

BUFFALO DISTRICT
Food and Drug Administration
599 Delaware Avenue
Buffalo, NY 14202

1 November 1996

WARNING LETTER BUF 97-3

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Russell F. Leone, Dealer In Livestock
1256 Hammond Avenue
Utica, New York 13501

Dear Mr. Leone:

An inspection of your operation, located in Utica, New York, by Food and Drug Administration Investigator William P. Chilton on 27 September 1996 confirmed a cow, identified with sale tag #517 and back tag 21HT2511, purchased and sold by you on or about 20 May 1996, and a cow, identified with sale tag #738 and back tag #21HT2743, purchased and sold by you on or about 3 June 1996 for slaughter for human food to [REDACTED], were in violation of Section 402(a)(2)(D) of the Federal Food, Drug and Cosmetic Act.

USDA/FSIS analysis of tissues collected from the first cow disclosed the presence of the drugs Penicillin, at a level of .25 ppm in kidney tissue, and Streptomycin, at a level of 1.5 ppm in kidney tissue, and Streptomycin at a level of 1.2 ppm in liver tissue. Analysis of tissues collected from the second cow disclosed the presence of the drug Penicillin at a level of .88 ppm in kidney tissue and .10 ppm in liver tissue. A tolerance of 0.05 ppm has been established for residues of Penicillin, and a tolerance of 0.50 ppm has been established for residues of Streptomycin in edible tissues of cattle. The presence of these drugs in edible tissues from cattle causes the food to be adulterated.

Our investigation also found you handled and purchased cattle under conditions which are so inadequate that medicated cattle bearing potentially harmful drug residues are likely to enter the food supply. For example, you fail to determine from the previous owner or caretaker whether an animal has been medicated, and with what drug(s); and, if the animal had been medicated, to determine whether an appropriate withdrawal period had been met.

You should take prompt action to correct the above violations and to establish procedures whereby such violations do not recur. Failure to do so may result in regulatory action, such as seizure and/or injunction, without further notice.

The violations listed above are not intended to be an all inclusive list. It is your responsibility to assure your operations are in compliance with the law. As a dealer of animals, you are frequently the individual who introduces, or offers for introduction into interstate commerce, the adulterated animal. As such, you share the responsibility for violating the Federal Food, Drug and Cosmetic Act. To avoid future illegal residue violations



