

**Jared S. Goodman**

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May 22, 2014

**VIA NEXT DAY DELIVERY AND EMAIL (without video)**

Wang Cho-chiun  
Director-General  
National Police Agency  
Ministry of the Interior  
No.7, Sec. 1, Jhongsiao E. Rd.,  
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**Re: Illegal gambling and cruelty-to-animals in association with  
Taiwan pigeon races**

Dear Director Wang:

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) to respectfully request that your offices investigate widespread illegal gambling and cruelty-to-animals in association with pigeon races and prosecute those responsible for flagrant violations of the law.

As detailed in the attached appendix, PETA conducted an investigation into the largest pigeon racing club in Taiwan—the Zhong Zheng Club in Kaohsiung—and others from June to October 2013. Investigators attended and filmed parts of a number of major races, in which pigeon owners each paid significant sums of money to enter and millions of New Taiwan dollars in illegal bets were at stake in additional betting pools. Given this widespread gambling, pigeon racing in Taiwan is said to be a NT \$70 billion industry.

PETA's investigators also met and spoke with the heads of the organization and prominent racers in Taiwan, during which they documented extensive communications regarding the certainty that the birds who are loaded onto a ship and released by the tens of thousands are forced to race through extreme and dangerous weather conditions, suffer serious injuries after which they are denied proper veterinary care, and that virtually all birds drown, otherwise die, or go missing during races. In a recent race series, only 30 of the 5744 birds who were entered into the race—less than 1 percent—survived and completed

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are eligible to race, those who are able to make it back alive but do not return in qualifying time and are not kept for breeding are killed by their owners.

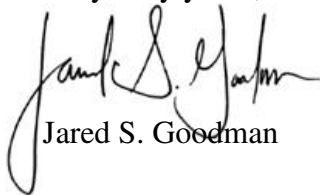
As you are aware, “[t]he Control Yuan helped in the collection of some NT\$220 million (US\$7.42 million) in back taxes owed by pigeon racing operators” in September 2013.<sup>1</sup> The evidence obtained by investigators demonstrates that the flagrant unlawful activity goes far beyond holding races without registering the clubs and paying appropriate taxes on purses.

The evidence gathered during the investigation and detailed below demonstrates extensive illegal gambling in flagrant violation of Taiwan law, including holding an animal contest for the purpose of gambling, ANIMAL PROTECTION ACT (“APA”) Art. 10, gambling in a public place, CRIMINAL CODE OF THE R.O.C. (“CC”) Art. 266, and furnishing a place and assembling people to gamble, CCR Art. 268, as well as maltreatment, harm, failure to provide an adequate environment, and abandonment of the pigeons without justification, APA Arts. 5–6.

Select video and documentary evidence demonstrating these violations is included with this letter and PETA can provide you with complete video footage at your request. PETA’s investigators are available to speak with you should you need more information, and we are prepared to assist your offices in any way possible in furtherance of the investigation.

Thank you for your attention to this important matter.

Very truly yours,



Jared S. Goodman

Exhibits

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<sup>1</sup> Ex. 1, Yeh Su-ping & Maia Huang, *Gov’t Collects Millions in Back Taxes From Pigeon Racing*, FOCUS TAIWAN (Sept. 18, 2013), <http://focustaiwan.tw/news/asoc/201309180019.aspx>.

## APPENDIX

### 1. Background: Pigeon Racing in Taiwan

Pigeon racing associations in Taiwan hold three to four pigeon race series each year, each of which usually consists of two qualifying rounds and five races.

Pigeons are bred to race in a single race series. Within the first week after hatching, an identifying band is affixed to the pigeon's leg that cannot be removed. Bands vary in cost depending on the race, but a single band can cost up to NT\$45,000<sup>2</sup> and an estimated two to three million pigeons are entered into races every year.<sup>3</sup> Pigeons begin to be trained when they reach one to four months and are entered into races when they are as young as four months old.<sup>4</sup>

The birds are loaded onto ships and brought out to sea to increasing distances. Each of these races is held over the sea and the birds are released even in dangerous flying conditions such as heavy rain, clouds, and wind. As reported in a National Geographic documentary on Taiwan pigeon racing, "Some never leave the ship, afraid of the ocean. Some choose freedom. Others are devoured by the merciless ocean."<sup>5</sup> The races are often deadly because the birds will be swept underwater by waves or will succumb to exhaustion before reaching land and drown because they cannot rest on water. In one race series, for example, 14,000 pigeons were initially reported to have been entered and after training, qualifications, and the final race, *only 20 birds—or .14%—returned*. In fact, one prominent pigeon racer explained that "[t]he goal is to reduce the number of qualified pigeons to less than 50" by the end of the seven race series.<sup>6</sup> Results such as these were described by one industry veterinarian to be "the cruel side of the sport."<sup>7</sup>

After the races, "the winners get to be breeding pigeons, while the losers have only one ending"—they are "eliminated."<sup>8</sup> The surviving birds who do not make the qualifying time and are not chosen to be kept for breeding often have their necks broken or may be released in remote areas of the mountains with the expectation that they will be unable to survive a return to their lofts.<sup>9</sup>

Forcing birds to participate in these races is motivated by the extremely high stakes. As reported by *Business Weekly*,<sup>10</sup> the industry is said to "create[] at least a dozen NT dollar millionaires a

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<sup>2</sup> Ex. 2, Jules Quartly, *The Highs and Lows of Pigeon Racing*, TAIPEI TIMES (Jan. 4, 2004), <http://www.taipeitimes.com/News/feat/archives/2004/01/04/2003086378>.

<sup>3</sup> Ex. 3, Taiwan Today, Pigeon Racing for College Credit (Feb. 25, 2010), <http://taiwantoday.tw/ct.asp?xitem=94936&CtNode=416>.

<sup>4</sup> Ex. 4, Mark Caltonhill, The Am. Chamber of Com. in Taipei, *Taiwan's Feathered Racers*, 42(6) TOPICS, available at <http://www.amcham.com.tw/topics-archive/topics-archive-2012/vol-42-no-06/3607-taiwanas-feathered-racers>.

<sup>5</sup> See, e.g., The National Geographic Channel, Taiwan to the World: The Pigeon Game, Part 3, available at <http://www.youtube.com/watch?v=nFt-TubUXXw>, at 4:23-4:45 (footage of pigeons drowning).

<sup>6</sup> Ex. 5, Jason Lin, *Racing in Taiwan*, <http://www.ehoremans.com/articles/Taiwan.pdf> (June 3, 2009).

<sup>7</sup> Ex. 6, Dyllan Debord, *Pigeon Vitality Visits Taiwan*, PIGEON VITALITY, <http://www.pigeonvitality.com/files/Pigeon%20Vitality%20visits%20Taiwan.pdf> (Nov. 2010).

