



February 15, 2018

The Honorable Sheriff Kurt Freitag
Freeborn County Sheriff's Office

Via e-mail: kurt.freitag@co.freeborn.mn.us

Dear Sheriff Freitag,

I hope this letter finds you well. I would like to request that your office investigate and file suitable criminal charges against Conger Meat Market, LLC, and the worker(s) responsible for repeatedly shooting a steer in the head at its slaughterhouse located at 100 William Ave. in Conger. This caused the conscious animal to cry out repeatedly as blood ran down to his feet from multiple head wounds, as documented in the attached report by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). According to the report, federal personnel documented the following:

"On Tuesday January 30, 2018 ... the Consumer Safety Inspector (CSI) observed ... the first captive bolt attempt strike the [steer] on top of the head. The initial stunning attempt was ineffective and the animal remained conscious as the CSI observed blood running down to the animal's feet, the animal did not fall and was very agitated, breathing heavily and moving back and forth in the restrainer. The animal then vocalized twice and continued to breathe heavily while standing and moving back and forth within the restrainer. ... [REDACTED] grabbed the pre-loaded back-up rifle and tried to make a second stunning attempt. The firearm stunning attempt was ineffective as the animal still did not fall and was still breathing heavily. [REDACTED] attempted a second rifle shot. When the animal again did not drop and was still rapidly breathing and standing, the CSI left the room and called the Frontline Supervisor (FLS) to let him know what had happened. When the CSI stepped back onto the slaughter floor, [REDACTED] had the captive bolt in his hand and was still trying to stun the animal. The animal was effectively stunned and rendered unconscious with the same captive bolt device used for the initial ineffective stun. ... After the head was skinned, the CSI observed two rifle bullet holes and two captive bolt holes in the head, all approximately 1.5" from each other."¹

This conduct appears to violate Minn. Stat. Ann. § 343.21(1), which states, "No person shall ... torture ... or unjustifiably injure ... any animal."² "Animal" is defined as "every living creature except members of the human race."³ The conduct also appears to violate Minn. Stat. Ann. § 31.591, which states that "no slaughterer may slaughter livestock or handle livestock in connection with

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¹FSIS District 25 Manager Dr. Dawn Sprouls, DVM, *Notice of Suspension, Conger Meat Market, LLC., Est. M45843* (January 30, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/b2c57905-9c63-4d04-a47c-8247a35d21ff/M45843-Suspension-013018.pdf?MOD=AJPERES>.

²Minn. Stat. Ann. § 343.21(1).

³Minn. Stat. Ann. § 343.20(2).

slaughter except by humane method."⁴ "Humane method" is defined as "[a]ny method of slaughtering livestock which normally causes animals to be rendered insensible to pain by a single blow of a mechanical instrument or shot of a firearm."⁵ Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.⁶

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

⁴Minn. Stat. Ann. § 31.591.

⁵Minn. Stat. Ann. § 31.59(4)(1).

⁶*See 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.").