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Tuberculosis in Elephants Transmitted to Humans

From the Centers for Disease Control

http://wwwnc.cdc.gov/eid/article/17/3/10-1668_article.htm#outbreak

Article published March 2011 in the CDC's publication, *Emerging Infectious Diseases*

Elephant-to-Human Transmission of Tuberculosis, 2009

"Epidemiologic and observational data indicate that *M. tuberculosis* was transmitted from an elephant with active TB to humans working at the elephant refuge. Employees who worked >4 hours in the quarantine barn during 2009 were 20× more likely to have latent *M. tuberculosis* infection than those who did not. TST results for refuge employees without quarantine barn exposure in 2009 did not convert. Risk for employees working in the quarantine area was probably increased by delayed response and failure to enhance infection control practices after obtaining *M. tuberculosis* culture-positive results for elephant L. Notably, close contact with elephant L was not required for transmission."

From the Los Angeles County Department of Health Services
Public Health Notes

publichealth.lacounty.gov/vet/pubs/veteltb.pdf

Tuberculosis in Circus Elephants

by C. Patrick Ryan, DVM, MP H

Veterinary Public Health, Disease Control Programs, MZ-1

From the Huffington Post, Jan. 9, 2013

http://www.huffingtonpost.com/leslie-griffith/circus-elephants-with-tub_b_98350.html

Circus Elephants with Tuberculosis are a Real Threat to People

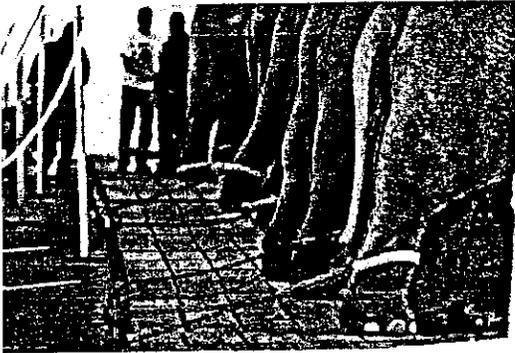
By Leslie Griffith,

Winner of two Edward R. Murrow awards

Why NOT attend the circus?

Wild animals in circuses suffer for mere entertainment. The inherent cruelty of traveling almost every week a year, forced separation of herds and babies, being chained while not performing, restrictive caging, and coercive training methods are just a few of the reasons why the MSPCA does not believe circuses that use wild animals are humane.

Few legal protections exist for animals who are displayed in circuses. On the federal level, the Animal Welfare Act (AWA) requires that minimum standards of care and treatment be provided to warm-blooded animals traveling with circuses. However, violations of the AWA are anything but infrequent.



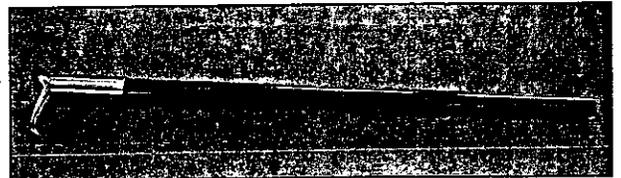
Chaining is one of the most common methods used to confine elephants, severely restricting an movements including lying down, walking, or socializing with other elephants. They are typically chained all day except when performing or immediately prior to show time. As a result, the elephants are forced to stand in their own feces and urine exposing their skin, feet, and pads to a variety of bacteria that can result in or exacerbate joint/foot/pad infections and other ailments.

Circuses using animals often boast that they are working to conserve endangered species in the wild and are educating the public about these animals – both assertions are untrue. There is far more money to be made in breeding endangered animals for public display and performance – which have no educational value as they are so different from life in the wild – than in addressing the real issues, such as habitat degradation, that threaten wild populations. Endangered animals born in circus "conservation" programs have never been released into the wild.

Animals in circuses spend up to 11 months of the year traveling. For thousands of hours, over long distances, they may be chained, transported in vehicles that lack climate control, and forced to stand or lie in their own waste.

Performing animals such as elephants, lions, and tigers endure years of physical and psychological suffering. The tricks that animals are forced to perform – night after night – are frightening, unnatural, and even painful. Standard circus industry practice is to use bullhooks (see below) and other objects to poke, prod, strike, shock, and hit animals in order to "train" them – all for a few moments of human amusement.

Sometimes the animals respond aggressively to this abuse, injuring their handlers, trainers, and even the public. They occasionally escape from the transport vehicles or their temporary enclosures, risking potentially fatal traffic accidents and injuries to themselves and others. For a list of circus animal incidents, see [Born Free USA United with Animal Protection Institute's website](#). There has not yet been a recorded incident in Massachusetts, but there is no reason it couldn't happen here. Undoubtedly, the problems that lead to these incidents happen everywhere.



The bullhook is used to hook, hit, and poke an elephant in order to dominate over the animal to force her to engage in a desired behavior, such as performing tricks.

How You Can Help

1) Do not attend circuses that feature wild animals or participate in wild animal "rides". Instead choose animal-free circuses or visit animal sanctuaries.

2) Learn more about animal protection, animal habitats and circuses by visiting the following organizations' websites: www.elephants.com, www.pawsweb.org, www.humanesociety.org or www.bornfreeusa.org

3) Spread the word. Write letters to the editors of your local newspapers. Educate your relatives, friends, co-workers and local businesses about your research. Encourage them to take a stand against circuses.

