



May 10, 2018

The Honorable David Linn
Madera County District Attorney

Via e-mail: david.linn@co.madera.ca.gov

Dear Mr. Linn,

I hope this letter finds you well. I would like to request that your office (and the proper local law enforcement agency, as you deem appropriate) investigate and file suitable criminal charges against JJ Meat Company and the worker(s) responsible for the botched stunning of a calf on April 3 at its slaughterhouse located at 25699 Ave. 5 ½ in Madera. Despite repeated federal warnings to slaughterhouse management of stunning equipment deficiencies, staff permitted a calf, who had been shot in the head, to regain consciousness in a blood pit, cry out, and attempt to stand, as documented by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) in the attached report. The report states the following:

"[T]he FSIS Supervisory Public Health Veterinarian (SPHV) observed the Pen Foreman lead a walking calf into the knock box. Subsequently, the SPHV heard the mushroom stunner operate and the calf put into the blood pit. The SPHV ... observed approximately 15 calves in lateral position in the blood pit. ... [T]he SPHV heard a calf in the blood pit vocalize and ... observed a Holstein calf right itself from a lateral position onto all four limbs in an attempt to stand. The SPHV observed the calf holding its head up and aware of its surrounding. [Redacted] proceeded to brush his hands across the animal's neck; however, the calf did not fall laterally but instead was able to hold itself upright. The SPHV walked over to the blood pit and observed the plant employee pick up the calf and place the animal back in the knock box for the Pen Foreman to apply a second stun. The SPHV observed the second stun rendered the calf unconscious."¹

Prior to this "egregious" incident, federal officials informed slaughterhouse management about their concerns with stunning equipment on December 28, 2017, January 12, 2018, January 24, 2018, March 12, 2018, and March 19, 2018. The FSIS noted that "[d]espite these repeated discussions with ... plant management regarding maintenance and repairs of stunning equipment, [the] establishment failed to implement procedures to prevent ineffective stunning that resulted in [the] establishment's inhumane handling of animals."²

¹FSIS District 05 Manager Yudhbir Sharma, DVM, *Notice of Suspension, JJ Meat Company, Est. M4969* (April 4, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/0f0275c2-29b8-4880-8c67-0371268415df/M4969-JJMeatCompany-Suspension-040418.pdf?MOD=AJPERES>.

²FSIS District 05 Manager Yudhbir Sharma, DVM, *Notice of Suspension, JJ Meat Company, Est. M4969* (April 4, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/0f0275c2-29b8-4880-8c67-0371268415df/M4969-JJMeatCompany-Suspension-040418.pdf?MOD=AJPERES>.

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This conduct appears to violate Cal. Penal Code § 597(b), which states that "every person who ... tortures, torments ... any animal ... is ... guilty of a crime."³ "Torment" and "torture" are defined as "every act ... whereby unnecessary or unjustifiable physical pain or suffering is caused."⁴ Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.⁵

Please let us know what we might do to assist you. I can be reached at ColinH@peta.org or 757-962-8326. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Colin Henstock
Investigations Specialist

³Cal. Penal Code § 597(b).

⁴Cal. Penal Code § 599b.

⁵See *Nat'l. Meat Assoc. v. Harris*, 132 S. Ct. 965, 974 n.10 (2012) ("... States may exact civil or criminal penalties for animal cruelty or other conduct that also violates the FMIA. See [21 U.S.C.] §678; cf. *Bates v. Dow Agrosciences, LLC*, 544 U. S. 431, 447 (2005) (holding that a preemption clause barring state laws 'in addition to or different' from a federal Act does not interfere with an 'equivalent' state provision). Although the FMIA [Federal Meat Inspection Act] preempts much state law involving slaughterhouses, it thus leaves some room for the States to regulate.").