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OF ANIMALS
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February 21, 2017

Robert Gibbens, D.V.M.
Director, Animal Welfare Operations
USDA/APHIS/AC Western Region

Via e-mail: acwest@aphis.usda.gov

Dear Dr. Gibbens,

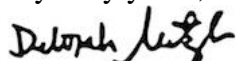
I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) promptly investigate James Hall, dba "Castle's Bears" (license no. 74-C-0026) for apparent Animal Welfare Act (AWA) violations, described in the attached appendix, which were documented by a concerned citizen who attended the James Cristy Cole Circus in Council Bluffs, Iowa, on February 18. The witness observed the following:

- Two bears showed signs of distress as they were led into the arena. *See Video 1.*
- The male trainer pulled and yanked on the leash and muzzle of one of the bears to force him or her to perform. *See Video 1.*
- One of the bears urinated at two points during the act, which, according to a bear expert, indicates immediate distress. *See Video 1 and Video 2.*
- The restraints used limit the bears' choices and can result in acute or chronic injuries. According to a bear expert, it's clear that these animals are trained through the use of aversive techniques.

Please ensure that the bears are provided with adequate veterinary care, shelter, food, and water and are otherwise handled in accordance with the AWA. Please also hold James Hall and all responsible parties fully accountable for any and all violations that you discover during your investigation.

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,



Deborah Metzler, M.S.
Wildlife Specialist, Captive Animal Law Enforcement

cc: Nicolette Petervary, V.M.D., Regional Animal Care Specialist,
USDA/APHIS/AC
Andrea D'Ambrosio, Animal Care Inspector, USDA/APHIS/AC

Appendix

On February 18, a witness observed and documented a performance of the Tangier Shrine Circus, produced by the James Cristy Cole Circus, which included a bear act from Castle's Bears. (*See* Video 1 and Video 2.)

Two bears were brought into the arena in a sleigh—one was led to sit in a chair, and the other was made to walk up stairs. Both animals walked on their hind legs to perform these acts. (*See* Video 1.) According to expert [name redacted], who has over 25 years' experience in captive bear husbandry, one of the bears in the footage is holding his or her ears back as they are carted into the arena—and this is a sign of distress. According to the witness, the music was being played very loudly in the arena and was bothersome even to the witness. [Redacted] said that "the noise and crowd are clearly affecting the animal. This is in line with what would be expected, that the loud and unnatural stimuli would be a source of distress for these animals."

In Video 1, the bear walking up the stairs appears to hesitate to complete the behavior. The male trainer pulls and yanks on the leash and muzzle in order to force the bear to comply. According to [Redacted], "[T]his is cruel and aversive, triggering acute and long-term stress (immediate physiological responses in hormone and body chemistry, long term effects on internal and nervous systems and brain)." At the end of Video 1, the bear urinates as he or she is still walking up the stairs. [Redacted] says that this is "a clear sign of distress at the immediate situation."

The bear who was made to walk up the stairs was asked to stand on his or her forelegs and walk across a beam and then down the stairs. (*See* Video 2.) As he or she is first asked to stand on his or her forelegs, he or she urinates again. According to [Redacted], this is another unnatural behavior and position, and the sudden urination indicates that the animal is in distress. Forcing animals to perform these unnatural types of behavior (e.g., walking bipedally on hind and front legs) causes distress and "potential long term physiological issues as they are counter to animal's natural body and abilities."

The leashes and muzzles used during the performance are also problematic. [Redacted] states that the restraints "compromise choice [and] can result in acute and chronic injuries and medical issues." [Redacted] concluded after watching the videos that the bears' and trainers' overall behavior indicate that the animals were coerced or forced to participate. They were not provided with rewards, and "training was very clearly accomplished by aversive means."

These circumstances appear to violate the following regulations of the AWA:

- 9 C.F.R. § 2.131(b)(1), requiring that "[h]andling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort."
- 9 C.F.R. § 2.131(b)(2)(i), requiring that "[p]hysical abuse shall not be used to train, work, or otherwise handle animals."
- 9 C.F.R. § 2.131(d)(1), requiring that "[a]nimals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being."

Furthermore, the evidence of distress is an indication that these bears are not being provided with adequate space or exercise, in possible violation of 9 C.F.R. § 3.128, which states that "[i]nadequate space may be indicated by evidence of malnutrition, poor condition, debility, *stress*, or *abnormal behavior patterns*" [*emphasis added*].