



DEPARTMENT OF HEALTH & HUMAN SERVICES

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Public Health Service  
Food and Drug Administration

Dallas District  
3310 Live Oak Street  
Dallas, Texas 75204-6191

July 9, 1998

Ref: 98-DAL-WL-#44

**WARNING LETTER**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. John D. Clark, Owner  
Tri-State Livestock  
P.O. Box 413  
Texhoma, OK 73949

Dear Mr. Clark:

An investigation of your cattle buyer/dealer operation on February 9 & 25, 1998, confirmed that you offered animals for sale for slaughter as food on March 14, 1997, and on November 13, 1997, in violation of Sections 402(a)(2)(C)(ii) and 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the Act). Food is defined by Section 201(f) of the Act as "(1) articles used for food or drink for man or other animals, \*\* (3) articles used for components of any such article." A food is adulterated if it bears or contains a new animal drug (or conversion product thereof) which is unsafe within the meaning of Section 512 of the Act [Section 402(a)(2)(C)(ii)].

On March 14, 1997, you delivered animal #3129 for slaughter as food at Caviness Packing Co., Inc., Hereford, TX. USDA analysis (Lab Report #329681) of tissue samples collected from this animal identified the presence of penicillin at a level of 0.16ppm in the kidney and 0.44ppm in the liver tissue of the animal. A tolerance of 0.05ppm has been established for residues of penicillin in the edible tissues of cattle (Title 21, Code of Federal Regulations, Part 556.510). The presence of this drug in edible tissue from this animal causes the food to be adulterated [402(a)(2)(C)(ii)].

Additionally, on November 13, 1997, you delivered animal #8012 for slaughter as food at Booker Packing Company, Inc., Highway 15 East, Booker, TX. USDA analysis (Laboratory Report #377550) of tissue samples collected from this animal again identified the presence of penicillin at 0.09ppm in the kidney tissue. The presence of this drug in edible tissue from this animal causes the food to be adulterated [402(a)(2)(C)(ii)].

Our investigation found that you hold animals under conditions which are so inadequate that diseased animals and/or medicated animals bearing potentially harmful drug residues are likely to enter the food supply. You do not have an adequate system for assuring that animals purchased from individual producers or at auction facilities, and intended to be subsequently offered for sale for slaughter, have not been medicated or that when medicated, assures that withdrawal periods for drugs are observed to permit depletion of potentially hazardous residues of drugs from edible tissues. You also lack a system which allows trace back of a purchased animal to a single producer. Food from animals held under such conditions is adulterated [Section 402(a)(4)].

You marketed animal #3129 for slaughter on March 14, 1997, and do not have records to identify the producer from whom the animal was purchased or the medication status of the animal. You could only advise our investigator that the animal may have been purchased from any one of three Kansas dairies. You purchased the animal on March 11, 1997, without determining the medication status, and therefore, the need to withhold the animal from slaughter for the depletion of violative drug residues. Such practice of holding animals under conditions inadequate to prevent unsafe drug residues causes the food to be adulterated [Section 402(a)(4)].

You marketed animal #8012 on November 13, 1997, and do not have records to identify the condition of the animal or its medication status at the time of purchase from Sunrise Farms, Boise City, OK on November 12, 1997. Our investigation shows the animal had been medicated with Procaine Penicillin G for a uterine infection at a high dosage rate from November 8/11, 1997, requiring proper withdrawal prior to marketing of the animal for slaughter.

The above is not intended to be an all-inclusive list of violations. As a buyer/dealer purchasing sick and downer animals, and marketing these animals for sale for slaughter as food, it is your responsibility to assure that your operations are in compliance with the law. As a dealer or purchaser 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 you should take precautions such as:

- 1) implementing a system to identify the animals you purchase with records to establish the traceability to the source of the animal;
- 2) implementing a system to determine from the source of the animal whether the animal has been medicated and with what drug(s); and,

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- 3) if the animal has been medicated, implementing a system to withhold the animal from slaughter for an appropriate period of time to deplete potentially hazardous residues of drugs from edible tissues. If you do not want to hold the medicated animal then it should not be offered for human food, and should be clearly identified and sold as a medicated animal.

It is your responsibility also to assure that animals known to have been treated with drugs, and that have not been appropriately withdrawn from the drugs, are not offered for use in pet food. The presence of violative drug residues in cattle offered as food for pets also causes the food to be adulterated under the Act.

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

You should notify this office, in writing, within fifteen (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 fifteen (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 James R. Lahar, Compliance Officer, at the above letterhead address.

Sincerely,



Joseph R. Baca  
Dallas District Director

JRB:JRL:jab