



## Inspection Report

Kirby Van Burch

Customer ID: **323664**

Certificate: **43-C-0320**

Site: 001

Kirby Van Burch

Kirby Van Burch Theatre

7812 Cozy Cove

Type: ROUTINE INSPECTION

Date: May-06-2011

BRANSON, MO 65616

### 2.40 (a) (1)

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(a) Each dealer or exhibitor shall have an attending veterinarian who shall provide adequate veterinary care to its animals in compliance with this section. (1) Each dealer and exhibitor shall employ an attending veterinarian under formal arrangements. In the case of a part-time attending veterinarian or consultant arrangements, the formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the premises of the dealer or exhibitor;

\*\*\*\*\*

At the time of the inspection the licensee was unable to provide inspectors with a copy of the facility's current Program of Veterinary Care. Several animals at the facility have veterinary medical problems that have not been adequately addressed. Written Programs of Veterinary Care are required when veterinarians are employed on a part-time basis in order to ensure that animals receive adequate veterinary care. The licensee must develop and document a Program of Veterinary Care with their Attending Veterinarian.

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TO BE CORRECTED BY: May 18, 2011

### 2.40 (a) (2)

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(a) Each dealer or exhibitor shall have an attending veterinarian who shall provide adequate veterinary care to its animals in compliance with this section.

(2) Each dealer and exhibitor shall assure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.

\*\*\*\*Four big cats have numerous veterinary medical conditions that have not been adequately assessed and are not documented in the veterinary medical records. No examinations, diagnostic testing plans, or prognoses have been documented for the current medical conditions. The last assessment for a medical problem documented in the veterinary medical records was February, 2006 for the tiger "Stripey" was March, 2007 for the leopard "Blackie", and was April, 2009 for the leopard "Bambi." Although the tiger "Charlie" was assessed by the veterinarian for some of his medical conditions, the records do not indicate that all of his current medical conditions were assessed. The caretaker reduced the dose of antibiotic

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being provided to an adult male tiger named "Charlie" without consulting with the prescribing veterinarian to ensure the dose would still be effective to treat the medical problem. Licensees must assure that Attending Veterinarians have appropriate authority to ensure the provision of adequate veterinary care so that the animals receive timely and accurate diagnoses and appropriate treatment plans for all veterinary medical problems.

TO BE CORRECTED BY: May 16, 2011 at 5:00 pm.

### 2.40 (b) (2) DIRECT NCI

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

\*\*\*\*\*An adult male tiger named "Charlie" was reluctant to rise from his perch even when prompted by the caretaker by verbal and visual coaxing. The tiger had difficulty standing up and rose without placing his left hind foot on the perch's surface. While standing, the tiger repeatedly extended his left hind leg behind him but would not bear weight on it. He was reluctant to jump off of the perch and instead gingerly slid to the floor. The tiger had a hopping gait and only placed his left hind foot on the floor for balance, without bearing weight on it. At no time during the inspection did the tiger hold his left hind leg in a normal position or bear weight on it. He stood for only a short period of time before laying down on the floor. These signs can indicate pain and can be the result of injury or an underlying medical condition.

"Charlie" had a dull haircoat and an overall thin appearance as evidenced by readily visible ribs, spine, and long bones of the front and hind legs. The point of his shoulder and his hip bones were prominent. The tiger's muscle mass was not balanced throughout his body, with the hind legs displaying less muscle than the front legs. These signs can indicate an underlying medical condition.

Neither the facility records or the Attending Veterinarian's records demonstrate that the animal has been assessed recently for these conditions in order to acquire an accurate diagnosis and an appropriate treatment plan. Pad lesions and/or limping were noted in the records in 2006, 2007, 2008, and 2009 with the most recent notations being on October 27, 2010; on February 22, 2011; and on April 14, 2011. The last notation was that "Charlie" was non to partial weight-bearing on his left rear foot but no differential diagnoses or treatments plans were documented. According to the caretaker, "Charlie" has not been on medication since March 1, 2011. He has been treated with antibiotics multiple times over the past 2.5 years, but the records do not document the response to treatment and are not complete enough to determine if the problem resolved following treatment. The records document that the caretaker reduced the antibiotic dose if the animal became "sick" following treatment; however, there is no documentation that the Attending Veterinarian had knowledge of or approved the reduction in dose to ensure that the dose was adequate for the animal. No examination, diagnostic testing plan, or prognosis has been documented. Neither "Charlie's" body condition or weight is documented in the records.

\*\*\*\*\*An adult male leopard named "Blackie" had 4-5 areas of complete hair loss, about 1-2 inches in diameter, on his back. He also had two areas of complete hair loss on his head, one being about 1/2 X 1 inch in diameter and the other about 1/2 X 2 inches in diameter. These signs can indicate improper nutrition, a skin condition, or an underlying medical condition.

