

**The Fundraising Regulator's decision regarding Mr Nigel Bean's
complaint about the Wildheart Trust**

The Complaint

1. Mr Nigel Bean complained that the information provided by the Wildheart Trust¹ (the charity) as part of a fundraising appeal in April 2020 was inaccurate. In particular, Mr Bean complained that the charity's video had suggested incorrectly that some of the animals in the Isle of Wight zoo had:
 - suffered cruel treatment in the circus(es) that had previously owned the animals; and
 - had been rescued from the circus(es).
2. Mr Bean said that members of the public in the United Kingdom were unlikely to find the material needed to balance the charity's statements. He said that was because the information about the animals' history was in news coverage that would need to be translated into English and because they would need specialist knowledge in order to find the relevant research on the well-being of circus animals. Mr Bean said that the inaccurate information damaged the reputation of some circus families.
3. A trustee of the charity is a well-known naturalist, broadcaster and campaigner.

Background

Matters falling outside this investigation

4. Mr Bean, as part of the background to his complaint, has referred to an animal called Simi. Simi featured in comments made in the House of Commons in 2015 when the Isle of Wight Zoo was seeking permission for the tiger to enter the UK. Mr Bean referred us to translations of newspaper stories which included a description of how Simi's removal from its owners was later found to be illegal in the German courts. Simi died at the Isle of Wight Zoo in December 2019. We also asked the charity to comment specifically on information Mr Bean had given us about the 2013 confiscation of an elephant called Gitana, a rottweiler called Diego, two tigers called Simi and Julia and two lions Maggie and Sonja.² The charity told us that Simi was not part of either of the charities' recent appeals mentioned by Mr Bean and that only the five tigers Natasha, Antonella, Zoppa, Mondo and Girona were ever used in that context. We are satisfied that Simi was not part of the fundraising appeal started in April 2020.

Summary of events leading to the investigation

5. On 8 April 2020 a UK national newspaper published a story about the charity, with a newspaper headline that said: "[Trustee]'s SOS for ex-circus tiger sanctuary forced to close by coronavirus". The story included a video.³

¹ The charity, founded to run the Isle of Wight Zoo, started trading in April 2017. The charity's website says: "*The zoo is dedicated to engaging, involving and empowering people from both the heart and the head – one of its most important tasks is to convert 'care' into 'action'. It is also committed to providing a life-long, loving home to rescued big cats and other animal residents and the team work holistically to ensure each individual has an enriched and meaningful life. The Wildheart Trust actively funds and donates its human resources to assist with the in-situ conservation of tigers (in India), lemurs (in Madagascar) and rare moths (IOW)*".

² <https://www.ln-online.de/Lokales/Segeberg/Zirkus-Tiger-Beschlagnahme-ist-Unrecht>
<https://www.ln-online.de/Lokales/Segeberg/Verfahren-eingestellt-Entschaedigungfuer-Zirkusfamilie>

³ <https://www.mirror.co.uk/news/uk-news/chris-packhams-sos-ex-circus-21829994>

6. The video is also on the Trustee's YouTube channel and on a Crowdfunder page.⁴ It shows the Trustee speaking from the Isle of Wight Zoo and includes video footage of tigers performing in a circus ring; tigers in what appears to be the Isle of Wight Zoo; and lions in what appears to be the Isle of Wight Zoo. The voiceover for the video, spoken by the Trustee is as follows.

"At the Wildheart Trust we rescue emotionally and physically broken animals. Principally big cats from European circuses. Animals that have endured horrific conditions throughout the course of their lives. And our mission is to provide them with great end of life care. Grassy spaces, deep pools to bathe in, top quality veterinary assistance and of course lots of love from our professionals who look after them. But we are in a time of crisis. We are dependent upon our visitors to support this work financially and in the early part of the year it poured and poured with rain and our visitor numbers were down. And now of course we have the Corona crisis. We are still open and we still encourage people to come. Plenty of hand gel, plenty of fresh air and if you follow the protocols you should be secure in that environment. But nevertheless we know that people are staying indoors and won't be coming. So we are issuing this appeal. We need to be able to cover our overheads, heating, top quality food for these animals. And in order to do so I am afraid we are going to need your help. So please give as generously as you can. I know these are difficult times but we want to be able to not only make sure that these lions and tigers are happy and healthy now but also that we can continue to operate and rescue more of them in the future and undertake even more important conservation work here. So any donation that you can possibly afford will be gratefully received with a purr and a roar and a wag of a tail from a tiger. And what could be finer than that? Thank you." The final picture on the screen says: "Donate Today".

7. The charity has told us that the appeal started on 8 April 2020 and lasted until the end of October 2020.
8. A Crowdfunder page for the charity also uses the video and includes, as part of information about the Isle of Wight Zoo, the following text about the lions and tigers mentioned in the video.

"Over the last few years we've welcomed five adorable tigers (Mondo, Girona, Antonella, Zoppa and Natasha) and two gentle giant lions (Vigo and Khuma) into our big cat sanctuary. While at the mercy of travelling circuses in Spain these defenceless animals were the victims of unimaginable neglect and cruelty living hellish lives confined within squalid beast-wagons or crammed into tiny pens where they were left to fight for scraps of food in between performances.

Thanks to some successful fundraising campaigns we've been able to turn their fortunes around.

Vigo and Kumba could hardly contain their joy recently when they were presented with a fabulous new indoor facility equipped with all the creature comforts missing from their previous lives."

