

1 17. B. Merry operated without a business license from the date of the
2 dissolution of B. MERRY STUDIO, INC. (entity number 81876D) until August 9,
3 2012.

4 18. On August 9, 2012, Robert Merry obtained business license 977596, for
5 B. Merry Studio, a sole proprietorship. The sole proprietorship's business license
6 expired on December 31, 2017.

7 19. B. Merry Studio, Inc. incorporated on December 22, 2017, and obtained a
8 business license on January 18, 2018. B. Merry Studio, Inc. remains in existence today.

9 20. B. Merry Studio, Inc. is a successor and mere continuation of the sole
10 proprietorship (B. Merry Studio), the prior business corporation B. MERRY STUDIO,
11 INC. (entity number 81876D), and the unlicensed and unincorporated version of B.
12 Merry Studio. The current version of B. Merry Studio, Inc. is liable for the conduct of
13 prior versions (licensed and unlicensed) of the company. The allegations in the
14 following paragraphs pertain to a pattern of illegal conduct that began before the
15 creation of the current iteration of the company and continue into the present.
16

17 21. The current and former versions of the company described in paragraphs
18 16 through 20 shall be collectively referred to as "B. Merry" in this Complaint.

19 22. B. Merry is a family business. Robert Merry and Josephine Merry are
20 married. Mark Uy and Mary Uy are Josephine Merry's children, and Robert Merry's step-
21 children. Judylyn Uy is married to Mark Uy.

22 23. B. Merry is in the business of selling knives, billikens, figurines, carvings,
23 and similar products.

1 24. The majority of B. Merry’s products are made, in part or in whole, from
2 animal parts such as bone, horn, or antler.

3 25. B. Merry sells its products to retail stores across Alaska, including but not
4 limited to stores in Anchorage, Girdwood, Juneau, Sitka, Ketchikan, and Petersburg.
5

6 26. B. Merry also sells its products directly to individual consumers over the
7 internet and at live markets or shows.

8 **II. B. Merry’s Misuse of the “Made in Alaska” Emblem**

9 27. The “Made in Alaska” emblem is a certification mark that is licensed to
10 businesses by the Department of Commerce, Community, and Economic Development
11 (“DCCED”) for the purpose of promoting products that are manufactured in Alaska.

12 The “Made in Alaska” emblem is registered with the State of Alaska, and with the U.S.
13 Patent and Trademark Office.

14 28. The “Made in Alaska” emblem is well known in the State, and provides a
15 competitive marketing advantage to businesses that use the emblem. Consumers trust
16 that items with the “Made in Alaska” emblem were made in Alaska.
17

18 29. B. Merry possessed a permit to use the “Made in Alaska” emblem, but the
19 permit was revoked on December 1, 2016 because B. Merry failed to file re-certification
20 forms. B Merry obtained a new permit to use the “Made in Alaska” emblem on
21 February 26, 2020.
22

23 30. B. Merry uses the “Made in Alaska” emblem in violation of its permitted
24 use, by affixing the emblem to products that were not made in Alaska.
25
26

1 **III. B. Merry Falsely Markets Products as “Alaskan Made” and “Made in**
2 **Alaska”**

3 31. The majority of B. Merry’s products offered for sale have a sticker
4 attached to them that says “B. Merry” and “Alaskan Made.” The image below is a
5 typical example of a B. Merry product with the “Alaskan Made” sticker affixed to it.



12 32. In some instances, B. Merry’s products are affixed with the State of
13 Alaska’s trademarked “Made in Alaska” emblem instead of the “Alaskan Made” sticker.
14 The image below is a typical example of a B. Merry Knife product with the “Made in
15 Alaska” emblem affixed to it.



1 33. In addition to the stickers, B. Merry knife blades are often etched with the
2 words “B. Merry” and “Alaskan Made.” The image below is a typical example of a B.
3 Merry knife blade etching.



4
5
6
7
8
9
10
11
12 34. The majority of B. Merry’s products are not made in Alaska or by
13 Alaskans. B. Merry’s products are typically made in the Philippines.

14 35. B. Merry acquires raw animal materials such as antlers, horns, and bone in
15 Alaska, sometimes illegally purchasing the animal, or killing and illegally wasting the
16 animal.

