



DEPARTMENT OF HEALTH & HUMAN SERVICES

HFI 03
Public Health Service

D1104B

Food & Drug Administration
1141 Central Parkway
Cincinnati, OH 45202

January 16, 1997

WARNING LETTER
CIN-WL-97-132

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Martin D. Yoder, Owner
Martin D. Yoder Livestock
13407 Dover Road
Kidron, Ohio 44636

Dear Mr. Yoder:

Investigations at your Livestock company and Trucking firm revealed that you purchased a cow identified with back tag #31NW 1283 at Kidron Auction into your 10XXX account on August 22, 1996. This animal was slaughtered for food at [REDACTED], [REDACTED] in August 28, 1996 in violation of Sections 402(a)(2)(D) and 402(a)(4) of the Federal Food Drug and Cosmetic Act (FD&C Act).

This animal had been bought for slaughter at [REDACTED]. Your truck hauled the animal to [REDACTED] where it stayed several days. On or about August 28, 1996 the Jersey cow was picked up and slaughtered by the [REDACTED]. The animal was sampled and tested by USDA and found to contain 5.10 ppm streptomycin in the liver. There is a 0.50 ppm limit for streptomycin in the liver of calves. The regulation lists no tolerance for this drug in cows. The USDA sample report shows the carcass and kidneys were released and the liver was condemned.

You purchased this animal without any assurance it was drug residue legal and caused it to be introduced into interstate commerce for slaughter. This animal with excessive levels of drug residues is adulterated food when intended for slaughter and is prohibited by Section 301(a) of the FD&C Act from being introduced or delivered for introduction into interstate commerce.

The above is not intended as an all inclusive list of violations. As a buyer and shipper of animals for slaughter you are responsible for assuring that you do not ship or cause to be shipped adulterated food across state lines, that is, medicated animals which are intended for slaughter. It is not necessary for you to personally ship an adulterated animal in interstate commerce to be responsible for a violation of the FD&C Act. If you buy a medicated animal for slaughter for human food and the animal is shipped interstate you can be held responsible. If the medicated animal had already been shipped interstate and you buy it and cause it to be slaughtered you

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can be held responsible. If you sell a medicated animal for slaughter within the state and that slaughterhouse ships interstate you can be held responsible.

You must assure yourself the animals you purchase for slaughter are drug residue legal. Further, it means you cannot buy animals for which you cannot obtain a drug residue legal assurance and then sell them in a manner wherein they are diverted to slaughter. You can be held responsible for any animal slaughtered for human food which you caused to be sold if it is found to contain illegal levels of drug residues.

You should take prompt action to correct these violations and to establish procedures to prevent their recurrence. Failure to promptly correct these violations may result in regulatory action, such as injunction, without further notice.

You should notify this office in writing, within 15 working days of receipt of this letter, of the specific steps you have taken to correct the noted violations, including an explanation of each step being taken to prevent the recurrence of similar violations. If corrective action cannot be completed within 15 working days, state the reason for the delay and the time within which the corrections will be completed. Also include copies of any available documentation demonstrating that corrections have been made.

Your reply should be sent to the Food and Drug Administration, Cincinnati District Office, Attention: Leonard J. Farr, Compliance Officer, 1141 Central Parkway, Cincinnati, Ohio, 45202.

Sincerely yours,


John R. Marzilli
District Director
Cincinnati District

LJF/clc