

BEFORE THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION

THE HUMANE SOCIETY OF THE UNITED STATES, CENTER FOR BIOLOGICAL DIVERSITY,
SOCIALLY RESPONSIBLE AGRICULTURE PROJECT, CENTER FOR FOOD SAFETY,
COMPASSION IN WORLD FARMING, MIGHTY EARTH, FOOD ANIMAL CONCERNS TRUST
and THE ACCOUNTABILITY BOARD

Complainants,

SEC Mail Processing

JAN 31 2025

Washington, DC

JBS SA and

PILGRIM'S PRIDE CORPORATION,

Proposed Respondents.

SECOND COMPLAINT REQUESTING ACTION TO ENJOIN THE DISSEMINATION OF FALSE OR
MISLEADING STATEMENTS IN VIOLATION OF ANTIFRAUD PROVISIONS OF THE FEDERAL
SECURITIES LAWS

January 31, 2025

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I. EXECUTIVE SUMMARY

JBS is the largest animal agricultural company in the world. Operating in 125 countries on six continents, JBS and its affiliates slaughter more than a staggering two billion animals every year for human consumption worldwide. Moreover, they tout plans to aggressively increase the number of slaughtered animals over the near and long terms. JBS is currently trying to go public in the United States via a proposed IPO.

However, JBS and its subsidiary Pilgrim's Pride (together, the "Companies") apparently mislead investors on a wide variety of highly material topics. This Second Complaint covers several areas in which the Companies make apparent material misrepresentations and omissions, including several that have not, to the Complainants' knowledge, previously been brought to the Commission's attention, or which have not been widely covered otherwise. These topics include animal welfare, misuse of antibiotics, zoonotic diseases like highly pathogenic avian influenza ("HPAI"), and a potential decrease in demand for meat products—a topic which obviously has profound financial implications for the Companies, because the sale of meat products constitutes almost all their business. This Second Complaint updates and expands on a June 2024 Complaint filed by the Humane Society of the United States and the Center for Biological Diversity, in partnership with the Farmed Animal Advocacy Clinic at Vermont Law and Graduate School. The Humane Society of the United States and the Center for Biological Diversity are now joined by additional organizations concerned about the Companies' conduct and JBS's IPO: the Socially Responsible Agriculture Project, the Center for Food Safety, Compassion in World Farming, Mighty Earth, Food Animal Concerns Trust, and The Accountability Board.

As just one current example of apparently material omissions and misrepresentations covered in this Complaint, the threats of the escalating U.S. HPAI epidemic are manifold for the Companies. Pilgrim's Pride's CEO noted in 2023 that HPAI is of great concern to Pilgrim's business. As the virus adapts to an increasing number of mammalian species, including most recently dairy cattle, the risk that it may mutate into a form that can spread easily between humans looms ever larger. As COVID-19 and other pandemics have demonstrated, crowded factory farms and slaughter facilities, like the Companies operate, may be ideally suited to the rapid and deadly

spread of a respiratory virus amongst animals, workers and their communities. The catastrophic public health and business implications of an infectious and potentially more lethal virus infecting farm animals and humans are not difficult to foresee. And while Pilgrim's Pride's CEO has recently complained of China's HPAI-based import restrictions, as China is one of the Companies' largest export markets, these business impacts are not mentioned anywhere in the Offering Documents. Moreover, the companies may suffer severe reputational harm if their supply chain is implicated in the jump of HPAI from animals to humans.

In addition to infectious diseases and HPAI, other topics that are material to investors and the public covered in this Complaint include:

- ***Animal Welfare:*** Farm animal welfare is of great concern to consumers and investors and can have material impacts on an animal agricultural business. JBS and Pilgrim's present to investors and the public that they have robust animal welfare systems in place. However, large industrial animal agriculture almost always requires keeping farm animals in poor conditions. Investigations of the Companies, as well as recorded violations of humane handling and slaughter laws, confirm animal mistreatment is widespread. This public record seems to be contrary to JBS and Pilgrim's claims about animal welfare to investors.
- ***Antibiotics & Antimicrobial Resistance:*** The overuse of antibiotics in animal agriculture has been a long-standing public health problem of concern to governments, consumers and investors, as antibiotic-resistant infections keep spreading. JBS and Pilgrim's make various claims about responsible use of antibiotics. Yet, consistent with the nature of the intensive, industrialized animal agriculture that the Companies practice, evidence seems to indicate that excessive antibiotics use continues in their supply chains. Similar to HPAI, this practice poses significant risks to public health as well as the Companies' financial performance, and the Companies do not appear to adequately disclose such risks.
- ***Demand for Meat Products:*** The Companies' primary business is selling meat products to consumers, but demand for such products has been declining in some markets and demographics as consumers have become more aware of the

negative impacts of industrial animal agriculture. For example, younger consumers are increasingly pressuring their schools and universities to reduce meat offerings. However, the Companies do not seem to sufficiently disclose these existing trends in meat demand.

- ***Environmental Impacts:*** The environmental impacts of a business, i.e., its sustainability, is of great concern to governments, consumers, and investors. JBS and Pilgrim's, as large animal agriculture companies, by their nature have significant negative environmental and public health impacts relating to air, water, soil, and disease. JBS and Pilgrim's facilities have been linked to repeated large spills, for example, and despite promises to the contrary, use ever-growing amounts of freshwater. In stark contrast to these realities, the Companies widely—and apparently misleadingly—proclaim themselves to be “sustainable,” “responsible” and “environmental stewards.”
- ***Climate Change:*** Climate change has a massive impact on animals and people and is a major concern for investors and governments everywhere. JBS and Pilgrim's have promised to become climate neutral by 2040, and have made numerous claims about their climate plans, emissions, and energy usage. However, animal agriculture is a major contributor to difficult-to-mitigate greenhouse gas emissions. Moreover, as the Better Business Bureau has found, JBS and Pilgrim's seem to have no detailed, actionable plans in place to achieve their goals. JBS has only just begun to research a net zero “roadmap”—years *after* it has made these widespread climate promises. Its own self-reported emissions numbers and energy usage patterns show little improvement over the years, and the Companies' statements indicating continued growth suggest that their claims of emissions reductions are highly suspect. The Companies also appear to fail to adequately warn investors of looming compliance with climate-related laws in California and Europe, and do not seem to fully disclose the impacts climate change has on its own operations.

- **Deforestation:** Deforestation has devastating effects on the environment, climate, and wildlife, and as such is of significant concern to governments, consumers, and investors. Deforestation for beef production is especially common in Brazil, and JBS's supply chain has long been plagued with deforestation. JBS has been making promises to investors about ending deforestation for many years, yet investigations have continued to show deforestation in its supply chain continues. This ongoing rainforest destruction also poses a risk relating to compliance with various deforestation laws and regulations regulating the sale of JBS's products, yet these risks appear to be insufficiently disclosed by the Companies.

The Companies have also been subject to widely publicized investigations over alleged corruption, antitrust violations, workers' and indigenous peoples' rights violations, all of which suggest these companies are poor corporate citizens. This history makes their promises and claims about compliance, sustainability, and responsibility even more suspect.

Complainants are not alone in their concerns: many other nonprofits, as well as a bipartisan group of Senators, a House representative, and UK Members of Parliament have raised similar concerns. An IPO would give JBS unfettered access to US capital and would serve to help grow a foreign animal agricultural behemoth even more—further harming animals and the environment, responsible small US farmers, investors and the public. Thus, Complainants urge the SEC to thoroughly investigate the claims raised in this Complaint and take appropriate action before letting the IPO become effective.

II. INTRODUCTION

This Second Complaint relating to the proposed public offering of shares by JBS S.A. ("JBS") follows on an initial Complaint sent previously to the Commission. This Second Complaint updates and supplements that First Complaint filed by the Humane Society of the United States and the Center for Biological Diversity, in partnership with the Farmed Animal Advocacy Clinic at Vermont Law and Graduate School.¹ These Complainants are now joined by additional Complainants,

¹ Letter from Humane Society of the United States, Center for Biological Diversity & Vermont Law & Graduate School Farmed Animal Advocacy Clinic to Securities and Exchange Commission (June 17, 2024), *available at*

described in the next section. Like the previous Complaint, this Complaint focuses on some of JBS's and its subsidiary Pilgrim's Pride's (together, the "Companies")² most significant apparent misstatements while adding additional and updated information relevant to the Commission's consideration, including in response to JBS's subsequent amendment of its Offering Documents. This Complaint also includes some additional topics not covered in the First Complaint. It covers a variety of topics that, to the best of the Complainants' knowledge, have not been raised with the Commission before or which have not been covered widely elsewhere, including animal welfare, misuse of antibiotics, zoonotic diseases like highly pathogenic avian influenza ("HPAI"), and a potential decrease in demand for meat products. The Complainants again request the SEC thoroughly investigate the Companies' apparently misleading material statements and omissions before allowing the registration of common shares.

JBS, the world's largest meat producer, restarted the process to go public in the United States in July 2023. It did so by having its intended future holding company, JBS B.V., file a Form F-4 Registration Statement and Prospectus with the U.S. Securities and Exchange Commission ("Commission" or "SEC").³ The Form F-4 was subsequently amended in September 2023, March 2024, June 2024, November 2024 and January 2025.⁴ In its Prospectus and in other public and

<https://www.humanesociety.org/sites/default/files/docs/JBS%20complaint%206%2017%2024%20stamped.pdf> [hereinafter "First Complaint"]. The full First Complaint including attachments are attached as Appendix A.

² For purposes of this Complaint, JBS B.V., JBS S.A., and all related entities and subsidiaries are treated and referred to as the same entity. Their underlying business is the same, and their disclosures on these topics in their respective Prospectuses are virtually identical. Though Pilgrim's Pride is also a subsidiary, because it is currently a publicly traded company in the US, it is sometimes highlighted separately from JBS. When this Complaint refers to JBS, unless context indicates otherwise, it refers to all JBS entities, subsidiaries, and their businesses collectively.

³ See JBS B.V., Amendment No. 5 to Form F-4/A, Reg. No. 333-273211 (Jan. 29 2025), <https://www.sec.gov/Archives/edgar/data/1791942/000119312525015252/d654052df4a.htm> [hereinafter "JBS B.V. Form F-4"]. As noted in the Registration Statement, JBS B.V. will change its corporate form to JBS N.V. prior to issuance of the shares. This Complaint will refer to "JBS B.V." as the current named registrant, but any reference to the B.V. includes reference to the intended future N.V. entity. JBS had previously attempted to go public in 2017, but those attempts were aborted as a result of corruption and bribery scandals, discussed further *infra* Section VII. See, e.g., Fabiano Maisonnave, *Bid by meatpacker JBS to join New York Stock Exchange faces opposition over Amazon deforestation* (last updated Jan. 18, 2024), Assoc. Press, <https://apnews.com/article/brazil-amazon-jbs-fund-greenwashing-cattle-climate-414f2c30cf1d74074ff0e2c16be14b66#> ("A previous JBS attempt to join the exchange was thwarted amid a corruption scandal in 2017 when the company admitted the bribery of hundreds of Brazilian politicians.").

⁴ Additionally, concurrently with the second amendment of JBS B.V.'s F-4 in March 2024, JBS SA filed its own form F-4 relating to Notes Exchanges. JBS SA, Form F-4, Reg. No. 333- (Mar. 27, 2024), <https://archive.fast-edgar.com/20240327/A82Z822CLM22826V222K2MY288KQZ222ZG62>. Earlier Form F-4s by JBS. S.A. relating to

investor-facing statements, JBS as well as its subsidiary Pilgrim's Pride ("Pilgrim's") tout their "sustainability" commitments. However, the Companies' apparently materially false and misleading statements and omissions relating to sustainability—including issues such as poor animal welfare, deforestation, and climate change impacts—are likely to mislead investors in material ways.

JBS and its subsidiaries slaughter and process billions of animals each year—in fact, in 2018, they killed 77,000 cows, 116,000 pigs, and 13.6 million chickens *every day*.⁵ JBS's production capacity is currently advertised as "more than 200,000 cattle, 500,000 hogs, 45 million chickens and 80,000 small stock animals (lambs, sheep, goats, and veal calves) *per week*"—which would add up to well over two billion per year.⁶ This means JBS kills about 3% of all animals killed for meat worldwide.⁷ Its meat products are sold in "more than 125 countries on six continents."⁸

As the world's largest animal agriculture company, according to estimates by the organizations GRAIN and the Institute for Agricultural and Trade Policy ("IATP"), JBS is responsible for more than 280 million tons of CO₂ equivalent ("CO₂E") annual greenhouse gas ("GHG") emissions in 2016. This is the same or even more than Italy's GHG footprint. JBS by itself emits about 26 percent of total GHG emissions by the world's largest livestock corporations; more than twice the emissions of the second largest food company, Tyson Foods.⁹ JBS itself estimates—likely too conservatively—that it emits 156-187 million tons of CO₂E GHGs per year.¹⁰ JBS and its

notes exchanges are already effective, see SEC, Notice of Effectiveness (July 24, 2023), https://www.sec.gov/Archives/edgar/data/1662489/999999999523002174/xsIEFFECTX01/primary_doc.xml.

⁵ Andrew Wasley et al., JBS: *The Brazilian Butchers Who Took Over the World*, Bur. of Investig. Journalism (July 2, 2019), <https://www.thebureauinvestigates.com/stories/2019-07-02/jbs-brazilian-butchers-took-over-the-world>.

⁶ JBS, *About Our Company*, <https://sustainability.jbsfoodsgroup.com/chapters/who-we-are/about-our-company> (last visited Jan. 16, 2025) (emphasis added).

⁷ According to Our World in Data, about 308M cattle were slaughtered annually in 2022. JBS annually slaughters 200K x 52 = 10.4M cattle, or roughly 3%. The numbers for chickens and other species are similar. See Our World in Data, *Yearly number of animals slaughtered for meat, World, 1961 to 2022* (last visited Jan. 16, 2025), <https://ourworldindata.org/grapher/animals-slaughtered-for-meat?facet=metric&uniformYAxis=0>.

⁸ JBS, *About Our Company*, *supra* note 6 (emphasis added).

⁹ GRAIN/IATP, *Emissions impossible: How big meat and dairy are heating up the planet 22*, Table 1 (July 2018), <https://www.iatp.org/sites/default/files/2018-08/Emissions%20impossible%20EN%2012.pdf> [hereinafter "GRAIN/IATP Report"]. The spreadsheet with GRAIN/IATP's calculations can be found online at Livestock Prods. - Corp. Emissions B, <http://bit.ly/livestock-products-corporate-emissions-B> (last visited Jan. 16, 2025).

¹⁰ JBS, 2023 JBS Sustainability Report 32 (Aug. 20, 2024), https://jbsesg.com/docs/JBS_Sustainability_Report_2023.pdf [hereinafter "2023 JBS Sustainability Report"]. JBS

subsidiaries, including Pilgrim's, are engaged in Industrialized animal agriculture, a business model that is generally unsustainable in any sense of the word: from its enormous GHG emissions, to its other impacts on the environment such as pollution and deforestation, to the animal cruelty.¹¹ Without fundamental reform of their core business practices, companies like JBS will continue to play a leading role in triggering an avoidable environmental and climate disaster.¹² Yet, the Companies have no plans to make any fundamental changes to their operations.¹³ Despite this reality, the Companies hold themselves out to consumers and investors as "sustainable" companies.

The topics in this Complaint are by no means the only issues on which the Companies apparently mislead investors and the public, as has been documented in several other materials filed with the Commission,¹⁴ including a letter from a bipartisan group of Senators¹⁵ and a letter from UK Members of Parliament representing all UK political parties.¹⁶ This Second Complaint covers some materials and topics that—to the best of Complainants' knowledge—have not been

estimated its emissions for 2021, 2022 and 2023, with the highest annual emissions at 187.5 million metric tons (MT) CO₂E and the lowest at 156.5 million MT CO₂E.

¹¹ See, e.g., Valérie Masson-Delmotte et al., Intergovt'l Panel on Climate Change ("IPCC"), *Climate Change & Land: Summary for Policymakers* 29 (2020), https://www.ipcc.ch/site/assets/uploads/sites/4/2020/02/SPM_Updated-Jan20.pdf (discussing climate impacts of industrialized agriculture).

¹² Allen Olson & Edward Peterson, *The Pandemic, Climate Change and Farm Subsidies*, 17 J. Food L. & Pol'y 1 (2021), <https://scholarworks.uark.edu/jflp/vol17/iss1/4>.

¹³ See Section VI.B.3.b below, discussing findings from the National Advertising Division of the Better Business Bureau regarding JBS's sustainability advertising, including the finding that JBS has no concrete, achievable plans to reduce its greenhouse gas emissions to net zero.

¹⁴ See, e.g., Mighty Earth, Submission to SEC regarding JBS N.V. IPO (Aug. 9, 2023), <https://www.mightyearth.org/wp-content/uploads/Mighty-Earth-SEC-JBS-IPO-Submission.pdf> [hereinafter "Mighty Earth Submission"]; Rainforest Action Network, Complaint to the United States Securities and Exchange Commission (SEC) requesting the cancellation of JBS' IPO due to wide ranging reports of unacceptable company conduct, potentially misleading statements and lack of disclosure of material risks to investors (Aug. 17, 2023), <https://forestsandfinance.org/wp-content/uploads/2023/08/RAN-2023-SEC-Complaint-Submission-re-JBS-Rainforest-Action-Network-Aug17-2023.pdf> [hereinafter "RAN Complaint"]; Mighty Earth, *Mighty Earth Statement of Facts – JBS* (May 2024), <https://mightyearth.org/wp-content/uploads/2024/08/Mighty-Earth-JBS-Statement-of-Facts.pdf> [hereinafter "Mighty Earth Statement of Facts"].

¹⁵ Letter from Sens. Cory Booker, Marco Rubio et al. to Gary Gensler, Chair, SEC, re: JBS IPO (Jan. 11, 2024), <https://www.booker.senate.gov/imo/media/doc/JBS%20SEC%20Letter.pdf> (hereinafter "Senators' Letter").

¹⁶ Letter from Lord Goldsmith et al., Members of Parliament, to Gary Gensler, Chair, Sec. & Exch. Comm'n (Jan. 10, 2024), available at <https://banthebatistas.com/wp-content/uploads/2024/01/BTB-%E2%80%9393-Parliamentary-Letter.pdf> [hereinafter "UK MPs Letter"].

widely covered by other groups; for example, this Complaint uniquely covers animal welfare, zoonotic diseases, and demand for meat products.

III. PARTIES

A. JBS S.A.

JBS S.A. (“JBS”), headquartered in Brazil, is the world’s largest beef and poultry producer, and the world’s second largest pork producer.¹⁷ JBS has many subsidiaries, including JBS Foods USA which operates in the United States.¹⁸ JBS Foods USA has over 70,000 employees.¹⁹ Its operations include JBS USA Beef, the largest beef producer in the U.S.; JBS USA Pork, the second largest pork producer in the U.S.; and Pilgrim’s Pride, the second largest poultry producer in the U.S.²⁰ JBS S.A. is publicly traded in Brazil, and JBS S.A. American Depositary Receipts (“ADRs”) trade over-the-counter in the United States.²¹ While JBS’s portfolio is diversified with several subsidiaries that operate in different countries, its U.S. market represents roughly 49% of the company’s net revenue in 2023.²² JBS owns and operates slaughterhouses (or “processing facilities”) in various countries, and owns farms that grow animals (especially chicken and pig farms), though it also purchases animals from contractors and independent farmers.²³ As is true for most of the livestock in the world,²⁴ the animals in JBS’s supply chain are almost all raised on large industrialized factory farms, the largest of which are known as concentrated animal feeding operations (“CAFOs”).²⁵

¹⁷ JBS, *Our Business*, <https://jbsfoodsgroup.com/our-business> (last visited Jan. 17, 2025).

¹⁸ JBS, *Our Business - JBS Foods USA*, <https://jbsfoodsgroup.com/businesses/jbs-foods-usa> (last visited Jan. 17, 2025).

¹⁹ JBS, *Jobs – Who is JBS?*, <https://jobs.jbsfoodsgroup.com/> (last visited Jan. 17, 2025).

²⁰ JBS, *Our Business - JBS Foods USA*, <https://jbsfoodsgroup.com/businesses/jbs-foods-usa> (last visited Jan. 17, 2025).

²¹ JBS B.V. Form F-4, *supra* note 3, at F-12. The ADRs are Level 1 sponsored ADRs according to JBS’s website. JBS Investor Relations, *Frequently Asked Questions*, <https://ri.jbs.com.br/en/investor-services/frequently-asked-questions/> (last visited Jan. 17, 2025).

²² JBS Investor Relations, *Footprint and Operations*, <https://ri.jbs.com.br/en/jbs/footprint-and-operations> (last visited Jan. 17, 2025).

²³ JBS B.V. Form F-4, *supra* note 3, at 122-27.

²⁴ Hannah Ritchie, *How many animals are factory-farmed?*, Our World in Data (Sept. 25, 2023), <https://ourworldindata.org/how-many-animals-are-factory-farmed> (based on USDA data, estimating that 99% of livestock in the US are factory-farmed, and estimating globally 74% of livestock are factory-farmed). [hereinafter “Our World in Data”].

²⁵ See, e.g., Fiona Harvey et al., *Rise of mega farms: how the US model of intensive farmer is invading the world*, Guardian (July 18, 2017), <https://www.theguardian.com/environment/2017/jul/18/rise-of-mega-farms-how-the-us-model-of-intensive-farming-is-invading-the-world> (describing rise of factory farming and noting that JBS owns

B. Pilgrim's Pride Corporation

Pilgrim's Pride Corporation ("Pilgrim's" or "Pilgrim's Pride") is the world's largest poultry producer and second largest poultry producer in the U.S. market.²⁶ Pilgrim's is capable of slaughtering up to 45 million chickens *per week*.²⁷ Pilgrim's Pride owns, among various other subsidiaries, Pilgrim's UK and Moy Park, which are leading European meat producers.²⁸ Like JBS, Pilgrim's is partially vertically integrated and owns processing facilities as well as growers and hatcheries.²⁹ Also similarly, Pilgrim's birds in the US are factory-farmed.³⁰ Pilgrim's is already publicly traded in the United States, with JBS USA being its majority shareholder.³¹ Throughout this Complaint, JBS and Pilgrim's are together referred to as the "Companies."

C. The Humane Society of the United States

The Humane Society of the United States ("HSUS") works to highlight the risks of factory farming to animal welfare,³² among many other animal welfare issues from wildlife to companion animals. HSUS is a membership organization, with millions of constituents in the US (and more worldwide). For decades, HSUS has helped companies across industries (e.g., food, pharmaceutical, and clothing) address animal welfare in their supply chains.³³ HSUS is particularly concerned with large-scale agribusiness' treatment of farmed animals kept in CAFOs and other large industrial farms, as well as the many negative impacts of these practices. HSUS is also greatly

Moy Park, which operates several such farms in the UK); Hannah McKay, *Mega Farms Called CAFOs Dominate Animal Agriculture Industry*, Sentient Food (Sept. 29, 2021), <https://sentientmedia.org/cafo/> (stating that JBS is one of the largest meat companies supplied by CAFOs).

²⁶ JBS, *Our Business - JBS Foods USA*, <https://jbsfoodsgroup.com/businesses/jbs-foods-usa> (last visited Jan. 17, 2025); JBS, *Our Business*, <https://jbsfoodsgroup.com/our-business> (last visited Jan. 17, 2025).

²⁷ JBS, *About Our Company*, *supra* note 6 (emphasis added).

²⁸ *Id.*

²⁹ Pilgrim's Pride Corp., Form 10-K at 1 (Feb. 27, 2024), available at <https://ir.pilgrims.com/sec-filings/sec-filing/10-k/0000802481-24-000015> [hereinafter "Pilgrim's 10-K"].

³⁰ Almost all chickens in the US are factory-farmed (99%) – see Our World In Data, *supra* note 24. As alleged in a lawsuit in 2019, "Pilgrim's systematically raises, transports and slaughters chickens in inhumane factory-farm conditions. . . ." PR Newswire, *Food & Water Watch and Organic Consumers Association (OCA) Sue Pilgrim's Pride for Deceptive Advertising* (Feb. 7, 2019), <https://www.prnewswire.com/news-releases/food--water-watch-and-organic-consumers-association-oca-sue-pilgrims-pride-for-deceptive-advertising-300791665.html>.

