

South Carolina Roadside Zoos

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For millennia, humans have used animals for entertainment purposes in a variety of ways from circuses to fair attractions to horse racing, horse-drawn carriage rides, rodeos, and the cruel practice of animal fighting. Roadside zoos use animals for exhibition to the public and are often advertised in such a way to attract tourists in destination cities or alongside heavily traveled highways. These establishments regularly give rise to animal welfare or even public health concerns and have received considerable public attention after the release of the Netflix docu-series *Tiger King* and the 2021 sequel, *Tiger King, The Doc Antle Story*. Roadside zoos involve confinement of otherwise wild animals in cages, some having very particular care needs who may travel dozens of miles each day in the wild. Common issues with these attractions are lack of stimulation for the animals, insufficient or unsanitary shelter, and inadequate food or water. Roadside zoos discussed herein are not accredited by the Association of Zoos and Aquariums¹ which provides minimum standards of care. Today, there are more than 3,000 roadside zoos in 44 states,² and some of those having the reputation for worst living conditions for animals are here in South Carolina. Despite the array of concerns, few federal or state laws protect animals being used for entertainment, while the ones in place are often criticized for being too mild or underenforced.

Federal Laws Relating to Roadside Zoo Animals

The Animal Welfare Act of 1966 (AWA) is the federal law most relevant to entertainment animals and appoints the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) as the agency responsible for licensing and inspecting "dealers" and "exhibitors" of animals covered by the act.³ As one may speculate, many roadside zoos fall into both of these categories. For animals who are covered by the law, it provides minimum standards with regards to treatment and care of animals being exhibited, such as adequate housing, sanitation, nutrition, water, and veterinary care. It also includes a requirement for protection from extreme weather conditions. There are no requirements for mental stimulation of animals other than primates within the AWA.

Officials of APHIS' Animal Care conduct routine inspections at animal exhibition facilities with the ability to revoke licenses or impose fines on regulated businesses. Fines for violation of the AWA can be up to \$10,000,⁴ though the punitive effect of such fines may be minimal considering the profits oftentimes realized by animal exhibitors. A business can have their license revoked if violations are severe, however, license revocation is a rare occurrence because several warnings are usually given first. APHIS has approximately two hundred employees responsible for inspecting approximately 8,000 businesses,⁵ which causes criticism for insufficient oversight capabilities. APHIS' Animal Care has come under

¹ <https://www.aza.org> (last visited December 20, 2021).

² <https://www.tigersinamerica.org/roadside.htm> (last visited October 19, 2021).

³ 7 U.S.C. § 2134

⁴ 7 U.S.C. § 2149(b)

⁵ <https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/usda-animal-care-overview> (last visited December 19, 2021)

scrutiny in recent years due to significant weakening of AWA enforcement. From 2016 to 2020, there was a sixty-seven percent decrease in the number of inspections that resulted in citations.⁶ The total number of cases initiated by Animal Care plummeted from nearly three hundred in 2017 to a less than fifty cases in 2018.⁷

Many animals put on display at roadside zoos are also members of species protected by the Endangered Species Act (ESA).⁸ While the Act does not prohibit exhibition, it does prohibit “taking” of endangered species. The Act defines a taking as an act “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”⁹ In 2018, the Eight Circuit Court of Appeals upheld a District Court ruling that the Endangered Species Act was also applicable to *captive* endangered animals, particularly four tigers and three lemurs at Cricket Hollow Animal Park who were kept in unsanitary conditions with insufficient veterinary care, unclean water, and inadequate environmental stimulation,¹⁰ despite being held at a facility that was licensed by the USDA.¹¹ In addition to showing animals in concern are protected by the ESA, and that their treatment or care amounted to a taking, organizations must also overcome the challenge of establishing standing to bring actions under the ESA.¹²