17
18 36. B. Merry then sends the animal products to the Philippines, typically to an
19 entity called B&J’s Pawnshop (B&J’s) in Dumaguete City. Robert Merry and Josephine
20 Merry have an ownership stake in B&J’s.

21 37. B. Merry’s exports of raw animal materials to the Philippines are
22 documented by U.S. Fish and Wildlife Service declarations, denoting the raw materials
23 being shipped.

38. The images below are examples of USFWS export declarations signed by Robert Merry and Josephine Merry in 2015 and 2019, respectively.

USFWS Form 3-177
 Revised 4/1/10
 OMB No. 1018-0012
 Expiration Date: 04/30/2016

**U.S. FISH AND WILDLIFE SERVICE
 DECLARATION FOR IMPORTATION
 OR EXPORTATION OF
 FISH OR WILDLIFE**

1 Date of Import/Export: (mm/dd/yyyy)
11/06/2015

2 Import/Export License Number:
LE41942B-0

3 Indicate One: Import Export

4 Port of Clearance: AN

5 Purpose Code: T

6 Customs Document Number (s)

7 Name of Carrier: GREAT TRAVELER

8 Air Waybill or Bill of Lading Number
Master
House: 1331530

9 Transportation Code: A

10 Bonded Location for Inspection
ANCHORAGE

11 Number of Cartons Containing Wildlife:
3

12 Markings on Cartons Containing Wildlife:

13a. (Indicate One) (Complete name/U.S. address/telephone number/e-mail address)
 U.S. Importer
 U.S. Exporter
 MERRY, JOSEPHINE
 1000 W. 11TH AVENUE
 ANCHORAGE, ALASKA 99501-1994

13b. Identifier Number: _____ ID Type: _____

14a. (Indicate One) (Complete name/foreign address/telephone number/e-mail address)
 Foreign Importer
 Foreign Exporter
 B&J'S PARISHOP
 LORENZA SEE BUILDING
 MR. CRISTINA STREET
 DUMAGUETE CITY, PH 6200

14b. Country Code: PH

14c. Identifier Number: _____ ID Type: _____

15a. Customs Broker, Shipping Agent or Freight Forwarder:
 (Complete business name/address/telephone and fax number/e-mail address)

15b. Identifier Number: _____ ID Type: _____

15c. Contact Name: _____

Species Code (Official Use Only)	16a. Scientific Name	17a. Foreign CITES Permit Number	18a. Description Code	19a. Quantity/Unit	20. Country of Species Origin Code (ISO Code)	21. Venomous Live Wildlife Indicator <input type="checkbox"/> (Check if yes)
	16b. Common Name	17b. U.S. CITES Permit Number	18b. Source Code	19b. Total Monetary Value		
CARI	RANGIFER TARANDUS		HOP	45 KG	US	<input type="checkbox"/>
	CARIBOU		W	\$68		
ALCE	ALCES ALCES		HOP	45 KG	US	<input type="checkbox"/>
	MOOSE		W	\$68		
MAMP	MAMMOTHUS PREMIGENIUS		BOP	11 KG	US	<input type="checkbox"/>
	MAMMOTH BONE		W	\$22		
STEL	HYDRODAMALIS GIGAS		BOP	9 KG	US	<input type="checkbox"/>
	STELLAR SEACOW		W	\$18		

now knowingly making a false statement in a Declaration for Importation or Exportation of Fish or Wildlife as subject the declarant to the penalty provided by 18 U.S.C. 1001 and 16 U.S.C. 3372(d)

22. I certify under penalty of perjury that the information furnished is true and correct.
 Signature: *Robert Merry* Date: 11/05/2015
 ROBERT MERRY
 Type or Print Name

Official Use Only
 (Official Comments)
 188000/493
 Wildlife Declared: Yes No
 U.S. FISH & WILDLIFE SERVICE
 ANCHORAGE, ALASKA
 RECEIVED
 11/06/15

