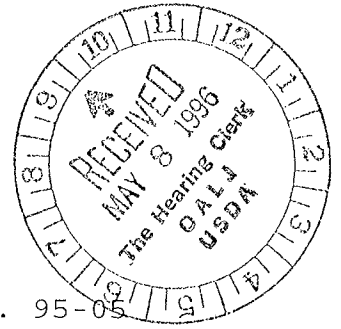


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



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

Consent 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 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.

Date Distributed: 5/8/96

Legal Technician: Joyce J. J. J.

### Findings of Fact

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.

### 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) failing to ensure that no live dog or cat shall be placed in a primary enclosure that does not have enough space for the animal to turn about normally while standing, to stand and sit erect, and to lie in a natural position;

(b) failing to ensure that no live dog or cat shall be placed in a primary enclosure which has no feed and water instructions affixed to the outside;

(c) failing to ensure that no live dog or cat shall be placed in a primary enclosure which is not marked with the words "Live

Animal" and does not have arrows or other markings indicating the correct upright position of the container; and

(d) failing to ensure that no animal shall be accepted for transportation on a C.O.D. basis without obtaining a written guarantee from the consignor promising payment of transportation and out of pocket expenses incurred in the event that the shipment is unclaimed or the consignee cannot be notified.

2. Respondent is assessed a civil penalty of \$3,000.00 which shall be paid by certified check or money order made payable to the Treasurer of the 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.

Northwest Airlines, Inc.  
Respondent, by

John B. Keenan Jr.  
(Name and Title)  
ASSOCIATE GENERAL COUNSEL

Denise Y. Hansberry  
Denise Y. Hansberry  
Attorney for Complainant

Done at Washington, D.C.  
this 7th day of May, 1956

Dwight A. Baker  
Administrative Law Judge