRADE IN PENINSULAR MALAYSIA

Lalita Gomez

TRAFFIC REPORT

An update on the bear bile trade in Peninsular Malaysia

TRAFFIC is a leading non-governmental organisation working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development.

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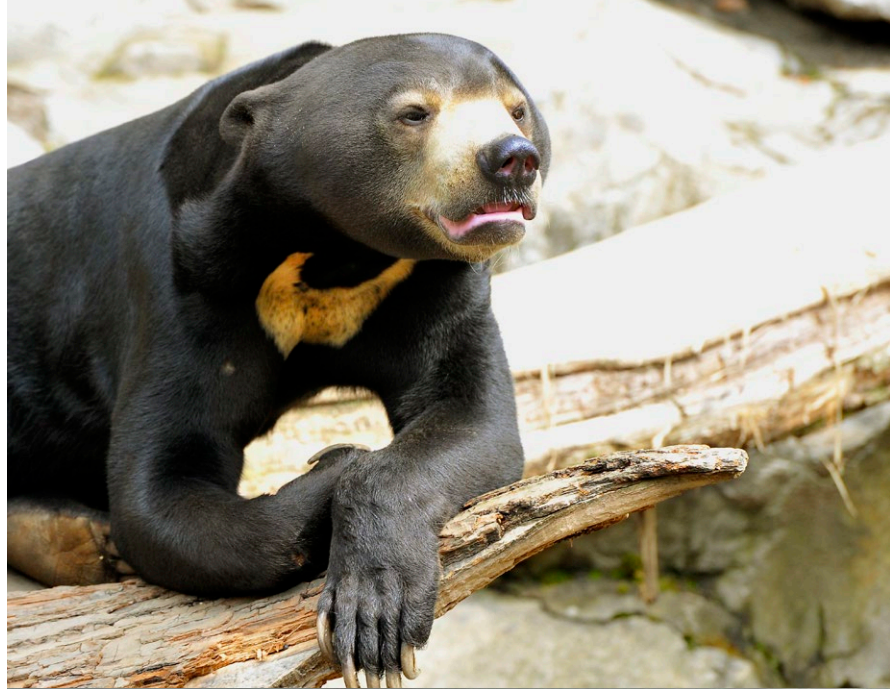
Published by:
Southeast Asia Regional Office, Petaling Jaya, Malaysia

ISBN:

Suggested citation: Gomez. L (2019). *An update on the bear bile trade in Peninsular Malaysia*, Southeast Asia Regional Office, Petaling Jaya, Peninsular Malaysia.

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UK Registered Charity No. 1076722
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ACKNOWLEDGEMENTS

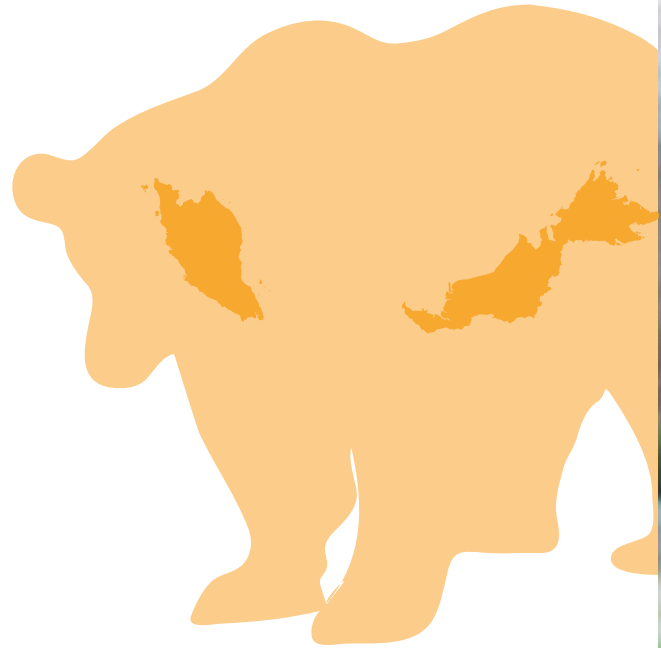
Many thanks to Chris R. Shepherd, Kanitha Krishnasamy, Elizabeth John, Steve Broad and James Compton for their feedback on an earlier draft, to Richard Thomas for his review of the report, Marcus Cornthwaite for design and layout, and to the field researches for their invaluable time and effort in undertaking the surveys. Much appreciation is also owed to Hauser Bears for their generous funds to TRAFFIC that made this project possible.



between 2000–2018
62 bear-related seizures
took place in Malaysia
involving
100 animals



69.5%
of surveyed shops
were found to be selling, or
potentially selling, bear products



KEY FINDINGS

One of the key threats to Sun Bears *Helarctos malayanus* in Malaysia is illegal wildlife trade. Malaysia is a key source and consumer of bear bile products in Asia and its wild bear populations continue to be poached to meet the demand for traditional Chinese medicine (TCM). Surveys were conducted in 2017 and 2018 of TCM outlets in Peninsular Malaysia to monitor and assess the open availability of bear bile products in the market compared to similar surveys undertaken in 2012. This revealed that the illegal trade in bears persists in violation of national laws and international regulations despite numerous initiatives taken to disrupt it.

