

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.**
Ringling Bros. and Barnum and Bailey Circus
8607 Westwood Center Drive
Vienna, VA 22182
(703) 282-9087

Case Number: FL04287-AC

Violation(s): 9 CFR, 2.40 (b) (3)

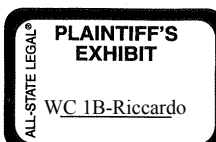
Investigator: Dale R. Boyles
920 Main Campus Drive, Suite 200
Raleigh, NC 27606
(919) 716-5618

Date of Report: January 26, 2005

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SYNOPSIS

Violator(s)

Information: Feld Entertainment Inc. / Ringling Bros. and Barnum and Bailey Circus, is a worldwide entertainment company, conducting circus shows around the world.

**Previous
History:**

Ringling Bros. and Barnum and Bailey Circus currently has one case (AZ04156-AC) at the Office Of General Council under review.

**Violation
Events:**

On 08/04/04 Ringling Bros. and Barnum and Bailey Circus / Center for Elephant Conservation in Polk City Florida, reported the death of an 8 month old Asian Elephant, named "Ricardo". The baby elephant was euthanized after sustaining non-repairable fractures to his back legs after reportedly falling off a training platform while playing.

EXPLANATION OF THE EVIDENCE

August 4, 2004

9 CFR
2.40 (b) (3)

Attending Veterinarian and Adequate Veterinary Care.

On 08/04/04 Ringling Bros. and Barnum and Bailey Circus, reported the death of an 8 month old Asian Elephant, named "Ricardo" after sustaining non-repairable fractures as a result of falling off a training tub while playing in a yard at the Center for Elephant Conservation, in Polk City Florida. The following is the evidence obtained as a result of an investigation requested by Animal Care:

Exhibit 1- Memorandum from Dr. Kay Carter-Corker to John Kinsella dated 08/11/04, requesting an investigation into the facts that lead to a baby Asian elephant being euthanized at Ringling Bros. and Barnum and Bailey Circus facility in Polk City Florida.

Exhibit 2- APHIS form 7003 Application for License dated 04/28/04, documenting the status of Feld Entertainment / Ringling Bros. and Barnum and Bailey Circus as a class 3 exhibitor.

Exhibit 3- Statement of Gary Jacobson General Manager of Ringling Bros. and Barnum and Bailey Circus Center for Elephant Conservation dated 11/04/04, describing the events that occurred prior to "Ricardo" sustaining his injury.

Exhibit 4- Statement of Gary Jacobson General Manager of Ringling Bros. and Barnum and Bailey Circus Center for Elephant Conservation dated 12/08/04, supplemental statement describing what restraints were used to bring "Ricardo" to and from the area where he sustained his injury.

Exhibit 5- Statement of Dr. William Lindsay Director of Veterinary Care for Ringling Bros. and Barnum and Bailey Circus, Center for Elephant Conservation dated 11/04/04, describing his response when notified of the injury to "Ricardo" and the care that was given up to the point where the decision was made to euthanize.

Exhibit 6- Statement of Dr. William Castleman, Veterinary Pathologist at the University of Florida Veterinary Medical Teaching Hospital dated 11/22/04, stating that he was requested to perform the necropsy on "Ricardo" and prepared the subsequent report for Dr. Lindsay.

Exhibit 7- Letter from Dr. Scott Terrell, Veterinary Pathologist from the University of Florida Veterinary Medical Teaching Hospital to Dr. William Lindsey, updating Dr. Lindsey on the status of the tissue and bone samples from "Ricardo" being tested.

Exhibit 8- APHIS form 7020, Record of Animal Disposition or Transport, dated 08/05/04, documenting the transfer of "Ricardo" to the University of Florida as well as his injury and being euthanized.

Exhibit 9- Necropsy Report and supporting test results from the University of Florida Veterinary Medical College and Teaching Hospital Dated 08/05/04.

Exhibit 10- Clinical Test Results from National Jewish Medical and Research Center dated 10/29/04, reporting preliminary results of bone and tissue samples submitted from necropsy of "Ricardo".

Exhibit 11- Clinical Test Results from National Jewish Medical and Research Center dated 11/18/04, reporting final test results of bone and tissue samples submitted from necropsy of "Ricardo".

Exhibit 12- Personal information and ongoing health and nutrition records for "Ricardo", showing growth development and health testing during his lifetime.

Exhibit 13- Test Results from Antech Diagnostic of Southaven Mississippi from 12/20/03 to 04/15/04, documenting blood, urine and fecal samples submitted from "Ricardo" to access ongoing health.

Exhibit 14- Test Results from the University of Florida Veterinary Medical College and Teaching Hospital from 12/05/03 to 07/09/04, documenting serum samples results submitted from "Ricardo".

Exhibit 15- Test Results from Forage Testing Laboratories, in Ithaca New York dated from 02/27/04 and 03/03/04, evaluating milk replacement samples, for powder milk supplements being given to "Ricardo".

