

Cole Bros. Circus

P.O. Box 127, DeLand, FL 32721

Cole Bros. Circus, previously known as Clyde Beatty–Cole Bros. Circus, has failed to meet minimal federal standards for the care of animals used in exhibition as established by the Animal Welfare Act (AWA). The U.S. Department of Agriculture (USDA) has repeatedly cited Cole Bros. for failing to give veterinary care to animals, including elephants who have shown extreme weight loss, as well as failing to provide animals with adequate space. The USDA filed formal charges of AWA violations against Cole Bros. because elephants showed signs of being abused with sharp metal bullhooks. A New Jersey humane society charged the circus with cruelty to animals for overloading and overworking an elephant, and two elephants—who were described as malnourished and neglected—died suddenly within a two-week period. In seven separate incidents, elephants with Cole Bros. have become violent, killing two members of the public, injuring more than a dozen others, and rampaging during performances, causing tens of thousands of dollars in property damage. As of February 2008, Cole Bros. no longer has its own USDA license—it leases animal acts from other circuses, including Carson & Barnes Circus. Carson & Barnes employees were videotaped beating elephants with bullhooks and shocking them with electric prods, and the USDA has fined Carson & Barnes for elephant abuse. In 2011, Cole Bros. and its president pleaded guilty to violating the Endangered Species Act by illegally selling two Asian elephants and were sentenced to probation and ordered to pay more than \$150,000 in fines. In 2012, Cole Bros. and its president were assessed a \$15,000 civil penalty by the USDA for violations of the AWA. Contact PETA for documentation.

December 15, 2014: The USDA issued an official warning to Ernesto Fassio, a dog exhibitor with Cole Bros., for violations of the AWA, including failing to have a written program of veterinary care, failing to observe a dog with a swollen right carpal joint and two dogs with dental issues, and failing to house two dogs in an area that was completely secure.

May 6, 2014: The USDA cited the Fassio Family, which was performing as Cole Bros., for failing to have a written program of veterinary care, failing to have a veterinarian-approved exercise plan for the dogs, and failing to provide one dog with a secure

transport enclosure.

August 31, 2012: The USDA cited Hawthorn Corporation, which was performing as Cole Bros., for failing to provide appropriate barriers between a tiger and the public. A member of the public was able to walk up and touch a caged tiger.

April 9, 2012: The USDA ordered Cole Bros. and John Pugh, its owner and president, to pay a \$15,000 civil penalty to settle numerous AWA violations, including, among many other violations, failing to maintain programs of adequate veterinary care, which caused two Asian elephants, Tina and Jewel, to remain underweight; housing Tina and Jewel in an outdoor enclosure without adequate shelter from sunlight and inclement weather; having inadequate drainage in the enclosure housing elephants; and failing to keep premises clean and in good repair.

June 29, 2011: The USDA cited Carson & Barnes, performing as Cole Bros., with a direct noncompliance of the AWA after a handler was seen by an inspector talking on his phone and walking away from an elephant while one adult and six children sat on her back during a ride. A handler was also seen distracted and talking to a member of the circus, leaving the elephant unattended. At another point, one handler was left to supervise two elephants. Carson & Barnes was also cited for another direct noncompliance when a female handler was observed using excessive force with a bullhook against an elephant named Viola on several occasions. Additionally, Carson & Barnes was also cited on two counts of failing to handle animals so that there is minimal risk of harm to both the animals and the public—only one handler was present for two elephants while within close proximity of members of the public. The inspector also cited the circus because the handler had his back turned when a member of the public came into physical contact with the elephant and also while two elephants extended their trunks over protective fencing to eat grass on the public side.

June 17, 2011: A man and his son decided to stop near a parking lot where Cole Bros. was set up in Lanesboro, Massachusetts, and videotape the elephants just for fun. They witnessed a handler yelling at the elephants before striking one of them with “something that looked like a club,” producing a clearly audible “whack” sound. The same handler then struck the elephant two more times. “This was not an ‘attention getter,’” the father explained. “This worker reared back and swung the club with all his might, twice. You could hear the ‘whack’ as the club struck the elephant. My son and I were shocked.” (Video footage is available online and can be requested from PETA.)