4) Support Local Bans. You can help stop circuses that feature wild animals from coming to your town by working to pass a local ordinance which restricts wild animal acts. Quincy, Revere, Braintree, Weymouth, Provincetown, and Somerville, Mass. have all passed ordinances prohibiting circuses within their boundaries. Contact us at advocacy@mspca.org to find out how.

JOIN THE MSPCA'S ANIMAL ACTION TEAM: www.mspca.org/JoinTheTeam

Worldwide circus bans

Posted: 27 March 2006. Updated: 13 March 2014

EUROPE

Austria: Nationwide ban on the use of wild animals in circuses.

Bosnia and Herzegovina: Nationwide ban on all animals in circuses

Croatia: Nationwide ban on the use of wild animals in circuses.

Czech Republic: Nationwide ban on the use of certain species in circuses.

Cyprus: Nationwide ban on all animals in circuses

Denmark: Nationwide ban on the use of certain species in circuses.

Estonia: Nationwide ban on the use of wild-born animals in circuses.

Finland: Nationwide ban on the use of certain species in circuses.

Greece: Nationwide ban on all animals in circuses

Hungary: Nationwide ban on the use of wild caught animals in circuses, the purchase and training of elephants and primates for circus performances and the purchase, training and use of CITES (Appendix 1) listed species in circuses.

Ireland: Local bans on the use of animals in circuses in Arklow, Clonakilty, Cork, Drogheda, Fingal, Monaghan, Moyle, South Dublin, Waterford and Wicklow

Poland: Nationwide ban on the use of wild-born animals in circuses.

Portugal: Nationwide ban restricting the use of great apes in circuses and the acquisition and breeding of CITES listed species.

Slovenia: Nationwide ban on the use of wild animals in circuses

Spain: Local bans on the use of wild animals in circuses in several towns including Barcelona.

Sweden: Nationwide ban on the use of certain species in circuses.

UK: Over 200 local authorities have bans on animal circuses (more than two thirds of these ban all performing animals, the remainder ban just wild animals). A Government commitment to ban the use of wild animals in circuses - this is yet to be enacted.

NORTH AMERICA

USA: 35 partial or full bans on circus animals in municipalities in the US, in 18 states.

Canada: Local bans on the use of animals in circuses in 28 municipal jurisdictions.

CENTRAL AND SOUTH AMERICA

Argentina: Local bans on the use of wild animals in circuses in over 20 cities including a ban in the city of Buenos Aires.

Bolivia: Nationwide ban on the use of wild and domestic animals in circuses.

Brazil: Local bans on the use of wild and domestic animals in circuses in the districts of Rio de Janeiro, São Paulo, Pernambuco, Paraíba, Rio Grande do Sul, Espiritu Santo, Mato Grosso do Sul, Alagoas and a number of bans in cities within another four Brazilian states.

Chile: Local bans on the use of wild and domestic animals in circuses in the city of Santiago.

Colombia: Nationwide ban on the use of wild animals in circuses; Local ban on the use of animals in circuses in the capital, Bogota.

Costa Rica: Nationwide ban on the use of wild animals in circuses.

Ecuador: Nationwide ban on the use of native wild animals; restrictions on the use of exotic animals; ban on the import of both native and exotic wild animals with circuses

Paraguay: Nationwide ban on the use of wild animals in circuses.

Peru: Nationwide ban on the use of wild animals in circuses as well as a local ban on all animals in Magdalena del Mar.

OCEANIA

Australia: Local bans on the use of animals in circuses in several towns including Hobsons Bay, Parramata and Lismore.

ASIA

India: Nationwide ban on the use of certain species in circuses.

Israel: Nationwide ban on the use of wild animals in circuses.

Singapore: Nationwide ban on the use of wild animals in circuses.

Taiwan: Nationwide prohibition on the import or export of protected wildlife for circuses.

Animal-Free Circuses

A listing of circuses that take a stand against cruelty by not using animals. Not all circuses publicize that they are animal-free, so this up-to-date list is a valuable resource. In addition, some circuses do not use animals in the show, and so say they are "animal-free," though they may tour with a petting zoo or midway shows. Check here to make sure animal-free means no animals are used at all.

Bindlestiff Family Cirkus
PO Box 1917
New York, NY 10009
1-877-BINDLES
www.bindlestiff.org
cirkus@bindlestiff.org

Circus Garden
230 Bayview Drive, Suite 4
Barrie, ON L4N 4Y8
Canada
1-866-451-6231
www.circusgarden.com

Circus Italiano
2978 Palma Vista Avenue
Las Vegas, NV 89121
702-499-7085
www.circusitaliano.com

Circus Millennia
Alexandria, VA
703-683-5040
www.circusmillennia.com

Circus Oz
40 Bay Street
PO Box 504
Port Melbourne, Victoria 3207
Australia
+613 9646 8899
www.circusoz.com
admin@circusoz.com.au

Circus Smirkus
The Circus Barn, Inc.
1 Circus Road
Greensboro, VT 05841
802-533-7443
www.circussmirkus.org/
info@smirkus.org

Circus Vargas
P.O. Box 700
Lucerne Valley, CA 92356
(877) 468-3861
www.circusvargas.com

