

October 17, 2019

USDA/APHIS/Animal Care

Via e-mail: Animalcare@usda.gov

Re: Request for Investigation of Zootastic of Lake Norman, Inc. (License No. 55-C-0272) for Apparent Animal Welfare Act Violations

Dear USDA Animal Care:

I am writing on behalf of PETA to request that the USDA investigate Zootastic of Lake Norman, Inc. ("Zootastic," License No. 55-C-0272), for endangering a juvenile tiger and the public, in violation of the Animal Welfare Act (AWA).

On October 12, Scottie Brown, owner of Zootastic, brought a 6-month old tiger to a public event, Sheldon's K9s Fall Festival. During the event, a member of the public had direct contact with this juvenile tiger. (*See* Exhibit 1 and also [Facebook post](#).) A video taken at the event shows the tiger being restrained with only a harness and leash, without any barriers between the animal and the public. (*See* Video and also [Facebook post](#).) In the video, the tiger appears to be trying to rest but Scottie repeatedly attempts to get the animal up by pulling on the leash, pulling the animal's tail, pushing his body, and putting toys or his hand in the animal's face (*see* Video at 2:00, 3:30, 4:35, 7:25, and 8:00). The tiger growls and appears agitated each time. According to wildlife veterinarian Dr. Christine Capaldo, the tiger appears exhausted and distressed, and would normally be resting during a large portion of the day. In addition, the tiger is continuously panting throughout the video, an indication of excessive heat or stress.

Zootastic does not appear to be exhibiting this tiger "in a manner that does not cause ... overheating, behavioral stress, or unnecessary discomfort" or "under conditions consistent with [the tiger's] good health and well-being," in apparent violation of 9 C.F.R. § 2.131(b)(1) and (d)(1). Exhibiting this juvenile tiger, who appears exhausted and distressed, appears to also violate 9 C.F.R. § 2.131(c)(3), which requires that "[y]oung or immature animals shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being."

In addition, exhibiting a dangerous animal without adequate barriers to protect both the public and the animal is in apparent violation of 9 C.F.R. § 2.131(c)(1), which requires that "[d]uring 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."

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The tiger is 6 months old and "[f]or regulatory purposes, APHIS generally considers big cats to become juveniles when they reach 12 weeks of age."¹ The USDA has also found that handling tigers at just 4 months old is dangerous, stating that "[w]hen tiger cubs reach this size, speed, and strength, contact with the public is no longer safe."² According to the USDA, there is "*inherent danger* present for both the viewing public and the exhibited animal(s) where there is any chance that the public could come into contact with juvenile or adult big cats" and thus "direct public contact with juvenile and adult felines *does not conform to the handling regulations, because it cannot reasonably be conducted without a significant risk of harm to the animal or the public* (emphasis added)."³ APHIS policy further states that handlers and leashes are not substitutes for the "sufficient distance and/or barriers" required by 9 C.F.R. § 2.131(c)(1).⁴

Please hold Zootastic fully accountable for all violations that you discover during your investigation.

Thank you for your attention to this important matter. Please inform me of the complaint number that your agency assigns to this correspondence.

Very truly yours,



Rebecca Smudzinski, M.A.
Wildlife Specialist, Captive Animal Law Enforcement

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¹*In Re: Jamie Michelle Palazzo, an Individual, Doing Bus. As Great Cat Adventures; & James Lee Riggs*, AWA Docket No. 07-0207, 2010 WL 546916, at 2 (U.S.D.A. Jan. 5, 2010).

²See USDA Inspection Report, Tim Stark, License No. 32-C-0204, Sept. 13, 2015.

³ See USDA, [Big Cat Question and Answer](#), Commonly Asked Big Cat Questions at 1 (interpreting 9 C.F.R. § 2.131(c)(1)); USDA APHIS, 2013 Animal Welfare Inspection Guide, A-57; *see also Antle v. Johanns*, No. CIV.A. 4:06-1008, 2007 WL 5209982 (D.S.C. June 5, 2007), *aff'd*, 264 F. App'x 271 (4th Cir. 2008) (dismissing an action to set aside a USDA decision that interpreted there to be a violation of 9 C.F.R. § 2.131 when persons photographed with a big cat are allowed to stand behind the cat without any barrier between the two even if the animal is "restrained").

⁴ See Big Cat Question and Answer, *supra*.