³¹ Pilgrim's 10-K, *supra* note 29, at 14.

³² See, e.g., Kelly L. Williams, *The Facts About Factory Farms*, The Humane Soc'y of the U.S. (Dec. 10, 2020), <https://www.humanesociety.org/news/facts-about-factory-farms>.

³³ See, e.g., HSUS, *All our fights*, <https://www.humanesociety.org/all-our-fights> (last visited Jan. 17, 2025).

concerned with industrialized farming’s considerable contribution to climate change, which negatively affects the lives of all animals, including humans.

In 2019, HSUS launched the Farm Animal Responsible Minimum Standards Initiative (also known as the FARMS Initiative), along with Compassion in World Farming and World Animal Protection, to serve as a resource for financial institutions to adopt and develop higher animal welfare standards in their lending, investing, and insuring practices.³⁴ The initiative’s standards are now included as “Key Resources” in the United Nations Environment Programme’s Principles for Responsible Banking Guidance Document.³⁵

Part of HSUS’s engagement with major corporations is to advocate as a shareholder, e.g., filing shareholder proposals calling for reforms, attending annual shareholder meetings to address pressing issues, and challenging companies’ positions on animal welfare issues with regulators at the Commission. Not only is the inhumane treatment of animals itself a material risk to these businesses—as a great many consumers and investors now actively seek products and services that align with their values about animal care³⁶—but the treatment of farmed animals is also inextricably linked to climate change and human health, which creates even more risks for agribusinesses like the Companies.

D. Center for Biological Diversity

The Center for Biological Diversity (“Center”) is a nonprofit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has more than 1.7 million members and online activists committed

³⁴ About, FARMS Initiative, <https://www.farmsinitiative.org/about> (last visited Jan. 17, 2025).

³⁵ Puleng Ndjwili-Potele et al., *Principles for Responsible Banking: Guidance Document*, UN Env’tl. Prog. 25 (2021), <https://www.unepfi.org/wordpress/wp-content/uploads/2022/04/PRB-Guidance-Documents-Jan-2022-D3.pdf>.

³⁶ See, e.g., NSF, *Nearly 70% of Americans Say Animal Wellness Plays an Important Role in Purchasing Decisions* (Feb. 14, 2024), <https://www.nsf.org/news/nsf-reveals-americans-say-animal-wellness-important-role-purchasing-decisions> (“Of the US respondents to the NSF study, 67% state that animal wellness is either very or extremely important to purchasing decisions while 68% place importance on companies demonstrating transparency and compliance in animal wellness throughout their global supply chains.”); Marta E. Alonso et al., *Consumers’ Concerns and Perceptions of Farm Animal Welfare*, 10 *Animals* (Basel) 385 (2020) (“Despite the differences in the concepts and definitions of animal welfare that make perceptions about this subject very variable, over the last few years there has been a growing concern among citizens and consumers about the effects that the intensification of animal production systems could have on the welfare of farm animals.”).

to the protection and restoration of endangered species and wild places. For 26 years, the Center has worked to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people and animals from threats, including the significant threats posed by industrial agriculture.

E. Socially Responsible Agriculture Project

Through education, advocacy, and organizing, the Socially Responsible Agriculture Project (“SRAP”) collaborates with communities to protect public health, environmental quality, and local economies from the damaging impacts of industrial livestock production and to advocate for a socially responsible food future. SRAP offers free support, providing communities with the knowledge and skills to protect their right to clean water, air, and soil and to a healthy, just, and vibrant future. A critical component of SRAP’s work with communities is gathering and analyzing environmental, climate, public health, animal welfare, and sustainability practices information regarding the practices of large corporations that control the animal livestock industry. SRAP has previously engaged in advocacy to enforce disclosure and transparency rights regarding livestock industry business practices. For example, in 2020, SRAP et al. petitioned the Federal Trade Commission to stop Cargill, Inc.’s allegedly false or deceptive advertising regarding certain turkey products. SRAP has also joined other groups in advocating for improvements to federal policy on livestock industry transparency, including but not limited to comments: to the SEC on its 2022 Enhancement and Standardization of Climate-Related Disclosures for Investors (File No. S7-10-22); to the USDA regarding “climate-smart” technology federal funding; and comments to the USDA regarding fair trade practices in meat and poultry production by limiting corporate competition. SRAP is interested in ensuring JBS’ and Pilgrim’s Pride’s public and SEC disclosures are accurate, truthful, and complete.

F. Center for Food Safety

Center for Food Safety (“CFS”) is a national non-profit organization representing nearly 1 million members nationwide with a mission to empower people, support farmers, and protect the earth from the harmful impacts of industrial agriculture. CFS uses education, policy and legislation, and impact litigation to address the negative effects to public health and the

environment from harmful food production technologies, and supports ecological food production, like organic and beyond. Through groundbreaking legal, scientific, and grassroots action, CFS protects and promotes everyone's right to safe food and a livable environment. CFS's successful legal cases collectively represent a landmark body of case law on food and agricultural issues.

G. Compassion in World Farming

Compassion in World Farming is a global farmed animal protection organization committed to ending factory farming and fostering a compassionate, fair, and sustainable food system for all. Founded in 1967 by a British dairy farmer who became horrified at the development of intensive factory farming, the charity works to reform the broken food and farming systems, advocating for more humane and equitable practices worldwide. Headquartered in the U.K., Compassion in World Farming operates across Europe, the U.S., the Asia-Pacific region, and South Africa.

H. Mighty Earth

Mighty Earth is a global advocacy organization working to defend a living planet. Its goal is to protect half of Earth for Nature and secure a stable climate that allows all life to flourish. Mighty Earth works to mitigate the worst effects of our warming world. The organization's global Protein campaign monitors deforestation across hundreds of thousands of hectares across the Amazon rainforest and the Cerrado savannah in Brazil, and Mighty Earth campaigns globally to achieve zero deforestation and degradation linked to beef and soy production.

I. Food Animal Concerns Trust

Food Animal Concerns Trust ("FACT") works to create a world where all food producing animals are raised in a humane and healthy manner. FACT does this by supporting humane farmers, promoting policies that make foods from animals safe and healthy to eat, and helping consumers make informed food choices. The organization works directly with livestock producers providing resources for farms that seek to improve the welfare of the animals they raise. FACT promotes strong corporate and government policies requiring food producers to take appropriate

steps to protect consumers from public health risks that start on industrial livestock operations. FACT is a global leader in the effort to stop the overuse of antibiotics in animal agriculture.

J. The Accountability Board

The Accountability Board (“TAB”) owns shares in nearly 200 of the largest companies within the food, tech, communications, banking, retail, and other industries. Its objective is to cultivate growth through active engagement with its portfolio companies. In particular, TAB focuses on increasing transparency and stewardship around critical social and environmental issues, as well as on certain corporate governance practices—as these are issues where TAB finds a strong nexus between significant policy matters and financial materiality. Some of the significant matters TAB engages its holdings on include climate change risk, governance, animal housing, food safety, waste management, public health, board leadership, capital structures, shareholder rights, and board accountability.

IV. LEGAL BACKGROUND & JURISDICTION

A. The SEC should closely scrutinize JBS’s registration statement and refuse to declare it effective if it materially misleads investors

Several US securities laws regulate the registration and initial public offering (“IPO”) of securities as well as periodic public disclosure requirements for publicly traded companies, requiring companies to provide truthful, accurate, and comprehensive information to investors. Although the requirements of each law vary somewhat, the broad principles underlying them are the same. JBS, in its registration statement and prospectus, and Pilgrim’s, in its annual 10-K report, as well as in other statements the Companies make to the public and investors, appear to violate these laws and regulations by providing apparently misleading information, making apparently misleading claims, or omitting important information that makes other statements apparently misleading.

1. *Standards the Companies apparently have violated or likely will violate*

The following is an overview of the various standards applicable to the Companies, all of which would be violated if the current registration statement is made effective while containing misleading statements and claims:

Sections 11 and 12(a)(2). Under Sections 11 and 12(a)(2) of the Securities Act of 1933, 15 U.S.C. §§ 77k & 77l(a)(2), the issuer of a security is liable when securities are sold via a registration statement or prospectus that contains a material misstatement or unlawful omission – either an omission of something that was legally required to be disclosed, or an omission of information that is necessary to prevent disclosures from being misleading.³⁷ A “material” statement or omission is one “that a reasonable investor would have considered significant in making investment decisions.”³⁸ That is, material information is information that “would alter the total mix of available information.”³⁹ For example, when a company faces known, specific material risks, especially risks that have already materialized, generic disclosures are insufficient to meet the disclosure requirements; specific information about the known material risks is required to be disclosed.⁴⁰ Sections 11 and 12 do not have a scienter, reliance, or loss causation requirement; they impose strict liability.⁴¹

All the statements in JBS’s Form F-4 registration statement are subject to Sections 11 and 12. For example, JBS’s risk disclosures in its Form F-4—regarding animal welfare compliance, deforestation, climate change, etc., as discussed throughout this Complaint—cannot contain materially misleading statements or omissions.

Rule 10b-5. Similarly, under Rule 10b-5 an issuer cannot “make any untrue statement of material fact or omit to state a material fact necessary in order to make statements made, in light of the circumstances under which they were made, not misleading,” 17 C.F.R. § 240.10b-5(b).⁴² The same standards for materiality apply as discussed above. Thus, once a covered entity makes a disclosure about its operations, such a disclosure must be complete—an issuer may not “deal

³⁷ *In re Morgan Stanley Info. Fund Sec. Litig.*, 592 F.3d 347, 360 (2d Cir. 2010) (citing 15 U.S.C. §§ 77k (a), 77l(a)(2)).

³⁸ *Ganino v. Citizens Utilities Co.*, 228 F.3d 154, 161 (2d Cir. 2000) (citing *Basic Inc. v. Levinson*, 485 U.S. 224, 231 (1988)).

³⁹ SEC, Comm’n Guidance Regarding Disclosure Related to Climate Change, 75 Fed. Reg. 6,290, 6,293 (Feb. 8, 2010) [hereinafter “SEC Climate Change Guidance”].

⁴⁰ See, e.g., *In re iDreamSky Tech. Ltd. Sec. Litig.*, 236 F. Supp. 3d 824, 831 (S.D.N.Y. 2017) (citing *In re Facebook, Inc. IPO Sec. & Deriv. Litig.*, 986 F.Supp.2d 487, 516 (S.D.N.Y. 2013)); *Edison Fund v. Cogent Inv. Strategies Fund, Ltd.*, 551 F.Supp.2d 210, 226 (S.D.N.Y. 2008).

⁴¹ *In re Facebook*, 986 F. Supp. at 506.

⁴² See also 15 U.S.C. § 78j(b).

in half-truths.”⁴³ In other words, issuers must disclose information to “ensure that statements already made are clear and complete.”⁴⁴

In contrast to Sections 11 and 12, which apply specifically to registration statements and prospectuses, Rule 10b-5 applies broadly to any communication “in connection with purchase or sale of any security”; “[a]ny statement that is reasonably calculated to influence the average investor satisfies the ‘in connection with’ requirement of Rule 10b-5.”⁴⁵ This can include conduct abroad, if it “has a foreseeable substantive effect in the US,” 15 U.S.C. § 78aa(b)(2). Statements must be made with scienter, which “is defined generally as a ‘mental state embracing intent to deceive, manipulate or defraud.’”⁴⁶

Thus, many public statements by JBS or Pilgrim’s are subject to Rule 10b-5. These not only include statements made in formal SEC filings like Form F-4s and 10-Ks, but also statements on websites, in sustainability reports, and other media that average US investors are likely to view and consider in investing in JBS’s IPO or Pilgrim’s stock.⁴⁷

Regulation S-K. JBS and Pilgrim’s also must meet the requirements of Regulation S-K, 17 C.F.R. Part 229 *et seq.*, which sets additional, more specific requirements on non-financial information provided in registration statements as well as other required filings, such as annual reports, *id.* § 229.10(a). A registration statement and prospectus’s failure to disclose information

⁴³ *FindWhat Investor Grp. v. FindWhat.com*, 658 F.3d 1282, 1305 (11th Cir. 2011) (quoting *First Va. Bankshares v. Benson*, 559 F.2d 1307, 1314 (5th Cir. 1977)).

⁴⁴ *Macquarie Infrastructure Corp. v. Moab Partners, L. P.*, 601 U.S. 257, 258 (2024).

⁴⁵ *SEC v. Hasho*, 784 F. Supp. 1059, 1106 (S.D.N.Y. 1992); *see also SEC v. Rana Rsch, Inc.*, 8 F.3d 1358, 1362 (9th Cir. 1993) (holding that Rule 10b-5 applies to any fraud that “somehow touches upon or has some nexus with any securities transaction,” which can include a “press release, annual report, investment prospectus, or other such document on which an investor would presumably rely” (citations omitted)).

⁴⁶ *In re Comshare, Inc. Secs. Litig.*, 183 F.3d 542, 548 (6th Cir. 1999).

⁴⁷ The “in connection with” requirement is met where “the misrepresentations in question were disseminated to the public in a medium upon which a reasonable investor would rely, and that they were material when disseminated.” *Semerenco v. Cendent Corp.*, 223 F.3d 165, 175–76 (3d Cir. 2000); *see also* SEC, Commission Guidance on the Use of Company Websites, Exchange Act Release No. 34-58288, 73 Fed. Reg. 45,862, 45,869 (Aug. 7, 2008) (“The antifraud provisions of the federal securities laws apply to company statements made on the Internet in the same way they would apply to any other statement . . .”). This rule also extends to include corporate reports, such as company sustainability reports. *Jackson County Emp’ees Ret. Sys. v. Ghosn*, 510 F. Supp. 3d 583, 613-14 (M.D. Tenn. 2020).

that is required to be disclosed under this regulation is a violation of Sections 11 and 12.⁴⁸ Such requirements include:

- Item 101, 17 C.F.R. § 229.101, Description of Business: Item 101 includes, of particular importance to JBS and Pilgrim's, a requirement to disclose "the material effects of compliance with government regulations," *id.* (c)(2)(i), including "animal-welfare and wildlife regulation . . . if material to an understanding of the registrant's business."⁴⁹
- Item 103, 17 C.F.R. § 229.103, Legal Proceedings: Of most relevance to this Complaint, Item 103 includes a requirement to disclose any environmental enforcement proceedings, regardless of the size of the proceedings, if "such proceeding is material to the business or financial condition of the registrant," *id.* § 229.103(c)(3)(i); or, if the potential fines exceed specified thresholds (\$300,000 to \$1 million), *id.* (c)(3)(iii).
- Item 105, 17 C.F.R. § 229.105, Risk Factors: Companies under Item 105 must disclose "material factors that make an investment in the registrant or offering speculative or risky" and provide an explanation of "how each risk affects the registrant or the securities being offered"; "generic" disclosures are discouraged. *Id.* (a)-(b).
- Item 303, 17 C.F.R. § 229.303, Management Discussion and Analysis of Financial Condition and Results of Operations (MD&A): Item 303 requires disclosure of "a trend, demand, commitment, event or uncertainty" that is both "presently known" and "reasonably likely to have material effects on the registrant's financial condition or results of operation."⁵⁰ Trends which may need to be disclosed include

⁴⁸ See, e.g., *Silverstrand Invs. v. AMAG Pharms., Inc.*, 707 F.3d 95, 102 (1st Cir. 2013).

⁴⁹ SEC, Modernization of Regulations S–K Items 101, 103, and 105, 85 Fed. Reg. 63,726, 63,737 (Oct. 8, 2020) [hereinafter "Modernization of Regulation S-K"].

⁵⁰ SEC, Interpretive Rule, *Management's Discussion and Analysis of Financial Condition and Results of Operations; Certain Investment Company Disclosures*, Release No. 33-6835 (May 18, 1989).

pending or enacted climate change, environmental, or other regulations which are reasonably likely to have a material effect on the business.⁵¹

In March 2024, the SEC published the Enhancement and Standardization of Climate-Related Disclosures for Investors rule. This is an amendment to Regulation S-K (and Regulation S-X) which will “require registrants to provide certain climate-related information in their registration statements and annual reports,” including emissions data for certain registrants.⁵² This new climate disclosure rule is stayed pending litigation,⁵³ and, thus, whether it will apply to the JBS B.V. registration statement is not clear. However, the SEC has noted in its 2010 Climate Change Guidance⁵⁴ and other guidance that Rule 10b-5 and other existing rules already require companies to make candid disclosures about climate change, including providing “such further material information [on climate issues], if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not misleading.”⁵⁵

All statements made by JBS in its Form F-4 and Pilgrim’s in its Form 10-K are subject to Regulation S-K and its requirements to fully disclose the various listed items.

2. SEC Authority over Registration Statements

The SEC has complete jurisdiction over JBS B.V.’s registration statement, including whether to declare it effective under Section 8 of the Securities Act, 15 U.S.C. § 77h. If the statement contains “incomplete or inaccurate” information “in any material respect,” the Commission may “refus[e] to permit such statement to become effective until it has been

⁵¹ SEC Climate Change Guidance, 75 Fed. Reg. at 6296. For pending legislation or regulation, the Commission explains that management must proceed in two steps: first, it must “evaluate whether the pending legislation or regulation is reasonably likely to be enacted,” Unless enactment is not reasonably likely, management must then “determine whether the legislation or regulation, if enacted, is reasonably likely to have a material effect on the registrant.” If it does, disclosure is required. *Id.*

⁵² SEC, The Enhancement and Standardization of Climate-Related Disclosures for Investors, 89 Fed. Reg. 21668, 21668-70 (Mar. 6, 2024) [hereinafter “SEC Climate Disclosure Rule”].

⁵³ The SEC stayed the rule “pending the completion of judicial review in consolidated” challenges to the rule “in the Eighth Circuit.” SEC, The Enhancement and Standardization of Climate-Related Disclosures for Investors; Delay of Effective Date, 89 Fed. Reg. 25,804 (Apr. 12, 2024).

⁵⁴ SEC Climate Change Guidance, 75 Fed. Reg. at 6,295 (“Depending on the facts and circumstances of a particular registrant, [existing SEC regulations] may require disclosure regarding the impact of climate change.”).

⁵⁵ SEC, *Sample Letter to Companies Regarding Climate Change Disclosures*, <https://www.sec.gov/rules-regulations/staff-guidance/disclosure-guidance/sample-letter-companies-regarding-climate> (last updated June 26, 2024).

amended,” *id.* § 77h(b). Even after effectiveness, if the statement is found to “include[] any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading,” the Commission may “issue a stop order suspending the effectiveness of the registration statement,” *id.* § 77h(d). As detailed in this Complaint, JBS’s registration statement contains many apparently inaccurate, incomplete, and misleading statements, and the SEC should therefore refuse to declare it effective while these statements are further investigated and addressed.

B. JBS S.A. and Pilgrim’s Pride are already subject to US securities laws, and the SEC should scrutinize their statements to investors

JBS S.A., following registration of its notes exchange offer, is already “a public reporting company in the United States of America and, accordingly, subject to the information and reporting requirements of the U.S. Securities Exchange Act of 1934, and other United States of America federal securities laws, and the compliance obligations of the Sarbanes-Oxley Act of 2002.”⁵⁶ Additionally, it is subject to some US securities laws, including Rule 10b-5, because its Level 1 ADRs are publicly traded in the US.⁵⁷ JBS S.A.’s subsidiary, Pilgrim’s Pride, is publicly traded in the US, and, thus, it is fully subject to US securities laws, including Rule 10b-5 as well as periodic reporting requirements. Moreover, another JBS subsidiary, JBS USA, issued sustainability linked bonds in the US, which are also subject to US securities rules.⁵⁸

As such, the Companies are already subject to several of the antifraud and reporting rules set forth in the prior section, including, in particular, Rule 10b-5 and Regulation S-K.⁵⁹ Considering

⁵⁶ JBS, Notice to the Market Announcement of Registered Exchange Offers, (Jul. 24, 2023), <https://www.sec.gov/Archives/edgar/data/1450123/000129281423003150/ex99-1.htm>.

⁵⁷ *Cf. Morrison v. Nat’l Austl. Bank Ltd.*, 561 U.S. 247, 262-65 (2010); *In re Volkswagen “Clean Diesel” Mkt., Sales Pracs., & Prods. Liab. Litig.*, 2017 WL 66281 at *4 (N.D. Cal. Jan. 4, 2017) (“Plaintiffs argue—and Defendants do not dispute—that Plaintiff’s purchases of Level 1 ADRs in the United States constitute domestic transactions.”).

⁵⁸ *JBS USA Announces Successful Issuance of Sustainability-Linked Bond*, JBS Foods (Nov. 16, 2021), <https://jbsfoodsgroup.com/articles/jbs-usa-announces-successful-issuance-of-sustainability-linked-bond>.

⁵⁹ Even if some of the JBS Group’s entities are currently based outside of the U.S., their apparently misleading statements and omissions discussed herein are subject to U.S. federal securities laws because they all affect the proposed US-based offering. Moreover, the anti-fraud laws apply extraterritorially to “conduct . . . constitut[ing] significant steps in furtherance” of violating anti-fraud securities laws, 15 U.S.C. § 78aa(b)(1), as well as “conduct occurring outside the United States that has a foreseeable substantial effect within the United States,” 15 U.S.C. § 78aa(b)(2).

JBS's significant US presence, its subsidiary Pilgrim's US public listing, and its upcoming IPO, SEC scrutiny of JBS's myriad public statements is clearly warranted, as they are likely to influence investors investing in these existing US JBS and Pilgrim's securities, as well as in the upcoming IPO. The SEC has jurisdiction over JBS and Pilgrim's statements and has the authority to investigate them for potential violations of the securities laws and institute proceedings to stop such violations, such as under Section 8A of the Securities Act of 1933, 15 U.S.C. § 77h-1 (cease-and-desist proceedings) and Section 20, 15 U.S.C. § 77t (authority regarding investigations, injunctions, and penalties). The Commission should investigate all the apparent inaccurate, incomplete and misleading statements described in this Complaint, and take all appropriate action to address them.

V. THE COMPANIES MAKE APPARENTLY MISLEADING BROAD STATEMENTS RELATING TO THE ENVIRONMENT AND SUSTAINABILITY

Every one of the Companies' claims and statements must be viewed in the context of the reality that large, industrialized animal agricultural operations have significant detrimental effects on the environment and public health. Given that the Companies operate the largest animal agricultural operation on the planet, the Companies' collective representations about their sustainability appear to be largely motivated by "greenwashing": the practice of making a product (in this case, the Companies' meat products) appear to be more environmentally friendly or less environmentally damaging than they really are. Given the environmental impacts of industrial animal agriculture, and their operations in particular, the Companies' broad and sweeping positive claims about their "sustainability" and their environmental impacts seem to be misleading and require close scrutiny by the Commission. This Section V will review some of the Companies' broadly sweeping environmental claims. The next Section VI will discuss more specific claims, such as climate change, deforestation, and animal welfare.

A. The importance of sustainability information to investors, and business risk relating to sustainability, especially relating to agricultural companies

Environmental, sustainability, and climate issues have become critically important to businesses' operations and financial performance. Consumers increasingly pay attention to a company's and its products' environmental impacts, and they are willing to pay more for

“sustainable” products with better characteristics such as high animal welfare.⁶⁰ Investors have over the past few years increasingly divested from major polluters, such as fossil fuel companies.⁶¹ JBS itself has identified in a materiality analysis that “environmental stewardship” is one of the “critical topics” for stakeholders.⁶²

Given the rising importance of sustainability to business performance and investment, the importance of environmental, social and corporate governance (“ESG”) information to investors has increased significantly over the past decade.⁶³ The SEC provides a definition of ESG,⁶⁴ and major investment companies advise investors on “sustainable investing.”⁶⁵ Large and institutional investors are adopting policies to incorporate ESG and sustainability issues; for example, in the UK, pension funds are required to set policies on ESG considerations for their investments, including on climate change, that they consider “financially material.”⁶⁶ Sustainable investor

⁶⁰ See, e.g., Ashley Reichheld et al., *Research: Consumers’ Sustainability Demands Are Rising*, Harv. Bus. Rev. (Sept. 18, 2023), <https://hbr.org/2023/09/research-consumers-sustainability-demands-are-rising>.