ATTORNEY GENERAL, STATE OF ALASKA
 1031 WEST 4TH AVENUE, SUITE 200
 ANCHORAGE, ALASKA 99501-1994
 PHONE (907) 269-5100

ATTORNEY GENERAL, STATE OF ALASKA
 1031 WEST 4TH AVENUE, SUITE 200
 ANCHORAGE, ALASKA 99501-1994
 PHONE (907) 269-5100

USFWS Form 3-877
 (Revised 8/2/16)
 GSA # No. 1618-0012
 Expiration Date: 03/31/2023



U.S. FISH AND WILDLIFE SERVICE
 DECLARATION FOR IMPORTATION
 OR EXPORTATION OF
 FISH OR WILDLIFE

1. Date of Import/Export: (mm/dd/yyyy)
 06-11-2019

2. Import/Export License Number:
 LE041506

3. Indicate One: Import Export

4. Port of Clearance: AN

5. Purpose Code: _____

6. Customs Document Number (s)

7. Name of Carrier: _____

8. Air Waybill or Bill of Lading Number:
 Master: _____
 House: _____

9. Transportation Code: P
 License # _____ State or Province _____

10. Bonded Location for Inspection:
 ANCHORAGE

11. Number of Cartons Containing Wildlife: _____

12. Markings on Cartons Containing Wildlife: _____

13a. (Indicate One) (Complete name/U.S. address/telephone number/e-mail address)
 U.S. Importer
 U.S. Exporter
 B. MERRY STUDIO
 5603 DORBRANDT ST.
 ANCHORAGE, AK 99518
 907-243-8280

14a. (Indicate One) (Complete name/foreign address/telephone number/e-mail address)
 Foreign Importer
 Foreign Exporter
 B + J'S PAWNSHOP
 LORENZA SEE BUILDING PH
 MA. CRISTINA STREET
 DUMAGUETE CITY, PH 6200

14b. Country Code

13b. Identifier Number: _____ ID Type: _____

15a. Customs Broker, Shipping Agent or Freight Forwarder:
 (Complete business name/address/telephone and fax number/e-mail address)

14c. Identifier Number: _____ ID Type: _____

15b. Identifier Number: _____ ID Type: _____

15c. Contact Name: _____

Species Code (USFWS Form 3-877)	16a. Scientific Name	17a. Foreign CITES Permit Number	18a. Description Code	19a. Quantity/Unit	20. Country of Species Origin Code (ISO Code)	21. Venomous Live Wildlife Indicator (Check if yes)
	16b. Common Name	17b. U.S. CITES Permit Number	18b. Source Code	19b. Total Monetary Value		
	RANGI FER TARANDU CARIBOU		HDP W	73 PCS \$ 14.08	US	<input type="checkbox"/>
	ALCES ALCES MOOSE		HDP W	299 PCS \$ 56.70	US	<input type="checkbox"/>
	HYDRODAMALUS STELLAR SEA COW		BDP W	176 PCS \$ 33.94	US	<input type="checkbox"/>
	OVIS DALL DALL SHEEP		HDC W	5 PCS \$ 0.96	US	<input type="checkbox"/>

I know that making a false statement on a Declaration for Importation or Exportation of Fish or Wildlife may subject the declarant to the penalty provided by 18 U.S.C. 1011 and 16 U.S.C. 1122(a).

22. I certify under penalty of perjury that the information furnished is true and correct.

Signature:
 Date: _____
 JOSEPHINE L. MERRY
 Type or Print Name

23. Wildlife Declared: Yes No

24. Wildlife Inspected: Full Partial None

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

39. Mark Uy has signed a similar USFWS declaration for an export of unmanufactured animal products to the Philippines.

40. B&J's manufactures the raw materials into finished products and nearly finished products, such as knives, billikens, figurines, and carvings.

41. As part of the manufacturing process, B&J's also uses products that are sourced from within the Philippines, such as dymond wood. On information and belief, B&J's also uses items sourced from China, such as knife blades with the words "B. Merry" and "Alaskan Made" already etched into them.

42. After manufacturing the raw materials into finished or nearly finished products, B&J's ships the products back to B. Merry in Alaska.

43. The images depicted below are typical invoices for items shipped from B&J's to B. Merry. The invoices are for "Labor Only", and include numerous products made from the types of raw materials B. Merry ships to B&J's.