There was little change in relation to the availability or types of products in markets compared to previous surveys undertaken in 2012 with the exception of the decrease in the number of TCM retailers selling bear gall

bladders. However, it was also clear that most retailers surveyed were aware that the trade in bears was strictly prohibited in Malaysia in comparison to previous years. However, it is unclear whether the illegal trade in bears and their parts has decreased or whether retailers have become more adept at circumventing the law. As such it is recommended that more resources are committed to enforcement efforts encompassing in depth monitoring and proactive investigation into the illegal trade of bears for traditional medicine. Furthermore, the degree to which consumers knowingly or unwittingly contribute to this demand has yet to be addressed in Malaysia. Efforts to understand consumer behaviour better are therefore critical in determining the next steps that can lead to reducing demand for bear bile products and legal and responsible purchasing of TCM products that contain wildlife.



INTRODUCTION

Sun Bears *Helarctos malayanus* are Malaysia's only native bear species and are threatened by poaching and trade to meet demand for traditional medicine, food and pets. A total of 62 bear-related seizures took place in Malaysia from 2000–2018, involving over 100 animals. Seizures involved live bears and parts (gall bladders, paws and canines). Aside from seizures, in more recent times, bears have increasingly been found butchered with their paws and gall bladders removed, trapped in snares (Or et al., 2017), and advertised on social media websites, with posts of live cubs openly for sale (Kanyakumari 2015, Krishnasamy and Stoner 2016, TRAFFIC 2016).



a timeline

OF TRAFFIC AND OTHER SURVEYS

1991

TRAFFIC survey of 13
TCM shops in Malaysia

9 shops offered
whole gall bladders

4 shops offered bear
bile capsules

1997

a Mejjard report on
TCM shops

SARAWAK: almost every TCM
shop stocked gall bladders

SABAH: sale was more discreet,
traders report prohibition

2001

WSPA survey of 73 shops
across several States

78% shops sold gall bladders,
bile, and other medicines

2010

TRAFFIC survey of 292 TCM shops in
Peninsular Malaysia, Sabah, Sarawak

77% shops sold gall bladders,
bile, and other medicines
including 160+ whole gall bladders,
and bile pills, flakes and medicines

2012

TRAFFIC survey of 365 TCM
shops in all States of Malaysia

48% openly sold bear bile
products

~65%: products on sale were
bear bile pills

~48%: products on sale were
gall bladders

60% of products were said to
be locally sourced

Assessments of the trade in bear parts and derivatives in Malaysia over the past 20 years have revealed the country as a key source and consumer of illegally obtained bear parts and products, which are derived from the Sun Bear as well as the Asiatic Black Bear *Ursus thibetanus* (Mills and Servheen 1994, Pereira *et al.*, 2002, Shepherd and Shepherd 2010, Foley *et al.*, 2011, Burgess *et al.*, 2014, Krishnasamy and Shepherd 2014, Lee *et al.*, 2015, Or *et al.*, 2017). These studies were undertaken to draw attention to the scale of the illegal trade and provide mitigating actions to reduce the detrimental impacts on wild bear populations in the country, and also to provide evidence for law enforcement action.

TRAFFIC first shed light on the issue in 1991, with a precursory look at bear products available in 13 traditional Chinese medicine (TCM) shops in the country (Mills and Servheen 1994). Nine of these shops offered whole gall bladders said to be from Borneo, China, Nepal, and Thailand, while the remaining four shops offered bear bile in the form of capsules. There was evidence of illegal international trade with locals trafficking Sun Bear parts to destinations including Hong Kong, Singapore, Taiwan, and Thailand.

In 1997, Mejjard (1999) reported that nearly every TCM shop in the State of Sarawak had gall bladders in stock, whereas in Sabah it was more discreet with traders reporting they were prohibited in selling protected species.

