

LCA Legal Complaint Leads to More Charges Against Marineland Canada
From [LCA Last Chance for Animals](#)
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Marineland Canada will be back in Court for their seventh appearance on 9/28/2022. Marineland has been charged with unauthorized use of whales and dolphins for entertainment purposes, based on LCA's 2021 investigation and legal complaint.

The case is moving forward after a delay of over six months during which Marineland lawyers requested documents and information from the Crown's attorney. The next step is the important Crown pre-trial, where Marineland's lawyers will meet with the Crown Attorney to discuss the case, including the possibility of early resolution.

[Read LCA's investigation and legal complaint here.](#)

Marineland Canada is home to captive dolphins, a lone orca named Kiska and the largest population of Beluga whales in North America. The animals are suffering at Marineland Canada, the Canadian Government must hold Marineland accountable under Canada's 2019 federal law, *The Ending the Captivity of Whales and Dolphins Act*.

Canada's historic *Act* is aimed at phasing out cetaceans (whales, dolphins, or porpoises) in captivity. The *Act* also changed Canada's laws to better protect cetaceans. It is now a crime to breed captive cetaceans and/or use them in shows for entertainment performances. The *Act* also placed limitations on captive cetacean export out of Canada.

LCA is calling on the Canadian Government to take accountability for the animals at Marineland Canada by:

- 1) Ensuring Marineland's cetaceans are not used for entertainment performances - This was banned under the *Act*, yet Marineland has continued to utilize cetaceans in entertainment performances.
- 2) Ensure Marineland's cetaceans are cared for properly - There have been water quality issues at Marineland and an indeterminate number of whales have died. Inspections by Ontario's Provincial Animal Welfare Service (PAWS) found animals at Marineland lived in distress.
- 3) Ensure Marineland Canada's cetaceans remain in Canada where they are protected under the *Act* - If the cetaceans are exported to countries with weaker animal protection laws, there is a possibility they could be bred - making way for future generations of cetaceans suffering in captivity.

CAMPAIGN TIMELINE

August 17, 2022 – Marineland’s Sixth Appearance in Court

Marineland Canada was back for their sixth appearance in criminal court on 8/17/2022, charged with unauthorized use of whales and dolphins for entertainment purposes, based on [LCA’s 2021 investigation and legal complaint](#). The case is moving forward. The next step is the important Crown pre-trial, where Marineland’s lawyers will meet with the Crown Attorney to discuss the case, including the possibility of early resolution. Marineland will be back in Court on 9/28/2022.

June 29, 2022 – Marineland’s Fifth Appearance in Court

Marineland Canada was back in criminal court on 6/29/2022, charged with unauthorized use of whales and dolphins for entertainment purposes, based on LCA’s 2021 investigation and complaint. Marineland’s lawyers continue to focus on requests for more documents and information from the Crown Attorney’s office. Marineland ordered back to Court on 8/17/2022.

May 18, 2022 – Marineland’s Fourth Appearance in Court

Marineland Canada was back in criminal court on 5/18/2022, charged with unauthorized use of whales and dolphins for entertainment purposes, based on LCA’s 2021 investigation and complaint. Marineland’s lawyers continue to request more documents and information from the Crown Attorney’s office. Marineland ordered back to Court on 6/29/2022.

April 20, 2022 – Marineland’s Third Appearance in Court

Marineland had their third appearance in Court on 4/20/2022. Marineland has been criminally charged with unauthorized use of whales and dolphins for entertainment purposes. LCA has provided the police with additional footage, in support of the case, which has been provided to Marineland’s lawyers. Marineland’s lawyers continue to follow up with the Crown Attorney’s office for more information and ordered back in Court on 5/18/2022.

March 23, 2022 – Marineland’s Second Appearance in Court

Marineland Canada was in court for their second appearance on 3/23/2022. Marineland criminal lawyer, Scott Fenton, is following up with the Crown’s attorney for more information. Marineland ordered back in court on 4/20/2022.

The police asked LCA to provide all investigative evidence in relation to the charges laid against Marineland.

February 14, 2022 - Marineland's First Court Appearance after LCA Legal Complaint Leads Police to Lay Charges

Marineland Canada appeared in court represented by criminal lawyer Scott Fenton. Fenton advised he has been retained and is following up on the Crown’s evidence against Marineland. Marineland ordered back to court on 3/23/2022.

