

May 09, 2024

Attorney General Raúl R. Labrador
Office of the Attorney General
AGLabrador@ag.idaho.gov

Via e-mail

**Re: Apparent Violations of the Idaho Consumer Protection Act by
Yellowstone Bear World**

Dear Attorney General Labrador:

I am writing on behalf of PETA to request that the Attorney General's Office investigate Yellowstone Bear World (YBW), located at 6010 South Bear World Road, Rexburg, Idaho 83440, for apparent violations of the Idaho Consumer Protection Act (ICPA) I.C. § 48-601 *et seq.*

As detailed in the attached appendix, YBW has falsely claimed or represented to the public that (1) all bears born at its facility remain there for life; (2) the size of its drive-through park is 120 acres; and (3) it is an animal sanctuary, for which its cub-petting events serve as "fundraisers." These representations appear to violate subsections (5), (17), and (18) of I.C. § 48-603. First, all bears born at YBW do *not* remain at the facility for life. Records of animal movement since 2012 show that YBW has sent more than 100 bear cubs to other facilities. Second, the Madison County Parcel Map shows that nearly all of YBW's publicly accessible land sits on 45.5 acres—a far cry from the 120 acres YBW advertises for its drive-through park. Third, while YBW presents itself as a sanctuary for bears, it is nothing more than a recreational entertainment facility that focuses on profit. YBW is a general business corporation, not a nonprofit corporation or a "sanctuary," as that term is commonly understood. Consumers have relied on these statements when deciding to patronize YBW, and some have later expressed confusion and anger at having been misled by YBW's deceptive marketing.

For these reasons, PETA respectfully requests that the Attorney General's Office investigate YBW and bring a claim against it under the ICPA. Thank you for your time and attention to this important matter.

Very truly yours,



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Appendix

I. Factual Background

YBW is a “drive-through wildlife park” located in Rexburg, Idaho, which advertises that customers will see wildlife, such as “Rocky Mountain Elk, Bison, White-tail Deer, Mule Deer, Rocky Mountain Goats, Moose, and of course American Black Bear and Grizzly Bear.”¹ YBW charges an admission price of \$14.95 per child, \$27.95 per adult, or \$139.95 per car for drive-through access to the park.² In addition to the admission price, customers can pay \$11.95 per person to feed the adult bears via YBW’s “Wildlife Excursion” and \$75 per person to bottle feed bear cubs.³ Courtney Ferguson is the president of YBW and co-owns the business with his father, Michael Ferguson, who serves as its director and registered agent.⁴ Michael Ferguson is also the registered agent and manager of Bear Crest Limited LLC, which is the business entity that owns the property where YBW operates.⁵

II. Legal Framework

The ICPA protects consumers against “unfair methods of competition and unfair or deceptive acts and practices in the conduct of trade or commerce[.]”⁶ Section 48-603 makes any “unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce” unlawful. As relevant here, subsection (5) prohibits “[r]epresenting that goods or services have ... characteristics ... [or] benefits ... that they do not have[.]”; subsection (17) prohibits “[e]ngaging in any act or practice which is otherwise misleading, false, or deceptive to the consumer”; and subsection (18) prohibits “[e]ngaging in any unconscionable method, act or practice in the conduct of trade or commerce, as provided in section 48-603C[.]”⁷

Under the ICPA, “[p]roof of intention to deceive is not required for finding that an act is unfair or deceptive.”⁸ Rather, the injured party only needs to establish that the act or practice has “a tendency or capacity to mislead consumers[.]”⁹ Likewise, where the Attorney General brings a claim on behalf of the state, the Attorney General “need not show actual damage to the public to establish a trade practice as unfair or deceptive.”¹⁰

¹ “About” page, YBW, available at <https://yellowstonebearworld.com/>. (Ex. 1)

² “Rates and Details” page, YBW, available at <https://yellowstonebearworld.com/about-ybw/rates-and-details>. (The regular admission prices are crossed out because YBW is offering a temporary discount.) (Ex. 2)

