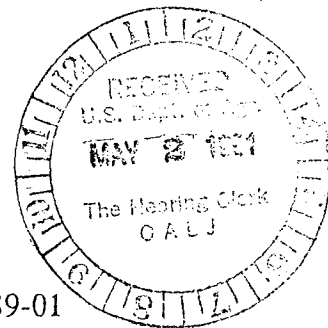


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5/3/91



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 89-01
)
American Airlines, Inc.,)
)
Respondent) Decision and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint, later amended, filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to these proceedings (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

(a) American Airlines, Inc., hereinafter referred to as the respondent, is a corporation with offices located at Post Office Box 61616, Dallas/Ft. Worth, Texas 75261-9618.

(b) The respondent, at all times material herein, was a registered carrier under the Act.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:

(a) Accepting for transportation or transporting live animals without written food and water instructions affixed to the outside of the primary enclosure;

(b) Accepting for transportation or transporting live animals in primary enclosures which are not properly marked with the words "Live Animals" and arrows or other markings to indicate the correct upright position of the enclosures;

(c) Accepting for transportation or transporting live animals in primary enclosures which do not contain sufficient litter to absorb and cover excreta;

(d) Failing to obtain a written guarantee from the consignor of any C.O.D. shipment of live animals for transportation expenses and expenses for feeding, holding, or housing the animals: and

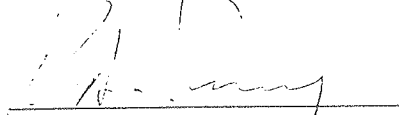
(e) Failing to exercise due care in the handling of shipments of live animals.

2. Respondent is assessed a civil penalty of \$4,000, which shall be paid by a certified check or money order made payable to the Treasurer of United States.

The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

American Airlines, Inc.
Respondent, by

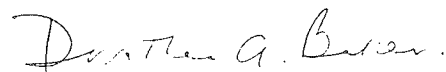


(Name) R. A. Savage
(Title) Managing Director/Cargo Services



M. BRADLEY FLYNN
Attorney for Complainant

Done at Washington, D.C.
this 2nd day of May, 1991



Administrative Law Judge