



July 20, 2017

The Honorable Chris Wilson
Callaway County Prosecuting Attorney

The Honorable Luke Bryant
Assistant Prosecuting Attorney

Via e-mail: calpacw@callawaycounty.org, luke.bryant@prosecutors.mo.gov

Dear Messrs. Wilson and Bryant:

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 Central Missouri Meat & Sausage and its worker responsible for failing to stun a pig on the first attempt on July 3, 2017. Two ineffective pistol shots caused the pig to struggle and cry out at the slaughterhouse located at 5009 Pendergras Rd. in Fulton, as documented in the attached report by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS).

According to the report, on the day in question, a federal official documented the following:

I observed a stun failure during a hog stunning attempt. The initial stun attempt made with a hand held pistol proved ineffective, with the hog vocalizing and looking around with the head up and struggling up on its knees. The immediate 2nd stun, made with the same pistol, was ineffective with the hog continuing to struggle with the head up and vocalizing with a normal blink reflex. The third stun, made immediately with the same pistol, proved to be effective in stunning the animal.¹

Such conduct may violate § 578.012, RSMo, which states, "A person commits the offense of animal abuse if he or she: (1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030; (2) Purposely or intentionally causes injury or suffering to an animal; or (3) Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal." "Animal" is defined as "every living vertebrate except a human being."² Specifically, the worker apparently consciously engaged in taking the first two failed shots to the pig's head, thereby likely causing injury and suffering. This conduct is not exempt from the animal-abuse statute, which, with

¹FSIS District 35 Manager Robert Q. Bane, *Notice of Suspension, Humane Handling Enforcement Action Against Est. M/P45928 – Central Missouri Meat & Sausage* (July 3, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/1d8dd295-ddd1-4154-a1bc-7c59ac148e16/MP45928-Suspension-070317.pdf?MOD=AJPERES>.

²MO. REV. STAT. § 578.005(3).

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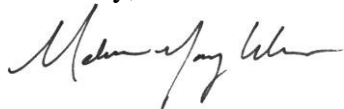
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respect to "farm animals," exempts only "normal or accepted practices of animal husbandry."³ Multiple stunning attempts on one animal is not an accepted practice, as FSIS' action demonstrates. At the very least, this conduct appears to violate § 578.009, RSMo, which states, "A person commits the offense of animal neglect if he or she: (1) Has custody or ownership of an animal and fails to provide adequate care" "Adequate care" is defined as "normal and prudent attention to the needs of an animal"⁴ Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.⁵

We respectfully request that your office investigate Central Missouri Meat & Sausage as well as the worker responsible for this conduct and file charges against all appropriate parties. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Melissa Mary Wilson
Attorney, Cruelty Investigations Department

³MO. REV. STAT. § 578.007(8).

⁴MO. REV. STAT. § 578.005(1).

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.").