



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service  
Food and Drug Administration

12/19/97  
730

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Our Reference: 29-53663

December 11, 1997

Sylvester Vander Tuig  
Jay Vander Tuig Dairy  
20127 Road 164  
Strathmore, California 93267-9770

WARNING LETTER

Dear Mr. Vander Tuig:

Tissue residue reports from the United States Department of Agriculture (USDA) and an investigation of your dairy on October 31 and on November 10 and 12, 1997, by Food and Drug Administration (FDA) Investigator John A. Gonzalez have revealed serious violations of the Federal Food, Drug, and Cosmetic Act as follows:

A food is adulterated under Section 402(a)(2)(D) of the Act if it contains a new animal drug that is unsafe within the meaning of Section 512. On September 19, 1997, you consigned a dairy cow (identified by USDA laboratory report number 394761) for slaughter as 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 animal revealed the presence of sulfadimethoxine in the liver at a level of 0.32 parts per million (ppm) and in the muscle at a level of 0.54 ppm. A tolerance level for sulfadimethoxine has been established at 0.1 ppm for the edible tissues of cattle.

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 determining the medication status of animals you offer for slaughter.
2. 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.
3. You lack an adequate system for assuring that drugs are used in a manner not contrary to the directions contained in their labeling.
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 Durvet brand of Sulfadimethoxine Injection 40% 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 it is unsafe within the meaning of Section 512(a)(1)(B) since it is not being used in conformance with its approved labeling. Labeling for Sulfadimethoxine Injection 40% specifically states it is for intravenous administration only. Your practice of administering this drug as an intramuscular injection is likely the cause of the illegal residues found in the dairy cow you consigned for slaughter. Failure to adhere to labeling directions for a drug presents the likely possibility that illegal residues will occur and makes the drug 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.

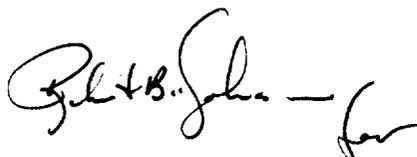
Jay Vander Tuig Dairy  
Strathmore, California

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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.

Within fifteen (15) days of the receipt of this letter, notify our Fresno resident post 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 John A. Gonzalez, Investigator, United States Food and Drug Administration, 2202 Monterey Street, Suite 104 E, Fresno, California 93721.

Sincerely yours,



Patricia C. Ziobro  
District Director  
San Francisco District

cc:

