



Little Shops
of
Sorrows

AN UNDERCOVER INVESTIGATION
INTO CALIFORNIA PET SHOPS

ANIMAL
PROTECTION
INSTITUTE



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INTRODUCTION

A critically ill parakeet, one eye caked in blood, hidden away in a feces-encrusted cage under a sink, unlikely to receive the veterinary care he desperately needs...

Puppies confined to a wet outdoor pen, ribs and backbones protruding, eyes running...

Guinea pigs covered in scabs and abrasions, missing large amounts of fur from their bodies, languishing in cages for years...

A lizard pacing in her glass-walled prison for months on end...

Rats, mice, and snakes literally warehoused in plastic storage boxes...

 *API Investigator's Note*

These depictions of animal suffering are from the eyewitness reports of an investigator with the Animal Protection Institute (API) who went undercover into more than 60 pet shops in California during the spring of 2005. The purpose of this groundbreaking investigation was to document conditions in which animals are treated in retail stores — and to change the way such stores do business and protect animals caught up in the cruel pet trade.

Sadly, scenes involving sick and neglected animals, animals in psychological distress, unsuitable and unsanitary conditions, and ill-informed store employees are not isolated incidents. Our undercover investigation shines a light on the true — and truly appalling — practices of pet shops that sell animals. Across California and around the nation, animals sold in pet shops suffer from inadequate care and housing, poor handling by employees, and the cruelty inherent in treating sentient beings as mere merchandise.

The retail sale of live animals is widespread and lucrative. In a 2003 *Pet Age* survey, only 38 percent of pet stores responding said they did not sell live animals. According to the American Pet Products Manufacturers Association, sales of live animals in the pet industry totaled \$1.6 billion in 2004.

But the cost of this trade in terms of animal welfare is staggeringly high. Like other businesses, to be successful pet stores try to keep to a minimum costs associated with merchandise maintenance, storage, and loss. But when the merchandise consists of living, feeling beings, concerns about humane treatment of animals naturally arise.

Federal law provides little protection to animals sold in pet shops. Although some states have enacted laws that establish some form of humane care standards for animals kept and sold in a retail environment, the quality, scope, and enforcement levels of these laws vary.

In this report, API:

- reveals the results of our undercover investigation in California pet shops;
- provides an overview of how the law protects — and fails to protect — animals sold in pet shops; and
- charts a course for the future with specific recommendations for lawmakers, law enforcement, and consumers.

ABOUT API'S CALIFORNIA INVESTIGATION

As an organization dedicated to protecting animals from abuse and exploitation, API routinely receives calls from concerned citizens around the country regarding conditions in their local pet shops. Now, armed with footage, documentation, and eyewitness reports from our undercover investigation,

we're poised to make a real difference in the way animals sold in pet shops are treated.

In the spring of 2005, API investigated 64 randomly-selected California pet stores in four major cities: Sacramento, San Francisco, Los Angeles, and San Diego (including the surrounding areas of Chula Vista and San Ysidro).

Due to the large number of stores in Los Angeles that sold live animals (50 stores), we selected a random sample of stores within the city limits using an online random number generator (www.random.org). API investigated approximately 50 percent (24 stores) of the privately-owned stores and 100 percent (5 stores) of the chain stores known to sell live animals in the Los Angeles city limits.

Since the number of stores selling live animals in San Diego was small (14 stores), we included the surrounding areas of Chula Vista and San Ysidro, for a total of 18 stores. We investigated 100 percent of the privately-owned stores (13 stores) and 83 percent of the chain stores (5 stores) known to sell live animals.

API investigated 100 percent of the chain and privately-owned pet shops in Sacramento known to sell live animals (4 stores and 9 stores, respectively).

In San Francisco, API investigated four privately-owned stores, 80 percent of those known to sell live animals.

After each on-site visit, our investigator evaluated the stores using a standardized form developed by API. The form included specific observations about cage size, sanitation, enrichment, diet, handling, and the animals' physical and psychological conditions. Results of these evaluations have been used to compile the city summaries included in Appendix III.

The investigation revealed widespread violations of California law designed to protect animals sold in pet shops, as well as instances of inadequate care and conditions that did not violate current state law.

INVESTIGATION RESULTS

API's investigation into pet shops reveals the truth about what life is like for animals in pet shops — and why industry and regulatory reform are so urgently needed.

In a retail environment, animals must be treated like commodities in order for the store to realize economic gain. The cost of veterinary care for sick and injured animals can easily exceed the animals' commercial value. Likewise, providing environmental enrichment and adequate cage space cuts into profits, if only marginally.

Pet shop owners or managers have the often conflicting responsibilities of making a store profitable and caring for animals. The fact is, when retailers are faced with a choice between endangering revenues and endangering animals, the bottom line usually wins.

Similarly, the future well-being of the animals that pet shops sell seems to be of little concern, so long as the asking price is paid. This means that thousands of reptiles, exotic birds, and other animals are sold to people who will be unable to provide lifetime care and meet the needs of these animals.

When animals are exploited for commercial gain, suffering is involved — as API's investigator witnessed firsthand.

Illness, Injury, and Neglect

A yellow parakeet sits in a cage under a sink wedged between the wall and the plumbing. The cage is obscured by a large garbage can that has been strategically placed to block the bird from view. Curious, I move the garbage can aside and peer in at the small, frightened bird. The parakeet twists his head awkwardly up at me and I soon realize why: he can only see out of one eye

API Investigation Reveals Widespread Animal Welfare Problems in California Pet Shops

During the course of our investigation into 64 California pet shops, API found abundant evidence of animal suffering. Here are some "lowlights" of our operation:

■ *66% of stores (42 stores) failed to provide at least one form of environmental enrichment (exercise wheels, hide boxes, etc.) to one or more of the animals in their care.*

■ *64% of stores (41 stores) failed, upon request, to provide API's investigator with written information on the care and housing requirements for the animals they sell. California law requires that such information sheets be provided to consumers.*

■ *44% of stores (28 stores) had at least one animal who was sick, injured, or showed signs of neglect.*

■ *44% of stores (28 stores) had at least one animal who showed signs of psychological distress.*

■ *39% of stores (25 stores) failed to provide sufficient water and/or nutritionally adequate food for animals.*

■ *37% of stores (24 stores) had one or more animals maintained in an enclosure that was too small or too crowded for the animals to move about comfortably or to avoid social aggression from cage mates.*

■ *32% of stores (21 stores) investigated maintained animals in cages with unsanitary conditions, including feces accumulation at the bottom of cages and feces-encrusted perches in bird enclosures.*

■ *25% of stores (16 stores) did not provide animals with sanitary food or water. Water and food bowls were often contaminated with feces or mold.*

■ *12% of stores had unweaned parrots on the premises. (On a positive note, all but one of these stores were found to be complying with the API-sponsored California law that went into effect in 2004 requiring that young birds be fully weaned before leaving the store with the purchaser.)*

– the other is caked in blood. From the accumulation of feces and dried blood at the bottom of the cage, I can tell this bird had been here for a few days.

In perfect health, this bird's retail value is \$10. If he dies, the store loses some money, but if he is taken to see a veterinarian, the store loses even more. Therefore, it's likely that the bird will neither be euthanized nor treated. If he heals, he will be placed back on the sales floor; if not, then he will eventually die and be disposed of.

 API Investigator's Note

API's investigator witnessed sick and apparently neglected animals in 44 percent of the stores visited.

Because the cost of veterinary consultation and treatment can easily exceed the commercial value of an animal, there is a great incentive for pet shop owners to deny animals necessary treatment. This means that animals, such as the parakeet hidden behind the trash can, are simply left to suffer or even die from untreated illnesses or injuries.

Signs of injury or illness observed in animals in pet shops include limping, excessive fur or feather loss, lethargy, discharge from nostrils or eyes,



This parakeet in a Los Angeles store had been placed behind a sink, wedged between the wall and the plumbing. The cage was located in the back portion of the main sales floor and was obscured by a large garbage can. The bird had apparently been injured and could only see out of one eye; the other eye was caked in blood. From the accumulation of feces and dried blood at the bottom of the cage, it appeared as if this bird had been in the cage, injured, for a few days.



About a dozen guinea pigs held in a Los Angeles pet shop were found to be missing large amounts of hair from their bodies; some also had scabs and abrasions on their exposed skin. Many of the guinea pigs also had severely overgrown toenails. According to the pet store owner, some of the guinea pigs had lived in the store for more than two years.