<sup>8</sup> Ex. 7, 2011/5 商業周刊:勝負一秒間(台灣賽鴿報導) (Aug. 24, 2011), <http://www.chinaxinge.com/xinge/shop/detail.asp?id=7377>.

<sup>9</sup> See Part 3.3, *infra*.

<sup>10</sup> Ex. 7, *supra*.

year.”<sup>11</sup> There are reportedly about 150 pigeon clubs participating in the races,<sup>12</sup> and the average money at stake for each club for each season is a reported NT \$100 million.<sup>13</sup> This includes prize money—which is raised by the club by the sale of the leg bands—and widespread illegal gambling “under-the-table.”<sup>14</sup> For example, if one leg band costs NT\$5,000 and there are 1,000 pigeons registered for the race, the official prize money would be about NT\$5 million.

Yet the illegal gambling, which can be bet after each race in the series and varies by club, is reported to amount to multiples more.<sup>15</sup> “Gambling is the sport’s *raison d’être* in Taiwan . . . . [A]t the end of a race, all interested parties gather at their association headquarters, results are calculated and announced, money is distributed, and any paperwork is destroyed so that within hours there is no evidence of anything untoward having taken place.”<sup>16</sup> The president of the largest pigeon racing club in Taiwan, for example, told investigators that “[t]he highest prize money in NTD is about 200 million”—for that club’s summer series alone, not including additional illegal gambling.<sup>17</sup> The chairman of the Taipei County Pigeon Racing Association reported that he won NT\$10 million in a race series and estimated that the total pot in that race was more than NT\$2 billion.<sup>18</sup> In one race where at least 5,000 pigeons were killed when their cages fell off of a cargo boat en route to the release point, there was “about 100 million Taiwan dollars . . . of illegal bets staked on the result.”<sup>19</sup> Another pigeon racer was reported to have won NT\$388 million (80 million yuan) in a single race series.<sup>20</sup> After all five races are finished, the clubs will retain about 5% of the fees and bets as their operation fee and the remainder will be paid out to the participants.

“Just how big and how profitable Taiwan’s pigeon racing world is isn’t known, in part because gambling on the races is illegal.”<sup>21</sup> However, recent estimates suggest that it is now a NT \$70 billion industry.<sup>22</sup> Last year, a Chinese businessman set a world record by spending more than

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<sup>11</sup> Ex. 8, *Pigeon Racing - A Lucrative Sport in Taiwan*, TAIWAN INSIGHTS (June 16, 2011), <http://www.taiwaninsights.com/2011/06/16/pigeon-racing-%E2%80%93-a-lucrative-sport-in-taiwan/>.

<sup>12</sup> Ex. 2, *supra*.

<sup>13</sup> Ex. 7, *supra*; see also Ex. 9, Associated Press, *Pigeons Suffering as Race Enthusiasts Make a Real Killing*, TAIPEI TIMES (Dec. 2, 2005), <http://www.taipeitimes.com/News/taiwan/archives/2005/12/02/2003282606> (“Every year, dozens of racing associations wager tens of millions of NT dollars on birds entered in grueling five-race competitions, while owners of the winners take home huge purses.”).

<sup>14</sup> Ex. 7, *supra*; see also The National Geographic Channel, *Taiwan to the World: The Pigeon Game, Part I*, available at <http://www.youtube.com/watch?v=fy27OIMqWyY> at 7:27-7:45 (“Prize money is raised through the association by pooling the race entrance fees from the leg rings. A 3,000 bird race can bring the pot to nearly \$6,000 US. The larger the race, the larger the prize money. If illegal gambling is involved, prize money will be several times larger.”)

<sup>15</sup> Ex. 7, *supra*.

<sup>16</sup> Ex. 4, *supra*; Ex. 9, *supra* (According to the chairman of the Taipei County Pigeon Racing Association, “There’s only one reason why pigeon racing is so popular in Taiwan—gambling.”)

<sup>17</sup> Video: *Pigeon Racing in Taiwan, A PETA Undercover Investigation* (2013), at Clip 1 [hereinafter *Undercover Footage*].

<sup>18</sup> Ex. 8, *supra*.

<sup>19</sup> Ex. 10, *Illegal Pigeon Race Called Off After 5,000 Birds Drown*, DECCAN HERALD (Mar. 8, 2004), <http://archive.deccanherald.com/deccanherald/mar082004/update11.asp>.

<sup>20</sup> Ex. 11, 賽鴿第五關。只回一隻~, YAHOO! (July 19, 2010).

<sup>21</sup> Ex. 12, Associated Press, *Idaho Feed Business Homes in on Making Chow For Taiwan’s Racing Pigeons*, THE OREGONIAN (June 17, 2013), available at [http://www.oregonlive.com/pacific-northwest-news/index.ssf/2013/06/idaho\\_feed\\_business\\_homes\\_in\\_o.html](http://www.oregonlive.com/pacific-northwest-news/index.ssf/2013/06/idaho_feed_business_homes_in_o.html).

<sup>22</sup> Ex. 8, *supra*.

NT \$12 million on a racing pigeon auctioned in Europe.<sup>23</sup> Pigeon racing has become so lucrative that even American-based companies are now targeting pigeon racers in Taiwan with dietary feed that is tailored towards enhancing racing performance.<sup>24</sup>

Because of the high stakes of these races, they are also said “to be awash with race fixing and mafia.”<sup>25</sup> A top pigeon racer told investigators that pressure from organized crime taking greater and greater cuts of wagers forced him to leave the country and move to New Zealand for several years. In addition to gambling, “pigeon-related crime, including stringing gigantic nets across the route of a race and holding the trapped birds for ransom, and sneaking birds onto airplanes to hurry them to the finish line,” is said to be commonplace.<sup>26</sup> In 2012, the police of southern Pingdong and Tainan counties arrested seven people for abducting racing pigeons while the birds were en route to their lofts from 150 miles offshore.<sup>27</sup> Police said that perpetrators of such crimes usually ask for a few thousand New Taiwan dollars and that “the money tied up in the sport also increases its allure for criminals and those in underground gambling.”<sup>28</sup> Drugging pigeons with performance-enhancing substances is also common.<sup>29</sup>

As discussed in detail below, PETA investigators, among other things:

- On June 7, 2013, visited the largest pigeon club in Taiwan—Zhong Zheng Club in Kaohsiung—to meet with its president, Hong Jenq Tsyh, and secretary, Chiu Hong Peng, and observe shipping night when the birds who would be racing were brought to the club to be registered and loaded onto cargo containers, and where they were informed that there was NT\$200 million at stake on the race;
- On August 6, 2013, were informed by Mr. Chiu that of the more than 11,000 pigeons who were registered at the start of the summer series, only 183 returned from the races within qualifying time—the others having died during races, went missing and were presumed dead because they are raised in captivity and unable to survive in the wild, or were killed by their owners for failing to finish within qualifying time;
- On October 4, 2013, attended the Zhong Zheng Club shipping night for the first race of the fall series;
- On October 5, 2013, received a tour of the ship from which the birds are released, observed the loading of the approximately 40,000 birds, more than 85% of whom did not return and were presumed dead, and obtained footage of the release in which the birds were forced to attempt to endure typhoon-strength winds;

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<sup>23</sup> Ex. 13, Yue Wang, *The \$400,000 Racing Pigeon Named after Olympian Usain Bolt*, TIME MAGAZINE (May 28, 2013), available at <http://newsfeed.time.com/2013/05/28/the-400000-racing-pigeon-named-after-olympian-usain-bolt/>.