³ “Wildlife Excursion” page, YBW, available at <https://yellowstonebearworld.com/experiences/curator-tours>. (Ex. 3)

⁴ See YBW Annual Report, File No. 0005133165, filed Mar. 3, 2023 with ID Sec. of State (Ex. 4); see also Courtney Ferguson, LINKEDIN, <https://www.linkedin.com/in/courtney-ferguson-1714588/> (Ex. 5); Michael Ferguson, LINKEDIN, <https://www.linkedin.com/in/michael-ferguson-0994031a/>. (Ex. 6)

⁵ See Bear Crest Limited LLC Annual Report, File No. 0004592783 filed Feb. 3, 2023 with ID Sec. of State (Feb. 3, 2023). (Ex. 7)

⁶ I.C. § 48-601.

⁷ *Id.* § 48-603(5), (17), (18).

⁸ *Tricore Invs., LLC v. Est. of Warren through Warren*, 485 P.3d 92, 114 (Idaho 2021) (quoting *Duspiva v. Fillmore*, 293 P.3d 651, 656 (Idaho 2013)).

⁹ *Roost Project, LLC v. Andersen Constr. Co.*, 437 F. Supp. 3d 808, 827 (D. Idaho 2020), reconsideration denied, No. 1:18-CV-00238-CWD, 2020 WL 3895757 (D. Idaho July 10, 2020).

¹⁰ *In re Edwards*, 233 B.R. 461, 470 (Bankr. D. Idaho 1999).

In *In re Edwards*, the State of Idaho filed suit against the owner of a tractor supply store for misrepresenting characteristics of the tractors.¹¹ The owner marketed tractors and misled consumers about the tractors' histories. The owner "failed to disclose to his customer an important fact: that the tractor he was selling ... was manufactured in Asia for the Asian market, not for sale in the United States."¹² Instead, the owner told the customer only that "his tractor came from California where it had been used in agriculture"; the court found that, though "this statement [was] technically true, this approach, without an explanation of the true history of the tractor, amounts to deception."¹³ The court concluded that, because the owner "knew exactly where the tractors originated, and should know that this information was important to his customers in making an informed decision whether to purchase the tractor, it was a deceptive practice to withhold this information from the customer."¹⁴

III. YBW's Inaccurate Claims Appear to be Deceptive Trade Practices Prohibited by the ICPA.

On multiple occasions and across multiple platforms, YBW has claimed or represented that (1) all bears born at its facility remain there for life; (2) the size of its drive-through park is 120 acres; and (3) it is a wildlife sanctuary. As demonstrated below, each of these representations is inaccurate and appears to violate the ICPA.

A. YBW falsely claimed that all bear cubs live out their lives at the facility.

YBW asserts on its website that its employees "are the *sole providers* of support and food for the animals born [there]," and that staff "establish a bond with the cubs ... so that they will receive safe and proper care *throughout their lives*."¹⁵ In an April 11, 2022 article, *The Herald Journal* reported that YBW "said the bears born at its facility will remain there for life, and the animals in its care are considered family."¹⁶ However, records show YBW sold three cubs to Gregg Woody—a notorious exotic animal dealer and owner of Woody's Menagerie in Mulberry Grove, Illinois—weeks before making this statement,¹⁷ and again sold another cub to Woody weeks after making the statement.¹⁸ This is not the only time YBW has falsely assured the public that bears cubs stay at the facility for life. YBW has made the following false statements on social media and to the press regarding the bear cubs born at its facility:

¹¹ *Id.* at 464.

