

WHALE★MART

WAL-MART'S LINK TO JAPAN'S WHALE,
DOLPHIN AND PORPOISE HUNTING



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- Stop illegal trade in endangered species
- Gain lasting protection for species under threat
- Protect the shared environment of man and wildlife.

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ban the commercial hunting of the world's great whale species. Despite the ban, Japan has continued to hunt whales for commercial purposes in the Pacific Ocean and in the Southern Ocean, which was designated a whale sanctuary in 1994.

Wal-Mart is intimately linked to Seiyu. In addition to Wal-Mart owning a large share of the Seiyu Group, five of Wal-Mart's key executives sit on the Seiyu Board of Directors. Will the remaining shareholders and customers of Wal-Mart want to support a company that contributes to the sale of products from the mass killing of thousands of whales, dolphins and porpoises each year? EIA is calling on the Board of Directors of Wal-Mart to urge Seiyu to cease selling all whale, dolphin and porpoise products in its stores, to help bring an end to the ongoing slaughter of cetaceans in Japan.

Allan Thornton
President, Environmental Investigation Agency
February 2004

Introduction

The Seiyu Company of Japan plays a leading role in sustaining the market for the products of Japan's whale, dolphin and porpoise (cetacean) hunts. Seiyu is a major distributor of cetacean products, which it sells in more than one hundred of its supermarket stores in Japan.

Wal-Mart Stores Inc. is the world's largest retailer, with over 4600 stores worldwide. In 2002, Wal-Mart purchased a 37% stake in Seiyu Ltd., with an option to purchase up to 66% by 2007.

As one of the leading supermarket chains in Japan, Seiyu helps to sustain the whale hunting industry in Japan in spite of the international moratorium on commercial whaling since 1986. The Environmental Investigation Agency (EIA) surveyed 202 Seiyu Group supermarkets in Japan by telephone and found that the majority (123 stores) sold whale meat and other cetacean products. An on-site follow-up survey in 2003 of 55 stores across the country confirmed the sale of whale, dolphin or porpoise products in all but one store on the day of the visit.

Around one-third of the products labeled as 'whale' on sale in Japan are likely to be dolphin, porpoise or small whale, hunted in Japan's coastal waters. These toothed cetaceans are highly contaminated with mercury and other pollutants, and pose a serious health risk to the people that eat them.

For the past 18 years, the Government of Japan has refused to follow the decisions of the International Whaling Commission (IWC), whose member countries voted by a majority to



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The Wal-Mart and Seiyu connection

Since its foundation in 1962 in Arkansas, Wal-Mart Stores, Inc., ‘the store that Sam built’, has been an innovator and leader of stores worldwide. Wal-Mart quickly grew in size and profits and in 2002 replaced ExxonMobil as the world’s largest corporation. Wal-Mart owns and operates over 4600 stores worldwide, including Sam’s Club and the United Kingdom’s (UK) third largest food retailer, ASDA, which it acquired in 1999. The ASDA Group operates around 250 supermarkets across the UK.¹

In May 2002, Wal-Mart entered the Japanese retail market, purchasing 6.1% of the shares of Seiyu, Ltd. Wal-Mart has increased its share holdings to 37.7%, becoming the largest single shareholder of Seiyu, with an option to increase ownership to 66% by 2007.²

Established in 1963, Seiyu operates one of the leading supermarket chains in Japan, with more than 400 stores nationally.³ EIA investigations have revealed that Seiyu is a large distributor of whale, dolphin and porpoise products, with products being sold in Seiyu and subsidiary supermarkets (Sunny, Ryubo and SSV) throughout Japan.



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Not only does Wal-Mart own a large proportion of Seiyu, the two companies are intimately connected through corporate governance. Five of the twelve Board directors of Seiyu hold key positions in Wal-Mart, including the President and Chief Executive Officer (CEO) of Wal-Mart’s International Division and the Chief Operating Officer (COO) of the International Division.⁴

Wal-Mart plays a vital role in the success of Seiyu within the Japanese market, lending it the necessary financial stability to enable it to climb the ranks of Japan’s retailing market.

Wal-Mart’s ownership of Seiyu guarantees that the corporate executives of Wal-Mart can influence decisions made at Seiyu. These corporate officers should use this influence to bring the sale of cetacean products in all Seiyu-owned supermarkets to an end.

