

UNITED STATES DEPARTMENT OF AGRICULTURE
 BEFORE THE SECRETARY OF AGRICULTURE

In re:

Northwest Airlines, Inc.,
 Respondent

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AWA Docket No. *08-0050*
 Complaint

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There is reason to believe that the respondent named herein has 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. Northwest Airlines, Inc., hereinafter referred to as respondent, is a corporation with offices located at 7500 Airline Drive, Dept. C5680, Minneapolis, Minnesota 55450-1101.
- B. The respondent, at all times material herein, was a registered carrier under the Act.

II

A. On May 4, 2005, respondent accepted for transportation in commerce one live cat known as "Simbi" for shipment from Los Angeles, California (Cargo Incident Report Number 0505-1). As a result of respondent's actions in connection with the shipment, the cat escaped from its primary enclosure and was never found. Respondent's acts in connection with the transportation of the cat known as "Simbi" were in violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standard specified below:

- 1. Respondent failed to exercise care to avoid handling the primary enclosure of the cat known as "Simbi" in a manner that would cause physical harm or distress to the animal, in violation of section 3.19(b), (9 C.F.R. § 3.19(b)).

III

A. On November 30, 2006, respondent accepted for transportation in commerce one live cat known as "Snowball" for shipment to Orlando, Florida (Cargo Incident Report Number I106-1). As a result of respondent's actions in connection with the shipment, the cat escaped from its primary enclosure and was never found. Respondent's acts in connection with the transportation of the cat known as "Snowball" were in violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standard specified below:

1. Respondent failed to exercise care to avoid handling the primary enclosure of the cat known as "Snowball" in a manner that would cause physical harm or distress to the animal, in violation of section 3.19(b), (9 C.F.R. § 3.19(b)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact 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 17th day of January, 2008

Acting Kevin Shea
Administrator
Animal and Plant Health
Inspection Service

FRANK MARTIN, JR.
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