API's investigator purchased two of the guinea pigs and took them to a veterinarian. They were diagnosed as having a severe case of sarcoptic mange (commonly known as scabies), which is transmittable to humans.

Although the case was reported to local law enforcement, no action was taken either to remove the remaining guinea pigs or to ensure that the pet shop provide proper treatment.

The cost of treatment for the two purchased guinea pigs, including the veterinary visit, was more than nine times their retail value (the guinea pigs were priced at \$8 each; their veterinary bill totaled more than \$150).

The two guinea pigs fully recovered and were adopted into a permanent home.

This female Nanday conure in a Los Angeles pet store was found lying on the bottom of a cage, grasping the bars with her beak to keep from falling over. Her male cage mate repeatedly encouraged her to eat by regurgitating food for her. The pet shop owner denied that anything was wrong with this bird and insisted that veterinary attention was not necessary. In fact, the female conure's retail price was greater than that of her male companion, who was being offered at a discount because he was missing a foot.

API's investigator purchased the two birds and took them to a veterinarian. The female bird received fluid injections for severe dehydration and was started on a precautionary antibiotic treatment. The cost for the bird's veterinary care exceeded her retail value (the store priced her at \$225; her first veterinary visit alone was \$318).

The female has since been diagnosed with a minor neurological problem and a heart condition, causing her to be very sensitive to stress. The two birds have been kept together in a foster home awaiting adoption and are both doing well.



These puppies in a Los Angeles pet shop had alarmingly visible backbones and ribs. The puppy on the left appeared particularly lethargic. The bottom of the enclosure was wet and had been contaminated by chicken manure runoff from a neighboring pen.



This parakeet in a San Diego area store exhibited signs of illness, including rocking back and forth and tail bobbing. His rear feathers were also wet and matted with feces, suggesting a bacterial or viral infection. A pet shop attendant proclaimed that the bird had "wet tail" — a term typically used to describe diarrhea in hamsters. Store staff removed the bird from the sales floor and assured our investigator that he would be seen by a veterinarian; the status of this bird is unknown.

accumulation of feces on feathers or fur, regular sneezing, heavy breathing, or (in birds) inability to perch.

While animals suffering from such symptoms in pet shops are often removed from public view, it is not uncommon to find animals on the sales floor exhibiting signs of illness or injury and potentially spreading disease to humans or other animals.

Small Enclosures and Overcrowding

The rats have been literally warehoused in a back room of the store in plastic storage containers. These stacked plastic drawers contain dozens of rats and mice and no exercise wheels, tunnels, or hide boxes. The store breeds these mice and rats so that the young can be fed to small reptiles. The rats desperately attempt to find a way out of their barren prisons, digging at the corners and poking their noses along the top rim of the containers. Rats are intelligent, social, and active animals; such conditions are completely inadequate to meet their instinctive needs.

 API Investigator's Note

In a retail environment, there is considerable economic advantage in maximizing the amount of “merchandise” kept in any given area. Pet shops are no exception.

Thirty-seven percent of the pet stores API investigated kept one or more animals in an enclosure that was too small or too crowded for the animals to move about comfortably or to avoid social aggression from cage mates.

For wild animals such as reptiles and birds, creating a non-stressful captive environment is extremely difficult, if not impossible. Even animals who have been bred in captivity for generations maintain their wild instincts and the adaptations their species made to living in the wild. As a result, these animals are even more susceptible to problems associated with captive environments.

Although some domesticated animals have been artificially selected to better tolerate captive environments, there are always limits to what these animals can endure. Even highly domesticated species such as mice, rats, hamsters, rabbits, and guinea pigs suffer in undersized or overcrowded enclosures.

In our investigation, API found that “feeder” rats and mice — those sold to be fed to reptiles — were typically kept in severely crowded, barren conditions. Many stores bred their own mice and rats in order to produce young animals to be sold as food for reptiles. Baby mice who have not yet grown hair and are still nursing are sold as “pinkies,” while slightly older baby mice are sold as “fuzzies.”

It appeared that in many pet shops, animals destined to be food were granted even less consideration than those destined to be “pets.” But there is nothing intrinsic that differentiates “feeder” rats and mice from the rats and mice commonly kept as human companions.



“I got a batch of them and you could tell they went in there [the freezer] alive. It was disturbing. You could see how they were all huddled together trying to stay warm.”

— **Sacramento pet shop owner talking about baby “feeder” mice**

“What you do is you come in, buy a rat, and thump it on the head ... You just grab it and hit it.”

— **Sacramento pet shop owner describing how to kill “feeder” rats**



What About the Law?

California law states that “pet dealers” must provide animals with veterinary care “without delay.” Violation can result in \$1,000 maximum civil penalty (CAL. HEALTH & SAFETY CODE §§ 122150, 122155 (West 1995)).

A shortcoming of the law, however, is that a “pet dealer” is defined as a “person engaging in the business of selling dogs or cats, or both, at retail, and who is required to possess a permit per CAL. REV. & TAX. CODE §6066.” This definition excludes breeders who transferred fewer than 50 dogs during the prior year (CAL. HEALTH & SAFETY CODE §122125 (West 1995)).

Because of this limiting definition, the law could be interpreted to mean that pet shops are required to provide immediate veterinary care only for dogs and cats and that they are under no legal requirement to provide veterinary care for birds, rabbits, reptiles, or other animals.



Our investigator noted that overcrowding was common in parakeet cages, including this cage in a Los Angeles store. Birds in overcrowded cages may be unable to perch comfortably and to maintain a safe distance from aggressive cage mates, which can lead to stress, feather loss, and physical injury.



What About the Law?

California law states that pet shop operators must provide “adequate space appropriate to the size, weight, and species of pet animals” (CAL. PENAL CODE §5971 (West 2003)). This requirement is vague and difficult to enforce.



API's investigator often saw reptiles kept in cramped conditions, as in this San Diego area store. Such small, barren aquariums or plastic containers are more appropriate for inanimate objects than for living creatures. Although such housing may be standard in the reptile industry, it is not capable of accommodating or facilitating natural reptile behavior.



These stacked plastic drawers in a Sacramento store contained dozens of rats and mice. Such housing systems are common in retail environments but are often kept from public view.

Unsanitary Conditions

Even the most basic care requirements such as providing sanitary food and water seem to have been overlooked in this store. The dove's perch is caked in feces – as is her food dish, which has been placed directly under her perch, where it is easily contaminated. In the neighboring parakeet cage, the water container has been placed right under the perch, resulting in a feces-filled water bowl.

API Investigator's Note

Many animals in pet shops are denied the most basic aspect of decent care: a clean, safe environment. Filthy cages and enclosures encrusted with feces were an all-too-common sight in the pet stores API's investigator visited; 32 percent of the stores we investigated maintained animals in unsanitary cage conditions and 25 percent failed to provide sanitary food or water.

Such a lack of sanitation can expose animals to bacteria, viruses, or fungi that can cause illness or death and that can also pose public health and safety risks to humans. Diseases that can be transmitted from animals in pet shops to humans include salmonellosis, ringworm, scabies, psittacosis, and lymphocytic choriomeningitis virus.



What About the Law?

California law requires pet shop operators to provide sanitary housing to pet animals (CAL. PENAL CODE § 597I (West 2003)). This law is vague and difficult to enforce.



In a Los Angeles pet store, this dove's perch was caked in feces, as was her food dish, which had been placed directly under her perch, where it could easily be contaminated.

Animals in this Sacramento pet store were warehoused among garbage cans and empty, dirty cages. None were provided with environmental enrichment.



This water in a cockatiel cage had grown brown with contamination. Our investigator revisited the Chula Vista store two days after this photo was taken and found that conditions had not improved — the birds' water was again filled with feces.

Lack of Enrichment

I've seen so many barren cages and suffering animals. In one store today, there was an Amazon parrot in a cage with no enrichment – not even a perch! He had to perch on the food bowl holder. His upstairs neighbor (also an Amazon) has been provided with a perch but nothing else. In another store, an Amazon parrot was provided with a single perch, but nothing else – no toys, no chewing objects, and no companions. According to the store owner, this Amazon has lived in the shop for five years.

 API Investigator's Note

Barren, empty cages were the norm in the pet shops API investigated. A full 66 percent of stores we visited failed to provide any form of environmental enrichment to one or more of the animals in their care — despite the proven benefit of enrichment and the ease with which enrichment items could be provided.