February 23, 2011: Both Cole Bros. and John Pugh, the company owner and president, pleaded guilty to violating the Endangered Species Act by illegally selling two Asian elephants—Tina and Jewel—to a man named William Davenport, who planned to use them for private parties and elephant rides. Cole Bros. was sentenced to four years of probation and ordered to pay a \$150,000 fine. Pugh and Davenport were each sentenced to three years of probation and 100 hours of community service. In addition, Davenport was ordered to pay a \$5,200 fine, and Pugh was ordered to pay a \$4,000 fine and make a \$1,200 payment to an organization working for the conservation of Asian elephants. Both Jewel and Tina were taken into federal custody and now live together at the Los Angeles Zoo.

October 12, 2010: The USDA cited Cole Bros. exhibitor Jennifer Caudill for failing to have the required records for the dogs she was exhibiting as well as for the llamas, zebras, and camel she claimed to be hers. She was also cited for verbally abusing the inspector and failing to provide the llamas, zebras, and camel with shelter from the rain.

August 17, 2010: The USDA cited Cole Bros. exhibitor Jennifer Caudill for failing to have identification for four puppies and for not providing them with sufficient space in a primary enclosure. The inspector noted that the space was large enough for only one puppy.

July 8, 2010: The USDA cited Cole Bros. exhibitor Jennifer Caudill for the same items it listed the month before: failing to have complete records for the animals she was exhibiting, failing to have health certificates for eight dogs and four puppies, failing to submit itineraries, exhibiting exotic cats without approval from the USDA saying that she had the knowledge or experience necessary for handling dangerous exotic animals, and failing to provide the big cats with a veterinarian-approved diet.

June 8, 2010: The USDA cited Cole Bros. exhibitor Jennifer Caudill for failing to have complete records for the animals she was exhibiting, failing to have health certificates for eight dogs and four puppies, failing to submit itineraries, exhibiting exotic cats without approval from the USDA saying that she had the knowledge or experience necessary for handling dangerous exotic animals, and failing to provide the big cats with a veterinarian-approved diet.

June 7, 2010: The USDA cited Allen Bros. Circus, which was performing as Cole Bros., for failing to correct previously identified noncompliances, including failing to demonstrate adequate experience and knowledge of the proper handling of dangerous wild or exotic animals, failing to have dangerous

animals under the direct control and supervision of a knowledgeable and experienced animal handler, failing to provide a travel itinerary, and failing to notify the USDA of a change in its business operations—specifically that it was now exhibiting tigers. The inspector wrote, “This puts the individual, public, and the animal’s safety at risk.” And the inspector noted that Allen Bros. Circus appeared to be circumventing the license revocation of another exhibitor.

May 4, 2010: The USDA cited Allen Bros. Circus, which was performing as Cole Bros., for failing to demonstrate adequate experience and knowledge of the proper handling of dangerous wild or exotic animals and failing to have dangerous animals under the direct control and supervision of a knowledgeable and experienced animal handler. The inspector wrote, “This puts the individual, public, and the animal’s safety at risk.” The circus was also cited for failing to provide a travel itinerary as well as for failing to notify the USDA of a change in its business operations—specifically that it was now exhibiting tigers. The USDA inspector noted that Allen Bros. Circus appeared to be circumventing the license revocation of another exhibitor.

April 27, 2010: An elephant named Viola, who had been leased from Carson & Barnes to perform with Cole Bros., escaped in Lynchburg, Virginia. She bolted from handlers and ran directly past a line of people waiting to buy tickets, sending some running toward the parking lot. Viola injured her shoulder and broke a toenail when she slid in the mud and fell into a ravine. She was on the loose for approximately 30 minutes before being recaptured. The circus claimed that the elephant had been spooked by a rabbit.