COMMERCIAL INVOICE: BJJ0019-11
B & J'S PAWNSHOP AND FINE JEWELRY
 Ma. Cristina Street, Dumagueta City
 Tel. No. (6335) 422-5339
 Email Add: bandjpawnshop@yahoo.com

Date: June 11, 2019

Attention:

SHIP TO
 B. Merry Studio
 5603 Dorbrandt St.
 Anchorage, AK 99511#
 907-243-8280

CARRIER: Teresa Gonzalgo

PHONE NO.:

QNTY	DESCRIPTION	UNIT PRICE	TOTAL	Raw Material Cost	Total Material Cost
26	Plastic PU Handles	10.00	260.00	10.00	260.00
36	Caribou Antler PU Handles	10.00	360.00	10.00	360.00
125	Moose Antler PU Handles	10.00	1,250.00	10.00	1,250.00
152	Stellar Sea Cow PU Handles	10.00	1,520.00	10.00	1,520.00
10	Stellar Sea Cow MSK Handles	10.00	100.00	10.00	100.00
8	Moose Antler MSK Handles	10.00	80.00	10.00	80.00
9	Caribou Antler MSK Handles	10.00	90.00	10.00	90.00
16	Caribou Antler GH Handles	10.00	160.00	10.00	160.00
6	Moose Antler GH Handles	10.00	60.00	10.00	60.00
6	Stellar Sea Cow GH Handles	10.00	60.00	10.00	60.00
3	Dall Sheep GH Handles	10.00	30.00	10.00	30.00
9	Moose Antler CK Handles	10.00	90.00	10.00	90.00
1	Moose Antler SK Handle	10.00	10.00	10.00	10.00
83	Moose Antler BMK 5.0 EH Natural Handles	10.00	830.00	10.00	830.00
2	Dall Sheep BMK 5.0 Handles	10.00	20.00	10.00	20.00
4	Moose Antler BMK 5.0 BH Natural Handles	10.00	40.00	10.00	40.00
6	Stellar Sea Cow BMK 5.0 Handles	10.00	60.00	10.00	60.00
53	Moose Antler BMK 3.5 EH Natural Handles	10.00	530.00	10.00	530.00
1	Moose Antler BMK 3.5 BH Natural Handle	10.00	10.00	10.00	10.00
9	Caribou Antler H1 Handles	10.00	90.00	10.00	90.00
3	Moose Antler H1 Handles	10.00	30.00	10.00	30.00
3	Caribou Antler BSK Handles	10.00	30.00	10.00	30.00
1	Moose Antler BSK Handle	10.00	10.00	10.00	10.00
2	Stellar Sea Cow BSK Handles	10.00	20.00	10.00	20.00
TOTAL SHIPMENT BALANCE			Php 5,740.00	Php	5,740.00
Box 2 of 2 box(es)			Labor only		
Note: All information is calculated in Philippine Peso					
Calculated exchange rate:		Php	51.85 \$	110.70	\$110.70

RECEIVED PAYMENT BY: EVANGELINE L. MAQUILING
 Manager

COMBINE TOTAL: \$ 221.41

OFFICIAL RECEIPT NUMBER : 3720

Page 1 of 1

Box No. : 2

Weight: Approx. 71 kls

ABOVE PRODUCTS ARE UNFINISHED

ATTORNEY GENERAL, STATE OF ALASKA
 1031 WEST 4TH AVENUE, SUITE 200
 ANCHORAGE, ALASKA 99501-1994
 PHONE (907) 269-5100

1 44. The invoices state that “Above Products are Unfinished”, but multiple
2 federal inspections of B&J’s imports have proven that the items B&J’s ships to B.
3 Merry are finished or nearly finished.

4 45. Further, B&J’s imported products have “Made in Philippines” stickers
5 affixed to them, as required by federal law.

6 46. After receiving shipments from B&J’s, B. Merry removes the “Made in
7 Philippines” stickers.

8 47. B. Merry typically replaces the Made in Philippines stickers with stickers
9 that say “Alaskan Made” or with stickers containing the “Made in Alaska” emblem.

10 48. The images shown below are examples of finished products shipped from
11 B&J’s to B. Merry, as photographed by federal agents who inspected B&J’s imports.



