PERFORMING PRISONERS

A Case Against the Use of Wild Animals in Circuses, Traveling Shows & Novelty Acts

2006
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INTRODUCTION

The following report provides an overview of the problems inherent in circuses, traveling shows and novelty acts using wild and/or exotic animals for public performance or display purposes. The report breaks down the problems and solutions into the following major categories:

- Understanding the terms “wild”, “exotic” and “domestic”
- Why performing animals suffer
- The public education/conservation myth
- Safety risks
- Human health risks – Tuberculosis
- Links between the wildlife trade and circuses
- Why Canadian law doesn’t protect performing animals
- Non-animal circuses: Changing with the times

An appendix listing jurisdictions that have prohibited or severely restricted exotic animal acts is also included at the end of this report.

UNDERSTANDING THE TERMS “WILD”, “EXOTIC” AND “DOMESTIC”

A great deal of confusion commonly exists around these terms when referring to wild animals in captivity. In North America, the term “wild” generally refers to indigenous or native wildlife (e.g. cougars, wolves, deer, raccoons and eagles), while “exotic” is usually applied to non-native wildlife (e.g. lions, tigers, elephants and chimpanzees).

Animals bred for domestic purposes, such as dogs, cows and horses, were originally selected by humans because they possessed certain physical attributes or behavioural traits, such as docility, reliability and predictability. They were then bred for hundreds or thousands of generations to enhance these characteristics. Most wild and exotic animals in captivity do not inherently possess these traits, nor have they been selectively bred through many generations in an effort to produce them.

According to Dr. Kathy Carlstead, research scientist at the Honolulu Zoo,

"Whereas the relatively few domesticated species, like beasts of burden and house pets are predisposed to domestication by their social organization and reproductive behaviour,
animals found in zoological parks and traveling shows can be expected to be differently predisposed to domestication, and they probably differ greatly with respect to the adaptive behavioural changes that have already occurred, or may yet occur, as a result of generations in captivity.”

The fact that some animals have been tamed only means that the tendency to flee in the presence of humans has been eliminated.

On October 3, 2003, Roy Horn of Siegfried & Roy was attacked by one of his white tigers during a performance at The Mirage Hotel in Las Vegas. Horn sustained serious injuries and the attack barely missed his carotid artery despite the fact that the tiger had been trained by Horn since it was a cub and had performed with the act for six years.

Therefore wild or exotic performing animals must not be considered “domesticated” simply because they have been born and raised in captivity, been taught to perform tricks or because they appear to be tame.

WHY PERFORMING ANIMALS SUFFER

The circus “beast wagon”

As the name implies, traveling shows spend most of their time traveling - up to 11 months a year – causing most of the animals traveling with them to spend the majority of their lives in small, barren transport cages known as beast wagons. Tigers, bears, chimpanzees, kangaroos and many other animals are routinely kept in these unfurnished rolling boxes for most of the day except for the few minutes when they’re needed to perform.

Investigators for the Department of Natural Resources (DNR) in Nova Scotia reported that the bears traveling with one circus “were caged for over 23 hours a day and were only released to perform.” These cages are often so small (some measuring just 2 feet tall by 1½ feet long) that it is difficult for the animals they contain to even stand up straight or turn around. The animals are forced to defecate, urinate, drink and sleep in the same area and many of them live in isolation. Such conditions can be found even in the largest circuses.

One such example of extremely confined environments occurred with the Tarzan Zerbini Circus in Nova Scotia during its Canadian tour in the year 2000. The circus housed their Asian elephants in an area 25 feet by 50 feet, which means that these three animals, each one measuring close to 20 feet in length, had only 1,250 square feet in which to move about. Circus standards in Nova Scotia require at least 8,650 square feet for three elephants.

During the same trip, the Tarzan Zerbini Circus was found in violation of provincial laws for keeping its big cats in cages that did not meet the minimum requirements; the DNR ordered the circus to buy larger overnight cages. Nova Scotia is currently the only Canadian province that has regulations for the keeping of animals in circuses.
In an effort to ease public concern about the housing provided for performing animals on the road, a few circuses and touring acts have marginally increased the size of their transport cages or incorporated fold-away extension sections for existing travel cages. Unfortunately these changes are mostly cosmetic in effect and do little to address the biological and behavioural needs of the animals. Thus, circus conditions fall far below even the most minimal published standards for zoos. They are ultimately the worst conditions for animals to live in because of the constant travel, prolonged confinement, lack of adequate space and in many cases the inability to interact with members of their own species.

Chains and tethers

Circus animals that are not confined to cages may often be chained or tethered for up to 90% of the time they are with the circus – either on the road or in their winter quarters. Most circuses routinely chain their elephants, while ungulates such as camels, zebras and horses, are tethered or stalled.

When the George Carden Circus visited Truro, Nova Scotia on July 14, 2000, the Nova Scotia Society for the Prevention of Cruelty to Animals found that the circus’ elephants had been chained for most of the day and night and were only released to perform in the circus ring.

Elephants are normally chained by one front leg and one opposing rear leg. Chains are usually, but not always, long enough to just allow the elephant to take a step or two forwards or backwards, and to lie down.

“When elephants are transported into an urban center for an event or attraction, they are routinely confined to small enclosures and frequently chained by their legs to restrain them. Although this is done for safety reasons, it is well understood that excessively long periods of confinement stresses these animals. This may increase their tendency to become violent.” - Dr. Hugh Chisholm, DVM

While circuses continue to defend the chaining of elephants, a growing number of zoos throughout North America have altered their elephant management programs so they no longer include chaining, except for brief periods (e.g. ½ hour twice a week) to allow for routine veterinary care and foot maintenance.

According to the American Zoo and Aquarium Association (AZA), elephants should not be subjected to prolonged chaining (for the majority of a 24-hour period) unless it is necessary for veterinary treatment or transport. Recent studies indicate that chaining or shackling of circus elephants is associated with higher levels of abnormal behaviour versus allowing the animals access to relatively small electric pens. This is thought to occur because of the animals’ inability to express normal behaviour patterns, such as foraging, social interaction, play and locomotion.
An ever-increasing number of zoos are also moving away from free contact management (direct handling of elephants with the keeper and elephant sharing the same unrestricted space) toward protected contacted management (handling elephants while the keeper and elephant do not share the same restricted space) thus protecting keepers from injury and elephants from abuse by harsh trainers. The Toronto Zoo for example, uses only protected contact methods.

