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WINTER 2011



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8 ALDF Wins Round Two for Tony the Tiger

ADVOCATE THE ANIMALS'

A NEWSLETTER FOR SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND



Rickie has suffered from health problems and bouts of illness since she was purchased from Barkworks in 2007

In the Doghouse

ALDF files suit against Barkworks for deceiving customers about its puppy mill puppies

IT IS EVERY ANIMAL GUARDIAN'S worst nightmare. Daniel and April Akiva had only brought Buddy home from the pet store a few hours earlier when they noticed that the three-month-old Cockapoo puppy had a coarse cough. The Akivas took Buddy to a veterinarian, who diagnosed him with tracheobronchitis—a highly contagious canine respiratory illness better known as kennel cough. He soon developed additional health problems, including an ear infection, and when Buddy was five months old, he started to have trouble breathing and began foaming at the mouth. Daniel and April rushed him to the vet, but it was too late. His lungs filled with fluid, Buddy died five days before Christmas.

The Akivas had purchased Buddy from Barkworks, a Southern California pet store chain, after assurances from store staff that the puppy was in good health and had come from a “reputable dealer.” Tragically, both claims were untrue; indeed, a number of other customers reported purchasing extremely sick puppies from several Barkworks’ retail locations, despite being told that the animals came from reputable dealers and were “fit for sale” and “not ill.” On behalf of these five customers, the Animal Legal Defense Fund, with assistance from Best Friends Animal Society, filed a class-action lawsuit in September against Barkworks for repeatedly engaging in fraud and false *continued on page 4*



LETTER FROM THE EXECUTIVE DIRECTOR



Massacre in Ohio



FOR THE RECORD

“The practice of cutting the fins off of living sharks and dumping them back in the ocean is not only cruel, but it harms the health of our oceans. Researchers estimate that some shark populations have declined by more than 90 percent... In the interest of future generations, I have signed this bill.”

—Governor Jerry Brown, upon signing into law a bill that bans the possession and sale of shark fins in California.

THE IMAGES OF BEAUTIFUL, EXOTIC wild animals lying dead in an Ohio field horrified the entire country. Forty-eight animals, including tigers, lions, and bears were shot dead by police near Zanesville, Ohio, after being released from their cages by their owner, Terry Thompson, who then took his own life. In the wake of the tragedy, the question on everyone’s mind was: How could this happen?

The outpouring of grief and anger from across the nation revealed just how deeply Americans care about animals. Initially, much of the anger was directed at the local police who shot the animals, but ultimately, it is the lack of laws governing the exotic pet trade that paved the way for this tragedy – which, in Ohio, allowed Thompson, a convicted animal abuser and felon, to own more than 50 exotic, even endangered, animals. Prior to their release and death, the animals lived in horrific conditions on Thompson’s farm.

The trade in exotic animals is a booming business. Upwards of 200 million animals are sold every year in the U.S., and the industry has been largely successful at limiting regulation of its lucrative trade. Since there is no federal law governing the exotics trade, the result is a patchwork of state laws, with some states leaving the industry virtually unregulated. Without laws to reign in this abusive and dangerous trade, we will see many more similar tragedies.

That’s why, immediately following the Zanesville massacre, the Animal Legal Defense Fund called upon our Ohio members to contact their state officials to enact crucial exotic pet law reforms, including a prohibition on any new ownership of exotic and wild animals as pets, prohibition of the sale and transfer of exotic and wild animals, and giving state officials the authority to inspect, regulate, and enforce regulations to protect currently-owned exotic and wild animals.

ALDF is committed to finding permanent legal solutions to activities that harm animals. It is our hope that this recent disaster will be a wakeup call to states across the country, leading ultimately to an end to the trade in exotic and wild animals. It is perhaps the most appropriate way for us to honor the lives of the animals tragically killed in Ohio.

