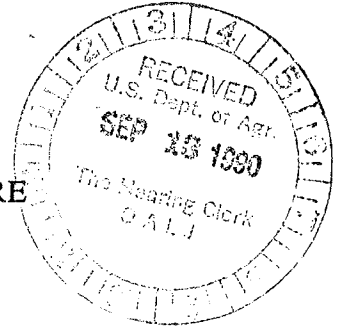


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 90-4
)
United 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 filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated 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 this proceeding (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) United Airlines, Inc., hereinafter referred to as the respondent, is a corporation whose address is Post Office Box 66100, Chicago, Illinois 60666.

(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 in primary enclosures which are not marked with the words "Live Animal" and with arrows or other markings indicating the correct upright position of the container;

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

(c) Accepting for transportation or transporting live animals in primary enclosures which are not large enough to allow each animal to turn about freely in a standing position using normal body movements, to stand and sit erect, and to lie in a natural position; and

(d) Failing to visually observe each live animal accepted for transportation or transported in order to determine whether all applicable standards were being complied with and to determine whether the animal is in obvious physical distress.

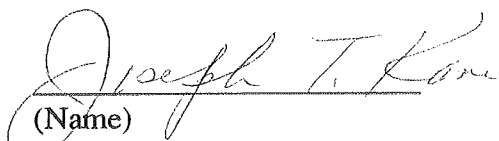
2. Respondent is assessed a civil penalty of \$7,500, which shall be paid by a certified check or money order made payable to the Treasurer of United States.


The provisions of this order are in addition to, and do not supplant or supercede, the provisions of the order concerning the respondent filed January 22, 1988, in the proceeding AWA Docket No. 384.

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.

UNITED AIRLINES, INC.
Respondent, by


(Name)
(Title)


M. Bradley Flynn
Attorney for Complainant

Done at Washington, D.C.
this 13th day of Sept, 1990



Victor W. Palmer
Administrative Law Judge