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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,) No.
)
Plaintiff,) <u>COUNT 1:</u>
)
vs.) MISREPRESENTATION OF INDIAN
) PRODUCED GOODS
GABRIEL T. KARIM d.b.a.) Vio. 18 U.S.C. §§1159 (a) and
ALASKA HERITAGE,) (b)(1)(B)(i)
)
Defendant.	

INFORMATION

The United States Attorney charges that:

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GENERAL ALLEGATIONS

At all times relevant to this Information:

1. GABRIEL T. KARIM was the owner and operator of ALASKA HERITAGE located in Ketchikan, Alaska.
2. ALASKA HERITAGE sold a wide range of gift items including carvings and handicrafts. Some of the products sold were made by Alaska Native artists and other items sold were crafted based upon traditional Alaska Native designs or styles, but were not made by Alaska Natives or members of any American Indian tribe.

INDIAN ARTS AND CRAFTS ACT

3. Under the Indian Arts and Crafts Act (IACA) makes it is unlawful, to offer, display for sale, or sell any good in a manner that falsely suggest that it was Indian produced, an Indian product, or the product of a particular Indian tribe, resident in the United States. 18 U.S.C 1159(a).

4. Congress adopted the IACA as a truth-in -marketing law with the purpose of requiring those who produce and market art and craft work to honestly represent and clarify the degree of Indian involvement in the production of the art and craft work when it is sold, displayed, or offered for sale. 25 C.F.R 309.7

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5. Under the IACA, an “Indian” means any individual who is a member of an Indian tribe or certified by an Indian tribe as a non-member Indian artisan.

18 U.S.C. 1159(c)(1) and 25 C.F.R. 309.2 (a). An “Indian artisan” means an individual who is certified by an Indian tribe as a non-member Indian artisan.

25 C.F.R. 309.2 (b). An “Indian product” means any art or craft made by an Indian.

The term “made by an Indian” means that an Indian has provided the artistic or craft work labor necessary to implement an artistic design through a substantial

transformation of materials to produce the art or craft work. This may include more than one Indian working together, however, the labor component of the product

must be entirely Indian for the Indian art or craft object to be an “Indian product.”

25 C.F.R. 309.2 (d). “Indian products” include, but is not limited to art made by an

Indian in a traditional or non-traditional style or medium, craft work made by an

Indian in a traditional or non-traditional style or medium, or a handicraft made by an

Indian. 25 C.F.R. 309.2 (2)(i-iii).

6. The following are not considered “Indian product”: a product in the style of an Indian art or craft product or designed by an Indian but produced by non-Indian labor; a product in the style of an Indian product assembled from a kit; a product originating from a commercial product, without substantial transformation by Indian artistic or craft work labor; Industrial products that have an exclusively

functional purpose which do not serve do not serve as a traditional artistic medium and do not lend themselves to an Indian embellishment; a product in the style of an Indian art and craft product that is produced in an assembly line or related production line using multiple workers not all whom are Indians. 25 C.F.R. 309.2 (3)(i-vi).

7. An “Indian tribe” means any Indian tribe, band, nation, Alaska Native village, or organized group or community which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians; or any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a state commission or similar organization legislatively vested with state tribal recognition authority. 25 C.F.R. 309.2 (e)(1)(2).

USFWS INVESTIGATION

8. On August 20, 2014, an undercover U.S. Fish and Wildlife Service (USFWS) agent entered into ALASKA HERITAGE and contacted GABRIEL T. KARIM and asked him about a bone carving carved by an artist that the agent knew was not an Alaska Native or member of any American Indian tribe. GABRIEL T. KARIM falsely represented that the bone carving was made by an individual that was an “Alaska Native” and an “Alaskan Indian” artist.

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The agent subsequently purchased the bone carving for \$1,118.25 and confirmed that the artist was not an Alaska Native or American Indian.

9. On July 1, 2015, a different USFWS agent contacted GABRIEL T. KARIM at ALASKA HERITAGE. The USFWS agent identified himself as a USFWS agent and asked GABRIEL T. KARIM about the artist who had made the carving purchased by the undercover agent in 2014. GABRIEL T. KARIM stated that the artist was not “Native” and indicated that the supplier from whom he purchased the bone carvings had provided a biography of the artist and had never misrepresented to him that the artist was “Native,” only that the carvings were made in Alaska.

10. The artist who made the bone carving lives and works in Alaska but is not an Alaska Native or member of any American Indian tribe.

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COUNT 1

11. Paragraphs 1-10 are re-alleged and incorporated herein.

12. On or about August 20, 2014, the defendant, GABRIEL T. KARIM d.b.a. ALASKA HERITAGE, within the District of Alaska, did knowingly offer and display for sale and sell goods, specifically a bone carving that was not made by an Alaska Native, in a manner that falsely suggested these goods as being Indian produced and Indian products, in particular that they were authentic Alaskan Native handicrafts knowing that they were not.

All of which is in violation of Title 18, United States Code, §§1159 (a) and (b)(1)(B)(i).

RESPECTFULLY submitted on this 3rd day of March, 2016, at Juneau, Alaska.

KAREN L. LOEFFLER
United States Attorney

s/Jack S. Schmidt
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