For the animals,

Stephen Wells
Executive Director



Stephen Wells
Executive Director

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Unfit for Human Consumption


ALDF asks USDA to place warning label on foie gras products

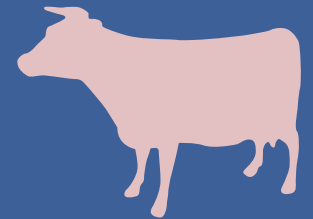
SURE, IT'S PACKED WITH CRUELTY, but foie gras—the diseased liver of force-fed ducks and geese—is also a health hazard for those who eat it. A 2007 study found that protein fibers from foie gras speed the onset of secondary amyloidosis, a disease that can be fatal to humans. In response to this, as well as serious concerns about the animals' welfare, the Animal Legal Defense Fund has filed a legal petition with the U.S. Department of Agriculture, urging that foie gras products carry a label to warn consumers of the potential threat.

The force-feeding of male ducks and geese used to produce the culinary extravagance known as foie gras (French for “fatty liver”) begins several weeks before slaughter, when the farmer forces a pipe into the bird's throat and gorges him with about three pounds of corn gruel several times a day—the equivalent of force-feeding 45 pounds of food to an adult human. The birds quickly put on weight, and their livers grow up to 10 times their normal size, causing tremendous suffering. The birds are also deprived of access to swimming water, which they need to stay clean and healthy. By the time the duck or goose is slaughtered, his liver has succumbed to a disease known as hepatic lipidosis.

“That is not what people think of when they see the USDA seal of inspection that says ‘Inspected for Wholesomeness,’” says Carter Dillard, ALDF's director of litigation. “The law says you can't sell diseased animals, and that's what these ducks and geese are. Elsewhere, we are taking action to block the sale, but here we are arguing that in the interim the least the USDA can do is not mislead consumers by allowing use of the inspection seal on products that are actually diseased.”

The cruel and unhealthy force-feeding of birds for foie gras production has been banned in more than a dozen countries, including the United Kingdom, Germany, Italy, and Israel, and a California state ban, passed in 2004, will go into effect on July 1, 2012. Even retailers such as Whole Foods Market and Wolfgang Puck's restaurants refuse to sell foie gras.

“Why are we accepting this risk in a food product that is produced in a way so contrary to U.S. food safety laws?” asks Dillard. “Just like someone buying a pack of cigarettes, consumers purchasing foie gras have a right to know what they are really buying, and to be warned about the cruelty and risks involved.” 



WHAT YOU CAN DO

Sign ALDF's petition to the USDA at: www.aldf.org/foiegras and ask your family and friends to do the same!

WARNING

Foie gras products are derived from diseased birds



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In the Doghouse

continued from front page

advertising in an effort to conceal from customers that they source their puppies from large-scale commercial dog-breeding facilities. Known as “puppy mills,” these abusive facilities breed dogs in extremely close conditions in which the animals lack adequate food, water, socialization with other puppies, veterinary care, and proper treatment. Like Buddy, all the dogs purchased by the plaintiffs from Barkworks had pre-existing, congenital, and/or hereditary conditions, were ill, and were not fit to be sold.

Dogs from puppy mills are weaned too early and shipped in large groups, increasing the chances that they will suffer from infectious diseases and be more prone to develop serious veterinary conditions, including hip dysplasia, heart and kidney disease, and respiratory disorders like kennel cough. Not only does Barkworks know this, but they deliberately mislead their customers about the origins of their puppies; in fact, the plaintiffs say that they received what were reported to be the names of the breeders of their dogs from the store, but the information did not correspond to U.S. Department of Agriculture registered breeders—making it impossible for customers to confirm Barkworks’ claims that their puppies come from reputable breeders.

The Animal Legal Defense Fund is asking the court to intervene to stop Barkworks’ deceptive practices and to provide restitution to the consumers whom they have victimized, says ALDF Director of Litigation Carter

Dillard. “This case highlights the basic problem with buying rather than adopting companion animals, or treating them as products,” he says. “Breeding animals for sale when there is a rampant pet-overpopulation crisis is problematic in and of itself, but in this case, the defendants actually misled consumers by misrepresenting the breeding history and health of their puppies in order to convince customers to purchase them, resulting in large profits for their business—and heartbreak and suffering for countless dogs and their families.”