Apart from the very limited time that they are in the ring or on stage – sometimes as little as a few minutes a day – performing animals live a life of extreme confinement.

**Conditions on the road**

Circus animals can suffer terribly from constant travel. They may be kept in unheated or overheated vehicles, trailers and boxcars with poor ventilation, in close confinement and forced to stand in their own waste without food or water for long periods of time. In many cases, veterinary care is inconsistent or absent when the animals are traveling from town to town.

In August 2001, the United States Department of Agriculture (USDA) cited the Suarez Bros. Circus with failure to maintain appropriate temperatures for its polar bears in Puerto Rico. An inspector wrote, “The polar bears were in the transport vehicle for a total of approximately 55 hours at a temperature of between 79 degrees and 87.5 degrees during the daytime hours.”

Any qualified zookeeper knows that bears - especially polar bears - are extremely susceptible to overheating and must never be moved in hot weather. Polar bears can actually overheat in just 32 F (0 C) temperatures. Unfortunately, circuses and traveling acts are ill equipped and not knowledgeable enough to provide for the animal’s basic needs.

Less than 2 weeks earlier, the same circus had been charged with two counts of animal cruelty after rangers with the Puerto Rico Department of Natural Resources found the polar bears living in cages contaminated with excessive fecal matter and without water or shade in 113-degree heat for 24 hours. “All were with their tongues outside breathing really hard,” said one animal control officer.

These and other violations prompted U.S. Representative George Miller (D-CA) to issue the following news release:

"The U.S. Fish and Wildlife Service and the [USDA’s] Animal and Plant Health Inspection Service have approved permits which allow the Suarez Circus to keep these huge and powerful animals in transient facilities without adequate access to water or cool air. ... Despite documentation of substandard care for these magnificent animals, the circus maintains its permit. ... It is disturbing that the two federal agencies responsible for protecting polar bears would allow arctic animals to be held captive in tropical climates."
Eventually, through a concerted effort by various animal welfare groups, U.S. and Canadian politicians and high-profile celebrities, the seven polar bears were removed from the Suarez Bros. Circus and are now living in various U.S. zoos.

These animals were lucky; most are not. On July 13, 2004, a two-year-old lion with the Ringling Bros. and Barnum & Bailey Circus died while traveling through the Mojave Desert in the U.S. in a poorly ventilated boxcar with no water. It is believed the lion died of heatstroke and dehydration.

**Frustration of normal behaviours**

Most wild animals, including those in captivity, retain a need to engage in their instinctive behaviour patterns. Also, they must have some degree of control over their environment if they are to remain mentally and physically healthy. For example, in the wild an animal can approach, explore, escape, avoid or hide from certain situations. It can control its microclimate by either moving into the sun or shade. It can also choose to seek food, shelter or a mate. In circuses however, these events are controlled by the keepers on schedules of their choosing and not by the animals.

A lack of control and continual frustration of these patterns can lead to serious psychological problems. The pressures of captivity as well as the rigors of training and performance can also lead to the development of abnormal behaviour patterns such as apathy, lethargy, depression or hyper-aggression. Stereotypic movements such as head or body weaving, rocking side to side, bar biting or licking and pacing back and forth have been observed in many performing animals along with self-destructive activities like biting themselves, hair pulling and self-mutilation.

These behaviours often develop in situations that are aversive and stressful and are usually an indication of poor welfare or a problematic physical and social environment.

Animals in the wild, and indeed in some modern zoo exhibits, live in surroundings of great complexity. In contrast, standard features of circus life such as regular and repeated transport, limited confinement and the stress of performing further the development of harmful behaviours.

> “Each animal has basic, genetically inherited, behavioural needs which clearly matter to it, because when it is prevented from performing these behaviours it resorts to abnormal behaviour or becomes apathetic. An animal can be said to be bored when it has to adapt to its environment in an abnormal way, indicative of understimulation, in order to maintain its sense of selfhood. Boredom can be regarded as a form of distress, indicating that an animal is stressed, not due to overstimulation, but due to understimulation.” – Dr.
Training methods

Despite evidence to the contrary, circuses generally deny that their animals are abused;

“Statements… that cruel methods are used to train animals are, as a consequence, totally false. If a circus were using abusive methods it would be exposed and not be allowed to stay in business.” - from a 2004 Shrine Circus program booklet.

One argument against abuse is that circus animals are a substantial financial investment and abusing the animals would jeopardize that investment. Circuses also say the animals are their friends and as such would never let them come to harm. Finally, they say it would be extremely dangerous for trainers to abuse their animals because the animals would retaliate.

Unfortunately, these claims are untrue. The performance is what makes the animal valuable to the trainer. Therefore the trainer has a strong incentive to make his ‘investment’ produce a return. If the animal doesn’t perform well, the trainer will use more ‘persuasive’ methods to ‘improve’ the animal’s performance; after all, a non-performing animal is a liability.

It has been well documented that to protect human safety or for other reasons, harsh training, punishments and abuse are facts of circus life.

Even when animal abuse is witnessed, the circus will still deny its existence. At a performance of the Tarzan Zerbini Circus in Lethbridge, Alberta in 2001, it was reported that 80 patrons watched as an elephant handler took three elephants back stage and lined them up in a row. According to one eyewitness, “He (the handler) took this club and just started beating the middle one right on his head. At least six blows.” Another patron said the handler “…hit the elephant with all his power, then he turned around and looked at us like, ‘Uh oh, I’ve just done this and the curtain is open.’”

Tarzan Zerbini, owner of the circus, said the witnesses misinterpreted the events. “That was my grandson (handling the elephant),” said Zerbini. “I talked to him about it and he said it was a gesture, not a clubbing. The elephant did something wrong,” but, Zerbini insisted, “It was no beating whatsoever. They saw the wrong thing.” Tarzan Zerbini claims he has one of the finest records (for animal treatment) in the United States and Canada.