January 14, 2008: During an inspection at the Cole Bros. home facility, a USDA inspector noted, “The elephant area appears to be in the same condition as it was on the July 23, 2007, inspection.”

August 21, 2007: The USDA cited Cole Bros. exhibitor Hanneford Family Circus for failing to provide veterinary records documenting a birth deformity in an elephant named Liz, who was observed moving her right knee in a stiff manner.

August 2, 2007: The USDA cited Cole Bros. for failing to provide the elephant Jewel with adequately trained employees. The inspector wrote, “Given the current condition of Jewel, the handler ... does not have adequate training or experience to provide day to day and/or specialized handling ... [to] ensure that Jewel’s care and husbandry needs are met.” He wrote of Jewel’s condition, “[She] still remains gaunt. [Her] facial bones are prominent and evidence of weight loss can be seen along her dorsal spine, shoulders, and hips. ... She displayed distress and discomfort.”

The inspector also noted that her failure to gain weight “may indicate that she has a chronic, debilitating condition.” Cole Bros. was also cited for failing to maintain a corral used by the elephants, which was saturated with water and contained areas of large potholes, and failing to maintain the sanitation of an area near the holding area for the elephants, which contained “[a]ccumulations of burnt trash, circus cars, a trailer, and a fragile wooden building ... [which] are hazardous to the health of the animals.”

July 23, 2007: During an inspection at the Cole Bros. home facility, a USDA inspector noted, “The area used to house elephants is currently in need of a general clean up. ... The facility does not currently have an outdoor primary enclosure sufficient to securely contain elephants.”

June 5, 2007: The USDA cited Cole Bros. for failing to correct a previously identified noncompliance of not providing elephants with adequate veterinary care. Referring to using the Texas facility to house elephants Tina and Jewel, the inspector wrote that “the lack of a permanent long term housing facility that provides adequate shelter and enclosures jeopardizes the health of the animals and [hinders] their ability to gain weight.” The inspector also wrote, “The lack of sufficient ventilation in the barn housing the elephants can contribute to heat-related stress that would also adversely affect their health.” The circus was also cited for failing to provide elephants with adequate shade in the outdoor enclosure and failing to ensure the structural strength of primary enclosures.

May 15, 2007: The USDA cited Cole Bros. for failing to correct a previously identified noncompliance of not providing elephants Tina and Jewel with adequate veterinary care. The inspector wrote that an elephant expert had determined that both of them “showed an alarming amount of weight loss and that Jewel was not fit to continue traveling with the circus.” The expert requested that both elephants be moved to the circus’s winter quarters in Florida until they returned to good health. Instead, the circus subjected Tina and Jewel to the stress of lengthier transport to an unapproved facility in Texas that wasn’t equipped for long-term housing of elephants and could not provide adequate care, monitoring, or access to veterinarians experienced in elephant health. At the Texas facility, the elephants were relegated to a travel trailer during inclement weather, and the elephants’ daily food intake wasn’t being recorded as prescribed by the elephant expert. Cole Bros. was also cited for improperly storing unidentified immobilization drugs for elephants.

April 10, 2007: The USDA cited Cole Bros. for failing to correct a previously identified noncompliance of not

providing Jewel, an elephant with undiagnosed weight loss who was being subjected to stressful travel conditions, with veterinary care. The inspector wrote, “[Jewel] is noticeably thin. The spine is prominent as is the pelvis. The areas above the eyes are very sunken. The neck appears very thin.” The USDA instructed the circus to have her evaluated by a veterinarian who specializes in elephants.

March 17, 2007: The USDA cited Cole Bros. for failing to correct a previously identified noncompliance of not providing veterinary care to diagnose the cause of the elephant Jewel’s weight loss. She was “still noticeably thin” and had shown no significant weight gain in a five-week period. The circus was also cited for failing to provide documentation of annual tuberculosis tests on the elephants, and the inspector wrote, “[N]either Jewel nor Tina should travel [Prohibiting] public contact with these elephants is necessary to ensure the health of both the elephants and the public by minimizing the potential spread of tuberculosis.”