Another law, the Captive Wildlife Safety Act became effective in 2007, making it illegal for individuals to buy or sell big cats in interstate or foreign commerce.¹³ This Act is indirectly related to the issue of roadside zoos which commonly sell big cats to private individuals once they are no longer useful. The law includes exemptions for numerous entities including those licensed and regulated by APHIS. A related piece of legislation, the Big Cat Public Safety Act,¹⁴ passed in the U.S. House in December of 2020. It continued to reside in Senate Committee at the end of that legislative session and was reintroduced in January of 2021. If passed, the bill would amend the Lacey Act Amendments of 1981 and clarify the Captive Wildlife Safety Act, adding to buying and selling the prohibition of *possession* of big cats and forbidding direct contact between the public and big cats at exhibitions, such as cub petting and photo ops, discussed in more detail below. The Act refers

⁶ <https://awionline.org/awi-quarterly/spring-2021/usda-urgently-needs-upward-trajectory-enforcement-animal-protection-laws> (last visited October 24, 2021)

⁷ Ibid.

⁸ 16 U.S.C. § 1538

⁹ 16 U.S.C. § 1538 (3) (19)

¹⁰ See *Kruehl v. Sellner*, 887 F.3d 485 (8th Cir. 2018) available at <https://ecf.ca8.uscourts.gov/opndir/18/04/161624P.pdf>.

¹¹ Ibid.

¹² See *ASPCA v. Feld Entertainment*, 677 F.Supp.2d 55, 2009 WL 5159752 (D.D.C., 2009) The court did not rule on cruelty allegations against Ringling Brothers on a finding that plaintiffs did not have standing to bring the action.

¹³ Captive Wildlife Safety Act, H.R. 1006, 108th Congress (2003-2004) available at <https://www.congress.gov/bills/108/house-bills/1006> (last visited December 21, 2021).

¹⁴ Big Cat Public Safety Act, H.R. 263, 117th Cong. § 1 (2021) available at <https://www.congress.gov/117/bills/hr263/BILLS-117hr263ih.xml> (last visited December 21, 2021).

back to the Lacey Act's definition of "prohibited wildlife species"¹⁵ to cover lions, tigers, leopards, cheetahs, jaguars, cougars, or any hybrid of those species.¹⁶

On the state level, South Carolina's animal cruelty statute, Chapter 1 of Title 47, provides penalties ranging from minor misdemeanor punishments to harsher felony penalties for ill treatment of animals,¹⁷ but has not currently been applied to entertainment animals. At the same time, zoos and circuses are specifically exempt from permit requirements for transportation or possession of wildlife.¹⁸ South Carolina also has laws pertaining to endangered species, making it illegal to take, possess or transport endangered species,¹⁹ defining a taking, similarly to the Endangered Species Act as killing or harassment.²⁰ Other states have successfully applied their animal cruelty as well as nuisance laws against roadside zoos that practiced poor care and treatment.²¹

Roadside Zoos of Concern in South Carolina

Hollywild Animal Park, now using the name "Preserve", is a roadside zoo in Inman, South Carolina. Animal Care's inspection report of October 5th, 2021 indicated that the park held 346 animals of various domestic and wild species.²² The park has a history of violations with the USDA, totaling forty-six between 2014 and 2021 for reasons including sanitation violations, failure to provide adequate veterinary care, shelter, psychological stimulation and space.²³ The most recent animal related violation occurred in April 2021, when inspectors observed a lame sheep who was not provided adequate veterinary care.²⁴

In January, 2015, an electrical short at Hollywild caused a barn fire which killed twenty-eight animals at the zoo.²⁵ The following year after two years of investigations, the USDA ordered Hollywild to pay \$18,964 in fines finding that there were "animals in unsafe enclosures, a repeated lack of veterinary care, and multiple other issues."²⁶ According to the park's executive director, the subsequent decrease in park attendance caused a revenue shortage of \$150,000.²⁷ The park then launched an unsuccessful public fundraiser to stay afloat, closed in 2017, but reopened again in 2021.

Waccatee Zoo is another South Carolina roadside zoo which has received considerable public concerns and complaints, mostly related to inadequate enclosures and

¹⁵ Ibid.

