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Animal rights group threatens to sue Landry's over tigers at Downtown Aquarium

By **Kim McGuire** | September 19, 2016 | Updated: September 19, 2016 10:46pm



Photo: PAT SULLIVAN, AP

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****ADVANCE FOR MONDAY MARCH 21 ****Reef, the youngest of Houston's Downtown Aquarium's four rare white tigers, plays with a stuffed toy in the public display area Monday, March 14, 2005. The sealed enclosure, made to look like the inside of an Indian temple with a pool for the big cats, is accredited by the American Zoo and Aquarium Association. [less](#)

A national animal welfare group on Monday notified Landry's Inc. it plans to sue the company if it doesn't take them up on an offer to find new homes for four white tigers they say are being forced to live in deplorable conditions at the company's Downtown Aquarium.

Leaders of the San Francisco-based Animal Legal Defense Fund say the tigers have no access to sunlight, fresh air or natural surfaces and live in what amounts to a "Landry's sponsored dungeon" in the current exhibit at the aquarium known as the Maharaja's Temple.

The threat of legal action appears to be spurred by new standards under consideration by the Association of Zoos and Aquariums that stipulate tiger exhibits include an outdoor space, natural vegetation, and reduced exposure to the public, none of which they say is available to Landry's white tigers.

The Landry's aquarium is accredited by the AZA.

By denying the tigers access to a more natural habitat, the group is alleging the company, owned by Houston billionaire Tilman Fertitta, is violating the new AZA standards and the federal Endangered Species Act.

"Tigers are complex apex predators with specific biological, environmental and enrichment



needs," says Animal Legal Defense Fund executive director Stephen Wells. "Landry's, Inc. should stick to the restaurant business and leave the housing of tigers to those who are able to provide big cats with proper care and naturalistic habitats rather than sacrificing the well being of an endangered species for the sake of tourist dollars."

Long controversial

An attorney for Landry's Inc. fired back at the Animal Legal Defense Fund saying it was outraged by "false" and "manipulative" statements made by the group and that it planned to a defamation suit.

The company also defended the care of its tigers - Nero, Marina, Coral and Reef, which have been housed at the aquarium since it opened in 2003.

"Our tigers receive the highest level of care and treatment and have always exhibited the signs of well-maintained animals," said Steven L. Scheinthal, general counsel for Landry's Inc. "We are aware of the proposed changes to the AZA accreditation standards and once enacted, we will make every effort to comply to the new standards. If we are unable to make such changes, we will move our tigers to a new home but not to any of the sanctuary facilities suggested by the Animal Legal Defense Fund."

Controversy has surrounded the tigers ever since the aquarium opened when some city officials voiced concerns about the logic of keeping big cats in an entertainment complex.

But Fertitta put some of those concerns to rest by obtaining AZA accreditation and donating to worldwide tiger conservation efforts.

For facilities to obtain accreditation, they must prove that they are providing quality animal care. Of the 2,800 animal exhibits in the U.S. only about 10 percent have AZA accreditation. The Houston-based aquarium's accreditation is good through 2020.

An accreditation lasts for five years, though the AZA can review a facility before that time period is up if problems arise, said Rob Vernon, an association spokesman.

"We are continually improving our standards and expect the facilities that receive our accreditation to meet those standards," he said.

'Cruel' confinement

Still, animal welfare activists say that of the hundred or so tiger exhibits the AZA sanctions only two that don't include outdoor space for the animals - the Landry's aquariums in Houston and Denver.

"It is really quite shocking that the AZA has two exhibits like this where clearly its only purpose is for the amusement of the visiting public," said Carney Anne Nasser, an attorney for the Animal Legal Defense Fund.

But rules may be changing for AZA facilities that keep tigers.

The Animal Legal Defense Fund cites in its letter to Landry's a new AZA Tiger Care Manual that stipulates all tiger exhibits include an outdoor space, natural vegetation and reduced exposure to the public, none of which they say is available to the Aquarium's tigers.

In the notice of intent to sue letter sent to Landry's, the group claims that only one or two tigers are allowed in the display area at a time while the others are confined in metal holding cages beyond the public's view.

As a result of their environment, the white tigers excessively pant, pace and have been overly aggressive at times, the group's letter states.

"The dungeon-like conditions that the tigers are forced to endure at Houston's Downtown Aquarium harm their physical health and psychological well-being, and deny them much that is natural and important to a tiger," said Jennifer Conrad, a California-base big cat veterinarian. "It is cruel to confine complex, roaming carnivores such as tigers to a tiny, dark, artificial, unenriched enclosure where they never see any daylight, much less bask in sunshine, and are at risk for serious long term, debilitating injuries from being forced to live on slippery, unyielding concrete their entire lives."

Unusual legal tactic

Last year, animal rights activists launched a petition drive to try to force Landry's to remove the tigers.

A similar effort was undertaken in Denver where Landry's aquarium houses three Sumatran tigers - Marah, Besar and Jalen.

Pursuing a legal claim under the Endangered Species Act for a captive animal is a somewhat unusual move, though courts have recently shown a willingness to consider them. The act requires parties bringing lawsuits to give 60 days notice before they file a lawsuit.

The Animal Legal Defense Fund is asking that Landry's allow them to move the tigers to an accredited sanctuary.

Nasser said sanctuaries in California and Minnesota have agreed to take the Houston cats.

In addition to Landry's, the group sent letters to the U.S. Fish and Wildlife Service and the U.S. Department of the Interior, notifying them of its planned action.

If Landry's does not agree to find new homes for the tigers, a lawsuit will be filed in 60 days, the letter states. The Animal Legal Defense Fund is being represented by Houston law firm Irvine & Connor.



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