¹² *Id.* at 471.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ "FAQs" page, YBW, <https://yellowstonebearworld.com/about-ybw/faqs> (emphasis added). (Ex. 8)

¹⁶ Brock Marchant, "Bear Cub Crusade: Protesters Return to Baby Animal Days," HJ NEWS (Apr. 11, 2022), available at https://www.hjnews.com/news/local/bear-cub-crusade-protesters-return-to-baby-animal-days/article_ccc04f69-ca0a-509b-9d59-f832cd7e44e1.html. (Ex.9)

¹⁷ Certificate of Veterinary Inspection documenting the sale of three two-month-old bear cubs from YBW to Gregg Woody with a shipment date of Mar. 26, 2022. (Ex. 10)

¹⁸ Certificate of Veterinary Inspection documenting the sale of one three-month-old bear cub from YBW to Gregg Woody with a shipment date of Apr. 29, 2022. (Ex. 11)

- March 7, 2023 statement to *East Idaho News*: “[W]e’ll start bottle-feeding them ... so we can care for them throughout their lives.”¹⁹
- March 18, 2022 statement to Fox13: “We bottle-raise all the cubs that are born right there so we can take care of them throughout their lives there at [YBW].”²⁰
- March 12, 2021 statement to *East Idaho News*: “[W]e raise them from cubs so we can take care of them throughout their whole life through the veterinarians, and then we raise all the cubs that are born here with the staff.”²¹
- March 11, 2020 Facebook comment: “[T]hey will live their lives in our drive thru wildlife park,” in response to a member of the public asking, “what will happen to each of these eleven cubs when they are no longer cubs?”²²

These statements are demonstrable false. YBW has a long history of offloading bears to other facilities. Indeed, according to government records, since 2012, YBW has sent 107 bears to other facilities,²³ including multiple facilities with histories of legal violations. For example, since 2012, YBW has transferred 96 bears to Gregg Woody.²⁴ A 2017 investigation by the U.S. Department of Agriculture (USDA) revealed that Woody unlawfully bought and transported animals—including 10 bears from YBW—while his USDA license was temporarily suspended.²⁵ In addition, Woody has sent dozens of animals—including bears—to a slaughterhouse.²⁶

YBW has apparently lied about the fates of specific bears in direct response to consumers’ questions. In May 2020, a customer asked via YBW’s Facebook page: “Is Tucker still there? I fed him in 2012 I think.”²⁷ YBW responded: “he is! He’s big and brown and fluffy and so, very handsome.”²⁸ However, government records reveal that YBW transferred a two-year-old bear named Tucker to Woody in 2014.²⁹ Similarly, in January 2020, a commenter asked, “Are these the Cubs??” about a photo depicting three adolescent bears, and YBW responded: “yep! These are the 2019 cubs, but in a few weeks it will be their birthday and they will be yearlings! Then they’ll move down to the yearling enclosure in the main area of our park so they have lots of room to run and play as they grow [smiley face emoji].”³⁰ The commenter responded in turn: “awesome! We were there in August and we did the bottle feeding! They’ve gotten big! Love the bears!” However,

¹⁹ East Idaho News, Facebook, Mar. 7, 2023, at 9:33,

<https://www.facebook.com/EastIdahoNews/videos/242282394817792/>.

²⁰ “Baby Bears are returning to the International Sportsmen’s Expo,” FOX13 (Mar. 17, 2022), featuring video interview with Courtney Ferguson, available at <https://www.fox13now.com/the-place/baby-bears-are-returning-to-the-international-sportsmens-expo>.

²¹ “Emmy Has 7 Questions for the Owner of Yellowstone Bear World,” *East Idaho News* (Mar. 12, 2021), available at <https://youtu.be/mxEIId1RjHo?t=166>.

²² Yellowstone Bear World (@yellowstonebearworld), Facebook (Mar. 11, 2020). (Ex. 12)

²³ Certificates of Veterinary Inspection 2012-2023. (Ex. 13)

²⁴ *Id.*

²⁵ See Request for Investigation of Alleged Violations Regarding the AWA, Regulations and/or Standards: License No. 44-C-0218, USDA (Mar. 24, 2017) (Ex. 14); *Certificate of Veterinary Inspection No. 82-252141*, Idaho Dep’t of Agric. (Mar. 23, 2017). (Ex. 15)

²⁶ See Excerpts from Report of Investigation, Case No. IL120049-AC, USDA (Mar. 6, 2013). (Ex. 16)

²⁷ Yellowstone Bear World (@yellowstonebearworld), Facebook (May 25, 2020). (Ex. 17)

