



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

491

**PURGED** RAK

Food and Drug Administration  
Minneapolis District  
240 Hennepin Avenue  
Minneapolis MN 55401-1999  
Telephone: 612-334-4100

cc: HFI-35/FOI Staff  
DWA

November 7, 1997

WARNING LETTER

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Refer to MIN 98 - 9

Gary J. Van Der Geest  
President  
Van Der Geest Dairy Cattle, Inc.  
5555 County Road A  
Merrill, Wisconsin 54452

Dear Mr. Van Der Geest:

An investigation at your dairy operation located at Merrill, WI, conducted by our investigator on September 2, 4, and 12, 1997, confirmed that you offered an animal for sale for slaughter as food in violation of Section 402(a)(2)(D) of the Federal Food, Drug and Cosmetic Act (the Act) and that you caused an animal drug to become adulterated within the meaning of Section 501(a)(5).

On or about June 20, 1997, you sold a dairy cow identified with back tag number 35 VA 8193 for slaughter as human food at [REDACTED]

USDA analysis of tissue samples collected from that animal identified the presence of 1.90 parts per million (ppm) gentamicin in the kidney. No tolerance has been established for gentamicin in dairy cows. The presence of this drug in edible tissue from this animal causes the food to be adulterated.

You are adulterating the drug [REDACTED] brand of gentamicin sulfate, that your firm uses on dairy cows within the meaning of Section 501(a)(5) when you fail to use the drug in conformance with its approved labeling. Your use of the drug in dairy cows is not approved causing the drug to be unsafe to use.

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Gary J. Van Der Geest  
November 7, 1997

The above is not intended to be an all-inclusive list of violations. As a producer of animals offered for use as food, you are responsible for ensuring that your overall operation and the foods you distribute are in compliance with the law.

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 without further notice such as seizure and/or injunction.

It is not necessary for you to personally ship an adulterated animal in interstate commerce to be responsible for a violation of the Federal Food, Drug and Cosmetic Act. The fact that you caused the adulteration of an animal that was sold to a slaughterhouse that ships in interstate commerce is sufficient to hold you responsible for a violation of the Act.

You should notify this office in writing within 15 working days of the steps you have taken to bring your firm into compliance with the law. Your response should include each step being taken, 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 reply should be directed to Compliance Officer Robert P. Snell at the address indicated on the letterhead.

Sincerely,



James A. Rahto

Director

Minneapolis District

RPS/ccl