



May 30, 2017

The Honorable Jeffrey S. Getting
Prosecuting Attorney
Kalamazoo County

Steve Lawrence
Director, Animal Services and Enforcement
Kalamazoo County

Via e-mail: jsggett@kalcountry.com; sjlawr@kalcountry.com

Dear Mr. Getting and Mr. Lawrence:

I hope this letter finds you well. I would like to request that your offices investigate and, as appropriate, file criminal charges against Scotts Hook & Cleaver and those of its workers responsible for failing to stun a cow and a pig properly on the first attempt on two recent dates at its slaughterhouse located at 8713 S. 38th St. in Scotts. This caused the pig to cry out after a shotgun blast to her snout and the cow to bleed from his nose and mouth after a shotgun blast to the head, as documented in the attached reports by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS).

According to the reports, on the days in question, federal officials documented the following:

- **April 11, 2017:** "There was no means of restraint provided and the employee approached the sow with a 20-gauge shotgun. . . . The sow threw her head up as the employee fired the shotgun. The bullet went into the sow's snout, just below the left eye. . . . [T]he [Consumer Safety Inspector (CSI)] observed the sow go down and then immediately stand right back up on all four legs and let out a short squeal. The employee retrieved the hand-held captive bolt device . . . and discharged the device into the forehead of the sow The sow remained standing and was moving around within the holding pen. . . . Post mortem examination of the head . . . revealed the entry hole of the 20-gauge shotgun shot was approximately 1 ½ inches to the center of the skull and approximately 1 ½ inches below the left eye. The entry hole of the captive bolt gun shot was . . . in the center of the skull. . . . [T]his . . . constitutes an egregious violation"¹
- **May 16, 2017:** "The establishment employee was attempting to stun a steer located in the knock box The knock box also has a chain that is utilized over the neck of cattle to further assist in controlling the animal's head, but it was not used at this time. The employee's first stunning attempt with a hand-held captive bolt gun failed to render the steer insensible, and the animal remained standing. The stunning operator . . . grabbed the 20-gauge slug shotgun, and . . . fired The steer went down but then immediately stood back up. Blood was . . . coming from the nostrils and mouth of the animal. . . . Post mortem examination revealed two entry holes from the 20-gauge shotgun and a round red

¹FSIS Chicago District Manager Paul V. Wolseley, *Notice of Suspension, Est. M10038—Scotts Hook & Cleaver, Inc.*, (Apr. 11, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/ef62bafa-f33b-49cb-88ad-6e8d44549541/M10038-Suspension-041117.pdf?MOD=AJPERES>.

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bruise mark from the captive bolt gun in the skull and three holes in the hide. . . .
[This] constitutes an egregious violation"²

This conduct appears to violate MCL 750.50b(2), which states that a person shall not: "(a) Knowingly kill, torture, mutilate, maim, or disfigure an animal [or] (b) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured." "Animal" is defined as "any vertebrate other than a human being."³ At the very least, the conduct in both incidents appears to have been reckless, since the workers apparently failed to restrain the animals properly before firing the first and subsequent shots, causing both the pig and the cow to become mutilated, maimed, or disfigured. This conduct is not exempt from the cruelty statute, which, with respect to "livestock," exempts only "the lawful killing or a customary animal husbandry practice."⁴ Multiple stunning attempts on one animal is not a lawful or customary industry practice, as the FSIS' action demonstrates. You may also consider working with the Michigan Department of Agriculture and Rural Development to investigate whether the acts above violate the Humane Slaughter of Livestock statute, which states that "[n]o slaughterer . . . shall . . . bring livestock into position for slaughter by any method which shall cause injury or pain."⁵ 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 offices investigate Scotts Hooks & Cleaver and the workers responsible for this conduct and file cruelty charges against all appropriate parties. Please let me know what we might do to assist. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Melissa Mary Wilson, Esq.
Policy Associate

²FSIS Chicago District Manager Paul V. Wolseley, *Notice of Suspension, Est. M10038—Scotts Hook & Cleaver, Inc.*, (May 16, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/68e8feaf-c19e-4b4c-bc91-6d2b8233a868/M10038-NOROS-051617.pdf?MOD=AJPERES>.

³MICH. COMP. LAWS § 750.50b(1).

⁴MICH. COMP. LAWS § 750.50b(8).

⁵MICH. COMP. LAWS § 287.552.

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.").