²⁸ *Id.*

²⁹ Certificate of Veterinary Inspection documenting the transfer of Tucker and other bears from YBW to Woody (Mar. 27, 2014). (Ex. 18)

³⁰ Yellowstone Bear World (@yellowstonebearworld), FACEBOOK (Jan. 8, 2020). (Ex. 19)

YBW posted the exact same photo of three adolescent bears two years earlier, in January 2018.³¹ It is unsurprising that YBW used an old photo in January 2020 because the facility would not have been able to post a picture depicting three of the 2019 bottle-feeding cubs since, at that time, it had already sent four of the six cubs who had been used for bottle feeding that year to Woody, according to public records.³²

The inconsistencies between YBW’s claim to provide life-long care for all cubs and the reality at the facility have not gone unnoticed by consumers. For example, one customer noted in a review: “They claim all of their cubs grow up in the park but if you look at the number of cubs they have each year vs the number of bears they state they have in the park this does NOT line up.”³³

YBW has repeatedly made false statements regarding the bear cubs at its facility and where they end up. The fact that prior customers continue to inquire about cubs from previous years shows that the ongoing care of these animals is important to customers. By falsely representing the fate of these bears as having “characteristics or benefits” that they do not—namely, that all the bear cubs stay at YBW when that is demonstrably false—YBW has seemingly violated I.C. § 48-603(5) and (17).

YBW’s false statements and misrepresentations about these bear cubs also arguably violate subsection (18) of the ICPA, which prohibits “[e]ngaging in any unconscionable method, act or practice in the conduct of trade or commerce, as provided in section 48-603C[.]” I.C. § 48-603(18). The practice of breeding cubs for profit, misleading customers into believing that the cubs will be well taken care of for their entire lives, then transferring many of the bears to other individuals—including one with a history of sending bears to slaughter—to face uncertain and potentially perilous fates likely “would outrage or offend the public conscience” to support a finding of unconscionability. *Id.* §§ 48-603C(2)(d), 48-603(18).

B. YBW falsely claimed to be a sanctuary.

On numerous occasions, YBW has misrepresented itself as an animal sanctuary rather than a for-profit breeding operation. For example, on Liiingo—a business marketing application—YBW identifies its animal facilities as a “Wildlife Sanctuary” and “Bear Sanctuary.”³⁴

YBW President and Co-Owner Courtney Ferguson perpetuates this misrepresentation by routinely referring to YBW’s cub events—a regular source of revenue for the business—as “fundraisers.” While promoting last year’s multi-day cub-petting event at the C-A-L Ranch store in Ammon, Idaho, Courtney Ferguson routinely referred to the profit-making event as a “fundraiser,” claiming that “all the money that we raise at the fundraiser there all goes back to the educational programs, goes back to the care of the animals there at Yellowstone Bear World.”³⁵

³¹ Yellowstone Bear World (@yellowstonebearworld), FACEBOOK (Jan. 15, 2018). (Ex. 20)

³² Certificate of Veterinary Inspection documenting the transfer of cubs from YBW to Woody (Nov. 18, 2019). (Ex. 21)

³³ Christina Revis, *Yellowstone Bear World Review*, GOOGLE MAPS. (Ex. 22)

³⁴ *Yellowstone Bear World*, LIINGO, <https://go.liingo.app/topic/5ce7a14ecbd56167e5036092?feature=menu> (last visited Jan. 22, 2024). (Ex. 23)

³⁵ Dyland Carder KIFI, Facebook, Mar. 9 2023, at 4:26, <https://www.facebook.com/watch/?v=227274196409034> (last visited Jan. 22, 2024). *See also* East Idaho News, Facebook, Mar. 7, 2023, at 9:33,

Likewise, while promoting YBW’s attendance at the 2022 International Sportsmen’s Expo in Salt Lake City, Utah, Ferguson had the following exchange with a local news anchor about the event:

Anchor: You can do what I’m doing. You can hang out; you can hold the bears. And it costs how much?

