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Via email

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Dear Mr. Feuer and Ms. Abourezk,

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) to urge your offices to investigate and take appropriate legal action against those involved in filming scenes apparently involving cruelty to animals in the movie *Jackass Forever*. The movie appears to have been filmed in Los Angeles (the city or county) during 2020 through 2021.

[The trailer for this film](#) contains footage of Johnny Knoxville being charged by an agitated bull, a person being bitten on the nose by a captive snake, and a tarantula trapped in a plastic tube between two people's heads. As discussed further below, the conduct involved in producing these segments involved cruelty to various animals in apparent violation of California law, including the prohibition on animal fighting, Cal. Penal Code § 597b, spectating animal fighting, *id.* § 597c, bullfighting, *id.* § 597m, and the state's general prohibition against cruelty to animals, *id.* § 597.

Moreover, other acts of cruelty may have been committed on the set of this movie that were not used in the trailer or the final cut of the film. We ask that your offices investigate this production and bring criminal charges as warranted against those who participated in each scene involving acts of cruelty to animals. This may include, but is not limited to, director Jeff Tremaine; several actors, including Johnny Knoxville, Sean McInerney, Ehren McGhehey, and Compston Wilson; the film's producers, including Greg Iguchi, Shanna Zablou Newton, Knoxville, Stephen Glover, Tremaine, Spike Jonze, Sean Cliver, Dimitry Elyashkevich, Todd King, and Jason Baum; and those responsible for providing the animals for the production.

These deliberate acts of animal abuse normalize cruelty to animals, are likely to be copied, and must not be allowed to be used as examples of how the entertainment industry can thumb its nose at the law.

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I. California’s Relevant Cruelty to Animals Laws

California law criminalizes animal fighting and worrying. Specifically, California Penal Code section 597b provides that

any person who, for amusement or gain, . . . causes any animal . . . to fight . . . with any human being, or who, for amusement or gain, worries . . . any bull . . . or other animal, . . . or any person who permits the same to be done on any premises under his or her charge or control, or any person who aids or abets the fighting or worrying of an animal or creature, is guilty of a misdemeanor.

State law also criminalizes knowingly being a spectator at animal fighting exhibitions, as well as being “knowingly present where preparations are being made” for animal fighting and worrying. *Id.* § 597c. In addition, California has made it illegal for “any person to promote, advertise, stage, hold, manage, conduct, participate in, engage in, or carry on any bullfight exhibition, any bloodless bullfight contest or exhibition, or any similar contest or exhibition, whether for amusement or gain or otherwise.” Cal. Penal Code § 597m.

California law also includes a general prohibition on cruelty to animals. California Penal Code section 597(b) provides that every person who “tortures” or “torments” any animal “or causes or procures any animal to be so . . . tortured or tormented” or “whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal” is guilty of violating the statute. Section 599b defines “animal” as including “every dumb creature.” This provision of the statute also states “the words ‘torment,’ ‘torture’ and ‘cruelty’ includes every act, omission or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.” Cal. Penal Code § 599b; *see also In re Juan*, No. D037396, 2002 WL 80631, at *2 (Cal. Ct. App. Jan. 22, 2002) (finding that shooting a dog with a BB gun violated section 597(b) as “torment,” even though it did not cause “excruciating, prolonged, or extreme pain”). More specifically, *Merriam-Webster* defines “cruel” as “causing or conducive to injury, grief, or pain.”¹

II. The Production of Scenes for *Jackass Forever* Apparently Violated State Cruelty Laws

A. Bullfight Scene

The scene in which Johnny Knoxville, wearing a cape, is charged by a bull in an enclosed area (approximately fifty-five seconds into the trailer) appears to violate California’s prohibitions on bullfighting (including bloodless bullfighting and similar exhibitions), and animal fighting and worrying, as well as the state’s general prohibition on cruelty to animals.

¹ *Cruel*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/cruel> (last visited Aug. 12, 2021).

