



DEPARTMENT OF HEALTH & HUMAN SERVICES

M 32947

San Francisco District
1431 Harbor Bay Parkway
Alameda, CA 94502-7070
Telephone: 510/337-6700

Via Federal Express

Our Reference: 29-54582

December 22, 1999

Joe C. Dias, Partner
D and M Dairy
11718 12th Avenue
Hanford, California 93230

WARNING LETTER

Dear Mr. Dias:

Tissue residue reports from the United States Department of Agriculture (USDA) and an investigation of your dairy on December 7, 1999, by Food and Drug Administration (FDA) Investigator Robert J. Anderson have revealed serious violations of the Federal Food, Drug, and Cosmetic Act (the Act) as follows:

A food is adulterated under Section 402(a)(2)(C)(ii) of the Act if it contains a new animal drug that is unsafe within the meaning of Section 512. On October 11, 1999, you consigned a cow (identified by USDA laboratory report number 347739) to be slaughtered for human food. This cow was delivered for introduction into interstate commerce by your firm and was adulterated by the presence of illegal drug residues. USDA analysis of tissues from this cow revealed sulfadimethoxine in the liver at 2.6 parts per million (ppm) and in the muscle at 2.3 ppm. Presently, the tolerance level for sulfadimethoxine in the uncooked edible tissues of cattle is 0.10 ppm.

A food is adulterated under Section 402(a)(4) of the Act "if it has been prepared, packed, or held under insanitary conditions...whereby it may have been rendered injurious to health." As it applies in this case, "insanitary conditions" means that you hold animals which are ultimately offered for sale for slaughter as food under conditions which are so inadequate that medicated animals bearing possibly harmful drug residues are likely to enter the food supply. For example, our investigator noted the following:

1. You lack an adequate system for assuring that animals to which you administer medication have been withheld from slaughter for appropriate periods of time to deplete potentially hazardous residues of drugs.
2. You lack an adequate system for assuring that drugs are used in a manner consistent with the directions contained in their labeling.
3. You lack an adequate system for assuring that animals are treated with drugs which have been approved for use in their class of animal or species.
4. You lack an adequate inventory system for determining the quantities of drugs used to medicate your cows and calves.

You are adulterating the drug DIMETHOX brand of sulfadimethoxine within the meaning of Section 501(a)(5) of the Act, in that it is a new animal drug within the meaning of Section 201(v) and is unsafe within the meaning of Section 512(a)(1)(B) since it is not being used in conformance with approved labeling. Label directions for DIMETHOX specify a dosage of 25 milligrams (mg) per pound of body weight for the first day followed by 12 ½ mg every twenty-four hours and a withdrawal time of five-days prior to slaughter. Label directions also indicate the drug is for the treatment of shipping fever complex, bacterial pneumonia, foot rot, and calf diphtheria. Your practice of administering sulfadimethoxine for the treatment of coliform mastitis, coupled with no withdrawal time, is likely the cause of the illegal residue found in the aforementioned cow.

Failure to comply with the label instructions on drugs you use to treat your animals presents the likely possibility that illegal residues will occur and makes the drugs unsafe for use. We request that you take prompt action to ensure that animals which you offer for sale as human food will not be adulterated with drugs or contain illegal residues.

Introducing adulterated foods into interstate commerce is a violation of Section 301(a) of the Act. Causing the adulteration of drugs after receipt in interstate commerce is a violation of Section 301(k) of the Act.

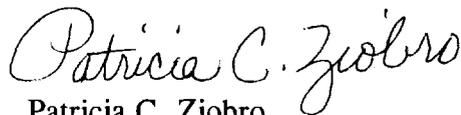
You should be aware that it is not necessary for you to have personally shipped an adulterated animal in interstate commerce to be responsible for a violation of the Act. The fact that you offered an adulterated animal for sale to a slaughter facility where it was held for sale in interstate commerce is sufficient to make you responsible for violations of the Act.

D & M Dairy
Hanford, California

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Within fifteen (15) days of the receipt of this letter, please notify our Sacramento office in writing of the specific steps you have taken to correct these violations and preclude their recurrence. If corrective action cannot be completed within fifteen working days, state the reason for the delay and the time frame within which corrections will be completed. Your response should address each discrepancy brought to your attention during the inspection and in this letter, and should include copies of any documentation demonstrating that corrections have been made. Please direct your reply to Karen L. Robles, Investigator, United States Food and Drug Administration, 801 I Street, Room 443, Sacramento, California 95814.

Sincerely yours,



Patricia C. Ziobro
Director
San Francisco District

cc:

