

# Garden Bros. Circus

650 Central Ave., Ste. 1, Sarasota, FL 34236

**Garden Bros. Circus (aka “Piccadilly”; “Whirling Bros.”; “Circus America, Inc.”; “Garden Family Shows, Inc.”; “Toby Tyler Circus”; “Sterling & Reid Bros.”; “Sterling & Reid Circus”; and “Circus Matrix”), operated by the Garden family, does not possess its own animal exhibitor license from the U.S. Department of Agriculture (USDA). Zachary Garden, the third generation of Gardens to enter the circus industry as the general manager of Garden Bros. Circus, does hold a USDA exhibitor license, supplying tigers, monkeys, camels, and other animals for Garden Bros. performances. Garden Bros. Circus also contracts with outside companies, including Circus Gatti,\* Liebel Family Circus,\* Bentley Bros. Circus,\* and Franzen Bros. Circus,\* so Garden Bros. Circus isn’t subject to citations under its own name. Exhibitors of leased animals at Garden Bros. Circus have failed to meet minimum federal standards for the care of animals used in exhibition as established in the Animal Welfare Act (AWA). The USDA has cited Garden Bros. Circus exhibitors for forcibly striking an elephant with a bullhook and for failing to provide adequate veterinary care, to provide adequate and safe enclosures, to handle animals in a way that does not cause unnecessary stress or trauma, to provide wholesome and uncontaminated food, to provide shelter from the elements, and to provide environmental enrichment.**

**\*Contact PETA for documentation.**

**September 7, 2018:** A Garden Bros. employee was arrested after allegedly

opening fire after the circus’s performance at the Bee County Expo Center in Beeville, Texas. The woman reportedly pulled out a handgun and fired at another employee during a fight.

**August 14, 2018:** While in Independence, Missouri, exhibitor Joel Faulk pleaded guilty to a charge of neglect for failing to provide a camel and six ponies with adequate care and shelter. They’d been left tied to a trailer and forced to stand on hot asphalt without access to shade in 89-degree weather.

**May 21, 2018:** Saint Louis University canceled Garden Bros. performances at the Chaifetz Arena scheduled for June 8 and 9, 2018.

**May 17, 2018:** Officials in the village of Birch Run, Michigan, alerted Garden Bros. to its ban on dangerous wild animals and urged the circus not to use elephants in its performances.

**April 14, 2018:** A compliance officer in Lowell, Massachusetts, prevented Garden Bros. from using two injured horses in its performances.

**April 11, 2018:** An officer with the Massachusetts Society for the Prevention of Cruelty to Animals inspected Garden Bros. in Walpole, Massachusetts, and noted health issues in several of the horses provided by Ray Kambarov, including the following: a palomino who wasn’t allowed to perform until he gained weight; a chestnut horse named Kicker, who had a swollen ankle and scratches and was on pain medications, antibiotics, and steroids; and a gray horse, Smokey, who had a wounded shoulder and a cloudy eye and was on pain medications.

**March 17, 2018:** City officials in Norfolk, Virginia, denied Garden Bros. permits to exhibit or display elephants at its shows and prevented it from using a horse with a swollen eye.

**March 1, 2018:** Police in Fairmont, West Virginia, denied Garden Bros. permits to exhibit or display wild or exotic animals within city limits for its show scheduled at the National Guard Armory.

**September 23, 2017:** Garden Bros. shows scheduled at Red River Exhibition in Manitoba, Canada, were canceled after inspectors refused to declare the circus tent safe.

**September 1, 2017:** Elephant expert and veterinarian Dr. Philip K. Ensley published a report of his observations of the elephants in two Garden Bros. performances. He found that Bunny displayed a reduced range of motion in her right front wrist (most likely because of painful arthritis), Libby exhibited stereotypic swaying behavior indicative of mental suffering, and both elephants had abnormalities in their toenails, including a loss of nail structure from a potential abscess on one of Libby's toes and vertical cracks on one of Bunny's toenails.

**June 29, 2017:** City officials in Santa Fe, New Mexico, denied permits to Garden Bros. for shows scheduled on July 8, 2017, because it had failed to comply with city permitting requirements.