Cirque du Soleil
8400 2nd Avenue
Montreal, QC H1Z 4M6
Canada
1-800-678-2119
514-522-2324
514-522-8433 fax
www.cirquedusoleil.com

Cirque Eloize
4230 rue Hogan
Montreal, QC H2H 2N3
Canada
514-596-3838
www.cirque-cloize.com

Cirque Ingenieux
145 West 45th Street, 8th floor
New York, NY 10036
212-869-9280 or
888-699-8969

Cloud Seeding Circus
Gainesville, FL
352-392-0201 ext. 243
www.cloudseedingcircus.com

Earth Circus
PO Box 3167
Half Moon Bay, CA 94019
650-726-6679
www.earthcircus.com
anne@earthcircus.com

Fern Street Circus
PO Box 621004
San Diego, CA 92162
619-235-9756
www.fernstreetcircus.org

Lazer Vaudeville
631 Spruce Street
Boulder, CO 80302-5017
800-206-1008
www.lazervaudeville.com
LazerVaudeville@earthlink.net

Les Productions Cirque Éos inc.
PO Box 53017, Succursale Canardière
Québec QC G1J 5K3
Canada
418-661-1961
418-661-9236 fax
www.cirqueeos.com
info@cirqueeos.com

Little Russian Circus
3055 Tomken Road, #334
Mississauga, ON L4X 3X9
Canada
905-273-9281

Mexican International Circus
11233 52nd Street
Edmonton, AB T5W 3H8
Canada
403-451-1681
www.mexicancircus.com

Moscow State Circus
The Stars of The Moscow State Circus
1747 Independence Blvd #E8
Sarasota, FL 34234
<http://moscowcircusstars.com/>

Neil Goldberg's Cirque
Variety Arts Management
3803 North 29th Avenue
Hollywood, FL 33020
954-922-0888
www.cirqueproductions.com

The New Pickle Circus
Circus Center
755 Frederick Street
San Francisco, CA 94117
415-759-8123
www.circuscenter.org

New Shanghai Circus
PO Box 2205
Branson, MO 65615
1-417-334-8781
Toll Free: 1-877-21-CHINA (1-877-212-4462)
www.acrobatsofchina.com

Russian American Kids Circus
Brad Simon Organization, Inc.
122 East 57th Street
New York, NY 10022
212-980-5920
www.rakidscircus.org

Wanderlust Circus
Portland, OR
(503) 933-7866
(503) 995-1337
wanderlustcircus@gmail.com
www.wanderlustcircus.com

Wanderlust Circus South
San Diego, CA
(619) 888-4751
(619) 312-7822
Booking@otherwiseent.com
www.otherwiseent.com

CITY OF SOMERVILLE
ORDINANCE NO. 2010-02
IN THE BOARD OF ALDERMEN: January 14, 2010

Be it ordained by the Board of Aldermen, in session assembled, that the Code of Ordinances of the City of Somerville are hereby amended by adding a new Article III to Chapter 3 as follows:

ARTICLE III. NON-DOMESTICATED ANIMALS

Sec. 3-39. Display of Non-Domesticated Animals.

(a) No living non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or other similar entities on property owned by the City of Somerville, on city-owned property under lease, or on private property. As used in this paragraph, "displayed" shall include, but is not limited to, animal acts and performances, animal rides and competitive animal races.

(b) This ordinance shall not apply to domestic animals including, but not limited to, dogs, cats, horses, donkeys and farm animals, except that no domestic animal shall be used in competitive animal races.

(c) This ordinance shall not apply to exhibits deemed educational by the Massachusetts Society for the Prevention of Cruelty to Animals.

(d) Violations of this ordinance are subject to penalties in accordance with Section 1-11(b) of the Code of Ordinances. Each consecutive day that a violation exists shall be considered a separate offense.

Be it further ordained by the Board of Aldermen, in session assembled, that Section 1-11(b) of the Code of Ordinances of the City of Somerville is hereby amended by adding the following provision:

<u>Offense</u>	<u>Fine</u>	<u>Enforcing Personnel</u>
Non-Domesticated Animals (Sec. 3-39)	1 st offense: \$100.00 2 nd offense: \$200.00 3 rd & subsequent offense: \$300.00	Police, Inspectional Services

Approved:

President

**The Show Will Still Go On:
An Economic Analysis of Passage of Circus Legislation
Restricting Training Methods Utilized on Elephants**

**Jennifer Fearing
Chief Economist**

February 2, 2009



**THE HUMANE SOCIETY
OF THE UNITED STATES**

www.humanesociety.org

An Economic Analysis of Passage of Circus Legislation Restricting Training Methods Utilized on Elephants

Jennifer Fearing¹

Legislation has been introduced in various states which seek to limit the training and restraint devices used when housing, possessing, or traveling with elephants utilized in a circus or traveling show.²

The purpose of this report is to provide insights concerning the economic impact, if any, of this type of legislation. As such, the report will demonstrate the following:

- Legislation prohibiting training devices utilized on traveling elephants does not prohibit any amusement event from taking place in a state.
- If certain events do not take place because parties affected by such legislation elect not to tour in the state, and continued demand exists for circus-type amusement events, the market will respond and other events will come to the state, replacing any lost economic activity.
- Alternatively, local economies within a state may see improved economic activity if family spending shifts away from touring events owned and operated by non-residents and toward resident events and activities.
- The state will experience no economic loss in the absence of amusements that may choose not to operate in a state if this type of legislation is enacted.