Multiple studies show that providing enrichment such as exercise wheels, hide boxes, toys, and chewing objects to caged animals benefits the animals' welfare. Enrichment can reduce or eliminate boredom, psychological distress, and the development of stereotypic or destructive behavior in captive animals.

Studies on stereotypic behavior in captive birds (both songbirds and parrots) suggest that the development of locomotor stereotypy such as route-tracing or pacing is related to lack of space and environmental complexity, and that oral stereotypy, including feather picking and bar chewing, is related to lack of opportunity to perform foraging behavior.

Easy-to-provide enrichments that can increase the complexity of cages include ladders, swings, or hide boxes. Enrichment items that can provide an outlet for foraging behavior include objects or toys that can be chewed on or shredded, natural branches from non-toxic trees, and foods that require "work" (peeling, cracking, etc.) before being consumed.

Whether the lack of environmental enrichment in pet shops is due to thoughtlessness, ignorance, or an unwillingness to spend even trivial amounts of money on animal welfare, the end results are barren environments that are bad for animals.

Psychological Distress

As I walk into the store's reptile room, I hear a scratching sound, like fingernails on a chalkboard. I glance around the room to find the source of the sound. Several lizards are clawing at the glass of their enclosures, but the one making the most noise is the large monitor lizard. I watch from a distance as she repeatedly pulls her body up, checks the corners of the enclosure with her nose, and slides back down, dragging her long claws across the glass. She pauses briefly to look around the room. She then places her claw at the edge of the sliding glass door in the front of her enclosure and meticulously scratches at it, as if she knows that the door can slide open and what in which direction it would slide if it were unlocked. I ask a store employee if the lizard ever stops this behavior. I am told that she doesn't.

 API Investigator's Note

Nearly half (44 percent) of the stores API investigated had animals who showed signs of psychological distress and disturbance. As is true of humans, other animals may experience psychological distress without exhibiting visual signs, so the actual number of animals experiencing psychological distress is



What About the Law?

California law does not require that enrichment be provided to animals sold in pet shops.



These young Amazon parrots in a Los Angeles store had been provided with absolutely nothing to do. Further, the tiny perch in their cage was much too small and could set the birds up for foot problems in the future.



This toucan in a Los Angeles store was also relegated to a cage with no environmental enrichment. Toucans are particularly difficult to maintain in captivity. The most common disease that affects captive toucans is hematochromatosis, or iron storage disease. It occurs when the liver accumulates too much iron, eventually poisoning the bird.



This monitor lizard in a store in the San Diego area repeatedly clawed at the glass of her enclosure.

likely higher than what was observed by our investigator.

Psychological distress often manifests itself in a variety of behaviors seen in animals in pet shops, including:

Vocalizing and Retreating: Vocalizing in fear or distress at the presence of a human observer is often seen in pet shop animals. Stress-based vocalizations may be accompanied by attempts to retreat from the human observer, including frantically flying or running around the cage or jumping toward the top of the enclosure. Defensive posturing such as fluffing out fur or feathers in attempt to look “big” and lunging toward an observer may also occur.

For the purpose of this investigation, animals who retreated to or huddled in the cage corner farthest from the human observer were recorded as exhibiting psychological distress. Vocalizing and/or lunging in association with retreating behavior were also recorded.

Stereotypic Behavior: Repetitive behaviors, or “stereotypies,” are considered one of the most important indicators of long-term animal welfare problems.

Stereotypies are abnormal, repetitive, unvarying, and functionless behaviors that are often performed by captive and domesticated animals housed in barren or restrictive environments. These behaviors are mostly absent in the wild, and are relatively infrequent in large, environmentally-enriched enclosures.

In the course of API’s investigation, we observed stereotyped behavior most frequently in parrots. Sadly, many aspects of parrots’ natural behavior, such as flocking, social interaction, foraging on a variety of foods, and flight, are denied to varying degrees in captivity. It’s no wonder that when kept in small, barren, isolated cages in pet shops, many parrots show signs of psychological distress.

The stereotypies observed by API’s investigator included:

- **Pacing:** In pacing, or “route tracing,” an animal follows a predictable and unvarying path over and over again. Pacing is a sign of distress and is often a precursor to other stereotypic behaviors.

In API’s investigation, pacing was most frequently observed in parrots, lizards, and tortoises.

- **Oral Stereotypies:** Oral stereotypies involve the use of the mouth or tongue for impractical or futile actions not associated with normal



This young Amazon parrot in a store in the San Diego area displayed fear behavior characterized by retreating to the farthest corner of the cage, vocalizing in distress, and displaying defensive posturing. The bird’s behavior was consistent with that of a wild-caught parrot. Young, captive-bred birds are usually interested in or indifferent to human observers (for more information, see “Wild-caught Birds and Reptiles”).



This cockatoo in a Los Angeles store performed two stereotypies: route tracing and head bobbing. The bird also showed signs of self-induced feather plucking. His cage was devoid of environmental enrichment.



This cockatoo in a store in San Francisco performed repetitive cage-biting behavior, a common form of oral stereotypy in captive animals.



What About the Law?

California law requires that pet dealers provide dogs with “adequate socialization and exercise.” “Socialization” is defined as “physical contact with other dogs or with human beings” (CAL. HEALTH & SAFETY CODE §§ 122155, 122150 (West 1995)).

This law fails to include animals other than dogs and is vague and difficult to enforce. Aside from this provision, state law does not address any other aspect of the stress experienced by animals confined at pet shops.

grooming or eating behavior.

- *Interaction with Transparent Boundaries*: Continuously walking onto or into the glass, reflective surface, or walls of an enclosure in an attempt to escape the enclosure or penetrate the boundary is another sign of distress seen in animals in captive settings.

In API's pet shop investigation, this behavior was most often observed in reptiles. Captive environments are inherently stressful for wild animals. Even when bred in captivity, animals such as birds and reptiles retain many of their wild instincts. Their innate need to roam unconfined remains intact, resulting in a lifetime of frustration when forced to live in small, captive environments. Repeated attempts to escape from enclosures are a frequent cause of physical injury in captive reptiles.

Unweaned Birds

I find it interesting that one of the bird stores I visited with unweaned birds on the premises had a sign explaining to customers that due to recent legislation, the store could no longer sell unweaned birds and that this would result in decreased opportunity for customers to bond with their birds. However, the store also sold adult birds, some of whom had been through several homes, and the staff assured me that it was not necessary for me to hand-feed a parrot in order to have him or her bond to me or to be a good companion.

API Investigator's Note

In 2003, API drafted and passed a law in California prohibiting pet shops and other retail markets from selling unweaned birds. Under this law, pet shops may have unweaned birds in the store and may accept a payment for the birds but the birds may not leave the store until they are completely weaned and eating on their own for at least two weeks.

During our 2005 investigation, 12 percent of stores visited had unweaned birds on the premises. All but one store were complying with law by correctly stating that they could not allow a customer to take home an unweaned bird.

Many people mistakenly believe that hand-raised parrots make "better pets" than parent-reared parrots. Hand-rearing, however, has the potential to produce physical as well as behavioral problems in parrots. There are many risks involved in the hand-feeding of young parrot chicks, particularly if the feeder is inexperienced. Problems associated with improper hand-feeding include aspiration pneumonia, which results from food being inhaled into the lungs of the bird; burned or punctured crops, which result from forceful feeding or feeding formula that is too hot; and malnutrition and starvation, which result from feeding food of inadequate nutritional value or inadequate amounts of food.

Our investigator found that potential customers are not always told of the serious risks involved in hand-feeding.



This tortoise in a San Diego area shop repeatedly walked into the glass wall of his enclosure, and had paced for so long that he had worn a path in the wood chip flooring.



What About the Law?

California law prohibits pet shops from possessing unweaned birds unless a pet shop employee is certified in avian care, and the actual sale of unweaned birds by pet shops is prohibited. Pet shops must write the weight of hand-fed birds on the sales receipt. (CAL. HEALTH & SAFETY CODE §§ 122321, 122150 (West 1995)). Our investigation suggests that compliance with the law is still a challenge.



A pet store in Los Angeles offered unweaned parrots for sale, in violation of state law. Although hand-feeding baby parrots can cause serious physical and behavioral problems, the store owner told API's undercover investigator that hand-feeding was "easy" to do.