Despite their shockingly poor conditions, puppy mills often pass USDA inspections, since USDA regulations only prescribe the most basic standards for food, water, and shelter. Regardless, many of these breeding kennels are still found to be in violation of USDA regulations. Dogs from puppy mills are commonly sold to pet stores and are often as young as eight weeks old. Understandably, customers who purchase a dog from a pet store bond with the animal, and once that animal becomes sick, they often do everything in their power to nurse him or her back to health. This can often mean costly vet bills—and emotional heartache.

Fortunately, states are beginning to crack down on puppy mills. In 2008, Virginia and Louisiana became the first states in the country to pass a law limiting the number of adult dogs a commercial breeder may possess at any one time. The following year, Oregon and Washington State did the same. Unfortunately, many states still have no laws regulating dog breeders, pet stores, kennels, or dealers. 🐾

THE ANIMALS’

WHAT YOU CAN DO

Help remove the puppy mills’ financial incentive. With millions of cats, dogs, and other companion animals sitting in shelters waiting for loving homes every year, there’s no reason to buy from a pet shop or breeder. Please adopt from an animal shelter or rescue group, and please ask family and friends to do the same.



Though her new mom was assured by Barkworks that she did not come from a puppy mill and was “not ill,” Bella suffers from chronic stomach problems and hip dysplasia

Barbaric Cruelty In Bakersfield

Owners arrested after removing dog's leg in home "surgery"

THE ANIMALS'
ADVOCATE

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HE WAS FOUND TIED TO A POST in the backyard, the bloody stump of what remained of his left hind leg crudely bandaged and infested with maggots. But the one-year-old black Labrador retriever mix now known as Onyx has survived, and his former owners were charged with felony animal cruelty.

Authorities in Bakersfield, Calif., believe that Alberto Castenada and Maria Banuelos "operated" on Onyx without the aid of veterinary expertise, medical instruments, medications, or anesthetic. The dog suffered from a double pelvis fracture, dislocated hip, and injured hind leg—all presumably from being hit by a car—when the couple allegedly decided to cut his leg off themselves last August.

Animal control officers who found Onyx took him to an orthopedic veterinary specialist, who provided extensive amputation surgery, and he's made a remarkable recovery.

"Cases like these are painful demonstrations of the fact that common sense, basic human decency, and any fundamental concept of empathy for the suffering of others seems to be lost on more and more people in our society," says Scott Heiser, director of Animal Legal Defense Fund's Criminal Justice Program. "An act like this—the mutilation of an injured animal to try to save on a vet bill—is not just deplorable, it's barbaric."

In court proceedings in October, Castenada pleaded no contest in Kern County court, while Banuelos pleaded no contest to a misdemeanor count of cruelty to animals; the felony charge against her was dismissed. Both are set for sentencing in January 2012. 🐾

WHAT YOU CAN DO

Please write to the Kern County District Attorney Lisa Green (DA@co.kern.ca.us) and thank her office for their work to date on this case and urge her to make a strong sentencing recommendation for both defendants. Also encourage the DA to share your comments with the sentencing judge, so the court has an appreciation for the impact this incident has had on people across the country.



Onyx is recovering from a horrific home "surgery" while his former owners await sentencing

WESTLAKE VILLAGE ANIMAL HOSPITAL

Give the Gift of Compassion

IT'S THAT TIME OF THE YEAR AGAIN when our thoughts turn to gift-giving. For the animal lovers on your list, please consider a gift membership to the Animal Legal Defense Fund. With a \$25 gift membership, your recipient receives a one-year subscription to this newsletter, which offers in-depth coverage of our groundbreaking work to protect the lives and advance the interests of animals through the legal system—and it will remind family and friends of your thoughtfulness throughout the year. Meanwhile, ALDF receives the support we need to continue winning the case against cruelty. Every single dollar counts in the fight against animal abuse!