¹ Jennifer Fearing currently serves as Chief Economist of The Humane Society of the United States. From July 1995 through June 2003, she was employed as a professional economist for a national economic research and consulting firm based in Los Angeles. Ms. Fearing's primary responsibilities were to provide economic research and complex damage analysis in the framework of expert witness litigation involving government and commercial entities on antitrust, intellectual property and fraud matters. Her principal fields are applied microeconomics and industrial economics – including the study of markets, consumer and price effects and the strategic behavior of firms. Ms. Fearing holds a Bachelor of Arts in Economics with highest honors from the University of California, Davis and a Master of Public Policy with an emphasis on Business and Government policy from the John F. Kennedy School of Government at Harvard University.

² State of Massachusetts, Senate No. 2002, "An Act Relating to the Treatment of Elephants," <http://www.mass.gov/legis/bills/senate/185/st02/st02002.htm>, accessed on October 15, 2007; State of Connecticut, House Bill 7019, "An Act Concerning the Treatment of Elephants;" State of California, Assembly Bill 777, http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0751-0800/ab_777_bill_20070222_introduced.html; State of Nebraska, Senate Bill 1000, <http://uniweb.legislature.ne.gov/FloorDocs/99/PDF/Intro/LB1000.pdf>.

- To the extent there is no adverse impact on local or state economies, such legislation cannot adversely impact the national economy.

The Economics of Events

The local economic activity generated by an event staged at any one of the arenas or facilities hosting a traveling show or circus featuring elephants derives from four sources: (1) spending to attend the event (e.g., tickets and parking); (2) spending on concession items sold during the event such as popcorn and t-shirts; (3) spending before and after the event on other consumable items like meals or gas; and (4) taxes paid to local government on spending for these three categories. An indirect source of economic activity is any jobs created by this spending.³

Three important caveats should govern evaluations of the economic activity of such an event. First, spending generated at or by the event can only be considered a benefit to the local economy if the spending would not have taken place in the absence of the event. Second, only that portion of the spending that stays in the local economy can be counted as providing a local benefit. Finally, all benefits must be weighed against the direct and indirect costs (including the opportunity costs) of holding the event. These caveats are routinely ignored by those who favor specific events, namely because their consideration – and thus a complete economic picture – will offset any private gains accruing to the event's owners.

The most relevant literature for considering the economic impact of performing events is that which deals with the economics of arenas and sports stadiums.⁴

Economists roundly agree that these venues do not generate new economic spending

³ Job quality/types can vary from permanent full- and part-time jobs for residents, temporary jobs for residents and income paid to the show's performers (non-resident full- and part-time).

⁴ See Exhibit 1 for a brief bibliography of this literature.

in a region – they only redistribute the discretionary spending of families to different owners of capital.⁵

This finding is based on the conclusion – based on dozens, if not hundreds of studies – that arenas and the events staged there do not tend to attract significant proportions of tourists and visitors (e.g., non-residents). Any new economic activity must be generated by new spenders visiting from outside the local area. Without such spending, no additional tax revenue is generated and oftentimes local business owners who operate complementary or substitute efforts in other parts of the region will lose whatever the new venue gains – making it a wash for the region and specifically deleterious to those local businesses not operating in the venue’s immediate vicinity.

All too often, economists have trouble getting this message across to politicians and team owners with the financial and political resources to push through public subsidies to build large-scale sports venues. Proponents often argue that new money is generated, creating jobs and tax revenue. But this stream of thought is problematic from the outset – how is this “new” money generated? Most families have entertainment budgets, and the \$100 they would spend going together to the circus is \$100 that they don’t spend on miniature golf or a zoo visit later in the month. Circus or no circus, that \$100 gets spent in the local economy anyway, so the event does not generate any new economic impact. It has simply transferred it. The only way that the loss of a circus electing to discontinue shows in the state, due to passage of legislation to prohibit

⁵ “Academic studies of the economic impact of professional sports facilities... have generally found either no evidence of positive economic benefits, or evidence of a negative economic impact.” Coates, Dennis and Brad Humphreys, “Voting on Stadium and Arena Subsidies,” March 7, 2002 (http://www.umbc.edu/economics/seminar_papers/brown_new.pdf). For a succinct discussion, see also Noll, Roger and Andrew Zimbalist, “Are New Stadiums Worth the Cost?” *The Brookings Review*, Summer 1997, Vol. 15 No. 3, Pages 35-39.

certain training devices utilized on elephants, would have any economic impact whatsoever is if all the spending associated with the circus event never takes place in the local economy at all.⁶

It might be plausible to argue that the economic activity associated with circus events would evaporate from the region if it turns out that a significant proportion of circus goers are coming into the state to attend the circus from elsewhere. If tourists are not otherwise attracted to a particular state, they may stay in their home state and spend their money there. Without data, it is difficult to know for certain, but it is highly unlikely that a significant number of circus goers are out-of-state tourists.⁷ Ringling Bros. and Barnum & Bailey Circus ("Ringling") itself schedules stops each year in numerous cities across the country within close proximity of each other. For example, if you live in Massachusetts you have a choice to see the Ringling circus in Boston, Worcester, Providence, and Manchester. Thus it is reasonable to conclude that the willingness to travel for such events is limited to a short distance, and hence that most audiences are made up of residents, not tourists.⁸