Mixed Messages on Hand-Feeding: When API's investigator asked pet shop personnel about the difficulty of hand-feeding unweaned birds, the responses varied. The store that was willing to sell an unweaned bird (in violation of California state law) downplayed the risks involved with the process.

Store #1

Investigator: Is it easy to hand-feed baby parrots?

Pet shop owner: Yeah, it's really easy.

- Los Angeles pet shop owner willing to sell unweaned birds

Store #2

Investigator: How hard is it to hand-feed?

Pet shop owner: It's a tough job, hand-feeding. [I] only do it when I have to. I really don't like doing it.

- Los Angeles pet shop owner with unweaned birds in the store, who correctly stated that birds could not be sold until they were weaned

Store #3

Investigator: So can people hand-feed them [baby parrots] themselves?

Pet shop worker: Unless you have a lot of experience hand-feeding, I wouldn't.

Investigator: So it's not recommended?

Pet shop worker: No, you can kill them. Like, instantaneously, you can kill them.

- Bird shop worker in a San Diego area store that does not sell unweaned birds

Inadequate Consumer Information

While store staff often attempt to answer questions about the needs of the animals sold, the information often varies widely between stores, especially in regard to the care and housing of reptiles and large parrots. In general, stores that have information sheets available also have staff members who are knowledgeable about the animals they sell, whereas stores without information sheets seem to have staff with little or no knowledge about the animals sold.

 API Investigator's Note

Too often, consumers purchase companion animals without fully understanding the animals' physical and psychological needs, or the commitment required to provide adequate lifelong care. When pet shops sell animals without providing their customers information about appropriate care or provide inaccurate verbal instructions, they increase the likelihood that animals will be mistreated or neglected. The stores' failure to provide written care recommendations is a disservice to the public and harmful to the animals.

Sixty-four percent of the stores visited in API's investigation failed to



What About the Law?

California law requires that pet shops selling live animals provide written recommendations to consumers for the animals' housing, equipment, cleaning, feeding, and environment. (CAL. PENAL CODE §§ 597I (West 2003)).

Pet dealers, such as pet shops, that sell dogs are also required to state on each dog's cage information about where the dog was bred or brokered (CAL. HEALTH & SAFETY CODE §§ 122220, 122150 (West 1995)). Nearly half of the stores we investigated did not post this mandated information. As noted in "Puppies and Puppy Mills," many animals sold in California pet shops may have been bred in "puppy mills" — outfits where animals are mass produced in often appalling conditions. Consumers have the right to know under what conditions the dogs they purchase have been bred or from what kind of facility they were purchased; this right is violated when stores fail to post mandated information about where the dog was bred or brokered from.

State law also requires that pet dealers, including pet shops, give consumers purchasing dogs or cats a written document recommending early-age spaying or neutering, as well as emphasizing the importance of regular preventive veterinary care and compliance with local dog and cat licensing laws. The paper must be provided at the time the dog or cat is sold (CAL. HEALTH & SAFETY CODE §§ 122137, 122150 (West 1995)).

Pet dealers must give purchasers of dogs or cats a written paper that states the health history, vaccination history, and ownership history of the animal. The paper must be signed by both the parties (CAL. HEALTH & SAFETY CODE §§ 122140, 122150 (West 1995)). Pet dealers must give purchasers of dogs a written paper describing consumer protection statutes, and it must be signed by both the parties (CAL. HEALTH & SAFETY CODE §§ 122190, 122150 (West 1995)).

provide written care information on animals sold in the stores when specifically asked for such information by our investigator.



"They [tokay geckos] are the pit bulls of geckos. You know, a lot of times they will latch on to you and the only way to get 'em off is to cut 'em off. You gotta decapitate them."

**- Sacramento pet shop owner
who sells tokay geckos**

Investigator: Do they [large parrots] require a lot of work?

Pet shop worker: No, not at all. The only thing that I can say about birds is they tend to be a little sloppy, so you gotta take precautions.

Investigator: So, what do you feed them?

Pet shop worker: Seed. Seed. Then they can eat a lot of what you eat. Corn, chicken, and mashed potatoes.

Investigator: So, is that what you feed them here?

Pet shop worker: Well, no. We don't make it here.

Investigator: So it's okay to just feed them a seed mix if that's all you've got?

Pet shop worker: Yeah, oh yeah.

**- San Diego bird shop worker, providing
inaccurate nutritional information**

Puppies and Puppy Mills

I am surprised to see so many puppies being sold and so many people visiting the store with no apparent concern about the fact that the puppies have all come from states notorious for their puppy mills. However, when asked, the staff was quick to state that the puppies come from "private breeders," so I assume that some customers do ask and are satisfied with that response.

Most people are likely unaware that the USDA license number posted on the information card indicates that these "private breeders" breed large numbers of puppies, or perhaps they are under the impression that the USDA licenses ensure humane conditions, which is not accurate.

 API Investigator's Note

Despite the fact that millions of dogs are put to death at animal shelters each year for lack of a home, many pet shops continue to sell puppies supplied by private and commercial puppy breeders (including puppy mills) rather than working with local rescue groups to find homes for animals in need.

Puppy mills are breeding facilities that produce purebred puppies or trendy breed mixes such as the "cockapoo" (a cocker spaniel-poodle mix) in large numbers. The puppies are either sold directly to the public via the Internet, newspaper ads, or at the mill itself, or are sold to brokers and pet shops across the country.

The documented problems of puppy mills include overbreeding, inbreeding, minimal veterinary care, overcrowding of cages, poor quality of food and shelter, lack of socialization with humans, and the killing of unwanted



A Los Angeles store offered dozens of puppies for sale. While many purebred puppies are available from California breeders, nearly all of these puppies were shipped from breeders in the Midwest and Texas — the same states notorious for their puppy mills, where animals are mass produced in often horrific conditions for the pet trade.



These puppies were being held in the dark in the restroom of a pet shop in the San Diego area. They stared blankly at our investigator and were unresponsive to human voice. Their behavior suggested that they had limited access to human socialization.



In one store in Los Angeles, adult pit bulls were confined to small crates and may have been used as breeding animals to produce the puppies sold by the store. Their aggressive behavior and cropped ears suggested that they may have been used as fighting animals or to advertise the potential of their offspring as guard and/or fighting animals.

puppies or adult animals who can no longer reproduce.

Although there are some federal, state, and local laws that are supposed to provide a minimum of protection for animals in puppy mills, these laws are rarely enforced.

Compounding the problem, most pet stores don't spay or neuter the puppies (or kittens) they sell. It has been estimated that 6–8 million dogs and cats enter shelters each year and that 3–4 million of them are killed for lack of a home. Forty percent of the stores (26 stores) that API investigated sold dogs, cats, or rabbits who were not spayed or neutered.

Pet shops also sell unneutered and unspayed rabbits. Rabbits reproduce faster than dogs or cats and are the third-most-surrendered animal at shelters. Some pet shops even failed to properly segregate reproductively intact male and female rabbits, thus increasing the potential for unwanted animals (see "Unchecked Reproduction").

All breeding, whether of mixed-breed or purebred animals, contributes to overpopulation. In fact, it is estimated that as many as one-quarter of all animals entering shelters are purebreds.



Investigator: Why are they [the puppies] all from the Midwest? Are they all from puppy mills?

Pet shop owner: We get the dogs from private breeders.

Investigator: So, why are they all from the Midwest, where all the puppy mills are?

Pet shop owner: Umm...that's a good question. I don't know. I'm not the one who buys the dogs, I sell.

**– Pet shop worker in
a Los Angeles mall**

Unchecked Reproduction

Some guinea pigs, rabbits, hamsters, and gerbils are housed in open bins, and customers are allowed to pick up and handle the animals without supervision. While I was observing, one guinea pig was dropped by a customer and fell about three feet onto the cement floor. The customer returned the animal, who was not visibly injured, to the bin.

Later, a staff member came by the bins and began checking the sex of the guinea pigs and placing them in their appropriate bins. I assume this routine is necessary to ensure that males and females are not mixed by the customers. However, breeding between rodents and rabbits can take place quickly, so I wonder how often unwanted litters occur either in the store or after the animals are purchased.

 API Investigator's Note

In some stores, animals at or near sexual maturity were kept in mixed-sex cages, or were easily mixed by store visitors who were allowed to pick up and handle animals from open-topped containers. In some cases, store employees were unable to correctly identify the sex of the animals in the store.

For example, our investigator purchased two guinea pigs declared by the pet store employee to be "man" guinea pigs; however, both of the animals were female, as determined by our investigator and verified by a veterinarian.