In 2001, TCM shops were surveyed by the World Society for the Protection of Animals (WSPA), across several States in the country for trade in bears and their parts (Pereira *et al.*, 2002). They found 57 out of 73 shops (78%) visited had gall bladders, bear bile powders and other medicines manufactured from bear bile. Over 90 gall bladders were observed for sale derived from wild bears in Malaysia and to a lesser extent Indonesia, whereas the manufactured bear bile medicine was reported to be from bear farms in China. The States of Sabah and Sarawak had a higher prevalence of whole gall bladders whereas manufactured bear bile medicine was more common in Peninsular Malaysia as it was reportedly easier to get past authorities (Pereira *et al.*, 2002). At that time, the wildlife legislation of Peninsular Malaysia had no prohibition on selling "derivatives" of protected species (Shepherd 2006). This loophole was amended in 2010, after which it also became an offence to sell any product claimed to contain any part of a protected species or its derivatives.



Subsequently, in 2010, TRAFFIC surveyed 292 TCM shops in selected parts of the country (covering Peninsular Malaysia, Sabah and Sarawak) and found 77% of shops still sold bear bile products (Foley *et al.*, 2011). This included gall bladders (over 160 recorded) and medicine (i.e. pills, flakes, ointment) manufactured from bear bile. Further, it was reported that many of the traders were aware that selling bear bile products was illegal, revealing little fear of law enforcement (Foley *et al.*, 2011). They also found that while much of manufactured bear bile medicine was still being imported from China, there was a larger percentage of products reportedly of Malaysian origin available in comparison with previous years.

TRAFFIC undertook a follow-up survey in 2012, visiting 365 TCM shops covering all States and territories across Malaysia (Lee *et al.*, 2015). Findings revealed close to half (i.e. 48%) of the TCM retailers surveyed still openly claimed to be selling authentic bear products. Much of this was in the form of bile pills (~ 65%) and whole gall bladders (~ 43%) and to a lesser extent, pure bile extract, flakes, dried gall bladder skin, and other manufactured products. As with previous studies, gall bladders observed for sale were apparently mostly locally sourced (60%) and were provided to the TCM retailers through opportunistic or deliberate poaching by indigenous people or illegal imports from China. The sale of bear gall bladders observed in 2012 was more discreet than in previous surveys (i.e. not on open display, hidden in different rooms, or stored in a different location altogether).

Notably, there were retailers who reported a dramatic decline in demand for bear products attributed to consumers preferring cheaper alternatives and to a younger generation that favoured conventional/western medicines. There were also retailers who continued to stock gall bladders to supply regular customers. Exposure of the TCM industry in Malaysia in such a negative light spurred the Federation of Chinese Physicians and Medicine Dealers Association of Malaysia (FCPMDAM) to begin a dialogue with TRAFFIC, and this was considered a major step in the right direction towards conservation of bears in the country. In 2015, TRAFFIC began working with FCPMDAM to raise awareness among TCM practitioners of the illegality of prescribing medicine that contained protected species, encouraging them to protect their reputation by practicing within the confines of the law. In 2017, TRAFFIC organised a conference for TCM practitioners in Malaysia, with the purpose of introducing herbal alternatives that are just as effective, if not more so, than bear bile (Gomez 2017). TRAFFIC also initiated a dialogue with the National Pharmaceutical Control Bureau of the Ministry of Health in Malaysia, highlighting the crucial role that it plays in screening traditional medicinal products entering the market, and with local enforcement authorities to support their efforts to disrupt the illegal bear trade.

Research for this report was undertaken as part of TRAFFIC's continuing efforts to support action to end the illegal trade in bears and ensure Malaysia remains a stronghold for wild Sun Bear populations.



“TOTALLY PROTECTED”
IN PENINSULAR MALAYSIA

UP TO USD70,000

fine for offences involving Sun Bears, plus imprisonment of up to 10 years

“TOTALLY PROTECTED”
IN SABAH

USD11,700–58,400

fine for offences involving Sun Bears, plus imprisonment of between 1–5 years

“PROTECTED”
IN SARAWAK

USD2,500

fine for offences involving Sun Bears, plus imprisonment of 1 year

PROTECTION STATUS

Sun Bears are categorised as a “Totally Protected” species in Peninsular Malaysia and Sabah, while in Sarawak they are only listed as “Protected” and can be hunted with a special licence (Krishnasamy and Shepherd 2014). Sabah amended its law in 2016, the *Wildlife Conservation Enactment (Amendment) 1997*, allowing for higher penalties for offences involving Totally Protected species, such as the Sun Bear, with fines now in the range of MYR50,000–250,000 (USD11,700–58,400), plus imprisonment of 1–5 years. In Peninsular Malaysia, the *Wildlife Conservation Act 2010* already imposes a high fine for offences involving the Sun Bear—up to MYR300,000 (USD70,000) along with a jail term of not more than 10 years—however the rate of arrest and conviction could be improved. In contrast, Sarawak has

done little, with its *Wild Life Protection Ordinance 1998* remaining the weakest in the country for the protection of Sun Bears, where fines for violations only reach MYR10,000 (USD2,500) and a one year jail term. The Sun Bear is also listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), prohibiting any international commercial trade in the animals, including Sun Bear parts or products. According to Malaysia’s CITES implementing legislation, the *International Trade in Endangered Species Act 2008 (INTESA)*, the penalty for illegally importing or exporting CITES-listed species carries a fine of up to MYR1 million (USD250,000) for an individual or MYR2 million (USD500,000) for businesses, and a maximum imprisonment of up to seven years.

