



September 26, 1997

Chicago District
300 S. Riverside Plaza, Suite 550 South
Chicago, Illinois 60606
Telephone: 312-353-5863WARNING LETTER
CHI-50-97CERTIFIED MAIL
RETURN RECEIPT REQUESTEDRodney Bircher, Owner
Bircher Farm
15247 W. Burch Road
Pearl City, IL 61062

Dear Mr. Bircher:

An investigation of your dairy operation, conducted by Investigators Darrell Luedtke and Thomas Nojek on September 23, 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), and that you may have caused an animal drug to become adulterated within the meaning of Section 501(a)(5).

On July 17, 1997, you offered a cow for slaughter as human food to []. USDA analysis of tissue samples collected from that animal identified the presence of 0.62 parts per million (ppm) in liver tissue and 0.64 ppm in muscle tissue of the drug sulfadimethoxine. The established tolerance for sulfadimethoxine in cattle is 0.10 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 used an off label procedure for the medication of the animal in question in that you gave the animal a 350 cc I.V. injection rather than feeding in the water. You are adulterating the drug brand of sulfadimethoxine that your operation uses on cattle within the meaning of Section 501(a)(5) of the Act when you fail to use the drug in conformance with its approved labeling. Your use of the drug without following the labeled withdrawal period causes the drug to be unsafe to use.

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.

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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.

Your response should be directed to Paul A. Boehmer, Compliance Officer.

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
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Illinois Department of Agriculture
P.O. Box 19281
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- cc: Mark Ringler
Bureau Manager
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