22 49. The images shown below are front and back photographs of billikens that
23 were available for sale at Grizzly Gifts in Anchorage on January 11, 2022 for \$69.99.
24 These billikens appear identical to the imported billikens shown in Paragraph 48. The

1 only notable difference is that instead of the “Made in Philippines” sticker,
2 with the words “B. Merry” and “Alaskan Made” is affixed to the billikens.



23 50. The images below are photographs of a “pocket ulu” knife that is very
24 similar to the pocket ulu shown in paragraph 48. The pocket ulu shown below was
25 available for sale at the Alaska Mint on June 20, 2021, for \$64.99. The only notable
26

1 difference is that instead of a “Made in Philippines” sticker, this knife has a “Made in
2 Alaska” sticker affixed to it.



3
4
5
6
7
8
9
10
11
12
13 51. The image below depicts two nearly finished knives shipped from B&J’s
14 to B. Merry, as photographed by federal agents who inspected the package. One knife is
15 still in its packaging, which includes stickers indicating that the handle was made in the
16 Philippines and that the blade is made in China.
17



1 52. The images below are front and back images of a knife, which was
2 available for sale at Alaska Mint on January 10, 2022, for \$499.99. The knife appears
3 identical to the knife depicted in paragraph 51, except that that eyes have been added to
4 the handle, the “Made in Philippines” and “Made in China” stickers have been removed,
5 and an “Alaskan Made” sticker has been added.
6



16 53. Robert Merry was interviewed by investigators. He denied placing “Made
17 in Alaska” stickers on items imported from the Philippines. But he admitted that B.
18 Merry removes “Made in Philippines” stickers from the imported products, and that
19 “Alaskan Made” stickers are added to those products. He further stated that
20 approximately half of his products are made in the Philippines.
21

22 54. By removing the “Made in Philippines” stickers from products and selling
23 those products with the words “Alaskan Made” etched into them, or by placing
24 “Alaskan Made” or “Made in Alaska” stickers on those products, B. Merry gives
25 customers the false impression that its products are made in Alaska.
26

1 55. B. Merry further cultivates the false impression that its products are made
2 in Alaska through the use of print and online advertising, and through oral conversations
3 and other direct communications with customers.
4

5 56. The image below is of a photograph taken at Alaska Mint on
6 March 29, 2021. The photograph depicts numerous B. Merry knives for sale, containing
7 the “Made in Alaska” sticker or “Alaskan Made” sticker.
8



9
10
11
12
13
14
15
16 The paper placard at the back of the display reads:

17 BOB MERRY, AS A YOUNG BOY WAS PASSIONATE ABOUT THE
18 OUTDOORS AND DEVELOPED A GREAT APPRECIATION OF
19 ALL NORTH AMERICAN WILDLIFE. IN HIS EARLY ADULT LIFE
20 HE WAS INVOLVED IN WILDLIFE MANAGEMENT.

21 BOB HAS HONED THE FINE ART OF CARVING WILDLIFE,
22 FROM MANY NATURAL MATERIALS FOUND IN NORTH
23 AMERICA. OVER THE YEARS THE ENTIRE MERRY FAMILY
24 HAS BECOME INVOLVED IN THE CARVING OF NATURAL RAW
25 MATERIALS, RESIDING IN ALASKA THEY CONTINUE AS A
26 FAMILY UNIT TODAY, BRINGING THEIR CARVING ART TO A
 HIGH PLATEAU.

 THE BOB MERRY ART IS AVAILABLE IN SELECTED
 LOCATIONS IN NORTH AMERICA.

1 57. The image below is from a photograph taken at Grizzly Gifts on March
2 29, 2021. The image shows many B. Merry products for sale with “Made in Alaska” or
3 “Alaskan Made” stickers affixed to them. The brochure in the middle of the display
4 depicts the Merry family. This brochure is used to advertise B. Merry products at
5 multiple stores in Alaska.
6



12 58. The brochure includes photographs of Robert Merry, Josephine Merry,
13 Mary Uy, and Mark Uy in the process of carving B. Merry products, and contains a
14 short blurb about each individual. The brochure also describes B. Merry as “Alaska’s
15 Premier Antler and Bone Sculpture Carvers.”
16

17 59. In addition, B. Merry’s Instagram page uses hashtags such as
18 “#alaskamade”, “#madeinalaska”, “#alaskamadeproducts”, “#alaskaknives”, and
19 “#alaskaartist” to promote B. Merry’s products.

