



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

September 13, 2021

Janelle P. Kendall, Stearns County Attorney
705 Courthouse Square, Room 448
St. Cloud, MN 56303

Via USPS and email

Re: Request for investigation and potential prosecution of Jennie-O Turkey Store and employees for cruelty to animals in your jurisdiction

Dear Ms. Kendall,

I write on behalf of the Animal Welfare Institute (“AWI”) to request that your office investigate and consider for prosecution or refer to local law enforcement the following repeated instances of animal cruelty:

In April, May, and June 2021, the Jennie-O Turkey Store (“Jennie-O”) facility located in Melrose, Minnesota, had five incidents that would appear to constitute cruelty to birds under Minn. Stat. § 343.21. This statute prohibits deprivation of necessary food, water, and shelter to any animal. It is also unlawful to neglect or abandon any animal, or to keep any animal in an enclosure without providing change of air.

Because of Jennie-O and its staff’s deliberate neglect, hundreds of turkeys suffered and perished this summer due to extreme weather, such as temperatures from 93-95 degrees Fahrenheit. Attachment 1. On multiple occasions during this weather, turkeys were left for hours in transport trailers with no shelter from the direct sun and no fans or misters to keep the animals cool. This neglect resulted in moderate to extreme heat stress in the birds, which presented as rapid panting, dropped wings, and even death. Even though employees were directed to provide fans, misters, and shade to the animals, they failed to do so and thereby alleviate this heat stress on *five* occasions during the 3-month period.¹

AWI was established in 1951 to reduce the suffering caused by humans to animals, including farm animals subject to transport and slaughter. AWI monitors transport and holding conditions faced by animals sent to slaughter facilities and engages in advocacy to help reduce the suffering experienced by these animals to the greatest extent possible. It is our opinion that the incident described above is particularly egregious, especially given the pattern of repeat offenses.

¹ This is not the first time Jennie-O and its staff engaged in this kind of behavior. In 2019, the USDA recorded that the same facility had the same problems: birds were left in trailers in direct sun with no benefit of air movement from fans or cooling mist. Attachment 2.

AWI obtained this information from U.S. Department of Agriculture inspection records. Although pursuant to the Poultry Products Inspection Act (21 U.S.C. §§ 451–472) the slaughter, sanitation, and inspection practices at poultry processing facilities are regulated by the USDA Food Safety and Inspection Service (“FSIS”), the department does *not* regulate the treatment of poultry waiting for slaughter in transport trailers. The FSIS acknowledges the authority of state officials in the treatment of birds at federal slaughterhouses and that, in some situations, incidents may violate a state’s animal cruelty code.²

The documented incidents appear to constitute cruelty to birds under Minn. Stat. § 343.21. Prosecution should be strongly considered to avoid future incidents of this nature and to ensure those who engage in this kind of behavior are held responsible to the fullest extent of the law.

Thank you for your consideration. If you have any questions or would like to arrange a meeting, please contact me via email at erin@awionline.org or by phone at 202-446-2147.

Sincerely,


Erin Sutherland
Staff Attorney
Farm Animal Program

² FOOD SAFETY AND INSPECTION SERVICE, *Directive 6910.1: District Veterinary Medical Specialist (DVMS) – Work Methods*, 19–20 (2009) https://www.fsis.usda.gov/sites/default/files/media_file/2020-07/6910.1.pdf.