9. On 4 April 2020 the Countrysquire.co.uk magazine had published a story by Mr Bean about the Trustee and the video mentioned in the newspaper website's story. Mr Bean had seen the video on social media. Mr Bean's article summarises previous coverage

⁴ See <https://www.youtube.com/watch?v=OQF4IR8Gvzs> and <https://www.crowdfunder.co.uk/wildheart-trust>

about tigers that had been brought to the Isle of Wight Zoo. It includes the following information.

“There was no Spanish police operation swooping at dawn with animal rescue services. The tigers were actually donated. In an agreement with a rehoming centre they were voluntarily handed over into their care for nothing, instead of being sold off for 2000-3000 euros each. They were well-loved family pets as well as performing animals and could be found sometimes in the homes of the circus folk. ... The rehoming centre found some excuses, such as the size of the exercise yard. They presented a thin tiger claiming it was underfed – all rather embarrassing, as well-fed tigers can be clearly seen wandering around in the background in their evidence photos. That’s an old trick used by antis, show the oldest animal as the example. On that basis I could complain to the welfare services my grandmother is old, wrinkly and bent double.”

10. The story also says: *“The BBC should once again look at [the Trustee]’s position with the BBC. It is one thing using public money to build [the Trustee] up. It is quite different when a presenter uses his privileged position to get involved in promoting fake stories which are designed to loosen purse strings”.*
11. Mr Bean complained to us about the charity on 6 August 2020. The fundraising video in the story on the newspaper’s website was the prompt for the complaint. Mr Bean said that the video, which the Trustee narrated, claimed incorrectly that the tigers mentioned in the video had been rescued from horrendous conditions. Mr Bean said that the circuses had treated the animals as family pets and had donated the animals in 2017. He said that evidence about the animals’ history was easily found on YouTube and he provided a link to an October 2017 video published by the AAP Foundation (or Stichting AAP).⁵
12. The October 2017 AAP video shows a branch of AAP (AAP Primadomus) collecting a group of one lion and seven tigers owned by the Wonderland circus in Spain. The video describes how the circus has stopped using animals in performances, and shows the animals being collected from the accommodation they had been in for a year and a half after they had stopped performing. The narrator points out a lion and a tiger in such poor condition that the outline of their bones was visible. He also says that the circus family wanted to give up the animals in a decent way and for them to have a future rather than to sell them. A member of the circus family that owned the animals speaks in the video about how much it loved the animals, how it had considered them as pets, and about donating the animals because it wanted them to go to a good place. The video also shows at least one tiger that had had its canine teeth removed/ cut off and at least two whose claws had been removed. From the narration it seems that all the animals’ teeth and claws were in the same condition.
13. The text on the YouTube page for the video says: *“AAP believes that wild animals do not belong in the circus and that is why we have been committed to better legislation throughout Europe for years. And with success! In more and more countries and regions, performances with wild animals are being restricted. But the mentality in circuses is also changing. Recently Wonderland, a big circus in Spain, decided to stop playing wild animal acts for good. They hand over 7 tigers and a lion to AAP!”*

⁵ https://www.youtube.com/watch?v=U-14zwCqiKc&feature=emb_logo

The AAP Foundation gives the following description of itself on its website: *“AAP gives primates and other exotic mammals a better future. We rescue animals and make the case for better animal legislation in Europe”.*

14. Mr Bean also said that the charity and the Trustee were enhancing claims of cruelty and abuse to play on good people's empathy in order to attract larger donations "*with the added benefit of smearing circuses and their use of wild animals*". He said that the charity and the Trustee were obtaining money "*by deceptive means*". He said that was because the circus family had donated the animals and there had been no "*rescue*".
15. We referred Mr Bean's complaint to the charity on 6 August 2020 and it replied to Mr Bean on 5 and 8 October 2020. In the charity's response to Mr Bean on 5 October 2020 it said:

"...We want to ensure that we are operating openly and honestly with everyone and therefore we have taken the time to thoroughly look at all the material surrounding the tigers that were referred to in the Mirror article cited in the complaint.

The Wildheart Trust is opposed to the use of wild animals in circuses and we believe there is a mountain of evidence that the rearing, training and husbandry of such animals hugely compromises their welfare. Having reviewed the video footage along with testimonials from the rescue organisation involved in the rescue, we feel the view that these animals endure horrific conditions throughout the course of their lives is wholly justified. This evidence is documented via the following link;-

<https://www.aap.nl/en/news/bbc-filmed-outplacement-five-aap-tigers>⁶

We understand that the opinions of individuals differ from one to the next, but feel that in the case of these rescued tigers, there is sufficient evidence to support our claims and therefore we have not mislead or otherwise exaggerated the conditions these animals faced.

We thank you for your feedback and encourage you to get in touch should you have any further concerns."

16. On 8 October 2020, in an email response to a query from Mr Bean, the charity said: "*...At the time the video asking for donations was created, Simi [paragraph 4] was not a part of our rescued animal collection. As we were asking for monies to help care for our rescued animals through the pandemic, which Simi was not one of, we believe that we have accurately represented the animals that were here at the time. In consideration of the circumstances surrounding these animals, we stand by the original statement we sent through*".

