

April 14, 2022

USDA/APHIS/Animal Care

Via e-mail: Animalcare@usda.gov

Re: Urgent Request for Investigation of Elephants Exhibited by Brett Carden
(License No. 43-C-0270)

Dear USDA Animal Care:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture promptly ensure that Brett Carden (license no. 43-C-0270) immediately retires elephants Betty and Janice from circus travel, performances, and rides. These elephants, who are in their 50s and considered geriatric, are showing signs of serious age-related physical problems. Holding them in chains, making them stand on concrete floors, and requiring them to perform demanding tricks will worsen these problems. The Animal Welfare Act (AWA) makes clear that animals may 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). Continuing to exhibit these ailing, aging elephants in circuses appears to violate this law.

On April 3, a concerned citizen documented Janice and Betty at the El Kahir Shrine Circus, produced by Carden, in Cedar Rapids, Iowa. During photo-ops, Betty was nearly catatonic, and barely moved. She also appeared to have weakness or limited functionality in her trunk. (See [Video 1](#), [Video 2](#), and [Video 3](#) until 1:11.) When she was forced to walk, she was very slow and had marked stiffness in both front limbs, inability to flex her wrists, and difficulty raising the left forelimb off the ground. (See [Video 4](#), [Video 5](#) and [Video 6](#).) **During the performance, the trainer pressured her to do tricks that exceeded her physical capabilities**—when cued to sit on a pedestal, it took her three attempts to perform the trick, and she was unable to maintain the position for more than a moment. (See [Video 7](#).) Her left hind foot appeared swollen and she had difficulty bringing it up to the platform in the performance—she lifted it slowly and touched it with her toes before placing her foot. (See [Video 5](#) at 0:34 and [Video 8](#).)

The witness also observed and documented the elephant Janice exhibiting apparent soreness in her right hind limb, favoring the left hind limb so as not to put weight on the right. (See [Video 6](#) at 0:35 and [Video 9](#) at 0:15.) Janice may also be struggling with remaining continent. When required to sit on a pedestal for an extended period, she defecated, seemingly from the strain of doing the trick. (See [Video 7](#).)

Wildlife veterinarian Dr. Mason Payne opined that the elephants’ abnormal gaits may be the result of pain, chronic injury, or both. Elephants are capable of masking pain well, so by the time overt lameness is evident, there is serious concern about the degree of tissue damage, pain, and discomfort they are experiencing and the degree of underlying pathology present. Indeed, 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.”¹ **Requiring Betty and Janice to**

¹ 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.

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perform and travel exposes them to increased risk of injury, chronic aggravation, and worsening of inflammation and pain, and is not in the best interests of their health and welfare.

Given the prevalence of arthritis among geriatric elephants and the environment and lifestyle Betty and Janice have endured for decades, including demanding travel schedules, frequent confinement on concrete, and being made to perform tricks that are plainly difficult and likely painful for them to execute—they are at high risk of developing arthritis and require a full, competent veterinary evaluation. Please inspect Betty and Janice and their veterinary records, confirm that they have been evaluated and appropriately treated by a qualified veterinarian with expertise in elephant medicine and husbandry pursuant to 9 C.F.R. § 2.40, and ensure that they **are not used for rides or shows**. Forcing elephants who show signs of pain and stiffness to give rides violates 9 C.F.R. § 2.131(b)(1) and (d)(1), which require that animals should be handled “in a manner that does not cause . . . physical harm, or unnecessary discomfort” and may only be exhibited “under conditions consistent with their good health and well-being.”

In addition, the witness documented the trainer whipping Betty on the trunk on two occasions. (See [Video 10](#) at 0:45 and [Video 11](#) at 0:15.) Pursuant to 9 C.F.R. § 2.131(b)(2)(i), “[p]hysical abuse shall not be used to train, work, or otherwise handle animals.” The whipping of Betty also appears to violate subsections 2.131(b)(1) and (d)(1).

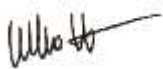
Finally, the witness documented in sixteen videos over a one-hour time span that Janice was stereotypically swaying in a small, barren area backstage, which is a sign of psychological distress. (See [Video 3](#) starting at 1:11, [Video 12](#) and [Video 13](#).) Stereotypic behavior is abnormal and suggests poor welfare and suffering.² This behavior is a sign that Carden is not exhibiting animals “under conditions consistent with their good health and well-being,” in apparent violation of 9 C.F.R. § 2.131(d)(1). Moreover, 9 C.F.R. § 3.128 requires that animals have “sufficient space” and states that “[i]nadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or *abnormal behavior patterns*.” [emphasis added] Elephants are naturally long-ranging, active animals, and confining Janice in an arena backroom deprives her of space to move freely.

The Carden elephants will be performing with the El Riad Shrine Circus in Chamberlain, South Dakota, on April 18 and 19 and in Sioux Falls, South Dakota, from April 21-24.

Please promptly inspect these elephants, and protect their welfare by ensuring that they are removed from performances and travel immediately. Please also evaluate their veterinary records, and ensure that they receive adequate veterinary care in accordance with 9 C.F.R. § 2.40.

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,



Willow Hecht, M.Sc.
Wildlife Specialist, Captive Animal Law Enforcement

² R.R. Swaisgood & D. J. Shepherdson, *Scientific Approaches to Enrichment and Stereotypies in Zoo Animals: What's Been Done and Where Should We Go Next?* 24 *Zoo Biology* 499, 500 (2005).