



August 13, 1997

Chicago District  
300 S. Riverside Plaza, Suite 550 South  
Chicago, Illinois 60606  
Telephone: 312-353-5863

WARNING LETTER  
CHI-39-97

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Michael J. Henry  
2114 Ames Road  
Red Bud, Illinois 62278

Dear Mr. Henry:

An investigation of your dairy operation, conducted by Investigator Fredric W. French on July 25, 1997, found you offered a cow for sale for slaughter as human food in violation of Section 402(a)(2)(D) of the Federal Food, Drug, and Cosmetic Act (Act).

On or about June 9, 1997, you sold a "downer" cow for slaughter as human food to [redacted]. USDA analysis of tissue samples collected from that animal identified the presence of 0.11 parts per million (ppm) penicillin in kidney tissue. The established Regulatory Action Level for penicillin in cattle is 0.05 ppm. The presence of this drug in the edible tissue of this animal causes the food to be adulterated under Section 402(a)(2)(D) of the Act.

You should take prompt action to correct these violations, and you should establish procedures whereby such violations do not recur. Failure to promptly correct these violations, may result in regulatory action without further notice, such as seizure and/or injunction. This letter constitutes official notification under the law.

Please advise this office in writing within 15 working days of receipt of this letter of the steps you have taken to bring your firm into compliance with the law. Your response should include each step that has been taken or will be taken to correct the violations and prevent their recurrence. If corrective action cannot be completed within 15 working days, state the reason for the delay and the time frame within which the corrections will be completed. Please include copies of any available documentation demonstrating that corrections have been made.

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Your response should be directed to Richard Harrison, Acting Director, Compliance Branch.

Sincerely,

Raymond V. Mlecko  
District Director

- cc: Judd Giezentanner, DVM  
North Central Region  
FSIS Inspection Operations  
United States Department of Agriculture  
11338 Aurora Ave.  
Des Moines, IA 50322
- cc: Richard Hull, DVM  
Chief Veterinarian  
Bureau of Animal Health  
Division of Animal Industries  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281
- cc: Mark Ringler  
Bureau Manager  
Bureau of Agricultural Products Inspection  
Division of Agricultural Industry Regulations (DAIR)  
Illinois Department of Agriculture  
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