<sup>24</sup> Ex. 12, *supra*.

<sup>25</sup> Nat Geo.

<sup>26</sup> Ex. 14, Susan Orlean, *Little Wing*, THE NEW YORKER (Feb. 13, 2006), available at [http://www.newyorker.com/archive/2006/02/13/060213fa\\_fact5?currentPage=all](http://www.newyorker.com/archive/2006/02/13/060213fa_fact5?currentPage=all).

<sup>27</sup> Ex. 15, Aries Poon, *In Taiwan, Crime on the Wing*, WALL STREET JOURNAL (Feb. 24, 2012), <http://blogs.wsj.com/chinarealtime/2012/02/24/in-taiwan-crime-on-the-wing/>.

<sup>28</sup> *Id.*

<sup>29</sup> Ex. 16, *Drugged Racing Pigeons Fly Fast and ‘High,’* ASIA ONE NEWS, (May 01, 2010), <http://news.asiaone.com/News/AsiaOne+News/Crime/Story/A1Story20100501-213491.html> (“A Taiwanese man has won more than NT\$20mil . . . in the past two years with his drugged pigeons.”)

- In a telephone call on October 10, 2013, recorded Mr. Hong confirming high stakes illegal gambling on the races, repeatedly insisting that the information not be repeated, and stating that nearly 90% of the birds did not return from the most recent race due to dangerous weather conditions; and
- On October 12, 2013, met with one of the most successful and wealthiest racers in Taiwan, Cheng Chi-chuan of the Lian Ying Club, who discussed deceiving the government on gambling pool sheets, the high percentage of bird injuries and deaths during races, killing unsuccessful birds, and the participation of legislators and high-ranking officials in these races.

## 2. Widespread and High-Stakes Illegal Gambling on Pigeon Races

Prominent Taiwanese pigeon racers acknowledged to investigators that extensive illegal gambling takes places on pigeon races, that pigeon racing clubs are aware of the illegality and deceive the government by putting false prize information on betting sheets, and provided copies of those sheets to investigators. These communications were all recorded by investigators and relevant portions are cited here and submitted with this complaint.

The Criminal Code of the Republic of China (“CC”) provides that “[a] person who gambles in a public place or a place open to the public shall be sentenced to a fine of not more than one thousand yuan unless the item for which he gambles is one to provide temporary amusement.” CC Art. 266. The exception for “temporary amusement” is inapplicable, as it applies only to “friendly wagers”<sup>30</sup> such as “allow[ing] families to spend Chinese New Year playing mahjong all day, or earn a pot playing cards . . . play[ing] for toothpicks in bars or teahouses,”<sup>31</sup> not to permit multibillion dollar illegal gambling industries.

In addition, “a person who intend[s] to make a profit [and] furnishes a place to gamble or assembles person[s] to gamble” is subject to imprisonment of up to three years and a fine of up to ¥3,000. CC Art. 268. Moreover, “[a] person who by writing, picture, word of mouth, or other means publicly . . . incites another to commit an offense” is subject to imprisonment of up to two years or a fine of up to ¥1,000. CC Art. 153. “A public official who harbors a person who commits a[ gambling] offense . . . shall be subject to the punishment prescribed for such an offense by increasing it up to one half.” CC Art. 270.

Further, Article 10 of the Animal Protection Act (“APA”) prohibits “[a]ny animal contest for the purpose of direct or indirect gambling” and “[a]ny maltreating behavior . . . for the purpose of direct and indirect gambling or other improper purposes.” APA Art. 10(2)-(3). Any person who violates this section is subject to a fine between NT\$50,000 and NT\$250,000, and may be fined per occurrence. APA Art. 27(3). The animals may also be confiscated. APA Art. 33(2).

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<sup>30</sup> Ex. 17, Marcus Clinch, *Online and Land-based Gambling in Taiwan*, WORLD ONLINE GAMBLING REPORT (Dec. 2011), available at [http://www.eigerlaw.com/en/publications/doc\\_download/140-online-and-land-based-gambling-in-taiwan](http://www.eigerlaw.com/en/publications/doc_download/140-online-and-land-based-gambling-in-taiwan).

<sup>31</sup> Ex. 18, Jules Quartly, *Facing Up to A Gambling Problem*, Taipei Times (Mar. 9, 2003), available at <http://www.taipeitimes.com/News/feat/archives/2003/03/09/0000197395>.

While “gambling” is not defined by the code, it has been interpreted to mean “where parties engage in activities in which the creation of a debt is conditioned on an uncertain condition” and “would clearly cover the placing and taking of bets.”<sup>32</sup> In fact, law enforcement authorities have expressly recognized that betting on pigeon races constitutes illegal “gambling.” On October 6, 2013, investigators photographed the following banner hung on the railing of the Kaohsiung Harbor Police Office, warning, “Pigeon fanciers are advised not to get involved in gambling activities so as to avoid violation of the law”:



*Kaohsiung Harbor Police Office, October 6, 2013*

On June 7, investigators met with representatives of the Zhong Zheng Club in Kaohsiung, including Mr. Hong, the club president of 9 years at that time, and Mr. Chiu, the club secretary, to discuss racing in the country and observe “shipping night,” where the birds are registered and loaded into transport carriers. Zhong Zheng is the largest pigeon racing club in the country and this event included approximately one hundred paid staff conducting the bird registration. Mr. Hong discussed in detail the hundreds of millions of Taiwanese dollars at stake from illegal gambling on the race.

According to Mr. Hong, of the more than 40,000 pigeons flown from the Nan Hai Federation for this series and released from a single ship,<sup>33</sup> there were about 12,000 pigeons entered from the Zhong Zheng Club alone.<sup>34</sup> He explained that “the prize money is a lot. . . . The highest prize money in NTD is about 200 million. It’s about USD 6[.6] million.”<sup>35</sup> The investigators had told

<sup>32</sup> Ex. 17, *supra*.

