



December 7, 2017

The Honorable Chris Kaber
Klamath County Sheriff

Via e-mail: ckaber@co.klamath.or.us

Dear Sheriff Kaber,

I hope this letter finds you well. I would like to request that your office investigate and file suitable criminal charges against Masami Foods, Inc., and its worker responsible for shooting a cow three times at its slaughterhouse located at 5222 Tingley Ln. in Klamath Falls. This caused the cow to bleed from the nostrils and mouth, while conscious and upright, for seven to 15 minutes until the worker fired the third shot, 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 November 1, 2017, federal officials documented the following:

[E]mployees attempt[ed] to drive an aggressive beef cow through the runs to the ramp. The cow was cordoned off in an approximately 15 ft. x 40 ft. area in the west side drive alley. The cow would charge the establishment staff creating a safety risk to the employees. 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 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. . . . [Redacted] were notified of the egregious inhumane handling incident.¹

This conduct appears to violate ORS § 167.320(1)(b), which states, "[a] person commits the crime of animal abuse in the first degree if . . . the person . . .

¹FSIS District 15 Manager Anna Gallegos, *Notice of Suspension, Est. M6173 – Masami Foods, Inc.* (Nov. 1, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/2a43944e-3060-48c6-bac1-c181dad01c3a/M6173-Suspension-111517.pdf?MOD=AJPERES>.

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Oakland
554 Grand Ave.
Oakland, CA 94610
510-763-PETA

Info@peta.org
PETA.org

Affiliates:

- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

recklessly . . . [c]ruelly causes the death of an animal." At the very least, this conduct apparently violates ORS § 167.315(1), which states: "[a] person commits the crime of animal abuse in the second degree if . . . the person . . . recklessly causes physical injury to an animal." "Animal" is defined as "any nonhuman mammal, bird, reptile, amphibian or fish."² This conduct is not exempt from the animal abuse statutes, which exempt "the killing of livestock according to the provisions" of ORS § 603.065(1)(a).³ That statute states that "[c]attle . . . shall be slaughtered by a licensee and handled in connection with slaughter, by any method which . . . [r]enders each such animal insensible to pain by a single blow or gunshot . . . or other means that is rapid and effective . . ."⁴ Importantly, 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 Masami Foods 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 MelissaW@peta.org or 757-646-6728. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Melissa Mary Wilson
Attorney, Cruelty Investigations Department

²OR. REV. STAT. § 167.310(3).

³OR. REV. STAT. § 167.335(5).

⁴OR. REV. STAT. § 603.065(1)(a).

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.").