



December 18, 2017

Chief Donald Edwards  
Clinton Police Department

Via e-mail: [dedwards@cityofclintonnc.us](mailto:dedwards@cityofclintonnc.us)

Dear Chief Edwards,

I hope this letter finds you well. I would like to request that your office investigate and file suitable criminal charges against Smithfield Farmland Corp. and its worker responsible for willfully and repeatedly striking a pig in the head with a gate at its slaughterhouse, which federal documents identify as establishment M413 and locate at 424 E. Railroad St. in Clinton.<sup>1</sup> This caused the pig to bleed from the head, 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 21, 2017, federal personnel documented the following:

IPP [Inspection Program Personnel] identified an egregious humane handling non-compliance in which an establishment employee repeatedly hit a stressed hog in the head with an automatic gate. The hog was sitting down in the alleyway and his head was being struck by the gate causing it to knock into the concrete side. IPP had to instruct the establishment employee to stop pressing the button to close the gate on the hog's head. The hog was moved out of the alleyway where it was discovered that it had a cut on its nose. . . . [F]urther investigation of the area revealed blood in the alleyway where the hog's head made contact with the concrete and a trail to where the hog had been moved out of the alleyway, but no other locations in the area. . . . [T]he willful nature of the incident warrants a suspension action.<sup>2</sup>

This conduct appears to violate N.C. Gen. Stat. § 14-360(a), which states, "If any person shall intentionally overdrive . . . wound, injure [or] torment . . . any animal, every such offender shall . . . be guilty of a Class 1 misdemeanor." "Torture" means "any act, omission, or neglect causing or permitting unjustifiable pain [or] suffering."<sup>3</sup> "Intentionally" means "an act committed knowingly and without justifiable excuse."<sup>4</sup> The federal official described the employee's actions as "willful." This conduct is not exempt from the cruelty-to-animals statute, which, with respect to animals used for food, exempts only "[l]awful activities

<sup>1</sup>See United States Department of Agriculture, *FSIS Meat, Poultry and Egg Product Inspection Directory Legend for Establishment Numbers and Directory Search Guidance*, 301 (Dec. 5, 2017), [https://www.fsis.usda.gov/wps/wcm/connect/a5c2b5c8-92e0-4565-8999-f2fb75bfdb05/MPI\\_Directory\\_Establishment\\_Number.pdf?MOD=AJPERES](https://www.fsis.usda.gov/wps/wcm/connect/a5c2b5c8-92e0-4565-8999-f2fb75bfdb05/MPI_Directory_Establishment_Number.pdf?MOD=AJPERES).

<sup>2</sup>FSIS District 80 Manager Steve Lalicker, *Notice of Suspension, Est. M413 – Smithfield Farmland Corp.* (Nov. 22, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/8f0ff268-0afb-4d5e-bf24-d0583f5a867d/M413-Suspension-112217.pdf?MOD=AJPERES>.

<sup>3</sup>N.C. GEN. STAT. § 14-360(c).

<sup>4</sup>*Id.*

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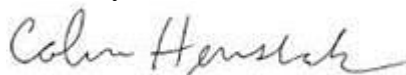
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- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

conducted for the primary purpose of providing food for human or animal consumption."<sup>5</sup> Repeatedly striking a conscious pig in the head with an automatic gate is not a "lawful" activity, as FSIS' action demonstrates. Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.<sup>6</sup>

We respectfully request that your office investigate Smithfield Farmland Corp. 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 [ColinH@peta.org](mailto:ColinH@peta.org) or 757-962-8326. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Colin Henstock  
Investigations Specialist

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<sup>5</sup>N.C. GEN. STAT. § 14-360(c)(2a).

<sup>6</sup>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.").