Above:

In 1999, Wal-Mart purchased ASDA, one of the UK’s leading supermarket chains.

Left:

Seiyu operates more than 70 Sunny supermarkets in the south of Japan.

© Mia Stryckland/EIA





The history of whaling

During the 20th century, the commercial whaling industry decimated whale populations across the globe. Even before ‘modern whaling’ started in 1870, the British, Dutch and North American fleets had practically eradicated right whales from the northern hemisphere. With the advent of steam-powered whaling vessels and the development of the exploding harpoon in the latter half of the 19th century, commercial whalers were able to exploit the fast swimming blue, fin, sei and Bryde’s whales. Driven by short-term economic incentives, the over-hunting, under-reporting and mis-reporting of species, size and sex of whales was widespread. As one species was decimated, the whalers turned their attention to progressively smaller species.⁵

The International Whaling Commission (IWC) was established in 1946 under the International Convention for the Regulation of Whaling (ICRW) as the body responsible for the global management and conservation of whales. The convention was signed and ratified by all the major whaling nations. Repeated attempts by the IWC to control commercial hunting through quota and size restrictions failed, and by the 1970s most species of great whale had been catastrophically depleted.⁶

In 1982, the IWC agreed to a moratorium on all commercial whaling, setting zero catch quotas for all the great whales listed under the ICRW, to take effect in 1986. In support of the moratorium, the Convention on International

Trade in Endangered Species (CITES) also banned international trade in the products of all the great whale species that were not already fully protected under CITES.⁷ These conservation measures, which have undoubtedly saved many whale species from extinction through over-hunting, remain in place today, despite continued whaling by Japan, Norway and Iceland.

Japan’s abuse of the Southern Ocean Sanctuary

In 1994, the IWC voted by a majority of 23 to 1 to designate the entire Southern Ocean as a sanctuary, with only Japan voting against the designation.⁸

Japan began catching minke whales under scientific permit in the Antarctic in 1987, immediately after the IWC moratorium was implemented. Despite the almost universal support for the Southern Ocean Sanctuary within the IWC, Japan registered an objection to the Sanctuary under Article V of the ICRW and continued whaling within the Sanctuary after it was established. Japan’s whaling fleet has killed nearly 6000 Antarctic minke whales in the name of science.⁹ There is now concern regarding the status of Antarctic minke whales. Recent abundance estimates reported by the IWC Scientific Committee suggest that the whale population may have suffered a precipitous decline over the last decade.¹⁰

“Japan’s whaling fleet has killed nearly 6000 Antarctic Minke whales in the name of science”.



Left:
Japan’s Antarctic minke whale hunt.

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‘Scientific whaling’ and the growing intransigence of the Government of Japan

In 1987, Japan started to catch minke whales using a provision in the 1946 ICRW that allows countries to issue themselves with special permits for catching whales for ‘scientific purposes’. The hunt was extended to the Pacific Ocean in 1994.¹¹ In total, more than 7000 whales have been killed since the moratorium for Japan’s ‘scientific’ research. With the resulting meat and blubber products sold commercially in Japan, this thinly disguised commercial whaling has drawn repeated criticism from the IWC, including 18 resolutions specifically requesting Japan to reconsider its special permit research.¹²

In May 2000, the Japanese government announced that they had issued permits to take two additional protected species from the north Pacific - Bryde’s and sperm whales. The international community was outraged, and many countries around the world protested at the highest diplomatic level.¹³ The Government of Japan refused to capitulate and allowed Japan’s whaling fleet to kill 43 Bryde’s whales, five sperm whales and 40 minke whales in the north Pacific that year.¹⁴ In September 2000, the United States certified Japan under the Pelly Amendment of The Fisherman’s Protective Act of 1967.¹⁵ This act allows the President to sanction a country that is diminishing the effectiveness of an international conservation program for threatened or endangered species. To date, the US has stopped short of imposing sanctions.

