

November 28, 2023

Roxanne Mullaney, D.V.M.
Deputy Administrator
USDA/APHIS/Animal Care

Via e-mail: [REDACTED] ac.complaints@usda.gov

Re: Request to Investigate Apparent Animal Welfare Act Violations at Mount Hope Auction Inc. (License No. 31-B-0031)

Dear Dr. Mullaney,

I am writing on behalf of PETA to request that the U.S. Department of Agriculture investigate Mount Hope Auction Inc. (license no. 31-B-0031) for the following apparent Animal Welfare Act (AWA) violations—detailed in the attached appendix—which I documented and witnessed on November 3 during the Mid-Ohio Alternative Animal & Bird Sale. The next auction is scheduled for [March 21–23](#).

We witnessed multiple animals in need of veterinary care, including animals who were underweight, lethargic, had open wounds, hair or feather loss, overgrown hooves, or were exhibiting abnormal repetitive behaviors. In addition, multiple animals appeared to be without any water for extended periods of time, while others were confined to unsafe cages and pens that prevented the animals from being able to stand up or turn around, or that were overcrowded, all of which put the animals in danger of injury.

Please investigate these apparent violations, and hold the consigning exhibitors, dealers, Mount Hope Auction, and any other responsible parties accountable to the fullest extent of the law. Many of these same conditions and similar health issues were documented during the September auction and reported to the USDA on October 5, yet the conditions appear unimproved. (*See* Complaint No. AC24-0017.)

Should the March 21–23 Mid-Ohio Alternative Animal & Bird Sale take place as scheduled, please ensure that all animals, as well as their veterinary records and living conditions, are inspected to make certain that the apparent violations observed on September 15 and November 3 do not recur, and that the animals receive adequate veterinary care, have regular access to potable water, are not handled in a manner that causes unnecessary discomfort, and are able to engage in normal postural adjustments even while confined to temporary areas. Please also ensure that inspectors are prepared to confiscate animals who “appear to be suffering as a result of” any licensee failing to comply with AWA regulations, and that they are instructed to immediately inform local law enforcement officers of conditions that may constitute cruelty to animals.

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,

Meghan Tiemann

Meghan Tiemann
Captive Wildlife Specialist, Captive Animal Law Enforcement
[REDACTED]

cc: Dr. Dana Miller, Supervisory Animal Care Specialist [REDACTED]

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PETA FOUNDATION IS AN OPERATING
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- PETA U.S.
- PETA Asia
- PETA India
- PETA France
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- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

Appendix

On November 3, I documented and observed multiple apparent AWA violations at the Mount Hope Auction along with my colleagues, including captive wildlife veterinarian Dr. Mason Payne. The following concerns include descriptions from Dr. Payne's firsthand eyewitness assessment.

a. A Sheep with a Swollen Prepuce

A sheep had a swollen prepuce. (*See* Video 1.) Dr. Payne opined that this sheep needs to be examined and treated by a veterinarian, due to the size of the swelling and the delicate structures in this region of the body, since blockage of the urinary tract can be a medical emergency. According to Dr. Payne, the swelling could be caused by an abscess, tumor, granuloma, or other sort of mass, and should have a fine needle aspiration to diagnose what is present and guide appropriate treatment.

If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mount Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this animal and his veterinary records to ensure that he has been evaluated and treated by a qualified veterinarian.

b. A Water Buffalo with an Injured Face Caused by a Tight Harness

A water buffalo was observed with an injury on the face. A harness was removed from his or her face that was so tight that it had caused deep lacerations into his or her skin. (*See* Photo 1, Photo 2 and Video 2.) Dr. Payne opined that this injury would require pain medications as well as topical antiseptic while the site heals. A veterinarian should continue to monitor for signs of infection and administer medication as needed. Further, the harness had to have been too tight and causing pain for some time in order to dig into the animal's skin.