METHODOLOGY

Between June 2017 and May 2018, TCM outlets in all 11 States within Peninsular Malaysia and the federal territory of Kuala Lumpur were surveyed. The survey was limited to Peninsular Malaysia, unlike the 2012 survey which included Sabah and Sarawak in Malaysian Borneo. The survey encompassed all TCM outlets previously surveyed in 2012 with the exceptions of those which have since closed down or could not be located, and new additional outlets not previously discovered. This survey was undertaken as a follow-up to the 2012 survey on availability of bear parts and products in TCM outlets, recording presence/absence of bear products only (and does not include quantities, turnover rates or efforts to verify authenticity of products claiming to contain bear).

In keeping with previous methodology, the survey was conducted by researchers posing

as a potential customer enquiring about bear gall bladder or bear bile products available for sale. While authenticity of a product could not be verified by survey alone, the availability of products on sale (absence/presence) is based on retailers' responses to the researchers: if a retailer did not explicitly say they did not sell bear bile products, it was assumed that there was a possibility the product on display or presented to the researchers contained bear bile. Photographs of products were taken where possible. TCM outlets found selling or that claimed to be selling bear gall bladders and derivatives were reported to the relevant law enforcement agency (i.e. Department of Wildlife and National Parks for each State/territory) for their further action, and to the FCPMDAM that they might check their members' commitment to practicing within the confines of the law.



RESULTS





318

TCM shops

were surveyed between
June 2017 and May 2018

69.5% (221)

were found to be possibly
selling bear parts and derivatives

BEAR BILE PRODUCT
BREAKDOWN

88%



PILLS

1%



POWDER

7%



GALL BLADDER

0.5%



OINTMENTS

3%



VIALS

0.5%



GALL BLADDER
(CAPSULE)

Different types of bear bile products found in TCM outlets (n=221) in Peninsular Malaysia, between June 2017 and May 2018: While the majority of bear bile products for sale were in the form of pills, researchers were uncertain as to their authenticity. This was mainly due to the fact that while some pills were labelled as bear bile, many retailers claimed the ingredients consisted also of herbs and other animal bile; others reported that they contained a small percentage of bear bile mixed with other animal bile and herbs; and in some cases, the same product was claimed by retailers as both containing and not containing bear bile.

SURVEY RESULTS

A total of 318 TCM outlets were surveyed of which 221 (69.5%) were found to be possibly selling bear parts and derivatives. Pills (88%) were the most common product found on sale followed by gall bladders (7%) and to a much lesser extent, powder, vials and ointment (above). However, it is unclear whether these pills do in fact contain bear bile due to varied/inconsistent claims by retailers and labelling, or a lack thereof, on some products. In 2012, pills (65%) were also the most common and abundant product recorded and similar types of pill products were observed for sale during

this current survey (refer to Lee et al., 2015). According to retailers, the pills were mostly imported from China (n=169 retailers), although 40 TCM retailers claimed to have a local supplier. In most cases, details on local suppliers were not provided to TRAFFIC researchers. That said, at least two retailers in Penang claimed to be suppliers of bear bile products to TCM outlets across Peninsular Malaysia. This was verified by at least three retailers, while others claimed their supply came from Johor (n=2 retailers) or Kuala Lumpur (n=2).

There were very few retailers who claimed to have pure bear bile pills (n=22 retailers). Rather, most retailers selling bear bile pills made it known to the researchers that the government prohibits the sale of products containing bear bile and that the killing of bears is not allowed. In comparison, in 2012, nearly half of all retailers surveyed claimed to be selling authentic bear bile products (n=175 retailers). In this study, there were at least two retailers in Penang who reported that any purchases of bear bile products would not be reflected in receipts. They also noted that while some products are still labelled with the Chinese words - 熊胆药丸 or 金丝熊胆丸 (bear bile pill or golden silk bear bile pill), the pills themselves only contained a mixture of herbs and/or other animal bile (e.g.

chicken, pig, snake, cow) and/or pearl powder and claimed to have the same effect as actual bear bile (Figs. 1–5). Other retailers claimed the product was pure bear bile while some said there was no bear bile in the product at all. It should be noted that not all pills were packaged with labels and on some that did have labels the term bear bile was not used and neither was it listed as an ingredient. Whether these pills actually contain bear bile or not has yet to be confirmed, as this can only be verified through forensic DNA testing.