Ferguson: So, *it’s a fundraiser* for Yellowstone Bear World. So, the photos are \$20. We do family groups. So we can set them right in the laps of the families and get those photos taken. And, like I said, it’s really fun to share.

Anchor: *And it goes to a good cause.*

Ferguson: *Yeah, all the money goes back to Yellowstone Bear World to take care of the animals and the cubs there. So, it’s, uh, yeah, it’s a good place.*³⁶

Despite these statements and representations, YBW is not a sanctuary: it is a profit-generating business.³⁷ An animal sanctuary is a facility that provides safe haven to animals in need.³⁸ A business that breeds animals to exploit them for commercial exhibition and then sell them to other facilities is the exact opposite of a sanctuary. A fundraiser is generally understood as an initiative to raise money for a specific cause or charity.³⁹ The normal sale of goods or services by a for-profit business is not a fundraiser, it is simply a profit generating activity for the business. By repeatedly using the terms “sanctuary” and “fundraiser” to refer to its commercial activities, YBW is misleading consumers about the nature of its business, as demonstrated by confused customers:

- “This place acts as a refuge for bears.... As you can tell by the name, we are fairly close to Yellowstone National Park. And this is just a place that protects bears, rehabilitates bears, and then allows the public some viewing areas.”⁴⁰
- “Great to see rescue bears up close and personal.”⁴¹
- “I was very disappointed to hear that these are NOT rescue animals I feel awful for visiting here[.]”⁴²
- “Yellowstone bear world is trying to pass themselves off [sic] as a safe place for animals but instead is profiting of [sic] these animals.”⁴³
- “They tried to say that they’re saving these bears.... But even they didn’t believe what they were trying to sell...”⁴⁴

<https://www.facebook.com/EastIdahoNews/videos/242282394817792/> (stating that “all that money goes back to the care of the animals at Yellowstone Bear World and the educational programs that we’ve got going on there”) (last visited Jan. 22, 2024).

³⁶ *Baby Bears are returning to the International Sportsmen’s Expo*, *supra* note 20 (emphasis added).

³⁷ See, e.g. Johnathan Hogan, *Animal Rights Activists Put Spotlight on Yellowstone Bear World*, POST REGISTER (Oct. 10, 2021). (stating that “Bear World is not a sanctuary or a zoo. It’s a for-profit animal exhibit.”) (Ex. 24).

³⁸ *What is a Sanctuary*, GLOBAL FEDERATION OF ANIMAL SANCTUARIES, available at <https://sanctuaryfederation.org/about-gfas/what-is-a-sanctuary/>. (Ex. 25)

³⁹ *Fundraiser*, Cambridge Dictionary, available at <https://dictionary.cambridge.org/us/dictionary/english/fundraiser>.

⁴⁰ CivilianSatellite, *Multnomah Falls and Yellowstone Bear World – Idaho & Oregon Vlog*, YOUTUBE (Apr. 26, 2022), https://youtu.be/_hHhmZBRli0?t=63.

⁴¹ Slow Walker, *Yellowstone Bear World Review*, GOOGLE MAPS. (Ex. 26)

⁴² Jordan Tholen, *Yellowstone Bear World Review*, GOOGLE MAPS. (Ex. 27)

⁴³ Isabel Worrall, *Yellowstone Bear World Review*, GOOGLE MAPS. (Ex. 28)

⁴⁴ Alex Jegge, *Yellowstone Bear World Review*, GOOGLE MAPS. (Ex. 29)

- “There are cubs as well which tells me this is not some sort of sanctuary but more of a ‘Tiger King’ facility”⁴⁵
- “Tiger King vibes here. We thought it would be more of an animal sanctuary but it’s definitely a for-profit exhibit of captured animals.”⁴⁶

YBW has repeatedly made false statements regarding characteristics of its business, particularly its facility. Customer reviews and questions show that these characteristics are material to customers’ decision whether to patronize YBW. By referring to itself as a “sanctuary” and stating that the cubs bred at its facility remain there for life, YBW leads customers to believe that their support of YBW directly goes towards the bears’ welfare, when in reality their patronage perpetuates the for-profit exploitation of these animals. Reviews in which customers express that they were “very disappointed to hear that these are NOT rescue animals” and that they “feel awful for visiting here” illustrate the impact of YBW’s deceptive marketing on consumers.⁴⁷ By falsely and deceptively representing its customer experience as having “characteristics or benefits” that it does not—namely, using terms that portray a prioritization of the animals’ well-being rather than the business’s own profits—YBW has seemingly violated I.C. § 48-603(5) and (17).

