



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 89-1
)
American Airlines, Inc.,)
)
Respondent) Amended Complaint

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), herein referred to as the Act, and the regulations and standards (9 C.F.R. § 1.1 et seq.), issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. American Airlines, Inc., hereinafter referred to as respondent, is a corporation whose mailing address is Post Office Box 61616, Dallas/Ft. Worth Airport, Texas 75261-9618.

B. The respondent, at all times material herein, was a registered carrier under the Act.

II

On June 14, 1987, respondent shipped one female Pekingese owned by Anne S. Vaughn from Chicago, Illinois, O'Hare Airport to Dallas/Ft. Worth International Airport. While handling this Pekingese, respondent allowed it to be subjected to temperatures

in excess of 85 degrees Fahrenheit, in willful violation of section 2.100(b) of the regulations and sections 3.16 and 3.17 of the standards (9 C.F.R. §§ 2.100(b), 3.16, and 3.17).

III

A. On March 24, 1988, in Little Rock, Arkansas, respondent accepted a dog from Danny Hodges for shipment to Long Beach, California. No written food and water instructions were affixed to the outside of the shipping container for this dog, in willful violation of section 2.100(b) of the regulations and section 3.14 of the standards (9 C.F.R. §§ 2.1001(b), 3.14).

The shipping container was not marked with the words "Live Animal" and did not have any arrows or markings to indicate the correct upright position of the container, in willful violation of section 2.1001(b) of the regulations and section 3.12 of the standards (9 C.F.R. §§ 2.100(b), 3.12).

IV

On May 16, 1988, respondent transported one live dog from Houston, Texas, to Los Angeles, California, as checked baggage for passenger Bill Samford. Respondent failed to exercise care to avoid handling of the dog's primary enclosure in a manner that may cause physical or emotional trauma to the dog, in willful violation of section 2.100(b) of the regulations and section 3.17(b) of the standards (9 C.F.R. §§ 2.100(b); 3.17(b)).

V

A. On October 27, 1988, respondent, acting as an intermediate handler on behalf of Northwestern Airlines, Inc., willfully violated section 13(h) of the Act (21 U.S.C. § 2143(h)) and section 2.80 of the regulations (9 C.F.R. § 2.80) by accepting a live animal, a Bengal tiger, for transportation in commerce on Air Waybill 012-1181 0050, on a C.O.D. basis without obtaining from the consignor a written guarantee for payment of transportation expenses and reimbursement of any feeding, storage, or housing expenses.

B. Respondent also willfully violated section 2.100(b) of the regulations and section 3.139(e) of the standards (9 C.F.R. §§ 2.100(b), 3.139(e)) by accepting the shipment described in subparagraph III A above, in that food and water instructions were not affixed to the outside of the primary enclosure.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-1400, in accordance with the Rules of Practice governing proceedings under

the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and

(b) Assessing civil penalties against the respondent
in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.
this 12th day of December, 1989

[Handwritten signature]

Administrator
Animal and Plant Health
Inspection Service

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