As a 501(c)(3) charitable organization, ALDF relies almost entirely on individual, tax-deductible contributions from caring members and donors like you to help us pursue our shared goals for animals. Please consider a gift membership today! Just visit us online at aldf.org and click on "Donate." By giving online, you won't need to worry about getting a check into the mail, and you will receive an instant email receipt for tax purposes.

ALDF is the legal arm of the animal protection movement, and we are committed to being a powerful voice for imperiled animals in our communities, on farms, and in the entertainment industry. Please share your passion for compassion this holiday season! 🐾

The Animal Legal Defense Fund is proud to be a Better Business Bureau Accredited Charity and to have been awarded the Independent Charities Seal of Excellence, ensuring that we meet the highest standards of public accountability, program effectiveness, and cost effectiveness.



Ask an Attorney

National Meat Association Challenges California in Supreme Court



PAGE 6

ON NOVEMBER 9, THE SUPREME COURT of the United States heard arguments in a case that will determine whether California voters or out-of-state corporations have the right to decide how farmed animals in California are treated. In this Q & A session, ALDF Director of Litigation Carter Dillard, a former attorney with the U.S. Department of Justice, answers questions about this important case submitted by ALDF supporters.

CASE BACKGROUND: In 2008, California passed a law that requires slaughterhouses to immediately euthanize “downer” animals who are too sick to stand up and walk to their own deaths. The National Meat Association and other factory farm lobbying groups want the law declared unconstitutional because of the profits they will lose if they cannot slaughter and sell downed animals. They claim that comparatively weak federal regulations – rather than California law – should control the issue. The California-based Animal Legal Defense Fund, along with the Humane Society of the U.S., Farm Sanctuary, and Humane Farming Association, intervened in the case to defend California’s law, which stops factory farmers from beating, shocking, and dragging downed pigs to slaughter.

Q: *Is the meat industry’s challenge based on an argument that there’s too great a burden on interstate commerce?* —**Elizabeth D.**

A: The challenge is actually based on the factory farm lobby’s claim that federal law, which regulates how federally-inspected slaughterhouses operate, trumps or “pre-empts” California’s “downer” law, which is instead a basic cruelty law focused on preventing animals (in this case pigs) too weak, crippled, or unhealthy from being literally dragged into the slaughter process.

The factory farm lobby is hoping to take advantage of the case to extend federal control over California. As states become more progressive and demand that animals not be treated cruelly, we can expect animal industries to use any weak federal laws that might somehow be related to animal cruelty as an excuse to override more progressive state laws. This tramples on states’ rights by shift-

ing control to Washington and ensures factory farmers can be as cruel as they want to be.

Q: *How does a corporation think that it has the right to go against the will of the people in matters of state?* —**Keath R.**

A: The factory farm lobby wears blinders so that it can only see one thing: profitability. That means they ignore the suffering of helpless animals if that suffering means profit. And here, they are literally willing to demand that every farmed animal – even those too weak to stand – be slaughtered and sold.

This priority on profits over welfare, despite consumer demand for better legal protections for animals, is sadly a well-known state of affairs, and not just about which animals can be slaughtered. When the Occupy Wall Street movement released its first official declaration, listing its demands, one of the things the declaration explicitly recognized is that corporations “have profited off of the torture, confinement, and cruel treatment of countless nonhuman animals, and actively hide these practices.”

Q: *Shouldn’t these poor animals who are too sick to stand or walk be euthanized?* —**Deborah M.**

A: Yes, and that is what California law requires – that the animals be “humanely euthanized.” That is the humane thing to do – and what California voters decided. Instead the factory farm lobby wants these animals left alive to suffer if there is any chance to slaughter and sell them for profit.

