

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
) AWA Docket No.
))
BAX Global, Inc.,)
))
))
Respondent) Complaint

99-0035

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

I

A. BAX Global, Inc., hereinafter referred to as respondent, is a corporation whose address is 1164 Bishop Street, Irvine, California 92606.

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

II

On or about September 21, 1998, the respondent willfully violated section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

A. The respondent used a primary conveyance to transport two rabbits in which the ambient temperature in the cargo space

exceeded 85°F (29.5°C) in violation of section 3.62(g) of the regulations (9 C.F.R. § 3.62(g)); and

B. Employees of the respondent failed to observe live rabbits during transport and to provide any needed veterinary care as soon as possible in violation of section 3.64(a) of the regulations (9 C.F.R. § 3.64(a)).

III

On or about September 28, 1998, the respondent willfully violated section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

A. The respondent used a primary conveyance to transport two rabbits in which the ambient temperature in the cargo space exceeded 85°F (29.5°C) in violation of section 3.62(g) of the regulations (9 C.F.R. § 3.62(g)); and

B. Employees of the respondent failed to observe live rabbits during transport and to provide any needed veterinary care as soon as possible in violation of section 3.64(a) of the regulations (9 C.F.R. § 3.64(a)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the 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. 20250-9200, 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 27th day of July, 1999



Administrator (Acting)
Animal and Plant Health
Inspection Service

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