February 15, 2007: The USDA cited Cole Bros. for failing to correct a previously identified noncompliance of not providing a chronically thin elephant with adequate veterinary care. The inspector wrote that Jewel’s face had a sunken appearance, her spine was prominent, and her ribs were visible when she walked. The inspector also wrote that the elephant handler’s long delay in assessing Jewel’s weight “[was] not considered appropriate considering her body condition.” There was no documentation of a recent tuberculosis test, prompting the inspector to write, “Because TB can be a cause of chronic weight loss, it is imperative that the elephants are tested in a timely manner.”

October 24, 2006: The USDA cited Cole Bros. for failing to provide Jewel, an underweight elephant, with adequate veterinary care. The inspector wrote that her spine “is very prominent” and that “there appears to be very little muscling over the eyes.” The USDA also cited Cole Bros. for failing to store the animals’ food in a manner that would protect it from contamination.

December 14, 2005: The USDA cited Cole Bros. for improperly storing food next to a truck leaking oil. The circus was also cited for failing to establish an effective fly-control program, as evidenced by a camel with numerous flies on and around the face, nose, and eyes; “a slight serious discharge” from one eye; and the animal’s constant head-shaking.

August 25, 2005: An Asian elephant named Jewel, owned by Cole Bros. and touring with Wambold’s Circus Menagerie, suddenly wrapped her trunk around a woman’s wrist and yanked her as she

reached out toward the elephant from a crowd of people feeding the animal at the county fair in Mount Pleasant Township, Pennsylvania. The woman was treated at an emergency room for a sprain and possibly torn ligaments.

December 14, 2004: The USDA cited Cole Bros. for failing to provide medical records documenting whether a camel had received vaccinations, fecal exams, and deworming as required by the program of veterinary care as well as failing to provide perimeter fencing to contain elephants and camels.

July 31, 2004: A 450-pound white tiger bolted from Cole Bros. while being transferred from one cage to another near the Forest Park band shell in Queens, New York. Dozens of police officers with machine guns and tranquilizer darts pursued the animal for 30 minutes as he prowled through a park crowded with picnickers, scattering screaming people and causing a five-car pileup. The trainer recaptured him. Two women filed a \$30 million lawsuit after sustaining spinal fractures and other injuries in the multicar crash on the Jackie Robinson Parkway.

June 23, 2004: The USDA cited Cole Bros. for failing to correct a previously identified noncompliance of causing elephants trauma, physical harm, and behavioral stress. A witness reported seeing a circus worker repeatedly hit an elephant about the head and face with a long stick. The elephant grunted and also gave “a high pitched sound.” The elephant handler subsequently admitted to the USDA inspector that he “had hit the elephant named Jewel several times about the head” with a plastic PVC pipe because she had touched some wires. The inspector observed apparent injuries on Jewel’s forehead and above her left eye. The circus was also cited for failing to test new employees working with elephants for tuberculosis, failing to have a complete program of veterinary care, and failing to maintain the enclosure housing camels.

May 3, 2004: The USDA cited Beatty-Cole for failing to notify the agency of a name change. The circus’ new name is Cole Bros. Circus under American Circus Corporation.

February 5, 2004: The USDA cited Beatty-Cole for failing to provide the following animals with adequate veterinary care: two llamas with overgrown and deviated hooves, a llama with a callus on the bridge of his nose, and a camel with eye discharge. The circus was also cited for failing to provide camels with shelter from the sun, failing to maintain the stalls housing llamas in good repair, and failing to provide records of disposition for a zebra.

September 16, 2003: According to an incident report

filed with the Spartanburg County Environmental Enforcement Department in South Carolina, a Beatty-Cole employee admitted to striking two elephants on the face and trunk with a bullhook to quiet them down. Another employee, identified as the “elephant superintendent,” acknowledged that his coworker had probably struck the animals because “when the elephants started vocalizing you had to get them quieted down ASAP or they would get out of control.” The witness—a man with his 4-year-old son—described the elephant handler as holding the bullhook with two hands and swinging it like a baseball bat while hitting the elephant about the back, sides, head, and trunk for no reason.