LCA is urging the Crown attorney to prosecute Marineland Canada to the full extent of the law and hold them accountable for their actions under the 2019 Ending the Captivity of Whales and Dolphins Act. Marineland is not above the law.

December 13, 2021 - Police Lay Charges Against Marineland Canada after LCA Undercover Investigation and Legal Complaint

The [Niagara Regional Police Service announced](#) Marineland Canada has been charged with violating provisions of the *Ending the Captivity of Whales and Dolphins Act* based on a legal complaint filed by LCA.

The police investigation found that dolphins and whales were used for entertainment performances during the month of August 2021 without being authorized to do so under the *Act*. Marineland has been ordered to appear at the Robert S.K. Welch Courthouse on February 14, 2022.

[Read more about LCA's investigation and complaint here.](#)

LCA is urging the Canadian Government to uphold Canada's historic *Ending the Captivity of Whales and Dolphins Act* and ensure proper care for the remaining Beluga whales and dolphins at Marineland Canada.

December 10, 2021 - LCA Undercover Investigation of Marineland Canada and Subsequent Legal Complaint Leads to Police Investigation

LCA's undercover investigation of Marineland Canada and subsequent legal complaint led to the Ontario Police Department investigating the facilities use of the whales and dolphins in public appearances. LCA filed the complaint based on concerns that Marineland is violating a provision of the 2019 Canadian *Bill S-203: Ending the Captivity of Whales and Dolphins Act* which prohibits cetaceans (whales, dolphins and porpoises) from being used for entertainment purposes.

“Marineland Canada has continued their shows for the public despite Canada passing a law in 2019 prohibiting the use of whales and dolphins for entertainment,” said Chris DeRose, Founder and President of LCA. “Requiring the whales and dolphins to continue performing is a despicable practice that must be stopped, which we were under the impression was the intention of the law. The Ontario police department should be commended for taking the findings of LCA’s investigation seriously.”

Marineland Canada should provide greater transparency about the health of their marine animals. LCA’s undercover investigations have exposed shocking abuse and neglect at the controversial theme park. LCA’s documentation of inadequate housing, treatment, and care of the animals was instrumental in the passage of the 2019 Canadian *Bill S-203: Ending the Captivity of Whales and Dolphins Act*, which outlawed the keeping, breeding, and capture of cetaceans and prohibits using them in entertainment performances. Numerous inquiries have been made in the past as to why Marineland shows continue to go on. Four government entities have confirmed they have not issued a license to Marineland for the shows.

The investigation documented dolphins doing flips, spinning, having a “dolphin dance party” and performing other tricks on command to music in front of a live audience. Beluga whales were also documented being instructed to perform tricks for food in front of park attendees.

The legal complaints were filed with Niagara Regional Police Service that Marineland is in violation of section 445.2(4)* of the Criminal Code, the cruelty to animal provisions about the use of captive whales and dolphins in shows for entertainment purposes. The Ministry of the Solicitor General confirmed to CTV news it “has not issued a licence to Marineland that would permit the use of captive cetaceans for performance for entertainment purposes.”

The Green Party of Ontario released a [formal statement](#) about the investigation and condemning the use of whales and dolphins for entertainment, “The complaints that Marineland violated the criminal code with whale and dolphin shows are deeply distressing. Ontario Greens have consistently called for the

captivity of whales and dolphins to end. Marine mammals should not be used for entertainment. End of story.”

[Click here to read Canada’s CTV News coverage](#)

*445.2(4): Every person commits an offence who promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive cetaceans are used, in Canada, for performance for entertainment purposes, unless the performance is authorized under a licence issued by the Lieutenant Governor in Council of a province or by an authority in the province as may be specified by the Lieutenant Governor in Council.

May 14, 2021 - Canada Allows the Unethical Export of Five Beluga Whales to Mystic Aquarium in the U.S. Despite Protections Under Canadian Law

Despite efforts of LCA and the animal community both in the U.S. and Canada, five Beluga whales were exported from Marineland Canada in Niagra Falls, ON, on 5/14/21 and arrived at Mystic Aquarium in Mystic, CT on 5/15/21. The Beluga whales endured a grueling journey that was over 22 hours long, including a two-hour flight to Connecticut. Already, Mystic Aquarium has stated their intention to breed the Beluga whales. In a Boston Globe article, a spokesperson for Mystic acknowledged they eventually want to allow the Beluga whales to breed naturally.

