

January 26, 2022

USDA/APHIS/Animal Care

Via e-mail: [animalcare@usda.gov](mailto:animalcare@usda.gov)

Re: Request to Investigate Carson & Barnes Circus (License No. 73-C-0001)  
for Apparent Animal Welfare Act Violations

Dear Animal Care,

I am writing on behalf of PETA regarding concerns about the ongoing exhibition of the aging elephants Viola and Isa by the Carson & Barnes Circus (license no. 73-C-0001). Observations collected from June to August 2021 at the Circus World Museum in Baraboo, Wisconsin, demonstrate that these elephants—who are both in their 50s—are experiencing ongoing age-related foot and joint problems, yet were required to perform twice a day, seven days a week, and Isa was also forced to give rides before and after each performance observed by an eyewitness. These elephants should be retired from the demands of travel, performances, and elephant rides.

As detailed in the attached appendix, photos and videos demonstrate:

- Throughout the summer, Viola and Isa had overgrown or misshapen toenails and swollen, frayed, or overgrown cuticles. Toenail trauma, deformity, and poor cuticle condition are indicative of poor husbandry. Such conditions can lead to painful and chronic foot or joint diseases resulting in serious debility or even deadly infections. (*See Videos 1–4, linked in the appendix, and Photos 1–9.*)
- Both elephants were documented repeatedly positioning their rear limbs at seemingly awkward angles in order to remove weight from the foot. This pattern persisted throughout the summer, and could indicate discomfort, possibly from degenerative joint disease such as arthritis, painful foot disease, or both. (*See Videos 5–16, linked in the appendix.*)
- The elephants were denied access to water while giving rides and also in the outdoor paddock where they were routinely left unattended between rides and performances, which had insufficient shade for much of the day. (*See Video 2, Video 6, Video 9, and Video 17.*)

Foot problems and arthritis are common among aging captive elephants, and are a leading reason for euthanasia. These conditions are caused and exacerbated by prolonged daily chaining, difficult performances, and poor husbandry and environmental conditions—circumstances that Isa and Viola experienced at Circus World and have endured for decades. Their continued exhibition is inconsistent with the Animal Welfare Act's (AWA) implementing regulations, which mandate “[a]nimals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.” 9 C.F.R. § 2.131(d)(1).

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Likewise, exhibitors must provide animals with “adequate” veterinary care using “appropriate” methods to prevent, control, diagnose, and treat ailments. *Id.* § 2.40(b)(2). For aging elephants showing signs of foot and joint ailments, adequate diagnostics would include radiographs, bloodwork, thermography, and a physical evaluation; appropriate methods to control and treat the underlying problems would potentially include rest, retirement, improved husbandry and environmental conditions, supportive care, and more. Isa and Viola’s foot and nail problems persisted throughout the summer, yet the elephants were never given a day off from the performance and ride schedule. It’s not clear whether Carson & Barnes staff even noticed their swollen nails and propped legs. (Notably, the USDA cited<sup>1</sup> Carson & Barnes in 2016 for failing to provide an elephant with adequate veterinary care after handlers failed to notice she was lame.) It is imperative that in their advanced age, these elephants receive a physical examination by a qualified veterinarian with extensive experience working with elephants, and that appropriate diagnostics, including radiographs, are performed and reviewed by an independent zoological radiologist.

Please inspect Isa and Viola and the circus’s veterinary records. These elephants should be retired from travel, rides, and performances, all of which directly interfere with their health.

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,



Debbie Metzler, M.S.

Associate Director of Captive Animal Law Enforcement

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<sup>1</sup> See USDA Inspection Report, Carson & Barnes Circus, license no. 73-C-0001, July 2, 2016.

## Appendix

Elephants Viola and Isa were exhibited by Carson & Barnes Circus at Circus World Museum in Baraboo, Wisconsin from June 18, 2021, through August 29, 2021. During that time, they performed two shows a day, seven days a week. Elephant rides were given four times a day, before and after each performance. An eyewitness who was at the facility approximately three times a week over the course of the elephants' ten-week residency observed and documented that upwards of a dozen rides were given in a single period, and Isa was always used for rides during these times. Most of these rides consisted of multiple riders, often carrying six people at once. Viola was observed being used for rides on one occasion, but all other days she was confined to a roped off area while Isa was being ridden. Records obtained from Circus World indicate that a total of 5,189 people paid to ride the elephants in 2021, and that the elephants never received a day off from riding.

Records also indicate that while held at Circus World, these elephants are chained indoors in a cement block barn overnight. When not performing or giving rides during the day, they were confined in a small paddock without access to water for drinking or bathing, and with limited shade.