¹⁶ 16 U.S.C. § 3371(g).

¹⁷ S.C. Code Ann. § 47-1-10 et.seq.

¹⁸ S.C. Code Ann. § 50-16-40

¹⁹ S.C. Code Ann. § 50-15-20 (C)

²⁰ S.C. Code Ann. §50-15-10 (7)

²¹ See *Keuhl v. Sellner* (Iowa App. 2021).

²² See <https://aphis-efile.force.com/PublicSearchTool/s/inspection-reports> (last visited December 19, 2021).

²³ Ibid.

²⁴ Ibid.

²⁵ <https://time.com/3662494/hollywood-animal-park-zoo-fire-animals/> (last visited December 19, 2021).

²⁶ <https://www.Greenvillejournal.com/community/rise-fall-return-hollywild> (last visited December 19, 2021).

²⁷ See <https://www.greenvilleonline.com/story/news/2016/02/24/hollywild-pleads-help-remain-open/80796822> (last visited December 19, 2021).

signs of psychological distress. The attraction received thirty-two USDA violations between 2014 and 2021.²⁸ In 2015, a chimpanzee named Chico died suddenly from a heart condition which the zoo claimed to have no knowledge of. Chico had been taken from his mother as an infant and kept in solitude for thirty years.²⁹ USDA officials in 2018 found bears and a baboon at the zoo pacing and rocking back and forth.³⁰ A macaque monkey was observed licking a furless tip of his tail and suffering from “floating limb syndrome”, a condition where the animal’s leg lifts up then they attack it.³¹ The USDA report stated that these observed behaviors warranted special attention and an effort to alleviate the animals’ distress.³² The most recent USDA inspection report for the facility described observations of untreated wounds, lameness, multiple incidents of unattended public interactions with animals, and unsafe fencing.³³ For years, similar conditions have been observed at the roadside attraction with little or no correction.³⁴ Waccatee Zoo also received attention regarding issues with a nearly hairless tiger named Lila who had lived her life in a small enclosure and shown signs of psychological distress. Despite ongoing public complaints³⁵ and USDA and Horry County Sheriff’s investigations,³⁶ Lila died at the zoo in the fall of 2020, her sickness and death yet to be fully understood.

Doc Antle’s Myrtle Beach Safari of South Carolina, previously known as T.I.G.E.R.S. gained notoriety in the 2020 Netflix Docuseries “Tiger King” which featured Antle as a player in the big cat trade and entertainment industry. Myrtle Beach Safari currently keeps 122 wild animals including various species of big cats, primates and a lone elephant.³⁷ The main character of the film, Joe “Exotic”, who operated another roadside zoo in Oklahoma, was convicted for violations of the Lacey and Endangered Species Acts as well as other criminal activities.³⁸ He is currently serving a twenty-two-year sentence in a federal prison in North Carolina.³⁹ Tiger King’s three-part sequel of December 2021 tells the story of Doc Antle who currently faces his own charges for felony wildlife trafficking, misdemeanor animal cruelty, and violations of the Endangered Species Act. Antle’s trial is set for July 2022.

²⁸ See <https://aphis-efile.force.com/PublicSearchTool/s/inspection-reports> (last visited December 19, 2021).

²⁹ See <https://nypost.com/2020/07/11/tiger-king-star-carole-baskin-has-a-new-enemy-in-her-sights> (last visited December 19, 2021).

³⁰ See USDA Inspection Report Certificate 56-C-0230 Customer ID 326700 dated March 28, 2018 available at <https://aphis-efile.force.com/PublicSearchTool/s/inspection-reports>.

³¹ Ibid.

³² Ibid.

³³ See USDA Inspection Report Certificate 56-C-0230 Customer ID 326700 dated October 20, 2021 available at <https://aphis-efile.force.com/PublicSearchTool/s/inspection-reports>.

³⁴ See USDA Inspection Report Certificate 56-C-0230 Customer ID 326700 dated May 9, 2017 available at <https://aphis-efile.force.com/PublicSearchTool/s/inspection-reports>.