Any finding of economic impact relies on an assumption that there is or would be nothing to fill the void left by the traveling shows or circuses exhibiting elephants, should such exhibitors elect not to tour in a particular state. But there are many options for residents wishing to entertain their families on a budget comparable to that needed for

⁶ How can a handful of nights of the circus create economic impact if most economists agree that the arena in which the circus operates doesn't? (See, e.g., Reich, Brian, "Baseball and the American City: An examination of public financing and stadium construction in American professional sports, April 30, 2001, <http://www.stadiummouse.com>, "There is virtually no evidence to demonstrate that such spending has had anything but a negligible impact on employment, tax revenues, and regional income.")

⁷ The opportunities to attend circus events including wild and exotic remain plentiful. For example, Ringling has three units that travel simultaneously across the country to 44 states and the District of Columbia.

⁸ See Exhibit 2 for a list of 2008 Ringling performance dates.

attendance at circus events. In every market that is visited by traveling circuses such as Ringling, there are many venues and events for families in the price range comparable to the circus events all across the country.

The owners and performers of traveling shows and circuses performing in a particular state do not reside in the state where they are performing with the exception of the entities home state.⁹ When the circus leaves town, it takes its performers and its profits out of the state, thus limiting the economic benefits of such shows to the state in which the performance is.¹⁰ From an economic perspective, family spending would create more economic impact if spent on local attractions instead of traveling shows. The owners and employees of local amusement and recreation attractions live in the same state and therefore spend their incomes locally, paying sales tax on their purchases and paying income tax to the state.

The Show Will Go On

Legislation which seeks to prohibit certain training devices utilized in traveling circuses does not prohibit any exhibition of or travel with elephants within any given state. The bill bars the possession or use of implements that "may reasonably result in harm to the elephant including, but not limited to, the damage, scarring or breakage of

⁹ The main circuses that are known to have tour across the country with elephants include: Ringling (based in Vienna, VA), Carson & Barnes (based in Hugo, OK), Cole Bros (based in Deland, FL) and R W Commerford & Son Inc (based in Goshen, CT).

¹⁰ Economists refer to this as the "leakage" of funds from a local economy. "The money that stays in the community is taxed over and over again as it is exchanged for goods and services, but the money that flees elsewhere is no longer taxed by the local government." (Marasco, David, PhD, "Leaky Stadiums - Milwaukee's Stadium Experience," <http://www.thediamondangle.com/marasco/opan/leaky.html>)

an elephant's skin."¹¹ The legislation also seeks to limit the use of chains to restrain an elephant, "except if utilized for the shortest amount of time necessary to provide actual medical treatment."¹² Passage of this type of legislation would have no direct economic consequences for local economies that presently host traveling elephant displays, since all that is limited by the bill are training and restraint methods.

This type of legislation is modest when compared to other policy approaches to elephant displays – approaches which themselves have produced no known adverse economic impacts. To date, 29 municipalities across the country have prohibited the performance or display of wild and exotic animals in circuses and traveling shows within their borders.¹³ None of these towns have reported any economic losses as a result of the prohibition. Concern about the public health, safety and animal welfare issues associated with the public display of wild and exotic animals in traveling shows and circuses is growing across the country, with many cities choosing to address the issue through the ordinance process.

Further, although to date no state has taken the step of banning the public display of wild and exotic animals, there is a trend toward introduction of state legislation that would either prohibit the display of certain species commonly utilized in circuses and traveling shows, or set state-specific standards for how these animals are trained and treated while performing. States like Connecticut, California, Massachusetts, Nebraska, and Rhode Island have held hearings to evaluate the

¹¹ State of Massachusetts, Senate No. 2002, "An Act Relating to the Treatment of Elephants," <http://www.mass.gov/legis/bills/senate/185/st02/st02002.htm>, accessed on October 15, 2007. This language is model language that has been used in other states such as Connecticut and California.

¹² *Ibid.*

¹³ Note the legislation described herein is far less restrictive than the 29 municipal ordinances – not prohibiting any animal act, but limiting the use of specific implements or devices used to train or restrain an elephant. Please see http://www.bornfreeusa.org/b4a3_circuses_and_shows.php.

appropriateness of wild and exotic animals as performers in traveling entertainment events.¹⁴ And across the Atlantic, in late 2006, the Rural Affairs Minister of Scotland introduced a ban on the exhibition of wild and exotic animals in circuses, after similar legislation passed in England and Wales.¹⁵

Circuses featuring only human performers are gaining in popularity across the country. These shows feature acts of human ingenuity, physical prowess, daring and talent. Nearly 30 wild and exotic animal-free circuses perform throughout the United States.