LCA condemns the decision made by the Hon. Bernadette Jordan, Canada's Minister of Fisheries and Oceans at the time, to approve Marineland's request for an export permit and believes the Canadian Government failed to extend the protections of the *Ending the Captivity of Whales and Dolphins Act* to the exported Beluga whales. By issuing the export permit, the Canadian Government is sending these Beluga whales to become research subjects with an unknown future most likely destined to further exploitation.

May 12, 2021 - Marineland Canada Prepares Belugas for Transfer Despite Protection Under Canadian Law

LCA learned the Hon. Bernadette Jordan, Canada's Minister of Fisheries and Oceans at the time, quietly approved an export permit requested by Marineland Canada to transfer 5 Beluga whales to Mystic Aquarium in Connecticut, U.S. LCA calls on the Canadian Government to halt the transfer, rescind the permit and ensure all 5 whales will be protected from export.

Reports indicate that a team of staff from Mystic Aquarium are currently on site at Marineland preparing the whales for export to Mystic. The Mystic team did not have to comply with the mandatory 2-week COVID-19 quarantine restrictions, as typically required by the Canadian Government. The Beluga whales will be forced to endure a traumatic 10 hour journey from Marineland Canada to Mystic Aquarium.

Neither the Department of Fisheries and Oceans (DFO) nor Minister Jordan had publicly issued a statement announcing the export permit was granted to Marineland Canada. Despite several opportunities for Minister Jordan to make her stance known, the permit was issued in secrecy, out of public view and scrutiny. LCA condemns the complete lack of transparency in this process and called for the immediate public release of the export permit and supporting documentation.

LCA also called upon Minister Jordan to uphold the intention of the historic *Ending the Captivity of Whales and Dolphins Act* which was passed in 2019. Under the Act, captive breeding and entertainment performances involving Beluga whales are prohibited in Canada. The U.S. does not have a similar law, and although breeding and entertainment performances are prohibited under the U.S. import permit issued

by the National Marine Fisheries Service, the permit expires in 5 years, and leaves the whales vulnerable to breeding, further export and being used in entertainment performances thereafter.

"Minister Jordan and the DFO have undermined the public trust. Transferring the whales outside of protections of Canadian law is unacceptable. The transfer is being rushed, carried out in complete secrecy and is not in the best interest of the Belugas," stated Chris DeRose, LCA President & Founder.

April 2021 - Marineland Canada Plans Export of 5 Beluga Whales to the United States Despite Protections Under Canada Law

LCA worked to stop the export of 5 Beluga whales: Sahara, Jetta, Kharabali, Havok and Havana from Marineland Canada to Mystic Aquarium in Connecticut. In order for the export to occur, an import permit needs to be granted by the U.S. government's National Marine Fisheries Service (NMFS) and an export permit needs to be granted by Canada's Minister of Fisheries and Oceans, the Honourable Bernadette Jordan.

The NMFS issued the import permit to Mystic Aquarium; it is valid until August 31, 2025. LCA and Friends of Animals plan to appeal the U.S. decision.

The Canadian government has not yet decided whether it will issue the export permit that would allow Marineland to export the whales. LCA is asking the Hon. Bernadette Jordan to deny the export permit.

Both Marineland and Mystic have filed for their respective permits under the guise of scientific research. Under the *Ending the Captivity of Whales and Dolphins Act*, the export permit can be issued if it is for the purpose of conducting scientific research or keeping the cetacean in captivity if it is in the best interests of the cetaceans' welfare.

In the original permit application to the NMFS, Mystic proposed Study 7, which was a "Behavioural and Reproduction Study"; however, NMFS denied this study. Mystic removed the study from their application and had to submit a Breeding Prevention Plan that outlined how Mystic would prevent the whales from breeding for the duration of the import permit. However, the permit terms only last for 5 years, leaving the whales vulnerable to breeding thereafter.