### **a. Viola and Isa With Overgrown, Misshapen Nails and Frayed, Swollen Cuticles**

Elephant expert and veterinarian Dr. William Kirk Suedmeyer, Board Certified Specialist in Zoological Medicine, reviewed photographs and videos of Viola and Isa captured between June 30 and August 27, 2021, and observed that in both animals, there was evidence of nail overgrowth, misshapen nails, multiple swollen and overgrown cuticles, as well as incidences of frayed cuticles that were not connected to the nail. Dr. Suedmeyer said that these conditions “can lead to discomfort and nail bed infections.”

Specifically, Dr. Suedmeyer opined that Viola's nails “appear to be overgrown, and in both rear feet, the cuticle areas appear to be swollen.” (*See* Video 1, captured July 14, 2021.) Another veterinarian and Board Certified Specialist in Zoological Medicine, Dr. Philip K. Ensley, who has testified in court as an expert witness in cases of alleged abuse of captive elephants, also reviewed this video and said that Viola's right rear foot especially “deserves a radiographic study” due to the “swelling above the inner most nail that appears to have a defect in the nail.” The swelling above the toenails on her right rear foot was also documented on July 23, 2021. (*See* Photo 1.) Dr. Suedmeyer also noted that Viola had “swollen and frayed cuticles” on her rear feet. (*See* Photo 2, captured August 2, 2021.) Her swollen cuticles were again apparent on August 11, 2021 (*see* Video 2 and Photo 3) and on August 20, 2021. (*See* Photo 4.) On August 25, 2021, her nails also “appear[ed] to be overgrown and somewhat misshapen” (*see* Video 3), according to Dr. Suedmeyer.

Isa also had cuticle swelling above the toenails on her rear feet on July 19, 2021. (*See* Photo 5.) Dr. Suedmeyer opined that she had an “abnormally shaped second nail with a small vertical crack. The cuticle appears somewhat swollen.” (*See* Video 4, captured July 21, 2021.) Dr. Ensley added that Isa had notable swelling on the left rear foot above the base of the nail, as well as above the base of the forward most nail of the right rear foot. In a close-up photograph captured the same day of Isa's right rear foot, Dr. Ensley opined that there was “an area at the cuticle where there may be an opening where there has been an abscess that broke out and is now appearing dry.” (*See* Photo 6.) Regarding a photograph showing her left rear foot, Dr. Ensley said Isa's second toenail “appears misshapen and growing abnormally, due to prior and reappearing infection/abscess episodes of the nail.” (*See* Photo 7.) He added that “on both rear feet the areas above the forward most toes appear chronically swollen,” and that “toes with misshapen nails [are] perhaps due to abnormal wear from arthritis and

thus misplacing the foot as the elephant walks.” Dr. Suedmeyer also noted in a photograph of Isa from August 4, 2021, that the third digital nail on her right front foot was misshapen. (*See* Photo 8.) The opening above her toenail on her right rear foot that Dr. Ensley noted in footage from July 21 was still present on August 20, 2021. (Compare Photo 6 with Photo 9.)

In a recent survey<sup>2</sup> of 61 zoological facilities with geriatric elephants,<sup>3</sup> the majority of whom suffer from physical ailments such as osteoarthritis or foot diseases, elephant care professionals stressed the importance of providing aging elephants with species-appropriate exercise and a soft substrate (such as natural ground or rubber flooring), and refraining from confining elephants to concrete floors, a practice which is known to exacerbate degenerative joint diseases and poor foot and nail conditions. Yet Carson & Barnes chained Viola and Isa by two legs in a cement block barn every night at Circus World,<sup>4</sup> and during the day, when they were not performing or giving rides, it confined the geriatric elephants to a small paddock with virtually no enrichment to encourage walking and exercise. This unyielding surface and lack of appropriate space and exercise undoubtedly exacerbated their apparent foot and toenail ailments. Chaining likely limited their ability to lie down and take pressure off their feet and relieve any discomfort.

Damaged, unhealthy toenails can be painful, are caused and exacerbated by prolonged confinement on inappropriate and hard surfaces, and can lead to foot disorders that may result in serious debility or death in elephants. Dr. Suedmeyer said that, “both elephants would benefit from direct evaluation and examination by a veterinarian with experience in elephant foot care. ... Additional appropriate foot care would benefit the welfare of the animals and help mitigate additional future problems.”

