

NO ANIMALS WERE HARMED DURING THE MAKING OF THIS ISSUE. That much we know. (Full disclosure: Donatella Versace's Jack Russell, Audrey—who jetted into Paris specially for the shoot—toppled off her dais in mid-pose. Mercifully, no injuries were sustained.) But can the same be said of the Hollywood dream-machine? Matt Mueller explores the extent to which the American Humane Association's world-famous disclaimer has tightened the leash on the film industry's well-documented history of animal abuse.

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In the early, free-for-all days of the American film industry, being a horse was no laughing matter. Westerns ruled the celluloid roost and film sets were death traps for our equine friends, viewed as so much flesh-and-blood fodder for the Tinseltown dream-making machine. Wire tripping. Pit tripping. Forced jumps over insurmountable hurdles, or off death-defying ledges. All in the name of entertainment and spectacle. In Michael Curtiz's 1936 version of *The Charge of the Light Brigade*, 25 horses either died on the spot or had to be destroyed as a result of pit-tripping, prompting the film's star Errol Flynn—an actor more renowned for his boozy, womanising exploits than his activism—to become one of the first celebrities to speak out against Hollywood's barbaric treatment of animals.

"It was horrific what was going on," vouches Karen Rosa, senior vice-president of the American Humane Association's Film & TV Unit, "and at that time we were pretty much the only national leader in the conversation about the protection of animals." As early as 1924, the American Humane Association (AHA) began investigating the use of animals in filmmaking. That was the year the original, silent production of *Ben-Hur* butchered nearly 100 horses to bring its chariot race to fruition. But it took a bona fide Hollywood scandal to create the AHA disclaimer that anyone who goes to the cinema or watches television will be familiar with seeing scroll by in the end credits: 'No animals were harmed in the making of this film.'

During production on Darryl F. Zanuck's *Jesse James* (1939),



which starred Henry Fonda and Tyrone Power, a blindfolded horse was forced onto a tilt chute (a see-saw, in effect) and tipped over the edge of a 70-foot cliff. Unsurprisingly, the unfortunate beast broke its spine in the fall and had to be euthanised, sparking a national outcry against the inhumane treatment of animals by the film industry. In response, Hollywood's leading trade body of the day, the Motion Picture Producers and Distributors of America, granted the AHA jurisdiction to supervise the on-set treatment of live animals. The AHA set up its Film & Television Unit in Los Angeles in 1940, and they've been monitoring the industry ever since. In 1980, they were granted sole authority in the Screen Actors Guild's contract with producers (the SAG supplies nearly two thirds of the Unit's annual \$3 million budget) for animal oversight in films, TV shows, commercials and music videos, and they now cover nearly 2,000 productions per annum.

They had their work cut out for them, because filmmakers weren't just killing horses. A drugged lion was knifed to death on camera in an early version of *Tarzan of the Apes*, and a starved mountain lion and bear were unleashed to fight over a deer carcass in the 1930 picture *The Silent Enemy*. "You think, how could people do that to animals?" says Rosa. "But our whole perspective on animals has shifted dramatically since those days, when animals were kind of disposable props. In those days we were preventing what was intentional cruelty. Nowadays, we really monitor for a high standard of care. If an animal is going to be used in entertainment, it needs to be well treated and highly respected—no ifs, ands or buts."

Even with on-set monitoring and the rise of a powerful animal-rights movement, horse tripping wasn't banned in Hollywood until 1994 (*Rambo III* was a notable tipping and tripping offender), when California implemented a statewide ban. Nonetheless, from a few brief tenets, the AHA's *No Animals Were Harmed* manual has mushroomed into a 128-page handbook issuing guidelines on everything from the handling of worms and beetles, big cats and great apes, to rules about staging a horse-mounted sword fight and how long you can keep a fish out of water (no longer than 30 seconds, three times a day), to protecting animals in scenes that involve pyrotechnics, wire-assisted levitations and water crossings. Even now, some of the rules sound pretty harrowing for the animals: "When a weapon is fired from horseback, it shall be

held at no less than a 45-degree angle to the horse's head to decrease the risk of powder flashes causing burns to the horse's corneas." Yikes. "We've made enormous strides but as far as we've come, we still have far to go," admits Rosa.

The Film Unit's daily grind involves assessing scripts, determining the level of animal action required—rated on audience perception from mild to intense—and then allocating representatives where they're most needed to keep a watchful eye on proceedings (Rosa estimates they reach about 70%). The reps file extensive reports from the set, detailing everything from care provided to the number of rehearsals, and the seal of approval is only granted after the AHA get to view the finished product.

