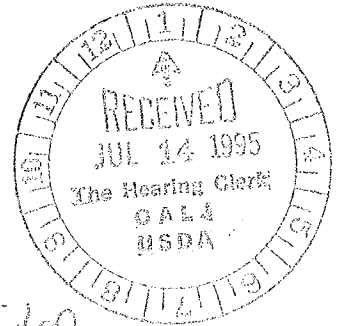


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 95-69
)
Continental 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.) ("Act"), and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I.

A. Continental Airlines, Inc., hereinafter referred to as respondent, is a corporation with offices located at P.O. Box 4607, AGC 1040 Houston, Texas 77210.

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

II.

A. On July 20, 1993, respondent accepted for transportation in commerce, from Camm Research Lab Animals, six live rabbits for shipment from Newark, New Jersey to Little Rock, Arkansas in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. Respondent failed to visually observe the rabbits, as required (9 C.F.R. § 3.64(a)).

III.

A. On August 1, 1993, respondent accepted for transportation in commerce, from The Mouse House, 10 live prairie dogs for shipment from Houston, Texas to Orlando, Florida in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. Respondent failed to visually observe the prairie dogs, as required (9 C.F.R. § 3.140(a)).

IV.

A. On July 28, 1993, respondent accepted, from Charles Bowring and Kimberly Reina, one live cat for transportation in commerce from London, England to Baltimore, Maryland, in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. Respondent failed to exercise care when handling the primary enclosure so as to avoid causing physical harm or distress to the cats, in that said enclosure was tossed on to a baggage cart (9 C.F.R. § 3.19(b)(2)).

2. The primary enclosure of the cat was not marked with the words "Live Animal" nor with arrows or other markings indicating the correct upright position of the enclosure (9 C.F.R. § 3.14((a)(6))).

B. Between March 10, 1994 and September 10, 1994, respondent failed to furnish business information requested by an APHIS official (9 C.F.R. § 2.125).

V.

A. On January 27, 1994, respondent accepted for transportation in commerce, from Nanette Wilkin, two live cats for shipment from Indianapolis, Indiana to Washington, D.C., in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. Respondent failed to exercise care when handling the primary enclosure so as to avoid causing physical harm or distress to the cats (9 C.F.R. § 3.19(b)).

B. Between February 4, 1994 and August 31, 1994, respondent failed to furnish business information requested by an APHIS official (9 C.F.R. § 2.125).

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

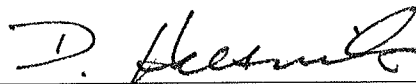
all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

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 10th day of July, 1995



Acting Administrator
Animal and Plant Health
Inspection Service

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