

September 20, 2004

Dr. Robert Gibbens, Regional Director  
USDA/APHIS, Animal Care Division  
2150 Centre Ave.  
Bldg. B, Mailstop 3W11  
Fort Collins, CO 80526-8117

Dear Dr. Gibbens:

RE: Request for Investigation

This letter is submitted on behalf of People for the Ethical Treatment of Animals (PETA). Enclosed is a CD-ROM made by Law Enforcement Military Ammunition Sales ("Le Mas Ltd."), a bullet distributor located in Little Rock, Ark.<sup>1</sup> The CD-ROM depicts live pigs as they are maimed and shot in order to demonstrate the efficacy of a Le Mas Ltd. bullet to the U.S. military and to law-enforcement agencies. PETA believes that Le Mas Ltd. is in violation of the federal Animal Welfare Act (AWA) because it is neither registered with the U.S. Department of Agriculture (USDA), nor on information and belief, has it been exempted from the registration process, as is required in order to conduct such tests. Moreover, the scenes depicted on the CD-ROM evidence a complete disregard for the welfare of the animals, in violation of the substantive provisions of the AWA. PETA respectfully requests that the USDA conduct an immediate investigation of Le Mas Ltd.

#### Le Mas Ltd. Is Required to Be Registered as a Research Facility

The AWA requires all facilities that conduct *regulated* research activities on *regulated* animals to register with the USDA and to meet minimum standards of care for the animals. In limited circumstances, a facility may request an exemption from the requirement to register.<sup>2</sup> PETA believes that Le Mas Ltd. was

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<sup>1</sup> Contact information for Le Mas Ltd. is as follows:

John Hamilton, President  
Le Mas Ltd.  
501-960-5847  
501-961-1826 (fax)  
[VNE@LeMasLtd.com](mailto:VNE@LeMasLtd.com)  
[www.lemasLtd.com](http://www.lemasLtd.com)

<sup>2</sup> A facility conducting research on a minimal number of animals other than dogs and cats may request an exemption from the registration requirement. The exemption must: (1) be in writing; (2) contain details of the protocol; (3) justify why an exemption should be granted; (4) explain how the design of the protocol meets the intent of the AWA; (5) contain information on the facility's past and possibly future research activities; (6) give the name of any Federal funding source, if applicable; (7) and be sent to the appropriate Animal Care regional Office. USDA-APHIS-Animal Care, Research Facility Inspection Guide, 3.2.1 (April 2001). Based on the information contained in the CD-ROM, PETA does not believe that the tests conducted by Le Mas Ltd. can be, or were, undertaken in a way that either justifies an exemption or complies with the intent of the AWA, as thus Le Mas Ltd. would not qualify for an exemption.



**PETA**

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AN INTERNATIONAL  
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TO PROTECTING  
THE RIGHTS OF ALL ANIMALS

required to register with the USDA prior to conducting the tests depicted on the CD-ROM.

Section 2132(g) of the AWA defines “animal” as:

Any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warmblooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber; or livestock or poultry used or intended for improving animal nutrition, breeding, management or production efficiency, or for improving the quality of food or fiber..

Section 2132(e) of AWA defines “research facility” to include:

[a]ny school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: Provided, That the Administrator may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Administrator) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Administrator, any such exemption does not vitiate the purpose of the Act.

The pigs depicted on the CD-ROM are a species regulated under the AWA, and on information and belief, they were purchased or transported live in commerce for use in non-agricultural research and testing—an activity regulated under the AWA—by, or at the request of, the company referenced above. Nonetheless, Le Mas Ltd. is not listed as a registered research facility on the Animal Care Web site, <http://www.aphis.usda.gov/ac/lists/listr.pdf>, and there is no evidence that it was granted an exemption from registration.

#### Ammunition Tests on Live, Fully Conscious Pigs Violate the AWA

Regardless of the registration status of Le Mas Ltd., it is clear from the nature of the cruelty depicted on the CD-ROM that this company’s test “protocol,” if it can even be called a protocol, violates the AWA.

The AWA mandates that an entity conducting tests, such as the tests which are the subject of this complaint, take the following steps:

- ensure that animal pain and distress are minimized;
- ensure appropriate use of anesthetic, analgesic, tranquilizing drugs, or euthanasia;
- consider alternatives to any procedure likely to produce pain to or distress in an experimental animal; and
- consult a veterinarian in planning procedures which could cause pain to animals.<sup>3</sup>

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<sup>3</sup> 7 U.S.C. §§ 2143(a)(3)(A),(B) and (C).

As is obvious from no more than a quick review of the CD-ROM, Le Mas Ltd. felt no obligation, either legal or moral, to take *any* steps to minimize the pain and suffering of the animals it used to promote the sale of its product. This conclusion is inescapable and is supported by experts in the field of veterinary medicine who have stepped forward to condemn the tests as both cruel and unnecessary. Simply stated, the experts agree that (1) the animals were fully conscious and received no anesthetics or analgesics, (2) the tests were not conducted in a manner that resulted in instantaneous death, (3) the tests and post-mortem examinations depicted on the CD-ROM prove that animals suffered greatly, and (4) the use of animals was unnecessary to demonstrate the capability of the bullet to inflict massive tissue damage.<sup>4</sup> Clearly, this is the kind of unjustified (and unprofessional) activity that the AWA is meant to preclude, and Le Mas Ltd. must be held accountable lest other entrepreneurs decide to follow suit.

Please note also that if Le Mas Ltd. did *not* register, it is subject to penalty for its failure to do so prior to subjecting the pigs to the tests. Moreover, in the unlikely event that Le Mas Ltd. was granted an exemption from registration, PETA suggests that Le Mas Ltd. has violated the terms of such exemption and that the exemption itself falls outside the intent of the AWA and thus is invalid.

In any event, Le Mas Ltd has exhibited extreme cruelty and a profound lack of respect for the law. We request that your office investigate Le Mas Ltd. and the tests depicted on the enclosed CD-ROM and take the strongest enforcement actions available under 7 U.S.C §2146.

We thank you for your time and look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lori Kettler', with a stylized flourish at the end.

Lori Kettler  
Counsel  
Research & Investigations Department

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<sup>4</sup> The referenced expert opinions are attached for your review.