⁶¹ See, e.g., Susan Phillips, *How climate activists are working to shift trillions of dollars away from fossil fuels and into renewables*, WHYY News Climate Desk (June 5, 2023), <https://whyy.org/articles/climate-activists-target-financial-industry-fossil-fuels-divestment-renewable-energy/>.

⁶² 2023 JBS Sustainability Report, *supra* note 10, at 27.

⁶³ See, e.g., Parliament and Council Directive (EU) 2022/2464, 2022 O.J. (L 322) 15, Preamble ¶¶ (10)-(11) (enacted Dec. 14, 2022) (amending Directive 2013/34/EU). As the EU has recognized, the “market for sustainability information is rapidly growing,” and there “has been a very significant increase in demand for corporate sustainability information in recent years, especially on the part of the investment community,” driven by increasing recognition of ESG risks and financial implications of those risks. *Id.*

⁶⁴ SEC, *Environmental, Social and Governance (ESG) Investing*, Investor.gov, <https://www.investor.gov/introduction-investing/investing-basics/glossary/environmental-social-and-governance-esg-investing> (last visited Jan. 17, 2025) (“ESG” stands for environmental, social, and governance. ESG investing is a way of investing in companies based on their commitment to one or more ESG factors. It is often also called sustainable investing, socially responsible investing, and impact investing.”).

⁶⁵ See, e.g., Fidelity, *Fidelity sustainable investing*, <https://www.fidelity.com/sustainable/overview> (last visited Jan. 17, 2025). PwC, another major investment advisor, has conducted surveys among investors, finding in 2023 that investors “want better information” about sustainability, and with 42% saying they divested in companies that did not demonstrate sufficient action on sustainability. James Chalmers & Nadja Picard, *PwC’s Global Investor Survey 2023*, PwC (Nov. 15, 2023), <https://www.pwc.com/gx/en/issues/c-suite-insights/global-investor-survey-2023.html>. In 2024, PwC found that 50% of investors believe it is very important that companies change their practices in response to climate change, and 71% agreed that companies should “incorporate ESG/sustainability directly into their corporate strategy.” PwC, *PwC’s Global Investor Survey 2024* (Dec. 4, 2024), <https://www.pwc.com/gx/en/issues/c-suite-insights/global-investor-survey.html>.

⁶⁶ Suzanne Padmore, *‘ESG litigation risks’ for pension trustees: A spotlight on identifying and mitigating risks*, Burges Salmon (Jan. 10, 2024), <https://www.burges-salmon.com/news-and-insight/legal-updates/pensions/esg-litigation-risks-for-pension-trustees-a-spotlight-on-identifying-and-mitigating-risks>.

networks⁶⁷ and voluntary disclosure frameworks⁶⁸ further assist investors and companies in ESG investing.

Given the major environmental and climate impacts that large-scale industrialized animal agricultural companies have, consumers and investors understandably take a close look at sustainability claims and information released by companies like JBS and Pilgrim's:

The environmental impact of modern farming and food production — the greenhouse gas emissions from farming and animal husbandry, water and land usage, pesticides and antibiotics, the impact of packaging and transport — is becoming ever more clear, and consumers increasingly are demanding agri-business companies become more sustainable. This is giving rise to a new subsector of ESG investing: sustainable food & agriculture. Investors and asset managers that enter the space are finding an expanding universe of public equities to invest in, and these asset owners are using their clout and their dollars to invest in companies that are taking concrete steps to make food and agriculture greener.⁶⁹

Investor websites have noted that large-scale agriculture is “the world’s highest-emitting sector without a low-carbon plan,” and they advise investors not to ignore long-term climate risks

⁶⁷ For example, the Ceres Investor Network “represents more than 220 institutional investors with \$44 trillion in assets under management who are committed to responsible investment practices and policies that help protect the planet while also improving portfolio value.” Ceres, *Ceres Investor Network*, <https://www.ceres.org/networks/investor> (last visited Jan. 17, 2025). As another example, the United Nations Principles for Responsible Investment (“PRI”) has thousands of investor signatories with over \$120 trillion in assets under management, who have committed to “incorporate ESG issues into investment analysis and decision-making processes.” UN PRI, *About the PRI*, <https://www.unpri.org/about-us/about-the-pri> (last visited Jan. 17, 2025).

⁶⁸ E.g., Task Force on Climate-Related Financial Disclosures (TCFD), *2019 Status Report: Task Force on Climate-related Financial Disclosures Status Report* iii (June 2019), <https://assets.bbhub.io/company/sites/60/2020/10/2019-TCFD-Status-Report-FINAL-0531191.pdf> (noting 340 major investors committed to getting large GHG emitters to “strengthen their climate-related disclosures” under the TCFD framework); Ceres, *Disclose What Matters: Bridging the Gap Between Investor Needs and Company Disclosures on Sustainability* 9 (2018), https://assets.ceres.org/sites/default/files/reports/2018-08/Ceres_DiscloseWhatMatters_Final.pdf (noting that many companies report using GRI, CDP, SASB, and/or IIRC frameworks).

⁶⁹ Chris Larson, *Sustainable Food & Agriculture Attracting Interest from Public Equity Fund Managers*, CleanTechIQ (Mar. 1, 2019), <https://cleantechiq.com/2019/03/sustainable-food-ag-attracting-interest-from-public-equity-managers/>.

of the sector.⁷⁰ Even JBS itself has recognized these “increasing expectations” from stakeholders around sustainability.⁷¹

The organization Farm Animal Investment Risk and Return (“FAIRR”) annually releases an investor index of the world’s largest protein producers, including the Companies, ranking them by their management of material environmental and social risk.⁷² FAIRR in its 2023/2024 report notes that “many Index companies are still failing to address basic sustainability risks,”⁷³ and in its most recent report noted that despite some improvement, almost half of the companies are still high-risk.⁷⁴ Based on its ten factors,⁷⁵ it ranked JBS in the middle of the pack in 2023/2024, at medium, close to high risk – and also indicates JBS had barely made any progress on sustainability.⁷⁶ Given their poor environmental track record, industrialized animal agricultural companies may become more subject to scrutiny and divestment.⁷⁷ JBS itself has already been the subject of divestment over ESG concerns,⁷⁸ including by Brazil’s state-controlled development

⁷⁰ Mike Scott, *Fast Food Giants Need to Face Up to Climate and Water Risks, Investors Warn*, Forbes (Feb. 4, 2019), <https://www.forbes.com/sites/mikescott/2019/02/04/fast-food-giants-need-to-face-up-to-climate-and-water-risks-investors-warn/>.

⁷¹ 2023 JBS Sustainability Report, *supra* note 10, at 23.

⁷² FAIRR, *Collier FAIRR Protein Producer Index*, <https://www.fairr.org/tools/protein-producer-index> (last visited Jan. 17, 2025).

⁷³ FAIRR, *Collier FAIRR Protein Producer Index 2023/24* at 13 (Nov. 2023), available at <https://www.fairr.org/resources/reports/protein-producer-index-2023> [hereinafter “2023/2024 FAIRR Index”].

⁷⁴ FAIRR, *The Collier FAIRR Protein Producer Index 2024/25, Key Findings - Progress amidst challenge* (Nov. 2024), <https://www.fairr.org/tools/protein-producer-index#key-findings>.

⁷⁵ 2023/2024 FAIRR Index, *supra* note 73, at 9-10. The ten factors in 2023/2024 were GHG emissions, deforestation and biodiversity, water use and scarcity, waste and pollution, antibiotic use policy, animal welfare, working conditions, food safety, sustainable governance, and alternative proteins. These factors were updated in 2024/2025, with some factors consolidated or renamed and new factors like “Land & Sea Management” added. FAIRR, *The Collier FAIRR Protein Producer Index 2024/25, Methodology* (Nov. 2024), <https://www.fairr.org/tools/protein-producer-index#methodology>.

⁷⁶ 2023/2024 FAIRR Index, *supra* note 73, at 13. The Company Rankings for 2024/2025 are currently not publicly available.

⁷⁷ Charlotte Moore, *Will Big Ag Be The Next Target For Activist Divestment Campaigners?*, US Sustainability Alliance (Dec. 8, 2021), <https://thesustainabilityalliance.us/next-target-for-activist-divestment-campaigners/> (noting that “tracking of NGO activity suggests that ‘Big Ag’—so called industrialized intensive agriculture—is likely to be the next major target” for divestment campaigns).

⁷⁸ Dieter Holger & Paulo Trevisani, *Nordea Asset Management Drops JBS Over Deforestation, Corruption, Worker Health*, Wall St. J. (July 28, 2020), <https://www.wsj.com/articles/nordea-asset-management-drops-jbs-over-deforestation-corruption-worker-health-11595963107>.

bank⁷⁹ and by the Norwegian Government's Pension Fund, citing "the risk of gross corruption" following an investment ethics investigation.⁸⁰

The SEC has long understood that investors consider ESG issues important.⁸¹ Recognizing that investors want more information, and that "greenwashing" can be a problem in investing, the SEC has increasingly regulated in this area. For example, the SEC has proposed regulating the use of potentially misleading buzzwords like "sustainable" and "ESG" for investment advisors.⁸² Over a decade ago, it released guidance specifically about disclosures relating to climate change based on "heightened interest" in the topic.⁸³ And this year, the Commission released a rule requiring disclosure of certain climate change information.⁸⁴

Considering the clear importance of sustainability information to investors, it is highly likely that such information is material—that is, "there is a substantial likelihood that a reasonable investor would consider the information important in deciding how to . . . make an investment decision."⁸⁵ Such information should be disclosed and closely scrutinized to ensure it is not misleading.

B. The Companies make broadly sweeping environmental and sustainability representations

JBS and Pilgrim's make broad environmental and sustainability claims in materials that are available to and likely used by investors, including corporate websites and sustainability reports.

⁷⁹ Reuters, *Brazil's BNDES raises \$370 mln in meatpacker JBS shares sale, says executive* (Feb. 16, 2022), <https://www.reuters.com/business/brazils-bndes-raises-370-mln-meatpacker-jbs-shares-sale-says-executive-2022-02-16/>. This sale of stock is part of a "BNDES strategy to fully divest its stake" in JBS. *Id.*

⁸⁰ Norwegian Gov't Pension Fund Global, Council on Ethics, *JBS SA* (July 10, 2018), <https://etikkradet.no/jbs-sa-2/>.

⁸¹ See, e.g., Richard Y. Roberts, SEC Comm'r, *Developments Concerning Environmental Disclosure, Remarks Before the Dallas Bar Association* 1-6 (May 28, 1992), quoted in Perry E. Wallace, *Disclosure of Environmental Liabilities. Under the Securities. Laws: The Potential of Securities.-Market-Based Incentives for Pollution Control*, 50 Wash. & Lee L. Rev. 1093, 1099 (1993).

⁸² SEC, Proposed Rule, *Enhanced Disclosures by Certain Investment Advisers and Investment Companies About Environmental, Social, and Governance Investment Practices*, 87 Fed. Reg. 36,654, 36,658 (proposed June 17, 2022) ("Such [ESG] exaggerations can impede informed decision-making as the labels may cause investors to believe they are investing in—and potentially are paying higher fees for—a "sustainable" strategy that may actually vary little from ones without such a label.").

⁸³ SEC Climate Change Guidance, 75 Fed. Reg. at 6,290.

⁸⁴ See *supra* notes 52-53.

⁸⁵ Modernization of Regulation S-K, 85 Fed. Reg. at 63,745 (citing *Basic Inc. v. Levinson*, 485 U.S. 224, 231 (1988) (quoting *TSC Indus. Inc. v. Northway*, 420 U.S. 438, 449 (1976))).

Just a look at the most recent JBS sustainability reports shows that the company makes representations about a wide variety of ESG issues, including animal welfare, energy, emissions, water use, and social issues.⁸⁶ Some examples of how the Companies put “sustainability” front and center for investors and the public include:

- A banner on the JBS homepage, advertising its Sustainability Report, states it is “responsibly meeting today’s tastes for a more sustainable tomorrow.”⁸⁷
- On its “sustainability” page, which is linked on many other pages, JBS claims that it “feeds millions of people around the world each day, and we’re committed to doing so in a way that is both good for you and good for the planet. As one of the world’s largest food companies, we have the opportunity, and the obligation to set commitments that will propel us forward and lead sustainable change.”⁸⁸
- On its Investors website, JBS claims that it is “committed to responsibly producing good food.”⁸⁹
- On its Brazilian Investor Relations website, JBS prominently features “Sustainability,”⁹⁰ in turn linking to sustainability materials such as its sustainability report.⁹¹
- Pilgrim’s, similarly, prominently features sustainability as one of the major parts of its public website,⁹² as well as on its Investor Relations website aimed at investors.⁹³
- Pilgrim’s on its public sustainability website (which also serves as its sustainability report) makes a variety of representations about GHGs, electricity, and water use,

⁸⁶ 2023 JBS Sustainability Report, *supra* note 10, at 23-100; *see also* JBS, *2022 JBS Sustainability Report* at 20-73 (Aug. 23, 2023), <https://jbsesg.com/wp-content/uploads/2023/08/2022-JBS-SUSTAINABILITY-REPORT.pdf> [hereinafter “2022 JBS Sustainability Report”].

⁸⁷ JBS, *JBS Homepage*, <https://jbsfoodsgroup.com/> (last visited Jan. 20, 2025).

⁸⁸ JBS, *Sustainability*, <https://sustainability.jbsfoodsgroup.com/> (last visited Jan. 20, 2025).

⁸⁹ JBS, *Investors*, <https://jbsfoodsgroup.com/investors> (last visited Jan. 20, 2025).

⁹⁰ JBS, *Investor Relations*, <https://ri.jbs.com.br/en/> (last visited Jan. 20, 2025).

⁹¹ JBS, *Investor Relations – Sustainability*, <https://ri.jbs.com.br/en/esg-investors/sustainability/> (last visited Jan. 20, 2025).

⁹² Pilgrim’s, *Homepage*, <https://www.pilgrims.com> (last visited Jan. 20, 2025).

⁹³ Pilgrim’s, *Investor Relations*, <https://ir.pilgrims.com> (last visited Jan. 20, 2025).

as well as regulatory compliance,⁹⁴ as does its sustainability website specifically aimed at investors.⁹⁵

- Pilgrim's on its sustainability website also states: "We're committed to helping society meet the challenge of sustainability in a responsible manner by improving the efficiency of our operations and minimizing our environmental footprint."⁹⁶

In its sustainability reports, JBS makes a variety of broad sustainability and environmental statements to investors, including (among many others):

- "The discussions about food insecurity and climate change demonstrate the commitment of our Board of Directors to continue supporting and fostering the advancement of the ESG agenda at JBS."⁹⁷
- "As we continue to grow, it's important that we do so in a sustainable manner, taking measures to mitigate the impacts of climate change and make necessary adaptations across all activities."⁹⁸
- "Sustainable production is now a mandatory prerequisite."⁹⁹
- JBS's report includes an image of "sustainability strategies across our value chain,"¹⁰⁰ and a chart of "our [sustainability] goals and progress."¹⁰¹

In their F-4 and 10-Ks filed with the Commission, the Companies also mention their sustainability commitments, for example:

- JBS states that it is working to "enhance the sustainability of agricultural systems."¹⁰²

⁹⁴ Pilgrim's, *Sustainability*, <https://sustainability.pilgrims.com/> (last visited Jan. 20, 2025).

⁹⁵ Pilgrims, *Investor Relations – Sustainability*, <https://ir.pilgrims.com/sustainability> (last visited Jan. 20, 2025).

⁹⁶ Pilgrim's, *Sustainability*, <https://sustainability.pilgrims.com/> (last visited Jan. 20, 2025)

⁹⁷ 2022 JBS Sustainability Report, *supra* note 86, at 5

⁹⁸ 2023 JBS Sustainability Report, *supra* note 10, at 5.

⁹⁹ *Id.* at 4.

¹⁰⁰ *Id.* at 25.

¹⁰¹ *Id.* at 29.

¹⁰² JBS B.V. Form F-4, *supra* note 3, at 147.

- JBS discusses JBS and Pilgrim’s sustainability-linked bonds and CRAs, and associated sustainability targets.¹⁰³
- JBS discusses its future ESG Committee, which it says will assist with “the company’s strategy relating to sustainability, environmental, social, corporate governance and other human capital matters.”¹⁰⁴
- Pilgrim’s, in its annual 10-K, states that “we believe sustainability involves continuously improving social responsibility, economic viability and environmental stewardship. We are committed to helping society meet the social challenge of feeding a growing population in a responsible matter, [sic]” discussing its GHG commitments, sustainability-linked bonds, and more.¹⁰⁵

Thus, the Companies are making sustainability and environmental impact a central issue on their public and investor webpages and are representing that they care about sustainability in their public filings. This is in line with the Companies’ own analysis and general investor trends, discussed above, which show that these issues are material to both investors and the public. The Companies intentionally direct investors to their sustainability websites and reports in which they make a variety of generic and specific sustainability claims. The average investor, looking at these materials, could reasonably believe the Companies are actively mitigating their environmental impacts and that their business is “sustainable.”

C. The significant environmental and public health impacts of big agricultural companies

Despite their claims, the Companies are not and, given that they operate industrialized large-scale animal operations, cannot meet the expectations created by their sustainability claims. Big animal agriculture companies, including JBS and Pilgrim’s, have an outsized impact on the environment and public health through their industrial farming practices,¹⁰⁶ making any of

¹⁰³ JBS B.V. Form F-4, *supra* note 3, at 51, 148-50, 209-11.

¹⁰⁴ JBS B.V. Form F-4, *supra* note 3, at 219.

¹⁰⁵ Pilgrim’s 10-K, *supra* note 29, at 23.

¹⁰⁶ See, e.g., Carrie Hribar, Nat’l Ass’n of Local Bds. of Health, *Understanding concentrated animal feeding operations and their impact on communities* 3 (2010), available at <https://stacks.cdc.gov/view/cdc/59792> (“All of the environmental problems with CAFOs have direct impact on human health and welfare for communities that contain large industrial farms.”).

their statements about “sustainability” suspect. This section discusses some of these impacts, and how the Companies seem to be apparently misleading investors regarding their environmental impacts.

1. Water Use & Pollution

Animal agriculture is well known for being water intensive. By some estimates, “meat and dairy are responsible for around a third to 40 per cent of agriculture’s water demands,” while “animal products only provide 18 per cent of the world’s calories.”¹⁰⁷ The vast majority of this water is used to grow feed for animals.¹⁰⁸ Animal agriculture has a significant impact on the availability of freshwater, which is a major concern given the increasing water scarcity as climate change has progressed: billions of people already live in water-stressed countries,¹⁰⁹ and the US has recently experienced unprecedented drought.¹¹⁰ The exacerbation of drought by animal agricultural operations also negatively impacts wildlife.¹¹¹

Not only does industrialized animal agriculture, as practiced by the Companies, use a significant amount of freshwater resources, it also causes significant water pollution that harms people, animals, and the environment.¹¹² The sustainability nonprofit Ceres has found that “meat

¹⁰⁷ Jasmine Clark, *The devastating water footprint of animal agriculture*, Open Access Gov’t (July 11, 2023), <https://www.openaccessgovernment.org/devastating-water-footprint-animal-agriculture/163485/> (citing Jens Heinke et al., *Water Use in Global Livestock Production—Opportunities and Constraints for Increasing Water Productivity*, 56 *Water Resources Res.* e2019WR026995 (2020)); see also 2023/2024 FAIRR Index, *supra* note 73, at 9 (estimating that animal agriculture accounts for 30% of freshwater use globally, and that animal protein production “can demand up to six times more [] water than the production of plant-based proteins”).

¹⁰⁸ Clark, *supra* note 107.

¹⁰⁹ U.N. World Health Org., *Drinking water*, <https://www.who.int/news-room/fact-sheets/detail/drinking-water> (last updated Sept. 13, 2023); Mesfin M. Mekonnen & Arjen Y. Hoekstra, *Four billion people facing severe water scarcity*, 2 *Sci. Adv.* E1500323 (2016), <https://www.science.org/doi/10.1126/sciadv.1500323>.

¹¹⁰ Over 78% of Americans in 48 states experienced drought conditions in October 2024, more than ever before in the history of NASA’s Drought Monitor. NASA Earth Observatory, *Drought Expands Across the U.S.* (Oct. 29, 2024), <https://earthobservatory.nasa.gov/images/153526/drought-expands-across-the-us>. Drought conditions have persisted in large parts of the country, with over 36% of people in the lower 48 states still in drought conditions in January 2025. NOAA/NIDIS, *National Current Conditions*, <https://www.drought.gov/current-conditions> (last visited Jan. 20, 2025).

¹¹¹ See, e.g., UK Centre for Ecol. & Hydrol., *The impacts of drought on water quality and wildlife* (Aug. 16, 2022), <https://www.ceh.ac.uk/news-and-media/blogs/impacts-drought-water-quality-and-wildlife>.

¹¹² See, e.g., Claudia Copeland, Cong. Res. Serv., *Animal Waste and Water Quality: EPA Regulation of Concentrated Animal Feeding Operations (CAFOs)*, CRS Rep. RL31851 at 4-5 (2010), available at <https://nationalaglawcenter.org/wp-content/uploads/assets/crs/RL31851.pdf> (noting that manure runoff from CAFOs can “disrupt aquatic ecosystems,” cause “massive fish kills” and contaminate swimming and drinking water and shellfish).

producers were the worst-performing sector” when it comes to water management practices, and they are a “major source of nitrogen and phosphorus pollution globally.”¹¹³ As one scientific study has found, “animal products from industrial systems generally consume and pollute more ground- and surface-water resources than animal products from grazing or mixed systems”—with beef having the worst footprint.¹¹⁴ Most factory farms, such as those owned by or supplying the Companies, store large amounts of manure in lagoons, laden with harmful substances and pathogens. These cause significant groundwater and surface water pollution when there is overflow, leaching, breakage, improper use of manure as fertilizer, and so forth.¹¹⁵ Animal waste and agricultural runoff—including from farms that grow feed for animals—have already polluted a third of US rivers.¹¹⁶ Slaughterhouse wastewater also is a major contributor to water pollution.¹¹⁷

JBS and Pilgrim’s slaughterhouses have documented instances of water pollution,¹¹⁸ making their environmental and sustainability claims problematic. For example, JBS apparently makes incomplete statements and speaks in “half-truths” when it talks about “water

¹¹³ Scott, *supra* note 70.

¹¹⁴ Mesfin M. Mekonnen & Arjen Y. Hoekstra, *A Global Assessment of the Water Footprint of Farm Animal Products*, 15 *Ecosystems* 401, 401, 413 (2012), available at https://waterfootprint.org/resources/multimediahub/Mekonnen-Hoekstra-2012-WaterFootprintFarmAnimalProducts_4.pdf.

¹¹⁵ See, e.g., Hribar, *supra* note 106, at 3-4; Copeland, *supra* note 112, at 4-5.

¹¹⁶ Joe Loria, *Here’s Why the Gulf of Mexico’s Dead Zone Is a Bigger Problem Than You Think*, Mercy for Animals (Aug. 3, 2017), <https://mercyforanimals.org/blog/report-meat-industry-cause-of-largest-dead/>; see also EPA, *Nonpoint Source: Agriculture*, <https://www.epa.gov/nps/nonpoint-source-agriculture> (last updated Nov. 6, 2024) (“The National Water Quality Assessment shows that agricultural runoff is the leading cause of water quality impacts,” including from manure); Melissa Denchak, *Water Pollution: Everything You Need to Know*, Nat’l Res. Def. Council (Jan. 11, 2023), <https://nrdc.org/stories/water-pollution-everything-you-need-know> (“In the United States, agricultural pollution is the top source of contamination in rivers and streams. . . .”)

