



## An Open Letter from CAPS to Merlin Entertainments

25<sup>th</sup> April 2014

Dear Mr [REDACTED]

Thank you for your letter dated the 24<sup>th</sup> April 2014, in response to the launch of our new campaign which considers the operation of your company's SEA LIFE brand.

I would like to respond to some of the specific points that you raise.

**Your statement: "Patently while we have tried throughout our communications with CAPS to be open and honest and answer your questions and concerns as fully as we could, this has all proven somewhat futile".**

Below are the series of events which, in effect, triggered our decision to focus upon SEA LIFE aquariums in our most recent investigation and which, in our opinion, demonstrate that your claim of attempts to be open and honest is somewhat misleading.

**August 2012:** Our organisation launched a "mini campaign" in response to the news that SEA LIFE intended to establish a new aquarium at the Trafford Shopping Centre in Greater Manchester. As an anti-captivity organisation, this action, which was supported by local businesses and our supporters, was entirely consistent with our stance.

**October 2012:** We received a letter of invitation to attend a meeting with the then Divisional Director of Midway Europe from Merlin, a Mr [REDACTED] [REDACTED]. The letter concluded with the statement that Mr [REDACTED] would "be happy to meet and discuss any specific questions CAPS may have".

**March 2013:** The suggested meeting between CAPS Director, Liz Tyson (myself), and Mr [REDACTED] was carried out in early March 2013. In response to the promise that answers would be provided, the SEA LIFE representative was asked the following questions:

1. *Where are the animals for the Manchester Aquarium coming from and how will they be transported to the site?*
2. *How many animals usually die during transit?*
3. *What measures are put in place to prevent death during transit?*
4. *What are the average mortality rates in Merlin aquariums?*
  - a. *Percentages*
  - b. *Numbers of individuals*

5. *How do Merlin's captive mortality rates compare to species mortality in the wild?*
6. *What does Merlin do for conservation?*
  - a. *In monetary terms as a percentage of income:*
    - i. *For individual aquariums*
    - ii. *For the chain of aquariums as a whole*
    - iii. *How are the above figures calculated?*
  - b. *In real terms:*
    - i. *What projects are supported?*
    - ii. *What results have been seen?*
7. *Have any of Merlin's animals been taken from the wild?*
  - a. *How many as a percentage?*
  - b. *How many individuals?*
8. *How are sick or injured animals treated? Do aquariums have a vet on site and in what instances is a vet called out?*
9. *Are animals culled?*
  - a. *For what reasons*
  - b. *In what numbers*
10. *What training and qualifications do staff have?*

With the exception of questions 8 (on treatment of sick animals) and 10 (on staff qualifications), none of the questions was answered adequately during this meeting. It was agreed that answers had not been provided and Mr [REDACTED] invited CAPS to reiterate the questions via an email, to which he would endeavour to respond.

Around two weeks after the meeting, the following questions were sent via email to Mr [REDACTED] for his response.

1. *How many animals in Merlin aquariums originate from the wild?*
2. *In monetary terms, what percentage of Sea Life's income is spent on in-situ conservation projects? It would be great to see overall income and actual money spent as a figure as well as a percentage if possible? A list of projects and Merlin's role would be very helpful too.*
3. *What are the mortality rates in Sea Life aquariums? Can you give me mortality rates for each of your centres for the past year - as well as any reasons for rates that are particularly high?*
4. *Do Sea Life centres cull animals and, if so, for what purpose?*

**May 2013:** A response was received in writing from Mr [REDACTED]. The letter begins by stating "...as promised [I] will try to provide full and transparent answers to the questions you asked".

The letter failed to confirm how many animals under Merlin's care originate from the wild and instead stated that only if there were no "surplus stock" or "captive bred creatures" that could be

used to stock SEA LIFE tanks would fish be taken from the wild. No figures or percentages were placed on how many animals that this entails. The specific question was therefore not answered.

In response to the monetary contribution to conservation, a firmer answer was provided in that SEA LIFE had given £250k to a turtle sanctuary in Greece. As requested, projects were listed but no answer was provided to the question of the percentage of Merlin income spent on conservation.

The question of mortality was not addressed and, instead, a description of SEA LIFE's monitoring system for animal health was provided which did not serve to answer the question posed in any way.