³⁵ <https://bigcatrescue.salsalabs.org/2020scwaccatee/index.html?eType=EmailBlastContent&eld=c21ef466-ef12-4459-bbdb-7815890ca0d5> (last visited December 19, 2021).

³⁶ <https://www.wbtw.com/news/grand-strand/police-investigate-condition-of-a-tiger-named-lila-at-waccatee-zoo-near-socastee> (last visited December 19, 2021).

³⁷ See USDA Inspection Report Certificate 56-C-0116 Customer ID 9276 dated November 15, 2021 available at <https://aphis-efile.force.com/PublicSearchTool/s/inspection-reports>.

³⁸ <https://www.justice.gov/usao-wdok/pr/joe-exotic-sentenced-22-years-murder-hire-and-violating-lacey-act-and-endangered> (last visited December 19, 2021).

³⁹ Ibid.

A distinctive concern with Myrtle Beach Safari is the promotion of cub petting activities. Myrtle Beach Safari's website advertises the business as an "interactive" experience, where patrons can have their pictures taken with wild animals or swim with them.⁴⁰ Cub petting involves handling, photo ops and bottle feeding with paying customers. The need for cubs to support the practice encourages excessive breeding which, in turn, contributes to the wildlife trade. Presently, there are more big cats in captivity in the United States than there are altogether in the wild.⁴¹ When cubs are bred for petting, they are taken from their mothers hours or days after they are born.⁴² In contrast, big cats in the wild typically nurse for six months and stay with their mothers for two years.⁴³ While they are used, cubs commonly suffer from poor nutrition, stress, lack of sleep, neglect or even abuse. An undercover investigation by the Humane Society of the United States revealed abusive practices of Antle's establishment and other roadside zoos.⁴⁴ When the cubs are too old to be handled safely and easily at three to four months, they are often discarded, being sold to circuses, other roadside zoos, private individuals or even killed. As stated previously, the Big Cat Public Safety Act which was reintroduced for a new legislative session in 2021 would federally ban possession of big cats by individuals and make it illegal for exhibitors to allow direct contact with cubs.⁴⁵

We seem to be at a point in time where we collectively begin to ask whether a more humane approach to admiring and interacting with animals is to visit places like state parks and even sanctuaries, where animals are protected and not used for profit; where conservation more appropriately takes place where the animals originally reside in the wild. We can do many things to support movement to more humane animal relations like avoiding shows or attractions that feature wild animals and refrain from selfies or other interaction with them. Many roadside zoos will hold themselves out to the public as conservationists or even have the word "sanctuary" in their name to deceive even well-meaning animal lovers. True sanctuaries do not breed, buy, or sell animals. Look for accreditation by the Association of Zoos and Aquariums⁴⁶ or the Global Federation of Animal Sanctuaries⁴⁷ which set appropriate standards of care. We can also support the Big Cat Safety Act and state and local laws that restrict private ownership and use of wild animals for entertainment.

⁴⁰ <https://myrtlebeachsafari.com> (last visited October 28, 2021).

⁴¹ https://aldf.org/focus_area/captive-animals/ (last visited December 21, 2021).

⁴² <https://carolinatigerrescue.org/newsroom/what-cub-petting-really-is/> (last visited January 30, 2022).

⁴³ Ibid.

⁴⁴ <https://newsroom.humanesociety.org/fetcher/index.php?searchMerlin=1&searchBrightcove=1&submitted=1&mw=d&q=TigerKing0420> (last visited December 21, 2021).

⁴⁵ Big Cat Public Safety Act, H.R. 263, 117th Cong. § 1 (2021) available at <https://www.congress.gov/117/bills/hr263/BILLS-117hr263ih.xml> (last visited December 21, 2021).

⁴⁶ <https://www.aza.org/find-a-zoo-or-aquarium> (last visited December 20, 2021).

⁴⁷ <https://www.sanctuaryfederation.org/> (last visited December 21, 2021).