

Re-working Antique Tortoiseshell for Picks - Is it Legal?

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by Andy and Nadine Highfield We've received quite a few responses regarding our article on CITES Law as it relates to acoustic instruments. A number of these were from people asking about the legality of tortoiseshell picks that have been made from re-worked antique tortoiseshell items, such as boxes, brushes or tea trays. The term "re-worked" includes conversion from say, a box or hairbrush to a guitar pick. This is a law that has caused some confusion for musicians, so we decided to post a more detailed explanation here. It should be noted that the term "tortoiseshell" actually refers to the keratin scutes of specific marine (sea) turtles, and not to the scutes from terrestrial tortoises. All marine turtles are endangered and now listed on Appendix 1. The species that has suffered most from exploitation for tortoiseshell is the Hawksbill turtle (*Eretmochelys imbricata*) pictured left, though other species such as the Green turtle (*Chelonia mydas*) have also been impacted by this trade. Being in possession of a tortoiseshell pick is not an offence (unless it can be determined that you obtained the tortoiseshell illegally). So, if you re-worked your great-grandmother's 1920's tortoiseshell hairbrush to make picks for your own use, you are not committing an offence. However, if you try to sell those picks or you attempted to cross an international border with one (without having the necessary permits), you are. The sale of any tortoiseshell guitar picks is illegal (unless they were manufactured *AS GUITAR PICKS* prior to 1947). The sale of picks made from other antique items after 1947 is a very serious offence. We have just received this note from CITES enforcement for the UK: "As you are probably aware, worked items made from tortoiseshell that acquired before 1 June 1947 do not require Article 10 certificates to allow them to be used for any commercial purpose — which would include sale. However, if a pre-1947 worked item is subsequently re-worked after 1 June 1947, then the derogation would not apply and an individual Article 10 certificate would be required. Anyone selling such re-worked items without an Article 10 certificate would be committing an offence under Regulation 8(1) of the Control of Trade in Endangered Species (Enforcement) Regulations 1997 and, if convicted, could face up to five years in prison, an unlimited fine or both. Further information about the controls on CITES species can be found on the UK CITES website at www.ukcites.gov.uk. Roy Pitt

Enforcement Co-ordinator

Animal Health Agency

UK CITES Management Authority & Please take note, Anyone engaging in this trade could be reported to the Wildlife Liaison Officer of the regional police force concerned. As Roy notes, the penalties are potentially very serious indeed. This law applies within the UK, and not just to travellers crossing borders. It may seem that these are severe penalties for using antique tortoiseshell that already had an exemption in its previous form. If the item causes no injury to our endangered sea turtles, why would it be illegal? The problem is that once an item is re-worked it becomes very difficult to tell the difference between a pick that was made of re-worked antique tortoiseshell from one that was recently made from an endangered sea turtle killed for its shell. Unfortunately, there is a thriving trade in poached tortoiseshell from the Far East, much of which is falsely sold as "antique". There were tortoiseshell picks manufactured before 1947. D&Andrea made tortoiseshell picks from 1930 to the late 70's, but you normally can't determine when an individual pick was made. Unlike guitars and banjos that have serial numbers, there is no way to prove a pick's date of manufacture. So, even if you happen to have a tortoiseshell pick manufactured before 1947, it is unlikely that you could get an Article 10 certificate for it. Even when tortoiseshell could still be legally obtained, many musicians opted for other kinds of picks. Unfortunately, popular musicians that attribute their sound to using tortoiseshell picks are adding to their mystique. Even if the picks these musicians are using have been legally obtained, other players wanting to achieve the same sound may buy tortoiseshell picks from any source available. Fortunately, there are more good picks to choose from today than there ever were. Clayton Ultem Gold, Wegen, and Tortex are just a few brands often used by bluegrass musicians. One which has been said to actually have the sound and feel of the old tortoiseshell picks is Tortis made by Red Bear. They have been recommended by mandolin players such as Butch Baldassari and Mike Compton. Top guitarists including Jack Lawrence, Rolly Brown, Roy Curry, Mark Cosgrove, Allen Shadd, and a list of other award-winning flatpickers use them as well. Britain's Chris Newman also uses Tortis picks, with his custom design now called the "Newman Grip". For further information about Tortis picks and a long list of testimonials visit the Red Bear Trading Co. website. For a general discussion of CITES related law affecting musical instruments see the article [Importing, Exporting or Travelling with Musical Instruments: What you need to know about CITES regulations](#) Please feel free to link to this article. Bluegrass musicians need to be aware of this situation. If you have any questions regarding CITES regulations as it regards musical instruments, you can contact us at info@bluegrasswales.org