



March 18th, 2024

Re: Letter in Support of an Ordinance to Prohibit the Retail Sale of Guinea Pigs and Betta Fish

Dear Councilperson Gerlach and Councilperson Zucal,

World Animal Protection strongly supports expanding Allentown's current prohibition on the retail sale of dogs, cats, and rabbits to include guinea pigs and betta fish.

Virtually all animals sold in pet stores are sourced from mills where animals are bred with little regard for their welfare. Prohibiting the sale of guinea pigs and betta fish in pet stores would protect animals and Allentown consumers. Further, legitimate shelters and rescue organizations would still be able to offer animals for adoption (not sale) in pet stores.

Retail Pet Sale Prohibitions Protect Guinea Pigs and Betta Fish from Cruel Mills

Guinea pigs and betta fish, like other animals bred for sale in pet stores, are kept in stressful, crowded, and unsanitary conditions, and ill and injured animals receive little to no veterinary care. Many animals die before reaching pet store shelves. According to the American Veterinary Medical Association's survey of households with companion animals, the top two sources for guinea pigs and fish are pet stores (60%/82%) and gifts from friends or family (16%/8%).¹ Considering many people who give these animals as gifts initially purchase them at pet stores, prohibiting retail sales would take a significant step toward shutting these mills down.

Few Federal or State Protections for Guinea Pigs

While the federal Animal Welfare Act does regulate small mammal mills, it provides minimal protections and is chronically underenforced.² Mills regulated by the Animal Welfare Act have long track records of poor animal care. Even facilities with prolific histories of neglect and abuse are rarely shut down. Instead, the US Department of Agriculture (USDA) may issue warnings, negligible fines, or take no action at all.

Below are two examples of guinea pig mills:

- Holmes Farm in Pennsylvania housed more than 15,000 animals and supplied guinea pigs and other small mammals to pet stores. Animals were killed with carbon dioxide or left to die in freezers even as some tried to escape. USDA inspection reports documented

¹ American Veterinary Medical Association. *American Veterinary Medical Association's Pet Ownership and Demographics Sourcebook, 2017-2018 Edition.*

² Winders, D. (2019). *Administrative License Renewal and Due Process: A Case Study*, 45 Fla. St. U. L. Rev. 439. <https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=2608&context=lr>



numerous Animal Welfare Act violations including decomposing animals, filthy cages, cannibalization, and animals in desperate need of veterinary care.³

- In just a single USDA inspection of Holmes Farm, the inspector noted ill animals with lethargy, hair loss, scabbing, skin conditions, diarrhea, and eye abnormalities, freshly and partially cannibalized hamsters, animals exhibiting abnormal stereotypic behavior, dead animals kept in cages with live animals, and filthy conditions, including water bottles with algae growing inside them.⁴
- Joshua Stoltzfus, the owner of a guinea pig and rabbit mill in Pennsylvania, was ultimately charged and pled guilty to two counts of animal neglect for housing guinea pigs in overcrowded and unsanitary living conditions and failure to provide necessary veterinary care to guinea pigs with open wounds.⁵ Prior to his conviction, USDA inspection reports documented numerous Animal Welfare Act violations, including for keeping animals in filthy conditions. Photos from the USDA inspection show animals held in cages encrusted with feces, grime, and old food.⁶

No Legal Protections for Betta Fish

There are no protections for betta fish (or any fish) sold in pet stores. The Animal Welfare Act excludes fish, reptiles, and amphibians. As a result, fish sold in stores are sourced from vendors that are completely unregulated---the industry is accountable to no one. There are similarly very few protections for betta fish imported into the US (some betta fish are sourced from breeding farms in Asia and then sold by distributors to pet stores). While the Lacey Act prohibits the importation of wildlife under inhumane conditions, it is underenforced, and conditions have only been stipulated for mammals and birds.⁷ There have been no prosecutions for animal mistreatment under the Lacey Act in more than 20 years.