⁶ The video at the <https://www.aap.nl/en/news/bbc-filmed-outplacement-five-aap-tigers> is a BBC Inside Out film based on the animals collected by AAP and the move of five tigers to the Isle of Wight Zoo. The text on the AAP website with the video included the following statement. "A year ago the future of circus tigers Natasha, Zoppa, Antonella, Mondo and Girona didn't look so bright. Well, that changed a lot! After the Spanish circus transferred the animals to Stichting AAP, they could recover due the love and patience of our team in Primadomus. But the best news is that they could go to a new home in England: 'The Isle of Wight Zoo'. It was a long trip from Spain to England, both for the animals as for the team of AAP. But Natasha, Zoppa, Antonella, Mondo and Girona had a warm welcome and the team of Isle of Wight Zoo made a beautiful [sic]residence for them. They even have their own swimming pool! The animals can enjoy a lot of space for the rest of their lives! The BBC-program Inside Out travelled with them and made a reportage about it." The AAP website, at <https://www.aap.nl/en/outplacement-five-tigers-isle-wight-zoo>, also includes the following statement about its collection of the animals owned by the Wonderland circus. "Circus Wonderland, where tigers Antonella, Natasha, Zoppa, Girona and Mondo performed for many years, decided to end to their shows with wild animals for good. AAP stepped in to rescue the big cats last fall, deploying a whole team of veterinarians, zoologists, ethologists and caretakers to ensure a prompt rehabilitation. Ex-circus animals often present a wide range of physical and behavioral problems due to poor keeping conditions and care by their owners. For example, Antonella arrived in very bad conditions, with weight problems and a broken leg. The AAP veterinary team performed a tibia operation and it has improved her quality of life substantially."

17. That day Mr Bean brought his complaint back to us because he was dissatisfied with the charity's response. We considered whether or not there was scope for the charity to look again at his complaint within its own process. The next step would have been for the charity's trustees to respond to the complaint. We decided that, given that the charity's Chief Operating Officer had provided the responses of 5 and 8 October 2020 to Mr Bean and that the complaint mentioned one of the trustees, we should treat local resolution as complete. We considered whether or not the complaint met our criteria for investigation.
18. On 26 October 2020 we replied to Mr Bean. We said that we had decided that there was insufficient evidence to show a breach of the code that would require an investigation by us.
19. After we declined to investigate, Mr Bean asked us to reconsider. He sent us further representations including:
 - videos of two researchers, Professor Ted Friend and Dr Marthe Kiley-Worthington, giving evidence to the Italian parliament about the way their research had been used selectively to suggest that circuses' treatment of animals caused suffering to them (see paragraph 52 for links to the videos); and
 - further evidence from people contacted by Mr Bean who had either owned circus animals or were close to the owners of circus animals.
20. Mr Bean also commented that members of the public in the UK would not necessarily be able to find information about the background to the animals mentioned in the appeal. He said that the Independent Press Standards Organisation⁷ had declined to take up his complaint about the story because the newspaper had reported accurately the information it received. He said: *"I don't believe it's right to put the public in the same category as me and assume after reading the first few paragraphs of the Daily Mirror and before donating they will contact a German circus with concerns, and for them to assign a german/english speaking helper to investigate the background through news reports and then search spanish newspaper sites and translate into English the fact Spanish Tigers were donated. Let's be perfectly honest the public are going to believe [the Trustee], a presenter of the BBC without question, thus it's up to him to give them the truth. That's why the buck stops with him and his charity, they need to be truthful with the public instead of smearing and deliberately misleading the public to bolster donations."*
21. As part of considering Mr Bean's representations, we looked again at the decision not to investigate his complaint. On 8 December 2020 we wrote to Mr Bean and the charity to tell them that we were starting an investigation and to seek further information from them.
22. On 12 December 2020 countrysquire.co.uk published a story, co-written by Mr Bean, about our investigation and the charity. On 19 December 2020 a national newspaper published a story about the charity, also referring to our investigation. On 23 December 2020 countrysquire.co.uk published a further story about the charity and the Trustee.

⁷ The Independent Press Standards Organisation (IPSO) regulates the newspaper and magazine industry in the UK. It investigates complaints about printed and online material that may breach the Editors' Code.

Information provided by Mr Bean

23. In response to our request for information when we started our investigation Mr Bean told us that AAP said the animals were “*transferred*” to it and that the only evidence provided of circus mistreatment appears to have come from a BBC programme Inside Out. He said that the programme left viewers in no doubt that the tigers had been mistreated by a cruel circus and then abandoned to starve once their usefulness had expired. He said that the video had been highly edited and used cuts from the real video made in 2017 which shows a completely different picture. He said that in the 2017 video the circus folk were donating their animals and turned down large amounts of money for the tigers as they are worried they will be killed for their skins. He said the family provided the transport to the rescue centre.

24. Mr Bean also said there were other important points to note.

- He said the holding centre shown in both videos depicting poor welfare was not part of the circus.
- He said the circus folk were struggling to find a location to keep their tigers due to the local authority. He said Action Seprona (Spain’s Nature Protection Service) recommended the holding centre shown in both videos before the move to AAP Primadomus.
- He said that after visiting the tigers at the holding centre it was the owner and his nephew that became concerned at the tigers’ welfare and condition and looked elsewhere for a better facility.
- He said that AAP Primadomus and the lawyer handling the transfer in no way blamed the circus for the condition in which the tigers were received.
- He said that the circus family who owned the animals mistakenly believed the tigers would be kept at AAP Primadomus so they could visit them whenever they wanted. He said it was only when a family member visited the Isle of Wight with a circus troupe that they found out the tigers had been moved there and a famous BBC presenter was accusing them of mistreatment.
- He said that until the relocation to the Isle of Wight the owner had been lovingly visiting his tigers at AAP Primadomus and this was videoed and is now available on YouTube.⁸
- He sent us pictures taken of the accommodation the circus family were offering their tigers in the circus just before they moved them to the holding centre. He said the pictures showed a completely different picture from the one portrayed by the Trustee and the charity.
- Mr Bean said that his evidence “*coupled with the Daily Mail investigations article should speed up the fund raiser regulator’s [sic] own investigation*”. The Daily Mail had published a story about the charity’s April 2020 appeal on 19 December 2020.

