

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No.
)
Feld Entertainment, Inc.,)
dba Ringling Bros. &)
Barnum & Bailey Circus,)
)
Respondent) Complaint

98-0020

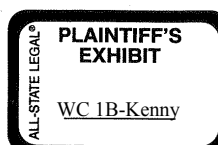
There is reason to believe that the respondent named herein has willfully violated the regulations (9 C.F.R. § 1.1 et seq.) issued pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), hereinafter referred to as the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Feld Entertainment, Inc., dba Ringling Bros. & Barnum & Bailey Circus, hereinafter referred to as respondent, is a corporation and its address of record is 8607 Westwood Center Drive, Vienna, Virginia 22182.

B. The respondent, at all times material hereto, was licensed and operating as an exhibitor as defined in the Act and the regulations.

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II

On two separate occasions on January 24, 1998, the respondent failed to handle a juvenile Asian elephant known as "Kenny" as expeditiously and carefully as possible in a manner that did not cause behavioral stress and unnecessary discomfort, in that, after determining that the elephant was ill and needed to be examined by a veterinarian, respondent made the elephant perform before it had been examined by a veterinarian, in willful violation of sections 2.100(a) and 2.131(a)(1) of the regulations (9 C.F.R. §§ 2.100(a), 2.131(a)(1)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

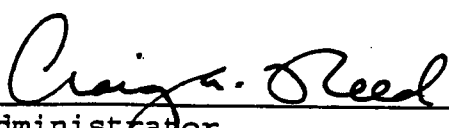
1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and

(b) Assessing civil penalties against the respondent
in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.
this 16th day of April, 1998


Acting Administrator
Animal and Plant Health
Inspection Service

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