"There is an enormous amount of compassionate people in this industry—they don't want to harm animals," insists Rosa. "What happens, however, is they're making hundreds of decisions at any given moment on a movie set, whereas we're entirely focused on the animal. So if they're changing the lights and it's going to take 45 minutes, we can tell them to bring a stuffer in to give the animal a break. Every animal is an individual—some will be fine doing three takes, some can only do one, and we get to set those parameters. We get an enormous amount of voluntary compliance."

But voluntary is the operative word. Viewers naturally assume the trademark does what it says on the tin, but the behind-the-scenes reality, say critics, can be far less palatable. The fact that the Film Unit is being paid for by the industry it's meant to police has left them open to accusations that they're too slow to react to mistreatment, and too quick to leap to a studio's defence. What power, for instance, does the AHA possess if things get ugly, as can invariably occur on high-pressure film and TV shoots? The honest answer: not a hell of a lot. Their only clout is the threatened withholding of the disclaimer.

A scathing 2001 *Los Angeles Times* article highlighted a pattern of lax oversight in the mid- to late '90s resulting in several animal deaths, and they've undoubtedly tightened the leash since then. But Rosa admits that productions do use animals without informing the AHA beforehand—even though they're required to do so as SAG signatories—or deliberately supply notice too late for the AHA to send one of its eight full-time and 32 on-call reps to the set. The recent cancellation of

HBO's horseracing series *Luck*, following the death of a third horse in production, has put the AHA back on the defensive and the *No Animals Were Harmed* manual under a fierce barrage from the likes of People for the Ethical Treatment of Animals (PETA), the influential animal-rights group that has been nipping at the AHA's heels for years. "We feel the *No Animals Were Harmed* trademark is extremely misleading to filmmakers and audiences alike because the AHA doesn't actually monitor the living conditions of the animals off the set or during pre-production training," says PETA spokeswoman Yvonne Taylor, alleging that with no regulation for animal trainers, abuse is bound to be rife in the industry.

Rosa stresses that achieving any level of scrutiny beyond the confines of production is impossible on their restricted budget, and scoffs at the charge that the AHA's intimate ties to the industry are necessarily bad for animals. "Our programme is about prevention and we remain contractually independent," she says. "If we are on the set, we make it very clear that it's no guarantee of certification. It's not some rubber stamp that people get just because we're there." When the Wachowski brothers were shooting their 2008 flop *Speed Racer* in Berlin, a frustrated trainer slapped one of the chimpanzees. "We just said, 'That's it, it's over,' and rated it unacceptable," she says. "The studio were very upset because they had a lot of money invested. But there was no discussion to be had, although we allowed them to finish the film using the other chimps for very simple scenes." Rosa reveals that two major Hollywood films slated for release this year are likely to miss out on the trademark due to episodes of animal mistreatment.

Omar von Muller, the animal trainer for Uggie, the Jack Russell that helped make *The Artist* a globe-conquering crowd-pleaser, is a big supporter of the AHA's role. "It's very important that we have them," says von Muller, who has officially retired ten-year-old Uggie from feature films and 15-hour workdays. "Most of us are very professional and know how far to push an animal and how far to let any director tell us what to do. But it's always good that they're there to monitor and keep a record of everything that's happening." Von Muller says AHA reps have been quick to step in should a director want to push one of his dogs beyond its limits. He's also been around long enough to know that the industry has its share of unscrupulous trainers. "The AHA are there to protect

animals so there's no reason why we should have any conflict," he says, "although I'm sure plenty of animal trainers have butted heads with them."

Other countries view the treatment of animals deployed in screen entertainment in different, often less stringent, ways. The UK, for instance, requires the presence of a veterinarian on set, but the fact that they're often supplied by the Animal Consultants & Trainers Association (ACTA)—who publish their own guidelines for on-set animal welfare—makes it another arrangement PETA finds too cosy for comfort. "In their own guidelines they say that if an audience member thinks an animal is being cruelly treated, having one of their vets on set means the production is unlikely to be challenged in court," says Taylor.

Hollywood studios will often pay to send an AHA representative onto the set of major productions shooting overseas, as was the case with Steven Spielberg's *War Horse* and the *Harry Potter* franchise. Both avid horse lovers, Spielberg and his producer Kathleen Kennedy took absolute care to make sure that the more than 100 horses (including 14 playing the title role of Joey) used on *War Horse* came to no harm. The horrific sequence where Joey gets wrapped up in barbed wire, for instance, was an elaborate mix of harness work, rubber wire, animatronic work and CGI, and Spielberg gave the AHA's on-set representative "full power to pull the plug if she ever felt any of the horses were not up to the challenges or that they would be injured in any way." Not a single horse ended up being injured. Even PETA was impressed: "The finished product often looked dangerous when it wasn't, everything on set was built to accommodate the horses and it contained a strong anti-cruelty message," says Taylor. "That's a film that can surely serve as an example to other filmmakers."