25. Mr Bean provided confirmation from the wife of the Circo Wonderland owner that his account was accurate.

⁸ <https://youtu.be/MpKr2SGpabk> and <https://youtu.be/dv0zfqf100k>

Information provided by the Wildheart Trust

26. The charity told us that its fundraising appeal referred to the animals that were at the zoo at the time. It also said that most significant in the appeal were its five tigers - Natasha, Antonella, Zoppa, Mondo and Girona - and two castrated male lions. A BBC Inside Out programme covered the transfer of the five tigers from AAP to the Isle of Wight Zoo.
27. In the charity's response to the complaint, it provided the following evidence of what it considered to be cruelty during the animals' lives (including at the circus).

The Tigers

28. The charity said that the five tigers (Natasha, Antonella, Zoppa, Mondo and Girona) were kept in cramped conditions, as referenced in multiple posts from AAP. It provided a link to those posts.⁹
29. The information at the link is an article headed "*Press Release Five Ex-Circus Tigers En Route to New Future in the UK*" about the tigers Antonella, Natasha, Zoppa, Girona and Mondo moving from AAP's facility to the Isle of Wight Zoo.
30. The charity said that the caption under a photograph in the article showing three tigers behind bars was: "*The tiger enclosure in Circus Wonderland was far too small*".
31. The charity also referred us to the video clip mentioned in its 5 October 2020 response to Mr Bean. It said the clip¹⁰ shows the poor welfare state of the animals when they were found while in ownership of Circo Wonderland and includes many quotes referring to the cramped conditions.
32. The charity said that the same article also said that one of the tigers, Antonella, arrived at AAP with a broken leg. (See also the footnote in paragraph 15 for a further description of the information at the link).

"...Ex-circus animals often present a wide range of physical and behavioural problems due to poor keeping conditions and care by their owners. For example, Antonella arrived in very bad condition, with weight problems and a broken leg. The AAP veterinary team performed a tibia operation and it has improved her quality of life substantially".

33. The charity said: "*This provides ample evidence that the reputable rescue organisation, AAP, refers to these tigers as rescued, something that they did throughout our dealings with them whilst re-homing the tigers. Not only does this report refer to the tigers as rescued, it provides reference material to the fact that some of the cats were physically broken when they were rescued by AAP. As The Wildheart Trust is the ultimate destination for these tigers there is no doubt that we are part of the rescue journey that the tigers took, so we have based our statements on reputable sources and evidence and thus have not mislead [sic] our donors*".
34. The charity said that a further AAP video referred to the animals as stressed and mutilated. It said that the mutilation took the form of de-clawing the cats and cutting off the canine teeth. It drew our attention to the shots of the animals' missing teeth and claws in the video at following link. This video is the same October 2017 video by AAP

⁹ <https://www.aap.nl/en/outplacement-five-tigers-isle-wight-zoo>

¹⁰ <https://www.aap.nl/en/news/bbc-filmed-outplacement-five-aap-tigers>

mentioned by Mr Bean in his complaint to us, which shows AAP collecting the tigers from the facility where the circus had put them (paragraph 11).

35. The charity provided photographs of those tigers, naming them as Zoppa, Girona and Mondo, at the Isle of Wight Zoo. Mondo and Zoppa have cut canines. An x-ray of Girona shows its missing claws.
36. The charity noted that in the same October 2017 video, at 3 minutes and 21 seconds, the Director of Circo Wonderland says: "*They [the tigers that are now at the Isle of Wight Zoo] are animals that have been born here you understand*". The charity said: "*If the director of Circo Wonderland is on record stating that these tigers have been at his circus since birth, then it must have been Circo Wonderland that de-clawed them and cut their canine teeth off*".
37. The charity described the declawing process as a horrific operation that is illegal in many countries, including the UK and Spain where these animals were kept. It said that numerous veterinary articles refer to the declawing process and its deleterious effects. It said those articles included:
 - a paper called "*Deleterious Effects of Onychectomy (Declawing) in Exotic Felids and a Reparative Surgical Technique: A Preliminary Report*," by Jennifer Conrad, Kirk Wendelburg, Silvio Santinelli and Anna Park which was presented at the 2002 American Association of Zoo Veterinarians; and
 - an explanatory article about declawing on the website of a group set up by Jennifer Conrad called The Paw Project, at <https://pawproject.org/about-declawing/declaw-surgery/>.
38. The charity also quoted the International Society of Feline Medicine as saying that the society "*consider the declawing of cats for anything other than genuine therapeutic medical reasons to be an act of mutilation*". The charity said that declawing leads to significant health issues, which it said further reinforced the fact that the tigers referred to in the video are physically broken.
39. The charity said that some of the tigers now at the Isle of Wight Zoo exhibit issues with their feet, consistent with those described in the veterinary papers the charity had brought to our attention, and that the issues were a result of the declawing process. The charity sent us a statement from its vet that refers to the problems that one of the tigers, Girona, now has due to the declawing process. The statement included the following information.