5 Reasons Why LCA is Opposing the Export of Beluga Whales

1) Canada has Enacted a Historic Animal Protection Law for Whales, Dolphins and Porpoises (Cetaceans)

In July 2019, Canada passed the *Ending the Captivity of Whales and Dolphins Act*, (formerly Bill S203) into law, which signifies Canada's commitment to permanently phase out the cycle of cetaceans in captivity. The *Act* reflects positive steps by the Canadian Government to recognize the intelligence of these magnificent creatures and recognizes the harmful effects of captivity. The *Act* prohibits the breeding of whales, dolphins, and porpoises, using them in performances for entertainment purposes and restricts importing and exporting them.

2) Exporting the Beluga Whales Outside of Canada Would Remove the Protections of the *Ending the Captivity of Whales and Dolphins Act*

Exporting the Beluga Whales to Mystic Aquarium would remove them from the protections of Canadian law and leave them vulnerable to breeding and being used for entertainment performances. Although these are prohibited under the import permit issued by the NMFS, the permit is only valid for 5 years and would leave the Beluga whales vultion of Canadian laws that were meant to protect them.

3) The Transport and Relocation is Harmful and Potentially Fatal

The journey from Marineland to Mystic Aquarium would take a minimum of 10 hours in the best-case scenario. In order for the Beluga whales to be exported, they would need to be captured, hoisted out of their tanks with cranes, transported on trucks, wait to board their aircraft, fly to Connecticut, be unloaded from the plane, and transported again by truck to Mystic Aquarium. Studies have documented increased stress levels when captive cetaceans have been transported, and it would create stress for both the Beluga whales being exported from Marineland and the Beluga whales already living at Mystic, to redefine and create new social bonds. In some cases, the whales never fully recover from the stress of transport and social upheaval, which can lead to fatality.

4) The Export Could Set a Dangerous Precedent for the Remaining 46 Beluga Whales at Marineland Canada

By allowing Marineland Canada to export the 5 Beluga whales, it would set a dangerous precedent to allow for the export of other whales at Marineland to countries with weaker animal protection laws.

5) Exporting the Beluga Whales Outside of Canada Would Not be in Line with the Intention of the *Ending the Captivity of Whales and Dolphins Act*

Exporting the whales would allow the cycle of captive breeding to perpetuate, making way for new generations of captive whales - the very practice that Canada recently banned.

March 2021 - Beluga Whale Import Permit Issued to Mystic Aquarium Despite Beluga Protections Under Canada Law

The lawsuit challenges NMFS's decision to issue the import permit on the basis that the permit did not comply with the requirements of the *Marine Mammal Protection Act (MMPA)* or the *National Environmental Policy Act (NEPA)*.

LCA and FoA are of the view that NMFS failed to comply with the *MMPA* because the agency did not impose the heightened scrutiny on the permit issuing process that is required when dealing with depleted stock marine mammals such as those at issue in this case. The Beluga's being imported from Marineland had at least one parent that was considered depleted stock. The *MMPA* was put into place to protect certain species and populations of marine mammals who are, or may be, in danger of extinction or depletion as a result of man's activities (depleted stock marine mammals) and it is the view of LCA and FoA that the NMFS failed to do that in this case. LCA and FoA are also of the view that NMFS failed to comply with *NEPA* because it failed to consider all significant aspects of the environmental impact of the transfer when completing its environmental assessment.

While LCA was preparing to appeal the U.S. court's decision, the Canadian government issued the export permit allowing Mystic Aquarium to import the Belugas to their Connecticut facility.

LCA instated round-the-clock surveillance to monitor and document the transfer of the Belugas, to ensure that any issues with their transportation would be captured on film. LCA further called out the Canadian government and has been taking steps to demand that such a transfer never be permitted again.

January 2021 - LCA Joins Lawsuit to Stop Marineland Canada Beluga Import into the United States

LCA joined a lawsuit launched by Friends of Animals (FoA), an international animal advocacy organization, against the NMFS to challenge the import permit issued by the U.S. National Marine Fisheries Service (NMFS). LCA joined the lawsuit as co-plaintiff.

The suit, entitled *Friends of Animals and Last Chance for Animals v. Gina Raimondo and National Marine Fisheries Service* was filed at the United States District Court, District of Connecticut (Case file number: No. 3:20-cv-01312-AWT), and was brought to court in March 2021.