Mixing of different-sex animals and misidentification of sexes likely leads to unwanted pregnancies both in shops and in purchasers' homes, which in turn leads to unwanted animals at the home of the uninformed purchaser who



What About the Law?

California law requires that breeders of dogs other than certain small "backyard breeders" provide basic care for the dogs. While these California laws prohibit the most egregious abuses — such as crowding multiple dogs into wire-floored cages to continually breed puppies — there is much room for improvement. The standard of care required of these breeders is vague and, under the best interpretation, minimal. Furthermore, the law does not require that pet shops purchase their puppies from California-based breeders, and so puppies still can be mass-produced in deplorable conditions in other states and then transported to California for sale.

California law does not require that animals sold at pet shops be spayed or neutered.



Newborn rabbits were on the sales floor of this Sacramento pet shop. API's investigator found mixed-sex animals sharing enclosures in several pet stores, which could lead to unchecked reproduction and unwanted babies either in the stores or at customers' homes after animals have been purchased.



What About the Law?

California law does not address the issue of preventing accidental reproduction of animals while they are in the care of pet shops.

either unknowingly bought a pregnant animal or unknowingly mixes opposite-sex animals.



Investigator: Are they [the rabbits] male or female?

Pet shop owner: Both.

Investigator: On different sides?

Pet shop owner: No, mixed.

Investigator: So they might be pregnant then?

Store owner: Oh, I don't know. Maybe. [Laughs]

– Los Angeles pet shop owner selling rabbits at or near sexual maturity

Wild-caught Birds and Reptiles

An agent with the U.S. Fish and Wildlife Service informed me that the presence in the United States of captive-bred exotic birds significantly increases enforcement challenges, as it is impossible to distinguish smuggled birds from captive-bred birds once they have entered the trade. She also informed me that smuggled wild-caught birds who are confiscated are regularly auctioned off and may legally re-enter the trade after undergoing quarantine. The agent said that she sees birds all the time at flea markets who she knows are wild-caught, but she can do nothing about it. Enforcement efforts seem to be limited to catching the smugglers when they come across the border.

 API Investigator's Note

During our undercover investigation, API saw at least three birds who were believed to have been wild-caught.

Although the 1992 U.S. Wild Bird Conservation Act (WBCA) prohibited imports of wild parrots and transformed the United States from the largest importer of birds into one of the smallest, an unknown number of wild-caught birds are illegally imported into the U.S. each year.

An agent with the U.S. Fish and Wildlife Service in San Diego informed our investigator that it is nearly impossible to enforce the WBCA once a bird has entered the trade, because such birds are identical in appearance to captive-bred birds and the behavior of the animals cannot substantiate their origin. Leg bands and documentation are not required for the sale of exotic birds in California and can easily be falsified. Ultimately, captive breeding of wildlife species for the pet trade serves as a smokescreen behind which poachers and smugglers operate.

Further complicating enforcement efforts is the fact that confiscated wild-caught birds are typically auctioned off and may legally re-enter the trade after undergoing quarantine, thereby rewarding the wild-capture industry. Distinguishing wild-caught parrots who have entered the trade after quarantine from those entering the trade directly from the smuggler is also impossible to determine, according to the wildlife agent.

Reptiles also fall victim to capture in the wild. Although the Endangered Species Act ostensibly offers protection to reptiles listed as threatened or endangered, not all shipments of live reptiles are actually inspected by U.S. Fish and Wildlife Service and Customs Service agents to verify that the information on the form matches the type and number of reptiles in actual shipments. This makes it easy for endangered or threatened animals to be illegally imported.



*This yellow-hooded blackbird (*Agelaius icterocephalus*) found in a San Francisco pet shop is native to South America. This bird was likely caught in the wild, as captive breeding of this species for the pet trade is extremely uncommon.*



Green iguanas, such as these in a Los Angeles store, are a commonly imported species. Many animals, including iguanas, are typically imported in large numbers to offset the mortality that is part of capture and export and that is considered merely a cost of business.

Iguanas who survive this process often face mistreatment and neglect by consumers who are unprepared for the difficult task of appropriately caring for the animals. A properly-cared-for iguana will outgrow a 60-gallon tank within a year and a 100-gallon tank within 18 months. Iguanas also become aggressive as they mature.

Most reptiles sold in pet shops are not threatened or endangered species and may therefore be captured and imported in large quantities. While it is possible to breed some reptiles and amphibians in captivity, such animals constitute only a small number of the reptiles kept as “pets,” primarily because it is much cheaper to obtain wild-caught animals.



"Don't ever get an iguana. Never, ever, ever. They're horrible. They're mean, they're messy, they get so incredibly big and then they're very aggressive. They're terrible pets."

- Pet shop worker in a San Diego area store that does not sell iguanas

"I get them when they're already established, from people who don't want them. As far as the babies go, we don't get them, because they're hard. They're hard to get established."

- Sacramento pet shop owner talking about green iguanas

PET SHOPS AND THE LAW

To most humane-minded people, it probably seems obvious that companion animals require the regular provision of basic care, including food, water, exercise, social interaction, and a safe, comfortable place to rest. Sadly, animals in a variety of commercial settings, including pet shops, do not enjoy even these modest “creature comforts.”

Many people mistakenly believe that all animals sold in pet shops are protected by federal law. But while the U.S. Animal Welfare Act (AWA) requires that certain animal facilities meet with licensing, inspection, and care standards, retail pet stores (with the exception of those that sell “wild and exotic” animals) are not regulated under the Act. Furthermore, reptiles and parrots — the most commonly sold wild and exotic animals — are not currently covered under the provisions of the AWA, leaving the majority of pet shops free from federal oversight.

In the absence of federal laws governing conditions for most animals at pet stores, 27 states and the District of Columbia have enacted laws that establish some form of humane care standards for animals kept and sold in a retail environment. The quality, scope, and enforcement of these laws vary from state to state. (For a summary of California laws, see Appendix II.)

Incidents involving substandard care of animals in pet shops are routinely reported to animal welfare organizations. Often the conditions, while seemingly cruel and inappropriate, do not actually violate any laws in the state where the store is located. And even when violations are reported to law enforcement agencies, few are actually investigated or result in charges being filed.

Enforcement

Even strong laws are of little value if they are not adequately enforced, as is too often the case with laws related to the treatment of animals in pet shops.

In California, responsibility for enforcing laws governing animal care and treatment falls to the local animal control agency, humane officers employed by the local SPCA or humane society, peace officers, and/or local sheriffs or police. Counties also can use cooperative agreements to jointly enforce provisions under the jurisdiction of the state Food and Agriculture agency.

While most humane enforcement agencies care about the welfare of animals sold in pet shops, many of these agencies are overwhelmed with complaints ranging from barking dogs to abuse allegations, and they often operate on a shoestring budget with a limited number of officers available to investigate and enforce laws. These factors can make it difficult to ensure that all complaints are thoroughly investigated and that animals receive the care they need.

A clearly-defined process requiring that pet shop owners either provide animals with needed veterinary care or relinquish them to humane law enforcement, coupled with a funding mechanism that helps cover the costs incurred by the humane agency for the care and treatment of confiscated animals could go a long way toward improving the response of law enforcement and the welfare of animals. This legal process would need to be carefully constructed to protect the legal rights of pet shop owners but still be effective from an enforcement perspective.



API's investigator witnessed these parakeets in dire conditions in a Sacramento store. Their perch was covered with feces, indicating that it had not been cleaned in quite some time. In addition, facial scabbing suggested a medical condition requiring veterinary care — care likely denied as it would cost more than the bird's commercial value.

CONCLUSIONS AND LESSONS LEARNED

API was shocked by what we found in the course of this investigation: the widespread instances of illness, injury, and neglect of animals, and the number of animals kept in overcrowded and unsanitary conditions, denied veterinary care, languishing in barren cages.

What is more shocking is that this mistreatment occurred in public view. API found these disturbing conditions in random pet stores in average cities across California. If this is what the industry finds acceptable to show the public, we can only imagine the horror that might occur behind the scenes.

The retail sale of live animals is a billion-dollar-a-year industry. Our investigation shows that it is the animals that really pay the price.

The lessons learned from API's investigation are clear: the law is not working to protect animals in pet shops.

Three things must follow from this investigation:

- The law must be improved;
- Existing laws must be enforced; and
- Consumers must use their power to end the suffering.