"Declawing of cats both domestic and exotic involves surgery of the last bone of the digit. The procedure has been associated with many poor welfare outcomes both behavioural and physical and as a result is banned in the UK and most European countries as well as many other countries around the world. Girona came to the sanctuary along with four other ex circus tigers already declawed. Soon after arrival he became lame and on examination I found that he had a discharging sinus on one of his toes at the point at what appeared to be the scar line from the onychectomy surgery. Radiographs and surgical exploration revealed chronic bones changes and bone fragments (sequestra) in the toe. Other digits on the same foot also appeared to have abnormalities of the distal bones. The changes are consistent with those reported as complications of the procedure in domestic cats: "Other reported complications include wound infection,

draining tract formation, sequestration of the third phalanx, and exposure necrosis of the second phalanx..."

40. The charity also described the x-ray of Girona's foot taken by vets at The Wildheart Trust (paragraph 35). It said it showed extensive deformities to the bones as a result of the declawing process. It said: "*We therefore think this reinforces our claims that these animals have faced mutilation and cruelty at the hands of the circus*".
41. The charity said that the public had not been misled by its fundraising because the mutilations endured by the tigers and described in the charity's response to us were horrific. It said that therefore it had not exaggerated them in anyway.

The Lions

42. The charity said that the two lions referred to in its April 2020 fundraising video were Vigo and Kumba. It provided the following evidence of what it considered to be cruelty during the lions' life (including at the circus). It said that Vigo and Kumba were rescued from Circo Europa directly from the beast wagon in which they were housed in for large parts of their life. It also provided a picture, taken by AAP at the time of rescue, of Vigo and Kumba in the wagon.
43. The charity referred us to a June 2017 AAP video¹¹, which is called "*Life after the circus*".
44. The charity told us that the video was taken directly from AAP's website, and provided a link to that part of the website.¹²
45. The charity said that there is no question, because of the nature of travelling circuses, that Vigo and Kumba spent a large amount of time in the tiny cage shown in the video. It said that was something which undoubtedly caused Vigo and Kumba to be physically and mentally abused. It also said that the video evidence supports its claims that the animals were emotionally broken. It referred us to further evidence of the effect of the wagons and provided a link to a March 2018 AAP video.¹³
46. The video shows the same AAP representative who handled the collection of the animals in the October 2017 video. He is attending a group of animals in wagons. The caption to the video on the YouTube page says: "*Heartbreaking images of two lions and a tiger living in a dirty and rusty circus wagon. They do not stand on their legs, they slip through their faeces, all their bones are showing, they are shivering with cold and they have bitten their tail due to stress. Fortunately, the AAP Primadomus Foundation takes them to the Villena Rescue Center where they can start a new life off stage*".
47. The charity quoted to us a 2015 statement by the European Veterinary Federation in an article entitled "*FVE [European Veterinary Federation] position on the use of animals in travelling circuses*". It said the needs of these animals: "*cannot be met in a traveling [sic] circus, especially with regard to accommodation and the possibility of expressing natural behaviors [sic]*".¹⁴ The charity said that the same article included testimony to the fact that "*there is by no means the possibility that their (the animals) physiological, mental and social requirements can adequately be met*". The charity said it considered that to be

¹¹ https://www.youtube.com/watch?v=ehVLXRwPGhM&feature=emb_logo

¹² <https://www.aap-primadomus.org/news/historica-entrega-de-animales-salvajes-procedentes-de-un-circo-espanol>

¹³ https://www.youtube.com/watch?v=sE7VneTtxkA&feature=emb_logo

¹⁴ https://fve.org/cms/wp-content/uploads/FVE-position-on-the-travelling-circuses_adopted.pdf

strong evidence from an international veterinary organisation to support its claim that the animals its hold at the Isle of Wight Zoo were emotionally broken during their time at Circo Europa.

48. The charity told us that Vigo and Kumba had been de-clawed and that while at the circus had also been castrated. It said that the information it provided to us confirmed that whether by direct design or not, the animals had suffered cruelty at these circuses before being donated to the holding facility, or in the case of Circo Europa, directly seized. It said that the information also supported its assertion that circus animals suffer horrific conditions and are quite often broken emotionally and physically as a consequence of their lives in these facilities.
49. We asked the charity to comment specifically on the relevance to the charity of the October 2017 AAP video of the Circo Wonderland animals being collected by AAP, which both Mr Bean and the charity refer to in their evidence (paragraphs 11 and 34). The charity said that the video shows that the cats had had claws and teeth removed and included the circus' director's comment that the circus had had the animals from birth. However, it also said that the video refers to only one side of the story. It said that, in order to understand the whole picture, it was necessary to view the BBC Inside Out film¹⁵ of the animals moving from AAP to the Isle of Wight alongside the October 2017 AAP video.
50. We asked the charity to tell us how it decides what information to include in fundraising appeals, in order to ensure that members of the public can reach an informed decision on their donations and achieve a successful appeal. The charity told us that it refers to first-hand reports from AAP, which acts as intermediary in its animal rescues. It said that it uses information, footage and interviews taken by organisations involved when it acquires animals and it refers to those in its appeals. It said that in the case of the five tigers from Circo Wonderland, members of the charity travelled to Primadomus Animal sanctuary in Spain to see the tigers first hand and learn of their story directly from the people who rescued them. It said its reason for having total confidence in its messaging was that it checks its facts first hand.
51. The charity said that it went to great lengths to research the full story behind the five tigers and two lions for which it ran appeals and that it has accurately represented the welfare issues and distress these animals faced in their lives as a consequence of circus life.
52. We also asked the charity to comment specifically on the videos provided by Mr Bean of the researchers Professor Friend and Dr Kiley-Worthington giving evidence in Italy¹⁶ (paragraph 19). It said that it is quite normal for scientists to critique others' papers, so the fact that Professor Friend and Dr Kiley-Worthington do not agree with the findings of the Harris report does not mean that the Harris report should be discounted.¹⁷ The charity also said that, in relation to some of the papers produced by the two speakers, their studies on circus animals were looking at very specific scenarios and dealing with very small sample sizes. It said that for instance a paper¹⁸ from Professor Friend looked at whether tigers pace more or less during transport, based on whether they have had

