

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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OALJ/WCO

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In re: )  
 ) AWA Docket No.  
 )  
Northwest Airlines, Inc., )  
 )  
 )  
Respondent ) Complaint

01-0042

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.), hereinafter 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. Northwest Airlines, Inc., hereinafter referred to as the respondent, is a corporation and the address of its principal place of business is Department A- 5300, 5101 Northwest Drive, St. Paul, Minnesota 55111-3034.

B. The respondent, at all times material hereto, was registered and operating as a carrier as defined in the Act and the regulations.

II

On or about April 17, 1998, APHIS found the following willful violations of section 2.100(a) of the regulations and standards (9 C.F.R. § 2.100(a)) specified below:

1. The respondent accepted a live animal for shipment in a primary enclosure that did not conform to the requirements of 9 C.F.R. § 3.137 of the standards (9 C.F.R. § 3.136(b)); and

2. The respondent accepted a live animal without written instructions concerning food and water requirements (9 C.F.R. § 3.139(e)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and 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:

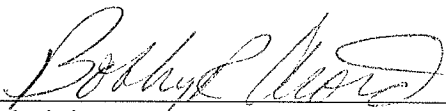
1. That unless the respondent fails to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

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 15<sup>th</sup> day of June, 2001

  
\_\_\_\_\_  
Administrator  
Animal and Plant Health  
Inspection Service

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