Finally, the euthanasia policy for SEA LIFE was included with the letter which stated that culling is permitted following ethical review. No attempt was made to put figures (as specifically requested in the face-to-face meeting) on how many animals are killed by SEA LIFE.

As such, and in spite of your statement that you have been open, honest and transparent in our communications, we respectfully disagree. SEA LIFE has failed to answer most of the questions put to it by CAPS in full (and in some cases, not at all) and it was as a direct result of this lack of transparency that CAPS took the decision to implement the investigation which resulted in the launch of the recent campaign.

**Your statement: “[your report and website]... rely somewhat heavily on innuendo and assumptions designed to damage our reputation rather than effect significant change for sea creatures”**

The report and website are based on the information gleaned from the hours of footage, interviews and research carried out over the course of some six months. Admittedly, there is some necessary speculation included in the report and this is clearly stated when that is the case. I would like to strongly iterate that the reason we have, in some parts, had to rely on educated estimations is as a direct result of your company failing to provide accurate answers to our questions; posed both openly in our initial correspondence and, subsequently, to your staff as part of our investigation. Indeed, on various occasions, when asked directly, your staff provided categorically false and conflicting information. It is therefore inevitable that we have been unable to draw firm conclusions on some of the issues we considered. We would very much welcome clarity on these points and have requested a meeting with Merlin to ascertain answers to the outstanding questions. We are currently awaiting a response to that request.

**Your statement: “While I see no merit in going through your comments point by point re your campaign relating to the Belugas in Shanghai, we have never made a secret of the fact that the whales are still there, or that we are concerned by this and working hard to resolve the issue”.**

First and foremost, I find it extremely disappointing that you “see no merit” in discussing the concerns raised with regard to your continued use of whales in circus-style shows. You may be aware that around 3,400 people have now signed a petition to demand action on this front. It is surprising to see that you see no reason to clarify your position on this issue. This is another major reason we have requested a meeting with Merlin and we sincerely hope that the opportunity is given to us, so that we can better understand your proposed plans for the animals in question, as well as the reasons for your continued use of them in shows.

With regard to your statement that you have never made a secret of the fact the whales are in the Shanghai centre, I am strongly inclined to disagree. To our knowledge, there continues to be no mention of the belugas on any Merlin or SEA LIFE website. Under the “Chang Feng” name on your main corporate site, you continue to link to another aquarium in Shanghai not owned by your company. Neither your annual report nor your publicity materials that we have seen in the UK mention the ongoing whale shows. In correspondence with your team just days before the launch of the campaign, I requested information on progress towards your sanctuary. The only animals mentioned by your colleagues in response to this request (which offered very little useful information) were dolphins. There was no mention whatsoever that the sanctuary was being considered for beluga whales.

I fail to see how you consider an almost complete absence of information about the whales to be a demonstration in transparency and we maintain that the opposite is true. Indeed, this has been one of the major sources of concern for those signing the petition. It is clearly stated on many of your company’s websites that “SEA LIFE believes it is wrong to keep whales and dolphins in captivity” and, until a few days ago, your sites also stated your commitment to campaigning for a ban on European dolphinariums. It seems perfectly reasonable that your supporters reading that statement would therefore feel safe in assuming that no cetaceans are held by SEA LIFE. And as we know, this is simply not the case.

Finally, you state that you are “concerned by [the fact the whales are still there in Shanghai]”. With respect, you have complete control over the whales and their daily lives and it is firmly within your power to end the shows with immediate effect. We are fully aware that relocation may take some time, but that is absolutely no excuse to continue to use the animals in shows in the meantime, as Merlin has continued to do since the site was purchased in 2012. It makes little sense that Merlin can claim to be “concerned” over the situation of the belugas when it is fully within Merlin’s control to change it.

In conclusion, and on behalf the thousands of people who have signed the petition to see the immediate end of the exploitation of the whales, I would be grateful if you could reconsider your statement that there is “no merit” in responding to the concerns; indeed, a response and meaningful action is exactly what those who have raised concerns are asking for. A useful starting point for this dialogue would be to publicly share the details of the work you have been carrying out to find a solution for the belugas and to provide a clear explanation as to why the animals continue to perform in your “Beluga Whale Theater” three times a day.

I would be delighted to meet with you in person to discuss this, and the wider findings of our work, further.

I look forward to your response,

A handwritten signature in black ink, appearing to read 'Liz Tyson', with a stylized flourish at the end.

Liz Tyson  
Director