



February 7, 2001

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**WARNING LETTER**

Ref. KAN 2001-013

Peter DeVries, General Manager  
Royal Farms Dairy, LLC  
3302 F Road  
Garden City, KS 67846

Dear Mr. DeVries:

On December 6 to 8, 2000 an investigation performed at your dairy operation located in Garden City, Kansas confirmed that you offered animals for sale for slaughter as food in violation of Sections 402(a)(2)(C)(ii) and 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the Act).

On various dates you sold cows for slaughter as human food to [REDACTED] USDA analysis of tissue samples collected from these animals identified the presence of penicillin in kidneys and livers. A tolerance of 0.05 ppm has been established for residues of penicillin in the edible tissues of cattle per Title 21, Code of Federal Regulations, Section 556.510 [21 CFR 556.510]. The USDA reported residues include:

- On/about July 18, 2000, laboratory report number 347392: liver 0.23 ppm; kidney 0.28 ppm.
- On/about September 6, 2000, laboratory report number 347394: liver 0.11 ppm; kidney 0.38 ppm.
- On/about September 20, 2000, laboratory report number 347367: liver 0.25 ppm; kidney 1.58 ppm.
- On/about October 11, 2000, laboratory report number 347370: liver 0.09 ppm.

The presence of this drug in edible tissues from these cows causes the food to be adulterated.

As evidenced by your repeated violative residues and our investigation, you hold animals under conditions that are likely to cause medicated animals bearing potentially harmful drug residues to enter into the food supply. Your firm does not maintain adequate treatment records of animals offered for slaughter. For example: 1) you do not have treatment records which

positively and properly identify an animal treated to assure correct withholding times are observed; 2) there are no written prescriptions for the extra label use of penicillin, and inadequate withholding instructions for withholding animals treated with penicillin in an extra label manner.

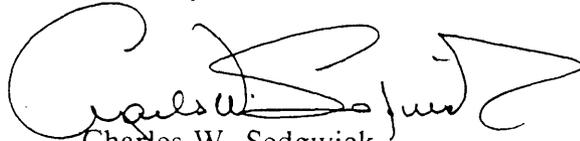
In addition to the above reported tissue residues, it appears that two of the five test animals requested by USDA and submitted on/about September 14, 2000, were found to contain penicillin residues as follows:

- Laboratory report number 347363: liver 0.66 ppm; kidney 0.28 ppm.
- Laboratory report number 347364: liver 0.29 ppm; kidney 0.32 ppm.

It is necessary for you to take action on this matter now. Please let this office know in writing within fifteen (15) working days from the date you received this letter what steps you are taking to correct the problems. We also ask that you explain how you plan to prevent this from happening again. If you need more time, let us know why and when you expect to complete your correction.

Your reply should be sent to Clarence R. Pendleton, Compliance Officer, at the above address.

Sincerely,



Charles W. Sedgwick  
District Director  
Kansas City District