**June 1, 2017:** City officials in Minneapolis and Little Falls, Minnesota, barred Garden Bros. from using animals in its scheduled shows.

**April 12, 2017:** After hearing from PETA, the Maine Department of Inland Fisheries & Wildlife barred Garden Bros. from bringing elephants into the state for performances at the Biddeford Arena.

**April 11, 2017:** After hearing from PETA about the exhibitor's record of animal-welfare violations, executives at the Union Arena Community Center in Woodstock, Vermont, persuaded Garden Bros. to perform without animals.

**March 18, 2017:** After hearing from PETA, officials in Norfolk, Virginia, denied Garden Bros. permits to exhibit animals at its shows at the Ted Constant Convocation Center because of the exhibitors' records of public-safety and animal-welfare violations.

**March 8, 2017:** The Union County Saddle Club in Blairsville, Georgia, canceled Garden Bros.' performance at the Union County Arena.

**March 2, 2017:** After hearing from PETA about the exhibitors' records of public-safety and animal-welfare violations, Hall County Animal Services in Georgia barred Garden Bros. from exhibiting elephants at its shows at the Chicopee Woods Agricultural Center.

**February 23, 2017:** The USDA cited Hoosier Camel Encounter, performing with Garden Bros. in Murray, Kentucky, for repeatedly hitting a llama with a whip during a performance after the animal wouldn't perform an intended behavior. According to the inspector, the llama was very distressed, pulling back on the lead line with ears flat back, and spit at the handler.

**February 1, 2017:** A Garden Bros. show in Valdosta, Georgia, was canceled after Lowndes County refused to issue it the necessary permits because its safety record involving animals and the public wasn't satisfactory.

**September 26, 2016:** The USDA cited Zachary Garden for failing to make a responsible adult available to facilitate the inspection.

**August 30, 2016:** Zachary Garden was charged with three misdemeanor counts of improperly confining a capuchin monkey to a cage in his backyard. The Florida Fish and Wildlife Conservation Commission report indicated that the capuchin was confined to a cage that failed to meet the agency's minimum size requirements, that

the cage wasn't secure, and that lifting it could allow the animal to escape. Garden entered a plea of no contest to the charges.

**March 2016:** After being contacted by PETA and provided with information on Garden Bros. Circus' long history of putting animals and the public at risk, officials in Winchester and Norfolk, Virginia, chose not to allow the elephants to perform or be displayed during Garden Bros. Circus' planned visit to the cities.

**January 27, 2016:** After receiving an e-mail from Zachary Garden on January 9, 2016, stating that he "vacated this facility and sold his camels," the USDA cited him for failing to tell the agency of any new facilities or his wish to cancel his USDA license and failing to accommodate an inspection.

**January 19, 2016:** Zachary Garden pleaded no contest to a misdemeanor count of disorderly intoxication. According to the charging documents, he was escorted out of a bar in Sarasota, Florida, and was visibly intoxicated and slurring his words. He then approached a man on the street and, without provocation, struck him in the head with a closed fist, causing him to fall to the ground. Garden was ordered to pay a fine and take a two-day anger-management class and was placed on probation.

**January 7, 2016:** The USDA cited Zachary Garden for failing to tell the agency within 10 days of vacating his facility, failing to accommodate an inspection, and failing to submit an itinerary.

**March 27, 2014:** The USDA cited Zachary Garden during a pre-licensing inspection for failing to provide a camel, who had puncture wounds in two locations on her back left leg and dried blood on the back of both rear legs, with adequate veterinary care. Garden was also cited for failing to have a valid USDA license to operate as an exhibitor.

**January 21, 2014:** A USDA inspector cited Zachary Garden for failing to make a responsible adult available to facilitate the inspection.

**July 22, 2013:** A USDA inspector cited Zachary Garden for failing to make a responsible adult available to facilitate the inspection.

**July 15, 2013:** The USDA cited Zachary Garden for irresponsible animal handling. More than 25 people were observed at the petting zoo without an attendant present.