C. YBW’s claim that the drive-through park is 120 acres is misleading.

YBW represents to the public that its park consists of 120 acres. In a video on its website titled, “Park Tour,” the voiceover states: “From the comfort of your own vehicle, you’ll be able to drive through our 120-acre park and view animals like elk, deer, bison, Rocky Mountain goats, and our most popular attraction, grizzly and black bears.”⁴⁸ That claim is reiterated in an advertisement run by Destination Yellowstone, which describes YBW as a “120-acre wildlife park.”⁴⁹

According to the Madison County Parcel Map, the vast majority of YBW’s publicly accessible facilities, including nearly all of the roadways for the drive-through portion of the park where the adult bears reside, falls within a 45.5-acre parcel owned by Bear Crest Limited LLC.⁵⁰

In reviews, customers have mentioned how surprised they were by the seemingly small size of the park and the fact that the bears do not necessarily have the freedom to roam the whole park. One customer noted: “It looked like a gigantic place to see animals, but it was far from it.”⁵¹ Another described the experience as a “short drive-through” and remarked: “‘Guaranteed bear sighting!’ How do you think they guarantee it? They severely limit the amount of shelter there is for the animals.”⁵² Another customer reflected: “Was it horrifying to see well over 50 bears all in a tiny area? Yes.”⁵³ A customer who visited YBW accused YBW of false advertising: “Bear World is

⁴⁵ Manuel Espin, *Yellowstone Bear World Review*, GOOGLE MAPS. (Ex. 30)

⁴⁶ Tiana Schneider, *Yellowstone Bear World Review*, GOOGLE MAPS. (Ex. 31)

⁴⁷ Jordan Tholen, *supra* note 42.

⁴⁸ *Park Tour*, YBW <https://yellowstonebearworld.com/park-tour>

⁴⁹ *Destination Yellowstone 2023/2024 Travel Planner*, Destination Yellowstone, at p. 65, <https://destinationyellowstone.com/wp-content/uploads/2023/06/DYTravelPlanner23-24.pdf>. (Ex. 32)

⁵⁰ YBW Parcel Map; Madison County Parcel Report (Jan. 22, 2024). (Ex. 33)

⁵¹ Emily L., *Yellowstone Bear World Review*, YELP (Dec. 29, 2021). (Ex. 34)

⁵² Dotty L., *Yellowstone Bear World Review*, YELP (Sept. 25, 2022). (Ex. 35)

⁵³ Fallon V., *Yellowstone Bear World Review*, YELP (July 9, 2022). (Ex. 36)

the epitome of false advertising. Supposedly the bears roam free within the park but that's not the case at all, they are limited to small enclosures by what look like small electric fences.”⁵⁴

YBW appears to violate I.C. § 48-603(5) and (17) by misrepresenting its drive-through park as consisting of 120 acres, thus leading customers to believe that their drive-through experience will be more extensive than it is and that the bears have access to a much greater habitat than they do. A customer has even accused YBW of “false advertising” for misrepresenting the size of the park and the ability of the bears there to roam.⁵⁵

Conclusion

YBW has falsely claimed or misrepresented that (1) all bears born at its facility remain there for life; (2) YBW is a sanctuary; and (3) the size of YBW's drive-through park is 120 acres. For these reasons, PETA respectfully requests that the Attorney General's Office bring a claim against YBW for violating the ICPA.

⁵⁴ Ramona H., *Yellowstone Bear World Review*, YELP (Apr. 24, 2022). (Ex. 37)

⁵⁵ *Id.*