William Woodcock, owner of elephants used for the UniverSoul Circus, was more frank when he spoke with a USDA official on July 6, 2002,

“If I get any defiance [from the elephants], I’ll beat the hell out of them. [The elephants] will disobey in public because they know I can’t hit them with a stick as much.”
According to former Hollywood animal trainer Pat Derby, “To get an animal to perform on cue requires cruelty.” After all, she points out, “...[a] bear doesn’t want to waltz.” During her career, Derby has witnessed countless abuse including “…elephants being beaten and electro shocked in the vagina, ears, mouth, anus; bears’ noses broken and their feet burned, and big cats being struck with wooden bats.” Listed below are further incidents of cruel training methods:

- On June 26, 2001, the USDA cited the Hawthorn Circus for physically abusing elephants. The handler was observed gouging an elephant named Ronnie on the trunk with a bull hook causing an open lesion, and another handler was seen “raking the back of another elephant several times with his hook during the performance.”
- In August 2002, an elephant handler with the Sterling & Reid Circus in Virginia was charged with four counts of animal cruelty for beating an elephant until her hide was bloody. David Creech was convicted on three counts and fined $200 on each count.

In the highly publicized 2002 undercover investigation of the Carson & Barnes Circus, “animal care” director Tim Frisco was videotaped instructing would-be handlers how to train elephants:

Frisco to would-be elephant trainer: “Tear that foot off! Sink it [sharp, metal bull hook] in the foot! Tear it off! Make ’em scream!”


Frisco to trainers: “Don’t touch ’em – hurt ’em. Hurt ’em. Don’t touch ’em – make ’em scream. If you’re scared to hurt ’em, don’t come in the barn. When I say rip his head off [and] rip his f---ing foot off, it’s very important that you do it. When he starts squirming too f---ing much, both f---ing hands – BOOM! – right under the chin!” Frisco then swings the bullhook like a baseball bat.

“When he f---s around too much, you f---ing sink that hook and give it everything you got.” Frisco demonstrates by twisting the bullhook back and forth. “Sink that hook into ’em. When you hear that screaming, then you know you got their attention.”

Frisco explains that the abuse must be kept secret: “Right here in the barn. You can’t do it on the road. I’m not gonna touch her in front of a thousand people. She’s gonna f---ing do what I want, and that’s just f---ing the way it is. Make ’em holler, let ’em run from ya.”

Later in the videotape Frisco jabs at the elephants with electric prods. Surprisingly, Tim Frisco still works for the Carson Barnes Circus. Because of the growing criticism, some animal
handlers claim to use more humane methods of training. But as primatologist Dr. Anne Russon says,

“Although trainers may focus on positive reinforcement, there are times when they must reassert [a] dominance-dependence relationship either by physical threat or aggression against the animal, by social isolation, or by further restricting their freedom.”

This ‘necessary evil’ to maintain dominance and hence control, is accepted by many handlers, as it is believed that incomplete dominance will put the handler’s life in danger. Because failure to obey could result in injury to the handler, it is usually dealt with quickly and strictly so the animal knows it must not disobey the command.

Training and discipline usually takes place away from public scrutiny and harsh methods continue to be used. But even when the abuse occurs in front of the public, the circus usually gets away with a slap on the wrist.

THE PUBLIC EDUCATION/CONSERVATION MYTH

Contrary to what circuses may say, it is doubtful that anything of value can be learned by watching elephants balancing on their heads, muzzled bears riding bicycles in tutus, or chimpanzees dressed up as Teenage Mutant Ninja Turtles. Circuses claim that these unnatural and often dangerous stunts are merely extensions of behaviours the animals would perform in the wild. These ‘natural’ behaviours encourage the public to appreciate and learn about the animals.

For example, a tiger jumping through a flaming hoop is the same as a tiger jumping in the wild, or so the circus says. And a bear riding a bicycle in a dress is the same as… well that one’s a little harder to explain. And where do the movements the animals make come from? According to John Kirtland, executive director of animal stewardship for Ringling Bros.,

“The animals make up their own movements. We watch how they move while they are playing and create routines based on these movements. We can’t make them do anything they don’t want to do, so we adapt their routines from behaviours they do naturally.”

As explained earlier, circus animals can be ‘encouraged’ to perform even if they don’t want to, with the right ‘motivation’ or ‘training tool’. Still, wild animals performing in circuses, traveling shows and novelty acts rarely perform behaviours that are truly representative of the range and complexity exhibited by their counterparts in the wild.

Watching animal performances in circuses and traveling acts also gives the public a distorted understanding of what these animals can do and how it benefits the animals. About other educational opportunities;
"It is often stated in defence of circuses that they are of educational benefit to children, who might otherwise never see these animals. But what exactly do we teach our children about animals through a visit to the circus? All a child can see is the size, shape and colour of the animals. Their behaviour patterns, social interaction, intelligence, hunting instinct, maternal instinct, sibling behaviour, food gathering patterns and all the facets of animal behaviour that makes a species so unique and interesting, are not apparent in circus animals." – Animal Aid

Removing animals from their natural ecological context for human entertainment conveys a negative educational message to the public and reinforces the notion that animals have no other purpose but to serve us. This also undermines the plight of endangered species like the Asian elephant, chimpanzee or Bengal tiger, which are at serious risk of extinction in the wild.

Reputable conservation groups around the world are working hard to save species at risk by creating an appreciation and understanding of wildlife in general and endangered species in particular, and by encouraging the public to take on the role of guardian to protect them.

At circuses, people are encouraged to laugh at animals portrayed as clowns and objects of amusement. They are taught that it is acceptable to confine wild animals for our own short-lived pleasure and to increase the circus’ coffers. David Hancocks, former director of the Arizona-Sonora Desert Museum in Tucson:

“Each and every day wild animals are being subjected to deprived environments. The fact that this occurs merely so people can see tigers riding on horses under pink spotlights, or laugh at chimpanzees dressed as senile tramps, or watch an elephant in a yellow tutu stand on its hind legs, or see a bear ride a motorcycle – the fact that these imbecilic and useless actions are considered to be a justification for such exploitation adds an especially tasteless irony.”

Because of an increasing public concern for wildlife conservation, the more astute circuses have recognized that they need to change their image if they want to stay in business. Aided by professional public relations firms and image consultants, some circuses are now trying to convince the public that confining endangered animals to cramped beast wagons, training them to do silly tricks and dressing them up in costumes is not only educational, but promotes conservation.

“Ringling Bros. is deeply involved in the conservation of exotic species. Our performing animals serve as ambassadors for their species. The attention and awe they generate among circus audiences help focus attention on the challenges facing the survival of the species. Ringling Bros. protects these rare animals while giving you the chance to witness their performing skills and playful personalities.” – Ringling Bros. and Barnum & Bailey Circus website
There is no evidence however that viewing performing animals in circuses, traveling shows or novelty acts increases awareness or action to improve the status of endangered species in the wild. These claims are merely clever marketing strategies aimed at an audience unaware of real conservation efforts taking place around the world.