**June 24, 2013:** The USDA cited Zachary Garden for failing to update the program of veterinary care in more than a year.

**May 4, 2013:** The USDA issued Zachary Garden a repeat citation for failing to maintain a regular log of the primates' diet, enrichment, and training.

**April 25, 2013:** The USDA cited Zachary Garden for failing to seek prompt treatment for a ewe's fractured leg and, according to the inspector, "leaving her to suffer." Garden was also cited for the repeat escapes of a goat kid from the petting zoo enclosure, feeding unrefrigerated meat to a tiger, outdated and incomplete recordkeeping, and severely crowding animal transports.

**April 16, 2013:** A whistleblower who worked with Zachary Garden's animal unit reported routine physical abuse and neglect by Garden in a sworn affidavit. Among other incidents, the whistleblower described an incident in which Garden had a colleague hold a zebra in place backstage while Garden beat him so savagely with a 3-foot rod that the animal collapsed and wailed. The whistleblower also had never seen the animals receive veterinary care, including a sheep who suffered from an untreated broken leg for at least two weeks and was left to give birth in the back of a truck and a lone tiger who is kept caged almost constantly and has a persistent wound on

her nose from rubbing it on the bars of the cages. According to the whistleblower's testimony, Garden also ordered that a baby goat who had apparently been paralyzed in a transportation accident, a llama who developed sudden and severe diarrhea, and an ill sheep all be left to die.

**April 1, 2013:** The USDA cited Zachary Garden for failing to provide documentation of a veterinary evaluation of a white tiger with facial wounds. The inspector issued a second citation for incomplete and inaccurate animal records.

**March 26, 2013:** The USDA cited Zachary Garden for failing to attend properly to injuries to three zebras. The inspector observed that one zebra's hoof was wrapped with duct tape. Garden was also cited for inaccurate animal recordkeeping and for the insecure state of the zebra enclosure.

**December 5, 2012:** The USDA issued an official warning to Zachary Garden for violating federal regulations while traveling with Piccadilly Circus by failing to handle animals properly, resulting in the death of a zebra (see October 4); failing to maintain the tiger enclosure, which had exposed underground wire mesh, risking injury to the tiger; and failing to notify the USDA of a change of address.

**November 27, 2012:** The USDA cited Zachary Garden for exposed underground wire mesh in the tiger enclosure, risking injury to the tiger. Garden was also cited for failure to notify the department that he had moved his home site.

**October 4, 2012:** While following up on PETA's concerns about a zebra, the USDA discovered that a young zebra had died. According to the animal trainer, the zebra got his jaw caught in another zebra's halter as they were playing. The zebra panicked and then got his foot caught in the halter. By the time someone was able to get to the

animals to separate them, it was too late, and the young zebra died.

**October 2, 2012:** The USDA issued an official warning for violation of federal regulations to Franzen Bros. for the citations that it was issued on August 8—the beating of elephant Kosti and having an insufficient number of adequately trained employees—while traveling with Piccadilly. (See August 8, 2012.)

**August 8, 2012:** The USDA cited the Franzen Bros., which was traveling with Piccadilly as the elephant exhibitor, for striking elephant Kosti forcefully with a bullhook at least five times about the eyes and ears to “teach” her not to take another elephant's hay. (See August 7, 2012.) Franzen was also cited for not providing the elephants with a sufficient amount of water and for not having a sufficient number of qualified elephant handlers. On this same day, the USDA cited Zachary Garden for not having a program of veterinary care for the ring-tailed lemurs and for having incomplete animal inventories—10 animals were not listed. He was also cited for allowing two young camels with multiple circular skin lesions (ringworm) to have access to other animals used in a “petting zoo,” risking public exposure to a zoonotic disease. In addition, Garden was cited for insufficient barriers around a zebra who was being pet by the public through his enclosure while there were no readily available attendants to protect him and the public. Other citations during this inspection included failure to provide primates with an updated environmental enrichment plan and failure to provide several animals with water and shade.