¹⁵ <https://www.aap.nl/en/news/bbc-filmed-outplacement-five-aap-tigers>

¹⁶ https://youtu.be/xTjY6Gv__2o and <https://youtu.be/UJhhq2pPUb8>

¹⁷ *A review of the welfare of wild animals in circuses* by S Harris, G Iossa and CD Soulsbury, School of Biological Sciences, University of Bristol published by the RSPCA in 2006
<https://www.rspca.org.uk/documents/1494939/7712578/A+review+of+the+welfare+of+wild+animals+in+circuses+%282006%29+%28PDF+632KB%29.pdf>

¹⁸ <https://www.sciencedirect.com/science/article/abs/pii/S0168159103000662>

access to an exercise yard before transport. It said the paper did nothing to address the fact that they were in a tiny exercise yard and travelling in a tiny beast wagon in the first place. The charity also said that none of the papers demonstrate that the keeping of exotic cats in small exercise yards and wagons does not compromise their welfare. It also said that it would argue that a lot of Professor Friend's papers back up the charity's statements.

53. The charity referred us to an article co-authored by Professor Friend entitled "*A preliminary study on the effects of limited access to an exercise pen on stereotypic pacing in circus tigers*".¹⁹ The charity said that the article says that at most each tiger spends 40 minutes in its exercise yard a day, with the rest of the time spent in its cage and that the only other exercise being to perform for the public. It said that the article also says that access for longer than 40 minutes should be considered. The charity said that it would consider those statements as great evidence of cruelty because it was about allowing a far-ranging exotic cat a mere 40 minutes per day access to a small exercise yard. It said that would most definitely have an effect on the animal's emotional well-being.
54. The charity also referred us to information in a further article co-authored by Professor Friend about the size of tigers' pens and exercise yards in circuses called "*An Evaluation of Exercise Pen Use by Circus Tigers*".²⁰ The charity said the article stated that the sizes of the tigers' pens at most is 24m², which is 6m x 4m, plus a 10m² exercise yard, providing a total area of just 34m² in which to move. The charity contrasted those figures with the minimum size requirements for tigers in a zoo given in the Tiger Care Manual published by the Association of Zoos and Aquariums.²¹ It said these were 150m² for one animal plus an additional 75m² per extra animal, which would mean that for the five tigers housed by Circo Wonderland, their requirements should have been 450m² minimum 24 hours per day.
55. The charity added that the same article, said that the number of tigers in a circus means that each tiger has to have access to this exercise area on a rotation basis. The actual time with access to exercise is tiny and decided upon by the handlers. The charity said that not having the choice to exercise and move when an animal wants to do so is cruel, and further strengthens its argument.
56. The charity said that in the video clip provided by Mr Bean Dr Kiley-Worthington said there was no welfare compromise to circus animals. It also noted that in Chapter 2 "*Stress and distress - measuring animal suffering*" of Dr Kiley-Worthington's book "*Exploding the Myths: Mammal Welfare, Handling and Teaching*", she refers to the suffering caused to captive animals who lack choice in what they can do. It said that Dr Kiley-Worthington refers specifically to boxed up animals (in this case horses and elephants) becoming "...so distressed at being left alone and unable to do anything that his immune systems may be affected" and "...confining the animal may cause more distress and illness...".
57. The charity told us that it feels Dr Kiley-Worthington's comments were strong evidence that the boxing of animals in travelling circuses and their reduction in choice of when they can exercise (as stated in Professor Friend's papers mentioned in paragraphs 19

¹⁹ <https://www.sciencedirect.com/science/article/abs/pii/S0168159106000645>

²⁰ [https://faunalytics.org/wp-content/uploads/2015/05/Citation2220_An%20Evaluation%20of%20Exercise%20Pen%20Use%20by%20Circus%20Tigers%20\(Pathera%20tigris%20tigris\).pdf](https://faunalytics.org/wp-content/uploads/2015/05/Citation2220_An%20Evaluation%20of%20Exercise%20Pen%20Use%20by%20Circus%20Tigers%20(Pathera%20tigris%20tigris).pdf)

²¹ https://assets.speakcdn.com/assets/2332/tiger_care_manual_2016.pdf

and 52) will cause suffering. It said that Dr Kiley-Worthington mentions in the video clip provided by Mr Bean that that all captive animals must have a “*quality of life*”. The charity said that its argument is that that amputating digits, removing teeth, castrating animals unnecessarily and keeping them in travelling wagons for large parts of their life, with limited access to small exercise yards is not a quality of life. It said that Professor Friend’s and Dr Kiley-Worthington’s findings in that area supported its position that the animals in its appeal had suffered horrific circumstances as part of their circus life.

58. The charity also made the following comments, in response to our questions about Sections 1.1.3, 1.3.1, 1.3.2 and 1.3.6 of the code.

- It said it had not contravened the code. It said it has stated the facts as supported by the evidence and had gone to great lengths to speak directly to the rescue organisations involved when the animals were obtained, to ensure it got its facts correct.
- It said it had not exaggerated any claims and had based all its statements on evidence from reputable sources. It said it had documented the evidence in its response to us.
- It said it had treated its donors fairly by telling the factual story of our rescued cats.