The Law Needs to Change

API calls on legislators to improve the law. Pet shop laws must be detailed enough to provide shop owners with proper guidelines for treatment of animals in their care and for law enforcement officials to correct problems or confiscate sick and injured animals from stores.

Stronger laws are not enough, however. We also call on humane law enforcement authorities to strongly enforce existing laws. For any law to be effective it must be actively enforced. By investigating complaints promptly, citing pet shops that fail to comply with the law, and confiscating sick and injured animals, humane law enforcement can play a key role in reducing animal suffering in the retail industry.

Consumers Can Take a Stand

API will do what we can to improve the laws and ensure that they are enforced.

The fact is, however, that everyone has the power to change lives for the animals who we found neglected and injured in the course of this investigation.

The messages for consumers are simple:

- End pet shop cruelty by reporting poor conditions and mistreatment to humane law enforcement.
- Support only those stores that do not sell live animals. Ensure that your dollars do not support abuse and neglect.
- Adopt your next companion from a shelter or rescue group.

Consumer power can make a difference. By not buying animals from pet stores, people can send a message to the industry that animals should not pay for retail industry profit with their lives.

API's Little Shops of Sorrows campaign will provide lawmakers and consumers with the tools they need to protect animals sold in pet shops. We are committed to changing the way such stores do business and to improving the lives of the countless animals caught up in the pet trade.



Despite the millions of dogs put to death each year for lack of a home and the many breed-specific rescues operating in California, this San Francisco store sold puppies, such as this pug, who came from breeders.

APPENDIX I: API'S RECOMMENDATIONS

API's recommendations as a result of this investigation are threefold: laws should be improved, laws should be enforced, and consumers should be educated.

Recommendations for California Legislators

In 1972, a state statute was passed requiring that pet shop operators provide animals with basic care: food, sanitation, and adequate space. Unfortunately, precise legal or practical definitions of terms such as "cruelty," "adequate space," and "sufficient care" are lacking. This lack of definition often complicates or even blocks animal-protection efforts. Vague language and loopholes in the law make it difficult for law enforcement to correct problems or to confiscate sick and injured animals from pet shops.

Below are a few ways that California's pet shop laws can be improved:

Veterinary Care and Euthanasia: California law states that "pet dealers" must provide animals with veterinary care "without delay" or face a maximum \$1,000 civil penalty (CAL. HEALTH & SAFETY CODE §§ 122155, 122150 (West 1995)). A "pet dealer," however, is defined as a "person engaging in the business of selling dogs or cats, or both, at retail, and who is required to possess a permit per CAL. REV. & TAX. CODE §6066." This definition excludes breeders who transferred fewer than 50 dogs during the prior year (CAL. HEALTH & SAFETY CODE § 122125 (West 1995)).

Because of this limiting definition, the law could be interpreted to mean that pet shop owners are only required to provide immediate veterinary care for dogs and cats, and that they are legally under no requirement to provide veterinary care for bird, rabbits, reptiles, or other animals.

The law regulating the euthanasia of animals also could be interpreted in ways that could jeopardize animal welfare.

California law prohibits anyone from using carbon monoxide gas to kill an animal; violators face a misdemeanor penalty (CAL. PENAL CODE §§ 597u, 597y (West 1998)). Additional restrictions prohibiting the use of high-altitude decompression or nitrogen gas apply only to cats and dogs, and the law requiring that only chloroform vapor or injected barbiturates be used applies only to newborn puppies and kittens. Thus, unless a form of euthanasia was deemed to violate the state anti-cruelty statute, many cheaper but less humane forms of killing pet shop animals may be permissible under the law or at least be difficult to prove violate the law.

The law should require that pet shops provide veterinary care to prevent suffering and disease transmission. It should also require an ongoing veterinary program for disease prevention, parasite control, and humane euthanasia. In addition, pet shops should be required to maintain veterinary treatment records for animals that receive medications and/or immunizations while in the care of the pet store.

Care and Housing: Under California law, pet shop operators must provide "adequate space appropriate to the size, weight, and species of pet animals." The penalty for violation is a misdemeanor (CAL. PENAL CODE § 597I (West 2003)). As API's investigation revealed, the term "adequate space" is too vague to ensure that animals are housed in a manner that does not cause physical or psychological stress and does not result in unintended reproduction and sale of pregnant animals.

Similarly, California law requires that pet shop operators provide "humane care and treatment" to the animals in their care (CAL. PENAL CODE § 597I (West 2003)). Again, the penalty for violation is a misdemeanor. However, the law should specify that "humane care and treatment" includes providing animals



One of two dead baby chameleons found at the bottom of a cage in plain view on the sales floor of a store in San Diego. The surviving chameleons were in the enclosure with the dead bodies.

with conditions that prevent abnormal behavior and distress.

The law should be amended to require that animals in pet shops be provided with environmental enrichment in cages that take into consideration the size and habits of the animal as well as the number of animals housed within the enclosure. Further, pet shop animals should be housed in such a way as to prevent reproduction.

Sanitation: California's law on pet shop sanitation is also vague and subjective; although it applies to all animals, it essentially requires that pet shop operators provide sanitary housing to pet animals. The penalty for violation is a misdemeanor (CAL. PENAL CODE § 597I (West 2003)).

The law should be changed to require that pet shops provide specific sanitation measures that will ensure the health and comfort of the animals.

Documentation of Origin of Animals: As API's investigator discovered, it is nearly impossible for federal agents to enforce the Wild Bird Conservation Act once a bird has successfully crossed the border, due to wild-caught birds' physical resemblance to captive-bred birds and the lack of verifiable documentation required to sell exotic birds.

To help combat this, the law should require that accurate, specific records are kept and maintained by pet shops for toucans and parrots, including a description of the animal and identifying information for the person from whom the bird was acquired.

Penalties: Finally, the penalties for violating the law should apply to all species covered under the law and should be significantly increased in order to ensure compliance.

Recommendations for Law Enforcement

As outlined above, deficiencies in the law frequently hinder animal protection efforts, as do limited budgets and staff at most humane agencies. Despite these limitations, humane and other law enforcement authorities play a crucial role in reducing animal suffering and neglect in pet shops. Even if not required by law to change or improve conditions, visits from humane law enforcement, especially those made in response to customer complaints, can inspire voluntary changes in the care and treatment of animals in the store.

Understandably, many humane investigators are more familiar with the needs of cats and dogs than they are with those of other animals such as birds, reptiles, guinea pigs, and rabbits, and therefore may not recognize improper care nor be able to suggest meaningful changes to pet shop owners. By offering workshops and special training courses and by collaborating with rescue groups who specialize in these animals, humane agencies and associations can fill this information gap.

It is also important that law enforcement agents are aware of and understand the laws that do apply to animals held in pet shops. Again, humane agencies and associations can improve pet shop enforcement by offering training courses and written materials specifically dealing with the care and treatment of animals in pet shops. Providing law enforcement officials with quick and easy access to copies of the laws that pertain to pet shops can also improve enforcement efforts. To this end, national humane organizations and animal control associations can serve as resources of data and support for enforcement agencies.

Prompt investigation of complaints and following up with concerned citizens can go far in building mutual respect, trust, and understanding between the public and humane law enforcement. At the local and agency level, concerned citizens and humane law enforcement agents can work together to advocate for increases in enforcement budgets.

Finally, law enforcement authorities can get involved in efforts to improve pet shop laws by working with legislators and animal advocacy and lobbying



Rabbits in a Los Angeles pet shop were kept in a dirty back room — a fate shared by many other animals observed by API's undercover investigator.

groups to bring about changes that will facilitate law enforcement's ability to protect animals in pet shops

Recommendations for Consumers

As our investigation revealed, shortcomings in animal care, as well as outright abuse and neglect, are commonplace in pet shops, where the desire for profits competes against the need to provide humane care, especially when animals become ill or are injured.

Consumers can play an important role in changing the retail pet industry by supporting only those stores that do not sell live animals. By supporting stores that sell high-quality companion animal supplies and by adopting companion animals from shelters or rescue groups, caring consumers can make compassion more profitable than exploitation.

Humane-minded consumers can aid law enforcement officials by becoming familiar with the pet shop laws of their state and by investigating local pet shops and reporting any inhumane conditions to the local animal control agency and the appropriate local business bureau or consumer affairs agency. In addition, individuals can contact their state legislators to improve pet shop laws in their state.