The Government of Japan further expanded its North Pacific ‘scientific’ whaling in 2002, adding a quota of 50 coastal minke whales and 50 sei whales to the catch, the latter species having been listed as endangered by the World Conservation Union (IUCN) since 1975. Japan caught 150 minke whales, 50 Bryde’s whales, 39 sei whales and five sperm whales from the North Pacific in 2002, in addition to 440 minke whales from the Antarctic.¹⁶ At the 2003 IWC meeting, Japan put forward two commercial whaling proposals, for 150 minke and 150 Bryde’s whales. Both proposals required a three quarters majority vote to pass, but failed to gain even a simple majority of votes.¹⁷

In 2002, Japan also prepared for regular imports of whale meat from Norway, in defiance of the international trade ban implemented by CITES in 1986.¹⁸ The full trade never materialized, because of the Japanese government’s concerns over contaminant levels, which exceeded Japan’s allowable levels.¹⁹ Unfortunately, these concerns do not appear to extend to consumption of cetaceans caught in Japan’s coastal waters. Meat and blubber products from these animals routinely exceed the mercury and organic contaminant levels of products caught in Norwegian waters, and are nevertheless legally marketed across Japan.



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Left: Whale meat from Antarctic Sanctuary minke whales on sale in Tsukiji fish market, Tokyo.



Small cetacean hunts

The Government of Japan permits the killing of more than 22 000 dolphins, porpoises and small whales off its coast each year, and the products are sold in commercial markets across Japan. This continued unsustainable exploitation of small cetacean populations is contrary to the repeated recommendations of the IWC and its Scientific Committee. It also contradicts the Government of Japan's frequently stated claim that it pursues a policy of 'sustainable utilization of marine resources'.

The hunted species are: Dall's porpoise (government authorized catch: 17 700); bottlenose dolphin (1100); Risso's dolphin (1300); spotted dolphin (950); striped dolphin (725); short-finned pilot whale (450); and false killer whale (50). Coastal whale hunting operations also catch up to 60 short-finned pilot whales, 20 Risso's dolphins and 62 Baird's beaked whales.²⁰

The Government of Japan has repeatedly ignored the advice of the IWC with respect to the status of Dall's porpoises. Despite an IWC resolution in 2001 urging the Government of Japan to "halt the directed takes of Dall's porpoise until a full assessment by the Scientific Committee has been carried out", up to 17 700 Dall's porpoises are killed in hand harpoon hunts in Japan every year, making it the largest direct kill of cetaceans worldwide.²¹

Information released in 1999 revealed a high proportion of mature and lactating females in the catches from the Sea of Japan and the Okhotsk Sea.²² The death of a lactating female inevitably leads to the death of her suckling calf, an additional mortality that is not accounted for in the catch quotas. In recent years, Japan has refused to allow its scientists to take part in the work of the small cetacean sub-committee of the IWC Scientific Committee, thus preventing a full status review of the Dall's porpoise.²³

Striped dolphins have also suffered from severe over-exploitation in Japanese coastal waters. After statistics revealed a dramatic 30-year decline in catches, it was reported that the coastal populations of striped dolphins had been so heavily exploited that catches had declined to less than 10% of those of the early 1960s without any corresponding fall in the hunting effort.²⁴ In 1980 alone, more than 16 000 animals were slaughtered.²⁵ A leading Japanese scientist concluded that: "Some of the

coastal population 'units' involved in the Japanese coastal fisheries may have been hunted to extremely low levels or even local 'extinction'".²⁶ In 1992, the Scientific Committee recommended that the Government of Japan implement an "interim halt in all direct catches of striped dolphins".²⁷ This has never been implemented, and despite their endangered status, the Japanese government still sets annual quotas of 725 striped dolphins.²⁸



© Pierre Claisse/EIA

Right:
The Government of Japan sets a catch quota of 17 700 Dall's porpoises each year.



The consumption of cetacean products in Japan – a human health risk

“Methyl-mercury poisoning in humans can cause irreversible neurological damage.”

