



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

November 16, 2000

Ref: 2001-DAL-WL-3

WARNING LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. I.W. Ward, Owner
3028 Old Marlin Road
Waco, Texas 76705

Dear Mr. Ward:

An investigation of your horse buyer/dealer operation on October 31, 2000, confirmed that you offered an animal 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). 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 August 28, 2000, you delivered a horse identified with back tag #53 for slaughter as human food at Beltex Corporation, 3801 N. Grove, Fort Worth, TX. USDA analysis (Laboratory Report #867328) of tissue samples collected from this animal identified the presence of streptomycin at 0.21 ppm in kidney. A tolerance has not been established for streptomycin in horses, therefore, the presence of this drug causes the food to be adulterated.

A food is also adulterated if it has been held under insanitary conditions whereby it may have been rendered injurious to health [Section 402(a)(4) of the Act]. 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.

Our investigation found that as a buyer/dealer of animals for slaughter, you purchase animals from individuals and auction facilities. You have no assurance, and make no attempt to gain the assurances from the producers or auction markets that the animals you purchase and offer for slaughter have not been medicated prior to your shipment of the animals to the slaughter facility.

Page 2 - Mr. I.W. Ward, Owner
November 16, 2000

As a buyer and dealer of animals, which are offered for use as food, you are responsible for assuring that your overall operation and the food you distribute are in compliance with the law. As a dealer of animals, you are frequently the individual who introduces or offers for slaughter into interstate commerce the adulterated animal, as such you share responsibility for violating the 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 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 drugs; and
- 3) If the animal has been medicated, implementing a control system to withhold the animal from slaughter for an appropriate period of time to deplete potentially hazardous residues of drugs from edible tissues.

The above is not intended to be an all-inclusive list of violations. You should take prompt action to correct these violations and to establish procedures to prevent their recurrence. Failure to promptly correct these violations 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 Reynaldo R. Rodriguez, Jr., Director, Compliance Branch, at the above letterhead address.

Sincerely yours,



Michael A. Chappell
Dallas District Director

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