Though fish have been historically excluded from legal protection, fish are sentient beings. There is substantial empirical evidence that fish experience emotions and pain in a manner similar to vertebrates.⁸ Behaviors seen in nonhuman primates have also been observed in fish. For example, despite myths about “three-second memories,” fish can recognize other fish and solve puzzles.⁹

Despite this, pet stores generally display betta fish in tiny plastic containers, sometimes stacked eight fish high (*see image below for standard pet store display*). These containers are a fraction of the size that betta fish need. These containers also lack enrichment, filtration, and temperature

³ Perez, C. (2016, January 21). Horrifying video shows Petco supplier killing pets. *New York Post*. <https://nypost.com/2016/01/21/horrifying-video-catches-petco-supplier-gassing-freezing-pets/>

⁴ United States Department of Agriculture Animal and Plant Health Inspection Service. Inspection Report of Martha Holmes. (2016, January 5).

⁵ United States Department of Agriculture Animal and Plant Health Inspection Service. Administrative Complaint for Joshua Stoltzfus. (2021, November 5). <https://www.aphis.usda.gov/enforcement/stoltzfus.pdf>

⁶ United States Department of Agriculture Animal and Plant Health Inspection Service. Inspection Report of Joshua Stoltzfus. (2020, March 26). https://ladyfreethinker.org/wp-content/uploads/2022/02/21-01833-F-Final-Records_Part4a.pdf (pg. 47)

⁷ Nuwer, R. (2021, March 2). Many exotic pets suffer or die in transit, and beyond—and the U.S. government is failing to act. *National Geographic*. <https://www.nationalgeographic.com/animals/article/exotic-pets-suffer-wildlife-trade>

⁸ Brown, C. (2014). Fish intelligence, sentience and ethics. *Animal Cognition*. <https://link.springer.com/article/10.1007/s10071-014-0761-0>

⁹ <https://www.nationalgeographic.com/animals/article/betta-fish-pet-stores-care-mistreatment-news>



control, resulting in many betta fish dying before they even leave the store shelf (*see image below for an example of a betta fish before and after receiving appropriate care*).

News stories and pet store employee accounts have revealed widespread cruelty in betta fish and fish sales generally:

- A PetSmart in Idaho left a crate of betta fish to [die outside](#).
- An [exposé in VICE News](#) detailed how unsafe working conditions lead to the neglect and deaths of animals, including fish, at PetSmart stores. For example, multiple workers shared how it was common to have “massive outbreaks of disease that killed off large swaths of fish.” An employee at Murfreesboro, Tennessee PetSmart said “30 fish or more were dying a day.”
- A pet store employee was [fired after posting on social media](#) about the animal welfare issues at his pet store, including neglected betta fish.

Retail Guinea Pig and Betta Fish Sales Increase the Burden on Shelters and Sanctuaries

Stores selling guinea pigs and betta fish increase the burden on struggling rescues and shelters.

- Guinea pigs are frequently surrendered to shelters because they’re not “starter pets” as some stores advertise. Instead, they require specific, sometimes expensive, care, and it can be hard to find veterinarians who are experienced in small mammals.
- Betta fish also require much more complicated care than a glass bowl and a can of fish food. Though pet stores display betta fish in tiny containers, a betta fish needs a five (ideally ten) gallon tank with a filter and a heater. Their habitats also need enrichments like live plants and caves and other places to hide. Their tanks must be cleaned regularly. Sadly, many betta fish die soon after they’re purchased due to poor consumer education.

Shelters and rescues rarely accept fish. This results in many families abandoning, discarding, or attempting to sell their fish online. Some “micro-sanctuaries” (small, home-based sanctuaries that provide permanent care for relinquished or abandoned animals) that accept fish have been established in recent years. But the requests to surrender fish are significantly greater than these sanctuaries’ capacities.¹⁰

Selling animals in pet stores is increasingly a thing of the past. Washington DC recently enacted a retail pet sales prohibition on the sale of almost all animals (mammals, birds, amphibians, reptiles, and arachnids). Both Boston and New York City prohibited the sale of guinea pigs in the last year. Such a law would similarly protect guinea pigs and betta fish from cruelty in Allentown.

Thank you for your consideration. Please feel free to reach out to me to address any questions or if I can provide further assistance in any way.

¹⁰ Friends of Philip Fish Sanctuary is an example of a micro-sanctuary. Learn more: https://www.instagram.com/friendsofphilip_fishsanctuary/?hl=en

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Image of typical betta fish display in a pet store (source – Friends of Philip Fish Sanctuary):



Image of a betta fish in poor health and after recovery (source – Friends of Philip Fish Sanctuary):

