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United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Carney Anne Chester
People for the Ethical Treatment of Animals
501 Front Street
Norfolk, VA. 23510
CarneyC@peta.org

Dear Ms. Chester:

This is in response to your April 26, 2011, Freedom of Information Act (FOIA) request for copies of all records related to the investigation (case number TX 99-237) of Feld Entertainment, Inc., d/b/a Ringling Bros., license number 52-C-0137. In detail, a full and complete copy of the "Ringling Bros. Report to USDA Regarding Benjamin," submitted by Ringling to the USDA on August 31, 1999. In addition, complete and unedited video footage of Benjamin swimming in the pond. Your request was received in this office on April 26, 2011, and assigned case number FOIA 11-441. We apologize for the delay in processing your request.

Agency employees conducted a thorough search of their files and did not locate any records responsive to the request. Case number TX 99-237 has been destroyed since calendar year 2000. Therefore, there are not records to provide in regards to this request.

You may appeal our no records determination. If you choose to appeal, your appeal must be in writing and must be sent with within 45 days of the date of this letter to:

Administrator
Animal and Plant Health Inspection Service
Ag Box 3401
Washington, DC. 20250-3401

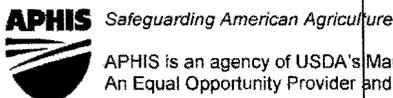
Please refer to FOIA 11-441 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, provide specific reasons why you believe modification of the determination is warranted.

Because the cost to process your request was less than \$25.00, the fee has been waived. If you have any questions, please contact my FOIA staff at (301) 734-8296.

Sincerely,


for. Tonya Woods

Director
Freedom of Information & Privacy Act
Legislative and Public Affairs



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