

SUBJECT TO PROTECTIVE ORDER
ASPCA v. USDA - Civ. No. 05-840

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
INVESTIGATIVE AND ENFORCEMENT SERVICES
EASTERN REGION
RALEIGH, NC

REPORT OF INVESTIGATION

Violator(s): **Feld Entertainment, Inc.**
dba: Ringling Bros. and Barnum & Bailey Circus
8607 Westwood Center Drive
Vienna, VA 22182
Phone: (703) 448-4000

Case Number: VA05008-AC

Violation(s): 9 CFR 2

Investigator: Christopher L. Mina
920 Main Campus Drive, Suite 200
Raleigh, NC 27606
(919) 855-7080
(804) 240-6219

Date of Report: September 2, 2005

FOR OFFICIAL USE ONLY

This document and its contents are not to be distributed
outside your agency, nor duplicated, without prior consent
from USDA, APHIS, Investigative and Enforcement Services.



VA05008-AC

Page - 2 of 9

SYNOPSIS

Violator(s)

Information: Feld Entertainment, Inc, dba: Ringling Bros. and Barnum & Bailey Circus, currently holds a Class C license to exhibit animals under the Animal Welfare Act. Feld Entertainment's license number is 52-C-0137 and customer number is 7250. Ringling Bros. and Barnum & Baily Circus currently has 3 operational units; the red, blue and gold units. The red unit and blue units are three ring circuses which rotate, on even years the blue unit is performing and the red unit is training for the next show, and on odd years the rolls are reversed. The gold unit is a one ring circus for smaller venues. According to the United States Department of Agriculture, Animal and Plant Health Inspection Service, Application for License - License Renewal, Ringling Bros. and Barnum & Bailey Circus owns 22 dogs, 19 farm animals, 36 wild/exotic felines, 19 wild/exotic hoofstock, and 55 wild/exotic mammals for a total of 151 animals.

Previous History:

Feld Entertainment, Inc, dba: Ringling Bros. and Barnum & Bailey Circus have a previous history in the Investigative and Enforcement Services' Tracking System. This history includes but is not limited to a fine of \$20,000 (twenty thousand dollars), case FL98026-AC, for violations of veterinary care requirements set forth by the Animal Welfare Act. Two cases, AZ04156-AC involving the death of a lion during transport and FL04287-AC involving violations of veterinary care requirements have been submitted to the Office of General Counsel.

Violation Events:

The Blue Unit of Ringling Bros. Barnum & Bailey Circus performed in Oakland, California from August 18, 2004 through August 22, 2004. On August 20 and 21, 2004, Deniz Marie Bolbol, a member of Citizens for Cruelty-Free Entertainment, witnessed and videotaped the repeated hitting or beating of an elephant named Angelica by an Ringling Bros. Barnum & Bailey Circus' employee. A copy of the videotape that Deniz Marie Bolbol made on August 20 and 21, 2004 was used in a press conference in San Jose, California on September 24, 2005. Copies of the videotape were also made available to the People for the Ethical Treatment of Animals (PETA) and to some other animal rights activist.

VA05008-AC

Page - 3 of 9

EXPLANATION OF THE EVIDENCE

August 20, 2004

9 CFR
2.131(b)(1)

Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, physical harm or unnecessary discomfort.

9 CFR
2.131(2)(i)

Physical abuse shall not be used to train, work, or otherwise handle animals. An employee of Ringling Bros. and Barnum & Bailey Circus used physical abuse to handle and cause unnecessary discomfort to an elephant which is evidenced by;

Exhibits 1a and 1b— Copies of APHIS FORMS 7003- Application for License Renewal documents that Feld Entertainment, Inc dba: Ringling Bros. and Barnum & Bailey Circus holds a Class C license to exhibit animals under the Animal Welfare Act. They also document that Ringling Bros. and Barnum & Bailey Circus held a Class C license to exhibit animals under the Animal Welfare Act on August 20, 2004.

Exhibits 2a and 2b— APHIS FORM 7162, Affidavit of Deniz Marie Bolbol, and the copy of the letter to APHIS from Deniz Bolbol documents that Deniz Marie Bolbol witnessed and videotaped the alleged abuse of an elephant named Angelica by an employee of Ringling Bros. and Barnum & Bailey Circus. Deniz Marie Bolbol witnessed and videotaped the alleged events at the Oakland Coliseum in California on August 20, 2004.

Exhibit 3a – Videotape titled: Ringling Bros Oakland, CA Aug 04 AWA Violation 2.121(2)(i) Contact: Bolbol (650) 654-9955, which was submitted to APHIS with Deniz Marie Bolbol's letter dated 3/23/2005 (Exhibit 2b), documents an employee of Ringling Bros. and Barnum & Bailey Circus repetitively jab and strike the back leg of an elephant with what appears to be a bullhook. The date stamp on the videotape document the events took place on August 20, 2004.