If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mount Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this animal and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

c. Multiple Animals Were Underweight

A cow (consignor no. 1203), a sheep (stall no. 94, consignor no. 658), an alpaca (stall no. 135), a llama (consignor no. 1676) and a bison were all underweight. (*See* Photo 3, Photo 4, Video 3, Video 4, Video 5.) Dr. Payne opined that their poor body conditions are likely caused by inadequate diet, internal parasites, or an underlying medical condition, and requires veterinary evaluation and diagnostics, including bloodwork and fecal floats to determine the cause and treat accordingly.

If you determine that these animals were not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mount Hope Auction and the consignor accountable. If you are able to determine the consignee of these animals, please inspect them and their veterinary records to ensure that they have been evaluated and treated by a qualified veterinarian. Please also ensure that all of these animals are receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a), which requires that "food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health."

d. Multiple Sheep with Overgrown Hooves

Multiple sheep housed together (stall no. 111) had severely overgrown hooves. (*See Photo 5, Photo 6 and Photo 7.*) Hooves require regular corrective trimming, and inadequate treatment can lead to serious health and welfare concerns, including pain and discomfort associated with overextension of digital flexor tendons, sole abscesses, infections, osteoarthritis, and chronic lameness.

If you are able to determine the consignee of these animals, please inspect them and their veterinary records to ensure that they are receiving adequate veterinary care and routine hoof care from an experienced and reputable farrier pursuant to 9 C.F.R. § 2.40. Please also hold both Mount Hope Auction and the consignor accountable for any failures to provide adequate veterinary care prior to and at the auction.

e. A Goat with Ocular Discharge

A goat (consignor no. 754) had an abnormal left eye. (*See Video 6.*) Dr. Payne opined that this goat appeared to have chronic purulent discharge from the left eye as well as consistent blepharospasm of the left eyelids, which indicates pain, a possible injury, and likely infection of the left eye or associated structures and should be examined by a veterinarian.

If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mount Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this animal and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

f. A Sheep with Nasal Discharge

A sheep (stall no. 94, consignor no. 639) had nasal discharge that was white in color. (*See Video 7.*) Dr. Payne opined that the sheep had moderate bilateral purulent nasal discharge indicating a likely upper respiratory infection. A physical examination and culture and sensitivity of the nasal discharge is recommended to guide appropriate antibiotic treatment. Dr. Payne further opined that housing this sheep with others in the same stall is dangerous as it could be infectious to the other sheep.

If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mount Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this animal and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

g. A Goat Was Lethargic

A goat appeared lethargic, laying down with his or her head near the ground and visibly shaking. (*See Video 8.*) Dr. Payne opined that the goat appeared to be moderately lethargic and also had moderate bilateral purulent nasal discharge. This goat likely has an upper respiratory infection which should be diagnosed by physical examination, culture and sensitivity, and treated accordingly. The added lethargy makes this an even more significant situation and would likely require anti-inflammatories and/or other interventions depending on the goat's appetite, defecation, dehydration status, etc.

If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mount Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this animal and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

h. Multiple Animals Lacked Water

Multiple animals lacked water due to temporary water dishes or buckets being tipped over or crushed, or they had dirty water due to confinement in cramped cages, including rabbits (consignor no. 9672), donkeys (stall no. 129), and multiple birds. (*See* Video 9, Video 10, Video 11, Video 12 and Photo 8.)

Many animals appeared to be without water at the beginning of the day and at no time did we see anyone attempting to provide any of the animals with water throughout the day, in apparent violation of 9 C.F.R. § 3.63(a), which requires that “[i]f live rabbits are to be transported for a period of more than 6 hours, they shall have access to food and water or a type of food, which provides the requirements for food and water in quantity and quality sufficient to satisfy their food and water needs, during transit,” *Id.* § 3.139(a), which requires that “[d]ealers, exhibitors, ... and operators of auction sales shall provide potable water to all live animals transported in their own primary conveyance at least every 12 hours after such transportation is initiated,” and *Id.* § 3.164(b), which requires that “[d]ealers, exhibitors, ... and operators of auction sales must provide potable water to all weaned birds transported in their own primary conveyance at least every 12 hours after such transportation is initiated.” Please hold both Mount Hope Auction and the consignors accountable for any failures to provide animals with water during the auction.