<sup>33</sup> Undercover Footage, at Clip 2 (beginning at 00:40).

<sup>34</sup> *Id.*

<sup>35</sup> Undercover Footage, at Clip 3 (beginning at 00:51).

Mr. Hong that they were preparing a report on pigeon racing in Taiwan. “When you’re writing” the report, he said, “you can say there’s prize money, but don’t say it’s too much. It’s not permitted.”<sup>36</sup> The club takes 4% of the wagers as “operation fees.”<sup>37</sup>

A PETA investigator again spoke with and recorded Mr. Hong via telephone on October 10 following the first race of the fall series (from which few birds returned, as discussed in further detail below). The investigator again raised the high stakes in these races mentioned by Mr. Hong during their prior meeting, asking, “didn’t you mention that the prize money is very high and the government doesn’t permit gambling?”<sup>38</sup> Mr. Hong acknowledged that “if you gamble, it’s illegal” and “[y]ou can’t gamble.”<sup>39</sup> “You can have trophies, very little prize money, it’s okay. For example, say you have 10,000 pigeons and each band costs 5,000 (NT), right? If you win the champion, you’re awarded 50,000 – 100,000 (NT). That money came from selling the bands. Other than that, gambling is illegal. It’s the same in the whole world. You can’t gamble.”<sup>40</sup>

Accordingly, Hong then repeatedly insisted that the investigator not repeat the information provided about the millions in illegal gambling at stake in these races:

- “Yeah, we can’t say that. We don’t talk about prize money.”<sup>41</sup>
- “[W]hen you’re writing...you can say there’s more or less some prize money, or, let’s say, there’s some bonus, trophy, etc. . . . We all get very little prize.”<sup>42</sup>
- “When you write your report, just say this, and *don’t mention gambling*, etc. *Gambling is controversial, so don’t write about it*, okay? You know, just say there’s bonus, and very little money collected from membership fees and selling the bands, which are like identity cards [for the birds], and it’s deducted after all the cost. That’s what you should write about in the report.”<sup>43</sup>
- “*Don’t write [about the gambling]. It’ll be very controversial if you wrote that.* There’s bonus, trophy, and tens of thousands of money from that. If you collect USD 500,000 from a race, you deduct all the costs, such as transportation, staff salary, and the rest of the money is used as bonuses and prize money.”<sup>44</sup>
- “You...when you write about pigeon racing, just write about [what I just said]. It’s very clear. *Don’t write about gambling. It’s not good for you to write about it, and it’s not good for you to get evidence or examples. It’s really bad, really bad.* You should say that it’s a very good entertainment . . . . That’s what you should be writing about. A lot of people love pigeon racing in the world. . . . It’s been going on for a long time. You should write about that.”<sup>45</sup>

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Undercover Footage, at Clip 4 (beginning at 01:13).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Undercover Footage, at Clip 5 (beginning at 02:18).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*



- “Don’t write about gambling or how much the bet is. Don’t write about it. We don’t like seeing this kind of stuff. It’s not good for you to write something like this. It’s really bad.”<sup>46</sup>
- Finally, he urged, “Please *do not mention any gambling*, okay?”<sup>47</sup>

One of the most successful and wealthiest racers in Taiwan, Mr. Cheng of the Lian Ying Club, confirmed the extent of the illegal gambling, provided original betting sheets (attached hereto as exhibit 19), and was recorded speaking of it openly with investigators at his home on October 12.

Mr. Cheng told investigators, “Basically raising pigeons is for gambling purposes. They [pigeon racers] want to attend races and get rich overnight. Taiwanese people like gambling” and since there are no legal casinos, “people resort to pigeon racing.”<sup>48</sup> Pigeon racers in Taiwan “just want to gamble” and while few people are “smart” about racing and “study” it, “now there are corporations that buy the best pigeons from Europe, hire trainers and find a nice location with fresh air for breeding. They see it as a business.”<sup>49</sup>

Mr. Cheng confirmed that the Zhong Zheng Club in Kaohsiung is the biggest in Taiwan.<sup>50</sup> There is generally NT\$300-400 million bet per season, but bets have recently reached more than NT\$600 million.<sup>51</sup> “Another club’s bets reached more than NT 200 million.”<sup>52</sup> These amounts are paid out to the various finishers in the races, but an individual can win as much as NT\$180 - 200 million in a season.<sup>53</sup> Mr. Cheng told investigators that he won “about NT\$3 million” in a recent race series, apparently in which four of the birds he entered returned, including in the 23<sup>rd</sup> place overall.<sup>54</sup> In a previous race, his bird placed 4<sup>th</sup> and won “about NT\$10 million.”<sup>55</sup>

As discussed above, apart from the prize money available, the large amount of money won “also has something to do with your betting.”<sup>56</sup> While Mr. Cheng stated that he would only bet up to NT\$100,000, “[s]ome others would bet a lot, up to more than NT\$10 million.”<sup>57</sup> Mr. Cheng then showed, explained to, and provided investigators with “the betting sheets,” which an individual responsible for the transport of pigeons noted are used “under [the] table.”<sup>58</sup> “You write down the number of pigeons you have. And if they come back you score, if not you’re out. NT\$1,000, 2,000, 3,000 . . . so it’s quite a lot [to be won] if you really want to bet.”<sup>59</sup>

To obscure the illegal betting from the government, Cheng explained, the club falsely states on the betting sheet under each pool column that there are “donated prizes” and that they “give out

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<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> Undercover Footage, at Clip 6 (beginning at 05:44).

<sup>49</sup> *Id.*

<sup>50</sup> Undercover Footage, at Clip 7 (beginning at 07:37).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> Undercover Footage, at Clip 8 (beginning at 08:27).

<sup>55</sup> *Id.*

<sup>56</sup> Undercover Footage, at Clip 9 (beginning at 08:43).

<sup>57</sup> *Id.*

<sup>58</sup> Undercover Footage, at Clip 10 (beginning at 09:19).