Of those that were not selling bear bile (n=97), at least two traders claimed to be out of stock at the time of the survey.



FIGURE 1

The commonest type of “bear bile pills” found in markets were described as being mixed herbs, bile from other animals, or pearl powder. No photos or labels on the packaging related to bear bile or gall bladder products.



FIGURE 2

For some products only the Chinese characters 熊胆 (which translates as “bear bile”) are used. Some retailers said this was bear bile mixed with herbs while others claimed there was no bear bile in the product at all.



FIGURE 3

Pure bear bile reportedly imported from (i) China and (ii) Korea.



FIGURE 4

One of the few products reported by traders to be pure bear bile.

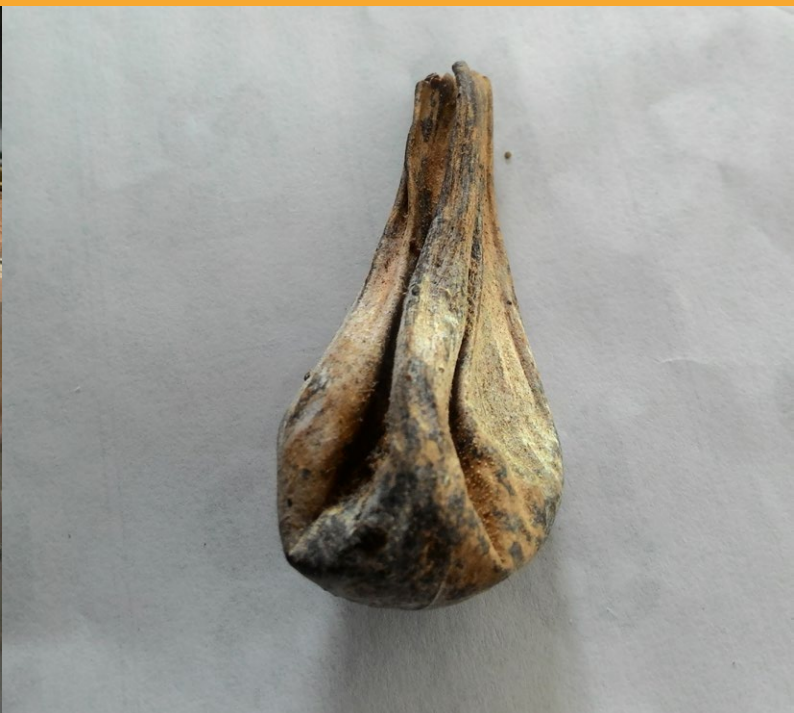


FIGURE 5

Whole gall bladders for sale in TCM outlets —the one on the right is supposedly 10 years old and the retailer's last stock of bear gall bladder.

Gall bladders claimed to be from bears were found for sale in 16 of the TCM outlets surveyed (Fig. 5), although quantities were not determined. There were a further two retailers willing to source for gall bladders on request. At least seven retailers claimed the gall bladders were locally sourced, while two reported Indonesia as the origin. In 2012, at least 57 TCM outlets surveyed in Peninsular Malaysia had gall bladders for sale estimated at 155 gall bladders (averaging 2-3 gall bladder per TCM shop). In general, an increase in TCM shops selling bear bile products (genuine or otherwise) were recorded during 2017–2018 compared to surveys in 2012, but fewer shops with actual bear gall bladders (Fig.6).