59. The charity also told gave us the following additional information.

“Circo Wonderland is a proper circus, not a zoo as Mr Bean claims... The animals were taken by AAP from a private collection where they had been placed by ‘Circo Wonderland’ on loan because the circus was not allowed to stop in most Spanish towns if they had wild animals traveling with them. This ‘collection’ could be called a ‘winter station’, ‘breeding station’ or ‘temporary holding facility’ – but emphatically never a zoo.

Their lives here were without any doubt horrible. Just imagine feeding a bunch of 7 Tigers and a lion in the same enclosure where you can not properly separate the animals. It would have been a hell of a scrap and there would have been no means of ensuring any of them could eat properly. The couple that were keeping them told AAP that they did not have enough money to buy food for the animals, which again explains why the animals were in poor condition...

Mr Bean’s assertions about the circus deciding to ‘donate’ the animals rather than selling them are incorrect. They were forced to surrender the animals due to pressure from the public and Spanish authorities. These authorities were generating considerable pressure to close the ‘private collection’ and the last thing those authorities wanted was this place getting any more animals. Coincidentally other local authorities had been putting yet more pressure on ‘Circo Wonderland’ by forbidding them to stop and perform.

...The two lions taken by AAP directly from the circus wagons of Circo Europa were donated under the same set of conditions as applied to ‘Circo Wonderland’, although critically the authorities (Civil Guard) did actually seize them in this instance in order to properly assess the associated documentation.

We are confident that these animals are in a better place on every account than they were, spatially, mentally, physically, and that they receive world class veterinary care...”

Further comments in response to the draft decision

60. Mr Bean provided detailed comments on the draft decision. In particular, he provided further information to confirm that Circo Wonderland had donated the animals to AAP. He also described the steps taken to ensure the welfare of circus animals in Spain and has provided copy documents relating to the care obtained by Circo Wonderland. He said that surgical work and dentistry were now generally *“frowned upon”* and provided photographs of animals with claws and intact canines. He also set out his doubts about the description of events in the videos made by AAP.
61. Mr Bean also obtained comments on the draft decision from Professor Friend. Professor Friend, in summary, said that none of his statements backed up the charity’s statements and it had misrepresented his study on whether tigers pace more or less during transport (paragraph 52). In more general comments, Professor Friend said: *“The charity is in fact condemning any parent who does not let their child run about whenever the whim strikes the child, the use of kennels for dogs, stalls for horses, training a pet dog to “stay”, and most of animal agriculture”*. He commented adversely on the way the charity had used his work and that of Dr Kiley-Worthington. He said that the charity’s claim that their findings in that area supported its position was fraudulent and without merit.

Relevant sections of the code

62. Section 1.1.3 of the code states: *“You must not unfairly criticise or insult other people or organisations”*.
63. Section 1.3.1 of the code states: *“You and the fundraising materials you use must not mislead anyone, or be likely to mislead anyone, either by leaving out information or by being inaccurate or ambiguous or by exaggerating details”*.
64. Section 1.3.2 of the code states: *“Before you make any direct or implied claim in your fundraising which is likely to be taken literally, you must make sure that there is evidence to prove the claim”*.
65. Section 1.3.6 of the code states: *“You must take all reasonable steps to treat a donor fairly, so that they can make an informed decision about any donation”*.
66. Section 2.4.3 of the code states: *“You must make sure that:*
- *complaints are investigated thoroughly and fairly to find out the facts of the case, avoiding unnecessary delay; and*
 - *you respond to complaints fairly and in a way that is in proportion to the complaint”*.

Our Findings

67. The charity has named the animals described in the April 2020 fundraising video; given us an account of the animals’ history and how they arrived at the Isle of Wight Zoo; and set out its reasoning for describing the animals in the way that it did in the video.
68. We have carefully considered Mr Bean’s information about the warm relationship between the owners of Circo Wonderland and their animals and the further information he provided in his comments on the draft decision. We have no reason to doubt the information but we are unable to agree with Mr Bean’s analysis of the evidence.

69. We have taken account of the information available about the tigers' and the lions' history.
70. The information available to the charity about the circumstances in which AAP found both the tigers and the lions was such that an ordinary reasonable person would conclude that the animals were better off at AAP's facilities and later at the Isle of Wight Zoo in terms of access to food, veterinary care and facilities than in the facilities from which they were collected. Describing the collection as a rescue was a reasonable use of language, given the evidence in the October 2017 video by AAP and the charity's position on animal welfare. The October 2017 video that Mr Bean put to us as evidence showing there was no "rescue" also suggests that the family welcomed AAP's intervention and that the animals benefited from the move. The narrator of the video points out the cramped conditions in which the animals were living and the signs that they had had too little to eat. The position taken by the charity in its fundraising materials is compatible with the fact that the family welcomed AAP's intervention, as Mr Bean has told us.
71. The lions at the Isle of Wight Zoo are not in the October 2017 AAP video. We have seen nothing to suggest that the information available about the lions being taken to AAP's facility from travel wagons was incorrect. In addition, the charity has told us that the Spanish authorities had been involved in the removal of the lions.
72. We have considered the articles and writings provided to us by the charity to explain how it has reached its position on the adverse effects on animals of living and performing in circuses. We have also considered the information presented by Mr Bean on the concerns of Professor Friend and Dr Kiley-Worthington about the way their work has been used by some campaigners. We have taken account of Professor Friend's comments on the draft decision, obtained from him by Mr Bean.
73. Our view is that there was nothing misleading or likely to mislead about the charity's April 2020 video appeal. The charity had evidence to support the claims it made in the video. We have noted the way the charity has co-operated with this investigation and its detailed response to our questions. We are satisfied that the charity was in a position to respond adequately to donors wishing to have more information. The video sets out a strong position on opposing the use of animals in circuses, but it does not criticise or insult specific people or organisations. A donor would not make a connection with either of the circuses that owned the animals in the appeal based on the information in the video.
74. We have also looked at the statements about the tigers and lions on the charity's Crowdfunder page that supported the video, particularly: "*While at the mercy of travelling circuses in Spain these defenceless animals were the victims of unimaginable neglect and cruelty living hellish lives confined within squalid beast-wagons or crammed into tiny pens where they were left to fight for scraps of food in between performances*" and the reference to having "*all the creature comforts missing from their previous lives*". It seems to us that those statements reflect the charity's view of the conditions in which the tigers and lions lived. For example, the charity has drawn our attention to the contrast between the space available to performing circus animals and the minimum standards set for tiger care by Association of Zoos and Aquariums. It has also set out its position on the practice of declawing.