<sup>59</sup> *Id.*

motorcycles, refrigerators, etc.” that cannot be redeemed for the cash equivalent. That way, “They [the government] have no evidence. They can’t catch us.” The pigeon transporter added, “This is just a cover.”<sup>60</sup> The investigators recorded participants arriving at shipping night for the first race of the Zhong Zheng fall series with what appeared to be similar forms in hand.<sup>61</sup>

Mr. Cheng, in discussing how the industry would never be taxed, stated that any efforts would “be silenced because there are a lot of legislators and high-level officials in the industry.”<sup>62</sup> “There are representatives in the government. If someone says they want regulations, it’ll be vetoed. We have plenty of votes to veto their decision.”<sup>63</sup>

These races unquestionably constitute “animal contest[s] for the purpose of direct or indirect gambling” and, as discussed further in Part III below, include “maltreating behavior . . . for the purpose of direct and indirect gambling,” both in violation of the Animal Protection Act, Art. 10(2)-(3). Moreover, the gambling of the Zhong Zheng Club described by Mr. Hong and Mr. Cheng appears to clearly violate the Criminal Code of the Republic of China. These clubs intend to make a profit and furnish a place to gamble and/or assemble people to gamble, in violation of Article 268, and the gambling is likely done in a place open to the public, in violation of Article 266. The clubs, their officials, and any other “person who by writing, picture, word of mouth, or other means publicly . . . incite[d] another to commit an offense” by advertising these races is similarly culpable. Art. 153.

Finally, it appears that further investigation could reveal that there may also be violations of Criminal Code Article 270, which provides that “[a] public official who harbors a person who commits a[ gambling] offense . . . shall be subject to the punishment prescribed for such an offense by increasing it up to one half,” by “legislators and high-level officials” reportedly involved with the races.

### **3. Harm, Maltreatment, and the Failure to Provide Appropriate Care to Pigeons Used for Racing**

Given the very nature of Taiwan pigeon races—in which the birds are shipped hundreds of kilometers out to sea and released, often in dangerous weather conditions, to attempt to return to land—very few birds are able to return to their lofts. At the most recent summer, fall, and spring race series of the Zhong Zheng Club alone, of the 16,608 pigeons who survived training and entered the first races in the series, only 1.47% ultimately completed the final races in qualifying time. In addition, the birds are often injured and denied proper veterinary care. Birds who are able to survive the races but do not return within qualifying time are killed or abandoned. Each of these circumstances appears to violate the Animal Protection Act.

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<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Undercover Footage, at Clip 11 (beginning at 10:41).

<sup>63</sup> *Id.*

### *3.1. Animal Protection Act*

Under the Animal Protection Act (APA), “animal” is defined as any “vertebrate that is raised or kept by people,” which unquestionably includes pigeons. APA Art. 3(1). “‘Maltreatment’ refers to violence, improper use of drugs or other means (except for the necessary acts to raise, keep or dispose of an animal), which leads to injuries or disabilities of the animal to maintain a normal physical condition.” APA Art. 3(8).

Article 6 of the APA prohibits anyone from “inflict[ing] disturbance, maltreatment or harm on animals intentionally or without justification.” Any person who violates this section is subject to a fine of between NT\$15,000 and NT\$75,000. APA Art. 30(3). A person who intentionally maltreats or harms animals so as to cause serious handicap to their bodies, malfunction of their major organs or their death, is punishable by a fine of between NT\$100,000 and NT\$500,000. APA Art. 25.

Article 5 provides that an animal owner<sup>64</sup> is “obligated to provide the animal he or she keeps with the following: (1) Adequate food, water and sufficient room for the animal to move around; (2) A safe, shaded, ventilated, illuminated, warm and clean living environment; . . . (4) Protection against vicious or unjustified disturbance, maltreatment or harm; [and] (5) Other appropriate care.”

A person who intentionally maltreats or harms an animal in violation of this section so as to cause serious handicap to their bodies, malfunction of their major organs or their death, is punishable by a fine of between NT\$100,000 and NT\$500,000, with additional penalties for repeat offenders. APA Art. 25. Any violation of (4) “without causing serious handicap, malfunction of their major organs, or their death” is punishable by a fine of between NT\$15,000 and NT\$75,000. APA Art. 30(1). The animals may also be confiscated. APA Art. 33(1).

Article 5 further prohibits owners from “abandon[ing] animals they keep.” APA Art. 5(3). When this abandonment does not cause “damage to the ecology,” the violation is punishable by a fine of between NT\$15,000 and NT\$75,000. Art. 30(2). The animals may also be confiscated for violation of this provision. APA Art. 32(2).

### *3.2. Few pigeons return from grueling and deadly races*

During an October 12 telephone call, Mr. Cheng highlighted the dangerous nature of Taiwan races relative to already-deadly U.S. pigeon races. In Taiwan, “for a 7-round race [2 qualification races and 5 official races in the series], they need to race every week. That’s the hardest part. In the U.S., the pigeon can race for a week, rest for 3 weeks, and then go on to the next race. It’s not

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<sup>64</sup> Note that while an English translation of Article 5 refers to “pet owner,” this would be more accurately translated as “animal owner” or “caregiver” and the plain language of this article is not limited to “pets” as defined by Article 3. Moreover, “pet owner” is defined broadly as “the owner of the animal or the person who takes actual charge of the animal.” Art. 3(6). Unlike Chapter 4, which refers to “pet owners and their pets,” Article 5 expressly refers to “animals” instead of “pets” and is therefore applicable to any animal of whom a person has taken actual charge.

like that in Taiwan. That's the hardest technique. Coming back on a Sunday and going out on a Friday. How can the pigeons recover to attend the next race?"<sup>65</sup>

When asked whether many of the birds who don't return die in the sea, Mr. Cheng responded, "A lot, a lot. Like this first qualification round [for the 2013 summer series], only 20,000 to 30,000 pigeons came back. On average. About 80,000 didn't come back. And where did they end up? They immigrated to the Philippines, Green Island, Orchid Island, or ended up in the water."<sup>66</sup> According to Mr. Cheng, "A major reason" for the high death tolls over the sea "is because they try their best to come back, and finally they're home, but five days later they need to go out again. Can they recover during those five days? The answer is: 'Impossible.' It's impossible."<sup>67</sup>

The grueling races are only exacerbated by releasing the birds in dangerous conditions. On October 4, investigators attended the Zhong Zheng Club shipping night for the first race of the fall series, to be held two days later. The investigators were later provided with the raw footage of the camera crew that records the Jet TV broadcast of the race, including footage of events that are not shown on TV, such as the problems the birds were having circling and swooping in the typhoon-strength winds at the release point, but provided here.<sup>68</sup> Captain Huang Wei, a fishing boat captain who from his boat regularly observes birds released in dangerous conditions, reported to investigators that he was stopped by the coast guard and turned back to shore because a typhoon alert was in effect on the same day that the ship loaded with the pigeons continued on to the release point. The race was a disaster—more than 85% of the 40,000 birds on this boat perished, even though this was a shorter, qualifying race.