¹¹⁷ E.g., Env’tl. Integrity Proj., *Water Pollution from Slaughterhouses* 1, 17 (Oct. 11, 2018), <https://environmentalintegrity.org/wp-content/uploads/2018/10/Slaughterhouse-report-2.14.2019.pdf> [hereinafter “EIP Report”] (noting Pilgrim’s had to pay Clean Water Act violation fines multiple times between 2003-2017); see also EarthJustice, *In Response to Lawsuit, EPA Announces Timeline for First Revisions to Slaughterhouse Water Pollution Standards in Nearly Twenty Years* (Mar. 1, 2023), <https://earthjustice.org/press/2023/in-response-to-lawsuit-epa-announces-timeline-for-first-revisions-to-slaughterhouse-water-pollution-standards-in-nearly-twenty-years> (discussing lawsuit against EPA resulting in EPA working on additional action to curb slaughterhouse wastewater discharge).

¹¹⁸ E.g., EIP Report, *supra* note 117, at 11-14, 18-19, 26-28 (describing violations and spills from Pilgrim’s and JBS plants). As just one recent example among many, one JBS plant in Nebraska in January 2024 caused a major spill of millions of gallons of wastewater, after having been fined for violations just a month before. Leroy Triggs, *JBS meat-packing plant contaminates water with unsafe tactics*, KSNB Local 4 (last updated Jan. 31, 2024), <https://www.ksnblocal4.com/2024/01/31/jbs-meat-packing-plant-contaminates-water-with-unsafe-tactics>.

stewardship” and “meet[ing] or exceed[ing] all regulatory and internal standards”¹¹⁹ without disclosing the recorded violations of clean water laws.

As another example, JBS and Pilgrim’s send mixed and confusing messages to investors regarding water usage. JBS claims on its sustainability website to “recognize[] that water scarcity is a major global issue” and that it embraces its “responsibility to reduce water use”¹²⁰—leading any investor to believe that the company would have a plan in place to improve water usage, and that it is taking measurable steps to do so. Yet, JBS also reports that it has not improved at all: from 2019 to 2023, it admits that its water use intensity has *increased* by 4%.¹²¹ JBS’s focus on water use intensity, furthermore, masks the true increase of its water usage over that period: its water consumption increased from 18 million m³ to almost 47 million m³, far more than doubling in four years,¹²² and the complete opposite of its pledge to reduce water use. Similarly, Pilgrim’s claims that “water stewardship and quality are top priorities,” yet further down on its sustainability webpage reports that its water usage and use intensity over the 2019-2023 time period have increased significantly.¹²³ Thus, investors are left to wonder how much of what the Companies keep promising is actually true and achievable—that is, these statements are apparently misleading.

2. Air Pollution

Concentrated, industrial animal agricultural farms, like those operated by the Companies, emit large amounts of hazardous air pollutants such as methane, ammonia, hydrogen sulfide, and particulate matter, mainly because of manure decomposition and application.¹²⁴ These pollutants have significant impacts on the health of surrounding communities¹²⁵ and cause significant

¹¹⁹ JBS USA, *Environment—Water*, <https://sustainability.jbsfoodsgroup.com/chapters/environment/water/> (last visited Jan. 21, 2025).

¹²⁰ JBS, *Water – Our Commitment*, <https://sustainability.jbsfoodsgroup.com/chapters/environment/water/> (last visited Jan. 21, 2025).

¹²¹ 2023 JBS Sustainability Report, *supra* note 10, at 29, 64; *see also* 2022 JBS Sustainability Report, *supra* note 86, at 39, 59.

¹²² 2023 JBS Sustainability Report, *supra* note 10, at 64.

¹²³ Pilgrim’s, *Water Reduction*, <https://sustainability.pilgrims.com/environment/water-reduction/> (last visited Jan. 21, 2025).

¹²⁴ Hribar, *supra* note 106, at 5-6.

¹²⁵ *E.g., id.*; Suzanne E. Bauer et al., *Significant atmospheric aerosol pollution caused by world food cultivation*, 43 *Geophys. Res. Lett.* 5394, 5394-95 (2016),

mortality.¹²⁶ CAFOs are often located near economically disadvantaged communities, which are more vulnerable to factory farm air pollution.¹²⁷

As the air pollution impact from companies like JBS and Pilgrim's keeps growing, the Companies face a growing risk of regulation, litigation, and negative public attention. For example, this year, a group of nonprofit organizations threatened to sue EPA to create emission estimation methods for animal feeding operations under the Clean Air Act.¹²⁸ CAFOs can also be subject to nuisance lawsuits.¹²⁹

The Companies' environmental claims are incongruous with their environmental impacts, and the very high-level, hypothetical, vague disclosures in JBS's Form F-4—discussing how it *may* become subject to more environmental regulation, for example¹³⁰—do not fully inform investors as to the true nature of the Companies' air quality impacts and associated risks, and therefore are apparently false and misleading.

<https://agupubs.onlinelibrary.wiley.com/doi/epdf/10.1002/2016GL068354> (stating that “[i]n many densely populated areas, aerosols formed from gases that are released by fertilizer application and animal husbandry dominate over the combined contributions from all other anthropogenic pollution,” and noting that particulate matter is “a major concern for public health”); Michael Greger & Gowri Koneswaran, *The Public Health Impacts of Concentrated Animal Feeding Operations on Local Communities*, 33 Fam. Comm’y Health 373, 378-79 (2010) (stating that studies indicate that “communities situated near CAFO’s are at increased risk of developing adverse health outcomes” and that public health precautions should be taken).

¹²⁶ E.g., Nina G.G. Domingo et al., *Air quality–related health damages of food*, 118 Proc. Nat’l Acad. Scis. e201367118 (2021), <https://www.pnas.org/doi/10.1073/pnas.2013637118> (estimating that “80% of the 15,900 annual deaths that result from food-related fine particulate matter . . . pollution are attributable to animal-based foods”); Julia Kravchenko et al., *Mortality and Health Outcomes in North Carolina Communities Located in Close Proximity to Hog Concentrated Animal Feeding Operations*, 79 N.C. Med. J. 278, 278 (2018) (concluding that “North Carolina communities located near hog CAFOs had higher all-cause and infant mortality,” suggesting further research as to causality).

¹²⁷ Leah Salzano, *Characterizing Populations Living Near Concentrated Animal Feeding Operations: Implications For Health Equity And Environmental Justice*, Yale Univ. Pub. Health Theses 2338 at 2, 17-19 (2023), available at <https://elischolar.library.yale.edu/cgi/viewcontent.cgi?article=2332&context=ysphtdl> (finding that people living near CAFOs are more likely to have no high school diploma and live below the poverty line, and which are more vulnerable because they have, e.g., less health insurance coverage and education).

¹²⁸ Inside EPA, *Environmentalists Threaten To Sue EPA Over AFO Air Emissions Methods* (July 9, 2024), <https://insideepa.com/daily-news/environmentalists-threaten-sue-epa-over-afo-air-emissions-methods>.

¹²⁹ See, e.g., *McKiver v. Murphy-Brown, LLC*, 980 F.3d 937, 946 (4th Cir. 2020) (upholding jury verdict against large agricultural company Murphy-Brown over nuisance claims “from odors, pests, and noises they attribute to farming practices [Murphy-Brown] implemented at an industrial-scale hog feeding farm”).

¹³⁰ JBS B.V. Form F-4, *supra* note 3, at 66.

3. *Impacts on Land, Soil and Biodiversity*

Intensive livestock production requires large amounts of feed for animals, primarily soy and corn. As livestock numbers continue to grow, more and more land is converted from grasslands, rainforest,¹³¹ or other types of lands to cropland where pesticides are used, harming native plants and animals that provide critical ecosystem services like pollinators.¹³² The conversion of native habitats to croplands, driven in large part by animal agriculture, also contributes significantly to climate change¹³³ and biodiversity loss.¹³⁴

“Farming 70 billion animals each year creates localized pollution hotspots” due in part to the improper handling of manure and synthetic fertilizer use.¹³⁵ To maintain high yields to feed the expanding livestock herd, conventional crop farmers apply high amounts of fertilizer.¹³⁶ The nitrogen in fertilizer ends up in the soil and can cause serious damage especially when it is washed away in runoff, causing algal blooms like red tide.¹³⁷ Moreover, the massive amounts of manure that animals produce not only pollutes the water, as described above, but also pollutes the soil when applied to the land. When manure is used as fertilizer it can contribute to the nitrogen and

¹³¹ See *infra* Section VI.C on deforestation, discussing specifically the harm to the Brazilian rainforest that JBS’s operations are causing.

¹³² Marcia DeLonge, Union of Concerned Scientists, *Reintegrating Land and Livestock* 4 (Oct. 2017), <https://www.ucsusa.org/sites/default/files/attach/2017/11/reintegrating-land-and-livestock-ucs-2017.pdf>. (discussing the significant impacts of beef production on soil health); Joseph Millard et al., *Global effects of land-use intensity on local pollinator biodiversity*, 12 Nat. Commc’ns e2902 at 2 (2021), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8131357/> (finding that increasingly intensive agriculture harms pollinators, especially in the tropics, “a situation that may worsen as intensive agriculture continues to expand” there).

¹³³ Xiaoming Xu et al., *Global greenhouse gas emissions from animal-based foods are twice those of plant-based foods*, 2 Nature Food 724, 727 (2021), http://climate.atmos.uiuc.edu/atuljain/publications/XuEtAl_NatureFood_2021.pdf (finding that expanding animal food production requiring land conversion for crop and grazing cause more CO₂ emissions, especially in Brazil because of deforestation).

¹³⁴ Intergov’tl Sci.-Pol’y Platform on Biodiv. & Ecosys. Servs. (IPBES), *Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* 37 (2019), https://files.ipbes.net/ipbes-web-prod-public-files/2020-02/ipbes_global_assessment_report_summary_for_policymakers_en.pdf (noting that the largest impacts on biodiversity will be seen in South America, Africa and parts of Asia because they are expected to have the “largest land use conversions to crops or bioenergy”).

¹³⁵ 2023/2024 FAIRR Index, *supra* note 73, at 9.

¹³⁶ See EPA, *Understanding the Impacts of Synthetic Nitrogen on Air and Water Quality Using Integrated Models* (Mar. 22, 2021) <https://www.epa.gov/sciencematters/understanding-impacts-synthetic-nitrogen-air-and-water-quality-using-integrated> (discussing the ubiquity of synthetic nitrogen fertilizer in agricultural practices generally).

¹³⁷ Fred Pearce, *Can the World Find Solutions to the Nitrogen Pollution Crisis?*, Yale Env’t 360 (Feb. 6, 2018).

phosphorus runoff problem,¹³⁸ and it can also add toxic metals like arsenic to the soil.¹³⁹ Climate change further exacerbates these impacts.¹⁴⁰

JBS's projected massive growth will necessitate ever-growing crop farms and land for animals, which results in soil pollution, deforestation and biodiversity loss. Given the well-known nature of the Companies' businesses, their environmental promises—e.g., that JBS is working on “soil health”¹⁴¹ and the “protection and preservation of natural ecosystems, biodiversity and natural resources”¹⁴²—are difficult to believe, and seem to be misleading. JBS cannot only disclose positives when talking about “soil health” and “protection” of ecosystems; to ensure it is not making material omissions, it must also disclose the significant negative impacts its operations have on the soil and ecosystems, and the risks associated with that pollution.

4. *Disease and Pandemic Risks—Highly Pathogenic Avian Influenza*

Because industrialized agriculture keeps animals closely packed together in CAFOs and similar high-density farms, on transport trucks, and in slaughter facilities, disease spreads easily among animals and, as it does so, can mutate and spread to humans.¹⁴³ “Never before have so many animals been kept by so many people—and never before have so many opportunities existed for pathogens to pass from wild and domestic animals . . . to affect people causing zoonotic diseases or zoonoses.”¹⁴⁴ For example, the 2009 swine flu pandemic most likely arose in

¹³⁸ JoAnn Burkholder et al., *Impacts of Waste from Concentrated Animal Feeding Operations on Water Quality*, 115 *Envi'tl Health Perspect.* 308, 308 (2007) (finding that “overapplication of livestock wastes can overload soils” with nitrogen, phosphorous and heavy metals, which then can contaminate surface and groundwater).

¹³⁹ Xueping Liu et al., *Arsenic pollution of agricultural soils by concentrated animal feeding operations (CAFOs)*, 119 *Chemosphere* 273 (2015), available at <https://www.sciencedirect.com/science/article/abs/pii/S0045653514008145> (finding that “animal wastes from [CAFOs] can cause soil arsenic pollution due to the widespread use of organoarsenic feed additives”).

¹⁴⁰ E. Marie Muehe et al., *Rice production threatened by coupled stresses of climate and soil arsenic*, 10 *Nature Comm'ns* e4985 at 1 (2019), <https://www.nature.com/articles/s41467-019-12946-4>.

¹⁴¹ 2023 JBS Sustainability Report, *supra* note 10, at 25, 36; 2022 JBS Sustainability Report, *supra* note 86, at 33, 44-45.

¹⁴² 2023 JBS Sustainability Report, *supra* note 10, at 43.

¹⁴³ E.g., Amicus Br. of Am. Public Health Ass'n et al., *Nat'l Pork Prods. Council v. Ross*, No. 21-468 at 33-35 (filed Aug. 15, 2022), available at https://www.supremecourt.gov/DocketPDF/21/21-468/233519/20220815153028184_21-468_Amicus%20Brief.pdf [hereinafter “Public Health Amicus Br.”].

¹⁴⁴ United Nations Env't. Prog., *UNEP Frontiers 2016 Report: Emerging Issues of Environmental Concern* 18 (2016), https://wesr.unep.org/media/docs/assessments/UNEP_Frontiers_2016_report_emerging_issues_of_environmental_concern.pdf.

Mexican pig farms where it jumped to humans.¹⁴⁵ The disease subsequently caused illness in tens of millions of Americans, hospitalizing hundreds of thousands, and killing thousands.¹⁴⁶

The risks of zoonotic diseases and pandemics are only increasing as industrialized animal agricultural expands. As discussed further below, currently a highly pathogenic strain of avian influenza (“HPAI”) is causing concern as it increasingly infects a staggering variety of animals, including cattle and cats, as well as people, including two cases where the people had no known contact with potentially infected animals.¹⁴⁷ The animal viruses that cause these types of outbreaks could mutate and become more infectious and/or lethal in humans—initial signs of such potential developments in various strains of avian flu are already being observed.¹⁴⁸ Moreover, when it comes to bacterial illnesses, the overuse of antibiotics in animals results in antibiotic resistance, making those diseases more difficult to treat and thus deadlier for animals and people.¹⁴⁹

These kinds of illnesses, spurred on by the confinement practices of industrial animal agricultural companies like Pilgrim’s and JBS, not only have public health consequences, they also have economic impacts, both globally and for the agricultural firms that have a hand in causing

¹⁴⁵ Ignacio Mena et al., *Origins of the 2009 H1N1 influenza pandemic in swine in Mexico*, eLife e16777 (2016), <https://pmc.ncbi.nlm.nih.gov/articles/PMC4957980/>.

¹⁴⁶ Sundar S. Shrestha, *Estimating the burden of 2009 pandemic influenza A (H1N1) in the United States (April 2009–April 2010)*, 1 Clin. Infect. Dis. Supp. S75 (2011) (using CDC data, estimating about 60.8 million swine flu cases occurred, with 274,304 hospitalizations and 12,469 deaths).

¹⁴⁷ See, e.g., Am. Vet. Med. Ass’n (AVMA), *Avian influenza virus type A (H5N1) in U.S. dairy cattle*, <https://www.avma.org/resources-tools/animal-health-and-welfare/animal-health/avian-influenza/avian-influenza-virus-type-h5n1-us-dairy-cattle> (last updated Jan. 13, 2025) (describing current situation relating to HPAI outbreak in dairy cattle, including cases with “no known exposure to sick or infected animals”).

¹⁴⁸ See, e.g., HSUS, HSLF & CBD, *Comment re: Draft Programmatic Environmental Impact Statement for Outbreak Response Activities for Highly Pathogenic Avian Influenza Outbreaks in Poultry in the United States and U.S. Territories*, Docket No. APHIS-2022-0055, Section VI (Sept. 30, 2024), available at <https://www.regulations.gov/comment/APHIS-2022-0055-0225> (discussing human health risks of HPAI). Of significant concern, at least two cases have involved patients with no known animal contacts. Apoorva Mandavilli & Emily Anthes, *As Bird Flu Spreads, Additional Human Infection Is Reported in Missouri*, N.Y. Times (Oct. 24, 2024), <https://www.nytimes.com/2024/10/24/health/bird-flu-missouri.html>. A different strain of avian flu, related to wild birds, recently caused the hospitalization of a Canadian teen in critical condition. Lisa Schnirring, Univ. of Minn. CIDRAP, *Canada’s national lab confirms H5N1 in hospitalized teen* (Nov. 13, 2024), <https://www.cidrap.umn.edu/avian-influenza-bird-flu/canadas-national-lab-confirms-h5n1-hospitalized-teen>; B.C. Gov’t, *Final update on human avian influenza case in B.C.* (Nov. 26, 2024), <https://news.gov.bc.ca/releases/2024HLTH0155-001601>.

¹⁴⁹ See *infra* Section VI.D on antibiotics use.

them.¹⁵⁰ Taking JBS as a specific example, the COVID-19 pandemic (another zoonotic disease) temporarily shut down several JBS plants,¹⁵¹ and JBS's reportedly poor management practices resulted in their Brazilian plants becoming a "locus for community spread."¹⁵²

Highly Pathogenic Avian Influenza ("HPAI"). HPAI has become a highly current example of how the risk of disease is magnified by, and affects, industrial agriculture companies. The USDA calls the current HPAI outbreak in the United States "the largest animal health emergency to date."¹⁵³ Pilgrim's CEO acknowledged in 2023 that the prevalence of HPAI is "of great concern" and has caused the costly death of millions of birds.¹⁵⁴ Moreover, China has been a major importer of chicken meat from the U.S. generally, and is a major market for Pilgrim's Pride specifically.¹⁵⁵ For roughly two years now, U.S. exports to China have been affected due to the ongoing U.S. HPAI outbreak, as China has imposed restrictions on export to China from states affected by HPAI.¹⁵⁶ Pilgrim's CEO has repeatedly complained about the business effects of China's HPAI-related restrictions on imports from the United States.¹⁵⁷ In response to concerns about the spread of

¹⁵⁰ See, e.g., Eur. Parl. Res. Serv., *Economic impact of epidemics and pandemics* 2-4 (Feb. 2020), [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/646195/EPRS_BRI\(2020\)646195_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/646195/EPRS_BRI(2020)646195_EN.pdf) (describing economic impacts of pandemics, including on the agricultural sector).

¹⁵¹ Tim Steinweg et al., Chain Reaction Research, *JBS: Outsized Deforestation in Supply Chain, COVID-19 Pose Fundamental Business Risks* 10-12 (Aug. 2020), <https://chainreactionresearch.com/wp-content/uploads/2020/08/JBS-CRR-Report-1.pdf> [hereinafter "Chain Reaction Research Report"].

¹⁵² Ana Mano, *Special Report: How COVID-19 swept the Brazilian slaughterhouses of JBS, world's top meatpacker*, Reuters (Sept. 8, 2020), <https://www.reuters.com/article/us-health-coronavirus-jbs-specialreport-idUSKBN25Z1HZ/> (also noting poor practices became a "magnet for litigation" filed by prosecutors in labor courts in Brazil).

¹⁵³ USDA APHIS, *APHIS in Action: Safeguarding American Agriculture and Ecosystems Against Biological Threats*, <https://www.aphis.usda.gov/news/agency-announcements/aphis-action-safeguarding-american-agriculture-ecosystems-against> (last visited Jan. 21, 2025).

¹⁵⁴ Roy Graber, *Pilgrim's has concerns with avian influenza and trade*, WATT Poultry (Feb. 9, 2023), <https://www.wattagnet.com/egg/article/15537397/pilgrims-has-concerns-with-avian-influenza-and-trade> (quoting Fabio Sandri, CEO of Pilgrim's Pride); Seeking Alpha Transcripts, *Pilgrim's Pride Corporation (PPC) Q4 2022 Earnings Transcript* (Feb. 9, 2023), <https://seekingalpha.com/article/4576843-pilgrims-pride-corporation-ppc-q4-2022-earnings-call-transcript> (full transcript of earnings call).

¹⁵⁵ JBS B.V. Form F-4, *supra* note 3, at 105 (Asia represents about half of the companies' U.S. protein exports, and those are "primarily from sales in China, Japan and South Korea"). Roy Graber, *Pilgrim's Pride Reports Double-Digit Export Growth*, WATT Poultry (July 31, 2020), <https://www.wattagnet.com/broilers-turkeys/article/15531558/pilgrims-pride-reports-double-digit-export-growth-wattagnet> (noting China has grown significantly as a major export market for Pilgrim's).

¹⁵⁶ See USDA APHIS, *China – Important information regarding trade bans and other restrictions*, <https://www.aphis.usda.gov/sites/default/files/ch-ba.pdf> (last updated Jan. 15, 2025) (noting list of affected states subject to Chinese bans, including several added in December 2024 and January 2025).

¹⁵⁷ Thomson Reuters, *Q2 2024 Pilgrims Pride Corp Earnings Call* (Aug. 2, 2024), <https://finance.yahoo.com/news/q2-2024-pilgrims-pride-corp-103105640.html> (quoting Fabio Sandri, President and Chief Executive Officer of Pilgrim's

disease like HPAI, the USDA in a recent final rule linked indemnification payments for flocks impacted by the virus to improved biosecurity measures subject to biosecurity audits—which would likely impose additional costs on the Companies and risk them losing out on significant indemnification payments if they are unable to improve.¹⁵⁸

More recently, the HPAI virus has jumped to cattle, causing illness in dairy cattle, with further spread to other species including humans—the first HPAI-related death in the US, following contact with backyard flocks and wild birds, was reported in January of this year.¹⁵⁹ As the virus continues to spread among cattle, there is a risk of additional import restrictions being imposed on beef and dairy.¹⁶⁰ The spread among cattle has now become so concerning that the state of California has declared an emergency.¹⁶¹

The Form F-4 disclosures barely mention these types of risks relating to disease and pandemics, and only discuss them at a very high level of generality.¹⁶² The disclosures discuss “influenza” among other maladies in purely hypothetical terms or in terms of past impacts, and never acknowledge nor disclose that HPAI is an ongoing animal health emergency in the U.S. on an unprecedented scale.¹⁶³ The Offering Documents do not discuss the Companies’ significant

Pride: “Nonetheless, there has still been no movement in China lifting its restrictions.”); Investing.com, *Earnings call: Pilgrim's Pride sees growth amid industry challenges* (Nov. 1, 2024), <https://www.investing.com/news/stock-market-news/earnings-call-pilgrims-pride-sees-growth-amid-industry-challenges-93CH-3697786> (quoting Fabio Sandri: “China remains the exception on trade restrictions, and no movement on lifting current bans has emerged.”).

¹⁵⁸ USDA APHIS, Interim Final Rule, Payment of Indemnity and Compensation for Highly Pathogenic Avian Influenza, 89 Fed. Reg. 106,981 (Dec. 31, 2024), available at <https://www.federalregister.gov/documents/2024/12/31/2024-31384/payment-of-indemnity-and-compensation-for-highly-pathogenic-avian-influenza>.

¹⁵⁹ See, Am. Vet. Med. Ass’n (AVMA), *Avian influenza virus type A (H5N1) in U.S. dairy cattle*, <https://www.avma.org/resources-tools/animal-health-and-welfare/animal-health/avian-influenza/avian-influenza-virus-type-h5n1-us-dairy-cattle> (last updated Jan. 13, 2025); Brenda Goodman, *America’s first bird flu death reported in Louisiana*, CNN (Jan. 6, 2025), <https://www.cnn.com/2025/01/06/health/bird-flu-death-louisiana/index.html>.