Due to high levels of industrial and agricultural activity in Japan, the adjacent coastal areas and local marine food chains are heavily contaminated.²⁹ Cetaceans and other marine mammals feeding in these coastal areas accumulate high levels of mercury and other pollutants from their diet of fish and squid. For decades the Japanese government has known that many whale, dolphin and porpoise products carry dangerously high levels of pollutants, but has failed to take sufficient action to protect Japanese consumers.³⁰

The quantity of ‘whale’ meat sold annually in Japan, including that of small cetaceans, is approximately 4 000 metric tons, although this is expected to increase with the addition of sei whales and coastal minke whales to Japan’s ‘scientific research’ hunt. In 2000, the amount of meat and blubber resulting from all catches amounted to just over 4 106 metric tons, of which 1 715 was small cetacean products from coastal whaling, drive and hand harpoon hunts.³¹ Market surveys indicate that more than 70% of whale meat sold is not identified by species, nor do many retailers specify the source of the meat.³² The Institute of Cetacean Research (ICR), which carries out Japan’s ‘scientific whaling’, purchased cetacean products in retail outlets across 22 prefectures during 1999 and 2000 to determine the species on sale. The DNA analysis found that just over half of the products sold as whale meat were minke whale from ‘scientific whaling’. Most of the remaining samples were dolphins, porpoises and small whales, with Baird’s beaked whale,

Dall’s porpoise and short-finned pilot whales the most commonly encountered species.³³ EIA’s surveys in Japan have indicated that small cetacean products are commonly found on sale in the Tohoku, Kansai and Kyushu regions of Japan, and are often falsely labeled as ‘whale’.³⁴

The Japanese Ministry of Health, Labor and Welfare (JMHW) sets provisional regulatory values for seafood in the Food Sanitation Law of 0.4 parts per million (ppm) mercury and 0.3ppm methylmercury (an organic form of mercury).³⁵ Cetacean products commonly found in Japan’s retail outlets often carry levels of mercury and methylmercury far higher than these permitted levels.

EIA investigators purchased 58 cetacean products over the period March 2001 to February 2003 from retail outlets in 13 prefectures of Japan. Chemical analyses revealed that government allowable levels for mercury were exceeded in 62% of the products (36) while methylmercury levels in excess of government guidelines were found in 31 products (53%). The average level of mercury was 2.05ppm, more than five times higher than the maximum allowable levels, while the average concentration of methylmercury was 1.13ppm, nearly four times the maximum allowable levels. All known small cetacean products (those that had been verified by DNA analysis) exceeded government guidelines for mercury or methylmercury contamination.³⁶

The JMHW also set a provisional tolerable weekly intake (PTWI) of 170 micrograms (µg) methylmercury per 50kg (110lb) person per week.³⁷ Chemical analysis of bottlenose dolphin meat purchased in Okayama by EIA investigators in April 2001 revealed a methylmercury level of 10.88ppm. According to the JMHW guidelines, consumption of just 16g of this meat would exceed one person’s safe weekly intake limit for methylmercury. More alarming is the fact that the Japanese recommended maximum weekly intake is more than double the level recently recommended by the Joint Food and Agricultural Organization (FAO)/World Health Organization (WHO) Expert Committee on Food Additives.³⁸

In June 2003, the JMHW released public health advice concerning the consumption of whale and dolphin products for the first time. The health advisory warned pregnant women to limit their consumption of certain cetacean and fish species, including bottlenose dolphin, Baird’s beaked whale, short-finned pilot whale and sperm whale. It recommended that consumption of bottlenose dolphin meat be limited to one 60-80g meal every two months, and consumption of the other cetacean species be limited to not more than one 60-80g meal

Below:
Dall’s porpoise meat labeled as whale meat sashimi from a supermarket in Osaka.



© David Sims/EIA



each week.³⁹ While this is an important first step, the advice does not cover the range of polluted cetacean species commonly found on sale in Japan (such as Dall's porpoise, which is caught in higher numbers than all the other species put together), nor does it seek to warn all consumers. Women and children may be at most risk from mercury poisoning, but some products found on sale in Japan have had such high levels of mercury that a consumer could suffer acute mercury poisoning after just one meal.⁴⁰ Moreover, it is clear that this advice cannot be readily followed when the false labeling of toothed whale and dolphin products as whale is widespread in Japan.⁴¹

Methylmercury poisoning in humans can cause irreversible neurological damage. Symptoms can include impaired vision, speech and hearing, loss of coordination, reproductive disorders, paralysis and cerebral palsy. Severe cases can result in coma or death.⁴²⁻⁴⁴ The human fetus has an increased susceptibility to methylmercury toxicity, as it readily crosses the placenta and even small increases in maternal exposure have been associated with increased neonatal neurological impairment. The deficits may not be apparent until the nervous system has reached a sufficient degree of maturity.⁴⁵ Research has concluded that even existing safe limits and recommended maximum daily intakes may not be enough protection for people who frequently eat seafood meals.⁴⁶

