



February 20, 2018

Alexis Taylor
Director
Oregon Department of Agriculture

Via e-mail: ataylor@oda.state.or.us

Dear Ms. Taylor,

I hope this letter finds you well. I would like to request that your department investigate and file suitable criminal charges against Masami Foods, Inc., located at 5222 Tingley Ln. in Klamath Falls, and its worker(s) responsible for two recent incidents in which the state's livestock-slaughter law appears to have been violated, as documented in the attached reports by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). On February 6, 2018, an FSIS inspector saw a worker cut the throat of a conscious pig. The official observed the following:

[A]n electrically stunned market hog [was] shackled, hoisted, and bled on the rail. The hog was observed to be conscious as it was rhythmically breathing, making gurgling and gasping sounds, normally blinking and tracking its eyes to the environment, and trying to right itself, as evidenced by repeated arching of the head and neck dorsally along the longitudinal axis. The [FSIS official] then observed a plant employee reach around and re-stick the hog without applying another stun attempt to render it unconscious. Approximately 30 seconds after the second stick, all signs of consciousness ceased and it was hanging limp.¹

This follows an incident on November 1, 2017, in which a worker shot a cow three times, causing the animal to bleed from the nostrils and mouth, while conscious and upright, for seven to 15 minutes until the final shot was fired. The FSIS inspector documented the following:

The establishment made the decision to use a .22 caliber rifle to stun and slaughter the cow within this area. ... [T]he ... employee's first stunning attempt hit the forehead but the animal remained standing and was not rendered unconscious or insensible with blood seeping from both nostrils and mouth. A second attempt was applied with the same rifle and it entered again into the forehead with the animal jerking its head back but still remaining upright and conscious. The ... employee was about 30 ft. away from the animal when attempting to stun the animal. The ... employee then changed his approach to animal from the other side of the west side alley. The ... employee was approximately 5 to 10 feet away from animal and attempted a third stunning ... with the .22 caliber rifle

¹FSIS District 15 Manager Anna Gallegos, *Reinstatement of Suspension, Masami Foods, Inc., Est. M6173* (Feb. 6, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/1a9c7a62-b906-4dfc-a260-a4683d4f25ef/M6173-NOROS-020618.pdf?MOD=AJPERES>.

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which successfully rendered the animal unconscious. . . . The time between the first and second stunning attempts was approximately 2 to 5 minutes. The time between the second and third attempt was approximately 5 to 10 minutes. After the establishment skinned the head, the [FSIS official] observed a hole to right of midline but approximately 2 cm medial to right medial canthus of eye, a second hole midline but on the level of an imaginary line from right to left medial canthi, and third hole at the cross section of two diagonal imaginary lines from right eye to left ear and left eye to right ear.²

The conduct in both of these incidents appears to violate Or. Rev. Stat. § 603.065(1)(a), which states, "Cattle . . . or swine shall be . . . [r]ender[ed] . . . insensible to pain by a single blow or gunshot or by an electrical, chemical or other means that is rapid and effective, before the animal is shackled, hoisted, thrown, cast or cut."³ Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who engage in egregiously inhumane slaughter practices.⁴

Please let us know what we might do to assist you. I can be reached at ColinH@peta.org or at 757-962-8326. Thank you for your time and consideration.

Sincerely,



Colin Henstock
Investigations Specialist

²FSIS District 15 Manager Anna Gallegos, *Notice of Suspension, Masami Foods, Inc., Est. M6173* (Nov. 6, 2017) <https://www.fsis.usda.gov/wps/wcm/connect/2a43944e-3060-48c6-bac1-c181dad01c3a/M6173-Suspension-111517.pdf?MOD=AJPERES>.

³Or. Rev. Stat. § 603.065(1)(a).

⁴*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.").