¹⁶⁰ For example, Colombia banned US beef for several months in 2024 because of the outbreak of HPAI in dairy cattle before lifting the ban in September. Roy Graber, *Colombia lifts H5N1-related ban on US beef*, WATT Poultry (Sept. 25, 2024), <https://www.wattagnet.com/broilers-turkeys/diseases-health/article/15684658/colombia-lifts-h5n1related-ban-on-us-beef>.

¹⁶¹ Apoorva Mandavilli, *California Declares an Emergency Over Bird Flu in Cattle*, N.Y. Times (Dec. 18, 2024), <https://www.nytimes.com/2024/12/18/health/bird-flu-emergency-california.html>.

¹⁶² JBS B.V. Form F-4 *supra* note 3, at 12, 48 (listing “outbreaks of animal disease” as a risk factor but claiming these are caused by “factors beyond our control,” ignoring many options the Companies have to reduce vulnerability to such outbreaks); 66 (listing pandemics only in a high-level list of other potential risk factors).

¹⁶³ JBS B.V. Form F-4 *supra* note 3, at 48, 196 (stating that “the supply of poultry in 2022 was very volatile as a result of the avian influenza in North America and Europe” without acknowledging the impacts of the current outbreak).

contributions to these risks by virtue of their factory farm business model and operation of massive slaughter facilities of the type that were epicenters for the spread of COVID-19, and which could be in a similar position with HPAI. The Offering Documents also do not mention the recent HPAI outbreaks among birds and cattle and the associated risks for the Companies' animals and workforce, nor the business risks and impacts that USDA's proposed stricter indemnification requirements and other nations' import restrictions might pose to their business. While the Offering Documents discuss China's similar 2023 ban of cattle imports from Brazil, they disclose nothing about the present and ongoing business risks of the Chinese import restrictions as HPAI continues to spread.¹⁶⁴ Indeed, instead of warning of the impact of China's import ban, the Form F-4 claims—in direct contrast to Pilgrim's CEO's comments—that poultry “[e]xport demand growth will likely be driven by increased market access, removal of trade restrictions on U.S. poultry, [and] robust Chinese demand.”¹⁶⁵ These material omissions, or “half-truths,” relating to a material present and future threat to the Companies' business models appear to violate the securities laws.

D. Given these well-known environmental and public health impacts of industrial agriculture, the Companies' broad sustainability statements are apparently misleading

Given the significant environmental and public health impacts of industrialized animal agriculture, the Companies' claims that they are “sustainable” in various ways, or “responsibly produce” food, or are reducing their environmental impact are immediately suspect as potentially misleading and seemingly motivated by “greenwashing.” As the science and evidence discussed above show, it is virtually impossible to both aggressively grow animal-based food production operations, while also reducing environmental and public health impacts—yet that is exactly the kind of world in which JBS and Pilgrim's claim to operate.

These types of claims are very likely to mislead investors who are seeing them on websites and reports aimed at them. The Complainants thus allege that, from the outset, JBS and Pilgrim's broad “sustainability” and environmental claims are highly suspect, are likely false and

¹⁶⁴ JBS B.V. Form F-4, *supra* note 3, at 48.

¹⁶⁵ JBS B.V. Form F-4, *supra* note 3, at 164.

misleading, and must be closely scrutinized by the Commission. Especially when taken together, these types of claims seem to violate Rule 10b-5, Regulation S-K, and Sections 10 and 11. For example, it is apparently misleading for JBS to promote working toward a “sustainable tomorrow” or in its filings discuss “enhancing the sustainability” of agriculture without also disclosing that as a fundamental matter, its business is far from sustainable. The Companies thus seem to omit material information about their environmental impacts and risks, such as environmental violations.¹⁶⁶

The Complainants are not the only ones who have raised these types of potential “greenwashing” concerns about the Companies with the Commission. Various NGOs, including Complainant Mighty Earth as well as the Rainforest Action Network, have already highlighted some of JBS’s apparently misleading sustainability statements in their respective submissions.¹⁶⁷ Similarly, a bipartisan group of senators has written to the SEC stating that “JBS has a long history of misleading investors in its corporate filings by exaggerating environmental stewardship and downplaying other risks.”¹⁶⁸ The IATP brought and won a false advertising proceeding against JBS before the Better Business Bureau, discussed in more detail below, and in a 2022 report lays out many of the problems with JBS’s environmental claims.¹⁶⁹

VI. THE COMPANIES APPEAR TO MAKE MATERIALLY FALSE AND MISLEADING STATEMENTS AND OMISSIONS ON A VARIETY OF SPECIFIC ISSUES

The Companies’ creation of an apparently false and misleading impression that they are sustainable companies provides context for the more specific statements that are the focus of the remainder of this Complaint. The Companies make a series of apparent false and misleading

¹⁶⁶ See, e.g., *Macquarie Infrastructure*, 601 U.S. at 258 (noting Rule 10b-5 requires “disclosure of information necessary to ensure that statements already made are clear and complete” and covers “half-truths”); *FindWhat*, 658 F.3d at 1305 (discussing “half-truths”); see *supra* Section V.C.1 for a discussion of reported clean water violations.

¹⁶⁷ Mighty Earth Submission, *supra* note 14, at 2, 6-13; RAN Complaint, *supra* note 14, at 2-3, 10-14.

¹⁶⁸ Senators’ Letter, *supra* note 15, at 2; see also UK MPs Letter, *supra* note 16 (“As a global food leader looking to increase its growth and influence, the company’s practices pose a significant threat to the ecosystem for global climate regulation and biodiversity conservation.”).

¹⁶⁹ IATP, *World’s largest meat company, JBS, increases emissions in five years despite 2040 net zero climate target, continues to greenwash its huge climate footprint* (Apr. 21, 2022), <https://www.iatp.org/media-brief-jbs-increases-emissions-51-percent> (debunking JBS’s “net zero,” deforestation, environmental protection, methane reduction, green energy, and efficiency claims).

statements and omissions relating to various specific environmental and sustainability issues. This section of the Complaint discusses specific statements relating to animal welfare, climate change, deforestation, antibiotics use, and meat product demand that the Complainants believe worthy of investigation and action.

A. Animal Welfare

The Companies represent to investors that they ensure the welfare of their animals. However, good corporate farm animal welfare standards should ensure that animals are kept “healthy, comfortable, well nourished, safe, able to express innate behaviour,” and ensure that they do not suffer “from unpleasant states such as pain, fear, and distress.”¹⁷⁰ As described in the First Complaint,¹⁷¹ and as repeated and expanded upon in this Complaint, the Companies, despite their promises, have documented instances of not providing such care—violations of basic minimum welfare laws—and apparently mislead investors about their animal welfare policies.

1. The importance of animal welfare information to investors—business risks associated with animal welfare

In recent years, consumers have come to care about animal welfare and are increasingly aware of it,¹⁷² and farm animal welfare has become an “increasingly important issue for food companies all along the supply chain.”¹⁷³ Recognizing that animal welfare is critical to any animal-related business and its consumers, investors consider animal welfare important in their decision-making. Many “seek guarantees that the companies in which they invest have fully considered the risks and opportunities associated with farm animal welfare and have effective policies and

¹⁷⁰ UK Farm Animal Welfare Council, *Farm Animal Welfare in Great Britain: Past, Present and Future* 3 (Oct. 2009), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/319292/Farm_Animal_Welfare_in_Great_Britain_-_Past_Present_and_Future.pdf [hereinafter “FAWC Report”].

¹⁷¹ First Complaint, App’x A, at 6-14.

¹⁷² See, e.g., USDA, Nat’l Org. Stands. Bd., Livestock Comm., *Animal Welfare Discussion Document: Stocking Density* 1 (Sept. 9, 2010), <https://www.ams.usda.gov/sites/default/files/media/LSDDStockingRatesOct2010.pdf> [hereinafter “NOSB 2010 Report”].

¹⁷³ 2023/2024 FAIRR Index, *supra* note 73, at 10; see also 2024/2025 Collier FAIRR Protein Producer Index – Key Findings – Antibiotics & Health (Nov. 2024), <https://www.fairr.org/tools/protein-producer-index#key-findings/antibiotics-and-health> (noting that “[t]he intersection of antibiotic stewardship and animal welfare is central to promoting health and sustainability in global food production”).

processes to address the challenges.”¹⁷⁴ Various investors and investment advisors consider “animal welfare policies and practices” a potential risk to a company’s performance¹⁷⁵—a view that is backed up by available literature, which shows that “risks [from animal factory farming] are material for mainstream investors.”¹⁷⁶ JBS itself has also identified animal welfare as one of the “critical themes” that stakeholders find material.¹⁷⁷

According to the International Finance Corporation, “businesses that address or enhance animal welfare are likely to win or retain a competitive advantage in the marketplace.”¹⁷⁸ By contrast, negative publicity on animal welfare, such as investigations and exposés on animal cruelty at factory farms, lead to reputational damage, regulatory challenges, and loss of sales.¹⁷⁹ Pilgrim’s itself experienced such an event in 2004.¹⁸⁰ Thus, information on an animal agricultural

¹⁷⁴ Joaquin Fernández-Mateo & Alberto Jose Franco-Barrera, *Animal Welfare for Corporate Sustainability: The Business Benchmark on Farm Animal Welfare*, 2 J. Sustain. Res. e200030 at 2 (2020), <https://doi.org/10.20900/jsr20200030>.

¹⁷⁵ E.g., Glass Lewis, *2024 Benchmark Policy Guidelines: Shareholder Proposals & ESG Related Issues* 29 (Nov. 2023), <https://www.glasslewis.com/wp-content/uploads/2023/11/2024-Shareholder-Proposals-ESG-Benchmark-Policy-Guidelines-Glass-Lewis.pdf> (“Glass Lewis believes that it is prudent for management to assess potential exposure to regulatory, legal and reputational risks associated with all business practices, including those related to animal welfare. A high-profile campaign launched against a company could result in shareholder action, a reduced customer base, protests and potentially costly litigation.”). Another investment fund, Northern Trust, “generally votes for proposals requesting increased disclosure or reporting regarding animal treatment issues that may impact a company’s operations and products, especially in relation to food production” Northern Trust, *Proxy Voting Policies, Procedures and Guidelines* 20 (Dec. 15, 2022), https://cdn.northerntrust.com/pws/nt/documents/factsheets/mutual-funds/institutional/nt_proxypolicy.pdf?bc=25782798.

¹⁷⁶ FAIRR, *Factory Farming: Assessing Investment Risks* (Aug. 10, 2016), <https://www.fairr.org/resources/reports/factory-farming-assessing-investment-risks> [hereinafter “FAIRR Factory Farming”]. FAIRR notes that “animal factory farms are vulnerable to at least 28 ESG issues that may damage their financial performance and returns.” *Id.*

¹⁷⁷ 2023 JBS Sustainability Report, *supra* note 10, at 27.

¹⁷⁸ Int’l Fin. Corp., World Bank Grp., *Good Practice Note: Improving Animal Welfare in Livestock Operations* 1 (Dec. 2014), available at <https://documents1.worldbank.org/curated/en/958081468320947271/pdf/938420WP0Box3800Animal0Welfare02014.pdf>.

¹⁷⁹ E.g., Glynn T. Tonor & Nicole J. Olynyk, *U.S. Meat Demand: The Influence of Animal Welfare Media Coverage*, Kansas State Univ. (Sept. 2010), <https://www.agmanager.info/sites/default/files/MF2951.pdf> (concluding that “[a]s a whole, media attention to animal welfare has significant, negative effects on U.S. meat demand,” primarily for pork and poultry); see generally FAIRR Factory Farming, *supra* note 176.

¹⁸⁰ Anthony Fletcher, *Pilgrim’s Pride pays price for poultry plant scandal*, Food Navigator (last updated Mar. 18, 2017), <https://www.foodnavigator.com/Article/2004/07/27/Pilgrim-s-Pride-pays-price-for-poultry-plant-scandal> (reporting that Pilgrim’s share price fell by 10.4% after “a video depicting horrific cruelty was released,” stating it was “proof that both customers and consumers have been so horrified . . . that they are choosing to purchase products elsewhere.”).

company's animal welfare compliance is typically of importance to investors and therefore is highly likely to be material.

2. *The Companies' representations*

The Companies make a variety of claims regarding their animal welfare programs on their website and in SEC filings, and in doing so clearly seem to recognize that this issue is material. A few examples of such welfare claims include:

JBS Claims. JBS states:

- On its “Animal Care – Humane Handling” website, JBS claims that it is “committed to meeting or exceeding government and industry standards for humane animal handling;” and that it handles its animals in a “safe and humane manner throughout our supply chain.” This includes claims that its program protects the “health and welfare” of its animals “during transportation, unloading, handling and processing.” JBS also claims that it uses “controlled atmospheric stunning technology” and has metrics for the “humane[] filling [of] gondolas.” JBS claims that it performs third-party audits, and its transporters and gets very high scores, close to 100%.¹⁸¹
- JBS makes similar claims in its F-4, claiming that it ensures its “operations are in compliance with applicable regulations” and is investing to “improve animal welfare.”¹⁸²
- On its “Animal Care – Housing” website, JBS claims it provides “the livestock and poultry under our care with comfortable and safe housing that meets their needs.” It claims that it “meet[s] or exceed[s] industry guidelines to make sure our animals are comfortable.”¹⁸³
- JBS on its Animal Care website claims its animal welfare program is “motivated by” the “Five Freedoms” – “(1) Freedom to express natural behavior; (2) Freedom from injury

¹⁸¹ JBS, *Animal Care: Humane Handling*, <https://sustainability.jbsfoodsgroup.com/chapters/animal-care/humane-handling/> (last visited Jan. 22, 2025).

¹⁸² JBS B.V. Form F-4, *supra* note 3, at 139.

¹⁸³ JBS, *Animal Care: Housing*, <https://sustainability.jbsfoodsgroup.com/chapters/animal-care/housing/> (last visited Jan. 22, 2025).

and disease; (3) Freedom from discomfort; (4) Freedom from thirst and hunger; (5) Freedom from fear and distress.”¹⁸⁴

- To emphasize its claims, JBS shows pictures of cattle grazing in wide open fields on its Sustainability website.¹⁸⁵
- In its sustainability report, JBS claims that it has a “zero-tolerance policy for abuse of any kind,” and gives JBS USA and Pilgrim’s US almost entirely 100% marks on animal welfare audits (with one 96%).¹⁸⁶

Pilgrim’s Claims. Pilgrim’s, for example, states:

- In its most recent annual report, Pilgrim’s claims that “ensuring the wellbeing of animals under our care is an uncompromising commitment at Pilgrim’s. We continually strive to improve our welfare efforts through the use of new technologies and the implementation of standards that meet and exceed regulatory requirements and industry guidelines.”¹⁸⁷
- Similarly, on its website, Pilgrim’s touts its commitment to “safe and humane” animal handling practices, and claims to “meet[] or exceed[] government and industry standards for humane animal handling.”¹⁸⁸
- Pilgrim’s also claims on its website that “USDA FSIS personnel are always present in plants during processing,” and that the agency in cooperation with Pilgrim’s “assures full compliance with all applicable USDA chicken processing regulations.”¹⁸⁹
- Pilgrim’s claims that it provides the “livestock and poultry under [its] care with comfortable and safe housing that meets their needs.”¹⁹⁰

¹⁸⁴ JBS, *Animal Care*, <https://www.sustainability.jbsfoodsgroup.com/chapters/animal-care/> (last visited Jan. 22, 2025).

¹⁸⁵ JBS, *Sustainability*, <https://jbsfoodsgroup.com/our-purpose/sustainability> (last visited Jan. 22, 2025).

¹⁸⁶ 2023 JBS Sustainability Report, *supra* note 10, at 74-75.

¹⁸⁷ Pilgrim’s 10-K, *supra* note 29, at 24.

¹⁸⁸ Pilgrim’s Pride, *Animal Handling & Welfare Practices*, <https://sustainability.pilgrims.com/product-integrity/animal-handling/> (last visited Jan. 22, 2025).

¹⁸⁹ *Id.*

¹⁹⁰ Pilgrim’s Pride, *Animal Care: Housing*, <https://sustainability2020.pilgrims.com/chapters/animal-care/housing/> (last visited Jan. 22, 2025).

3. *The Companies seem to mislead investors and omit material information regarding animal welfare*

Despite the Companies' representations about their animal welfare practices, their policies apparently do not meet animal welfare standards. In fact, government and business records show they routinely violate laws designed to protect minimal animal welfare. The Companies also fail to inform investors about their regulatory noncompliance and animal welfare risks generally, all in apparent violation of the securities laws.

a) *Intensive animal agriculture, as practiced by the Companies, involves poor welfare conditions*

First, it is widely accepted, including by government expert panels, that good animal welfare requires animals to be able to express species-specific behavior, and provides them care that keeps them from suffering pain, fear, and distress.¹⁹¹ But to maximize profits, intensive animal agriculture often relies on the use of intense, overcrowded confinement such as battery cages (for chickens) and gestation crates (for pigs); on crowding animals on vehicles; and on slaughtering them quickly. Intensive confinement conditions are well-known to cause animals physical and mental harm.¹⁹² For example, intensely confined farm animals cannot engage in natural behaviors; in such settings, disease spreads quickly; and intense confinement conditions make animals highly stressed, affecting their immune systems.¹⁹³ And that, in turn, can affect humans through decreased food safety, and via the evolution and spread of zoonotic diseases that can lead, and has led, to pandemics.¹⁹⁴

¹⁹¹ FAWC Report, *supra* note 170, at 3; NOSB 2010 Report, *supra* note 172, at 2-3.

¹⁹² E.g., HSUS, *An HSUS Report: The Welfare of Intensively Confined Animals in Battery Cages, Gestation Crates, and Veal Crates* 1 (Jul., 2012), <https://www.humanesociety.org/sites/default/files/docs/hsus-report-animal-welfare-of-intensively-confined-animals.pdf> ("Indeed, extensive scientific evidence shows that intensively confined farm animals are frustrated, distressed, and suffering." (citing evidence throughout)).

¹⁹³ See, e.g., Amicus Br. of Animal Welfare Scientists and Veterinarians, *Nat'l Pork Prods. Council v. Ross*, No. 21-468, at 4-5 (Aug. 15, 2022), https://www.supremecourt.gov/DocketPDF/21/21-468/233565/20220815174931670_Broom%20et%20al.%20amicus%20brief%20-%20Nat'l%20Pork%20v.%20Ross%20-%20No.%2021-468.pdf (summarizing evidence showing how pigs "suffer from confinement"); Sara Shields & Michael Greger, *Animal Welfare and Food Safety Aspects of Confining Broiler Chickens to Cages*, 3 *Animals* 386 (2013) (discussing negative effects of cage confinement on chickens).

¹⁹⁴ See *supra* Section V.C.4, discussing disease and pandemics, and *infra* Section VI.D on antibiotics Use. The food safety and public health risks of intense confinement are well-known. For an overview with citations to a variety of sources, see, e.g., Public Health Amicus Br., *supra* note 143, at 8-35.

These types of poor conditions are widespread in JBS's and Pilgrim's supply chains, directly contradicting their sweeping welfare claims. For example, a 2023 undercover investigation at Pilgrim's contractor farms shows that birds were "kicked and thrown" against walls, and were "smashed" together into narrow cages, "trapping the heads, wings and legs of chickens" in narrow gaps.¹⁹⁵ A 2017 HSUS investigation at a Pilgrim's farm and a slaughterhouse found continuous abuse and cruelty in "overcrowded" conditions, with birds being "bludgeoned," "grabbed by their necks and thrown," "punched as they were immobilized in shackles," "violently slammed into shackles," and repeatedly shackled and unshackled "causing extreme pain."¹⁹⁶ It is thus no surprise that in late 2018, mere days after HSUS filed an FTC complaint regarding the company's misleading animal welfare claims—including that it adhered to the "highest standards" of animal care-- Pilgrim's changed all of the HSUS-challenged deceptive welfare claims.¹⁹⁷ In a letter to the company's counsel the FTC advised that based on the company dropping the challenged claims it would not pursue enforcement action, but it would "continue to monitor Pilgrim's advertising going forward."¹⁹⁸

Similarly, JBS cattle feedlots are not the idyllic open pastures that JBS presents in pictures and videos (see images 1 and 2, *infra*). For example, JBS Australia's Riverina Feedlot—despite idyllic pictures on the webpage—is a large complex of barren pens, next to lagoons of waste and spray fields where feces and urine are sprayed right next to confined cattle.¹⁹⁹ As another example, JBS highlights Five Rivers Cattle Feeding on its sustainability website as JBS USA's "most strategic partner" and "partnered with JBS USA in sustainability" including in animal welfare.²⁰⁰ But this feedlot is yet another massive complex of cattle pens without grass, clustered around a lake of

¹⁹⁵ Mercy for Animals, *Breaking: Birds at Major Chicken Supplier Viciously Kicked and Thrown* (Apr. 1, 2024), <https://mercyforanimals.org/blog/pilgrims-chicken-investigation/> (describing conditions at "multiple Pilgrim's contract farms").

¹⁹⁶ HSUS, *Undercover at Pilgrim's Pride: A Humane Society of the United States Investigation 1* (2017), <http://blog.humanesociety.org/wp-content/uploads/2017/06/HSUS-undercover-report-pilgrims-pride.pdf>.

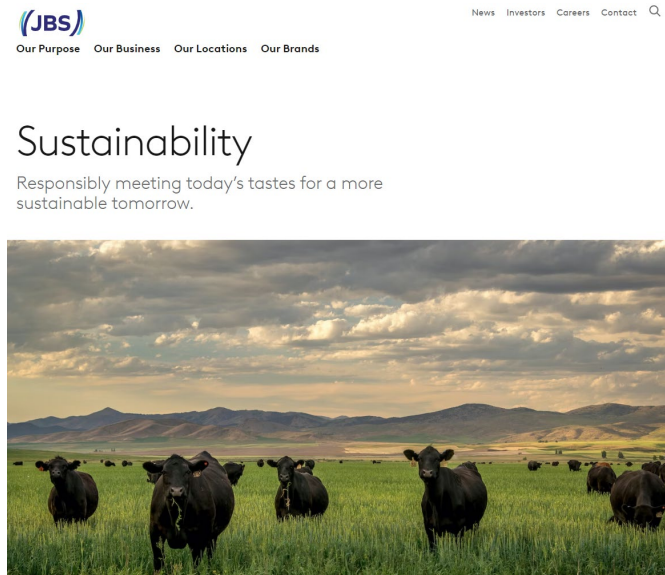
¹⁹⁷ Carolyn L. Hann, FTC, Div. Advert. Pracs., *Letter re: Complaint Against Pilgrim's Pride Corp.* (Apr. 1, 2019) (Appendix C).

¹⁹⁸ *Id.*

¹⁹⁹ Compare Riverina Australian Black Angus, *Facilities*, <https://riverinaangus.com.au/> (last visited Jan. 22, 2025); with Google Earth image of Riverina feedlot, located at 34°38'45"S 146°28'23"E, <http://tinyurl.com/4edpxj59> (last visited Jan. 22, 2025); *infra* image 2.

²⁰⁰ JBS, *JBS USA Beef: Five Rivers Cattle Feeding*, <https://sustainability.jbsfoodsgroup.com/stories/five-rivers-cattle-feeding/> (last visited Jan. 22, 2025).

liquefied manure and urine.²⁰¹ In 2022, Five Rivers was implicated in a scandal, as the company reportedly had thousands of cattle die in a heatwave and then dumped their carcasses in an unlined landfill.²⁰² Following the deaths, the company said it would not even consider “adding shade” to make its animals more comfortable because the mass deaths were allegedly “rare.”²⁰³ This is in apparent contrast to JBS’s animal care website claims that “in regions with extreme weather, shade is provided to prevent heat stress.”²⁰⁴



*Image 1: Picture posted on JBS’s website showing cows in pasture.*²⁰⁵

²⁰¹ Google Earth image of Five Rivers feedlot, located at 35°59'15"N 102°37'09"W, <http://tinyurl.com/4a7rsrhs> (last visited Jan. 22, 2025), *infra* image 2.

²⁰² Tom Polansek, *Exclusive: Thousands of U.S. Cattle Buried, Dumped at Kansas Landfill*, Reuters (Jul. 26, 2022), <https://www.reuters.com/world/us/exclusive-thousands-us-cattle-buried-dumped-kansas-landfill-after-deadly-2022-07-26/>.