Although baleen whales tend to show lower mercury levels than toothed cetaceans, these whales are by no means safe to eat. The Japanese Fisheries Agency recently published information on PCB (polychlorinated biphenyl) levels in the blubber of North Pacific minke whales, caught in its 'scientific' whaling program. The average level in the 17 animals tested was 1.8ppm, more than three times higher than the provisional restriction of 0.5ppm.⁴⁷ Exposure to PCBs has been found to increase rates of cancers, disrupt functioning of the immune and endocrine systems and to cause irreversible neurological damage to human fetuses exposed in the womb.⁴⁸⁻⁵¹

The continued sale of cetaceans caught in coastal areas of Japan is putting the health of Japanese consumers at risk. Toothed cetacean products will almost inevitably carry high levels of mercury and other contaminants, and widespread mislabeling prevents consumers from making informed decisions about the products they purchase. In the absence of effective action by the government, it is up to leading Japanese retailers to ensure the safety of their customers.

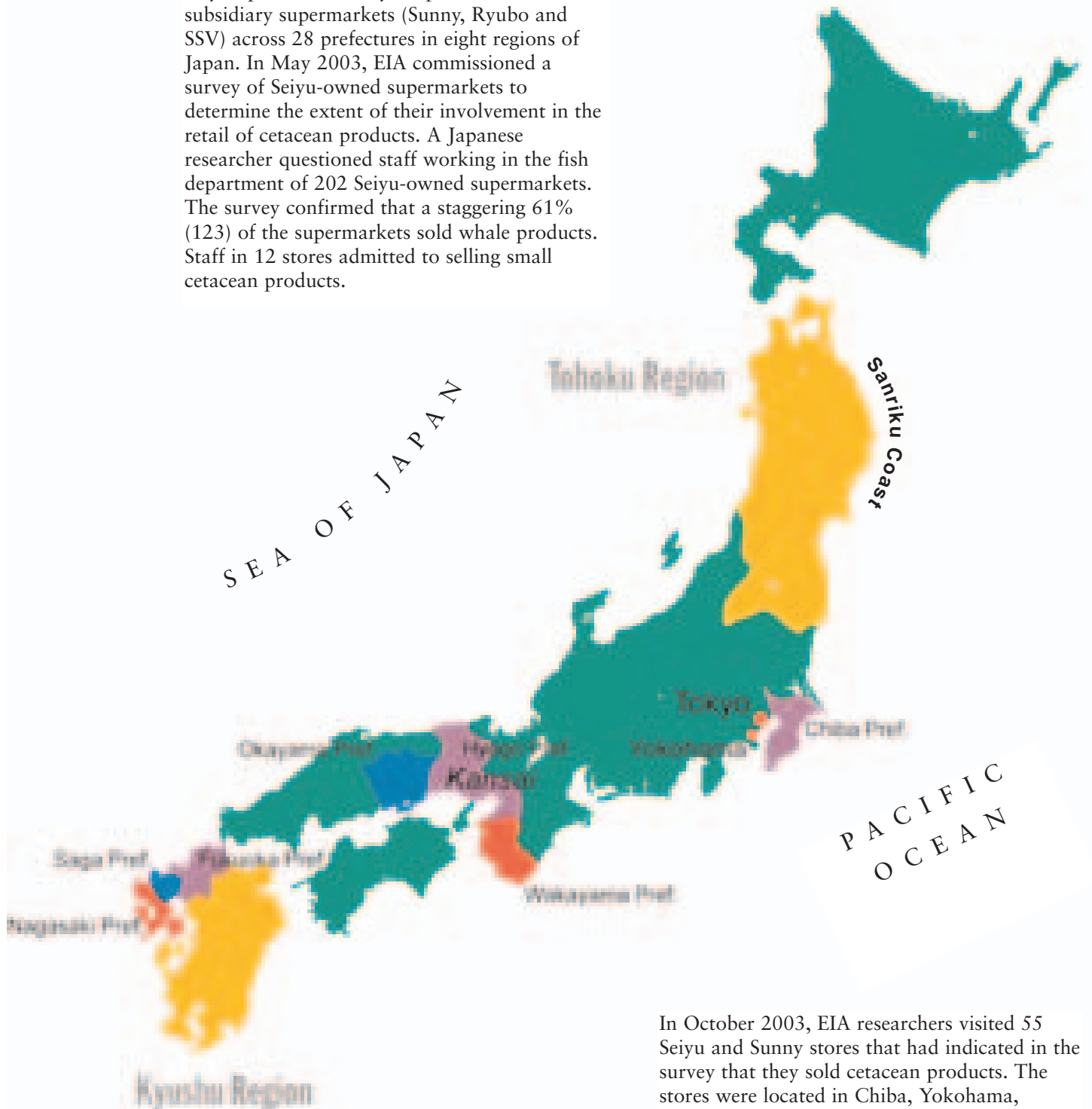
Below:
Dall's porpoises are caught in the coastal waters of Japan and typically exhibit high pollutant levels.