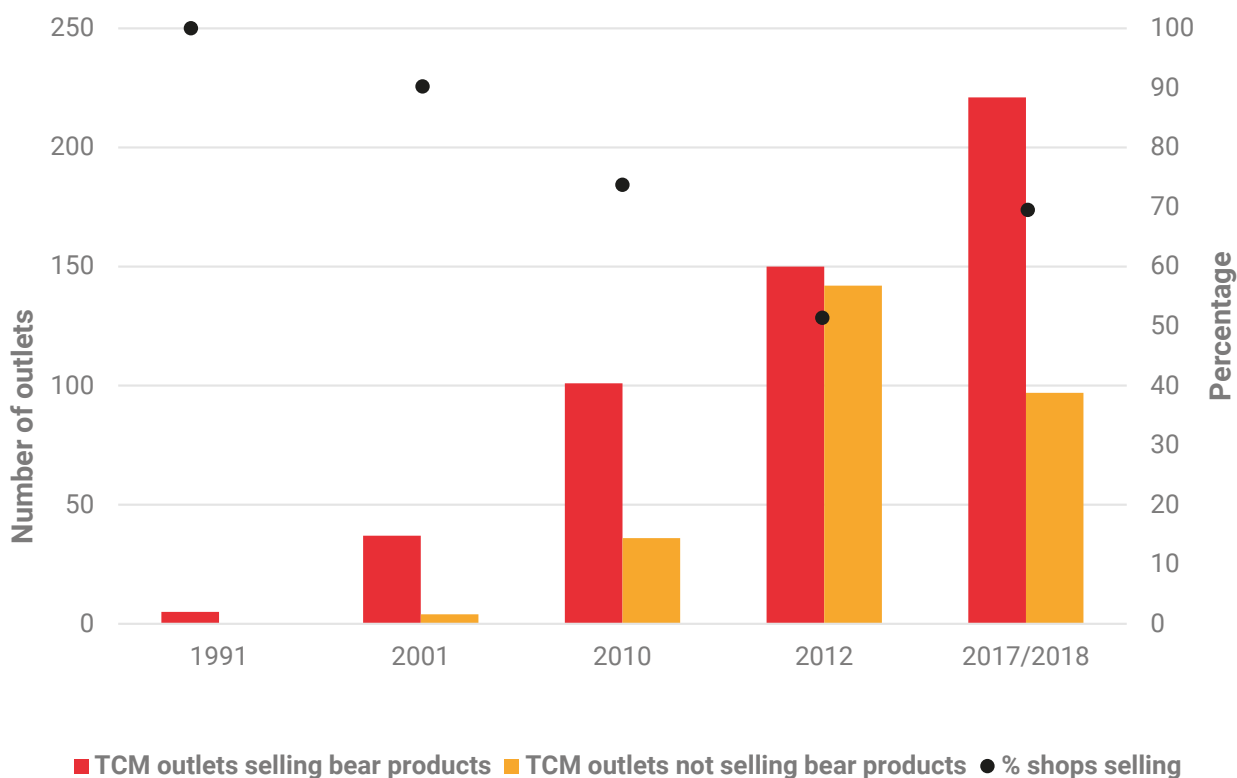


FIGURE 6

Comparison of results between surveys conducted with varying effort in Peninsular Malaysia. It should be noted that the majority of products recorded for sale have consistently been pills in which authenticity has not been verified. However, far fewer shops were found selling bear gall bladders during the present survey in comparison to previous years.

The percentage of shops found with some form of bear bile product during this survey was almost 70% in comparison to 2012 when it was 48%. Again, it should be noted that most retailers claimed that the bear bile pills for sale were mostly herbal in nature or a mixture with other animal bile. The Federal Territory of Kuala Lumpur and Selangor had the highest proportion of shops found with bear bile products, followed by Johor and Perak (Fig. 7). Similar findings were recorded in 2012, with Perak having the highest number of shops selling bear bile products (n=27 shops), followed by Johor (n=26 shops) and Kuala Lumpur (n=21 shops).