²⁰³ *Id.*

²⁰⁴ JBS, *Animal Care: Housing*, <https://sustainability.jbsfoodsgroup.com/chapters/animal-care/housing/> (last visited Jan. 22, 2025).

²⁰⁵ JBS, *Sustainability*, <https://jbsfoodsgroup.com/our-purpose/sustainability> (last visited Jan. 22, 2025).



Image 2: Comparison pictures of barren Riverina feedlot (left, link in footnote 199) and Five Rivers feedlot (right, link in footnote 201)

Finally, slaughter methods such as JBS’s “controlled atmospheric stunning technology”—using CO₂ to suffocate pigs until they are insensible before slaughter²⁰⁶—are cruel and do not protect the “health and welfare” of animals. Research has found that “the use of carbon dioxide (CO₂) for stunning and killing animals is considered to compromise welfare due to air hunger, anxiety, fear, and pain.”²⁰⁷ Images from undercover recordings at slaughterhouses using such methods confirm that these methods cause enormous distress in animals.²⁰⁸

These types of conditions do not “exceed regulatory requirements and industry guidelines,” as the Companies claim, nor do they keep animals “safe and comfortable” or provide for their needs. And such treatment most definitely does not afford animals any of the “Five Freedoms” touted by JBS. The idyllic pictures it uses in its investor-facing materials do not reflect actual on-the-ground conditions. JBS’s and Pilgrim’s animal welfare claims are thus belied by the basic conditions at farms and slaughter facilities in its supply chain. By touting their animal welfare programs, JBS and Pilgrim’s are presenting this issue as an important one for investors; yet they do not disclose the ways in which they have been shown to violate their own policies, as

²⁰⁶ See, e.g., *JBS USA Pork to use CO₂ on hogs*, MEAT+POULTRY (Mar. 17, 2016), <https://www.meatpoultry.com/articles/13937-jbs-usa-pork-to-use-co2-on-hogs>.

²⁰⁷ Aline R. Steiner et al., *Humanely Ending the Life of Animals: Research Priorities to Identify Alternatives to Carbon Dioxide*, 9 Anim. (Basel) 911 (2019).

²⁰⁸ Andy Greenberg, *Spy Cams Reveal the Grim Reality of Slaughterhouse Gas Chambers*, Wired (Jan. 18, 2023), <https://www.wired.com/story/dex-pig-slaughterhouse-gas-chambers-videos/> (showing graphic video of atmospheric stunning chamber).

evidenced by undercover investigations and their responses to a 2018 HSUS FTC complaint. They therefore seemingly omit material information and speak in unlawful half-truths.²⁰⁹ This type of information about poor welfare conditions is clearly material, as discussed above—for example, the kind of reputational harm that can come from, e.g., undercover investigations is significant. The Companies know or should know that their welfare claims are not accurate, as they have access to all this information.²¹⁰ They therefore apparently violate Rule 10b-5. And since poor welfare conditions and associated risks such as undercover investigations can also have an adverse effect on financial results, the failure to disclose them also is an apparent violation of Regulation S-K, Item 105, and Sections 11 and 12 (see discussion *supra* Section IV).

b) The Companies’ voluminous violations of animal welfare regulations further show their welfare and regulatory compliance claims are apparently false and misleading

Although the Companies claim that they “meet or exceed” government welfare standards and ensure their animals’ welfare,²¹¹ the real situation is materially different. In the United States alone, enforcement records from the US Department of Agriculture (“USDA”)—as also highlighted in the First Complaint—indicate that the Companies routinely commit numerous welfare violations, directly contradicting their claims of compliance. These include violations of humane slaughter laws, such as the Humane Methods of Slaughter Act (“HMSA”) and Poultry Products Inspection Act (“PPIA”) and implementing regulations, notices, and programs, which provide minimal welfare protections for animals arriving at and being slaughtered at slaughterhouses.²¹²

²⁰⁹ *Macquarie Infrastructure*, 601 U.S. at 264; *Meyer v. Jinkosolar Holdings Co.*, 761 F.3d 245, 249-50 (2d Cir. 2014).

²¹⁰ *SEC v. Fiore*, 416 F. Supp. 3d 306, 324 (S.D.N.Y. 2019).

²¹¹ See *supra* section V.A.2, describing the Companies animal welfare claims.

²¹² 7 U.S.C. § 1901 *et seq.* (HMSA); see also Dena Jones, Anim. Welf. Inst., *Humane Slaughter Update: Federal and State Oversight of the Welfare of Farm Animals at Slaughter* 4-5 (2020), <https://awionline.org/sites/default/files/uploads/documents/20HumaneSlaughterUpdate.pdf> (providing overview of US humane cattle slaughter laws). The PPIA does not directly set welfare standards, but USDA has enforced a concept called “good commercial practices” as part of implementing the PPIA to provide for the bare minimum of welfare protection for birds. See Anim. Welf. Inst., *The Welfare of Birds at Slaughter in the U.S.: The Need for Government Regulation* 6-9 (2023), https://awionline.org/sites/default/files/publication/digital_download/20TheWelfareBirdsSlaughter.pdf [hereinafter “AWI *Welfare of Birds*”] (describing USDA program of enforcing “good commercial practices” under PPIA).

And given that USDA enforcement is uneven and intermittent, it is highly likely that the full extent of violations is much broader.²¹³

(1) JBS Violations. Apparently contrary to JBS’s claims of regulatory compliance, pigs and cattle in JBS’s supply chain have been subject to severe suffering and abuse, in violation of federal humane slaughter regulations. Recent violations at JBS slaughter facilities recorded by USDA since 2022 include, for example, employees hitting hogs with paddles, causing facial injuries, and the repeated use of electric prods, leading to extensive bruising.²¹⁴ There were instances of animals being struck with various tools, leading to hemorrhaging, and the use of poorly maintained equipment that caused lacerations. Additionally, animals were subjected to excessive force, even when moving adequately, and were left to suffer in distressing conditions, such as a collapsed, immobilized cow trapped and trampled in a truck.²¹⁵ There are many examples of severe animal mistreatment reflected in USDA’s records, which were previously collected in Attachment 1 of the First Complaint. At two JBS facilities, animal mistreatment was so egregious that USDA in the last two years suspended inspection, stopping those plants from operating during these suspensions.²¹⁶

²¹³ In 2013, USDA’s Office of the Inspector General (“OIG”) found that “The Food Safety and Inspection Service’s (FSIS) enforcement policies do not deter swine slaughter plants from becoming repeat violators of the Federal Meat Inspection Act (FMIA). As a result, plants have repeatedly violated the same regulations with little or no consequence.” USDA OIG, *Food Safety and Inspection Service—Inspection and Enforcement Activities At Swine Slaughter Plants*, Audit Rep. No. 24601-0001-41 (May 2013), <https://usdaoig.oversight.gov/sites/default/files/reports/2022-03/24601-0001-41.pdf>. Not much has changed since for swine or other animals: in 2023, the Animal Welfare Institute found that despite undercover investigations continuing to find cruelty frequently occurs, “slaughter establishments and their workers rarely experience consequences for bird neglect and cruelty.” AWI *Welfare of Birds*, *supra* note 212, at 1. As others have found, “The failure of regulatory oversight in the US slaughter industry is actually multifold, negatively affecting workers, animals, and the environment (including the communities that live near slaughterhouses).” Delcianna J. Winders & Elan Abrell, *Slaughterhouse Workers, Animals, and the Environment: The Need for a Rights-Centered Regulatory Framework in the United States That Recognizes Interconnected Interests*, 23 Health & Human Rights J. 21, 22 (2021), <https://bpj-us-e1.wpmucdn.com/sites.harvard.edu/dist/f/680/files/2021/12/abrell.pdf>.

²¹⁴ Enforcement datasets, in Excel format, are available at USDA Food Safety & Insp. Serv., *Inspection Task Data*, <https://www.fsis.usda.gov/science-data/data-sets-visualizations/inspection-task-data> (last updated Jan. 3, 2025). A list of selected violations for JBS, extracted from the files on the USDA website as of March 2024, is included as Attachment 1 to the First Complaint, attached as Appendix A.

²¹⁵ See First Complaint, App’x A, Att. 1 (List of Federal Violations for JBS and Pilgrim’s).

²¹⁶ USDA, Notice of Suspension, Swift Beef Co., Est., M969G (Sept. 17, 2023), https://www.fsis.usda.gov/sites/default/files/media_file/documents/M96G-NOS-091723.pdf; USDA, Notice of Suspension, JBS Plainwell, Inc., Est. M562M (Mar. 29, 2022), https://www.fsis.usda.gov/sites/default/files/media_file/2022-04/M562M-NOS-03292022.pdf.

(2) Pilgrim's Violations. Pilgrim's Pride similarly has a long history of well-documented abuse of chickens, despite its supposed commitment to "safe and humane"²¹⁷ animal handling practices. Over the years, undercover animal welfare investigations at factory farms supplying Pilgrim's Pride (as described above at footnote 195-196 and accompanying text) and USDA records have repeatedly exposed the company's apparently unsupported assurances of high welfare standards. In 2019, HSUS brought these issues to SEC's attention,²¹⁸ and in 2023, the Animal Welfare Institute issued a report about the welfare of slaughtered birds in which it highlighted Pilgrim's violations.²¹⁹

As with JBS facilities, USDA inspection reports reveal recurrent, severe suffering in violation of USDA regulations at Pilgrim's facilities, contradicting the company's claims that it "meets or exceeds" government standards and is in "compliance."²²⁰ These violations include birds being caught and crushed in cage mechanisms, multiple instances of live birds entering scald tanks (intended for deceased birds to remove feathers), and birds improperly processed while conscious, leading to severe injury or death without being stunned. There were alarming numbers of birds found dead on arrival ("DOA") at processing plants, often due to extreme temperatures during transport or holding. Additionally, USDA violation records show birds suffocating under piles of DOA carcasses, surviving birds showing signs of life before entering scald tanks, and significant numbers of birds dying due to transport accidents or environmental stressors.²²¹ One of Pilgrim's plants in Texas even received a rarely issued USDA "Letter of Concern" for "egregious or repeat handling problems"—a sign of serious animal welfare misconduct.²²² These reports on Pilgrim's span from 2017 to 2023, but a litany of violations at Pilgrim's plants has been recorded

²¹⁷ See supra Section VI.A.2, describing the company's claims.

²¹⁸ HSUS, *Complaint to SEC re: JBS U.S.A. & Pilgrim's Pride Corp.* (May 9, 2019) (First Complaint, App'x A, Att. 2).

²¹⁹ AWI *Welfare of Birds*, supra note 212, at 10-17 (summarizing various examples of cruelty and regulatory violations at Pilgrim's Pride facilities),

²²⁰ See supra Section VI.A.2. Enforcement datasets for poultry-related violations, in Excel format, are available online as well. USDA Food Safety & Insp. Serv., *Inspection Task Data*, <https://www.fsis.usda.gov/science-data/data-sets-visualizations/inspection-task-data> (last updated Jan. 3, 2025). A list of violations, compiled in March 2024, was attached to the First Complaint. First Complaint, App'x A, Att. 1 (List of Federal Violations for JBS and Pilgrim's).

²²¹ First Complaint, App'x A, Att. 1.

²²² Anim. Welf. Inst., *New Report: USDA Continues to Tolerate Poultry Abuse at Largest Slaughter Plants* (Nov. 20, 2020), <https://awionline.org/press-releases/new-report-usda-continues-tolerate-poultry-abuse-largest-slaughter-plants>.

since 2011,²²³ and Attachment 1 to the First Complaint collected many examples of serious animal welfare violations. This evidence shows Pilgrim’s ongoing and systemic problems with animal handling and welfare.

(3) Conclusion. These types of reported violations by Pilgrim’s and JBS are violations of the bare minimum welfare standards set by federal law—and that is just considering the US. These Companies not only cause their animals to suffer, but they do so seemingly more than other agricultural companies, making their apparent misrepresentations about animal welfare even more problematic. Accordingly, in the most recent Business Benchmark on Farm Animal Welfare (“BBFAW”), JBS received the lowest rating, an F, for its animal welfare program.²²⁴ The failure to disclose this litany of recorded violations, while touting welfare programs in 10-Ks and on sustainability websites,²²⁵ is an apparent violation of Rule 10b-5, which prohibits omitting information regarding regulatory compliance when that compliance is discussed.²²⁶ It may also, for Pilgrim’s 10-K, be a violation of Regulation S-K, which requires disclosure of material compliance issues as well as business trends.²²⁷

c) JBS’s newly added disclosure section on animal welfare is apparently insufficient and incomplete

In the November 2024 version of its Form F-4, which remains unchanged in the January 2025 version, JBS added a section discussing animal welfare regulations,²²⁸ as well as risk disclosures about a trend of consumer attention to animal welfare²²⁹ and potential government

²²³ See Anim. Welf. Inst. *The Welfare of Birds at Slaughter in the U.S. (2016 Ed.)* 9-17 (2016), <https://awionline.org/sites/default/files/uploads/documents/FA-Poultry-Slaughter-Report-2016.pdf> (describing example violations at Pilgrim’s plants from 2011 through 2014 and noting Pilgrim’s plants were among the most frequent violators).

²²⁴ Nicky Amos et al., BBFAW, *The Business Benchmark on Farm Animal Welfare: 2023 Report* (Apr. 25, 2024), <https://www.bbfa.com/media/2176/bbfa-2023-report-final.pdf>.

²²⁵ See *supra* section VI.A.2, discussing the Companies’ claims.

²²⁶ See, e.g., *Meyer*, 761 F.3d at 251 (finding that discussions of regulatory compliance that “gave comfort to investors that reasonably effective steps were taken to comply” were misleading when no mention was made of existing substantial noncompliance issues).

²²⁷ See *supra* Section IV, describing Regulation S-K and other legal requirements.

²²⁸ JBS B.V. Form F-4, *supra* note 3, at 139-40.

²²⁹ JBS B.V. Form F-4, *supra* note 3, at 62.

and customer requirements relating to animal welfare.²³⁰ However, these disclosures apparently remain deficient.

(1) Confinement laws. In the section describing US animal welfare regulations, JBS only describes the federal HMSA.²³¹ As an initial matter, that law’s scope only includes methods of stunning, handling and killing pigs and cattle (as relevant here) at federally inspected slaughter facilities; the HMSA does not cover methods of animal husbandry on farms where animals are raised. These topics are covered by state laws which are not mentioned at all in the Offering Documents. California’s Proposition 12²³² and Massachusetts’ Question 3²³³ are both in full effect and require that covered animal products (including pork, veal and eggs) sold in those states come from animals who were not cruelly confined, as defined by the laws. Both laws have withstood constitutional challenge in state and federal courts,²³⁴ and Proposition 12 was recently upheld by the Supreme Court.²³⁵ Other states have similar regulations.²³⁶

In the past, JBS claimed that compliance with these types of laws may negatively affect the company,²³⁷ but JBS does not mention them at all in its current F-4. Similarly, its 2023 sustainability report does not even mention Proposition 12, instead stating that its US business is

²³⁰ JBS B.V. Form F-4, *supra* note 3, at 65.

²³¹ JBS B.V. Form F-4, *supra* note 3, at 140.

²³² Cal. Health & Saf. Code § 25990 *et seq.* (codifying Proposition 12); 3 Cal. Code Regs. § 1320 *et seq.* (implementing regulations).

²³³ Mass. Gen. Laws Ch. 129 App., § 1-1 *et seq.* (codifying Question 3).

²³⁴ *Iowa Pork Prods. Ass’n v. Bonta*, No. 22-55336, 2024 WL 3158532 at *1 (9th Cir. June 25, 2024) (affirming dismissal of various constitutional and statutory challenges to California Proposition 12); *Triumph Foods, LLC v. Campbell*, No. 23-11671-WGY, 2024 WL 3498594 at *1a-2 (D. Mass. July 22, 2024) (granting summary judgment to state, upholding Massachusetts Question 3 against statutory preemption challenge after previously upholding bulk of the law against other challenges).

²³⁵ *Nat’l Pork Prods. Council v. Ross*, 598 U.S. 356 (2023) (rejecting Commerce Clause challenge to Proposition 12).

²³⁶ See, e.g., Ariz. Admin. Code § 3-2-907 (requiring hens to be raised cage-free as of January 1, 2025, and requiring all eggs and egg products to come from hens housed in a cage-free manner as of that date); Mich. Comp. L.. § 287.746(4), (9) (prohibiting the sale of shell eggs from hens not housed in a cage-free manner as of Jan. 1, 2025); Colo. Rev. Stat. § 35-21-203(2)(a) (same, for shell eggs and egg products).

²³⁷ Although compliance costs of these laws vary by producer, JBS in the past has vocally complained that these laws would cause it “significant burdens” and would “disrupt” its supply chains. Turner Decl. ¶¶ 6, 8, 10, filed in *N. Am. Meat Inst. v. Becerra*, Case No. 2:19-cv-08569-CAS (C.D. Cal. Nov. 2019). Mr. Turner at the time was JBS USA’s Head of Live Production Operations. The National Pork Producers Council, of which JBS is a member, continues to complain that Proposition 12 “inflicts additional costs on producers.” Rachael Oatman, *Pork coalition forms in support of Prop 12, Q3, Meat+Poultry* (Sept. 17, 2024), <https://www.meatpoultry.com/articles/30800-pork-coalition-forms-in-support-of-prop-12-q3>.

“transition[ing]” from “individual stall housing” to “group housing,” stating such a transition will take time and money.²³⁸ The sale of pork from pigs raised in group housing—rather than the industry standard of gestation crates, or euphemistically called “individual stall housing”—may be compliant with Proposition 12 and Question 3, if those laws’ other conditions are met. However, the sale of pork from pigs raised in gestation crates can never be compliant with these state laws. If the transition to group housing is indeed ongoing (and therefore not yet complete), that would seem to indicate JBS may not be in full compliance with Proposition 12, Question 3, and similar laws. If there is material noncompliance that affects the company’s business, or if the ongoing transition imposes material costs on the company, the company is obligated to disclose those facts in the F-4.

(2) Downplaying consumer animal welfare trends. Although JBS now again discloses—after having previously removed such a disclosure entirely²³⁹—that there is an existing trend “toward increasing consumer attention on animal welfare standards,” it only describes the associated risk as: “If we do not meet consumer expectations in this regard we may suffer reputational damage and loss of market share.”²⁴⁰ This disclosure is still vague and couched in hypotheticals, nor does it adequately describe facts that show such risks have already come to pass.²⁴¹ For example, as discussed above in this section, JBS and Pilgrim’s routinely violate animal welfare laws, and have been the subject of investigations that show animal abuse—including very recently.²⁴² These investigations have been widely publicized to consumers in news media and may cause serious reputational harm.²⁴³

²³⁸ 2023 JBS Sustainability Report, *supra* note 10, at 56.

²³⁹ The reinsertion of this disclosure seems to be in response to the First Complaint, which argued that JBS apparently misled investors by omitting such a disclosure, as one such disclosure had been present in prior versions of the F-4. First Complaint, App’x A, at 13-14.

²⁴⁰ JBS B.V. Form F-4, *supra* note 3, at 65.

²⁴¹ See, e.g., *Panther Partners Inc. v. Jianpu Tech. Inc.*, No. 18 CIV. 9848 (PGG), 2020 WL 5757628, at *12 (S.D.N.Y. Sept. 27, 2020); *Meyer*, 761 F.3d at 251 (“A generic warning of a risk will not suffice when undisclosed facts on the ground would substantially affect a reasonable investor’s calculations of probability.”)

²⁴² *Supra* Section VI.A.3.a-b.

²⁴³ See, e.g., Zoe Lewis, *Nonprofit sheds light on inhumane conditions at a western Kentucky factory farm*, Nat’l Pub. Radio (Apr. 12, 2024), <https://www.wkyufm.org/2024-04-12/nonprofit-sheds-light-on-inhumane-conditions-at-a-western-kentucky-factory-farm> (reporting on the 2024 investigation at a farm supplying Pilgrim’s).

(3) Omission of violations. In the new animal welfare section, JBS briefly mentions the HMSA (but not the PPIA) and touts that it is seeking to “improve animal welfare.”²⁴⁴ However, it does not in that section, nor anywhere else in the Offering Documents, disclose that JBS and Pilgrim’s routinely violate the HMSA and similar laws such as the PPIA. As discussed above, such an omission is apparently in violation of the securities laws. This is especially so in the amended F-4; by now mentioning the HMSA but not its poor compliance record, and by failing to mention the PPIA and associated violations altogether, JBS seems to be omitting material information.²⁴⁵

(4) Misleading references to humane treatment certification. In the newly added animal welfare section, JBS states that it “seek[s] to align our practices with certain industry standards and certifications,” including “Certified Humane,” stating that “certain products” (Seara DaGranja and Frango Orgânico) are certified through that program.²⁴⁶ However, as discussed above, JBS never discloses that it routinely fails to meet even the minimal HMSA and PPIA animal welfare standards. By insinuating that JBS “aligns” its production with Certified Humane standards, while failing to clearly disclose the animal suffering throughout its supply chain, the Company is apparently misleading investors.²⁴⁷

d) *JBS’s statements regarding its animal welfare policies contradict its promises, making their welfare claims even more confusing and suspect*

Despite the ongoing claim to investors on its main sustainability website that its animal welfare program is “motivated by” the Five Freedoms,²⁴⁸ JBS has since stated that it does not truly follow them. Rather, the company states that these Freedoms are merely “aspirational” and are “difficult to achieve, if not impossible to measure,” and further stated that it is shifting to “track[ing]” a new “Five Domains Model” concept.²⁴⁹ In its most recent report, it stated that its

²⁴⁴ JBS B.V. Form F-4, *supra* note 3, at 140.

²⁴⁵ See *supra* Section VI.A.3.b; *FindWhat*, 658 F.3d at 1305.

²⁴⁶ JBS Form F-4, *supra* note 3, at 140.

²⁴⁷ E.g., *FindWhat*, 658 F.3d at 1305.

²⁴⁸ JBS, *Animal Care*, <https://www.sustainability.jbsfoodsgroup.com/chapters/animal-care/> (last visited Jan. 22, 2025). The Five Freedoms include freedom from injury and disease, discomfort, thirst and hunger, and fear and distress.

²⁴⁹ 2022 JBS Sustainability Report, *supra* note 86, at 52; 2023 JBS Sustainability Report, *supra* note 10, at 55 (calling the Five Freedoms “aspirational”).

policies “align[]” with this Five Domains Model and other relevant regulations.²⁵⁰ First, this seems to incorrectly and misleadingly imply that the capitalized “Five Domains Model” is some form of “regulation[]”, apparently improperly suggesting a degree of oversight and enforcement of this model that does not exist because the model is not any form of regulation. Second, JBS has made two inconsistent claims—one, on a website that investors are likely to see, that it is committed to animal welfare including the Five Freedoms, and another in a sustainability report claiming that these Freedoms cannot be measured and refusing to commit to particular animal welfare standards. By itself, this kind of backtracking, or qualifying of a claim in two separate places, is confusing and likely misleads investors and the public about what JBS is actually doing.

Moreover, as discussed in more detail in the First Complaint, the assertion that freedom from disease, injury, pain and distress may be “impossible to measure” is not supported: rather, veterinarians every day diagnose injury, pain, and distress in every sort of animal.²⁵¹ And, JBS’s claim that measuring the Five Freedoms in animals may be “impossible” means that it cannot also claim, as described above, that it ensures the health and welfare of its animals, is meeting their needs, and meets or exceeds animal welfare standards—as such standards are set precisely to reduce fear, distress and disease.²⁵² In other words, if JBS claims it cannot measure whether its animals are suffering, it cannot claim that it is ensuring their welfare either.

And finally, even taken at face value, JBS’s new claim that it abides by the Five Domains appears to be equally misleading. As shown by the evidence of animal abuse and regulatory violations described above in this Section, JBS and Pilgrim’s do not seem to provide their animals with protection from “environmental challenges” like heat, are not avoiding injuries or “animal behavioral restrictions,” and are not addressing “symptoms/causes of weakness, pain . . . hunger, thirst, nausea, fear, loneliness, anxiety, frustration, anguish, [or] hopelessness.”²⁵³

²⁵⁰ 2023 JBS Sustainability Report, *supra* note 10, at 55.

