



Lawyers for Animal Welfare (LAW)

June 22, 2011

VIA EMAIL to: investigations@londonhumane.ca

London Humane Society
Investigations Department
624 Clarke Road
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RE: Scheduled Circus Performances and Potential Violations of Provincial Laws

The Shrine Circus is scheduled to perform in a number of Ontario municipalities from June-August 2011. The itinerary includes a June 22 stop in London, where the circus will perform at the London Fair Grounds.¹

Lawyers for Animal Welfare (LAW) is writing to make you aware of the inadequate conditions under which circus animals are typically kept. We would like to speak with you at your earliest convenience to discuss how you plan to address the presence of the Shrine Circus in your jurisdiction and possible violations of provincial animal cruelty legislation.

We are confident that you will understand the need to closely monitor the Shrine Circus.

I. The Law

Animals who are used in circuses are subject to the provincial *Ontario Society for the Protection of Animals Act*² (the “Act”) and its accompanying *Standard of Care Regulations*³ (the “Regulations”). As you are aware, Section 11.1(1) the Act requires the owner or custodian of an animal to comply with the prescribed standard of care for that animal. Furthermore, Section 11.2 prohibits causing or permitting an animal to be in distress.

The Regulations prescribe minimum standards that apply to all animals (*see* Section 2), as well as specific standards of care for captive wild animals (*see* Section 4), and standards of enclosure for captive wild animals (*see* Section 5).

According to the Shrine Circus website, its 2011 Ontario performances feature horses, dogs, and elephants.⁴ Section 2 of the Regulations applies to all of the animals used by the Shrine Circus, meaning that the horses, dogs and elephants must be kept in conditions that meet the standard of

¹ See “Schedule and Tickets”, Shrine Circus website. Online: <http://www.shrine-circus.com/schedule.html>

² *Ontario Society for the Protection of Animals Act*, R.S.O. 1990, c. O.36 (the “OSPCA Act”).

³ *Standard of Care Regulations*, O Reg 60/09.

⁴ See “About the Show”, Shrine Circus website. Online: <http://www.shrine-circus.com/show.html>

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care prescribed by Section 2. The Shrine Circus has an additional responsibility toward the elephants it uses, as they are captive wild animals. The elephants must be kept in accordance with the standards of care for wild animals prescribed by Sections 4 and 5 of the Regulations.

The *Criminal Code of Canada* prohibitions against animal cruelty also apply to the animals used in the Shrine Circus.⁵

II. Your Jurisdiction and Powers to Enforce Animal Cruelty Laws

Ontario Society for the Prevention of Cruelty to Animals (OSPCA) inspectors and the police are vested with broad powers to enforce animal cruelty provisions:

“An **inspector or an agent of the Society** may, without a warrant, **enter and inspect any building or place used for animal exhibit, entertainment, boarding, hire or sale**, either alone or accompanied by one or more veterinarians or other persons as he or she considers advisable, in order to determine whether the standards of care prescribed for the purpose of section 11.1 are being complied with.”⁶

An inspector or agent may lay charges if a circus fails to comply with the provisions of the Act and Regulations.

Further, an inspector may provide an animal with food, care or treatment if an animal is found to be in distress,⁷ order the owner or custodian of the animal to relieve the animal of its distress,⁸ and/or have the animal examined by a veterinarian at the expense of the owner or custodian,⁹ and take possession of the animal.¹⁰

III. Possible Violations of Provincial Law

A large body of documentary evidence shows that animals used in circuses are frequently subject to conditions that would likely fail to comply with the standards prescribed by the Regulations. For example, undercover video footage of animal training sessions has shown circus elephants being beaten with bull hooks and shocked with electric prods. Large cats have been documented with constant heavy chains around their necks and beaten with large sticks. Footage shows animals of all species are hit forcefully with a variety of weapons.

The Shrine Circus operates in both Canada and the United States. The Shrine Circus lends its name to circuses and engages production companies to put on its circuses. The 2011 Shrine Circus tour in Ontario is produced by Tarzan Zerbini Productions.

⁵ *Criminal Code*, R.S.C. 1985, c. C-46. See Sections 445-446.

⁶ *OSPCA Act*, Section 11.4(1).

⁷ *OSPCA Act*, Section 12.1(3).

⁸ *OSPCA Act*, Section 13(1)(a).

⁹ *OSPCA Act*, Section 13(1)(b).

¹⁰ *OSPCA Act*, Section 14(1).

Shrine Circuses have a long history of citations for violations of the US federal *Animal Welfare Act* (the “AWA”). Exhibitors of Shrine Circus-leased animals have failed to provide veterinary care, adequate shelter from the elements, nutritious food, and clean water. Exhibitors have also been cited for failure to handle animals in a manner that prevents trauma and harm to them.

For example, on March 16, 2006, the United States Department of Agriculture (the “USDA”) cited a Shrine Circus exhibitors in Missouri for failing to provide veterinary care to a lion who had lesions that were caused by the lion’s rubbing against the bar of his enclosure, and for failing to provide veterinary care to an elephant named Judy, who had three open wounds on her forehead and one on her leg.

In March of 2007, the Shrine Circus employed an elephant trainer who had previously been videotaped beating elephants with sharp metal bull hooks and electric prods. He told other trainers to twist the bull hook into the elephants’ flesh and cautioned that the beatings must be concealed from the public.

In April of 2003, the USDA charged Hawthorn Corporation, which provides elephants and tigers to Shrine Circuses, with 47 violations of the minimum standard of care provisions in the AWA.

These instances are but a brief sampling of the numerous violations incurred by the Shrine Circus and its affiliated contractors. The attached appendix provides greater detail on these incidents and other breaches of law by the Shrine Circus in the United States, including incidents that would likely violate Ontario law were the acts committed in this province.

There is less information available on the conditions that animals are kept in while in Canada with the Shrine Circus and other circuses. However, the history of violations of US animal welfare provisions by the Shrine Circus and its affiliates demonstrates the need for oversight and inspection by Ontario law enforcement officials while the circus is in this province.

IV. Independent Elephant Experts are Crucial

We also wish to impress upon you that it is critical to have the Shrine Circus elephants evaluated by independent elephant experts. Enforcement officials may not recognize distress in elephants when it is present if they have not received special training. Having the elephants examined by a qualified expert can help to address this problem.

As you may be aware, very few veterinarians have the expertise necessary to observe and assess the problems particular to elephants forced to travel with and perform in circuses. Although many veterinarians are knowledgeable about large animal or wildlife issues, it is essential that veterinarians who examine elephants have expertise that is specific to elephants.

LAW would be happy to help you find an independent veterinarian with elephant-specific expertise to assist you in your inspections of the elephants used by Shrine Circus.

In closing, we note that enforcement may be difficult as circuses are transitory in nature and often leave the vicinity after a show and before a full investigation can be conducted. However, the OSPCA has province-wide jurisdiction and we urge you to monitor the Shrine Circus on an ongoing basis.

Please contact us as soon as possible to discuss how you plan to handle the Shrine Circus arrival in Ontario and if you would like us to provide any support to help ensure the Shrine Circus complies with animal cruelty legislation while touring in Ontario.

Your sincerely

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