Circuses also claim they make a legitimate contribution to endangered species conservation through captive breeding programs. Yet many circus animal species, such as tigers, have been bred in captivity in such high numbers that zoos are often forced to destroy ‘surplus’ animals or dispose of them other ways - through exotic animal auctions, roadside zoos or the exotic meat industry - making circus breeding programs completely unnecessary.

Likewise, the breeding of Asian elephants, the cornerstone of Ringling Bros. and Barnum & Bailey’s “conservation” program, is already well established in Asia, where it belongs. Ringling’s Florida-based Center for Elephant Conservation (CEC) therefore, is equally unnecessary.

Human encroachment and habitat loss are the real roadblocks to the survival of the Asian elephant yet circuses do little, if anything, to address these problems. Even if circus elephants were available for placement back into the wild, they couldn’t be released as the existing natural areas for Asian elephants are already at capacity.

It is clear though that this is not even Ringling’s intention. According to Feld Entertainment (the parent company of Ringling Bros.), Chairman and CEO Kenneth Feld,

“People need to know the truth. It's disingenuous at best to suggest that endangered animals should be put back in the wild, and very destructive to the cause of conservation at worst. They are dying out there.”

Captive breeding in circuses therefore does nothing to help endangered species. It has one useful purpose however. It does, as Kenneth Feld says “… ensure that people will be able to experience the joy and wonder of Asian elephants up close and personal for generations to come.”

In other words, captive breeding of Asian elephants guarantees the survival of the circus.

**SAFETY RISKS**

Human safety is always jeopardized when wild, potentially dangerous animals, subjected to stressful living and travel conditions, are allowed to perform in close proximity to the public without adequate housing, stand-off barriers and appropriate emergency equipment and protocols.

These animals can be unpredictable and their natural, instinctive behaviours can surface at any time. Unwanted behaviours that may not have been evident before may suddenly appear. The danger can be reduced through harsh training regimes, but it can never be totally
eliminated. Even George Carden, owner of the George Carden Circus International acknowledged that circus animals “are well trained but they will never been tame.”

A potentially dangerous animal is defined as any specimen that could pose a clear and present danger to human life in any situation due to direct contact. Those animals include African and Asian elephants, leopards, African lions, Bengal, Siberian and Sumatran tigers, American black bears, polar bears, chimpanzees and all large and venomous snakes – in other words all wild animals found in circuses.

According to the Standards For Exhibiting Circus Animals in Nova Scotia (2000) elephants and big cats “are potentially dangerous to members of the public,” and “… the general public must never have access to the elephants.”

Elephant trainers Alan Roocroft and Donald Zoll calculate that approximately 100 deaths occurred in circuses and zoos between 1980 and 1993 due to elephant attacks alone. More numerous are the non-lethal incidents that involve major or minor injuries – about 50 or so every year in North America.

On January 31, 2005 an elephant trainer with the Tarzan Zerbini Circus was trampled to death by one of the elephants following a performance of the Mizpah Shrine Circus in Fort Wayne, Indiana.

Other performing animals pose risks to human safety as well. All carnivores have specially adapted tools designed to inflict serious injury, such as razor-sharp teeth, bone crushing jaws and long, sharp, retractile claws. Bears are capable of bending bars and tearing off screens with their strong, heavily clawed paws which have been known to kill animals with a single swat.

Non-human primates primarily defend themselves by biting. They have strong jaws and large teeth with well-developed incisors. In November 2004 a circus patron at the Hadi Shrine Circus was treated at hospital for a puncture wound after being bit on the cheek by a chimpanzee while posing for pictures.

Despite such incidents and risks, circuses and other traveling shows continue to allow elephants and other potentially dangerous animals to perform in front of the public with little or no safety precautions drawing much criticism from animal protection groups and government agencies.

“It is a concern that circus management will use whatever animal is available for picture taking purposes. It is by and large felt that this activity puts the general public at undue risk from either zoonosis or injury, especially when we will not know which species is used. It may be appropriate to make the public’s well being a priority and prohibit this
activity altogether.” – Inspector Bert Vissers, Nova Scotia Department of Natural Resources about the Tarzan Zerbini Circus, July 31, 2001

The same circus had been cited the previous year for inviting people to have their pictures taken with one of the elephants during the show’s intermission “WITH NO BARRIER WHATSOEVER.” This resulted in many children “standing under the animal’s head, either touching or being very close to the animal’s trunk and front legs. Had the elephant become startled, this situation could have been a disaster.”

Recently, the American Zoo and Aquarium Association (AZA) released a directive suggesting to all their member facilities that they stop providing elephant rides to their guests because of the inherent danger. Circuses however, are not accountable to the AZA.

Some circuses like to point out that although many circus workers have been injured and killed by their animals, millions of people visit the circus each and every year without incident. The Ringling Bros. and Barnum & Bailey Circus, for example, claim “… they have never experienced an animal related incident that placed a member of the public in jeopardy.” The hope here, one can only suppose, is that the public won’t bother to verify these claims.

Circus patrons have been and will continue to be injured until things change. On September 30, 1995 a Ringling Bros. lion bit a woman’s finger off while the circus was touring in Evansville, Indiana. A child was reportedly traumatized when a 250-pound black bear escaped into the audience dragging its trainer behind during a 1999 Shrine Circus performance in Bracebridge, Ontario. Two elephants escaped during a performance of the Shrine Circus in Wisconsin in 2002 scattering crowds and causing extensive property and vehicular damage. A child was also injured.

In order to downplay the risks to human safety, some circuses point to other dangerous activities in which we engage, such as driving. The fundamental difference of course, is that driving is a necessity in many ways whereas animal performances are purely entertainment. Safer and more humane alternatives are available.

Because of the growing concern for human safety, some municipalities have requested “Emergency Response Plans” from the circus before they perform in their communities. These plans attempt to address what the circus would do in the event of an animal-related emergency.

