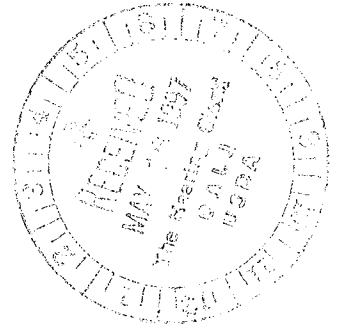


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) AWA Docket No.  
Hawaiian Airlines, )  
Respondent ) Complaint

There is reason to believe that the respondent named herein 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. Hawaiian Airlines, hereinafter referred to as respondent, is a corporation whose address is 1164 Bishop St. Suite 800, Honolulu, Hawaii 96813.

B. The respondent, at all times material herein, was a carrier as defined in the Act.

II

A. On June 4, 1994, the respondent handled a dog in a manner that caused trauma, behavioral stress, physical harm and unnecessary discomfort, in wilful violation of section 2.131 of the regulations (9 C.F.R. § 2.131).

B. On June 4, 1994, respondent accepted for transportation and transported, in commerce, one live dog named "B.B." owned by Bruce and Kathleen Nobles on a Hawaiian Airline plane. Upon

arrival in Honolulu, Hawaii the dog was suffering from a laceration on its right metacarpal pad. Respondent's acts in connection with the transportation of the animal were in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. The animal cargo space used to transport the dog was not designed, constructed and maintained in a manner so as to protect the health and well-being of the animal and to ensure its safety and comfort. (9 C.F.R. § 3.15(a)).

2. The primary conveyance for a dog was loaded in a manner that caused physical harm and distress to the dog. (9 C.F.R. § 3.19(b)).

### III

A. On October 9, 1994, the respondent handled a cat in a manner that caused trauma, behavioral stress, physical harm and unnecessary discomfort, in wilful violation of section 2.131 of the regulations (9 C.F.R. § 2.131).

B. On October 9, 1994, respondent accepted for transportation and transported, in commerce, one live cat named "Tiki" owned by Daniel D. and Carolyn M. Davidson on Flight No. 22 from Honolulu, Hawaii to Seattle, Washington. The cat's kennel was damaged during transportation of the animal. Respondent's acts in connection with the transportation of the animal were in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. The animal cargo space used to transport the cat was not designed, constructed and maintained in a manner so as to protect the health and well-being of the animal and to ensure its safety and comfort. (9 C.F.R. § 3.15(a)).

2. The primary conveyance for the cat was loaded in a manner that caused physical harm and distress to the cat. (9 C.F.R. § 3.19(b)).

#### IV

A. On February 1, 1995, the respondent failed to update its registration form by filing a new form in wilful violation of section 2.25(a) of the regulations (9 C.F.R. § 2.25(a)).

B. On or about February 1, 1995, the respondent failed to notify APHIS of a change in its address in wilful violation of section 2.27(a) of the regulations. (9 C.F.R. § 2.27(a)).

#### V

A. On May 24, 1996, respondent accepted for transportation and transported, in commerce, one live dog named "Shannon" owned by Steve Eagleon on Hawaiian Flight No. 4 from Los Angeles, California to Las Vegas, Nevada. The Respondent's acts in connection with the transportation of the dog were in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. The respondent accepted the dog for transport without certifying in writing that the dog was offered food and water during the 4 hours prior to delivery to the respondent. (9 C.F.R. §§ 3.13(c), 3.16(a)).

2. The primary enclosure used to transport the dog was not large enough to ensure that the dog 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. § 3.14(e)).

3. The primary enclosure used to transport the dog did not have food or water receptacles attached so that the receptacles could be filled from the outside of the enclosure without opening the door. (9 C.F.R. § 3.16(c)).

## VI

A. On June 10, 1996, the respondent accepted for transportation and transported, in commerce, one live dog named "Makani" owned by Dennis Nagata on Flight No. 4 from Honolulu, Hawaii to Los Angeles, California. The Respondent's acts in connection with the transportation of the dog were in willful violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. The respondent accepted the dog for transport without certifying in writing that the dog was offered food and water during the 4 hours prior to delivery to the respondent. (9 C.F.R. §§ 3.13(c), 3.16(a)).

2. The respondent accepted the dog for transport without obtaining the address and telephone number of the consignor of the dog. (9 C.F.R. § 3.13(b)).

3. The respondent failed to securely attach required documents to the primary enclosure used to transport the dog. (9 C.F.R. § 3.14(h)).

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:

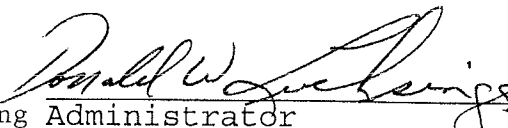
1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

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 14th day of May, 1997

  
Acting Administrator  
Animal and Plant Health  
Inspection Service

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