Exhibit 16- USDA-APHIS-IES Photo Templates dated 11/04/04, documenting the area where "Ricardo" was playing at the time of his injury.

Exhibit 17- Compact disk dated 11/04/04, containing photos of training/play area at the Center for Elephant Conservation in Polk City Florida.

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OTHER EVIDENCE

Exhibit 18- Lexus/Nexus report dated 02/02/05, showing the corporate information for Ringling Bros. and Barnum and Bailey Circus

EXHIBIT LIST

- Exhibit 1- Memorandum from Dr. Kay Carter-Corker to John Kinsella dated 08/11/04
- Exhibit 2- APHIS form 7003 Application for License dated 04/28/04.
- Exhibit 3- Statement of Gary Jacobson dated 11/04/04.
- Exhibit 4- Statement of Gary Jacobson General dated 12/08/04.
- Exhibit 5- Statement of Dr. William Lindsay dated 11/04/04.
- Exhibit 6- Statement of Dr. William Castleman, dated 11/22/04.
- Exhibit 7- Letter from Dr. Scott Terrell not dated.
- Exhibit 8- APHIS form 7020, Record of Animal Disposition or Transport, dated 08/05/04.
- Exhibit 9- Necropsy Report and supporting test results, dated 08/05/04.
- Exhibit 10- Clinical Test Results from National Jewish Medical and Research Center dated 10/29/04.
- Exhibit 11- Clinical Test Results from National Jewish Medical and Research Center dated 11/18/04.
- Exhibit 12- Personal information and ongoing health and nutrition records for "Ricardo" during his lifetime.
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- Exhibit 14- Test Results from the University of Florida Veterinary Medical College and Teaching Hospital from 12/05/03 to 07/09/04.
- Exhibit 15- Test Results from Forage Testing Laboratories, in Ithaca New York dated from 02/27/04 and 03/03/04.
- Exhibit 16- USDA-APHIS-IES Photo Templates dated 11/04/04.
- Exhibit 17- Compact disk dated 11/04/04.
- Exhibit 18- Lexus/Nexus report dated 02/02/05.

WITNESS LIST

Gary Jacobson
General Manager
Center for Elephant Conservation
Ringling Bros. and Barnum and Bailey Circus Center
12850 Old Grade Road
Polk City FL, 33868
(863) 984-3389

Dr. William Lindsay
Director of Veterinary Care
Center for Elephant Conservation
Ringling Bros. and Barnum and Bailey Circus Center
12850 Old Grade Road
Polk City FL, 33868
(863) 984-3389

Dr. William Castleman
Veterinary Pathologist
University of Florida Veterinary Teaching Hospital
2015 SW 16th Avenue
Gainesville, FL, 32610
(352) 392-4700

Dr. Scott Terrell
Veterinary Pathologist
University of Florida Veterinary Teaching Hospital
2015 SW 16th Avenue
Gainesville, FL, 32610
(352) 392-4700

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



United States
Department of
Agriculture

Date: August 11, 2004

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Service

Eastern Regional
Office

Animal Care

920 Main Campus Dr.
Suite 200, Unit 3040
Raleigh, NC 27606

(919) 855-7100

SUBJECT: Request for Investigation of Alleged Violations
Regarding the AWA, Regulations and/or Standards

TO: John Kinsella, Regional Director
Investigative and Enforcement Services
Eastern Region

FROM: Kay A. Carter-Corker, D.V.M.
Assistant Regional Director
Eastern Region - Animal Care

RE: (7250) 52-C-0137
Feld Entertainment, Inc
Ringling Bros/Barnum & Bailey
8607 Westwood Center Drive
Vienna, VA 22182

Previous enforcement actions

▪ Yes

Supportive documents enclosed:

• Application for license renewal signed April 13, 2004

Comments:

Ms. Julie Strauss notified the Animal Care Eastern Regional Office that during the week of August 1, 2004, one of their baby elephants, "Ricardo", had to be euthanized. He was in the play yard, stepped off a platform that was 19 inches high and broke two of his legs. Feld Entertainment is awaiting the necropsy results. Ricardo was born in February 2004. Ricardo was located at the Ringling Bros. and Barnum & Bailey Center for Elephant Conservation, 12850 Old Grade Road, Polk City, FL 33868.

The Animal Care contact is Dr. Greg Gaj (727) 393-9243.

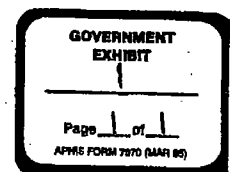
Please notify Dr. Kay Carter-Corker of the case number as soon as it is assigned.

cc: G. Gaj, SACS
K. Carter-Corker, ARD
File



Animal Care is a part of the Department of
Agriculture's Animal and Plant Health Inspection Service.

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PL 011568