Attachment 1
Jennie-O 2021 Incidents

EstNbr	EstName	MOI #	Date	Task Code	TaskName	Status	MOI Agenda
M544+P544	Jennie-O Turkey Store	IYW5419064808G	08JUN2021	04C05	Poultry Good Commercial Practices	Finalized	On June 8, 2021 at approximately 15:30 hours a meeting was held regarding Good Commercial Practices, in particular, heat stress in turkeys. The personnel in attendance were (b)(6) (b)(6) and Anis Iman (Plant Manager). During this meeting we discussed the establishments further planned actions to mitigate the heat and lack of adequate ventilation in hang and kill. Their actions include putting a bay of fans on the wall on either side where the trucks are parked. They also mentioned unloading every-other pod off the truck to increase air circulation and finally, adding fans and possibly misters to the framing on the CO2 conveyor. We also talked about leaving the birds in the live haul shed for as long as possible as they are more comfortable. It has been observed in the past where the CO2 conveyor is full with pods and there is an additional truck inside. The trucks currently have one 20" fan to provide ventilation for a full load. I then voiced my concerns about the fans in the live haul shed being blocked by feather and debris, and the birds in the top cages experiencing greater heat stress because the fan does not reach the top. Following the aforementioned meeting, at approximately 16:00 hours on 6-8-2021 I performed a Good Commercial Practices task and made the following observations. On line 2, I saw the CO2 conveyor was full with pods of turkeys exhibiting moderate heat stress. 90% of the birds were panting rapidly, and many per cage were standing with their wings dropped and panting as well. In addition to the full conveyor, there was a full truck parked waiting to be unloaded. Since we just discussed this scenario in the above meeting, I immediately contacted Anis Iman and asked him why they have a full conveyor and a full truck inside. He explained that there was a misunderstanding and he thought we talked about the trucks being parked immediately outside. I clarified the trucks should remain in the live haul shed for as long as possible as they are more comfortable outside with the fans and misters. I asked him to calculate the time it takes for the pods to go through the stunner to not have a full conveyor and full truck inside at the same time. (b)(6) said that it was possible to time it where there would only be three full pods on a truck at a time. Since the previous MOI IYW5114063408I written on 6-7-2021 the establishment has added one more floor fan and two fan misters directed at the birds on the CO2 conveyor. The birds in front of the fans with misters appeared to be less stressed than the birds without a fan. In the live haul shed, the birds appeared to be comfortable, but the birds in the top coops appeared to be most affected by the heat and were panting rapidly with their wings dropped. The outside temperature was approximately 95 degrees Fahrenheit according to the thermometer in the live haul shed. There were two employees cleaning the fans. In addition to observing the birds I also noticed one bay of misters not working properly and one wall of fans not working with birds parked inside. I notified (b)(6) of my findings. This on-going concern is being discussed with establishment management daily. I explained the importance of immediate actions as the forecast shows high temperatures for the next ten days. The establishment must employ humane methods of handling and slaughtering consistent with Good Commercial Practices. Poultry are to be handled in a manner that prevents needless suffering. Employing humane methods of handling and slaughtering that are consistent with Good Commercial Practices increases the likelihood of producing unadulterated, quality product.

EstNbr	EstName	MOI #	Date	Task Code	TaskName	Status	MOI Agenda
M544+P544	Jennie-O Turkey Store	IYW5314060608G	08JUN2021	04C05	Poultry Good Commercial Practices	Finalized	On June 7, 2021 at approximately 19:00 hours while performing a Good Commercial Practices Task I made the following observations. I observed the turkeys in the lairage area (hang and kill) on trucks, and on the conveyor to the CO2 stunner, exhibiting moderate to severe signs of heat stress. All of the birds were panting rapidly, and many per cage were standing with their wings dropped and panting as well. Some cages were overloaded wherein birds were not able to rise. I voiced my concerns to (b)(6) and he advised the hang and kill supervisor to spray the floors with water in front of the three working floor fans. (b)(6) and I then went to observe the birds in hang and kill, so I could explain my observations of heat stress and the necessity of finding a permanent acceptable solution to keep the turkeys cool. When we arrived, only part of the floor had been sprayed with water. Since the previous MOI IYW5815065907I written on 6-4-2021, the establishment has added three working floor fans to cool the birds on the CO2 conveyor and I asked for these fans to be moved closer to the birds, as they were approximately 20ft away. In the live haul shed, the birds were also exhibiting a moderate amount of heat stress. The birds in the top coops appeared to be most affected by the heat. They were panting heavily and many were standing with dropped wings. The outside temperature was approximately 93 degrees Fahrenheit according to their thermometer in the live haul shed. Approximately 25-50% of the fans in the holding shed were blocked by feathers and debris. Misters are available in the holding shed, but don't appear to be working as intended because of the lack of air flow with the fans. Since the previous MOI written on Friday, 6-4-2021 the establishment stated the fans would be cleaned over the weekend. The cleaning was either ineffective or not implemented. The slaughter data for 6-7-2021, in PHIS, showed a total of 514 Dead on Arrival (DOA) birds out of a total number of 80,746 turkeys received ((b)(4)) DOA rate). The most DOAs came from Menagha, Lot# 9693, in which they had 301 DOAs out of 19,499 birds received which is approximately (b)(4)% DOA rate. When asked about the increasing DOA rates, the establishment commented that there was one load that was overstocked and they had already contacted the live haul department about the situation. This on-going concern is being discussed with establishment management daily. The establishment must employ humane methods of handling and slaughtering consistent with Good Commercial Practices. Poultry are to be handled in a manner that prevents needless suffering. Employing humane methods of handling and slaughtering that are consistent with Good Commercial Practices increases the likelihood of producing unadulterated, quality product.