The most popular of these shows, Cirque du Soleil, describes itself as "based on a totally new concept: a striking, dramatic mix of the circus arts, street entertainment, featuring wild, outrageous costumes, staged under magical lighting and set to original music. With not a single animal in the ring..."¹⁶ Cirque du Soleil reaches audiences across the country, with six traveling and six resident shows. More than 70 million people (including 10 million expected during 2007 alone) have seen a Cirque du Soleil show and since 1984, the shows have made almost 250 stops in nearly 100 cities around the world.¹⁷

Another popular show is the Big Apple Circus which was established in 1977 and stopped touring with wild and exotic animals in July 2000. According to a company spokesperson, the circus has continued to be successful witnessing no observable

¹⁴ During the 2006 through 2008 legislative sessions the states of California, Connecticut, Massachusetts, Nebraska, and Rhode Island introduced and debated legislation addressing the display of wild and exotic animals as well as whether these animals are humanely treated.

¹⁵ "Scotland plans circus animal ban," BBC News, March 24, 2006, <http://news.bbc.co.uk/1/hi/scotland/4842912.stm>. See also

<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=30065&SESSION=875>.

¹⁶ http://www.cirquedusoleil.com/CirqueDuSoleil/en/Pressroom/cirquedusoleil/factsheets/cds_history.htm

¹⁷ http://www.cirquedusoleil.com/CirqueDuSoleil/en/Pressroom/cirquedusoleil/factsheets/cds_glance.htm

decline in attendance.¹⁸ The circus prides itself in only partnering “with animals that have a traditional working relationship with man... We continue to explore and address the needs of our performing animal partners and insist upon sensitivity to quality of life both in and out of the ring for all of our performers.”¹⁹

Traditional Circuses Re-think Animal Use

There is also evidence to indicate that even the traditional circuses are recognizing the potentially higher profitability resulting from showcasing interesting human acts rather than animal acts. After all, Cirque du Soleil’s “Ka” show in Las Vegas is reported to have earned a 35 percent profit margin on its 2005 revenues of \$90 million.²⁰ Some traditional circuses have already taken the step of dropping animal acts from their shows, while others, in response both to competition and profitability, have changed their strategies to focus less (or not at all) on animal acts.²¹

In 2005, the Moscow State Circus purchased the rights to the name of Circus Vargas, when the traveling show featuring animal acts “folded up its tent.” Circus Vargas was “reborn as an animal-free, Latino-themed one-ring circus” that had its first performance in San Diego, California in mid-October of 2005.²² The show, delivered entirely in Spanish, features an aerial motorcycle act. Acrobats, trapeze artists, contortionists, daredevil stunt performers, aerialists and clowns round out the show’s

¹⁸ Notes from telephone conversation between Bob Mackay and media spokesperson.

¹⁹ See <http://theorganization.bigapplecircus.org/AnimalCare/>.

²⁰ *Brandweek*, May 21, 2007.

²¹ Note that all the amusement activities discussed in this section, including Ringling, are privately-held and thus financial information is available only from news accounts.

²² “Circus Vargas reborn as Latino-themed entertainment,” *North County Times*, October 7, 2005.

line up. There are no public reports indicating that the new Circus Vargas is any less popular than when animals were showcased.

In 2004, the Cole Bros. circus, a 121 year-old traveling show, eliminated its use of elephants, lions and tigers, citing the “expense of meeting animal welfare standards... [as] a losing venture.”²³ The current show focuses on acrobats, a high wire motorcycle team and performers dressed up as comic book movie heroes.²⁴

According to a number of media accounts, Cole Bros.’ revenue did not suffer for making these changes. A May 2005 article reported that advance ticket sales for the four evening performances in Vineland, New Jersey were the highest amount in the prior five years.²⁵ This trend was also observed when Cole Bros. traveled to St. Louis, Missouri on its 2005 animal-free tour. Cole Bros. reported that the circus had its “best year...in a long time” and “can put on as good or better show without the exotics.”²⁶ Cole Bros. observed that children “no longer care much for exotic animals,” rather that they appreciate “action... fast moving lights, fast moving music.”²⁷ The leader of the local Kiwanis club concurred, stating that “advanced sales for the circus have done well,” and that the comic book heroes and other attractions will “appeal to children probably even more than the animals.”²⁸

Finally, a *Wall Street Journal* article from mid-2005 described the trend toward branded clown acts, even among the largest circuses. A “headliner clown strategy” emerged in the early 1990s, when “some of America’s roughly 40 circus companies

²³ “Circus reflects changing times; gone are tigers, hello kitty,” *The Gazette* (MD), April 27, 2005.

²⁴ According to its web site, Cole Bros. has re-introduced elephants into its 2006 touring show.

²⁵ “Circus to launch animal-free show,” *The Daily Journal* (NJ), May 17, 2005

²⁶ “Send in the clowns, but forget tigers,” *Daily Record* (MO), May 27, 2005.

