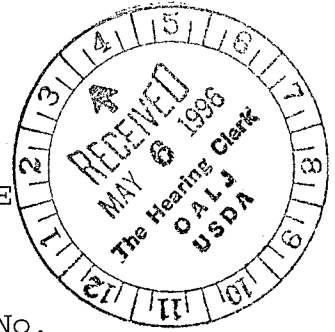


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No.
)
TRANS WORLD AIRLINES, INC.,)
a Delaware corporation,)
)
Respondent.) COMPLAINT

96-45

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.) (the "Act"), and the regulations and standards issued pursuant thereto (9 C.F.R. § 1.1 et seq.) (the "Regulations" and the "Standards"). The Administrator of the Animal and Plant Health Inspection Service therefore issues this complaint alleging the following:

I

Respondent Trans World Airlines, Inc. is a Delaware corporation whose business address is 100 South Bedford Road, Mt. Kisco, New York 10549. At all times mentioned herein, said respondent was registered as a carrier, as that term is defined in the Act and the Regulations.

II

A. On August 1, 1995, respondent Trans World Airlines, Inc. transported a live dog from Los Angeles, California to Columbus, Ohio, and willfully violated the Regulations and Standards as follows:

1. Respondent Trans World Airlines, Inc. failed to handle the animal so as not to cause overheating, physical

harm, or unnecessary discomfort, in violation of section 2.131(a)(1) of the Regulations (9 C.F.R. § 1.131(a)(1)).

2. Respondent Trans World Airlines, Inc. failed to maintain its animal cargo space so as to protect the health and well-being of the animal transported in it and ensure the animal's safety and comfort, and failed to maintain an ambient temperature in the cargo area that ensured the health and well-being of the animal, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.15(a), (b), and (d) of the Standards (9 C.F.R. § 3.15(a), (b) and (d)).

3. Respondent Trans World Airlines, Inc. failed to handle the animal so as not to cause overheating, physical harm, or unnecessary discomfort, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.140(a) of the Standards (9 C.F.R. § 3.140(a)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations 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:

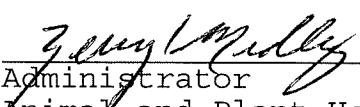
(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Suspending or revoking the respondent's license under the Act; and

(c) 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 3rd day of May, 1996

Acting



Administrator
Animal and Plant Health
Inspection Service

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