



September 7, 2017

The Honorable Matthew D. Weintraub
Bucks County District Attorney

Via e-mail: mdweintraub@buckscounty.org

Dear Mr. Weintraub,

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 Springfield Meat Co. and its worker responsible for ineffectively shooting a cow in the head before slashing the animal's throat at its slaughterhouse located at 1868 California Rd. in Richlandtown. Although the first of the three shots fired into the cow caused the animal to collapse, he or she then stood back up. After the worker cut the animal's neck, the conscious cow attempted to right him- or herself, 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 August 21, 2017, federal officials documented the following:

[A] Holstein cow was to be euthanized after it was condemned The first stunning attempt with a hand held captive bolt to the cow, which was standing unrestrained in the ante mortem bay, was unsuccessful. The captive bolt contacted the cow as there was a mark on the cow's head and the cow fell down but stood up again and walked. After the second stunning attempt, the cow fell to lateral recumbency. The . . . employee then cut the cow's neck for bleeding, but the cow regained consciousness as evidenced by eye tracking movements and righting movements. The . . . employee administered a third stun The Establishment does not have a Robust Systematic Approach to Humane Handling Program."¹

This conduct may violate 18 Pa.C.S.A. § 5533(a), Pennsylvania's cruelty-to-animals statute, which states, "A person commits an offense if the person . . . recklessly illtreats . . . or abuses an animal." This conduct is not exempt from the cruelty-to-animals statute, which, with respect to agriculture, exempts only "normal agricultural operations,"² which are defined as "[n]ormal activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products in the production and harvesting of agricultural . . . commodities."³ Repeatedly shooting one animal with a captive bolt is not "normal" agricultural practice or procedure, nor is permitting a cow to be conscious during or after cutting his or her throat, as FSIS' action demonstrates. Importantly, FSIS action does not

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¹FSIS District 60 Manager Susan G. Scarcia, *Notice of Suspension, Est. 9704 – Springfield Meat Co.* (Aug. 21, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/cf86e84f-9c29-4ab0-9036-fa7c652a89ff/M9704-Suspension-082117.pdf?MOD=AJPERES>.

²18 PA. CONS. STAT. § 5560.

³18 PA. CONS. STAT. § 5531.

preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.⁴

We respectfully request that your office investigate Springfield Meat Co. and the worker responsible for this conduct and file cruelty-to-animals charges against all appropriate parties. 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, written in a professional style.

Melissa Mary Wilson
Attorney, Cruelty Investigations Department

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.").