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"Blackie" appeared overweight as evidenced by sagging, swaying abdominal skin and the lack of a waist or abdominal tuck. These signs can indicate improper nutrition or an underlying medical condition.

"Blackie" exhibited stereotypic behavior of self-stimulation by rubbing his external genitalia on a plastic toy at least 7 times in less than a 15 minute period. Abnormal behavior can occur when animals are stressed, bored, have inadequate space, or as a result of other veterinary medical conditions.

"Blackie" was observed limping on his right front leg with a shortened stride length as compared to his left leg. The limping was most obvious when the leopard rose from a laying position. These signs can indicate pain and can be the result of injury or an underlying medical problem.

Neither the facility records or the Attending Veterinarian's records demonstrate that the animal has been assessed recently for these conditions in order to acquire an accurate diagnosis and an appropriate treatment plan. The caretaker stated that "Blackie" is not currently on any medications. The Attending Veterinarian's medical records do not show any medical treatment besides routine preventative treatment since 2006. "Blackie's" hair loss has been documented for at least 5 years. However, the records do not document the response to treatment and are not complete enough to determine if the problem has resolved. No diagnostic testing is documented, but presumptive diagnoses have included "tail sucking/chewing," "trauma to hair from transport fold down," "OCD(tail)," and hair loss "likely from contact on tire swing." The hair loss was most recently noted in the veterinary records on April 14, 2011, but no examination, diagnostic testing plan, treatment plan, or prognosis was documented. "Blackie's" limping has not been documented in the medical record at all. No weights are recorded.

\*\*\*\*An adult female leopard named "Bambi" had a dull, unkempt haircoat and appeared thin as evidenced by a visible backbone and tops of ribs. The leopard's body condition could not be fully assessed by the inspectors due to her abnormal posture. The leopard was "hunched up": arched back, tucked legs, and head down. These signs can indicate pain and can be the result of improper nutrition, injury, or an underlying medical condition.

Neither the facility records or the Attending Veterinarian's records demonstrate that the animal has been assessed recently for these conditions in order to acquire an accurate diagnosis and an appropriate treatment plan. The caretaker stated that "Bambi" is not currently on any medications. In 2006, the veterinary records note that "Bambi" had self-inflicted dermatitis and in 2008 a presumptive diagnosis of "nonspecific allergic dermatitis" was noted. However, no examination, diagnostic testing plan, or prognosis was documented. The records do not document the response to treatment and are not complete enough to determine if the problem has resolved. "Bambi's" body condition and posture have not been documented in the records at all. No weights are recorded.

\*\*\*\*An adult female tiger named "Stripey" appeared overweight as evidenced by abdominal bulging and the lack of a waist. These signs can be the result of improper nutrition or an underlying medical condition.

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The entire surface of "Stripey's" right eye was white to gray in color and cloudy in appearance as compared to the left eye. Eye conditions can be painful, can progress quickly, can result in loss of sight, and can be the result of injury or an underlying medical condition.

Neither the facility records or the Attending Veterinarian's records demonstrate that the animal has been assessed recently for these conditions in order to acquire an accurate diagnosis and an appropriate treatment plan. The caretaker stated that "Stripey" is not currently on any medications. In May, 2004, the veterinary records "noted juvenile cataract formation OD" and in July, 2004, the "right eye cataract still present" with a plan to contact an eye specialist. However, no follow-up to the plan is recorded, but in 2005 the records note "chronic juvenile cataract OD." In 2006, the records note that "pads of feet examined; small pale areas identified on each pad probably related to walking on concrete surfaces." No examination, diagnostic testing plan, or prognosis was documented for these conditions. The records do not document the response to treatment and are not complete enough to determine if the problems have resolved. "Stripey's" body condition and cloudy, discolored eye surface are not documented in the records at all. No weights are recorded.

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The licensee must establish and maintain adequate programs of veterinary care including the use of appropriate methods to prevent, control, diagnose, and treat disease and injuries and the availability of emergency, weekend, and holiday care for all animals maintained at the facility.

\*\*\*\* "Charlie" and "Bambi" must be examined by a qualified, licensed veterinarian by 5:00 pm on Friday, May 13, 2011 in order to ensure that accurate diagnoses and appropriate treatment plans are developed and followed.

\*\*\*\* "Blackie" and "Stripey" must be examined by a qualified, licensed veterinarian by 5:00 pm on Monday, May 16, 2011, in order to ensure that accurate diagnoses are obtained and appropriate treatment plans are developed and followed.

The licensee must document the outcome of all of these consultations and make them available to inspectors upon request.

### 2.131 (d) (1)

#### HANDLING OF ANIMALS.

(d)(1) Animals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.

\*\*\*\*\*

"Blackie", the male leopard, "Bambi", the female leopard, and "Stripey", a female tiger, all have veterinary medical conditions that have not been adequately assessed and are still being used in on-stage performances and for backstage exhibit. Public exhibition of animals with veterinary medical conditions that have not been adequately addressed could lead to stress and/or further deterioration of the animals'

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conditions. The licensee must ensure that all animals are only exhibited for periods of time and under conditions consistent with their good health and well-being.