Mr. Hong justified releasing the birds in dangerous conditions, saying that if the coast guard allows the ship to leave the harbor and reach the designated race distance, they are obligated by club rules to release the birds "no matter what." There is no discretion to delay or cancel the race for dangerous flying conditions, "No matter how strong the wind and how heavy the rain."<sup>69</sup> Mr. Hong acknowledged that when the birds are released in such conditions, they will circle above the boat, some will return to the boat minutes later, and of the many birds who do race, "very few" survive "because it's hard [for the birds] to fly."<sup>70</sup>

The return rates for these races demonstrate clearly just how deadly these races are. As discussed further below, pigeons who return but do not qualify for the next race, or are too injured to race the next one in the series, will be killed. Additionally, pigeon racers internationally expect that those who do not return have died or will soon die in the wild. For example, one Australian pigeon racer aptly expressed concern about application of Western Australia's then-forthcoming animal welfare bill—which refers to causing unnecessary harm as a result of a prescribed act or abandonment—to pigeon racing. The racer wrote,

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<sup>65</sup> Undercover Footage, at Clip 12 (beginning at 11:37).

<sup>66</sup> Undercover Footage, at Clip 13 (beginning at 13:02).

<sup>67</sup> Clip 12, *supra*.

<sup>68</sup> Undercover Footage, at Clip 14 (beginning at 13:50).

<sup>69</sup> Undercover Footage, at Clip 15 (beginning at 15:15).

<sup>70</sup> *Id.*

We would be foolish to doubt that some of our inherent racing practices are indeed harmful. . . . In present reality, and taking off the rose-coloured glasses, it is not unreasonable to classify pigeon racing, within the proposed new Act, as potential organised abuse. . . . It doesn't take a Rhodes Scholar to work out what happens to our lost birds.<sup>71</sup>

The following tables illustrate the most recent results from the Zhong Zheng Club alone:

### 2013 Summer Series

Date	# Released	# Arrived in Qualifying Time (QT) <sup>72</sup>	Final % Returning in QT
6/9/13	7367 <sup>73</sup>	6244	
6/16/13	6141	3889	
6/23/13	3835	3383	
6/30/13	3349	1150	
7/7/13	1118	1042	
7/21/13	1037	259	
7/28/13	240	185	2.5%

### 2013 Fall Series

Date	# Released	# Arrived in Qualifying Time	Final % Returning in QT
10/6/13	5744	833 <sup>74</sup>	
10/13/13	769	662	
10/20/13	655	477	
10/27/13	467	409	
11/10/13	405	30	.5%

### 2014 Spring Series

Date	# Released	# Arrived in Qualifying Time	Final % Returning in QT
2/9/14	3497	3304	
2/16/14	3281	2772	
2/23/14	2737	2510	
3/2/14	2499	2142	
3/9/14	2124	218	
3/16/14	203	69	
3/23/14	63	29	.8%

According to Mr. Chiu, the Zhong Zheng Club secretary, more than 11,000 pigeons were registered with the Zhong Zheng Club at the start of the summer series.<sup>75</sup> There were seven races

<sup>71</sup> Ex. 20, Leo, *How Do We Get All Our Birds Home?*, [http://www.iprr.co.uk/cms/print\\_version.php?id=660](http://www.iprr.co.uk/cms/print_version.php?id=660) (2008) (emphasis added).

<sup>72</sup> It is assumed by pigeon racers that most of the birds who do not return within qualifying time have died or will die in the wild. In addition, those birds who are able to return but fail to qualify for the next race are killed by their owners. See Part 3.3, below.

<sup>73</sup> According to Mr. Chiu, more than 11,000 birds were entered into the Zhong Zheng club's summer series, meaning that approximately 4,000 birds were registered for the series and did not even survive to the first race.

<sup>74</sup> Similarly, when asked how the October 6 race went, during which there were poor weather conditions, Mr. Hong replied, "It wasn't easy [for the birds] to fly. About more than 10% came back, like 13%." Undercover Footage, at Clip 16 (beginning at 17:50).

in the series, beginning at 125 kilometers and increasing 30 kilometers per race until the final race of 320 kilometers.<sup>76</sup> Mr. Chiu laughed as he told investigators that only 183 birds survived and completed the races.<sup>77</sup> When asked whether this would be considered a “successful” result, he responded, “It’s okay. It’s okay. It’s not like we had none that came back. If none came back, that’d be a failure.”<sup>78</sup> He continued, “It’s like a marathon. Many people register for it, and at the end only 183 of them come back to the finish line. That’s what I meant.”<sup>79</sup> Moreover, while a race series typically encompasses seven separate races, the Zhong Zheng Club’s fall race series ended after only five races because only 30 birds, or 0.5%, remained after the fifth race—too few to continue with the series. These deadly results are common.<sup>80</sup>

Similarly, according to Mr. Cheng, because of the nature of these races, in the summer 2013 racing season for the club to which he belongs in Tainan County, only 36 of the 5,044 birds who were entered into the race series returned.<sup>81</sup> In a single race that began on October 6, 2013, he reported that only 210 of 4,000 birds were able to make it back.<sup>82</sup>

Indeed, just as shown in the National Geographic documentary,<sup>83</sup> Captain Huang Wei described to investigators watching birds released in dangerous conditions, including one instance in which

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<sup>75</sup> Undercover Footage, at Clip 17 (beginning at 18:03).

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> In the winter 2006 racing season of the Taipei county Pancho Hua-An Club, the biggest club in North of Taiwan, 2,319 pigeons were entered for the season and only 28 birds (1.2%) returned from the final race within qualifying time. Luna Lai, *William Chen, Topracer in Taiwan!*, <http://www.pipa.be/en/newsandarticles/reports/william-chen-topracer-taiwan> (Aug. 26, 2008). *See also* Chengqiang Club, Fall 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=876](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=876) (**1,642 entered, 1 returned**); Dapingding Club, Summer 2012 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=7033](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=7033) (**471 entered, 1 returned**); Daxintai Club, Fall 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=822](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=822) (**1,804 entered, 12 returned**); Hualian Ziqiang Club, Winter 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=42&bull\\_id=1619](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=42&bull_id=1619) (**1,503 entered, 20 returned**); Kaichuangzhe Tiejin Club, Fall 2012 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=7469](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=7469) (**6,600 entered, 1 returned**); North Shore Club, Fall 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=867](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=867) (**1,420 entered, 6 returned**); North Sea Xianghe Club, Fall 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=879](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=879) (**1,211 entered, 1 returned**); Tainan Dashan Club, Summer 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=41&bull\\_id=418](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=41&bull_id=418) (**763 pigeons entered, 3 returned**); Wenlin Club, Fall 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=865](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=865) (**619 entered, 1 returned**); Yiquan Club, Fall 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=983](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=983) (**2,794 entered, 14 returned**); Zhongpu Xinge Club, Summer 2012 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=41&bull\\_id=6940](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=41&bull_id=6940) (**3,918 entered, 12 returned**); Zhongpu Xinge Club, Winter 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=41&bull\\_id=1953](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=41&bull_id=1953) (**3,803 entered, 33 returned**); Ziqiang Club, Spring 2012 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=7036](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=7036) (**8,365 entered, 38 returned**); Ziqiang Club, Fall 2011 Race Result, [http://www.1-pigeon.com.tw/03game/gameSDia.php?cate\\_id=16&bull\\_id=1002](http://www.1-pigeon.com.tw/03game/gameSDia.php?cate_id=16&bull_id=1002) (**2,361 entered, 13 returned**).