There is no evidence to suggest that Carson & Barnes ever noticed Isa and Viola’s foot and nail problems or took any action to address them, such as by removing the elephants from performances, or giving them sand piles for resting. Forcing geriatric elephants suffering with potentially painful conditions to travel, give rides, and perform tricks violates 9 C.F.R. § 2.131(b)(1) and (d)(1), which state that animals must be exhibited “in a manner that does not cause trauma ... or unnecessary discomfort” and “only for periods of time and under conditions consistent with their good health and well-being.” Moreover, the elephants’ apparently chronic nail problems suggest that Carson & Barnes may not be following a program of adequate veterinary care using “appropriate methods to prevent, control, diagnose, and treat diseases and injuries,” as required by 9 C.F.R. § 2.40(b)(2), particularly while the elephants are traveling. Carson & Barnes’ continued use of these elephants for rides and performances puts their health and well-being at risk.

#### **b. Viola and Isa Potentially Exhibiting Shifting Leg Lameness**

On June 30, 2021, both Viola and Isa were observed and documented shifting weight off of their hind legs. (*See* Video 5.) Dr. Ensley opined that Viola “appears to be spending too much time abducting, positioning her right rear knee out/toes inward to remove weight from the limb. Then she proceeds to remove weight from her right rear foot.” He said that Isa “does the same thing in pointing her left front foot toes forward, then proceeds to remove weight from her right rear.”

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<sup>2</sup> Greene, W. & Brenner, D. (2020). Survey of geriatric elephant medical care, nutrition, husbandry, and welfare. *Journal of Zoo and Wildlife Medicine*, 51(3): 545–560. <https://doi.org/10.1638/2019-0212>

<sup>3</sup> Defined in the study as over 40 years old. Isa is estimated to be 54 years old and Viola is estimated to be 52 years old.

<sup>4</sup> *See* USDA/APHIS/Animal Care, Animal Welfare Complaint Response, Complaint No. AC17-673, Carson & Barnes Circus (July 10, 2017) (explaining that elephants are chained by two legs in a barn at night at Circus World).

On July 9, 2021, Viola and Isa again showed signs of shifting leg lameness. (*See* Video 6.) Dr. Ensley noted that Viola “now holds her left (rear) knee out to the side/toes inward to remove weight bearing, then switches to remove weight from her right rear.” He said that Isa “points the toes on her right rear forward to relieve weight, where there may be a toe crack causing discomfort.” This is the same foot which had noticeable cuticle swelling and a possible abscess that broke above the nail on July 21, 2021. (*See* Photo 6.)

On July 16, 2021, Viola was documented again abducting her right hind leg, and Isa was documented shifting weight off her right hind leg. (*See* Video 7.) On seven separate additional dates, the eyewitness observed and documented that Viola routinely lifted weight off of her hind limbs. (*See* Video 8, captured July 23, 2021; Video 9, captured July 26, 2021; Video 10, captured July 30, 2021; Video 11, captured August 2, 2021; Video 12, captured August 6, 2021; Video 2, captured August 11, 2021; and Video 13, captured August 20, 2021.) On July 12, 2021, Isa was also documented holding up her left hind leg to remove weight bearing on that limb/foot. (*See* Video 14.)

The eyewitness was told by a person who identified himself as a retired veterinarian who had previously attended to horses and camels once kept at Circus World, that the reason Viola shifted her weight on her back legs so often was most likely due to her age and arthritis.

Dr. Suedmeyer commented that although this shifting could be normal resting behavior, “there could be underlying pathology (discomfort, degenerative arthritis, etc.) causing the stance” seen throughout these videos. In order to fully evaluate this potentially abnormal stance or any “side effects” of giving excessive rides, Dr. Suedmeyer recommends that a number of diagnostic tests should be performed, including taking radiographs of the elephants’ digits, tarsi and carpi, which would help determine if rides should be suspended and if supportive care measures need to be captured (such as administering chondroprotectants or analgesics) to provide for the welfare of each animal. In addition, he opined that routine evaluation of bloodwork would help confirm normal or abnormal parameters, which could potentially impact offering rides. If bloodwork reveals elevated enzymes associated with muscle physiology, such as lactate dehydrogenase (LDH) and creatinine phosphokinase (CPK), it can indicate muscle damage or excessive muscle exertion. Dr. Suedmeyer further advised that use of thermography can depict areas of increased warmth, which would be apparent in areas of muscle and integument injury or damage.

Dr. Suedmeyer observed that even when elephants ambulate normally, they can “still have significant degenerative changes.” Likewise, the literature states that although “lameness is the most important clinical sign associated with joint disease,” it “will be seen well after structural changes to the joint have occurred.”<sup>5</sup> He also noted that in representative older footage of the elephants, Viola demonstrated gait abnormalities. In a video of her giving rides captured on February 18, 2018, her “right rear limb is slightly abducted while walking. This could be the result of adjusting the gait to compensate for discomfort.” (*See* Video 15.) (Notably, the same footage also shows Isa shifting weight off her right hind leg while standing.) And in footage from a performance on February 21, 2018, Viola was reluctant to sit on a pedestal, which Dr. Suedmeyer said “could be an indication of discomfort... originating from the lower spine, coxofemoral joints (hips) or stifles (knees).” (*See* Video 16.)

