

For Immediate Release  
February 7, 2025

## **Court Allows Maine Lobster Industry’s Defamation Lawsuit Against Monterey Bay Aquarium to Proceed**

**KENNEBUNK, ME** – In a significant ruling, the U.S. District Court for the District of Maine has denied a motion by the Monterey Bay Aquarium Foundation (the Aquarium) to dismiss a defamation lawsuit filed against it by members of the Maine lobster industry. The lawsuit challenges the Aquarium’s “red listing” for American lobster, which plaintiffs argue defamed its reputation for sustainability and caused severe economic harm to Maine’s historic lobster fishery.

The court rejected the Aquarium’s arguments to dismiss the case on jurisdictional and procedural grounds, affirming that the lawsuit has merit, was properly filed in Maine, and plaintiffs presented sufficient facts to support their claims and request for injunctive relief.

Plaintiffs include the Maine Lobstermen’s Association (MLA), Bean Maine Lobster Inc., the Maine Coast Fishermen’s Association (MCFA), Atwood Lobster LLC, and Bug Catcher Inc., owned by sixth-generation fisherman Gerry Cushman of Port Clyde.

“This ruling is a crucial step in holding the Monterey Bay Aquarium accountable for misleading statements that have unfairly targeted our industry,” said Patrice McCarron, executive director of the MLA. “Maine lobstermen have been stewards of the ocean for generations, and we are committed to defending our livelihood against baseless claims.”

The lawsuit stems from the Aquarium’s 2022 decision to assign American lobster a “red” rating, advising consumers and businesses to avoid purchasing it due to alleged risks to the North Atlantic right whale. This decision led consumers to believe the Aquarium’s false narrative that Maine lobstermen do not use sustainable fishing practices and resulted in a loss of customers for Maine lobster, including Whole Foods, which announced in November 2022 that it would stop buying Maine lobster. The plaintiffs argue that the Aquarium misrepresented scientific data and disregarded decades

of successful conservation efforts undertaken by Maine lobstermen to protect marine life.

With the court's decision, the case will now move forward to discovery and trial proceedings.

###