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TO BE CORRECTED BY: May 16, 2011 at 5:00 pm

### 3.125 (a) (1)

#### FACILITIES, GENERAL.

(a) Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

\*\*\*\*\*

Multiple areas of excessive rust are present on the metal enclosure bars and metal supports for the resting platform in the black leopard's enclosure. These areas of rust have a roughened surface and can no longer be effectively cleaned and sanitized. The licensee must repair or replace these areas and ensure that all indoor and outdoor housing facilities are structurally sound and maintained in good repair to protect the animals from injury and to securely contain the animals.

\*\*\*

All 7 large cats at the facility are housed in enclosures with concrete floors; no other substrates are provided for the animals to walk on. Some of the animals are exhibiting signs of veterinary medical conditions that could be related to the concrete floors in the enclosures. "Blackie", the adult male leopard, is limping and has an abnormal gait. "Charlie", the adult male tiger, is reluctant to rise and non-weight bearing on one leg. "Charlie" has sores on the pad of one paw, and veterinary medical records indicate that "Stripey", an adult female tiger, was treated for pad changes in 2006 that were "probably related to walking on concrete surfaces."

When animals are exposed exclusively to concrete floors, their joints can become stressed and they can develop abnormal gaits, sores on their feet, and other veterinary medical problems that can be painful. The licensee must assess all housing facilities and ensure that they are constructed of materials appropriate for the animals and protect the animals from injury at all times.

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TO BE CORRECTED: May 31, 2011

### 3.128

#### SPACE REQUIREMENTS.

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

\*\*\*\*\*

The enclosures for each of the 2 leopards, 1 lion, and 4 tigers at the facility are 9 feet 9 inches wide and 10 feet deep. The enclosures do not provide the animals with enough space to have adequate freedom of movement and appropriate opportunity for exercise. The caretaker stated that the animals are only removed from the enclosures for performances. The enclosures only allow the animals to take 2 or fewer strides in one direction. In the other direction, the animals can take no more than one stride due to the placement of the cage furniture. The black leopard is exhibiting abnormal, repetitive behavior patterns

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that can occur as a result of inadequate enclosure space and inadequate opportunity for exercise. "Charlie", the male tiger, and "Bambi", the female leopard, appear to be underweight. Poor body condition can occur as a result of insufficient enclosure space due to stress or decreased muscle tone from lack of exercise. "Blackie", the male leopard, and "Stripey", a female tiger, appear to be overweight. Animals can become overweight when they are not afforded appropriate opportunities for exercise.

The resting platforms in the enclosures are constructed in such a manner that they are too small to allow the animals to lay out on them in species appropriate manners: they are unable to fully recline and stretch out their limbs without the limbs extending unsupported off of the platforms. The middle shelves of the industrial style shelving units used as resting platforms for the leopards are inaccessible because of the positioning of the support poles and the narrow space between it and the top shelf. When the leopards access the top shelves of the resting platforms, they must jump down from a tall height onto concrete flooring. Big cats must be provided with appropriate resting platforms that allow them to make species appropriate movements and postures for the sake of their health and well-being.

The licensee must ensure that all enclosures are constructed and maintained so as to provide sufficient space for each animal to make normal postural and social adjustments with adequate freedom of movement in order to protect the health and well-being of the animals.

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TO BE CORRECTED BY: June 10, 2011

### 3.129 (a)

#### FEEDING.

(a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

\*\*\*\*\*

The licensee's diet plan indicates that the facility is feeding a combination of a commercial diet and chicken and turkey to the tigers and the lion and exclusively chicken and turkey to the two leopards. The licensee was unable to provide the inspectors with documentation that demonstrated that this diet was approved by the Attending Veterinarian to ensure that it is of appropriate nutritive value for the animals. "Charlie", the male tiger, and "Bambi", the female leopard, appear to be underweight and have poor hair coats and/or poor muscle condition; "Blackie", the male leopard, and "Stripey", a female tiger, appear to be overweight. "Blackie" and "Charlie" have abnormal gaits. Inappropriate diets can lead to nutritional deficiencies, can cause animals to become over or underweight, and can lead to other veterinary medical problems. Due to the specialized nutritional needs of big cats, the facility's diet plan must be approved by the Attending Veterinarian in writing to ensure that it is of sufficient quantity and nutritive value to maintain all animals in good health and that it is prepared in consideration for the age, species, condition, and size of the animal.

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This routine inspection was conducted on May 6, 2011 by Konnie Plumlee, VMO, Tanya Tims, SVMO, and Jan Feldman, CSI, with a facility representative. An exit conference was conducted on May 12, 2011 by Konnie Plumlee, VMO, and Katheryn Ziegerer, VMO, and the licensee.

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