Q: *How many downer animals are there? Are they so many that euthanizing them or rehabilitating them will cost the Meat Association a severe financial loss?* —**Deborah M.**

A: Precise numbers are not available but “downers” represent a small percentage of animals that are slaughtered. Still, to the factory farm lobby every one of those animals represents an investment, and they don’t want to lose any money by having the animal euthanized rather than slaughtered and sold.

Q: *What happens if the U.S. Supreme Court shoots down the California law? What do we do from there? How can we help from that point?* —**Theo F.**

A: At the very least, if the law is overturned, ALDF will lobby the federal government to change its policy to institute a no-downer rule. There is federal ban on downers that applies to cattle, but not pigs or other livestock. Our first order of business would be to fight to change that.



“We can expect animal industries to use any weak federal laws that might somehow be related to animal cruelty as an excuse to override more progressive state laws.”

—Carter Dillard
ALDF Director
of Litigation



2010 Highlights

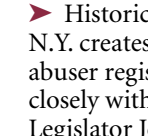
➤ ALDF files suit against BP for burning endangered sea turtles alive in their clean-up efforts following their massive oil spill in the Gulf of Mexico.



➤ After several puppies die in an American Airlines cargo hold, ALDF petitions the Department of Transportation to require airlines to report the deaths of animals shipped as “cargo.”



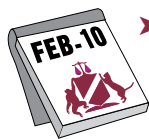
➤ Represented by ALDF, the United States Equine Rescue League (USERL) wins custody of eight severely neglected horses who had been seized from their owner.



➤ Historic vote in Suffolk County, N.Y. creates nation’s first animal abuser registry. ALDF worked closely with bill sponsor Legislator Jon Cooper’s office in support of the new law.



➤ Texas residents represented by ALDF sue to stop horrific conditions for chickens at egg production facility.



➤ The West Hollywood, Calif. City Council passes an ordinance to ban the sale of “puppy mill” puppies at pet stores. ALDF helped to draft the historic ordinance.



➤ ALDF launches national ExposeAnimalAbusers.org campaign to promote mandatory registries for convicted animal abusers.



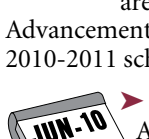
➤ The Ninth Circuit Court of Appeals reinstated a California law banning the use of sick and disabled (“downed”) animals in the human food supply. ALDF had intervened in the meat industry’s suit to block the law.



➤ ALDF hosts world-renowned speakers and cutting-edge panels at “The Future of Animal Law” weekend-long conference at Harvard Law School.



➤ Celebrated actress Ashley Judd signs on to ALDF’s campaign to stop illegal cruelty at Kentucky animal shelters.



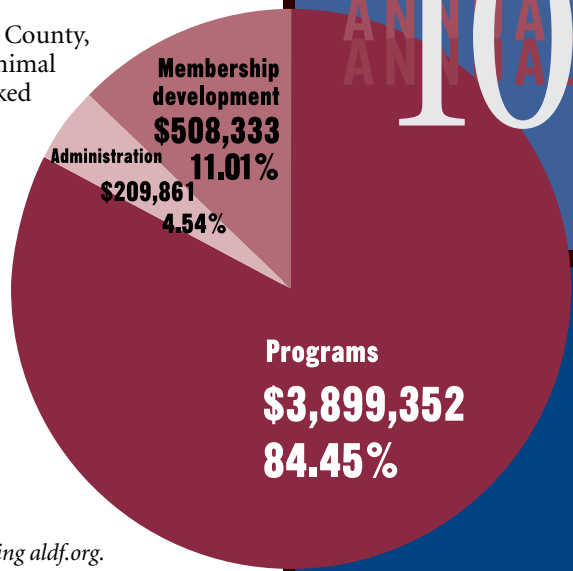
➤ Three outstanding law students are awarded ALDF’s national

Advancement of Animal Law scholarships for the 2010-2011 school year.

➤ Seattle taxpayers represented by ALDF sue the city over the Woodland Park Zoo’s reckless and illegally cruel treatment of its elephants.