The rabbits we witnessed without water were breeds often kept as “pets” or used for exhibition, but notably, Mount Hope Auction informed consignors that “all Rabbits will be sold as Meat Rabbits,” possibly in order to evade regulation for these animals under the AWA, since animals “intended for use as food” are exempt from the regulations and persons who buy, sell, or negotiate the sale of animals “used only for the purposes of food” are exempt from the licensing standards, pursuant to 7 U.S.C. § 2132(g)(3) and 9 C.F.R. § 2.1(a)(3)(vi). (*See* Exhibit 1.) Please ensure that no animal is improperly sold as “meat” simply to circumvent the requirements of the AWA.

i. Multiple Animals Were Confined to Cramped and/or Overcrowded Cages, Some in Disrepair

Multiple rabbits (consignor no. 10550) were confined to a cramped cage that didn’t allow them to freely move around. (*See* Video 13.) Another rabbit was confined to a cage that had broken mesh with sharp metal points that could easily injure the animal or lead to escape. (*See* Photo 9.)

There was no indication that these rabbits were being sold “as meat” and therefore, these inadequate cages appear to violate 9 C.F.R. § 3.61(a)(2) and (c), which requires that “[t]he interior of the enclosure shall be free from any protrusions that could be injurious to the live rabbits contained therein,” and “[p]rimary enclosures used to transport live rabbits shall be large enough to ensure that each rabbit contained therein has sufficient space to turn about freely and to make normal postural adjustments.”

Multiple birds, including ducks (consignor no. 10174), pheasants, and peafowl (consignor no. 9169 and 10459) were confined in cages so narrow or small that they could not stand up or turn around, and many cages were too small to fully contain the animals’ tail feathers. (*See* Video 14, Video 15, Video 16 and Video 17.) Several other birds, including chickens (consignor no. 8380), were confined to cages that were overcrowded, preventing the birds from moving around at all. (*See* Video 18.) A pheasant appeared extremely lethargic, most likely caused by the inadequate living conditions. (*See* Video 19.) A rooster was documented in a laundry basket that was used as a temporary carrier. (*See* Photo 10.)

These inadequate cages appear to violate 9 C.F.R. § 3.162(a)(3) and (e), which requires that birds are “at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to other persons or to animals

nearby,” and that “[p]rimary enclosures used to transport live birds must be large enough to ensure that each bird contained therein has sufficient space to turn about freely and to make normal postural adjustments.”

As you investigate these apparent violations, please keep in mind that cramped enclosures are an ongoing problem at Mount Hope Auction, as it has been repeatedly cited for confining animals in cages that did not allow them to make normal postural movements.¹

j. Multiple Sheep and Goats Were Confined to Crowded Pens

Most of the goats and sheep (including stall no. 94) were confined to small pens that were crowded and prevented the animals from moving around freely, which resulted in animal’s head-butting each other. (*See* Video 20 and Video 21.)

These pens are unsafe and put the animals at risk of injury, in apparent violation of 9 C.F.R. § 3.137(b) and (c), which requires that “animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups,” and that “enclosures used to transport live animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments.”

k. Swap Meet Sales of Regulated Animals

In addition to the Mid-Ohio Alternative Animal & Bird Sale that the Mount Hope Auction holds in March, September, and November each year—it also organizes three Mid-Ohio Swap Meets in May, July, and October, where animals intended to be used as “pets” are sold, including dogs, rabbits, and a variety of birds. (*See* Exhibit 2, flyers from the swap meets this year.) Mount Hope charges a fee to each vendor who sells regulated animals at these events. A review of publicly available inspection reports indicates that the USDA has never inspected one of these swap meets for compliance with the AWA. Given the severity of violations documented at Mount Hope’s other regulated sales, it is imperative that the USDA investigate these events as well. Mount Hope is scheduled to host swap meets on May 17–18, July 19–20, and October 18–19, 2024. (*See* Exhibit 3.)

¹ USDA Inspection Reports, Mount Hope Auction, license number 31-B-0031, March 23, 2023, November 3, 2022 and September 15, 2022.