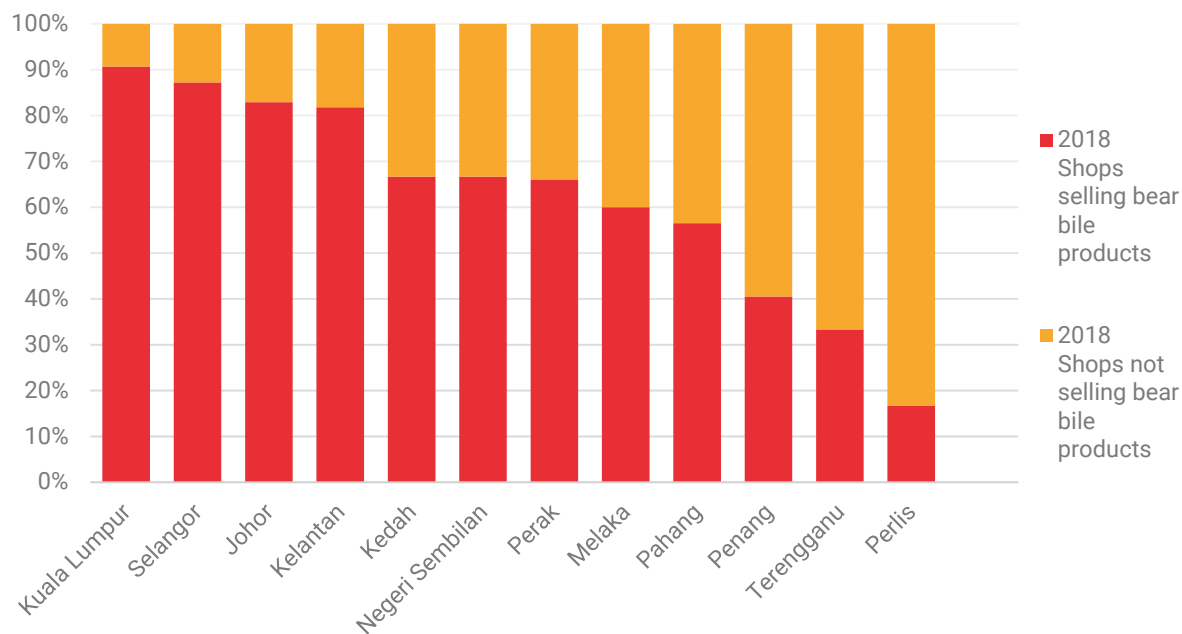


FIGURE 7

Comparison of results in relation to proportion of TCM outlets selling/not selling bear bile products for each State in Peninsular Malaysia between June 2017 and May 2018.





DISCUSSION
AND CONCLUSIONS

Malaysia is considered one of the remaining strongholds for wild Sun Bear populations in Asia. Despite all efforts to end the illegal bear trade in Malaysia—ranging from providing evidence for enforcement action, engaging the Ministry of Health on registration of TCM products, highlighting the plight and protection status of bears in Malaysia to regular engagement with the TCM community and raising awareness on sustainable and herbal alternatives to bear bile, bears are still being poached and killed for their parts (Or *et al.*, 2017; Gomez *et al.*, in prep).

Overall, there seems to be little change in terms of availability or types of products in markets over the years. While the percentage of outlets found selling products claiming to contain some form of bear bile product has increased since 2012, it has become less clear whether retailers are selling genuine bear bile products or are circumventing the law by claiming their bear bile products only contain herbs and other animal bile. Unfortunately such claims can only be verified through forensic DNA testing. Regardless, this study does reveal the nature of the trade continuing in Malaysia. Although less common, allegedly pure bear bile products like gall bladders were also available, in violation of national laws that prohibit trade in bears, their parts and products. Further, reports of traders importing pure bear bile from China, South Korea and Indonesia is also a clear violation of CITES and of Malaysia's CITES-implementing law, INTESA. While countries like China and South Korea still permit bear farming for the extraction of bile, the international commercial trade in bear bile products is strictly prohibited as all Asian bear species are listed in Appendix I of CITES.

TRAFFIC's engagement with the TCM community appears to have made an impact on one front: most if not all retailers were aware that Sun Bear is a protected species and any trade in parts or derivatives is prohibited by law. There

also appears to be fewer TCM practitioners who were openly trading in whole gall bladders. That said, the fact that more retailers are aware of the law could also mean the trade in bears, their parts and derivatives has become more discreet. This uncertainty is a concern that requires deeper investigation.