**August 7, 2012:** According to a letter that Animal Care & Control in Fort Wayne, Indiana, addressed to Brian Franzen and Piccadilly Circus, a witness observed elephant Kosti being repeatedly beaten with a baton. This incident was confirmed during interviews when Franzen, the circus

manager, and elephant handler all admitted that it took place. During an interview, Franzen stated that Kosti was having “attitude,” had put a hole in the trailer, and was chained on a “time out” after she stole food from another elephant. According to animal control’s letter, the elephant handler was unable to control Kosti, so he struck her with a bullhook on her face and trunk. According to the witness, the beating took place after Kosti lunged at the handler. Fort Wayne issued an official notice that Kosti would not be allowed to perform or come into contact with the public while in the city.

**June 2012:** Frank Murray, an elephant trainer traveling with Piccadilly, fled New Hampshire in fear that the elephants he was using would be confiscated after the state learned that one of them had tested positive for tuberculosis antibodies and canceled his permit.

**June 8, 2012:** Topsy, an elephant traveling with the Piccadilly Circus, was barred entrance to the state of Maine after testing positive for tuberculosis antibodies.

**May 10, 2012:** Frank Murray, an elephant trainer traveling with Piccadilly, was arrested in New Jersey on an outstanding warrant and for contempt of court related to cruelty-to-animals charges in 1996.

**March 27, 2012:** The USDA cited Zachary Garden for holes and gaps in the walls of a transport truck where a tiger and farmed animals were kept. He was also cited for not having a program of veterinary care or an enrichment plan for two recently acquired ring-tailed lemurs.

**March 2, 2012:** The USDA cited Zachary Garden for obtaining five zebras from an unlicensed broker. He was also cited for lacking an environmental enhancement plan for two ring-tailed lemurs acquired in January.

**February 9, 2012:** The USDA cited Zachary

Garden for not notifying the agency that there had been a change of address. An inspector arrived for an inspection only to learn from an occupant that Garden no longer lived at the registered address.

**January 25, 2012:** The USDA cited Zachary Garden for sharp edges in a camel holding pen. A panel was bent because the camels had put their weight on it while they were trying to reach grass on the other side.

**May 29, 2011:** When Piccadilly was unable to perform after a tornado, Zachary Garden put Ocka the elephant to work clearing cars, trees, and slabs of buildings off properties in Joplin, Missouri. Two other elephants were forced to stage small shows during the tornado cleanup.

**August 11, 2009:** Zachary Garden was charged with three misdemeanor counts of possessing a capuchin monkey without a license, confining the animal to an “unauthorized cage,” and having no records of acquisition for the animal. He entered a plea of no contest and agreed to three months of probation.

**April 7, 2009:** Garden Family Shows, Inc., abruptly canceled the remainder of its North American tour and drove away before dawn without giving paychecks or plane tickets home to a dozen Ice Capades performers. Richard and Niles Garden informed the ice skaters of the cancellation by slipping letters under their doors at 4 a.m.

**February 2009:** Niles Garden did not pay \$5,100 rent for a show in Sarasota, Florida.

**October 17, 2008:** Zachary Garden was charged with two misdemeanor counts of battery after he repeatedly punched someone outside a Sarasota, Florida, bar called The Gator Club and again at a gas station, causing numerous lacerations to the victim’s face and scalp. The police report states that Garden was “extremely intoxicated” and screamed obscenities at

the officers. The charges were later dismissed after he agreed to take an eight-week anger-management class.

**July 12, 2007:** Three elephants—Minnie, Susie, and Bunny, who were being leased from Carson & Barnes Circus and were performing with the Garden Bros. Circus—escaped from an enclosure in Newmarket, Ontario, in Canada. According to news reports, Susie and Bunny roamed through downtown Newmarket and Bunny was eventually found in a residential neighborhood.

**May 23, 2006:** Zachary Garden pleaded guilty to charges of allowing a dog, Carmello, to run at large. According to the report from Sarasota County Sheriff's Office Animal Services, the dog had several injuries, including a gunshot wound, that appeared not to have been cared for since the last time he was impounded. Garden reportedly told the officer that Carmello's untreated puncture wounds were caused by a bobcat attack. His rabies vaccination wasn't up to date at the time.