Sales and promotions involving live animals can lead to impulse buying, in which consumers purchase animals they are not truly equipped to care for.

APPENDIX II: LAWS GOVERNING THE OPERATION OF PET SHOPS IN CALIFORNIA (AS OF JUNE 2005)

DEFINITIONS

Adequate space: “sufficient space for the dog to stand up, sit down, and turn about freely using normal body movements, without the head touching the top of the cage, and to lie in a natural position.” (CAL. HEALTH & SAFETY CODE § 122155)

Bird: any order of Psittaciformes bird. (CAL. HEALTH & SAFETY CODE § 122320)

Bird mart: event at which two or more persons offer birds for sale or exchange and where a fee is charged for displaying or offering the birds. (CAL. HEALTH & SAFETY CODE § 122320)

Pet animals: dogs, cats, monkeys and other primates, rabbits, birds, guinea pigs, hamsters, mice, snakes, iguanas, turtles, and any other species of animal sold or retained for the purpose of being kept as a household pet. (CAL. PENAL CODE § 5971)

Pet dealer: person engaging in the business of selling dogs or cats, or both, at retail, and who is required to possess a permit per CAL. REV. & TAX. CODE § 6066. Excludes breeders who transferred fewer than 50 dogs the prior year. (CAL. HEALTH & SAFETY CODE § 122125)

Pet shop: every place or premises where pet animals are kept for the purpose of either wholesale or retail sale. Excludes any place where pet animals are occasionally sold. (CAL. PENAL CODE § 5971)

Unweaned bird: any bird who requires hand-feeding or animal assistance to sustain at least 90% of its weight for 2 weeks. (CAL. HEALTH & SAFETY CODE § 122320)

Vendor: any person or entity (including a broker or breeder) who sells birds directly to the retail purchaser at a bird mart or at a swap meet. (CAL. HEALTH & SAFETY CODE § 122320)

VET CARE

Pet dealers must provide vet care “without delay.” (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122155, 122150)

Pet dealers must have a vet examine each dog prior to offering the dog for sale. Each dog must be examined within 5 days after the dealer receives the dog and every 15 days afterwards. Dealers must provide proper vet care to a sick dog without delay. (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122210, 122150)

If vet determines the dog is unfit to be sold, the dog must be:

- euthanized by the vet
- treated by the vet or
- surrendered to an animal shelter.

(CAL. HEALTH & SAFETY CODE § 122210)

If a dog is returned to the pet dealer for illness or disease, the dealer must provide proper vet care. (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122210, 122150)

Prohibits dealers from knowingly selling a dog that is diseased, ill, or has a condition which requires hospitalization or surgery. Exception if the illness is included in the signed disclosure statement given to purchaser. (Penalty: max \$1,000 fine with increased fine for subsequent) (CAL. HEALTH & SAFETY CODE § 122205)

CARE AND HOUSING

Pet dealers must provide “adequate space appropriate to the age, size, weight, and breed of dog.” (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122155, 122150)

Pet shop operators must provide “adequate space appropriate to the size, weight, and species of pet animals.” (Penalty: misdemeanor) (CAL. PENAL CODE § 597I)

UNWEANED ANIMALS

Prohibits pet dealers from possessing a dog less than 8 weeks old. (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122155, 122150)

Pet shops may not possess unweaned birds unless the pet shop employee is certified in avian care. [See the statute for certification details.] (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122321, 122150)

Prohibits the sale of unweaned birds by pet shops or by vendors at bird marts and swap meets. Pet shops and vendors must write the weight of hand-fed birds on the sales receipt. (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122321, 122150)

Note: For the unweaned bird law, “pet shop” is defined as a retail location primarily engaged in retailing pets, pet foods, and pet supplies. (CAL. HEALTH & SAFETY CODE § 122320)

CONSUMER PROTECTIONS

Pet dealers must give purchasers of cats or dogs a written paper recommending early-age spay/neuter of dogs and cats, and vet wellness visits, and emphasizing compliance with cat and dog registration laws. The paper must be given at the time the dog or cat is sold by the dealer. (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122137, 122150)

Pet dealers must give purchasers of cats or dogs a written paper that states the health history, vaccination history and ownership history of the animal. For dogs, additional data is required. The paper must be signed by both the parties. (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122140, 122150)

Pet dealers must give purchasers of dogs a written paper describing consumer protection statutes. Must be signed by both the parties. (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122190, 122150)

Pet dealers must post a consumers’ notice sign regarding the source of the dogs and vet treatment administered near the cages of dogs offered for sale. [See the statute for specific language on the sign.] (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122220, 122150)

Sellers of pet animals must provide written recommendations to buyers for the animal’s housing, equipment, cleaning, feeding, and environment. (CAL. PENAL CODE § 597I)

Retail dealers must state on each dog’s cage where the dog was bred/brokered. (CAL. HEALTH & SAFETY CODE § 122215)

Lemon law that offers recourse to those who purchase sick or diseased animals from pet shops. [See CAL. HEALTH & SAFETY CODE §§ 122160, 122170, 122175, 122180, 122185 for consumer remedies for the purchase of an ill or diseased animal.]

Retail sellers of turtles must post a warning of salmonella and give to each consumer purchasing a turtle a receipt warning of salmonella. (17 CCR § 2612.1)

FOOD AND WATER

Pet dealers provide dogs with “adequate nutrition” and “potable water.” (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122155, 122150)

Requires pet shop operators to provide “adequate nutrition for all pet animals” in their custody. (Penalty: waiver of penalty for 1st offense on compliance; 2nd & subsequent are infractions with maximum \$250 fine) (CAL. PENAL CODE § 597I)

SANITARY CONDITIONS

Pet dealers must provide sanitary housing to dogs. (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122155, 122150)

Pet shop operators must provide sanitary housing to pet animals. (Penalty: misdemeanor) (CAL. PENAL CODE § 597I)

NOTES

Retail pet shop license not required.

Pet dealer must keep a written record on the health, status, and disposition of each dog and cat for one year. Humane officers, animal control officers, and law enforcement can inspect these records. (CAL. HEALTH & SAFETY CODE §§ 122145)

Pet dealers must provide dogs with “adequate socialization and exercise.” Socialization is defined as “physical contact with other dogs or with human beings.” (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122155, 122150)

Pet dealer must maintain a fire alarm or sprinkler system meeting certain requirements. (Penalty: maximum \$1,000 civil penalty) (CAL. HEALTH & SAFETY CODE §§ 122155, 122150)

Pet shop operators must provide proper heating and ventilation for pet animal facilities. (Penalty: misdemeanor) (CAL. PENAL CODE § 597I)

Pet shop operators must provide “humane care and treatment” for all pet animals in their care. (Penalty: misdemeanor) (CAL. PENAL CODE § 597I)

Prohibits the sale or import of a turtle less than four inches. Retail sellers of turtles must keep records of purchasers of turtles and disposition of all turtles for one year. (17 CCR § 2612.1)

Prohibits anyone from using carbon monoxide gas to kill an animal. (Penalty: Misdemeanor) (CAL. PENAL CODE §§ 597u, 597y)

Requires anyone killing a newborn dog or cat to use only chloroform vapor or injected barbiturates. (Penalty: misdemeanor) (CAL. PENAL CODE §§ 597v, 597y)

Prohibits anyone from killing a cat or dog using high-altitude decompression or nitrogen gas. (Penalty: misdemeanor) (CAL. PENAL CODE §§ 597w, 597y)

APPENDIX III: CITY-SPECIFIC RESULTS FROM API'S INVESTIGATION

Here's what the Animal Protection Institute's 2005 undercover investigation revealed about pet shops in San Diego (including the surrounding areas of Chula Vista and San Ysidro), Los Angeles, San Francisco, and Sacramento, California.

SAN DIEGO AREA

Number of stores visited: 18 (14 in San Diego, 4 in Chula Vista/San Ysidro; 5 chain stores, 13 private, representing 85 percent of the pet shops known to sell live animals)

Animal Care

Number of stores where sick or injured animals were observed: 2 (11%)

Signs of injury or illness may include: limping, excessive fur or feather loss, lethargy, discharge from nostrils or eyes, accumulation of feces on feathers or fur, regular sneezing, heavy breathing, fluffed-out feathers, or inability to perch.