Xentel DM Incorporated is the company hired by circuses like the Tarzan Zerbini Circus to create these “Emergency Response Plans”. Xentel however is not an authority on animal behaviour nor is it in the business of drafting safety protocols; it is a direct marketing and event planning firm. Its expertise is in producing sporting events and concerts, not safeguarding the public. It is quick though, to defend the circuses it represents. For example, the Shrine Circus, Xentel insists,
“... consistently meets or exceeds government standards. Not once has it failed to meet Agriculture Canada and provincial standards for the health and care of the animals, or municipal requirements for safety of patrons.”

On September 22, 1999 however, the Department of Natural Resources reported that the Shrine Circus had on hand tranquilizing equipment that was “grossly inadequate.” An old Cap-Chur pistol was found with darts and needles too small making recapture very difficult and there were no CO2 cartridges with the equipment.

In 2003 the Tarzan Zerbini Circus Elephant Recapture Plan listed “small arms fire” as a means of euthanasia, a practice considered “unacceptable” to the Department of Natural Resources.

The next year the Calgary Humane Society conducted a routine inspection at the same circus and discovered there was no tranquilizing equipment on hand, should an escape or attack by an elephant occur.

When considering Xentel’s comments on the subject of circus safety, one must bear in mind that Xentel is getting paid to promote its client. It therefore has a vested interest in the success of the circus.

In the event of an animal related emergency, circuses are required to carry with them immobilizing agents or tranquilizers. Two of the drugs used in sedating elephants are called Carfentanil and Xylazine. These drugs are so dangerous to humans – as little as one drop can cause nervous system damage and death – that face shields and surgical gloves are required when preparing and removing darts from animals.

While Carfentanil has a clinical potency 10,000 times that of morphine, Xylazine is problematic in public venues because the carcinogenic, mutagenic and teratogenic effects of this drug on humans is currently unknown.

Another problem that arises with respect to using these drugs is that if either drug were readily available and immediately injected, it would still take at least 8-12 minutes to take effect. As Dr. Joel Parrott of the Oakland Zoo explains,

“In reality, administering an anesthetic would take much longer: to load a tranquilizer dart, get the dosage correct (which is altered in an excited animal), fire the dart, and hope it does not miss or fail to discharge. All this would be occurring while the elephant is in a state of rage.”

In an urban environment, considerable damage to property, people and the elephant could occur in the meantime. Considering all the risks, it really doesn’t make much sense to have elephants and other wild, potentially dangerous animals in our cities and towns.
More Danger at the Circus

- **August 25, 2005/Mount Pleasant Township, Pennsylvania, USA** ~ An elephant leased to Wambold’s Circus Menagerie grabbed a woman’s wrist with its trunk while on exhibit at the Westmoreland Fair. The woman suffered a sprained wrist and possible torn ligaments. *Pittsburgh Tribune-Review, August 2005*

- **July 31, 2004/Queens, New York, USA** ~ A white tiger with the Cole Bros. Circus escaped from its cage and ran around Forest Park and the Jackie Robinson Parkway causing several pile-ups involving five cars, with four adults and one child suffering minor injuries. *Queen’s Chronicle, August 5, 2004*

- **March 25, 2001/Allentown, Pennsylvania, USA** ~ A snake charmer was bitten on the abdomen by a poisonous cobra during a performance of the Royal Palace Circus. The man was rushed to hospital for emergency treatment. *The Morning Call, March 26, 2001.*

- **January 23, 2000. Tampa, Florida, USA** ~ An elephant owned by the Oscarian Brothers Circus trampled a woman to death after breaking free from the tree to which she was tied. *St. Petersburg Times, January 27, 2000.*

- **February 1999/USA** ~ While performing with the Royal Hanneford Circus, an elephant charged into the crowd, stomping through several rows of chairs injuring a number of people including several children. *PAWS, April 1999.*

- **January 7, 1998/St. Petersburg, Florida, USA** ~ During a photo shoot, a ‘Ringling Bros. and Barnum & Bailey Circus’ employee was attacked from behind by a tiger. The 4-year-old tiger bit a baseball-sized chunk out of the trainer’s head. The man was kissing another tiger for a promotional photo. After the incident, the victim’s brother shot the tiger 5 times with a shotgun while the tiger was caged. *Sarasota Herald-Tribune, January 1998.*

Some Canadian Incidents Involving Captive Wild Animals

- **January 16, 2002/Pickering, Ontario, Canada** ~ A 500 pound tiger used for photo opportunities with small children and strippers snapped its tether, escaped, and wandered the streets near Toronto, alarming residents. More than half a dozen police cruisers and a helicopter were dispatched to locate and recapture the tiger. *The Toronto Star, January 17, 2002.*

- **February 19, 2001/Stevensville, Ontario, Canada** ~ A 6 year old girl had a portion of her index finger bitten off by a spider monkey at a petting zoo. *Hamilton Spectator, February 20, 2001.*

- **May 15, 1999/Timmins Ontario, Canada** ~ A 23-year-old American circus worker died after an elephant backstage at a circus performance attacked him. Police say the man, who assisted the trainers with the animals in the Leonardo Circus, was kicked in the head. *The Globe & Mail, May 20, 1999.*
• April 13, 1997/Alberta, Canada ~ A spooked elephant performing at a Shrine Circus slapped a handler with her trunk and bit him on the head and back causing serious injuries and hospitalization. *Calgary Herald, April 14, 1997.*

PUBLIC HEALTH RISKS

Zoonoses

There is always a risk of disease transmission when humans come into contact with animals. Diseases spread between animals and humans are called *zoonoses.* This means they can be transmitted from animals to humans and vice versa. According to the American Association of Zoo Keepers (AAZK), tuberculosis is one of several persistent infections that continue to pose a threat to humans.

The American Zoo and Aquarium Association (AZA) consider all mammals at risk for infection with rabies and recommends that all direct contact with primates, which can carry a number of diseases transmittable to humans including hepatitis, monkey pox and the Ebola virus, be avoided unless extensive testing has been done for a variety of viral, parasitic and bacterial diseases.

Almost 90 per cent of all macaque monkeys are infected with *Herpesvirus simiae* (Herpes B), a virus that is harmless to monkeys but often fatal to humans. A person that is bitten, scratched, sneezed on or spit at while shedding occurs is at risk of contracting the disease, which can cause a potentially fatal brain infection.

Tuberculosis

A serious public health risk associated with animals in traveling circuses hit the headlines in August 1996. At that time, two elephants names Joyce and Hattie, owned by John Cuneo of Hawthorn Corporation (a company that leases animals to various circuses), collapsed and died within three days of each other from a strain of tuberculosis (TB), an airborne disease that spreads through tiny droplets in the air and which can affect humans.