April 25, 2003: According to a USDA letter, a white tiger traveling with Beatty-Cole gave birth to two cubs while the circus was performing in Bayonet Point, Florida. Both cubs were pulled away from their mother and died several days after birth. The USDA wrote, “[White tigers] appear to be less healthy than tigers without the genes that cause the color variation.”

March 27, 2003: A spectator in Charleston, South Carolina, took video footage of a circus employee who was forcefully striking an elephant on her leg and head with a push broom. As a result of this incident, Beatty-Cole paid a \$2,750 stipulation for improperly handling an elephant.

July 22, 2002: Knoxville Zoo staff veterinarian Dr. Ed Ramsay reviewed video footage of an elephant named Bessie, who was in the care of Beatty-Cole, and commented, “The video segments clearly show this elephant to have restricted range of movement of the front left leg. ... [I]n my professional opinion there is little to no question this animal suffers from arthritis. ... [T]his condition is painful. ... Extended periods of exercise and forced performance of unusual leg motions may very well cause this animal to suffer.”

August 23, 2001: A Beatty-Cole circus clown was found guilty on nine counts, including sodomy, sexual abuse, and endangering the welfare of a child, for sexually abusing a teenage assistant (see December 21, 1999). The boy testified that clown Christopher Bayer began sodomizing him in 1995, when he was 11 years old.

June 14, 2001: According to a USDA inspection report, a 56-year-old elephant named Bessie was suffering from arthritis, causing her to be “short strided in both front legs.” Captivity-induced foot problems and arthritis are the leading reasons for euthanasia in captive elephants.

June 5, 2001: Beatty-Cole was cited for failing to have a veterinarian-approved exercise plan for dogs.

February 12, 2001: A USDA inspector noted, “We were asked to examine [Tina the elephant] because of a complaint about inadequate control of the animal and use of physical force. ... This matter is still under investigation at this time.”

July 11, 2000: Beatty-Cole was cited for failing to maintain the elephants’ transport trailer.

March 9, 2000: Three veterinarians reviewed videotape of a disabled elephant named Helen who was forced to give rides and pull a caravan of heavy tiger cages. The veterinarians described her disability as a chronic, degenerative condition causing pain-related lameness, which is aggravated by grueling circus routines. They determined that she could not be safely worked and recommended that she be removed from service.

February 2 and 3, 2000: The USDA cited Beatty-Cole for failing to provide the following animals with adequate veterinary care: an elephant named Bessie, who was experiencing bleeding after and/or during urination (for which a diagnosis had not been made); an elephant named Helen, who had not been examined or treated for an injury to her tail (which caused fecal material to protrude from under the base of the tail). In addition, Bessie and Helen had not received any foot care for three months and had some cracked nails as well as soles and cuticles in need of trimming. The USDA also cited the circus for failing to employ a veterinarian with substantial prior experience in the care of elephants and failing to document the tuberculosis status of elephant handlers. The circus was also cited for failing to handle elephants in a manner that prevents trauma or physical harm (because of the presence of several bullhook scars on Bessie and Helen), failing to properly design and construct the elephant transport container after Helen was slammed into a wall during sudden braking (which resulted in paralysis of her tail), and failing to store food properly.

January 24, 2000: Beatty-Cole was assessed a \$10,000 civil penalty by the USDA to settle charges of abusively using a bullhook on elephants. The agency agreed to suspend the fine, provided that the money would be used to pay an elephant consultant.

August 27, 1999: The Monmouth County Society for the Prevention of Cruelty to Animals in New Jersey filed cruelty-to-animals charges against Beatty-Cole for overworking and overloading an elephant named Helen, who appeared to be suffering from a painful knee abnormality.

