



PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

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January 31, 2018

The Honorable Sheriff Robert Mosier
Fauquier County Sheriff's Office

Via e-mail: robert.mosier@fauquiercounty.gov

Dear Sheriff Mosier,

I hope this letter finds you well. I would like to request that your office and its animal control division investigate and file suitable criminal charges against Fauquier's Finest Custom Meat Processing, Inc., and the worker responsible for repeatedly shooting a pig in the head—both before and after the animal's throat was cut—at its slaughterhouse located at 11746 AG Industrial Dr. in Bealeton. This caused the conscious animal to stagger, fall to the floor, and cry out repeatedly, 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 January 9, 2018, federal personnel documented the following:

"[A]n egregious humane handling non-compliance [occurred] in which a large hog regained consciousness after sticking. After applying an electrical stun to the head, the hog was given two security knocks with a .22 rifle. After your employee applied the cut to the hog's throat, the animal came to its feet and began staggering. It eventually fell into sternal recumbency. The slaughter employee applied two more shots with the .22 rifle. In each case, the animal vocalized, paddled a bit, but did not get up. At this point, since the animal was still breathing intermittently, they elected to have their co-worker shoot it with his .357, which he did (twice). Shortly after this, the animal was fully unresponsive (clinically dead) and they were able to process it."¹

This conduct appears to violate Va. Code § 3.2-6570, which states, "Any person who ... tortures, ill-treats ... willfully inflicts inhumane injury or pain ... or cruelly or unnecessarily ... maims, mutilates, or kills any animal ... is guilty of a Class 1 misdemeanor."² "Animal" is defined as "any nonhuman vertebrate species except fish."³ This conduct is not exempt from the cruelty statute, which, with respect to "farming activities," exempts only those that are "consistent with standard animal husbandry practices."⁴ Repeatedly shooting a pig in the head and permitting the animal to be conscious after his or her throat is cut are not standard animal husbandry practices, as FSIS' action demonstrates. Importantly,

¹FSIS District 80 Manager Steve Lalicker, *Notice of Suspension, Fauquier's Finest Custom Meat Processing, Inc., Est. M33940* (January 10, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/707a3649-2a23-4d2d-94a1-eb5d835f0262/M33940-Suspension-011018.pdf?MOD=AJPERES>.

²Va. Code § 3.2-6570.

³Va. Code § 3.2-6500.

⁴Va. Code § 3.2-6500.

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- PETA Netherlands
- PETA Foundation (U.K.)

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 Fauquier's Finest Custom Meat Processing, Inc., and the worker responsible for this conduct and file suitable criminal charges against all appropriate parties. 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

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.").