²⁷ *Ibid.*

²⁸ *Ibid.*

started worrying about flat sales. At that time, circuses were generally building their shows around traditional acts like lion tamers and trapeze artists.”²⁹ The circus was facing strong competition, from new traveling children’s entertainment shows such as The Wiggles, Barney and Rugrats, resulting in a loss of revenue for the traditional circuses. On the cost side of the ledger, even costly clowns are less expensive to maintain than wild and exotic animals. According to the news account:

...a newborn elephant can cost about \$100,000 to buy, plus annual costs of \$11,000 to feed, \$7,500 to care for, \$7,500 to insure and \$20,000 to transport (Ringling has 22 performing elephants among its three troupes.) By contrast, annual salaries for clown-alley clowns generally run from \$15,000 to \$40,000. For most circuses, roughly 20 percent of the overall budget goes to insurance – and rates for exotic animals have more than doubled in the past five years, according to circus insurer Mitchel Kalmanson.³⁰

In response to this cost structure, Ringling and other circuses have reduced the number of animal acts in their shows. According to the *Journal* article, in 1965, Ringling employed 65 such acts; by 1995, that had dropped to 22 and in 2006 it presented just 16.³¹

It is also worth noting that several circuses have struggled to meet the USDA’s minimum care requirements for exhibiting wild and exotic animals. While violations of the Animal Welfare Act may not be economic *per se*, the fundamental failure to provide appropriate care at issue in such cases is invariably tied to the high costs of doing so. Caring for and treating wild and exotic animals properly is an expensive endeavor and one that is not always profitable for the traveling shows. For example, in 2004 The Hawthorne Corporation, which owned traveling circus elephants, was ordered by the

²⁹ “The Power Clown,” *Wall Street Journal*, August 12, 2005.

³⁰ *Ibid.*

³¹ *Ibid.*

USDA to pay a \$200,000 civil penalty for failure to properly care for the animals and ordered to transfer its sixteen elephants to persons who could properly provide care for the animals.³² In addition, in 2004, the Walker Bros. Circus was fined \$25,000 and lost its elephant exhibition license for five years after admitting to 18 violations of the Animal Welfare Act, including failure to provide veterinary treatment for ailing elephants on several occasions.³³

If present trends continue, there is no reason to conclude that elephant acts are a necessary component for children's entertainment to be a profitable venture.

Conclusion

For all of the reasons discussed herein, a state will not experience any economic loss associated with passing legislation seeking to prohibit certain training devices utilized on elephants in traveling shows. The bill does not prohibit any amusement vendor from displaying elephants in the state. However, if parties affected by such legislation elect not to operate in state where legislation such as this has passed, spending on similar amusement activities will offset that spending, or else family spending may shift from touring events to resident events and activities – which would lead to a net positive impact as more (or all) of the revenue generated is spent in-state. The departure of any affected parties will create more demand for alternative children's entertainment and there is no shortage of shows that would find it profitable to tour in

³² Thirteen of the elephants were transferred to two elephant sanctuaries: The Elephant Sanctuary in Tennessee and the Performing Animal Welfare Society in California.

³³ In 2004, the Walker Bros. Circus settled with the U.S. Department of Agriculture on multiple counts of violating the Animal Welfare Act between 2001 and 2002. Among the 18 violations, Walker Bros. was found to have caused physical harm and discomfort to animals and to have failed to provide veterinary care for elephants.

the state or expand their current offerings. The fact that the market – driven by both the increasing demand for non-animal entertainment and the higher costs (and therefore reduced profitability) of animal acts – is moving in the same direction, only further insulates the state from any possible negative economic impact of this type of legislation.

EXHIBIT 1: ABRIDGED BIBLIOGRAPHY OF SPORTS ECONOMIC LITERATURE

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EXHIBIT 2: 2008 RINGLING SHOWS

City	State	Performance Dates
Tampa	Florida	January 2-6, 2008
Miami	Florida	January 4-13, 2008
Lakeland	Florida	January 4-6, 2008
Tallahassee	Florida	January 8-9, 2008
Orlando	Florida	January 10-13, 2008
Fort Myers	Florida	January 11-14, 2008
Jacksonville	Florida	January 16-20, 2008
Sarasota	Florida	January 17-21, 2008
Columbia	South Carolina	January 17-20, 2008
Birmingham	Alabama	January 23-27, 2008
Nashville	Tennessee	January 24 -27, 2008
Macon	Georgia	January 24 -27, 2008
Savannah	Georgia	January 30-February 3, 2008
Charlotte	North Carolina	January 30-February 3, 2008
Greenville	South Carolina	January 30 - February 3, 2008
Greensboro	North Carolina	February 6-10, 2008
Raleigh	North Carolina	February 7-11, 2008
Albany	Georgia	February 8-10, 2008
Augusta	Georgia	February 13-17, 2008
Richmond	Virginia	February 13-18, 2008
Atlanta	Georgia	February 15-24, 2008
Norfolk	Virginia	February 21-24, 2008
Florence	South Carolina	February 21-24, 2008
Hampton	Virginia	February 27-March 2, 2008
Cincinnati	Ohio	February 27-March 2, 2008
Fayetteville	North Carolina	February 28-March 2, 2008
East Rutherford	New Jersey	March 5-9, 2008
Knoxville	Tennessee	March 5-9, 2008
Youngstown	Ohio	March 7-9, 2008
Uniondale	New York	March 12-16, 2008
Baltimore	Maryland	March 12-23, 2008
Johnson City	Tennessee	March 13-16, 2008
Salisbury	Maryland	March 20-24, 2008
Washington	DC	March 26-30, 2008
Chattanooga	Tennessee	March 27-30, 2008
Fairfax	Virginia	April 2-13, 2008
Montgomery	Alabama	April 3-6, 2008