As of early 1997, officials with the USDA reported that 14 of 18 elephants owned by Hawthorn Corporation tested positive for TB. Joyce and Hattie were traveling with Circus Vargas at the time of their deaths.

More recently, on May 16, 2002, the USDA instructed the Tarzan Zerbini Circus (who leases elephants from Hawthorn Corporation) to discontinue traveling with a male Asian elephant named Luke who tested culture positive for *Mycobacterium tuberculosis* on October 23, 2000. Six other elephants (three traveling in Canada) had been in prolonged contact with the TB-
infected Luke in a 12-month period. The elephants traveling in Canada had been performing for Shrine Circuses and giving rides to children.

On July 13, 2002, the three elephants in Canada were quarantined and deported back to the U.S. after the USDA alerted Canadian authorities of their contact with the TB-positive elephant.

**How serious is the public health risk?**

The strain of TB involved with the Hawthorn animals is contagious to humans and close, daily contact is considered to be the major risk factor for both humans and elephants. According to the Centers for Disease Control (CDC) in Atlanta, Georgia, TB is caused by *Mycobacterium tuberculosis* (M. TB) and it attacks the lungs and then spreads to other organs. The disease was once the leading cause of death in the U.S., and can still be fatal if not treated properly.

While adults are not particularly susceptible to the disease, Dr. Kenneth Todar of the University of Wisconsin-Madison Department of Bacteriology points out that groups such as babies and young children, as well as those with weakened immune systems, are much more likely to develop clinical TB.

Interestingly, the vaccine against M. TB is available but not in the United States. The vaccine is not 100% effective either and studies suggest only a 60-80% effective rate in children.

The AAZK takes zoonotic disease, including TB very seriously, setting out a preventive medicine program to protect employee and public health. AAZK guidelines include (1) Pre-employment physicals for staff, (2) Annual health status reviews, (3) Protocols for coordination of administration, attending physicians and zoo and aquarium veterinarians during a disease outbreak, (4) Prophylactic rabies vaccinations, (5) Annual or semi-annual fecal examinations, (6) Annual collection of reference serum, (7) Limiting contact between high-risk personnel and certain at-risk animals, (8) Counseling of pregnant workers, and (9) The collection of appropriate medical reference material.

With specific reference to tuberculosis, the AAZK preventive medicine program recommends that,

"All zoo and aquarium employees in contact with animals or animal waste should be skin tested at least once and preferably twice annually. Employees in high-risk areas should be tested every six months. All positive reactors to the skin test should be x-rayed."

In 1998 however, John Cuneo of Hawthorn Corporation was ordered to pay $60,000 for not complying with the U.S. Animal Welfare Act (AWA) when two of his elephants contracted TB. The USDA found that Mr. Cuneo failed to “establish and maintain a program of adequate veterinary care.” His license was also suspended for 45 days.
One year later the USDA reported that two Hawthorn elephant handlers had not been tested on a yearly basis for TB, in violation (again) of the AWA that requires yearly TB tests on all elephant handlers and that those tests be available for inspection.

In April 2000, a few months after performing at the South Florida Fair (with record attendance of nearly 713,000 people) and the Florida State Fair, a Royal Hanneford Circus elephant tested positive for tuberculosis.

Since 1996, TB has been diagnosed in at least 18 circus elephants in the United States, including the Ringling Bros. and Shrine circuses, as well as several zoos. The number of elephants harbouring TB is unknown. Six elephants have died and several elephant handlers have tested positive for the disease. Nevertheless, circuses continue to allow members of the public to feed, pet or ride elephants.

**LINKS BETWEEN THE WILDLIFE TRADE AND CIRCUSES**

Many performing animals have been taken from the wild, despite claims to the contrary. According to the 1994 Traffic Europe-World Wildlife Fund report *CITES And The Regulation of Wildlife Trade for European Circuses*, there is a limited but consistent circus trade in wild-caught apes, bears, elephants and other species which has escaped the attention of wildlife trade enforcement authorities. The report states that “…wildlife trade related to circuses is highly unregulated” and circuses succeed in evading enforcement efforts.

Circus operations and trade in performing animals are difficult to monitor because circuses change names, animal acts, and locations continuously. In addition, enforcement officers are simply overwhelmed by the vast number of operating circuses. An estimated 500 to 1000 circuses exist in Europe alone. Similar numbers are estimated for Central and South America while it is thought that North America has more than 300 circuses and traveling acts.

Unfortunately, little official attention is directed to circuses at international border points and within national boundaries. Officials at CITES, an international treaty aimed at controlling the commercial trade in endangered species admit, “…there are loopholes which can be exploited by unscrupulous traders.” Many countries simply refuse to participate in the treaty, becoming centers or conduits for international trafficking.

By way of an example, Switzerland's Circus Knie once imported two baby elephants from Burma because that country was not a member of CITES.

While enforcement and penalties are notoriously weak throughout the world, in Canada they are particularly lax. In regards to circuses, traveling shows and novelty acts, Environment Canada, which is responsible for enforcing CITES regulations in this country, routinely rubber-stamps import documents with little scrutiny of the information contained within.
It is also possible that some of the animals performing in circuses and similar shows in Canada have been illegally obtained from wild populations in other parts of the world. Embassies and consulates, which enjoy the privilege of diplomatic immunity, have been implicated in smuggling live endangered species, as has other organizations including the Mafia, which controls large chunks of a thriving black-market.

Former animal dealer Jean-Yves Domalain once confessed to trading almost exclusively with legitimate zoos and circuses even though his business was mostly illegal. He said that over 90% of the illegal trade in wild animals is illegal at source with legally traded wildlife being the exception.

The impact of the illegal trade on wildlife populations is devastating. It is estimated that 80% of the animals handled die either in the capture process, in transit or within the first few months of captivity.

**WHY CANADIAN LAW DOESN’T PROTECT PERFORMING ANIMALS**

At the present time, there are no federal laws specifically protecting performing animals, and as mentioned earlier, only the province of Nova Scotia has standards for exhibiting circus animals. Quite often these standards are difficult to enforce because the circus moves around so much. It may be in another town, province or country before charges can be laid.