Sadly, not all appear as conscientious as Spielberg. While no one is pointing fingers directly at *Luck*'s creative duo, Michael Mann and David Milch, the show's misfortunes seemed to stem from putting retired racehorses through a punishing quota of races that they were no longer up to. One of the fatalities was an arthritic eight-year-old that hadn't been raced in four years. PETA alleges that although four AHA officers were on hand to monitor filming on season one—when the first two horses died—their recommendations were consistently ignored; there were

no AHA reps on set for season two and when a third horse died in March (not in a racing accident but when it reared up and fatally struck its head while being led back to its barn), HBO swiftly canned the series. "Given the circumstances, it was the right thing to do," says Rosa.

"The AHA's representatives were clearly ineffective in the case of *Luck*," says Taylor. "It's tragic for the animals and it's an embarrassment for them because it shows their limitations." Taylor further berates the AHA for being the only animal-advocacy group to oppose a bill that would have brought in a statewide ban in California on the use of the steel bullhooks used to control elephants in circuses and entertainment. Nor does the AHA take a stand on whether a species should or shouldn't be used for the purposes of screen entertainment. "They have actually defended the use of great apes in films, even though it's impossible to train these animals for entertainment without subjecting them to various forms of physical abuse," says Taylor.

"We don't take a stand on that because if we had a preconceived agenda, we just wouldn't be informed and in our opinion it's worse not to be there at all," retorts Rosa. "We don't comment on content either. We may not agree with dog fighting but if directors want to depict it in their films, we'll work with them to simulate it while ensuring that no live animal is harmed in the process. We remain neutral in those two areas because it just gives us greater access, frankly."

But they don't always get the access, even when they ask for it. They were turned down flat when they enquired about sending a rep on the Philippines leg of *The Hangover Part II* shoot, where scenes featuring a drug-dealing capuchin monkey named Crystal were filmed. Director Todd Phillips later claimed that Crystal had been taught to smoke cigarettes for the sequel and subsequently became addicted, before being forced to explain that he was only joking and that the monkey's smoke trail had been added in digitally. The AHA refused to grant *The Hangover Part II* its disclaimer. A sadder state of affairs was exposed for the pachyderms at the heart of *Water for Elephants*, who were secretly filmed being abused with bull-hooks and electric shocks by their trainers at Have Trunk Will Travel, which supplies the industry with elephants. Even though the video was shot in 2005, long before *Water* went into production, PETA's Taylor still

takes issue with the AHA's muted response: "When the footage came out, they just said, 'We weren't present when this video was shot, we're not clear about all of its content.' I mean, elephants are being beaten and they're hardyslammng it."

The rise of new technologies is bringing its own set of challenges. It's not surprising that PETA was an ardent supporter of last year's tentpole *Rise of the Planet of the Apes*, which used human motion-capture performance to achieve the goal of creating believable on-screen simians (Andy Serkis' brilliance as lead ape Caesar even sparked calls for an Oscar nomination). But whereas that's an example of computer-generated imagery proving to be a boon to animals, they also pose their own drawbacks. The ability to deploy CGI may eliminate the need to use live animals in a scenario, but conversely it's unleashed a sicker sensibility in the portrayal of gory and extreme critter suffering. "It has led to much more graphic and horrific scenes of violence to and by animals," observes Rosa. "It feeds into the question of whether we're becoming desensitised to violence. It's obviously important to say 'No animals were harmed,' but to what effect on the audience. The jury's out on that."

But as performers like Uggie prove, a compelling animal turn can still be a joy to behold. And filmmakers around the globe won't stop using them as long as that's the case, or until the human eye can be cheated into believing that CGI is reality. If a film is bad for animals, there are plenty of people who will shout about it. But with the ban on live animals in screen entertainment that PETA is lobbying for as likely to happen in our lifetime as global cooling or Martian colonisation, the AHA's oversight is better than none, and 'No animals were harmed' continues to serve a valuable purpose. "I'd say our success rate is pretty stunning," boasts Rosa. "We protect tens of thousands of animals in any given year." Brought in with the best intentions, and responsible for a massive reduction in animal suffering in the name of filmed entertainment, there's no need for it to be put out to pasture just yet. But next time you see 'No animals were harmed' scrolling past, you might be wise to take its blanket claim with just a tiny pinch of salt.

