



July 12, 2017

The Honorable Mike Taylor
12th Judicial District Attorney General

The Honorable Julia Veal
Assistant District Attorney General

Via e-mail: jmtaylor@tndagc.org; jnveal@tndagc.org

Dear Mr. Taylor and Ms. Veal,

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 H & P Meats and its worker(s) responsible for failing to stun a pig on the first two attempts via gunshot at its slaughterhouse, located at 2421 Hwy. 156 in South Pittsburg. This caused the pig to cry out while approximately four minutes passed between the first and final shots, 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 June 19, 2017, federal officials documented the following:

. . . Inspection Personnel . . . observed an egregious failure. A plant employee ran an approximately 200 pound animal into the knock box. . . . After the first shot was placed . . . the hog vocalize[d]. There was a second shot right after and the animal again vocalized. . . . [T]he hog [was] still standing and shaking its head. The plant owner . . . came to the kill floor and made the 3rd and final shot approximately 4 minutes after the first shot. A 22 magnum rifle was used for all three stunning attempts. . . .

. . . . This incident shows a noncompliance of humane handling that is egregious. In addition, on May 23, 2017, [H & P Meats was] issued a Non-compliance Record (NR) for the failure to render an animal unconscious using the same equipment (22 magnum rifle), which also failed to meet the regulatory requirements¹

This conduct appears to violate Tennessee's cruelty-to-animals statute, which states that a person shall not intentionally or knowingly "torture [or] maim" an animal,² or "[f]ail[] unreasonably to provide necessary . . . care . . . for an animal in the person's custody."³ "Animal" is defined as "a domesticated living creature

¹FSIS Jackson District Acting Manager Larry Davis, *Notice of Suspension, Est. M21352 – H & P Meats* (June 19, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/621928cd-34fd-42ba-824a-a468a6cf79ed/M21352-Suspension-061917.pdf?MOD=AJPERES>.

²TENN. CODE ANN. § 39-14-202(a)(1).

³TENN. CODE ANN. § 39-14-202(a)(2).

PEOPLE FOR
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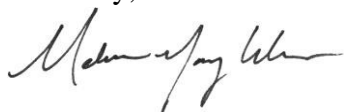
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or a wild creature previously captured."⁴ Specifically, the worker apparently knowingly engaged in delivering the first two failed shots to the pig's head, and the final shot was not delivered until approximately four minutes after the first shot, thereby maiming the animal and seemingly causing prolonged suffering. This conduct is not exempt from the cruelty-to-animals statute, which, with respect to "farm animal[s]," exempts only "usual and customary practices."⁵ Repeatedly shooting an animal is not a usual and customary practice, as the FSIS action demonstrates. Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.⁶

We respectfully request that your office investigate H & P Meats and the worker(s) responsible for this conduct and file cruelty charges against all appropriate parties. Please let us know what we might do to assist you. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Melissa Mary Wilson
Attorney, Cruelty Investigations Department

⁴TENN. CODE ANN. § 39-14-201(1).

⁵TENN. CODE ANN. § 39-14-202(f)(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.").