

Something's Fishy

By Reg P. Wydeven
June 7, 2015

Our family is so excited because fishing season is upon us. With some absolutely awesome lures we got courtesy of locally-owned H2O Tackle, this is the year we land a muskie. In addition to the muskie, we'll hopefully catch a lot of northern pike.

While I still need lots of practice, I'm getting better at cleaning and preparing northerns, bass and perch. We got a deep fryer for Christmas, so we're looking forward to several fish fries this summer.

One of my favorite hobbies is fishing, especially when it results in a delicious family meal. And while I love to eat fish, short of having nightmares after watching 'Jaws' as a kid, I never seriously thought about a fish eating me.

The latest example of trends that I am completely oblivious about involves going to a spa to have Garra rufa fish, also known as doctor fish, nibble dead skin off your feet. The fish pedicure is growing in popularity because it apparently leaves feet feeling softer compared to traditional exfoliating.

In 2008, Cindy Vong introduced fish pedicures in her nail salon in Gilbert, Arizona, a suburb of Phoenix. She lured in customers by importing the doctor fish from China. Soon they were hooked, so she completely revamped her salon to incorporate an area specifically for a fish spa.

A year later, however, the Arizona Board of Cosmetology informed Vong that fish pedicures violated the State's safety standards. She was told that if she continued her treatments, she could face criminal charges.

The board cited sanitary concerns over the use of the fish. According to the board's safety standards, any tool or equipment used in a pedicure must be stored and disinfected in accordance with a specific protocol. Because fish could not be disinfected after a pedicure without killing them, Vong's practice violated the rules. She discontinued the fish pedicures later that year.

Not about to let a big one get away, the Goldwater Institute decided to tackle the Board of Cosmetology on Vong's behalf. Started by U.S. Senator Barry Goldwater, the Phoenix-based Institute is a conservative and libertarian public policy think tank that's stated mission is "to defend and strengthen the freedom guaranteed to all Americans in the constitutions of the United States and all fifty states."

According to the suit, the board exceeded its statutory authority by unconstitutionally applying regulations to Vong's business. Instead of banning it outright, the lawsuit claimed the board should have considered an alternative to remedy the issue. The suit also alleged the board lacked jurisdiction and violated Vong's constitutional rights to due process, equal protection and the privileges and immunities afforded to all citizens to earn a living.

After a lengthy legal struggle, last May a panel of the Arizona Court of Appeals unanimously agreed that the board acted within its powers. On behalf of the panel, Judge Margaret Downie wrote that the board made a "considered, deliberative decision about whether and how to regulate fish pedicures," and that its action did not result in Vong going out of business.

Vong appealed to the Arizona Supreme Court, which upheld the appellate court's ruling. So Vong brought her suit to a grander scale by appealing to the U.S. Supreme Court. Last month, the Court rejected her appeal without comment, meaning the ban on fish pedicures stands.

So if you want to get rid of dead skin on your feet, it looks like you'll have to go back to a pumice stone, as apparently fish pedicures are fin-ished.

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