20 60. It is unfair and deceptive for B. Merry to promote its products as being
21 made in Alaska or by Alaskans, when the products are made in the Philippines. It is also
22 unfair and deceptive for B. Merry to fail to warn customers that some of its products are
23 manufactured from animals that were illegally purchased, taken, or wasted.
24
25
26

1 **IV. B. Merry Falsely Advertises Products as Being Made from Steller’s Sea Cow**

2 61. In addition to the “Alaskan Made” and “Made in Alaska” stickers, B.
3 Merry also uses stickers to label the particular animal that its products are purportedly
4 made from.

5 62. A substantial portion of B. Merry’s knives are purportedly made from
6 Steller’s sea cow.

7 63. Steller’s sea cow was a large sea mammal species that inhabited the
8 Russian Komandor Islands in the Bering Sea, until the species went extinct in the year
9 1768.

10 64. The image below is a photograph of a typical B. Merry knife, with a
11 sticker claiming that the handle is made from Steller’s sea cow.
12



21 65. Investigators purchased 23 B. Merry filet knives with Steller’s sea cow
22 stickers similar to the knife shown in the above paragraph. A forensic laboratory tested
23 the knives, and determined that the majority of the knife handles were made from
24 caribou or bowhead whale. None of the knife handles proved to be made from Steller’s
25 sea cow.
26

1 66. B. Merry knows that the items it labels as Steller’s sea cow are not made
2 from Steller’s sea cow. B. Merry falsely labels items as Steller’s sea cow because
3 Steller’s sea cow items fetch a high price and because B. Merry seeks to evade federal
4 laws regarding the export, import, and sale of bowhead whale products.
5

6 67. Selling knives that are inaccurately labeled as Steller’s sea cow is unfair
7 and deceptive. This conduct is particularly egregious when the knives are actually made
8 from Bowhead whale—a species that is listed as endangered under the Endangered
9 Species Act and protected under the Marine Mammal Protection Act.
10

11 **V. The Individual Defendants Participated in B. Merry’s Unfair and Deceptive
12 Trade Practices**

13 68. Robert Merry, Josephine Merry, Mary Uy, Mark Uy, and Judylyn Uy, all
14 knowingly worked toward B. Merry’s goal of selling products as “Alaskan Made” or
15 “Made in Alaska”, when those products were actually made in the Philippines. All of
16 these individuals are aware of the overall scheme and of the conduct of each other.
17

18 69. Mark Uy and Robert Merry are typically involved in acquiring the raw
19 materials that are later shipped to the Philippines.
20

21 70. Robert Merry and Josephine Merry are typically involved in shipping raw
22 materials to the Philippines. However, Mark Uy has also been involved in this conduct.
23

24 71. Judylyn Uy and Mary Uy typically remove the “Made in Philippines”
25 stickers from B. Merry products and replace them with the “Made in Alaska” emblem
26 or “Alaskan Made” stickers.

1 and practices alleged in this complaint, and which has not yet been restored to such
2 person(s);

3 84. Pursuant to AS 45.50.551(b), awarding separate civil penalties against
4 each Defendant of \$25,000 per violation of AS 45.50.471, with the total number of
5 violations to be proven at trial;

6
7 85. Awarding full reasonable costs and attorney fees, including the cost of
8 investigation, to the State of Alaska under AS 45.50.537(d);

9 86. Pursuant to AS 45.50.180, ordering that B. Merry, Robert Merry,
10 Josephine Merry, Mary Uy, and Mark Uy to cease the manufacture, use, display, or sale
11 of the “Made in Alaska” emblem;

12 87. Pursuant to AS 45.50.180, awarding punitive damages against B. Merry,
13 Robert Merry, Josephine Merry, Mary Uy, and Mark Uy.

14 88. Granting such additional relief as the court may deem proper.
15
16

17
18 DATED February 3, 2022.

19
20 TREG R. TAYLOR
21 ATTORNEY GENERAL

22
23 By: /s/ John H. Haley
24 John H. Haley
25 Assistant Attorney General
26 Alaska Bar No. 1402010