The bull in this scene was forced to interact with humans apparently with no means of escape or option to retreat from the ring, meaning “the bull ha[d] no other option but to fight.”² Charging bulls are simply attempting “to push away the[ir] attackers, to avoid the adverse situation.”³ To prompt him to attack, this bull was highly likely to have been provoked and taunted.⁴ As PETA and the other plaintiffs in a case challenging the legality of a bull run alleged, the type of event featured in this film trailer is also dangerous and stressful for bulls for several other reasons: the bull could have become entangled with (and subsequently injured by) the person he was chasing, the bull was likely placed in an unfamiliar location and bombarded with stress-inducing stimuli, and those orchestrating this scene likely took advantage of the bull’s anxiety to somehow provoke him into defending himself. *See Animal Legal Def. Fund v. Great Bull Run, LLC*, No. 14-cv-01171-MEG, 2014 WL 2568685, at *1 (N.D. Cal. June 6, 2014).

In fact, the court in the bull run case refused to grant a motion to dismiss where plaintiffs, including PETA, alleged violations of all three of these statutes against a company who organized bull runs during which, similar to the scene from this trailer, bulls are provoked into chasing after people. *See id.* at *2, 8. Under California Penal Code Section 597m, the bullfight scene depicted here qualifies as a bloodless bullfight exhibition or a “similar . . . exhibition” that the film production staged, held, conducted, participated in, engaged in, and/or carried on, in clear violation of the statute. Courts outside of California have explained why even “bloodless” bullfights constitute animal cruelty, rejecting allegations that these events are “harmless exhibitions,” a claim which is “unreliable in the light of reason”: in bloodless exhibitions, the bulls are still “pestered and tormented into a fury” and “performers badger and tantalize [the bull] without end,” clearly causing the bull mental anguish. *C.E. America, Inc. v. Antinori*, 210 So.2d 443, 445 (Fla. 1968).

In apparent contravention of section 597b, those involved with this film’s production caused this bull to fight with a human being and “worried” this bull by subjecting him to conditions in which he felt threatened enough to charge Johnny Knoxville. *See Animal Legal Def. Fund*, 2014 WL 2568685, at *6 (finding plaintiffs had stated a valid claim that, inter alia, bull run event would be a violation of section 597b, “which prohibits making bulls fight with humans”). A violation of this provision would also indicate liability for whoever provided the bull to the movie production, Cal. Penal Code § 597b, the owners or persons in charge or control of the premises on which this scene was filmed, *id.*, and those involved with the film who did not actively participate in this scene but who were present as spectators while the scene was being filmed or while preparations for the scene were being made, *id.* § 597c.

² Gabriel Andrade, *Francis Wolff’s Flawed Philosophical Defense of Bullfighting*, 22 *Between the Species* 158, 164 (2018), https://www.researchgate.net/publication/328199181_Francis_Wolff’s_Flawed_Philosophical_Defense_of_Bullfighting.

³ Jordi Casamitjana, “*Suffering*” in *Bullfighting Bulls; An Ethologist’s Perspective*, https://www.animal-protection-consult.com/The_suffering_of_bulls_CAS_Jordi_Casamitjana.pdf (last visited Aug. 19, 2021).

⁴ *Id.*; see also Susana Martinez-Conde & Stephen L. Macknik, *How the Color Red Influences Our Behavior*, *Scientific American*, <https://www.scientificamerican.com/article/how-the-color-red-influences-our-behavior/>.

B. Snake Bite Scene

The scene in which a snake bites a person's face similarly appears to contravene California's laws against animal fighting and cruelty to animals. In this scene (at approximately one minute and seventeen seconds into the trailer), a snake sitting atop a barrel strikes a person whose puts his face close to the barrel, clamping down on the person's nose.

Snakes are naturally reclusive and will ordinarily retreat from any human contact if given the opportunity.⁵ This snake was forced into a novel, completely unnatural environment with bright lights and loud sounds (the vibrations of which snakes are very sensitive to⁶), and likely forcibly handled. The conditions probably caused the snake distress to the point that the snake felt threatened and was forced to attack as a fear response. This type of threat response is incredibly stressful and energetically costly for ectothermic animals⁷. Accordingly, those who participated in and facilitated this scene subjected the snake to needless suffering in apparent violation of section 597's prohibition on cruelty to animals.