<sup>81</sup> Undercover Footage, at Clip 18 (beginning at 18:57).

<sup>82</sup> *Id.*

<sup>83</sup> *See, e.g.*, The National Geographic Channel, Taiwan to the World: The Pigeon Game, Part 3, *available at* <http://www.youtube.com/watch?v=nFt-TubUXXw>, at 4:23-4:45 (footage of pigeons drowning)

hundreds of birds crashed into the sea and of which he provided video and photos to investigators.<sup>84</sup>

In 2011, Taiwan's Nan Hai Pigeon Association held the first qualification race of the winter series. More than 10,000 pigeons were shipped to 150 kilometers southwest of Kaohsiung Harbor and released notwithstanding heavy fog, rain and strong winds that made it extremely difficult for the pigeons to fly. Captain Huang Wei was out on his fishing boat about 20 miles from shore and witnessed hundreds of pigeons falling into the ocean and the deck of his boat from exhaustion after being forced to fly amid the fog and rain.<sup>85</sup>

He described “the whole flock of pigeon[s] crashing down” into the sea.<sup>86</sup> “Hundreds of them, maybe 100-200 of them, circling above the boat. Some landed on the boat, but some feared to do so. Those who feared to land on the boat went into the sea directly.”<sup>87</sup> The captain continued:

It was raining pigeons—literally. I've never seen such a scene. It was magnificent. The whole flock of pigeons was circling above the boat. They managed to find the boat, some wanted to come down but feared to do so. If they feared to land on the boat, they ended up crashing down one by one out of exhaustion. Dozens and hundreds of them like that, crashing into the sea in front of you.<sup>88</sup>

Every one of them crashed onto the boat. They already managed to fly close, and they didn't have the energy to make a smooth landing. All those who flew to the boat came crashing down. Some crashed into the ocean—you see them flying lower and lower, to finally falling into the water and never able to get up again. Some still had the energy to get up, but after flying for a few rounds, they would go down again. That was the beginning. About one hour after the pigeon rain, you could see the whole surface of the ocean filled with dead pigeons. It was because they were exhausted. Also, pigeon trainers said that pigeons have a high body temperature when they fly long distances. Once they touched the water, their body temperature decreased drastically, and their body couldn't cope with it. They would also swallow sea water inevitably, and after they did that, it was over for them.<sup>89</sup>

Because of the weather, “they couldn't find their way and they were circling. If they flew back to the shore in a straight line, they almost certainly could make it, but once they lost their orientation and started flying frantically until they were exhausted, they had to find fishing boats to rest. They would also find commercial boats or cargo ships. If they landed on a cargo ship, they would leave the country and never return.”<sup>90</sup>

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<sup>84</sup> Undercover Footage, at Clip 19 (beginning at 19:17).

<sup>85</sup> Ex. 21, *Racing Pigeons Fell into Ocean in Storm, Captain Rushed to Rescue*, ChinaXinge (Oct. 13, 2011).

<sup>86</sup> Undercover Footage, at Clip 20 (beginning at 19:32).

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

Captain Huang Wei used nets to rescue dozens of the dying pigeons and carried them, and others who landed on the boat, close to the harbor to release them.<sup>91</sup> “The whole boat was covered” with birds who couldn’t fly and were trying hard to grab on to anything to steady themselves.<sup>92</sup> He estimated that there were 100-200 pigeons on the boat.<sup>93</sup> Only 20-30% of the more than 10,000 birds released were able to return to their lofts on their own within five hours.<sup>94</sup>

He also told investigators that every Sunday when he fishes, there’s a pigeon race release and he “can just look at the weather and know on what days the pigeons won’t make it to shore.”<sup>95</sup> “[I]f it’s cloudy in the morning or when there’s north wind or northeastern monsoon, the wind blows away from the shore, and the pigeons have a lower return rate.”<sup>96</sup> He further explained:

When the weather isn’t good—when it’s foggy, windy, or raining, it gets more severe and the return rate is quite low. You get to see many incidents like that if you’re out at the sea on Sundays.<sup>97</sup>

### *3.3. Pigeons who do return, but outside of qualifying time and/or injured, are killed.*

When investigators met with Mr. Hong of the Zhong Zheng Club in Kaohsiung on June 7 for shipping night of the first race in the summer series, he explained that even if pigeons are able to make it back from the race, if they “can’t come back within the time limit then they are eliminated,”<sup>98</sup> and “let them die: euthanasia,”—while making a hand gesture apparently simulating wringing a bird’s neck.<sup>99</sup> This is done because “[t]hey can only race once.”<sup>100</sup> Similarly, one pigeon-selling agent told investigators that “[d]isqualified pigeons are either killed or kept as breeding pairs. But it depends on how valuable the pigeon is to the owner.”<sup>101</sup>

Upon being asked about veterinary care for pigeons, Mr. Cheng explained that a “good pigeon owner has their own methods” to use instead of seeking the care of a professional veterinarian because “[v]ets treat pigeons like patients and want them to recover, but they don’t take into consideration that the pigeons need to race again in 5 days. So the main reason why more than 60% of the birds are eliminated [killed during a race] is because of the [failure to provide appropriate] veterinary care.”<sup>102</sup> “[W]hen there’s a problem in other countries, the birds are treated and rested for 2 to 3 weeks before they race again. In Taiwan, they are handed over the following Friday. Does that work? Absolutely not.”<sup>103</sup> He explained that this is “the biggest reason” why “there were so many pigeons in the sea . . . it was ‘raining pigeons.’”<sup>104</sup>

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<sup>91</sup> *Id.*; see also Ex. 21, *supra*.

<sup>92</sup> Clip 20, *supra*.

<sup>93</sup> *Id.*

<sup>94</sup> Ex. 21, *supra*

<sup>95</sup> Undercover Footage, at Clip 21 (beginning at 23:47).

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> Undercover Footage, at Clip 22 (beginning at 24:55).

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> Ex. 22, Email from Danny Lee, Pigeon Selling Agent (July 26, 2013) (translation).

<sup>102</sup> Undercover Footage, at Clip 23 (beginning at 25:28).