The sale of cetacean products in Seiyu stores

Seiyu operates 375 Seiyu supermarkets and subsidiary supermarkets (Sunny, Ryubo and SSV) across 28 prefectures in eight regions of Japan. In May 2003, EIA commissioned a survey of Seiyu-owned supermarkets to determine the extent of their involvement in the retail of cetacean products. A Japanese researcher questioned staff working in the fish department of 202 Seiyu-owned supermarkets. The survey confirmed that a staggering 61% (123) of the supermarkets sold whale products. Staff in 12 stores admitted to selling small cetacean products.



In October 2003, EIA researchers visited 55 Seiyu and Sunny stores that had indicated in the survey that they sold cetacean products. The stores were located in Chiba, Yokohama, Fukuoka and Saga, with the vast majority of stores situated in Fukuoka prefecture. On the day of the visit, all the stores except one were selling either tinned or fresh cetacean products. An overwhelming majority of the stores (80%) were selling fresh cetacean products. Forty of the 55 stores sold ‘salted whale meat’, sometimes also labeled as small cetacean from Sanriku, the area where the Dall’s porpoise hand harpoon hunt takes place.



There was no coherent labeling system in place in the stores surveyed. Many products had no labels, while some were even labeled as 'fish'. Some products had conflicting labels, e.g. one product was labeled as Baird's beaked whale from Wakayama, despite the fact that these whales are not hunted in Wakayama.

A vast array of species were on sale, including products labeled as Dall's porpoise, pilot whale, Baird's beaked whale, sei whale and minke whale. Products included bacon, meat for sashimi, intestines, skin and tongue. A variety of canned products were also available.

According to Seiyu staff, their stores in Kyushu regularly purchase fresh cetacean products from Fukuoka fish market. When EIA researchers visited the fish market, they were told that minke whales caught in nets in Nagasaki were regularly sold in Fukuoka fish market, since the killing of whales caught in fishing nets was legalized by the Japanese government in July 2001.⁵² According to statistics reported by the Government of Japan, this legislation resulted in an immediate and dramatic rise in the number of minke whales caught and killed in fishing nets from 1998 to 2000, an average of 24 minke whales were caught annually in trap nets. The number of bycaught minke whales rose to 79 in 2001, when the legislation was enacted mid-year, and rose further in 2002 to 109 minke whales.⁵³

EIA purchased 32 fresh cetacean products and four tinned products from 22 Seiyu and Sunny stores. Chemical analyses of the products to determine mercury, methylmercury and organic pollutant levels were carried out at the Daiichi College of Pharmaceutical Sciences in Fukuoka.

Twenty-four of the 36 products (66.7%) exceeded government advisory levels for mercury and 18 products (50%) exceeded methylmercury levels. Three samples also exceeded the government provisional restriction for PCB levels.

