



IN DEFENSE OF ANIMALS

July 9, 2010

Dr. Chester Gipson
Deputy Administrator, Animal Care
U.S. Department of Agriculture
Animal and Plant Health Inspection Service
4700 River Road
Riverdale, MD 20737

By email and fax to: 301-734-4993

Dear Dr. Gipson:

We are writing to express grave concern for the wellbeing of the African elephant named Nosey, owned by Hugo Liebel (d/b/a the Florida Family Circus, among numerous other names and aliases). Your department has documented nearly two decades of Animal Welfare Act (AWA) violations but no action has yet been taken to remove Nosey from an abusive and utterly unacceptable situation.

Based on the history documented below, In Defense of Animals (IDA) contends that the USDA must confiscate Nosey. It is IDA's belief that Nosey is experiencing unrelieved suffering and distress as a direct result of Liebel's abusive treatment, failure to provide adequate veterinary and daily care, and failure to handle her in a humane manner. Under the terms of the Animal Welfare Act and Sec. 2.129 of its accompanying regulations, an exhibited animal may be confiscated under those circumstances; failure to do so will only continue her suffering.

Since 1997, Liebel has been cited for:

- Repeated failures to file an itinerary with APHIS.
- Repeated violations for unsafe and inadequate conditions in Nosey's barn, enclosure and trailer. These include transport in a filthy trailer with a strong urine odor and ground soggy with urine and feces; sharp pieces of metal, nails, glass and wood likely to cause injury both at the home site and while traveling; and frequent lengthy housing in a trailer that did not provide sufficient room for normal postural adjustments such as lifting her head or turning around.
- Violations of food storage requirements including food supplies that were partially eaten by vermin.
- Numerous safe handling violations that put both Nosey and the public at risk including failure to provide a sufficient safety barrier between the elephant and the public, handling potentially dangerous animals in an unsafe manner, and leaving the elephant unattended or under the control of a child during public exhibition. It should be noted that Nosey attacked a circus worker on at least one occasion, resulting in head injuries.

In Defense of Animals re elephant Nosey

July 9, 2010

Page Two

- Repeated failures to provide veterinary care include deficiencies in administering TB tests; failure to provide veterinary care to an elephant with excessive pad overgrowth on one foot, thereby putting the elephant at risk of impaired movement, infection, or other medical problems; and an incomplete program of veterinary care.
- Nosey has suffered for at least thirteen years from a skin condition (her skin has been noted to be “rough, thickened, irregular, cracked, dry and flaking”) caused or worsened by Liebel's ongoing refusal to bathe or care for her appropriately, or to follow veterinary instructions regarding treatment. She appears to be losing weight, and inspectors have called for an immediate assessment of Nosey's feeding program to ensure she is being fed properly.

On May 25, IDA filed a Complaint (attached) with the Eastern Division of APHIS, based on personal observation of violations for which Liebel had previously been cited, including safe handling issues that put the public at risk, handling problems that put Nosey at risk, veterinary issues, and feeding and sanitation problems.

In May, USDA inspectors took photographs to assist with monitoring Nosey's body condition. While we applaud the agency's intent to pay close attention to her condition, how much more “monitoring” will it take to persuade APHIS that this lengthy history of neglect and abuse will continue only as long as you allow it? In 2005 Liebel paid thousands of dollars in fines for AWA violations, yet the violations continue unabated. Clearly, the constant citations for his flagrant and serious violations of AWA over nearly 20 years have done nothing to avert the grave danger to Nosey and to the public.

APHIS has a history of waiting until elephants are in dire condition before confiscating them, as allowed by the AWA. Your agency has stated that it intends to be more proactive in these situations, and we expect you to uphold that pledge.

Your agency has documented dozens of AWA violations, the majority of them repeat non-compliant items, many of which directly jeopardize the health and well-being of the elephant. Clearly Nosey is suffering. Liebel has had ample opportunities to correct his treatment of her, and has failed to do so.

We urge you to confiscate Nosey now and send her to the refuge of a sanctuary, where, after a life of solitude and torment in the circus industry, she can get the specialized care she needs.

We look forward to your prompt response.

Sincerely,

Catherine Doyle
Director, Elephant Campaign
(323)301-5730
zoos@idausa.org

Deborah Robinson, Esq.
Captive Elephant Specialist
(860) 836-7761
circuses@idausa.org