Table: MOIs in Response to FOIA2021-371

EstNbr	EstName	MOI #	Date	Task Code	TaskName	Status	MOI Agenda
M544+P544	Jennie-O Turkey Store	IYW0016065407G	07JUN2021	04C05	Poultry Good Commercial Practices	Finalized	On June 4, 2021 at approximately 17:00 hours while performing a Good Commercial Practices Task I made the following observations. I observed the turkeys in the lairage area (hang and kill) on trucks, and on the conveyor to the CO2 stunner, exhibiting moderate to severe signs of heat stress. All of the birds were panting rapidly, and many per cage were standing with their wings dropped and panting as well. After observing the birds inside, I went to look at the turkeys in the live haul shed. The outside temperature was approximately 95 degrees Fahrenheit. Even though the fans and misters were working properly, the turkeys in the live haul shed were moderately heat stressed. The turkeys in the top cages appeared to be most affected by the heat as the fans do not reach the top cages. About half of these fans were blocked with moderate amounts of turkey feathers and debris. After observing the birds in the live haul shed, I then returned inside to alert (b)(6) of my concerns; in particular, the birds in hang and kill. We discussed with Anis Iman (plant manager) different options for keeping the turkeys cool. After this discussion, the establishment acquired more fans to be directed towards the turkeys. After a short time; however, these fans were too much for the power breaker to handle and were not in use. The establishment must employ humane methods of handling and slaughtering consistent with Good Commercial Practices. Poultry are to be handled in a manner that prevents needless suffering. Employing humane methods of handling and slaughtering that are consistent with Good Commercial Practices increases the likelihood of producing unadulterated, quality product.