The Criminal Code of Canada is often cited by circus proponents as being sufficient to protect the interests of performing animals, but it is very limited and hasn’t been seriously updated in over one hundred years. Nor does it address problems relating to the care, housing and training of performing animals.

**Reasons why the Criminal Code Doesn’t Protect Performing Animals**

1. The Criminal Code is punitive rather than preventative.
2. It is based on human misconduct to animals and not on the animals’ well being.
3. To be deemed criminal, an action must be done with intent.
4. Only unnecessary pain, suffering or injury to animals is considered criminal. Necessary pain, suffering or injury, for the benefit of humans, is justified.
5. Criminal actions involving animals may face lengthy court delays, sometimes up to eighteen months or more.
6. Especially light sentences and fines for committing crimes against animals do little to deter people from re-offending.
7. A humane society may be averse to spend what little money it has on a case if there’s a good chance the offender will be acquitted or receive only a slap on the wrist.
8. There are no standards or regulations for animal care and housing.
9. The Criminal Code does not provide for inspections.
10. There is no power of confiscation.

Under the Criminal Code of Canada, animals are still considered "property". Generally speaking, property owners in Canada have great latitude to do with their property as they choose. Animals currently have no enshrined legal rights.

Even when the mistreatment of animals is blatant, many judges believe that harmful acts against animals should not be considered "criminal". According to the Honourable Justice Smith:

"The criminal law is a very strong remedy and is not to be used in a general attempt, well-meaning as it may be, to improve the outlook of people on the notion of how they treat animals... I must say that I don't think that prosecution under the criminal law should be used to expand the societal value of being kind to animals."

Many of the problems cited above also apply to provincial SPCA legislation. Indeed, many animal protection societies are reluctant to proceed with legal action because the commitment of labour and finances may impact on other existing animal programs. In addition, few SPCAs have in-house expertise regarding captive wildlife husbandry and related issues.

Finally, SPCAs find it very difficult to meaningfully respond to complaints about cruelty at the circus because of the very short time within which a circus stays in any given jurisdiction. When the Shrine Circus was found in violation of size requirements for its elephants in Nova Scotia in 1999, the DNR issued a warning stating the circus must meet the requirements at its next venue.

When the DNR arrived at the circus' next destination, the inspector noted the elephant enclosure was still much smaller than the standards required. "It was obvious that our direct order had not been followed," wrote the inspector, adding that he was "not made aware of this until the following day at which time the circus had already moved onto New Brunswick."

The lack of legislation has resulted in many municipalities enacting their own exotic animal and/or performing animal by-laws. With the many difficult social and economic problems facing municipalities today, prohibiting the use of wild animals in circuses, traveling menageries and novelty acts is an immediate, cost-effective strategy for dealing with animal welfare and human safety problems.

NON-ANIMAL CIRCUSES: CHANGING WITH THE TIMES

As more people become concerned about animal welfare, ticket sales at circuses with performing animals will continue to decline. On September 17, 1999, The Indianapolis News reported that "Attendance continues to dwindle when Ringling Bros. and Barnum & Bailey Circus comes to town." A few years later, on August 17, 2001, the Wichita-Eagle wrote that Ringling
had failed to secure a date at the Kansas Coliseum because of concerns about its declining circus attendance.

In fact, it is estimated that Ringling’s circus attendance has dropped by as much as 75% over the past 15 years. Other circuses are experiencing low turnouts too and it is not uncommon today to see half empty arenas and shortened tour schedules.

This change can be attributed to the growing belief that animals shouldn’t be used and abused to make audiences laugh. Not so long ago this notion was scoffed at and ridiculed as the emotional ramblings of a few kooks. Today this view is shared by millions of concerned individuals as reflected in an editorial on April 5, 2005 by the Philadelphia Daily News:

“The circus elephants are coming to town next week, bringing an outmoded and problematic form of entertainment to all Philadelphians. Here’s hoping that this is the last year such an antiquated spectacle is welcomed within our city limits.”

Non-animal or ‘all-human’ circuses are now growing in popularity, challenging traditional (animal centered) circuses to adapt or become extinct. They are seen as a more humane way to entertain the public, and feature acrobats, daredevils, illusionists and other talented performers displaying amazing feats of skill, precision and teamwork, instead of forcing unwilling animals to live and behave unnaturally.

Circuses like the Canadian-based Cirque du Soleil, which combines brilliant choreography and provocative music with stunning acro-gymnastic performances and dynamic displays of coordination and strength prove that wild animals are not needed to put on an exciting show.

Commenting on the success of alternative circuses, the Star-Telegram in Dallas-Fort Worth reported in February 2005 that the Cirque du Soleil, in less than two decades, had reached revenues that it took Ringling Bros. more than 100 years to attain.

Cirque Éloize, also from Canada, has seen incredible success without using animals. Since 1994, the company has staged over 3,000 performances in some 200 cities and 20 countries worldwide and was instrumental in designing the closing ceremonies for the 20th Olympic Winter Games in Turin, Italy in 2006.

Some traditional circuses claim that people will stop coming if there are no animals. They also say the average family can’t afford the higher ticket prices of some of the more “modern” circuses. Yet attendance for the Garden Bros. non-animal circus performances in Toronto in the 90’s was actually 13% higher than for the same shows with animals.

Similar trends are happening all around the world. In the U.K. for example, the number of circuses with animals dropped from 23 in 1997 to 12 in 2002 while the number of animal free circuses rose from 10 to 21 in the same time period.
Aware of the demand for circuses without animals, England’s Billy Smart Circus, to celebrate its 50th birthday, announced it would go animal-free. In an interview with the Daily Mirror, circus operator Billy Smart Jr. said,

“Animals no longer have the attraction of bygone years. Today’s audiences want entertainment from talented human performers.”

Billy Smart was right. In 2004, the Billy Smart Circus was voted Britain’s Best Circus and continues to receive rave reviews, like this one from the Cambridge Evening News: “The acts are highly enjoyable...there is a wow factor about them doing their stuff. A night of fun was had by all. Smarter than your average circus.”

Other successful, non-animal circuses include:

- The Gregangelo and Velocity Circus
- Mexican International Circus
- Circus Chimera
- The Moscow State Circus
- Bindlestiff Family Circus
- Flying Fruit Fly Circus
- Circus Smirkus
- The Pickle Family Circus
- Imperial Circus of China
- Flying High Circus

A number of municipalities across North America and other jurisdictions around the world have banned or severely restricted performing animals in circuses, traveling shows and novelty acts and both the Lion’s Club International and Kiwanis International have recommended to their local chapters not to use wild animal acts as fundraisers.