²⁵¹ See e.g., Marian Stamp Dawkins, *The Science of Animal Suffering*, 114 *Ethology* 937, 943 (2008).

²⁵² See, e.g., Nat’l Pork Bd., *Swine Care Handbook* 13 (2018) (“Sow housing and management systems should . . . “[r]educe[ing] exposure to hazards or conditions that result in injuries, pain, distress, fear or disease”) (emphasis added), available at <https://library.pork.org/?mediaId=B75B3A6A-75B3-441B-9A316C342353D356>.

²⁵³ 2023 JBS Sustainability Report, *supra* note 10, at 55 (describing Five Domains Model).

As such, JBS is seemingly misleading investors about its animal welfare practices and its compliance, in apparent violation of the securities laws.

B. Climate Change & “Net Zero” Claims

Climate change significantly harms animals around the world: from changing habitats and displaced wildlife, to companion animals suffering in climate disasters, to ocean creatures suffering from acidification and higher ocean temperatures.²⁵⁴ Emissions from animal agriculture contribute directly to climate change: “Indeed, the only source of animal suffering and death that is even remotely in the same class as climate change is factory farming, which ironically is both a cause of direct suffering for billions of confined animals, and also a significant cause of climate change emissions that are likely to kill billions of wild animals—a double header of misery.”²⁵⁵

As the First Complaint explained,²⁵⁶ and as discussed in more detail in this Complaint, the Companies have persistently made seemingly false and deceptive claims about their highly publicized plans to become “net zero” by 2040, in apparent violation of the federal securities laws. Despite already having been warned by the Better Business Bureau that its advertising on this is deceptive and despite being sued by the New York Attorney General over its “net zero” claims, the Companies have doubled down on these claims. The Commission should closely scrutinize and investigate these climate claims.

1. The importance of climate change information to investors—business risks relating to climate change

Information about climate change—both the effects of climate change on companies’ operations as well as companies’ contributions on climate change—is unquestionably of critical importance to investors. As described above in Section V.A, sustainability and ESG issues in general are important to investors, and within that category, climate change information is of prime importance. As one former SEC commissioner has stated, “[i]nvestors have been clear that

²⁵⁴ E.g., EPA, *Climate Change Impacts on Ecosystems*, <https://www.epa.gov/climateimpacts/climate-change-impacts-ecosystems> (last updated Jan. 15, 2025).

²⁵⁵ Jonathan Lovvorn, *Climate Change Beyond Environmentalism Part I: Intersectional Threats and the Case for Collective Action*, 29 SSRN Elec. J. 1, 59 (2017).

²⁵⁶ First Complaint, App’x A, at 14-20.

[climate risk] information is material to their decision-making process.”²⁵⁷ Investor behavior further supports the notion that climate information is of great importance to them. For example, one survey found that climate change is the most important ESG issue to money managers and institutional investors.²⁵⁸

Understanding the fact that many investors consider climate-related risks to be highly material,²⁵⁹ the SEC very recently passed a rule requiring disclosure of climate information, though it was immediately stayed pending litigation.²⁶⁰ Regardless, climate disclosures by companies should be closely scrutinized by the Commission to ensure they are not misleading investors, given the material nature of climate and emissions information. This is doubly so in this case, as discussed below, given the huge amount of difficult to mitigate emissions associated with intensive animal agriculture, like that practiced by the Companies. Indeed, as described below, even the Companies seem to consider climate emissions information to be “material.”

2. The Companies’ “net zero,” emissions and climate change claims

In recognition of the major importance of climate change as an investment issue—and in clear recognition that this issue is material—the Companies have widely publicized to investors, and the wider public, their “net zero” promises to become carbon neutral by 2040: on their websites, in print ads, in sustainability reports, as well as references to sustainability targets in JBS’s Offering Documents.²⁶¹

²⁵⁷ Allison Herren Lee, Former SEC Comm’r, “Modernizing” Regulation. S-K: Ignoring the Elephant in the Room (Jan. 30, 2020), <https://www.sec.gov/news/public-statement/lee-mds-2020-01-30>.

²⁵⁸ US Sust. Invest. Forum, 2022 Report on Sustainable Investing Trends, 4-5 (Dec. 2022), <https://www.ussif.org//Files/Trends/2022/Trends%202022%20Executive%20Summary.pdf>.

²⁵⁹ SEC Climate Disclosure Rule, 86 Fed. Reg. at 21,677 (“Many commenters, including both investors and registrants, stated that climate-related risks can have material impacts on companies’ financial position or performance. Commenters indicated that when it is available, information about climate-related risks is currently used to assess the future financial performance of public companies and inform investment decision-making.”).

²⁶⁰ See *supra* notes 52-53.

²⁶¹ See Compl., *People v. JBS USA Food Co., et al.*, No. 0450682/2024 at ¶¶ 100-114 (filed N.Y. Sup. Ct. Feb. 28, 2024) (describing various “net zero” promises by the Companies), available at https://climatecasechart.com/wp-content/uploads/case-documents/2024/20240228_docket-4506822024_complaint.pdf [hereinafter “NY AG Complaint”]. This Complaint was dismissed without prejudice on January 15, 2025, with leave for the Attorney General to amend. The Attorney General has indicated that it will amend and refile the Complaint, meaning the lawsuit will most likely continue. Clarice Couto, *Court Dismisses Suit Against Meatpacker JBS Over Climate Impact*, Bloomberg Law (Jan. 15, 2025), <https://news.bloomberglaw.com/esg/court-dismisses-suit-against-meatpacker-jbs-over-climate-impact>. The judge during the hearing indicated that the dismissal without prejudice was primarily

JBS Claims. JBS has stated, for example:

- In March 2021, JBS first announced a “*global commitment*” to “achieve net-zero greenhouse gas (GHG) emissions by 2040,” a commitment that “spans the company’s global operations, including Pilgrim’s Pride Corporation . . . as well as its diverse value chain of agricultural partners, suppliers and customers. . . .”²⁶²
- On its “Net Zero” website, JBS claims that “our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers and customers.” To do so, it is taking “five initial steps to reach net zero” such as investing in “upgrading facilities and equipment” and “research and development projects,” “reduce emissions in all JBS facilities by 30%,” “use 100% renewable electricity,” and “tie environmental performance to executive compensation.”²⁶³
- JBS claims that its “sustainability-linked bonds” are linked to their net zero efforts: the “bond is aligned with JBS USA’s ambition to achieve net-zero greenhouse gas emissions by 2040 and its commitment to reduce greenhouse gas emissions in its operations by 30% by 2030.”²⁶⁴
- JBS claims in its most recent Sustainability Report to be “on track” to achieve a reduction in “Scope 1 & 2 GHG emission intensity by 30% by 2030” by claiming it has already achieved a “17% decrease[] from 2019 to 2023.”²⁶⁵

intended to provide an opportunity for the Attorney General to include additional facts relating to personal jurisdiction, which the judge believed the Attorney General would likely be able to demonstrate. *People v. JBS USA Food Co. et al.*, No. 1450682/2024, Tr. of Proceedings, NYSCEF Doc. No. 49, at 44 (N.Y. Sup. Ct. Jan. 21, 2025).

²⁶² JBS Foods, *JBS Makes Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040* (Mar. 23, 2021), <https://jbsfoodsgroup.com/articles/jbs-makes-global-commitment-to-achieve-net-zero-greenhouse-gas-emissions-by-2040> (emphasis added).

²⁶³ JBS, *Our Approach to Net Zero*, <https://jbsfoodsgroup.com/our-purpose/net-zero> (last visited Jan. 22, 2025).

²⁶⁴ JBS, *JBS USA Announces Successful Issuance of Sustainability-Linked Bond*, <https://jbsfoodsgroup.com/articles/jbs-usa-announces-successful-issuance-of-sustainability-linked-bond> (Nov. 16, 2021).

²⁶⁵ 2023 JBS Sustainability Report, *supra* note 10, at 29.

- In 2023, it claimed that it had “Scope 1 & 2 GHG emissions reduction projects approved,” and \$5M approved in “partnership projects to further our Scope 3 GHG emissions reduction strategy”; and its businesses are involved in “research endeavors” that “can reduce GHG emissions.”²⁶⁶
- In 2024, JBS has stated it “must act with urgency to limit global warming” and is helping “lead sustainable transformation.”²⁶⁷
- As of 2024, JBS is reporting all of its emissions, including its Scope 3 emissions, and states that it is striving to “reduce the intensity of Scope 3 emissions through collaborative initiatives.”²⁶⁸

Pilgrim’s Claims. Likewise, Pilgrim’s has stated:

- On its main website, the company states that “Our global pledge is to achieve net zero greenhouse gas (GHG) emissions by 2040. We are the first major meat and poultry company in the world to set a net-zero target, demonstrating our leadership in the fight against global warming and climate change.”²⁶⁹
- In its 2021, Sustainability Report, Pilgrim’s stated that “Pilgrim’s is the first major global protein company to set a net-zero GHG emissions by 2040 target, covering scope 1, scope 2, and scope 3 emissions.”²⁷⁰
- As part of advertising its Net Zero 2040 pledge, Pilgrim’s website links to JBS’s “Net Zero” and Sustainability webpages.²⁷¹
- On LinkedIn promoting its 2022 sustainability report, Pilgrim’s has claimed that it is an “industry leader in the fight against climate change.”²⁷²

²⁶⁶ 2022 JBS Sustainability Report, *supra* note 86, at 39; *see also* 2023 JBS Sustainability Report, *supra* note 10, at 29 (similar claims).

²⁶⁷ 2023 JBS Sustainability Report, *supra* note 10, at 30.

²⁶⁸ *Id.* at 32-33.

²⁶⁹ Pilgrim’s, *Homepage*, <https://www.pilgrims.com/> (last visited Jan. 22, 2025).

²⁷⁰ Pilgrim’s, *2021 Pilgrim’s Sustainability Report*, <https://sustainability2021.pilgrims.com/> (last visited Jan. 22, 2025).

²⁷¹ *Id.* (under “Reaching Net Zero by 2040,” the link to “Our Commitment” leads to JBS’s net zero page, *supra* note 263); Pilgrim’s, *Homepage*, <https://www.pilgrims.com/> (last visited Jan. 22, 2025) (under “Net Zero 2040,” the link leads to JBS’s Sustainability site, <https://jbsfoodsgroup.com/our-purpose/sustainability> (last visited Jan. 22, 2025)).

²⁷² Pilgrim’s Pride, LinkedIn Post (Sept., 2023), https://www.linkedin.com/posts/pilgrims-corp_pilgrims-sustainability-report-activity-7110271236861038592-GE2h.

Notably, in their SEC filings, the Companies provide only high-level disclosures, framed in uncertain terms—using words like “could,” “may,” etc. to describe impacts—about their climate plans and climate regulation. Examples include:

- “We are currently assessing the impact of the new [climate] rules, including compliance phase-in dates, but at this time, we cannot predict the costs of implementation or any potential adverse impacts resulting from the new rules. However, we may incur increased costs relating to the assessment and disclosure of climate-related risks and increased litigation risks related to disclosures made pursuant to the new rules, either of which could materially and adversely affect our future results of operations and financial condition.”²⁷³
- “We are subject to legislation and regulation regarding climate change, and compliance with related rules could be difficult and costly. . . . We could also face increased costs related to defending and resolving legal claims and other litigation related to climate change and the alleged impact of our operations on climate change, which may also impact our image. In addition, certain of our debt instruments contain certain sustainability performance targets . . . [a] failure by us to achieve these sustainability performance targets would not only result in increased interest payments under relevant financing arrangements, but could also harm our reputation, all of which could have a material adverse effect on our results of operations, financial condition and liquidity. . . . Furthermore, growing attention on the environmental and climate change impact of beef production, in particular, could lead (1) to legislative or regulatory actions aimed at reducing the greenhouse gas emissions of cows that could materially increase the production cost of beef or (2) to changes in customer preferences and overall demand for beef that would materially affect consumption of our products.”²⁷⁴
- “The mere setting of these [climate] goals may subject JBS S.A. and its affiliates and, in some instances already have subjected JBS USA, to criticism, investigations,

²⁷³ JBS B.V. Form F-4, *supra* note 3, at 66.

²⁷⁴ JBS B.V. Form F-4, *supra* note 3, at 67.

regulatory enforcement, litigation, or other risk. In addition, a failure by us to achieve these goals could harm our reputation, which could have a material adverse effect on our results of operations, financial condition and liquidity.”²⁷⁵

- “The effects of climate change and legal or regulatory initiatives to address climate change could have a long-term adverse impact on our business and results of operations. . . . Finally, from time to time we establish and publicly announce goals and targets to reduce our carbon footprint. If we fail to achieve, fail to specify or improperly report on our progress toward achieving our carbon emissions reduction goals and targets, we could be subject to lawsuits, investigations, government actions, or other claims made by public or private entities, each of which could have a material adverse effect on our business, financial condition, results of operations and prospects. In addition, the resulting negative publicity from any such allegations could adversely affect consumer preference for our products.”²⁷⁶

As discussed further in this Section, these disclosures are apparently insufficient and do not seem to fully disclose the material risks the Companies, in apparent violation of the securities laws.

3. *The Companies’ climate and GHG emissions claims are apparently false and misleading, and their risk disclosures are insufficient*
 - a) *Climate and GHG emissions claims by large agricultural companies, like JBS and Pilgrim’s, are suspect*

At the outset, the Companies’ climate claims are suspect and require close scrutiny, given the nature of their business. Large, intensive animal agriculture business, like JBS and Pilgrim’s, emit significant amounts of GHGs. Agriculture accounts for about 10% of all GHG emissions in the United States; it is one of five major categories of emissions tracked by EPA.²⁷⁷ Agricultural GHG

²⁷⁵ JBS B.V. Form F-4, *supra* note 3, at 147.

²⁷⁶ Pilgrim’s 10-K, *supra* note 29, at 12.

²⁷⁷ EPA, *Inventory of U.S. Greenhouse Gas Emissions and Sinks*, <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks> (last updated Jan. 15, 2025).

emissions have slightly increased (8%) between 1990 and 2022.²⁷⁸ The Environmental Working Group (“EWG”) estimates that if current trends continue, agriculture would make up 32% of GHG emissions by 2050.²⁷⁹ Within the broader agriculture category, animal agriculture specifically is a large contributor; it has recently been estimated to contribute about 16.5% of all GHG emissions worldwide.²⁸⁰ These *increasing* emission trends indicate that any net zero promises of *reduction*, such as those made by the Companies, require close scrutiny.

The biological nature of animal agriculture explains why these types of climate promises are suspect. The major sources of GHG emission for animal agriculture are natural animal processes (“enteric processes”) from animals, as well as the decomposing of manure, which emit two highly potent GHGs: methane and nitrous oxide.²⁸¹ EPA estimates that enteric processes and manure together account for about 40% of *all* agricultural emissions in the US.²⁸² Moreover, keeping large amounts of animals requires significant energy use throughout the supply chains: from growing feed, trucking animals and animal feed around, to heating and cooling large barns, to packaging and climate-controlled transportation of the final product.²⁸³ The vast majority of emissions from the animal agriculture sector, including for the Companies—as discussed further below in section VI.B.3.b—are so-called “Scope 3” emissions. Those arise outside of upstream and downstream operations from the animal raising and slaughter facilities, such as feed

²⁷⁸ EPA, *Sources of Greenhouse Gas Emissions*, <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions> (last updated Jan. 16, 2025).

²⁷⁹ Anne Schechinger, *Animal feeding operations harm the environment, climate and public health*, EWG (Mar. 19, 2024), <https://www.ewg.org/research/animal-feeding-operations-harm-environment-climate-and-public-health>.

²⁸⁰ Richard Twine, *Emissions from Animal Agriculture—16.5% Is the New Minimum Figure*, 13 Sustainability 6276 at 1 (2021), <https://www.mdpi.com/2071-1050/13/11/6276>. See also 2023/2024 FAIRR Index, *supra* note 73, at 9 (estimating that animal agriculture accounts for 14.5% of worldwide GHG emissions and noting animal agriculture “is key to preventing global temperatures rising above 1.5° C”).

²⁸¹ EPA, *Sources of Greenhouse Gas Emissions*, *supra* note 278; see also Ctr. for Biol. Div., *New EPA Report: Animal Agriculture Leads U.S. Methane Emissions* (Apr. 17, 2024), <https://biologicaldiversity.org/w/news/press-releases/new-epa-report-animal-agriculture-leads-us-methane-emissions-2024-04-17> (summarizing EPA’s most recent GHG inventory, and noting that agricultural companies emit 4.5% of all US GHGs, with US methane emissions as a result from “enteric fermentation” increasing by 5% since 1990).

²⁸² EPA, *Sources of Greenhouse Gas Emissions*, *supra* note 278 (noting that enteric fermentation accounts for about 25%, and manure management accounts for 14% of total agricultural GHG emissions).

²⁸³ GRAIN/IATP Report, *supra* note 9, at 5 (describing nature of Scope 1, 2 and 3 agricultural emissions).

production, fertilizer production and use, and land use changes; they also include emissions from animals on non-company owned farms.²⁸⁴

Given the size of its operations—including its large beef segment—JBS has been estimated to be the largest emitter of GHGs in the global meat and dairy industry, emitting more than twice as much as its closest competitor.²⁸⁵ As the New York Times has succinctly put it, this study “found that JBS produces more emissions each year than all of Italy,” and it has grown “51 percent between 2016 and 2021.”²⁸⁶ Another recent report has noted that JBS has spent just 0.03% of its annual revenue on its net zero efforts, compared to over ten times that amount on advertising and marketing to continue selling its product.²⁸⁷ Given the size of JBS’s operations and corresponding emissions, combined with its apparent lack of investment in emissions reductions, JBS’s claims that it can reach “net zero” become even more suspect, requiring close scrutiny by the SEC.

b) The Companies apparently mislead investors about their “net zero” claims

The Companies also apparently mislead investors in more specific ways regarding their emissions and their climate impacts. As discussed in the First Complaint, the Companies’ net zero claims are apparently unlawfully deceptive in several regards. This Complaint elaborates further on those allegations below.

(1) Inconsistent Reframing of Commitment. In its Offering Documents, JBS consistently attempt to reframe its “net zero by 2040” commitments as merely an aspirational goal—something it is merely “striving for.”²⁸⁸ Yet the Companies’ repeated claims in advertisements, press releases, on websites and in sustainability reports clearly show that both companies

²⁸⁴ *Id.* at 5.

²⁸⁵ *Id.* at 5 (figure).

²⁸⁶ David Gelles, *Grilling the world’s biggest meat producer*, N.Y. Times (Sept. 28, 2023), <https://www.nytimes.com/2023/09/28/climate/grilling-the-worlds-biggest-meat-producer.html>.

²⁸⁷ Changing Markets Found., *The New Merchants of Doubt: How Big Meat and Dairy Avoid Climate Action* (July 2024), <https://changingmarkets.org/report/the-new-merchants-of-doubt-how-big-meat-and-dairy-avoid-climate-action/>.

²⁸⁸ See JBS B.V. Form F-4, *supra* note 3, at 52 (describing its net zero commitment as “aspiration[]” and a “goal[]”); *id.* at 147, 160, F-180 (apparently misdescribing New York’s lawsuit as alleging JBS unlawfully misled consumers regarding its “striving to achieve Net Zero by 2040”); compare NY AG Complaint, *supra* note 261, at ¶ 100.

publicly *committed* and *pledged* to achieving net zero by 2040—not that they are merely *striving* to achieve net zero. For example, JBS’s sustainability linked bond materials state: “Climate Strategy: Our Net Zero 2040 Commitment. In 2021, JBS SA became the first major global meat and poultry company to *commit* to achieve net-zero greenhouse gas emissions by 2040.”²⁸⁹ This confusing flip-flopping has become more and more pronounced: In January 2025, JBS’s Chief Sustainability Officer (“CSO”) in an interview reframed the 2040 commitments as an “aspiration,” but JBS then issued a press statement “suggest[ing]” the CSO “stepped out of line,” and reaffirmed its “commitment to a more sustainable future” and its “climate ambitions.”²⁹⁰ This latest statement seems to directly contradict JBS’s current Form F-4, in which JBS—like the CSO—calls its 2040 goals an “aspiration.” By claiming commitment in some places and aspiration in others, investors cannot know what the Companies intend. This apparently violates Rule 10b-5 and Sections 11 and 12(a), as it materially misrepresents the Companies’ self-imposed 2040 commitments.

While the Offering Documents acknowledge that the Companies’ 2040 commitments created risks and that any failures related to it creates risks for shareholders,²⁹¹ they never disclose that the Companies are attempting to back down from their net zero commitments, nor do they disclose any risks stemming from this attempt to back down. The 2040 commitments were touted to attract investors with climate concerns, and the Companies know, or should know, that backing away from their commitments threatens significant financial damage in the form of reputational harm, litigation, enforcement actions, and divestment when that reversal comes to light. Thus, these statements seem to omit material information regarding the Companies’ Net Zero 2040 commitments and appear to violate Rule 10b-5 and sections 11 and 12(a)(2).²⁹²

(2) Lack of Concrete Climate Plans & NAD/BBB Ruling. The Companies have not and cannot point to plans now in place to achieve their net zero goals, whether characterized as

²⁸⁹ JBS, *JBS USA Lux S.A. Sustainability-Linked Bond Framework 7* (Nov. 2021), <https://jbs-foods-site-uploads.s3.us-east-2.amazonaws.com/6fd2181c-0e70-4b5b-b069-3832f076fd81/JBSUSASustainability-LinkedBond.pdf>.

²⁹⁰ Simon Harvey, *JBS backs away from sustainability officer’s comments on emissions goals*, Just Food (Jan. 16, 2025), <https://www.just-food.com/news/jbs-backs-away-from-assertion-made-by-meat-giants-sustainability-officer/>.

²⁹¹ JBS B.V. Form F-4, *supra* note 3, at 52, 147.

²⁹² See, e.g., *FindWhat*, 658 F.3d at 1305 (half-truths); *Fiore*, 416 F. Supp. 3d at 324 (10b-5 scienter); *In re Morgan Stanley Info. Fund Sec. Litig.*, 592 F.3d at 360 (misrepresentation is a basis for Section 11 and 12(a)(2) liability).

aspiration or otherwise.²⁹³ In 2023, the National Advertising Division (“NAD”) of the Better Business Bureau (“BBB”), after a thorough review, found JBS’s claims about its net zero sustainability commitment misleading—a finding upheld by the National Advertising Review Board (“NARB”) on appeal.²⁹⁴ The NARB agreed with the NAD that JBS did not have a “formulated and vetted plan” to reach net zero, but that it is merely in the “exploratory stage,” expressing concern that “JBS does not currently have sufficient scientific support to show that its goal is feasible,” especially given the nature and size of JBS’s business and its Scope 3 emissions.²⁹⁵ JBS’s Scope 3 emissions are the vast majority of its emissions—97%, by its own admission²⁹⁶—yet are barely addressed in its plans.²⁹⁷ While Pilgrim’s claims were not directly subject to the BBB proceedings, the NARB noted Pilgrim’s is a subsidiary of JBS.²⁹⁸ And the concerns for Pilgrim’s are the same as for JBS—like JBS, Pilgrim’s primarily discusses Scope 1 and 2 in its sustainability materials, and only vaguely states that it is “actively engaged” in Scope 3 reductions.²⁹⁹

Even when JBS discusses some of its purported climate initiatives in more detail, they seem at best to be in their infancy. For example, JBS in its most recent sustainability report mentions that it is “actively supporting searching for scalable feed additives” to reduce emissions, with “ongoing efforts to research and trial” them.³⁰⁰ JBS also supported a “research initiative” to create a “net zero roadmap identifying current knowledge gaps in GHG reduction strategies and producer willingness to adopt practices to determine potential reduction pathways.”³⁰¹ Other

²⁹³ Even if construed as merely aspirational, the net zero statements are nevertheless actionable because they include a factual component (e.g., that it is scientifically possible to achieve net zero), and because they relate to core aspects of the Companies’ business (i.e., their climate impact and carbon footprint). *See, e.g., In re Moody’s Corp. Sec. Litig.*, 599 F. Supp. 2d 493, 509, *op. corrected on den. of recons.*, 612 F. Supp. 2d 397 (S.D.N.Y. 2009) (claims relating to independence were actionably deceptive because they were capable of objective verification and defendant identified verifiable actions taken to ensure independence.); *In re Equifax Inc. Sec. Litig.*, 357 F. Supp. 3d 1189, 1224 (N.D. Ga. 2019) (given repeated references to cybersecurity protections and business importance of these protections, supposedly “aspirational” statements were actionably deceptive).

