

## **Maine Lobster Fishery Sues Monterey Bay Aquarium, Claims Attack on Maine Lobster Fishing Practices Is Defamatory**

**KENNEBUNK, Maine** - Maine lobster businesses and industry trade associations today filed a federal lawsuit against the Monterey Bay Aquarium Foundation (the "Aquarium") for making false and defamatory statements about Maine lobster fishing practices and for misleading consumers and commercial lobster buyers about the integrity of the Maine lobster harvest. The lawsuit challenges the Aquarium's claims that "scientific data" show that Maine lobster fishing practices are responsible for harming North Atlantic right whales. The lawsuit asserts that the Aquarium's claims are in fact not supported by science, and that the Aquarium's false statements have caused substantial economic harm to plaintiffs, as well as to the Maine lobster brand and to Maine's long-standing reputation for a pristine coastal environment protected by a multi-generational tradition of preserving resources for the future.

Plaintiffs include Bean Maine Lobster Inc., the Maine Lobstermen's Association (MLA), the Maine Coast Fishermen's Association, Atwood Lobster LLC, and Bug Catcher Inc., owned by sixth-generation fisherman Gerry Cushman of Port Clyde.

The lawsuit, filed on March 13 in the United States District Court for the District of Maine, alleges that Monterey Bay Aquarium knowingly ignored and mischaracterized scientific data to convince the public that, despite their sustainable practices, Maine lobstermen are causing harm to endangered North Atlantic right whales. In September 2022, the Aquarium announced that its "Seafood Watch" program was downgrading the rating of Maine-caught lobster from "yellow" to "red," and instructing consumers and businesses to "avoid" Maine lobsters because "scientific data" supposedly linked Maine lobster fishing practices to right whale deaths and injuries. While promoting the Aquarium's new "red" rating for Maine lobster, Aquarium officials stated that consumers' "appetite for seafood is driving a species to extinction."

As the lawsuit alleges, since Maine lobster was rated "yellow" by the Aquarium years earlier, there had been no "scientific data" linking Maine lobster fishing to any harm to the right whales. Federal data show that there are no documented right whale deaths attributed to Maine lobster gear, and there has not been a recorded right whale entanglement in Maine lobster gear in nearly twenty years. This is due in large part to a shift of right whales further away from the Maine lobster fishery, and to the extensive conservation measures Maine lobstermen have adopted—some of which were put in place years after the Aquarium had issued its "yellow" rating. Those conservation measures include removing 30,000 miles of rope from the ocean and weakening the rope that remains to allow an animal to easily free itself in the unlikely event it encounters the gear. Rather than creating a threat to the whales, these measures have made the Maine lobster industry "a model for what a sustainable and environmentally responsible fishery can do."

“This is a significant lawsuit that will help eradicate the damage done by folks who have no clue about the care taken by lobstermen to protect the ecosystem and the ocean,” stated John Petersdorf, CEO of Bean Maine Lobster Inc. “Lobstermen are very responsible stewards of the ocean. We cannot sit back and let lies to the contrary prevail.”

“Lobstermen have been under constant assault for the past several years. Yet the science is clear – right whales are not dying in Maine lobster gear,” stated Patrice McCarron, Policy Director for the MLA. “In fact, the opposite is true; innovations by Maine lobstermen have been instrumental in minimizing harm to whales.”

Plaintiff Gerry Cushman said: “I am a sixth-generation lobsterman. I work hard to support my family and depend on a healthy ocean for my livelihood. Like my fellow lobstermen, I will continue to do all I can to protect the ocean and its wildlife just as my forefathers have done. Our stewardship practice is a tradition that defines what Maine is all about. The barrage of lies about Maine fishing practices must be confronted and defeated by truth.”

The complaint in the lawsuit demands monetary relief and an injunction ordering the Aquarium to remove and retract all its defamatory statements.

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