75. Professor Friend has said the charity's use of his work and of Dr Kiley-Worthington's work, as part of its response to our investigation, was fraudulent. Clearly, we took this statement seriously. In light of Professor Friend's comments, we considered again whether or not to accept that the charity's statements reflected its view of the conditions in which the tigers and lions lived. We concluded that in this investigation, we are not deciding which side in a debate is correct. We wanted the charity to set out its reasons for the position it took in the fundraising appeal and to satisfy ourselves that nothing in its appeal was misleading. Our decision about the fundraising appeal does not rely on the charity's analysis of Professor Friend's and Dr Kiley-Worthington's work. The charity's reasoning referred to their work because we had asked the charity to comment on the videos referenced by Mr Bean. The charity does have a reasoned position.
76. It is open to Mr Bean to disagree with the charity's position, based on his own interpretation of the facts and available research. But the charity's assertions, based on its view of the facts and research, although arguably expressed rather sweepingly with a touch of hyperbole, were not misleading or likely to mislead in relation to the fundraising ask.
- 77. On this basis we find the charity did not breach Sections 1.1.3, 1.3.1, 1.3.2 or 1.3.6 of the code.**
78. We have also considered the charity's handling of Mr Bean's complaint. It would have been better if the charity had been able to respond to Mr Bean's initial complaint more quickly than two months from the date of his complaint. However, we recognise the effect on charities of the restrictions introduced in response to the pandemic, particularly charities that rely on visitor income. We have also noted that the charity responded promptly, within days, to Mr Bean's further concerns.
79. We have compared the information we obtained from the charity as part of our investigation with the brevity of its response to Mr Bean's initial complaint. Arguably, the charity could have provided a more comprehensive response at that stage than it did.
80. However, charities can exercise discretion in how much information they provide to complainants and although the response of 5 October 2020 was brief, it provided the essential information about the charity's position. It is understandable that a charity would want to carefully consider its communications with a complainant who had publicly criticised it and its Trustee. Though the reply was brief it was fair and proportionate.
81. In addition, it was only in December 2020, as part of his evidence for this investigation, that Mr Bean included in the complaint he had put to us the further evidence about the circus family's view of matters. Without that information, the charity was unable to respond to Mr Bean's account of the circus family's concerns.
- 82. On this basis we find the charity did not breach Section 2.4.3 of the code.**

Recommendations

83. We have not found the charity in breach of any of the applicable standards and are not making any recommendations in this case.

The Wildheart Trust

Name and type of organisation: The Wildheart Trust (registered charity no. 1171144)
Fundraising method: Digital (other)
Code themes examined: Misleading information and complaints handling
Code breach? No

The complaint

The complainant said that a fundraising appeal by the Wildheart Trust (the charity) wrongly suggested that some of the animals in its zoo had suffered cruel treatment in the circuses that had previously owned the animals. The complainant also said the charity was wrong to suggest that it had rescued the animals from circuses. They said that the inaccurate information damaged the reputation of some circus families.

What happened?

In April 2020 the charity published a video appealing for funds to help it deal with the fall in visitor numbers to the Isle of Wight Zoo caused mainly by the Covid-19 pandemic. Its video described the care the charity gave to big cats that had been rescued from circuses. It said the animals were emotionally and physically broken and had endured horrific conditions throughout their lives. It said the funds raised would help it rescue more animals in future, as well as help the charity continue its conservation work.

The complainant said the animals mentioned in the video included animals treated as family pets by their circus owners. The complainant said there had been no rescue and that a circus had donated those animals in 2017. The complainant said that experts disputed claims that circuses' treatment of animals caused suffering to them.

Our decision

We considered whether the charity's fundraising video had unfairly criticised or insulted other people or organisations, and whether it or its materials had misled anyone or been likely to mislead anyone. We also considered the charity's evidence to prove the claims it made about the animals in its fundraising video and if it had taken the steps needed so that a donor could make an informed decision about donating. Finally, we looked at the charity's complaints handling.

The charity's response to our investigation provided evidence that identified the animals described in the fundraising video and gave some of their medical history. It addressed the complainant's concerns about differing expert views on whether or not circuses' treatment of animals caused suffering to them. It explained its reasons for the claims it had made about the animals. We found that the charity's assertions, based on its view of the facts and research, were not misleading or likely to mislead. We found that the video set out a strong position on opposing the use of animals in circuses, but the charity did not criticise or insult any specific people or organisations. We decided that the charity had handled the complaint fairly and proportionately. We therefore found no breach of the code by the charity.

Recommendations

We made no recommendations for action by the charity.

Outcome

There are no actions for the charity.