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<sup>5</sup> *See Biology, Medicine, and Surgery of Elephants* 266 (Murray E. Fowler and Susan K. Mikota, eds. 2006), [https://scholar.cu.edu/ashrafseida/files/surgery\\_of\\_elephants.pdf](https://scholar.cu.edu/ashrafseida/files/surgery_of_elephants.pdf)

Given the prevalence of arthritis among geriatric elephants and the environment and lifestyle these elephants have endured for decades, Viola and Isa are at high risk of developing arthritis and require a full, competent veterinary evaluation. Because chronic joint pathology is “a major cause of disability in captive elephants”<sup>6</sup> and “reflects declining welfare for the individual,”<sup>7</sup> experts emphasize the importance of prevention “through identifying and minimizing risk factors that contribute to these health conditions”<sup>8</sup>—including, as mentioned above, limiting the amount of time elephants are chained or forced to stand on hard surfaces, and providing elephants with an environment that includes soft substrates and encourages species-appropriate exercise.<sup>9</sup>

Please promptly assess the adequacy of veterinary care that Isa and Viola are receiving in accordance with 9 C.F.R. § 2.40, including whether radiographs have been performed and interpreted by a boarded zoological radiologist.<sup>10</sup> These elephants appear to have longstanding, age-related foot and joint problems, and it is entirely inappropriate for Carson & Barnes to continue to use them for rides, performances, and travel in 2022. *See* 9 C.F.R. § 2.131(b)(1), (d)(1).

### **c. Elephants Denied Water and Sufficient Shade**

On all of the days the eyewitness observed the elephants, they were not provided with any water while they were confined to the outdoor enclosure before and after daily performances, nor did they have access to water when they were in the smaller paddock where they gave rides. A volunteer told the eyewitness that she also had never seen the elephants with access to drinking water while in either of these enclosures. Nutritional guidelines state that elephants “should have free access to water.”<sup>11</sup> Limiting elephants’ water intake can lead to discomfort, dehydration, and other serious systemic consequences that are not easily detectable from mere observation. In accordance with 9 C.F.R. § 3.130, the elephants “must be provided as often as necessary for the health and comfort of the animal,” and for elephants *free access* to water is necessary.

The lack of water for both bathing and drinking is especially concerning given that there was generally not enough shade for the elephants when they were left unattended in the outdoor enclosure. While there was a tree that provided shade to one side of the enclosure for part of the day (*see* Video 5, captured June 30, 2021), often there was no natural shade cover from direct sunlight (*see* Video 6, captured July 9, 2021; Video 17, captured July 30, 2021; and Video 2, captured August 11, 2021). The enclosure had a structure that seemed intended to provide shade, but it was not big enough for both elephants to stand under at the same time. (*See* Video 9, captured July 26, 2021.)

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<sup>6</sup> *Id.* at 271.

<sup>7</sup> Michelle A. Miller, et al., *Housing and Demographic Risk Factors Impacting Foot and Musculoskeletal Health in African Elephants [Loxodonta Africana] and Asian Elephants [Elephas maximus] in North American Zoos*, 11 PLoS ONE at 14 (2016) (“Significant morbidity can result from chronic pododermatitis and degenerative joint disease in elephants.”).

<sup>8</sup> *Id.* at 14-15; *see also* *Biology, Medicine, and Surgery of Elephants*, *supra* note 4, at 288.

<sup>9</sup> Miller et al, *supra* note 6, at 14-15; *Biology, Medicine, and Surgery of Elephants*, *supra* note 4, at 266, 276, 271.

<sup>10</sup> In the case of Nosey the elephant, exhibitor Hugo Liebel’s attending veterinarian testified in court that he didn’t think she had arthritis based on his own radiographs, but an independent review of those images did in fact reveal arthritic changes. Subsequent radiographs analyzed by an independent zoological radiologist also revealed that she had osteoarthritis. *See* PETA’s correspondence to USDA, requesting termination of Liebel’s license and explaining Nosey’s extensive health problems that were overlooked by Liebel’s attending veterinarian’s poor judgment (January 8, 2018).

<sup>11</sup> Duane E. Ullrey, et al., *Elephants: Nutrition and Dietary Husbandry* 12 (1997), <https://nagonline.net/wp-content/uploads/2014/01/NAG-FS004-97-Elephants-JONI-FEB-24-2002-MODIFIED-2.pdf>

These conditions appear to violate 9 C.F.R. § 3.127(a) and (b), which require that “sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight” and that “[n]atural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals.”