ANNUAL REPORT '10



FINANCIAL REPORT – 2010

A copy of ALDF’s full audited financial statement may be obtained by writing to ALDF or visiting aldf.org.

CURRENT ASSETS

Cash and cash equivalents	\$739,267
Investments	2,733,022
Accounts and grants receivable	746,781
Prepaid expenses and other current assets	23,821
Total Current Assets	\$4,242,891

NONCURRENT ASSETS

Property and Equipment, net	\$887,389
Grants and pledges receivable, long-term part	1,166,726
Total Noncurrent Assets	\$2,054,115
	\$6,297,006

LIABILITIES AND NET ASSETS

Current liabilities:

Accounts payable and accrued liabilities	\$55,091
Accrued payroll liabilities	75,203
Mortgage payable—current portion	10,731
Total Current Liabilities	\$141,025

Long-Term Liabilities:

Mortgage payable—noncurrent portion	614,705
Total Liabilities	\$755,730

Net assets:

Unrestricted	3,612,999
Temporarily restricted	1,928,277
Total Net Assets	\$5,541,276
	\$6,297,006

REVENUE AND SUPPORT

Donations (individuals/foundations/corporations)	\$2,271,327
Donations from estates	649,281
Conferences	33,492
Interest and dividends	54,795
Realized gains on investments	--
Net assets released from restriction	947,798
Other	203,868
Total Revenue and Support	\$4,160,561

EXPENSES

Programs:	
Legal	\$2,914,609
Public Education	984,743
Administration	209,861
Membership development	508,333
Total Expenses	\$4,617,546

Decrease in unrestricted net assets	(456,985)
Increase in temporarily restricted net assets	1,156,253
Unrealized gains on investments, net	87,381
Increase in net assets	786,649
Net assets at beginning of year	4,754,627
Net assets at end of year	\$5,541,276

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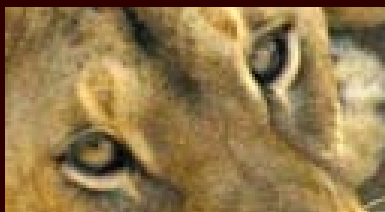
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Annual Report


One Step Closer

ALDF wins lawsuit to free tiger from truck stop

AFTER MORE THAN A DECADE OF LIVING IN A CAGE as a roadside attraction, Tony, an 11-year-old Siberian-Bengal tiger, may finally be released from his prison. On November 2, Louisiana district judge Michael Caldwell ruled in favor of a motion filed by the Animal Legal Defense Fund to force the Louisiana Department of Wildlife and Fisheries (LDWF) to revoke the permit that allows Michael Sandlin to keep Tony at the truck stop he owns in Grosse Tete, La.

The judge's ruling also bars LDWF from issuing a new permit to keep the tiger at the business. Judge Caldwell ruled that the agency failed to abide by its own regulations in issuing the permit. State regulations say that anyone receiving a permit to keep a tiger must prove prior lawful ownership of the tiger, reside on the premises where the animal is kept, and comply with all other applicable federal, state, and local laws. Michael Sandlin failed to meet these requirements.

ALDF filed its lawsuit in April 2011, and after the judge ruled in our favor, Sandlin intervened in the case, prompting the new trial in November, in which we continued to argue that LDWF violated state law in granting the permit to Sandlin. In nature, Tony would be roaming hundreds of square miles of territory; instead, since 2000 he has been confined to a cage in a parking lot, where he paces the concrete floor, a sign that he is experiencing extreme stress. Even though Tony can no longer survive in the wild, he can go to a sanctuary and live his life with far more dignity.

"We're very pleased that Judge Caldwell ordered the Department to revoke the illegal permit that allows Michael Sandlin to confine Tony," says ALDF Staff Attorney Matthew Liebman. "Although we were not awarded custody of Tony, we will continue to do everything in our power to make sure he spends the rest of his life in a reputable, accredited sanctuary." 



BIG CAT RESCUE