

Seafood

BUSINESS

Justice runs amok

Importers who are dealing with expensive species such as Chilean sea bass or spiny lobster should make law journals and a copy of the Lacey Act a part of their education. Sifting through the legalese of the legislation is no fun, but it could keep you from winding up behind bars. Just take a look at *McNab v. United States*, a case that involves spiny lobster imports from Honduras (see Top Story, page 1).

As *SFB* Senior Writer Steven Hedlund reports in his story, there are many facets to this seafood-smuggling case. Importers should take note that the packaging materials and undersized lobsters within the shipment are what brought the matter to light. Prosecutors believed they had an ironclad case of conspiracy, smuggling and other charges.

Approximately 3 percent of the 70,000 pounds of spiny lobster were undersized and all were packed in clear plastic bags instead of cardboard boxes, which violated a 1973 Honduran statute. But even the Honduran attorney general supplied an opinion to the case, saying the size restrictions and packaging specs should not be enforced because they weren't signed into law.

These may seem like trivial details that importers handle on a daily basis. But U.S. prosecutors decided to take the seafood dealers to task, and now their fate rests with the Supreme Court. The defendants were convicted in criminal court instead of civil, and were sentenced to eight years in prison.

The case has been heavily debated over the past few months within the news media. The common theme among all the stories and editorials is "overcriminalization." The defendants would face less prison time if they were congressmen from South Dakota convicted of vehicular manslaughter.

The case paints a sad picture of the U.S. justice system. Why clog up the criminal courts with this case instead of spending time prosecuting drug smugglers or terrorists?

While U.S. prosecutors have made the case out to be a continuation of the industry's typical shady back-door dealings, this case seems to be one of administrative errors and legal wrangling gone amok, not an intentional criminal act worth eight years in prison.



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