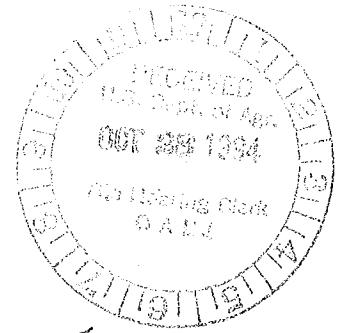


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 95-05
)
Northwest Airlines, Inc.,)
)
Respondent) Complaint

There is reason to believe that the respondent named herein has willfully 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 5101 Northwest Drive, St. Paul, Minnesota 55111-3034.

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

II

A. On May 15, 1990, respondent accepted for transportation and transported in commerce one live dog from Green Bay, Wisconsin to New Hartford, Connecticut, in willful violation of section 2.100(b) of the regulations and the standards specified below:

1. The primary enclosure used to transport the dog was not large enough to ensure that the animal had enough space

to turn about normally while standing, to stand and sit erect, and to lie in a natural position. (9 C.F.R. §§ 3.11(b) and 3.12(c) (1990)); current provisions found at (9 C.F.R. §§ 3.13(d) and 3.14(e) (1994)).

III

A. On May 15, 1990, respondent accepted for transportation and transported in commerce three live dogs in two separate primary enclosures from Harrisville, Michigan to South Windsor, Connecticut, in willful violation of section 2.100(b) of the regulations and the standards specified below:

1. Feed and water instructions were not affixed to the outside of one of the primary enclosures used to transport two of the dogs. (9 C.F.R. § 3.14(d) (1990)); current provisions found at (9 C.F.R. § 3.13(c) (3) (1994)).

2. One of the primary enclosures containing two dogs was not marked with the words "Live Animal". In addition, the primary enclosure containing one dog did not have arrows or other markings indicating the correct upright position of the containers. (9 C.F.R. §§ 3.11(b) and 3.12(f) (1990)); current provisions found at (9 C.F.R. §§ 3.13(d) and 3.14(a) (6) (1994)).

IV

A. On May 14, 1991, respondent accepted for transportation and transported in commerce two live dogs in willful violation of

section 2.100(b) of the regulations and the standards specified below:

1. The sides of the primary enclosures of the dogs were not marked with the words "Live Animal." (9 C.F.R. §§ 3.13(d) and 3.14(a)(6) (1994)).

2. Feed and water instructions were not affixed to the outside of the primary enclosures. (9 C.F.R. § 3.13(c)(3) (1994)).

V

A. On June 20, 1991, respondent accepted for transportation and transported in commerce one live dog in willful violation of section 2.100(b) of the regulations and the standards specified below:

1. The primary enclosure used to transport the dog was not large enough to ensure that the animal had enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position. (9 C.F.R. §§ 3.13(d) and 3.14(e) (1994)).

2. The sides of the primary enclosure were not marked with the words "Live Animal." (9 C.F.R. §§ 3.13(d) and 3.14(a)(6) (1994)).

3. Feed and water instructions were not affixed to the outside of the primary enclosure. (9 C.F.R. § 3.13(c)(3) (1994)).

VI

A. On June 25, 1991, respondent accepted for transportation and transported in commerce 34 ferrets from Syracuse, New York to Madison, Wisconsin in willful violation of section 2.100(b) and the regulations specified below:

1. The ferrets were accepted on a C.O.D. basis without obtaining a written guarantee from the consignor guaranteeing payment of transportation and out-of-pocket expenses in the event that the shipment was unclaimed or the consignee could not be notified. (9 C.F.R. § 2.79(a) (1994)).

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. 20250-9200, 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

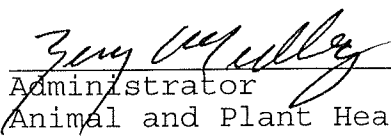
be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

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 13th day of October, 1994

Acting 
Administrator
Animal and Plant Health
Inspection Service

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