August 21, 1999: Conti and Petunia, two elephants whom veterinarians characterized as malnourished and neglected, died suddenly within the same two-

week period—shortly after the circus removed them from the tour when they could no longer perform. Conti was 54, and Petunia was 49.

April 20, 1999: The USDA charged Beatty-Cole with AWA violations. USDA Undersecretary Michael V. Dunn stated, “We believe that on numerous occasions, employees of Beatty-Cole abusively used an elephant hook on several animals. Charges of abuse are always among the most serious. And it both angers and saddens me when I hear allegations such as these.”

January 21, 1999: For the second time in approximately two months, the USDA cited Beatty-Cole for failing to provide a copy of records pertaining to the health of the elephants.

November 17 and 18, 1998: The USDA cited Beatty-Cole for failing to allow access to and inspection of its records. The circus would not provide the USDA’s animal-care inspector with a copy of a report concerning the health of the elephants. The inspector also noted scabs on the backs and behind the ears of the elephants. Medical records indicated that a veterinarian didn’t examine or treat these injuries. The circus was also cited for poor storage of food and bedding. The USDA inspector noted, “The back of the truck ... which stores the grain is dirty. There are cups, an empty cigarette pack, a gas powered weed eater, and spilled grain on the floor. . . . This area also serves as storage for a can of paint as well.”

September 10 and 11, 1998: The USDA cited Beatty-Cole for failing to have an attending veterinarian and failing to provide adequate veterinary care. The inspector noted, “Three of the elephants (Conti, Helen, and Pete) are intermittently demonstrating abnormalities in gait and other movement that may be age-related. Helen may also be exhibiting some of these due to previous injuries.” Results of tuberculosis tests for the elephants were also not available.

August 14, 1998: In an article in the newspaper *The Tennessean*, the circus admitted to puncturing an elephant’s skin and stated, “We had a guy who put a couple of boils on an elephant, where you hook them too hard and puncture the skin. It should never happen, but it did.”

June 12, 1998: The USDA cited Beatty-Cole for failing to provide the elephants with shade and failing to maintain the primary enclosure housing elephants. The circus was also cited (for the second time in one month) for improperly handling the elephants. The inspector stated, “On a previous inspection, two of the six elephants had obvious hook marks present. During the inspection today, four of the six elephants

were observed with what appears to be hook marks.” Several of the elephants’ feet also had cracks in the nails.

June 3, 1998: The USDA cited Beatty-Cole for noncompliance with the AWA for improperly handling the elephants. The inspector noted, “Two of the six elephants had obvious hook mark wounds on their legs. Some hook marks were also observed under the jaw of one elephant.”

July 29, 1997: Dr. Elizabeth Goldentyer of the USDA stated, “This licensee [Beatty-Cole] is under investigation for alleged violations of the AWA and regulations.”

July 10, 1995: Two elephants went on a rampage in Queens, New York, triggering a panic that left 12 people injured. The elephants bolted from the tent and crushed a parked car before being brought under control.

May 15, 1995: In Hanover, Pennsylvania, two elephants rampaged, smashing windows, denting cars, and crashing through a large plate-glass window at a Sears Auto Center. The elephants caused about \$20,000 in property damage. According to the *York Dispatch*, a local resident who witnessed the rampage said the elephants appeared “to act aggressive ... when the trainer ‘would pound on the animals with the hook. ... He really lost control, really started hammering on them.’”

June 5, 1993: An elephant crushed a man to death by pinning him against a trailer in Fishkill, New York.

May 21, 1992: Two tigers escaped from an unlocked cage during a performance in Muhlenberg Township, Pennsylvania. One roamed around the center ring, frightening 2,000 spectators before he was recaptured.

February 1992–January 1993: The USDA cited Beatty-Cole four times for not providing elephants with adequate security.

July 7, 1985: An elephant crushed a woman to death in New London, Connecticut.

May 1983: A spectator was injured by an elephant who grabbed the man and threw him to the ground. The man sustained a broken shoulder and ankle and was hospitalized.