Exhibit 3b – Videotape titled: PETA Ringling Baby Killers Revised by Pat CuvIELLO 4/12/2005 documents an employee of Ringling Bros. and Barnum & Bailey Circus repetitively jab and strike the back leg of an elephant with what appears to be a bullhook. The date stamp on the videotape document the events took place on August 20, 2004. *PETA Ringling Baby Killers was submitted to APHIS with a complaint filed by Debbie Leahy of PETA. Debbie Leahy provided a statement that Deniz Bolbol was responsible for videotaping the video clip that shows the alleged physical abuse of an elephant in PETA Ringling Baby Killers. Deniz Marie Bolbol was asked to provide the unedited video which included the video clip used in PETA Ringling Baby Killers. To comply with that request Joseph Patrick CuvIELLO provided IES Investigator Davis a copy of Deniz Marie Bolbol's unedited videotape of the alleged elephant abuse by copying Deniz Marie Bolbol's original video footage onto/over this Copy of PETA Ringling Baby Killers.*

SUBJECT TO PROTECTIVE ORDER
ASPCA v. USDA - Civ. No. 05-840

VA05008-AC

Page - 4 of 9

EXPLANATION OF THE EVIDENCE (continued)

Exhibit 4 - APHIS FORM 7162, Affidavit of Joseph Patrick Cuvillo documents that he witnessed Deniz Bolbol videotaping Angelica at the Oakland Coliseum on August 20 and 21, 2005 were Ringling Bros. and Barnum & Bailey Circus were performing.

Exhibit 5 - Statement of Bruce Reed documents that the Blue Unit of Ringling Bros. performed in Oakland, California from August 18, 2004 through Sunday, August 22, 2004. It also documents that the name of the elephant in the alleged incident of abuse is Angelica and that it's his understanding that there was no change in Angelica's routine after the alleged incident.

Exhibit 6 - Copy of a Letter to the Editor (Oakland Tribune) from Ringling Bros. documents that Angelica, who appeared in a videotape that was referred to in the August 25 article "Expert condemns abuse of elephant," was both unharmed and unfazed by what appears to be misuse of the animal handler's guide. It also documents that Ringling Bros.' animal care staff, if they were present, would have taken immediate action to remove the handler from contact with the elephants.

August 21, 2004

9 CFR
2.131(b)(1)

Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, physical harm or unnecessary discomfort.

9 CFR
2.131(2)(i)

Physical abuse shall not be used to train, work, or otherwise handle animals.
An employee of Ringling Bros. and Barnum & Bailey Circus used physical abuse to handle and cause unnecessary discomfort to an elephant which is evidenced by;

Exhibits 1a and 1b- Copies of APHIS FORMS 7003- Application for License Renewal documents that Feld Entertainment, Inc dba: Ringling Bros. and Barnum & Bailey Circus holds a Class C license to exhibit animals under the Animal Welfare Act. They also document that Ringling Bros. and Barnum & Bailey Circus held a Class C license to exhibit animals under the Animal Welfare Act on August 21, 2004.

Exhibits 2a and 2b- APHIS FORM 7162, Affidavit of Deniz Marie Bolbol, and the copy of the letter to APHIS from Deniz Bolbol documents that Deniz Marie Bolbol witnessed and videotaped the alleged abuse of an elephant named Angelica by an employee of Ringling Bros. and Barnum & Bailey Circus. Deniz Marie Bolbol witnessed and videotaped the alleged events at the Oakland Coliseum in California on August 21, 2004.

VA05008-AC

Page - 5 of 9

EXPLANATION OF THE EVIDENCE (continued)

Exhibit 3a - Videotape titled: Ringling Bros Oakland, CA Aug 04 AWA Violation 2.121(2)(i) Contact: Bolbol (650) 654-9955, which was submitted to APHIS with Deniz Marie Bolbol's letter dated 3/23/2005 (Exhibit 2b), documents an employee of Ringling Bros. and Barnum & Bailey Circus strike the back leg of an elephant with what appears to be a bullhook. The date stamp on the videotape document the events took place on August 21, 2004.

Exhibit 3b - Videotape titled: PETA Ringling Baby Killers Revised by Pat CuvIELLO 4/12/2005 documents an employee of Ringling Bros. and Barnum & Bailey Circus strike the back leg of an elephant with what appears to be a bullhook. The date stamp on the videotape document the events took place on August 21, 2004. *PETA Ringling Baby Killers* was submitted to APHIS with a complaint filed by Debbie Leahy of PETA. Debbie Leahy provided a statement that Deniz Bolbol was responsible for videotaping the video clip that shows physical abuse of an elephant in PETA Ringling Baby Killers. Deniz Marie Bolbol was asked to provide the unedited video which included the video clip used in PETA Ringling Baby Killers. To comply with that request Joseph Patrick CuvIELLO provided IES Investigator Davis a copy of Deniz Marie Bolbol's unedited videotape of the elephant abuse by copying Deniz Marie Bolbol's original video footage onto/over the Copy of PETA Ringling Baby Killers.

Exhibit 4 - APHIS FORM 7162, Affidavit of Joseph Patrick CuvIELLO documents that he witnessed Deniz Bolbol videotaping Angelica at the Oakland Coliseum on August 20 and 21, 2005 were Ringling Bros. and Barnum & Bailey Circus were performing.

Exhibit 5 - Statement of Bruce Reed documents that the Blue Unit of Ringling Bros. performed in Oakland, California from August 18, 2004 through Sunday, August 22, 2004. It also documents that the name of the elephant in the alleged incident of abuse is Angelica and that it's his understanding that there was no change in Angelica's routine after the alleged incident.

Exhibit 6 - Copy of a Letter to the Editor (Oakland Tribune) from Ringling Bros documents that Angelica, who appeared in a videotape that was referred to in the August 25 article "Expert condemns abuse of elephant" was both unharmed and unfazed by what appears to be misuse of the animal handler's guide. It also documents that the animal care staff, if they were present, would have taken immediate action to remove the handler from contact with Ringling Bros. elephants.