Number of stores where signs of psychological distress in animals were observed: 7 (39%)

Signs of psychological distress may include: repetitive behavior such as pacing, bar-biting, and digging at enclosure walls; feather plucking; jumping in an attempt to escape from enclosure; crouching or hiding while alert (not sleeping) in farthest point from human observer or other animal; heavy breathing; vocalizing and retreating when approached by casual human observer; aggressive behavior toward reflective surface or neighboring animal.

Number of stores where animals showed signs of neglect: 1 (6%)

Signs of neglect include: overgrown toenails or teeth, matted fur, and parasites.

Number of stores that failed to post information about an attending or consulting veterinarian: 7 (39%)

Animal Environments

Number of stores that did not provide animals with sufficient space: 3 (17%)

Number of stores that failed to provide enrichment to some or all animals: 8 (44%)

Number of stores that failed to keep some or all enclosures clean and sanitary: 2 (11%)

Number of stores in which food and/or water containers contained mold, feces, or other contaminants: 1 (6%)

Number of stores that failed to provide adequate food and/or sufficient water to animals: 7 (39 percent)

Animal Sales

Number of stores selling reptiles and amphibians: 8 (44%)

Number of stores selling large exotic birds (conures, Amazons, macaws, cockatoos, toucans): 4 (22%)

Number of stores with unweaned baby birds: 2 (11%)



These frogs were kept in small plastic containers in a San Diego area store. Our investigation found that reptiles and amphibians are commonly housed in small, barren aquariums or plastic containers. Although such housing may be standard in the industry, it is hardly capable of accommodating natural behavior.

Number of stores not providing written recommendations for animal care: 5 (28%)

Number of stores that sold dogs, cats, or rabbits who were not spayed or neutered: 3 (17%)

Number of stores offering special discounts or promotional sales on live animals: 3 (17%)

LOS ANGELES

Number of stores visited: 29 (5 chain stores, 24 private, representing 54 percent of the pet shops known to sell live animals)

Animal Care

Number of stores where sick or injured animals were observed: 16 (55%)

Signs of injury or illness may include: limping, excessive fur or feather loss, lethargy, discharge from nostrils or eyes, accumulation of feces on feathers or fur, regular sneezing, heavy breathing, fluffed-out feathers, or inability to perch.

Number of stores where signs of psychological distress in animals were observed: 15 (52%)

Signs of psychological distress may include: repetitive behavior such as pacing, bar-biting, and digging at enclosure walls; feather plucking; jumping in an attempt to escape from enclosure; crouching or hiding while alert (not sleeping) in farthest point from human observer or other animal; heavy breathing; vocalizing and retreating when approached by casual human observer; aggressive behavior toward reflective surface or neighboring animal.

Number of stores where animals showed signs of neglect: 4 (14%)

Signs of neglect include overgrown toenails or teeth, matted fur, and parasites.

Number of stores that failed to post information about an attending or consulting veterinarian: 24 (83%)

Animal Environments

Number of stores that did not provide animals with sufficient space: 14 (48%)

Number of stores that failed to provide enrichment to some or all animals: 24 (83%)

Number of stores that failed to keep some or all enclosures clean and sanitary: 13 (45%)

Number of stores in which food and/or water containers contained mold, feces, or other contaminants: 13 (45%)

Number of stores that failed to provide adequate food and/or sufficient water to animals: 18 (62%)

Number of stores in which food and water containers did not allow each animal adequate access and did not minimize contamination from excreta: 6 (21%)

Number of stores not maintaining proper temperature or ventilation: 1 (3%)

Number of stores with enclosures that may not prevent injury to animals and/or the public: 1 (3%)



The cage in this Los Angeles store had no enrichment — not even perches. The birds were forced to perch on the wires of the cage or on the water bowl, which can quickly lead to contaminated water.

Animal Sales

Number of stores selling reptiles and amphibians: 15 (52%)

Number of stores selling large exotic birds (conures, Amazons, macaws, cockatoos, toucans): 12 (41%)

Number of stores with unweaned baby birds: 2 (7%)*

Number of stores not providing written recommendations for animal care: 24 (83%)

Number of stores that sold dogs, cats, or rabbits who were not spayed or neutered: 16 (55%)

Number of stores offering special discounts or promotional sales on live animals: 6 (21%)

* One of these stores was willing to sell unweaned baby birds in violation of state law.

SAN FRANCISCO

Number of stores visited: 4 (0 chain stores, 4 private, representing 80 percent of the private pet shops known to sell live animals)

Animal Care

Number of stores where animals appeared sick or injured: 2 (50%)

Signs of injury or illness may include: limping, excessive fur or feather loss, lethargy, discharge from nostrils or eyes, accumulation of feces on feathers or fur, regular sneezing, heavy breathing, fluffed-out feathers, or inability to perch.

Number of stores where animals showed signs of psychological distress: 3 (75%)

Signs of psychological distress may include: repetitive behavior such as pacing, bar-biting, and digging at enclosure walls; feather plucking; jumping in an attempt to escape from enclosure; crouching or hiding while alert (not sleeping) in farthest point from human observer or other animal; heavy breathing; vocalizing and retreating when approached by casual human observer; aggressive behavior toward reflective surface or neighboring animal.

Number of stores where animals showed signs of neglect: 1 (25%)

Signs of neglect include overgrown toenails or teeth, matted fur, and parasites.

Number of stores that failed to post information about an attending or consulting veterinarian: 4 (100%)

Animal Environments

Number of stores that did not provide animals with sufficient space: 1 (25%)*

Number of stores that failed to provide enrichment to some or all animals: 3 (75%)

*A cockatoo who was not for sale but was being boarded at the pet shop was in a cage that would not have allowed him to spread his wings and turn around without obstruction.



In the back of a store in San Francisco, rats were housed and stacked in these barren plastic containers as if they were inanimate objects, not living beings.

Number of stores that failed to keep some or all enclosures clean and sanitary: 3 (75%)

Number of stores in which food and/or water containers contained mold, feces, or other contaminants: 1 (25%)

Number of stores that failed to provide adequate food and/or sufficient water to animals: 3 (75%)

Animal Sales

Number of stores selling reptiles and amphibians: 2 (50%)

Number of stores selling large exotic birds (conures, Amazons, macaws, cockatoos, toucans): 2 (50%)

Number of stores with unweaned baby birds: 2 (50%)

Number of stores that sold dogs, cats, or rabbits who were not spayed or neutered: 1 (25%)

Number of stores offering special discounts or promotional sales on live animals: 1 (25%)

SACRAMENTO

Number of stores visited: 13 (4 chain stores, 9 private, representing 100 percent of pet stores known to sell live animals)

Animal Care

Number of stores where sick or injured animals were observed: 2 (15%)

Signs of injury or illness may include: limping, excessive fur or feather loss, lethargy, discharge from nostrils or eyes, accumulation of feces on feathers or fur, regular sneezing, heavy breathing, fluffed-out feathers, or inability to perch.

Number of stores where signs of psychological distress in animals were observed: 3 (23%)

Signs of psychological distress may include: repetitive behavior such as pacing, bar-biting, and digging at enclosure walls; feather plucking; jumping in an attempt to escape from enclosure; crouching or hiding while alert (not sleeping) in farthest point from human observer or other animal; heavy breathing; vocalizing and retreating when approached by casual human observer; aggressive behavior toward reflective surface or neighboring animal.

Number of stores that failed to post information about an attending or consulting veterinarian: 9 (69%)

Animal Environments

Number of stores that did not provide animals with sufficient space: 6 (46%)

Number of stores that failed to provide enrichment to some or all animals: 7 (54%)

Number of stores that failed to keep some or all enclosures clean and sanitary: 3 (23%)

Number of stores in which food and/or water containers contained mold, feces, or other contaminants: 1 (8%)



This Sacramento store offered for sale young red-eared slider turtles in violation of federal law. The sale of turtles under four inches long is prohibited, as turtles commonly carry salmonella, and young children may put small turtles in their mouths, thereby risking exposure to the disease.

Number of stores that failed to provide adequate food and water to animals: 4 (31%)

Animal Sales

Number of stores selling reptiles and amphibians: 11 (85%)

Number of stores selling large exotic birds (conures, Amazons, macaws, cockatoos, toucans): 7 (54%)

Number of stores with unweaned baby birds: 2 (15%)

Number of stores not providing written recommendations for animal care: 8 (62%)

Number of stores that sold dogs, cats, or rabbits who were not spayed or neutered: 6 (46%)

Number of stores offering special discounts or promotional sales on live animals: 2 (15%)

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