East Rutherford	New Jersey	April 9-13, 2008
Carbondale	Illinois	April 11-13, 2008
Charleston	West Virginia	April 16-20, 2008
Philadelphia	Pennsylvania	April 16-27, 2008
Champaign	Illinois	April 18-20, 2008
Texarkana	Arkansas	April 23-24, 2008
State College	Pennsylvania	April 24-27, 2008
Murray	Kentucky	April 26-27, 2008
Jonesboro	Arkansas	April 29-May 1, 2008
Providence	Rhode Island	April 30-May 4, 2008
Worcester	Massachusetts	May 1-4, 2008
Cape Girardeau	Missouri	May 3-4, 2008
Ottumwa	Iowa	May 6-8, 2008
Hartford	Connecticut	May 7-11, 2008
Albany	New York	May 8-11, 2008
Dubuque	Iowa	May 10-11, 2008
Trenton	New Jersey	May 14-18, 2008
Columbus	Ohio	May 15-18, 2008
Clemson	South Carolina	May 16-18, 2008
New York City	New York	March 20-30, 2008
Hershey	Pennsylvania	May 21-26, 2008
Concord	North Carolina	May 21-26, 2008
Asheville	North Carolina	May 28-June 1, 2008
Wilkes Barre	Pennsylvania	May 29-June 1, 2008
Oklahoma City	Oklahoma	June 5-8, 2008
Louisville	Kentucky	June 5-8, 2008
Council Bluffs	Iowa	June 6-8, 2008
Austin	Texas	June 11-15, 2008
Colorado Springs	Colorado	June 12-15, 2008
Winston-Salem	North Carolina	June 12-15, 2008
Pensacola	Florida	June 19-22, 2008
Tupelo	Mississippi	June 19-22, 2008
Las Vegas	Nevada	June 19-22, 2008
Phoenix	Arizona	June 25-29, 2008
Baton Rouge	Louisiana	June 26-29, 2008
New Orleans	Louisiana	June 26-29, 2008
San Antonio	Texas	July 2-6, 2008
Tucson	Arizona	July 3-6, 2008
Fresno	California	July 9-13, 2008
Corpus Christi	Texas	July 9-13, 2008
Prescott Valley	Arizona	July 11-13, 2008
Los Angeles	California	July 16-20, 2008
Houston	Texas	July 16-27, 2008

Waco	Texas	July 17-20, 2008
Anaheim	California	July 23-August 3, 2008
Odessa	Texas	July 24-27, 2008
Dallas	Texas	July 30-August 10, 2008
Lafayette	Louisiana	July 31-August 3, 2008
Lake Charles	Louisiana	August 5-6, 2008
San Diego	California	August 6-10, 2008
Beaumont	Texas	August 8-10, 2008
Fort Worth	Texas	August 13-17, 2008
Hidalgo	Texas	August 13-17, 2008
Oakland	California	August 14-17, 2008
San Jose	California	August 20-24, 2008
Biloxi	Mississippi	August 21-24, 2008
Portland	Oregon	August 28-31, 2008
Moline	Illinois	August 28 -September 1, 2008
Everett	Washington	September 4-7, 2008
Indianapolis	Indiana	September 4-7, 2008
Jackson	Mississippi	September 4 -7, 2008
Bloomington	Illinois	September 10-13, 2008
Kansas City	Missouri	September 10 -14, 2008
Sacramento	California	September 11-14, 2008
Bowling Green	Kentucky	September 16-17, 2008
Duluth	Georgia	September 19-21, 2008
Stockton	California	September 18-21, 2008
Grand Rapids	Michigan	September 19-21, 2008
Salt Lake City	Utah	September 24-28, 2008
Lexington	Kentucky	September 25 -28, 2008
Glen Falls	New York	September 26-28, 2008
Manchester	New Hampshire	October 2-5, 2008
Denver	Colorado	October 2-13, 2008
Portland	Maine	October 2-5, 2008
Boston	Massachusetts	October 8-13, 2008
Binghamton	New York	October 10-13, 2008
Johnstown	Pennsylvania	October 15, 2008
Newark	New Jersey	October 16 -19, 2008
Huntington	West Virginia	October 17 -19, 2008
Tulsa	Oklahoma	October 17-19, 2008
Syracuse	New York	October 22-23, 2008
Bridgeport	Connecticut	October 23-26, 2008
Cleveland	Ohio	October 24-November 2, 2008
Bethlehem	Pennsylvania	October 25-26, 2008
Erie	Pennsylvania	October 30-November 2, 2008
Pittsburgh	Pennsylvania	October 30-November 2, 2008

Auburn Hills	Michigan	November 12-16, 2008
Pikeville	Kentucky	November 14-16, 2008
St. Louis	Missouri	November 6-9, 2008
Springfield	Massachusetts	November 6-9, 2008
Rosemont	Illinois	November 6-16, 2008
Chicago	Illinois	November 18-30, 2008
Bossier City,	Louisiana	November 20-23, 2008
Houma	Louisiana	November 28 – 30, 2008
Alexandria	Louisiana	December 2, 2008
Little Rock	Arkansas	December 4-7, 2008
Charlottesville	Virginia	December 11-14, 2008
West Palm Beach	Florida	December 26-31, 2008