



IN DEFENSE OF ANIMALS

March 17, 2011

Via Email

Dr. Robert Gibbens
Western Regional Director
USDA/APHIS/AC
2150 Centre Ave.
Building B, Mailstop 3W11
Fort Collins, CO 80526-8117

Dear Dr. Gibbens:

On behalf of In Defense of Animals (IDA) please consider this an urgent Complaint and a request for an immediate investigation into the George Carden Circus International (license no.43-C-0025) out of Springfield, Missouri. The circus was observed on February 25 and 26 in Madison, Wisconsin and on March 6 in Green Bay, Wisconsin. **The majority of the elephants demonstrated obvious signs of serious health problems, warranting immediate intervention by the USDA.**

Veterinary, health and safety issues

Most if not all of these elephants appeared to be injured or ill, in apparent violation of the following regulations:

Sec. 2.131 on handling of exhibited animals, requiring *(b)(1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort* and likely, depending on the causes of these injuries:

(2)(i) Physical abuse shall not be used to train, work, or otherwise handle animals.

Sec. 2.40 *Attending veterinarian and adequate veterinary care (dealers and exhibitors) requiring (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.*

Bimbo

Of greatest immediate concern is the elephant Bimbo, about whose condition we contacted you on March 8, 2011. She can be viewed in this video <http://www.youtube.com/watch?v=nyxSVhr1pGs> (2:03-3:30 and 5:32-end), and in <http://www.youtube.com/watch?v=sN1QDIxHs6A>. These videos alone, both taken in Green Bay, raise a number of grave concerns. While giving rides or just standing between rides, Bimbo's mouth was observed to be open constantly. According to an elephant expert consulted by IDA, there are several reasons that an elephant would be open-mouthed for such an extended period of time; most if not all of those would require an immediate veterinary assessment. It is very possible that Bimbo is experiencing a respiratory issue or is in distress and/or pain. She also obviously walks with a stiff gait and with apparent difficulty, a condition that was noted at least as far back as 2009 (see attached Complaint dated September 9, 2009). Further, Bimbo's right cheek is swollen. In addition to holding her mouth open, her head is held low, another possible sign of general discomfort. Clearly, this is an elephant in distress and in need of immediate medical intervention.

Bimbo exhibited the same signs of distress in Madison, two weeks earlier, shown in this extremely brief video: <http://www.youtube.com/user/elefriends005#p/u/4/oeTC0PM311c>. She can be seen placing her trunk in her mouth, which can be an indication of pain or distress.

Unidentified Elephants

In the first video linked above, at about the 2:24 mark, another elephant, whose name is unknown to us, is in apparent distress. She is clearly limping, and appears to be using her trunk as additional support. This is an indication of serious discomfort, and this elephant also needs veterinary attention.

Yet another elephant in clear distress is evident in the following brief video from Madison, Wisconsin: <http://www.youtube.com/user/elefriends005#p/a/u/1/qVTnlYHApEo>. Clearly, this elephant is very lame – neither front leg flexes at the wrist and she moves with obvious difficulty. The burdens of performance and rides several times daily, in addition to issues of prolonged restraint and inappropriate substrate, compel urgent assessment by a qualified, independent veterinarian. (Additional videos showing this elephant moving are available upon request.)

There are obvious, multiple scars on most if not all of the elephants, and one elephant has holes in her trunk, visible at around the 3:41 mark of the following video, taken in Green Bay:

<http://www.youtube.com/watch?v=nyxSVhr1pGs>

Bo

Bo, the 24-year-old bull elephant, and an unidentified female were videotaped backstage in Green Bay on March 6 (<http://www.youtube.com/watch?v=8ePtdAauWWQ>). Both display constant stereotypic behavior, which is commonly associated with compromised welfare and which you yourself have acknowledged to IDA should prompt a thorough medical assessment. Bo's stereotyping is further demonstrated here:

<http://www.youtube.com/watch?v=RIM6VK9kpJg>

Space and exercise issues

Both Bo and the female elephant (and, based on prior history, all the other elephants when not being used) are chained by one front and one rear leg, so tightly as to prevent significant movement. This practice is in clear violation of:

Sec. 3.128 Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement.

This requirement is clarified, as follows:

Policy #6 Space and exercise requirements for traveling exhibitors:

Animals exhibited in traveling shows may be kept in enclosures that meet the space requirements for transport enclosures as specified in Sections 3.14, 3.36, 3.61, 3.87, 3.113, and 3.137 **ONLY** during actual transport, i.e., movement in a conveyance between temporary locations. At all other times, they must be provided with space as described below...

When elephants are housed on chains while not in transport, chains must be of sufficient length and arrangement so as to permit each elephant to comfortably lie down, get up, self-groom, and move about within a reasonable range. If elephants are kept unchained in a truck or railway car, each elephant must have enough space to make these postural adjustments as well. These same requirements apply to tethered hoofstock.

Subpart F animals (for example, elephants, hoofstock, and exotic cats) are required to have “sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement.”

Public safety issues

Public safety is a grave concern. It should be noted that, during the elephant rides on all dates observed, there were near-constant violations of safe handling regulations: The exhibitors had five or six elephants essentially milling about in a small ring with children and adults on their backs. It was crowded and chaotic, and, frequently, elephants carrying riders were left to walk around the ring entirely unattended. Handlers were talking to one another rather than paying attention to the elephants. On numerous occasions elephants not being used to give rides would stand in the middle of the ring, again completely unattended. This can be observed in all of the videos of the rides, for example: <http://www.youtube.com/watch?v=sN1QDIxHs6A>.

These practices are blatant violations of the AWA regulations on safe handling of exhibited animals, specifically:

Sec. 2.131 Handling of animals. (b)(1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

(1)(c)(1) During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public.

(d)(1) Animals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.

(2) A responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact.

(3) During public exhibition, dangerous animals such as lions, tigers, wolves, bears, or elephants must be under the direct control and supervision of a knowledgeable and experienced animal handler.

Every one of the videos taken during the elephant rides documents numerous and substantial violations of these regulations pertaining to handling and especially failure to handle so as to minimize the risk of harm to the public and to the animals.

IDA requests an immediate inspection to determine whether the licensee continues to be in violation of applicable AWA requirements, and **most urgently to determine the veterinary needs of these elephants and to ensure that they receive the care, attention and rest** needed. Considering the seriousness of the conditions of several of these elephants, coupled with the ongoing failure of the exhibitor to maintain their health, we believe that confiscation is appropriate and necessary to relieve their suffering.

I look forward to your prompt attention to this matter. Please contact me if you have any questions or if you would like more information.

Sincerely,

Deborah Robinson, Esq.
Captive Elephant Specialist
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