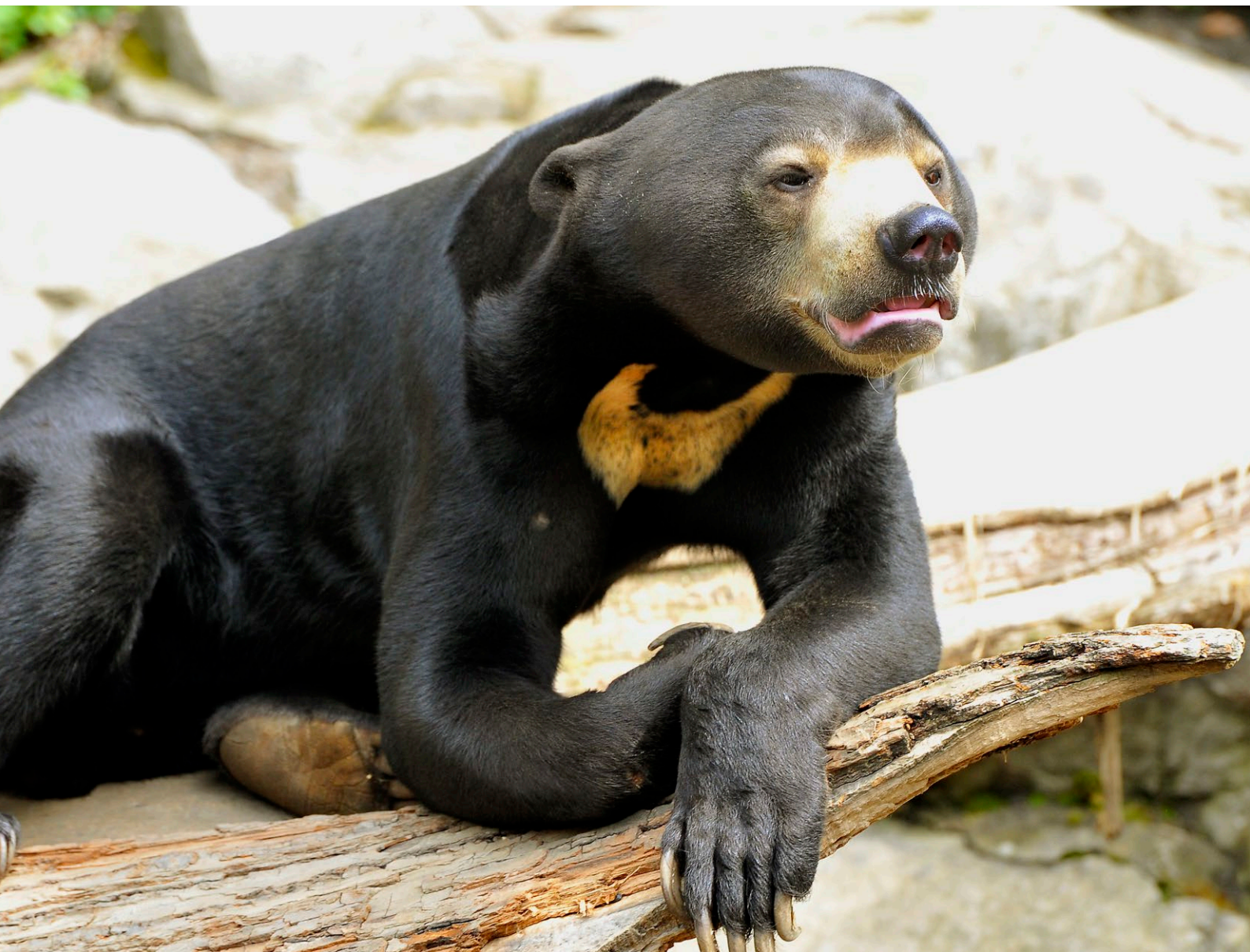
According to Lee *et al.*, (2015), staff in 53% of the shops surveyed openly acknowledged being aware that trade in bears and their parts was illegal, with one trader even claiming that he continued to do so as the risks associated with selling prohibited products allowed him to charge a higher price. Lee *et al.*, (2015) also noted how TCM retailers were adept at circumventing the law i.e. bear bile products were kept hidden and there was a lack of or mislabelling of products, which also extended to the ingredient list of products. During the current survey there were retailers who were reluctant to deal with the researchers, and on occasion were even aggressive when asked about the availability of bear bile products. Several TCM retailers also revealed that they were only willing to sell bear bile products to regular customers or people introduced by their regular customers. However, it is unclear if retailers continue to push these products due to consumer demand for bear bile, or because bear products fetch a higher price than other herbal or alternative remedies.

Nevertheless, the legal prohibition to trade in bear parts and the increase in awareness among TCM retailers now means that it has become more difficult to monitor the illegal nature of the trade. Any measure taken to reduce the exploitation of Sun Bears is ineffective without stronger law enforcement action, specifically to move from arrests and seizures through to prosecution and convictions. There have been 29 cases related to TCM offences in Peninsular Malaysia between 2012 and 2015. More resources need to be concentrated on law enforcement efforts, which increasingly require in-depth monitoring

and proactive investigation of the individuals involved, from hunters, to middlemen, to traders, and consumers. Checks on TCM shops should continue to be conducted periodically and should include forensic DNA tests on bear bile products to verify if they do indeed contain bear parts or products. The Health Ministry and the National Pharmaceutical Control Bureau should conduct more rigorous scrutiny of TCM products being imported/licensed, particularly those containing or claiming to contain wildlife products.

Continued engagement with the TCM industry, particularly through the FCPMDAM, will be crucial in ensuring that the industry can self-police and be a voice for wildlife conservation. This can be done in partnership with non-governmental organisations, research institutions and government agencies based on continued monitoring of outlets, provision

of materials to raise awareness and promoting alternatives to bear bile. Furthermore, the degree to which consumers knowingly or unwittingly contribute to bear part demand has yet to be addressed in Malaysia. A preliminary survey to understand public attitudes and awareness of bear bile trade in Malaysia in 2013, commissioned by TRAFFIC, found that most respondents had limited knowledge and many misconceptions about the conservation implications and illegal nature of the bear bile trade. More detailed evidence-based research is needed to understand consumer behaviour better and would be critical in determining any behaviour change approaches to reduce demand for bear bile products. Related actions to encourage legal and responsible purchasing of TCM products that contain wildlife should also be considered.



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