

URGENT

July 22, 2014

Dr. Robert Gibbens
 Regional Director
 USDA/APHIS/AC
 2150 Centre Ave.
 Building B, Mailstop 3W11
 Fort Collins, CO 80526

VIA E-mail: robert.m.gibbens@usda.gov

Re: Urgent Request for Investigation of Elephant With Large Growth/Hump on Back, Traveling With Jorge Barreda (License No. 58-C-0490) and UniverSoul Circus, and Other Possible AWA Violations

Dear Dr. Gibbens:

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) to supplement my urgent e-mail investigation request, submitted earlier today (complaint number: W14-241-E), regarding three elephants apparently traveling with Jorge Barreda (license no. 58-C-0490) and the UniverSoul Circus, which is at the Jamestown Mall, located at 175 Jamestown Mall, Florissant, MO 63034, until [July 28](#). A concerned citizen reported on and provided [video footage](#) documenting a female elephant, apparently named Lou, who appears to have a very large growth or hump on her back, in apparent violation of 9 C.F.R. § 2.40, requiring that licensees "establish and maintain programs of adequate veterinary care." Barreda was previously cited by the U.S. Department of Agriculture (USDA) on December 10, 2013, for failing to provide Lou with adequate veterinary care. She appeared to be in pain as a result of a swollen area on the left side of her face that was seeping a reddish/yellowish discharge (Exhibit 1). The concerned citizen reported that she asked Lou's handler about the growth and that he claimed that the lump was built-up gas caused by Lou's ingestion of moldy hay, which appears to violate 9 C.F.R. § 3.129(a), requiring that animal's food "be wholesome, palatable, and free from contamination."

PETA supplied the video footage to an elephant expert, who opined that Lou appears to have a bad case of gas, which usually accompanies colic, which is apparently one of the primary causes of death in captive elephants. The expert also noted that feeding moldy hay to elephants can kill them, and that it is extremely concerning that an exhibitor may have knowingly fed moldy hay to an elephant. The expert recommended that Lou be examined by a veterinarian immediately, and that she should be observed for posturing and cramping. Remedies for colic apparently include: walking, gentle exercise, plenty of fresh water, no strenuous work, anti spasmotic medication.

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The concerned citizen reported that all three elephants' skin was dry and cracked and that their feet appeared to be "rot[ted]." Please investigate whether these elephants are suffering from skin and/or foot problems, in violation of 9 C.F.R. § 2.40, and please note that the USDA has previously cited Barreda for a repeat violation of 9 C.F.R. § 2.40 for failing to provide elephants with adequate foot care (Exhibit 2).

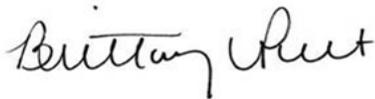
The elephants are also reported to be swaying back and forth repeatedly, a stereotypic behavior that may be indicative of poor welfare and stress that, as Animal Welfare Act (AWA) standards recognize, can be a sign of inadequate space. (*See* 9 C.F.R. § 3.128.) This behavior is also a sign that these elephants are not being exhibited "under conditions consistent with their good health and well-being," in apparent violation of 9 C.F.R. § 2.131(d)(1). Please also investigate whether Barreda is providing the elephants with adequate potable water, as required by 9 C.F.R. § 3.130.

Please immediately ensure that Lou and the other elephants receive any necessary veterinary treatment, in accordance with the AWA. Also, given Lou's apparent condition, please ensure that she is not forced to perform in the circus until she has fully recovered, pursuant to 9 C.F.R. § 2.131(d)(1). If you confirm that the other two elephants are suffering from foot or skin problems, please also ensure that they are not forced to perform in the circus until they have fully recovered.

Please hold Barreda accountable for any and all AWA violations that you find during your investigation and confiscate the elephants, pursuant to 9 C.F.R. § 2.129, if they are found to be suffering as a result of Barreda's failure to comply with the AWA. Given his history of failure to provide elephants with veterinary care, it is imperative that you pursue all available enforcement action against Barreda for any violations that you find.

Thank you for your prompt attention to this urgent matter. I can be reached at 202-540-2191 or BrittanyP@petaf.org.

Very truly yours,



Brittany Peet
Counsel

Attachments