The average concentration of mercury in all 36 tested samples was 1.05ppm, more than 2.6 times higher than the government allowable level of 0.4ppm. The average level of methylmercury was 0.5ppm, exceeding the government allowable level of 0.3ppm.⁵⁴

The most polluted product was a package of raw whalemeat (100g) purchased in a Sunny store in Fukuoka, which had a mercury level of 4.44ppm and a methylmercury concentration of 3.35ppm. Just 51g of this product would exceed the tolerable weekly intake for a 110lb (50kg) person, according to the level set by the JMHW (170µg/50kg person/week). In other words, this 100g package of whalemeat contained enough methylmercury for two

people to almost reach the tolerable weekly intake of that pollutant, and to exceed the PTWI if they were to eat any additional mercury-containing food products.

Twenty-four of the 202 stores that EIA originally contacted had revealed that they no longer sell whale meat because of international condemnation of Japan's whaling. One store manager in Hyogo Prefecture told EIA investigators that, "Seiyu stopped selling whale meat because of the company's policy on contamination".

It is therefore surprising that so many Seiyu-owned stores are selling such large amounts of whale, dolphin and porpoise products containing toxic substances at concentrations higher than Japanese government allowable levels.

Below:

24 of 36 Seiyu products sampled exceeded mercury advisory levels.





The sale of cetacean products in Seiyu



© Mia Strickland/EIA

This salted whalemeat purchased in a Sunny store in Fukuoka prefecture contained 2.68ppm mercury and 1.28ppm methylmercury.



© Mia Strickland/EIA

This product was labelled as 'small cetacean' produced in the Sanriku area. It contained 1.80ppm of mercury and 1.08ppm methylmercury.



© Mia Strickland/EIA

This raw whalemeat from Miyagi was the most polluted product purchased during the survey, with a mercury level of 4.44ppm and methylmercury level of 3.35ppm. A 110lb person consuming just over half of this product would reach the weekly intake limit of methylmercury, according to the Japanese government health guidelines.



© Mia Strickland/EIA

Salted whalemeat purchased in Sunny Arita store, containing 3.34ppm mercury and 2.23ppm methylmercury.



© Mia Strickland/EIA

This product purchased in Sunny Yoshii in Fukuoka prefecture was labeled by the store as 'today's recommendation'. It contained 1.53ppm mercury and 0.55ppm methylmercury, exceeding government advisory limits for both chemicals.



© Mia Strickland/EIA

This product claims to be salted skin of Baird's beaked whale and was purchased in Seiyu Kosei in Saga Prefecture. The product exceeded government advisory limits for mercury and PCBs. The PCB level (3.63 ppm) was more than seven times higher than the provisional level set by the Japanese government.



© Mia Strickland/EIA

Canned whalemeat labeled 'minke, scientific whaling', purchased in a Seiyu store in Chiba Prefecture. This canned product contained 0.51ppm mercury and 0.33ppm methylmercury.



Conclusions and recommendations

EIA is calling on the Wal-Mart Board of Directors to persuade Seiyu to permanently end the sale of all whale, dolphin and porpoise products in its stores.

Since 1986, the Government of Japan has pursued a relentless campaign to overturn the international moratorium on commercial whaling. Not content with hunting around 500 minke whales annually under the pretext of ‘scientific research’, Japan has expanded the targeted species to Bryde’s whales, sperm whales and most recently sei whales, a species officially listed as endangered. In addition, the Government of Japan sets quotas for the killing of more than 22 000 small cetaceans every year. The Japanese government has continually ignored the decisions and recommendations of the IWC and clearly has no intention of abiding by future democratic decisions taken by IWC member governments.

Dolphin and porpoise products are often found on sale in supermarket chains in Japan labeled

as ‘whale’. Most consumers in Japan are unaware that the ‘whale’ they are purchasing could be dolphin or porpoise meat, and that it poses a grave health risk due to high levels of mercury and other contaminants. Such polluted products have been found in many Seiyu-owned supermarkets, despite Seiyu’s apparent policy of not stocking contaminated products.

Major supermarket chains such as Seiyu are responsible for the sale and distribution of large amounts of whale, dolphin and porpoise meat. By stopping the sale in their stores, Seiyu can help reduce the demand for endangered and threatened cetacean species that are killed in cruel and unsustainable hunts. Seiyu will also help to protect the Japanese public from consuming the high levels of mercury and other pollutants commonly found in cetacean products.

EIA is appealing to Wal-Mart to use its connections with Seiyu to help bring about an end to the ongoing slaughter and sale of whales, dolphins and porpoises in Japan.



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