Table: MOIs in Response to FOIA2021-371

EstNbr	EstName	MOI #	Date	Task Code	TaskName	Status	MOI Agenda
M544+P544	Jennie-O Turkey Store	IYW4516042107G	07APR2021	04C05	Poultry Good Commercial Practices	Finalized	On April 5, 2021 at approximately 17:00 hours while performing a Good Commercial Practices Task I made the following observations. I observed the turkeys in the lairage area on trucks, and on the conveyor to the CO2 stunner, exhibiting signs of heat stress. All the birds were panting rapidly, and a few per cage were standing with their wings dropped and panting as well. After observing the birds inside, I went to observe the turkeys in the live haul shed. The turkeys outside appeared comfortable, as all the fans were on, however according to their posted instructions, the foggers are to be turned on when the outdoor temperature reaches 80 degrees. When I checked the temperature it read 80 degrees, and the foggers were not running. I notified the (b)(6) of my concerns. He called the live haul supervisor but did not get a response and subsequently attempted to get into contact with Anis Iman (Plant Manager). After this, I asked (b)(6) how he could keep the birds inside cooler and he responded he could unload one trailer at a time leaving the birds in the live haul shed for as long as possible. I then asked if he could turn on the side wall fans in order to provide airflow for the turkeys on the trucks. One was not working, and he had maintenance fix it. When the side wall fans were on, the birds continued to show signs of heat stress. There are two overhead vents/fans in the lairage area, but the air does not circulate around the turkeys on the conveyor and these birds also continued to exhibit signs of heat stress. The establishment must employ humane methods of handling and slaughtering consistent with Good Commercial Practices. Poultry are to be handled in a manner that prevents needless suffering. Employing humane methods of handling and slaughtering that are consistent with Good Commercial Practices increase the likelihood of producing unadulterated, quality product. I notified (b)(6) of my findings and discussion with (b)(6) (b)(6) informed me they will have an establishment meeting about the situation.
M544+P544	Jennie-O Turkey Store	IYW2815054604G	04MAY2021	04C05	Poultry Good Commercial Practices	Finalized	On May 1, 2021 at approximately 14:00 hours while performing a Good Commercial Practices Task I made the following observations. While observing the turkeys in the live haul shed, I noticed they were exhibiting moderate signs of heat stress. The fans were on, however according to their posted instructions, the foggers are to be turned on when the outdoor temperature reaches 80°. When I checked the temperature it read 86°, and the foggers were not running. I notified the (b)(6) of my concerns. He mentioned that the refrigeration department is responsible for the foggers and contacted them on the radio. He said they would take care of it. After an hour had passed, I returned to the live haul shed to find that the foggers were still not being used and the temperature still read 86 degrees I then asked (b)(6) why the foggers are not being used as it is 86 degrees. He responded that the foggers were broken, and maintenance already had the part ordered. In order to verify they were going to fix the foggers, I then contacted maintenance who suggested I talk to live haul. After calling Live haul multiple times I was unable to verify they were going to fix the foggers. There was no plant management present at the time to discuss my findings with. The establishment must employ humane methods of handling and slaughtering consistent with Good Commercial Practices. Poultry are to be handled in a manner that prevents needless suffering. Employing humane methods of handling and slaughtering that are consistent with Good Commercial Practices increase the likelihood of producing unadulterated, quality product. I discussed with (b)(6) of my findings and asked to see a work order or part invoice.

Attachment 2
Jennie-O 2019 Incident

Dist rict	EstNbr	EstName	MOINbr	Date	Task Code	TaskName	Status	MOI Agenda
25	P544	Jennie-O Turkey Store	IYW351208 0907G	07AUG2019	04C05	Poultry Good Commercial Practices	Finalized	At 12:00 pm, while verifying good commercial practices out in the live bird holding shelter, I observed the following. There were two trailers parked outside where they are exposed to direct sunlight, and where they would get no benefit of air movement from the fans in the shelter. Although it is a breezy day, there was very little breeze where they were parked. Inside the shelter there were several trailers with live birds on them that were parked too far forward, rendering the front column of cages exposed to direct sunlight and not exposed to any of the air movement from the fans in the shelter. Likewise, some of the rear most fans in the shelter were not benefiting any of the caged birds, because in those parking bays no part of the trailer was parked that far back. The birds in the cages that were exposed to sunlight were beginning to pant rapidly. Also, inside the shelter, approximately the west half of the shelter did not have any working misters. The east half misters were working. There was a deep and wide pool of water over the full length of the gutter in the shelter that may be an indication that the non-functioning misters were because of a blown water line somewhere. I brought these concerns to the attention of (b)(6) (b)(6). Within an hour later all trailers were out of the sun. [Plant live haul person, John, confirmed that there had been a blown water line, causing the pool of water. He also said that the truck drivers are parking so far forward because they don't want to be wading in the pool of water when they jack up the front of the trailer to pull their cab out from under the trailer.]