On top of this stress, the snake was most likely taunted or otherwise provoked to elicit an attack on the person in this video, which would violate section 597b. In fact, before the snake is shown striking the person in this scene, it is apparent the person's face is already bloody, meaning either this snake was provoked into deploying defensive behavior multiple times or that other snakes were also antagonized into attacking this person. If the same snake was used, this animal was subjected to perceived threats multiple times in order to provoke attack responses.⁸ If different snakes were used, the film production may have violated sections 597(b) and 597b multiple times. The actor who participated in this stunt, those who own or were otherwise in control of the property on which the scene was filmed, the film's director and producers, and whoever provided the snake used in this scene may have violated one or both of these statutes. In addition, any spectators would be criminally liable under section 597c.

C. Tarantula Scene

The scene involving a tarantula also appears to violate California's ban on cruelty to animals. In this scene (at approximately one minute and seven seconds into the trailer), a tarantula is trapped inside a plastic tube that is connected to two bubble-shaped helmets enclosing two people's

⁵ Kent A. Prior & Patrick J. Weatherhead, *Response of Free-Ranging Eastern Massasauga Rattlesnakes to Human Disturbance*, 20 *J. of Herpetology* 255, 256 (1994); Meghan Beale et al., *Anthropogenic Disturbance Affects Movement and Increases Concealment in Western Diamondback Rattlesnakes (Crotalus atrox)*, 50 *J. of Herpetology* 216 (2016); Joanna Burger, *The Behavioral Response of Basking Northern Water (Nerodia Sipedon) and Eastern Garter (Thamnophis Sirtalis) Snakes to Pedestrians in a New Jersey Park*, 5 *Urban Ecosystems* 119, 119-29 (2001); Christopher Parent & Patrick J. Weatherhead, *Behavioral and Life History Responses of Eastern Massasauga Rattlesnakes (Sistrurus Catenatus Catenatus) to Human Disturbance*, 125 *Oecologia* 170, 170 (2000).

⁶ Bruce A. Young & Amie Aguiar, *Response of Western Diamondback Rattlesnakes Crotalus Atox to Airborne Sounds*, 205 *J. of Experimental Biology* 3087, 3087 (2002).

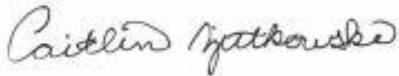
⁷ Manuela B. Pucca et al., *Current Knowledge on Snake Dry Bites*, 12(11) *Toxins* 668 (2020).

⁸ See Merriam-Webster, *supra* note 1.

heads. As with the other animals in the trailer, the tarantula is not given the option to retreat or escape from human interaction. Tarantulas are sensitive to vibrations, which they use to detect danger.⁹ Thus, being stuck in a tube between two people talking loudly or yelling would be a hostile and stressful situation for a tarantula.¹⁰ In addition, because falls from just thirty centimeters can severely or even fatally injure a tarantula,¹¹ the possibility of either of these two people participating in this stunt ripping off their helmets and causing the tarantula to fall out of the tube is a deadly situation for the spider. This scenario undoubtedly qualifies as cruel, as placing a tarantula in a potentially lethal situation being constantly bombarded with sensory threats is “conducive to injury, grief, or pain.”¹² As a result, your investigation may reveal that this stunt violated California Penal Code Section 597(b) by subjecting the tarantula to needless suffering and inflicting unwarranted cruelty.

Please let us know which of your offices will be responding to this complaint. Thank you for your time and consideration of this matter.

Sincerely,



Caitlin Zittkowski
Counsel
PETA Foundation



⁹ *Animal Fact Sheet: Tarantula*, Arizona-Sonora Desert Museum (2008), <https://www.desertmuseum.org/kids/oz/long-fact-sheets/tarantula.php>.

¹⁰ Simona Kralj-Fišer & Matjaž Gregorič, *Spider Welfare*, in *The Welfare of Invertebrate Animals*, 105-122 (Claudio Carere & Jennifer Mather, eds. 2019) (explaining spiders should be kept in spaces with minimal vibrational stimuli).

¹¹ Sarah Pellett et al., *Tarantula Husbandry and Critical Care*, 20 *Companion Animal* 54, 55 (2015).

¹² See Merriam-Webster, *supra* note 1.