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Seal and FSC certified, with soy-based ink.

July 18, 2006

Jeffrey P. Bezos
President and CEO
Amazon.com Inc.
1200 12th Avenue South
Suite 1200
Seattle, WA 98144-2734

Michelle Wilson
General Counsel
Amazon.com Inc.
1200 12th Avenue South
Suite 1200
Seattle, WA 98144-2734

**Re: Notice of Intent To Sue Concerning Violations of Title 21 §
2156 (c) of the United States Code, and § 28-3904(x) of the
District of Columbia Consumer Protection Act.**

Dear Mr. Bezos and Ms. Wilson,

On behalf of The Humane Society of the United States (HSUS) and our more than 9 and a half million members and constituents, I am writing to provide you notice that The HSUS intends to commence a civil action against Amazon.com in the District of Columbia based on Amazon.com's sale of two magazines -- *The Gamecock* and *The Feathered Warrior* -- that promote and further cockfighting activities in violation of federal law.

In July of 2005, The HSUS wrote to Amazon.com and asked that these magazines be removed from your website based on clear violations of federal law. To date, no response has been received, and as of July 2006 these magazines continue to be advertised for sale on your website. Accordingly, unless these magazines are removed immediately, The HSUS will have no choice but to initiate legal action.

As we have previously advised you, *The Gamecock* and *The Feathered Warrior* are nationally circulated cockfighting magazines that are filled with advertisements for fighting birds and cockfighting paraphernalia. For example, the January 2006 edition of *The Feathered Warrior* contains advertisements for "the Gamest Cocks Alive" and "Cocks" who "demand respect in the ring." THE FEATHERED WARRIOR 3-4 (Verna A. Dowd ed., Jan. 2006).

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The January edition of *The Feathered Warrior* also contains numerous ads for cockfighting supplies, such as hormones that encourage “pure aggression” and that can be used to “prepare your cock for battle,” along with knives and weapons, such as “Articles of the Spur” that can be attached to the birds’ legs for fighting. *Id.* at 12, 15.

Likewise, the January 2006 edition of *The Gamecock* contains a significant number of advertisements for knives and gaffs—the weapons of cockfighting which are strapped to the birds’ legs to increase the fights’ bloody carnage. In this single edition, there are over ten advertisements for these cockfighting instruments, including some that are prominently displayed on glossy pages. *THE GAMECOCK* 0, 3, 28, 32, 36, 70, 73, 77, 117 (J.C. Griffiths ed., Jan. 2006). There are also numerous advertisements in *The Gamecock* for birds for sale for fighting purposes. For example, Ray Alexander in Alabama advertises birds who have been “winners” at Sunset, the largest cockfighting pit in the country. *Id.* at 6. Another advertisement by John Kelso in Texas claims he produces a “superior fighting cock.” *Id.* at 7. Blue Fever Blues advertises its birds as having competed, “consistently performing and winning,” at all the major clubs in Texas, Louisiana, Oklahoma, Arizona, and Kentucky. *Id.* at 31. In another advertisement, Dee Cox in Alabama tells customers, “These Cocks Have Won More BIG DERBIES Than Any One.” *Id.* at 79.¹

The sale of these magazines on your website clearly violates Title 7 U.S.C. § 2156, also known as the Animal Welfare Act. Section 2156 provides that “[i]t shall be unlawful for any person to knowingly use the mail service of the U.S. Postal Service or any interstate instrumentality for purposes of promoting or in any other manner furthering an animal fighting venture except as performed outside the limits of the States of the United States.” 7 U.S.C. § 2156(c). Additionally, “[a]ny person who violates subsection (a), (b), or (c) of this section shall be fined not more than \$15,000 or imprisoned for not more than 1 year, or both, for each such violation.” *Id.* § 2156(e).

In turn, the District of Columbia Consumer Protection Procedures Act (“Consumer Act”), D.C. Code §§ 28-3901 *et seq.*, allows individuals and organizations to bring an action in the Superior Court of the District of Columbia seeking relief from the use of unlawful trade practices. D.C. Code § 28-3905(k)(1) (2004). Among other prohibitions, the Consumer Act provides that “[i]t shall be a violation of this chapter, whether or not any consumer is in fact misled, deceived or damaged thereby, for any person to . . . sell consumer goods in a condition or manner not consistent with that warranted by operation of sections 28:2-312 through 318 of the District of

¹ If there are any doubts that *The Feathered Warrior* and *The Gamecock* are selling birds for fighting, recent HSUS investigations should put those doubts to rest. During one phone call in which an HSUS investigator spoke to the publisher of *The Gamecock* in Hartford, Arkansas, the publisher stated that he had “no problem” with using his magazine for the purpose of selling fighting birds. Similarly, the publisher of *The Feathered Warrior* in De Queen, Arkansas confirmed that she could advertise fighting birds and fighting implements, such as gaffs and knives, in order to promote cockfighting.

Columbia Official Code, or by operation or requirement of federal law.” D.C. Code §§ 28-3904 (emphasis added).

Amazon.com is clearly subject to suit in the District of Columbia for the ongoing and blatant violations of federal law discussed above. See Arista Records, Inc. v. Sakfield Holding Co. S.L., 314 F.Supp.2d 27 (D.D.C. 2004) (maintenance of website from which D.C. residents could download music was sufficient minimum contacts for both constitutional due process and “doing business” provision of District's long-arm statute). Accordingly, The HSUS intends to file suit against Amazon.com immediately.

Sincerely,

Jonathan R. Lovvorn, Esq.
Vice President, Animal Protection Litigation
The Humane Society of the United States

cc: Corporate Service Company
Registered Agent
1013 Centre Road
Wilmington, DE 19805

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