



August 10, 2017

The Honorable Jennifer Miller
Marshall County Attorney

Via e-mail: jmiller@co.marshall.ia.us

Dear Ms. Miller,

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 the person responsible for dragging a downed, struggling, screaming pig by the limb off a transport truck at Swift Pork Company, located at 402 N. 10th Ave. in Marshalltown. This incident is documented in the attached report by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). According to the report, on July 18, 2017, federal officials documented the following:

[I]n-plant inspection personnel (IPP) observed a producer drag a downed conscious hog The hog was laying down on its right side inside the trailer approximately 3 feet inside the trailer from the ramp. . . . IPP observed the producer grab the hog by its left hind leg and drag the hog off of the trailer, down the ramp, to a point just behind the tattooing gate. Initially, at the top of the ramp, the hog made multiple attempts to right itself and continued kicking and vocalizing. Then, halfway down the trailer the producer pushed the hog back down onto its right side from a sternal position.¹

This conduct appears to violate the livestock-neglect statute, which prohibits a person from "fail[ing] to provide livestock with care consistent with customary animal husbandry practices."² Dragging an animal by the limb is not consistent with customary animal-husbandry practices, as FSIS' action demonstrates.³ Importantly, FSIS action does not preempt criminal liability under state law for those who perpetrate acts of cruelty to animals at slaughterhouses.⁴

¹FSIS District 25 Manager Dawn Sprouls, *Notice of Suspension, Est M3S – Swift Pork Company* (July 19, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/f51d6519-3035-4443-94ff-e6e40a5b76bd/M3S-Suspension-07192017.pdf?MOD=AJPERES>.

²IOWA CODE § 717.2(1)(a).

³See 9 C.F.R. § 313.2(d)(2) ("The dragging of disabled animals and other animals unable to move, while conscious, is prohibited.").

⁴See *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.").

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We respectfully request that your office obtain the suspect's identity from Swift Pork Company, investigate the person responsible for this conduct, and file appropriate charges. 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,

A handwritten signature in black ink, appearing to read "Melissa Mary Wilson". The signature is fluid and cursive, with the first name being the most prominent.

Melissa Mary Wilson
Attorney, Cruelty Investigations Department