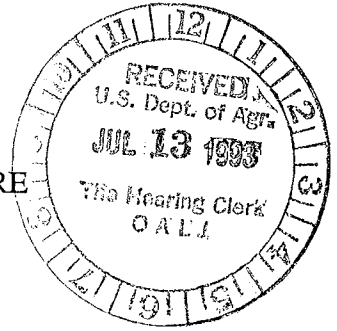


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 93-35
)
Trans World Airlines, Inc.,)
)
Respondent) Complaint

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.), herein 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. Trans World Airlines, Inc., hereinafter referred to as respondent, is a corporation whose address is 100 South Bedford, Mount Kisco, New York, 10549.
- B. The respondent, at all times material herein, was a registered carrier under the Act.

II

- A. On May 20, 1992, at the Kansas City International Airport, Kansas City, Missouri, Respondent accepted for transportation and transported in commerce eighty-one live dogs in an animal cargo space that did not have a supply of air sufficient for normal breathing for each live animal contained therein, in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b) (1992)) and section 3.15(b) of the standards (9 C.F.R. § 3.15(b) (1992)), as to each animal. As a result of respondent's actions, fifty of the dogs

were dead on arrival at St. Louis Missouri, six dogs were subsequently euthanized, and the remaining dogs suffered harm from deprivation of oxygen.

B. On May 20, 1992, at Lambert Field in St. Louis, Missouri, when the above-mentioned shipment of eighty-one dogs arrived, Respondent failed to arrange for needed veterinary care for the thirty-one surviving dogs as soon as possible, in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b) (1992)) and section 3.17(b) of the regulations (9 C.F.R. § 3.17(b) (1992)), as to each animal.

C. During the course of an investigation into the events alleged in this section, on May 21, 1993, May 27, 1993, and September 10, 1993, Respondent failed to furnish to officials of the Complainant information concerning Respondent's business requested by the officials in connection with the enforcement of the provisions of the Act, and the regulations and standards promulgated thereunder in violation of section 2.125 of the regulations (9 C.F.R. § 2.125 (1992)). In addition, on May 21, 1993, May 27, 1993, and September 10, 1993, Respondent failed to allow officials of the Complainant to examine records required to be kept ^{by} the Act and the regulations promulgated thereunder; to make copies of the records; and to document conditions of noncompliance with the regulations in violation of section 2.126(a)(2), (3), and (5) of the regulations (9 C.F.R. § 2.126(a)(2),(3),(5) (1992)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact willfully 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-

1400, 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:

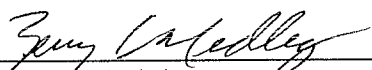
1. That unless the Respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

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 13th day of July, 1993



Acting Administrator
Animal and Plant Health
Inspection Service

M. BRADLEY FLYNN
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United States Department of
Agriculture
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Telephone (202) 720-4631