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*



When asked whether pigeons return injured, Mr. Cheng responded, “Very often, because there are a lot of wires. Some came back legless [or with broken legs], some had their wings injured.” He and Captain Huang Wei stated that while there are vet clinics for racing pigeons, because those clinics “treat pigeons with normal/Western methods, and the pigeons won’t be able to attend the next race” because “they need time for the medicine to metabolize and work, and rest is required,” racers administer their own “Chinese medicine.”<sup>105</sup>

When a bird returns injured, is disqualified from the race series, or the owner simply does not want to use the bird for breeding, “We just eliminate them”—including bringing them “into the mountains” and releasing them,<sup>106</sup> where they likely will succumb to the elements because they were born captive and do not have the skills to survive in the wild, and breaking their necks “[b]ecause people are angry that they lost like NT\$1 million.”<sup>107</sup>

*3.4. Experts and industry veterinarians have confirmed the life-threatening dangers of racing over water.*

International pigeon racing industry veterinarians have admitted to PETA investigators that races that require pigeons to fly over water are particularly frightening and deadly to the birds—especially young birds who are crossing a large body of water for the first time. While mainland pigeon races often result in extensive bird deaths from extreme weather, predators, electrical lines, hunters, and exhaustion, pigeons face even far greater risks when forced to fly over water.<sup>108</sup>

The life-threatening risks unique to races with releases over large bodies of water are largely attributable to the many unpredictable weather variables and the inability of birds to land without drowning. According to an experienced fancier on the island of Malta, where every race involves a minimum of 60 miles of sea and approximately two-thirds of all pigeons die racing each year:

The weather out at sea can be unpredictable and unlike when flying over land a pigeon that goes down, does not find shelter but drowns. . . . When out at sea, if the birds encounter mist or fog then they fly close to the surface, when flying in groups the pigeons at the top fly lower sometimes forcing the ones underneath to hit the water and perish. . . . Pigeons that experience rain or fog will try to fly around it, which might take them completely off course. . . .

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<sup>105</sup> *Id.*

<sup>106</sup> Undercover Footage, at Clip 24 (beginning at 28:15).

<sup>107</sup> *Id.*

<sup>108</sup> See Ex. 23, E-mail from Dr. Pascal Lanneau to PETA Investigator (Oct. 28, 2012) (while mainland races can still be a “disaster,” “it is always better for a pigeon not to cross the water, because there is some higher risk.”); Ex. 24, E-mail from Dr. Gordon Chalmers to PETA Investigator (Oct. 22, 2012) (“flight over water is definitely more risky than flight over land”); see also Ex. 25, E-mail from Jonathan T. Hagstrum, US Geological Survey, to PETA Investigator (Nov. 16, 2012) (“pigeon flights over large bodies of water would likely incur substantially increased risk. Pigeons, generally, avoid flying over large bodies of water, because . . . waves at the water-air interface produce infrasounds that could jam the ground-based infrasonic signals from their loft area that pigeons use to form their navigational map. . . . This probably would have a stronger effect on younger, less experienced birds.”).

Pigeons crossing the sea in high winds can also be victims of being hit with the sea spray. Pigeons fly low against the wind and the large waves with spray can catch them, forcing them into the water.<sup>109</sup>

Because pigeons are generally afraid of flying over water, they will alter their paths to avoid doing so, even if adding significant distance to the race.<sup>110</sup>

Additionally, recent research shows that pigeons rely on their recognition of memorized visual landmarks for navigation.<sup>111</sup> When the terrain over which the pigeons are required to fly is too bland or featureless, like the open sea, there are no such landmarks to memorize and the birds are devoid of this important navigational tool, increasing the difficulty and hazardous nature of the flight.

\* \* \*

Given pigeon racers' knowledge of the high likelihood of death in these races, that the birds are often injured, and the failure to provide proper veterinary care, the owners who force the pigeons to race from the sea and their clubs inflict maltreatment and harm without justification—i.e., as a vehicle for illegal gambling—in violation of Article 6.

Moreover, by releasing the pigeons hundreds of kilometers from the shore and forcing them to attempt to return—often in deadly winds, rain, and fog—the pigeon owners fail to provide them with a “safe, shaded, ventilated, illuminated, warm and clean living environment” and with “protection against vicious or unjustified disturbance, maltreatment or harm” in violation of Article 5(2), (4). The reported failure to provide appropriate veterinary care to injured pigeons who are able to return races is similarly a violation of Article 5(5). Finally, shipping birds to the mountains with the hope that they will be unable to return to their lofts constitutes abandonment in violation Article 5(3).

## CONCLUSION

As thoroughly detailed above and in the enclosed materials, Zhong Zheng and other pigeon racing clubs in the country have actively hosted and profited from widespread and extensive illegal gambling on deadly pigeon races in flagrant violation of the Criminal Code and Animal

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<sup>109</sup> Ex. 26, E-mail from Tony Harte to PETA Investigator (Oct. 28, 2012); *see also* Ex. 27, E-mail from Dr. Wim Peters to PETA Investigator (Oct. 25, 2012) (there are greater risks “particularly when flying against the wind, low over the water with the possibility of being knocked into the sea,” and the “increased humidity above the water” creates additional difficulty flying).

<sup>110</sup> *See* Ex. 27, *supra* (“even if they can see land on the other side most pigeons will skirt around the water, if possible”); Ex. 26, *supra* (“Pigeons would rather fly over land than water” and “will even travel up alongside a wide channel of water and then cross at a narrow point, rather than cross at the most direct line of flight. ... Pigeons natural instinct is not to fly across water and expose themselves to the danger of predators with no source of cover.”); Ex. 24, *supra* (“[P]igeons are loathe to cross large bodies of water. ... [G]iven a choice, pigeons would avoid water crossings if there were other safer options”); Ex. 28, gemgps, *Racing Pigeon GPS trial over water*, Daily Motion, [http://www.dailymotion.com/video/xblpk2\\_racing-pigeon-gps-trial-over-water\\_animals](http://www.dailymotion.com/video/xblpk2_racing-pigeon-gps-trial-over-water_animals) (Dec. 22, 2009) (pigeon extended a 4.5 mile flight to 8 miles to avoid a 3 mile distance over water).

<sup>111</sup> Ex. 29, Richard P. Mann et al., *Landscape Complexity Influences Route-Memory Formation in Navigating Pigeons*, 10 *Biol. Lett.* 20130885 (2014).

Protection Act. In addition, the pigeons who are forced to race suffer maltreatment and harm and are often deprived of adequate care and abandoned in violation of the Animal Protection Act. We respectfully urge your office investigate and prosecute this conduct and confiscate the pigeons forced to race pursuant to APA Arts. 32(2), 33(1).

## EXHIBITS

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