Even Shrine Clubs, which are known for their charitable endeavours, are re-evaluating their policies on circuses. In New Brunswick in 1997, the Luxor Shriners announced they would no longer use exotic animals in their circuses citing the negative publicity over the treatment of circus animals as one of the factors.

A few years later the British Columbia Gizeh Shriners went ‘animal-free’ and in 2002, the Philae Shriners of Nova Scotia and Prince Edward Island announced that they would be looking into alternatives to animal circuses for their fundraising initiatives.

These and other Shrine Clubs across Canada and the U.S. continue to help their communities by using non-animal alternatives like their Christmas Fantasy Show, which features magicians and clowns for the children.
Mike Buras, fundraising chairman of the Jerusalem Shrine Temple in Destrehan, Louisiana said his group decided to put on a fair because of waning interest in their annual circus. “The circus has been our primary fundraiser for years, but recently there has been a decline. We thought the fair would be a great supplement to boost fundraising efforts.”

This trend will continue as more people learn about the true nature of animal circuses. The public now realizes it is no longer necessary, or morally acceptable to use wild performing animals in circuses, traveling shows and novelty acts. Entertainment doesn’t have to include exploitation.

Ending an Anachronistic Practice

"The true image of wildlife is seriously and deliberately distorted in the circus. It is inevitable that eventually this will cause their downfall, as the groundswell of knowledge about ecology and ethology grows, and as the true conditions of animal life in the circus become known to more people. There is a new age of understanding and compassion on the horizon. It will not tolerate the abuses of the past." - David Hancocks, former director of the Arizona-Sonora Desert Museum

In 2003, an Edmonton Shrine Club announced it would no longer use animals from Hawthorn Corporation after a series of negative news stories aired about Hawthorn’s treatment of its elephants.

On March 5, 2004, the Ringling Bros. and Barnum & Bailey Circus lost another of its big sponsors, MasterCard International, after receiving numerous complaints from the public. Visa and Sears Roebuck and Co. had also recently dropped their sponsorship of the circus giant.

The Hawthorn Corporation was forced to relinquish custody of 16 elephants to USDA-approved facilities on March 12, 2004. The circus animal supplier was also ordered to pay a $200,000 fine after it was charged with 47 violations of the Animal Welfare Act. Charges included using physical abuse to train, handle, and work an elephant, causing physical harm and discomfort, failing to provide veterinary care to an emaciated elephant and unsafe public contact, among others.

Three months later, Burger King joined General Mills and the Ford Motor Company in ending its sponsorship of the UniverSoul Circus after learning about the poor treatment of that circus’ animals, its violations of the Animal Welfare Act and animal deaths.

These events reflect a global shift in the way we view animals. And while the animals cannot speak in their own defense, a growing number of highly respected people, including David Suzuki, Jane Goodall, Farley Mowat, and Birute Galdikas, are. They are challenging us to look at animals in a new way, to consider their well being instead of focusing on how they can amuse us. In the words of anthropologist and animal behaviourist Dr. Desmond Morris,
"In the end all of them are involved in presenting a spectacle that is completely outdated in its central concept. The idea that it is funny to see wild animals coerced into acting like clumsy humans, or thrilling to see powerful beasts reduced to cringing cowards by a whip-cracking trainer is primitive and medieval."
COMPLETE AND PARTIAL BANS ON EXOTIC ANIMAL ACTS

The following is a list of jurisdictions around the world that have prohibited or severely restricted performing wild animal acts (February 2006):

**Argentina**
Buenos Aires.

**Australia**
*The entire Australian Capital Territory is subject to a prohibition.*

**Austria**
Nationwide.

**Brazil**
Altibaia, Avare, Campinas, Cotia, Olinda, Pernambuco, Porto Alegre, Rio de Janeiro, Santa Maria, Sao Leopoldo, Sorocaba, Utbatuba.

**Canada**
Argyle, Bridgewater, Burnaby, Chilliwack, Coburg, Coquitlam, Cowichan, Delta, Digby, Kamloops, Kanata, Kelowna, Langley, Maple Ridge, Mont Royal, Mount Pearl, Nanaimo, New Westminster, North Cowichan, North Vancouver, Oak Bay, Parksville, Peachland, Pelham, Saanich, St. John’s, St. Laurent, Salmon Arm, Shelburne, Stratford, Surrey, Vancouver, Victoria, Westside, Yarmouth.

**Colombia**
Bogota, Dos Quebradas.

**Costa Rica**
Nationwide.

**Croatia**

**Denmark**
Nationwide.

**Finland**
Nationwide.
Great Britain
Over 220 municipalities have either prohibited wild animals and/or all performing animals including Barnsley, Belfast (Ireland), Blackpool, Birmingham City, Bournemouth, Cardiff (Wales), Cambridge, Coventry, Derby, Dover, Dunbarton (Scotland), Eastbourne, Exeter, Lancaster, Liverpool, Maidenhead, Nottingham, Oxford, Portsmouth, Yeomouth, York.

Greece
Kalamaria, Patra, Thessaloniki

India
Nationwide.

Israel
Nationwide prohibition on all wild animal circus acts; Be'er Sheva, Tel-Aviv and Herzelia prohibit all animal circus acts.

Norway
Nationwide.

Singapore
Nationwide

Sweden
Nationwide

Switzerland
Nationwide

United States
Boulder, Braintree, Burlington, Butler County, Chapel Hill, Corona, Douglas County, Estes Park, Greenburgh, Hollywood (FL), Huntington Beach, Jefferson County, Lauderdale Lakes, Louisville, Orange County (SC), Port Townsend, Provincetown, Quincy, Redmond, Revere, Richmond (MO), Rohnert Park, Santa Ana, Stamford, Southampton, Takoma Park, Weymouth.

* States banning contact between the public and dangerous or exotic animals: Arizona, Delaware, Georgia, Maine, Mississippi and New Hampshire; partial bans in Florida, Illinois and Tennessee.

**Many U.S. jurisdictions also have prohibitions against certain types of animal performances such as bear wrestling, greased pig contests, greyhound racing, and bloodless bullfighting.

Venezuela
Naguanagua.
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