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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 15-0 103
)
CARSON & BARNES CIRCUS)
COMPANY, an Oklahoma corporation)
doing business as CARSON & BARNES)
CIRCUS; and HANNEFORD CIRCUS,)
INC., a Florida corporation doing business)
as ROYAL HANNEFORD CIRCUS,)
)
Respondents.) COMPLAINT

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (Act or AWA), and the regulations issued pursuant thereto (9 C.F.R. § 1.1 et seq.) (the Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Carson & Barnes Circus Company (Carson & Barnes Circus) is an Oklahoma corporation doing business as Carson & Barnes Circus, and whose registered agent is Sean K. Huffman, PLLC, 700 South Pack Drive, Broken Bow, Oklahoma 74728. At all times mentioned herein, respondent Carson & Barnes Circus was an exhibitor, as that term is used in the Act and the Regulations, and held AWA license 73-C-0001.

2. Hanneford Circus, Inc. (Hanneford Circus), is a Florida corporation doing business as Royal Hanneford Circus, and whose registered agent is Rick McCarthy, 107 S. Osprey Avenue, Suite 100, Sarasota, Florida 34236. At all times mentioned herein, respondent Hanneford Circus was an exhibitor, as that term is used in the Act and the Regulations. During 2014, respondent Carson & Barnes Circus leased three elephants (Kelly, Viola, and Isa) to Hanneford Circus for use in exhibition.

ALLEGATIONS REGARDING BUSINESS SIZE,
GRAVITY OF VIOLATIONS, AND COMPLIANCE HISTORY

3. Respondent Carson & Barnes Circus is a circus, and also leases its animals and animal acts to other circuses for use in exhibition. The gravity of the violations alleged herein is great, and involve, among other things, the mishandling of elephants, resulting in injuries to elephants. On August 16, 2004, respondent Carson & Barnes Circus resolved an apparent violation of the handling Regulations that resulted in injuries to two elephants, by entering into a stipulation pursuant to 9 C.F.R. § 4.11(a). On September 11, 2012, respondent Carson & Barnes Circus resolved numerous apparent violations of the Regulations spanning August 2010 through April 2012, including multiple instances of mishandling elephants, by entering into a stipulation pursuant to 9 C.F.R. § 4.11(a). On March 12, 2014, APHIS issued an Official Warning to respondent Carson & Barnes Circus for failing to comply with the Regulations governing the provision of adequate veterinary care.

ALLEGED VIOLATIONS

4. On or about March 22, 2014, at St. Charles, Missouri, respondents Carson & Barnes Circus and Hanneford Circus willfully violated the Regulations (9 C.F.R. § 2.131(b)(1)), by failing to handle three elephants (Kelly, Viola, and Isa) as carefully as possible in a manner that would not cause them trauma, behavioral stress, physical harm, or unnecessary discomfort; and specifically, respondents failed to ensure that the route that Kelly, Viola, and Isa were required to take to their enclosure was safe, and that the elephants could proceed to their enclosures without becoming stressed or harmed. At the same time that circus performances were ongoing, employees of respondent Carson & Barnes Circus and an "independent handler" led the three elephants to the enclosure assigned to them by respondent Hanneford Circus. Before the elephants were a safe

distance from the performance area, employees of respondent Hanneford Circus caused the approximately 8,000 audience members to create loud noises, among other things, by stomping their feet on the metal bleachers, whereupon the elephants became stressed and the elephant handlers lost control of Kelly, who escaped from the handlers and proceeded on a route between two trailers, resulting in abrasions and lacerations on her right side. Viola also suffered superficial lacerations on her left and right sides.

5. On or about April 14, 2014, at Altoona, Pennsylvania, respondent Carson & Barnes Circus willfully violated the Regulations (9 C.F.R. §§ 2.131(b)(1), 2.131(c)(1)), by failing to handle three elephants (Kelly, Viola, and Isa) as carefully as possible in a manner that would not cause them trauma, behavioral stress, physical harm, or unnecessary discomfort, and, during exhibition, failing to handle the elephants so there is minimal risk of harm to the elephants and the public, with sufficient distance and/or barriers between the elephants and the public to ensure the safety of both the elephants and the public; and specifically, respondent employed personnel who, while leading the elephants from the performance area to their enclosure, stopped to water the animals in an area accessible to the public, without any distance and/or barrier between the elephants and the public, whereupon a child and an adult were able to, and did, approach the three elephants from behind, and the adult photographed the child standing at the back of and in direct proximity to the elephants while the elephants drank water.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondents. The respondents 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. APHIS requests that unless the respondents fail to file an answer within the time allowed therefor, or file 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 that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 27th day of April 2015



Administrator
Animal and Plant Health Inspection Service

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