²⁹⁴ Appeal of NAD’s Final Decision #7135 Regarding Claims for JBS USA Holdings Inc., Net Zero 2040, NARB Panel #313, at 2 (May 26, 2023) (First Complaint, App’x A, Att. 5) [hereinafter “NARB Panel Report”].

²⁹⁵ *Id.* at 7.

²⁹⁶ 2023 JBS Sustainability Report, *supra* note 10, at 31.

²⁹⁷ *Id.*

²⁹⁸ NARB Panel Report, *supra* note 294, at 2.

²⁹⁹ Pilgrim’s, *Sustainability – Our 2023 Progress*, <https://sustainability.pilgrims.com/> (last visited Jan. 22, 2025).

³⁰⁰ 2023 JBS Sustainability Report, *supra* note 10, at 37.

³⁰¹ *Id.* at 42. In its 2022 Sustainability Report, JBS stated this project “aims to develop” the roadmap, indicated it was only completed sometime in the 2023-2024 timeframe. 2022 JBS Sustainability Report, *supra* note 86, at 44.

research into potentially reducing enteric emissions will take place “over the next five years.”³⁰² JBS thus, by its own admission, made its lofty net zero 2040 promises without so much as a roadmap in place, and without any scientifically proven measures in place to actually reduce its emissions. As for scope 3, JBS states it recently completed a “proof-of-concept project to collect, allocate, and share” emissions data in the food system.³⁰³ This indicates that until now, JBS did not have any idea what emissions it was even attempting to reduce to net zero. These kinds of studies and investigations into what *could* work are a far cry from the concrete steps needed now to become net zero by 2040.

JBS has barely addressed the BBB’s findings and the shortcomings in its climate promises. In a follow-up compliance report from late 2023, NAD stated that JBS’s modified claims—including those challenged in this Complaint which are still prominently made on the Companies’ websites—remained substantially similar to the earlier statements that were recommended for discontinuation.³⁰⁴ In this follow-up report, the NAD recommended fully discontinuing the claim “Net Zero by 2040” in its entirety.³⁰⁵ As noted above, these claims are now the subject of a lawsuit filed by the New York’s Attorney General’s Office.³⁰⁶

(3) JBS’s Unsustainable Growth. Not only do the Companies not seem to have any scientifically supported, concrete plans in place to reach net zero at any point in the future, their plans also seem to be fundamentally incompatible with their stated intent to rapidly grow and increase production.³⁰⁷ Over the past five years, the Companies have reportedly grown massively.³⁰⁸ The Offering Documents similarly include high estimated future 5-year growth rates for pork, chicken and other of the Companies’ products—ranging from 2-13%, depending on the

³⁰² 2023 JBS Sustainability Report, *supra* note 10, at 42.

³⁰³ *Id.* at 78.

³⁰⁴ *Inst. for Agri. & Trade Pol’y v. JBS USA Holdings, Inc.*, Compliance Proceeding, NAD Case No. 7135, NARB #313C, at 3-4 (Nov. 3, 2023) (First Complaint, App’x A, Att. 6) [hereinafter “NAD Compliance Proceeding”].

³⁰⁵ *Id.* at 4.

³⁰⁶ See NY AG Complaint, *supra* note 261, at ¶¶ 100-114.

³⁰⁷ See NY AG Complaint, *supra* note 261, at ¶¶ 143-57 (alleging that the Companies’ net zero commitment “is not feasible given the JBS Group’s current levels of livestock production and the company’s plans to grow global demand for its products”).

³⁰⁸ Gelles, *supra* note 286.

segment.³⁰⁹ These projections are entirely inconsistent with the net zero promises: as explained above, as a result of growing, eating, and digesting, animals (especially cattle) emit GHGs, and expanding production means more animals, which will mean more GHGs. Most climate scientists agree that “it is important for livestock herd sizes to peak by 2025 if the world was to stand a chance of preventing dangerous global warming.”³¹⁰ JBS has not, and seemingly cannot, explain how it can reconcile its climate promises with its growth promises, making its claims even more apparently deceptive.³¹¹

(4) Misleading Presentation of Climate Targets. The Companies apparently misleadingly represent that they are making progress towards their emissions goals in two ways: by conflating *absolute* reduction targets and *intensity* reduction targets, as well as by failing to properly account for Scope 3 emissions.

Absolute v. Intensity. An absolute target sets goals based on the total amount of GHG reduction; an intensity target sets goals based on the emission per unit of output (e.g., amount of CO₂ per pound of beef produced).³¹² A decrease in carbon *intensity* does not mean a company emits fewer GHGs in *absolute* amounts: if a company’s production increases relatively more than its intensity decreases, that company’s overall total emissions still increase.

Scope 3. GHGs goals are typically set in terms of widely-understood scopes: Scope 1 representing direct emissions from operations, Scope 2 representing off-site emissions directly tied to operations, such as electricity generation, and Scope 3 representing supply chain emissions such as those associated with transportation, waste management, input production (e.g., feed), and so forth.³¹³ According to the Science-Based Targets Initiative (“SBTi”)—one of the major organizations that tracks climate commitments from companies—a “net zero”

³⁰⁹ JBS B.V. Form F-4, *supra* note 3, at F-112 to F-116.

³¹⁰ Arthur Neslen, *UN livestock emissions report seriously distorted our work, say experts*, Guardian (Apr. 19, 2024), <https://www.theguardian.com/environment/2024/apr/19/un-livestock-emissions-report-seriously-distorted-our-work-say-experts> (citing a climate scientist survey in which 78% of over 200 scientists agreed with this statement).

³¹¹ See, e.g., *Jianpu Tech. Inc.*, 2020 WL 5757628, at *13 (“bullish” statements create obligation to disclose facts that contradict or undercut such statements).

³¹² See, e.g. Pedro Faria, *Are Absolute or Intensity Targets Better to Curb Your Carbon Footprint?*, Green Biz (Aug. 18, 2015), <https://www.greenbiz.com/article/are-absolute-or-intensity-targets-better-curb-your-carbon-footprint>.

³¹³ See, e.g., GRAIN/IATP Report, *supra* note 9, at 5.

commitment such as those claimed by the Companies must incorporate absolute emissions reductions across Scope 1, 2 and 3: “rapid, deep cuts to direct and indirect value-chain emissions.”³¹⁴ A UN Expert Group on corporate climate commitments has similarly stated that to avoid being misleading, net zero targets “must include emissions reductions from a non-state actor’s full value chain and activities” including scope 3, and must focus on absolute emissions, not emissions intensity.³¹⁵

The Companies’ apparently misleading representations. On the surface, JBS and Pilgrim’s promise both absolute and Scope 3 GHG reductions to investors and the public; yet beneath the surface, they really promise only intensity and Scope 1 and 2 reductions. JBS in its sustainability bond announcement stated (without qualification) that it will “reduce greenhouse gas emissions in its operations by 30% by 2030,” and has pledged that it will be net zero across its “diverse chain” of partners and suppliers. Pilgrim’s has explicitly claimed that it will have net zero emissions among Scope 1, 2 and 3. Both Companies continue to boldly pledge to achieve net zero GHG emissions by 2040.³¹⁶ These types of statements and promises would easily and reasonably be understood by investors and the public to mean the Companies will achieve absolute reductions in Scope 1, 2 and 3 GHG emissions. Of these, Scope 3 is the most important—it accounts for the vast majority of animal agricultural emissions, with some sources having estimated that 90% of JBS’s emissions are Scope 3, and JBS by its own admission estimating they are 97%.³¹⁷

However, as it turns out, based on other documents, JBS’s advertised immediate step as part of its sustainability bonds to “reduce greenhouse gas emissions in its operations by 30% by

³¹⁴ See, e.g., Science Based Targets, *The Corporate Net Zero Standard*, <https://sciencebasedtargets.org/net-zero> (last visited Jan. 22, 2025) (noting that “key components” of a corporate net zero standard include “rapid, deep cuts to direct and indirect value-chain emissions” resulting in a “halv[ing]” of emissions before 2030 and a 90% reduction by 2050). The BBB NAD also found that “net-zero is a recognized standard that guides companies in defining and establishing short and long-term science-based greenhouse gas emissions reduction goals which align with the Paris Agreement.” NARB Panel Report, *supra* note 294, at 4.

³¹⁵ United Nations’ High-Level Expert Grp. on the Net Zero Emissions Commitments of Non-State Entities, *Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions* 7, 17 (2022), https://www.un.org/sites/un2.un.org/files/high-level_expert_group_n7b.pdf.

³¹⁶ *Supra* section VI.B.2 (listing JBS and Pilgrim’s statements).

³¹⁷ See, e.g., NARB Panel Report, *supra* note 294, at 7 (discussing the “challenges posed by Scope 3 emissions, which may account for 90% of all emissions attributable to the JBS business”); 2023 JBS Sustainability Report, *supra* note 10, at 31 (JBS’s own estimate).

2030” turns out to not be an *absolute* reduction goal, but a 30% reduction in *intensity*, *only* for Scope 1 and 2 emissions. The sustainability bond documents clarify that “JBS USA Lux SA is committing to reduce its global scope 1 and 2 intensity by 30% by 2030 against a 2019 baseline,” making only vague promises to eventually set “SBTi-aligned targets for scopes 1, 2, and 3.”³¹⁸ In the same vein, Pilgrim’s discussions relating to its work on achieving net zero is only focused on reducing Scope 1 and 2 GHG emissions, with an interim target to reduce Scope 1 and 2 emission intensity (not absolute emissions) by 2030.³¹⁹ This is apparently not in line with what the Companies publicly promise, and the provision of inconsistent information among disparate sources, without cross-reference, is apparently misleading.³²⁰

Even for their watered-down targets, the Companies do not seem to be able to make much progress to meet them. In reporting their GHG emissions and their “progress,” JBS focuses on intensity in setting its goals. For example, even in its most recent sustainability report, JBS’s only other stated global climate goals (in addition to “net zero by 2040”) are to increase renewable energy usage, and to reduce *only* Scope 1 and 2 emissions intensity.³²¹ And as part of “net zero,” JBS states that it has invested in Scope 3 emissions reductions “partnership projects,” with its subsidiaries focused on projects which “*can* reduce emissions.”³²²

JBS in 2024 for the first time started reporting its actual estimated total emissions, broken down by Scope, though they significantly diverge from what independent outside organizations have estimated to be JBS’s true emissions.³²³ Moreover, JBS’s emissions went up in 2022 before

³¹⁸ JBS USA Lux S.A. Sustainability-Linked Bond Framework, *supra* note 289, at 7.

³¹⁹ Pilgrim’s, *Our Climate Action*, <https://sustainability.pilgrims.com/environment/climate/> (last visited Jan. 22, 2025); see also Pilgrim’s, *Sustainability – Our 2023 Progress*, <https://sustainability.pilgrims.com/> (last visited Jan. 22, 2025) (only stating that the Company is “on track” to reduce Scope 1 and 2 emissions intensity, and reporting only vague “engage[ment]” on Scope 3 emissions).

³²⁰ See, e.g., Robert A. Prentice, *The Future of Corporate Disclosure: The Internet, Securities Fraud, and Rule 10b-5*, 47 Emory K.J. 1, 44 (1998) (“Nor will statements appearing on a company’s Web page be within a safe harbor if the warnings and cautionary language appear elsewhere, in places where the reader of the Web page might not view them.” (citing *In re Silicon Graphics, Inc.*, [1996 Transfer Binder] Fed. Sec. L. Rep. (CCH) P 99,325 (Sept. 26, 1996)); *J/H Real Estate Inc. v. Abramson*, 901 F. Supp. 952, 957 (E.D. Pa. 1995) (where cautionary statements were “scattered about in different places,” the court could not conclude as a matter of law that they had any “cautionary effect”).

³²¹ 2023 JBS Sustainability Report, *supra* note 10, at 29.

³²² *Id.* at 29 (emphasis added).

³²³ *Id.* at 32 (reporting 156-187 million tons of annual CO₂E emissions); compare GRAIN/IATP Report, *supra* note 9, at 22 (estimating 280 million tons).

decreasing in 2023; given JBS's past growth and projections that it will continue growing its operations,³²⁴ it is far from clear that JBS can feasibly meet its climate promises. JBS almost acknowledges as much—in its most recent sustainability report, it states in small font that “numerous factors” affect its pledge and it “may not be able to achieve net zero.”³²⁵ It does not publicize this disclaimer on its “net zero” website,³²⁶ nor does it clearly state this message in its Form F-4.³²⁷

The Companies are well-aware that they need to cut Scope 3 emissions, given that they are about 97% of their emissions, yet they seem content to minimize Scope 3 in their disclosures and discussions in reports. JBS notes that “the majority of our GHG emissions footprint” is Scope 3 emissions but dismisses them as “not directly related” to JBS's operations—despite, e.g., well-recognized SBTi standards requiring companies to reduce Scope 3 emissions when making a net zero pledge.³²⁸ JBS's oft-touted “sustainability-linked bonds” also only address Scope 1 and 2. As the Companies' own outside evaluator has found, JBS's Sustainability-linked Bonds and their focus on Scope 1 and 2 emissions are “not material” to climate impact in the company's overall value chain, and are not in line with SBTi guidance.³²⁹ JBS's actions further minimize Scope 3 reductions: the company states it has invested \$150M in Scope 1 and 2 reductions, and \$5M in Scope 3 reductions.³³⁰ These are entirely insignificant amounts compared to the many *billions* in revenue

³²⁴ JBS B.V. Form F-4, *supra* note 3, at 4 (showing JBS revenue has almost doubled over 11 years, growing at almost 6% per year); F-112 to F-116 (estimating significant annual growth rate for its production segments).

³²⁵ 2023 JBS Sustainability Report, *supra* note 10, at 23.

³²⁶ JBS, *Our Approach to Net Zero*, <https://jbsfoodsgroup.com/our-purpose/net-zero> (last visited Jan. 22, 2025).

³²⁷ See JBS B.V. Form F-4, *supra* note 3, at 52 (stating that its pledge is merely an “aspiration” and that it depends on “collaboration and alignment,” but not clearly stating that JBS may fail to meet its pledge).

³²⁸ 2023 JBS Sustainability Report, *supra* note 10, at 31; 2022 JBS Sustainability Report, *supra* note 86, at 40-41; see also Pilgrim's, *Our Climate Action – Our Emissions Profile*, <https://sustainability.pilgrims.com/environment/climate/> (last visited Jan. 22, 2025) (similarly stating that the majority of emissions are Scope 3 emissions, and then stating they are “a significant challenge because these Scope 3 emissions are not directly related to Pilgrim's operations and management”).

³²⁹ ISS ESG, *Second Party Opinion (SPO): Sustainability Quality of the Issuer and Sustainability-Linked Securities*, JBS S.A. 5, 12 (June 8, 2021), <https://api.mziq.com/mzfilemanager/v2/d/043a77e1-0127-4502-bc5b-21427b991b22/af313c51-0d16-63ce-e999-e6a31cf27f83> (noting that the bonds are “not material to the whole corporate value chain” for lacking Scope 3 targets and that SBTi requires addressing Scope 3 where a company's Scope 3 emissions exceed 40% of its total emissions).

³³⁰ 2023 JBS Sustainability Report, *supra* note 10, at 29.

and profit it makes every year.³³¹ And it is especially insignificant for Scope 3, in light of the fact that Scope 3 emissions make up 97% of JBS's emissions profile. Moreover, the \$150M in Scope 1 and 2 investments since 2021, according to JBS, have reduced emissions by 400 *thousand* metric tons per year.³³² This is a tiny fraction of the 156 *million* tons per year JBS by its own calculations emits across all three scopes, and only 6% of its estimated Scope 1 and 2 emissions³³³—a pace that is nowhere near enough to become net zero anytime close to 2040. Thus, the Companies' limited focus on Scope 1 and 2, and their paltry efforts to date, seemingly further misleads investors about the Companies' climate impact and net zero progress.³³⁴

The Companies' self-described efforts seem to be a far cry from making the reductions needed to be on track to meet the Companies' net zero commitments, let alone a commitment that would meet broadly accepted and understood standards. In fact, as widely reported, SBTi no longer recognizes JBS's net zero commitment, for failure to submit sufficiently ambitious targets.³³⁵ JBS, in its most recent sustainability report, seems to make excuses about SBTi's supposed creation of "new requirements" to explain why its pledge is no longer SBTi-recognized.³³⁶ But this utter failure by JBS to set SBTi-recognized goals, despite its explicit commitments as part of its sustainability bonds to do so, has not been disclosed to investors in the Prospectus. Rather, the Offering Documents entirely omit reference to SBTi, or any other recognized and verifiable standard, and only vaguely state that to align with "the United Nations Global Compact's Business Ambition for 1.5°C initiative," "[w]e are in the process of setting

³³¹ *E.g.*, JBS B.V. Form F-4, *supra* note 3, at 25 (reporting almost \$73B in revenue in 2023 for JBS S.A., and \$8B in gross profit).

³³² 2023 JBS Sustainability Report, *supra* note 10, at 61.

³³³ *Id.* at 32.

³³⁴ Complainant Mighty Earth has complained to the SEC previously about JBS misleading investors, specifically in the context of its Sustainability-Linked Bonds. Its complaints contain additional information on allegedly misleading statements regarding Scope 3 emissions, as well as other issues such as deforestation. Jordan McDonald, *Mighty Earth Publishes SEC Whistleblower Submissions Against JBS*, Mighty Earth (July 3, 2024), <https://mightyearth.org/article/mighty-earth-publish-groundbreaking-whistleblower-submissions-to-the-us-sec-against-jbs-sustainability-linked-bonds/> (describing and linking to Mighty Earth submissions to SEC).

³³⁵ Kenza Bryan & Michael Pooler, *Companies take step back from making climate target promises*, Fin. Times (Mar. 15, 2024), <https://www.ft.com/content/3ebc5b56-a8f0-4fcd-99dd-9023d7a20013>; see also Mighty Earth, *JBS barred from gold standard for corporate climate action of its "bogus" net zero plans* (Mar. 7, 2024), <https://mightyearth.org/article/jbs-barred-from-gold-standard-for-corporate-climate-action-over-its-bogus-net-zero-plans/> (noting that SBTi's website shows JBS's listing is shown as "commitment removed").

³³⁶ 2023 JBS Sustainability Report, *supra* note 10, at 33.

science-based targets in an effort to reduce carbon emissions across our shared value chain.”³³⁷ By failing to clearly state that JBS already attempted to make recognized SBTi commitments, which were then found insufficient to meet the UN goals and were taken off the SBTi website, JBS is apparently violating the securities laws.³³⁸

(5) Other Entities. The Complainants note they are not alone in believing the Companies’ climate change claims are untenable. Other organizations and groups—including Complainant Mighty Earth—have already raised the alarm about the Companies’ misleading claims.³³⁹ As noted above, JBS (among various other companies) has had its “commitment removed” from the SBTi for being insufficiently ambitious to reach net zero.³⁴⁰ The Better Business Bureau has chastised JBS, finding its net zero claims to be false and misleading, and finding that JBS has not made sufficient steps to adjust them.³⁴¹ The State of New York has alleged that JBS unlawfully misled New Yorkers with its net zero commitment,³⁴² and UK Members of Parliament have raised the alarm about JBS’s climate impacts as well.³⁴³

(6) Apparent Violations. The Companies apparently continue to engage in doublespeak to investors—on the one hand, they make lofty, elaborate promises about sustainability and reducing their GHG emissions on their very visible public websites and reports, while on the other, they provide weak, legally deficient disclaimers buried in their Offering Documents.³⁴⁴ The provision of vague disclaimers and explanations in its sustainability report about the achievability of its net zero pledge and its failure to set SBTi targets, without providing those disclaimers to investors in the Offering Documents or other places, is also apparently misleading.³⁴⁵ Ultimately,

³³⁷ JBS B.V. Form F-4, *supra* note 3, at 147.

³³⁸ *See, e.g., Meyer*, 761 F.3d at 251.

³³⁹ Mighty Earth Submission, *supra* note 14, at 2-3, 6-8; RAN Complaint, *supra* note 14, at 2, 10-11.

³⁴⁰ Bryan & Pooler, *supra* note 335.

³⁴¹ NARB Panel Report, *supra* note 294, at 3-8; NAD Compliance Report, *supra* note 304, at 3-4.

³⁴² NY AG Complaint, *supra* note 261, at ¶¶ 1-15.

³⁴³ UK MPs Letter, *supra* note 16 (“[T]he company’s practices pose a significant threat to the ecosystem for global climate regulation...”).

³⁴⁴ *See, e.g., JBS B.V. Form F-4, supra* note 3, at 52 (describing the net zero commitment as a “climate reduction goal” that is “aspiration[.]” and anticipatorily blaming third parties (“experts, shareholders, customers, governments, and partners throughout our supply chain”) for the inevitable failure to achieve these net zero commitments).

³⁴⁵ *E.g., J/H Real Estate Inc.*, 901 F. Supp. at 957; *see also S.E.C. v. Terry’s Tips, Inc.*, 409 F. Supp. 2d 526, 534-35 (D. Vt. 2006) (where, in context, “cautionary” statements sound an “extremely faint warning” and fail to adequately disclose risk, cautionary statements are not effective); *Moshell v. Sasol Ltd.*, 481 F. Supp. 3d 280, 288-89 & n.4

the Companies provide no explanations for their climate plans anywhere—as they seem to have almost none—and provide merely fragmented, vague disclaimers in disparate places that investors cannot easily find nor understand. These types of apparent misrepresentations and omissions regarding the Companies’ net zero and other climate commitments seem to deceive investors in apparent violation of Rule 10b-5 and sections 11 and 12(a)(2).³⁴⁶

c) *The Companies apparently misleadingly omit material information regarding climate disclosure and consumer protection law compliance*

Given that the Companies do not seem to have concrete plans in place to meet their goals, it is highly unlikely that they will be able to comply with climate-related disclosure and consumer protection legislation in California and Europe that either requires them to provide detailed disclosures on reaching net zero or requires them to clearly admit their net zero claims are unsupported. Consumer protection laws in Europe may also require the Companies to change or discontinue their net zero claims. As such, these laws pose specific and material, yet not fully disclosed compliance risks.

(1) VCMDA. As highlighted in the First Complaint, California’s Voluntary Carbon Market Disclosures Act (“VCMDA”),³⁴⁷ as of January 2025,³⁴⁸ will require companies who make net zero claims to annually report on their websites on the accuracy and means of achieving those net zero claims.³⁴⁹ The VCMDA applies to entities that operate or make claims within California—such

(S.D.N.Y. 2020) (where generic warnings were directly contradicted by statements made by Company, those generic warnings are considered ineffective boilerplate; similarly, warnings that “totally failed to account” for events already transpired were false and misleading).

³⁴⁶ *FindWhat*, 658 F.3d at 1305 (half-truths); *Fiore*, 416 F. Supp. 3d at 324 (10b-5 scienter); *In re Morgan Stanley Info. Fund Sec. Litig.*, 592 F.3d at 360 (misrepresentation is a basis for Section 11 and 12(a)(2) liability).

³⁴⁷ Cal. Health & Safety Code § 44475.2.

³⁴⁸ The VCMDA does not have an explicit compliance date, but this date has been widely accepted as the compliance date. See Letter from Jesse Gabriel, Cal. State Assembly Member, to Sue Parker, Chief Clerk of the Assembly (Nov. 30, 2023) (VCMDA sponsor describing “inten[ded]” compliance deadline for first disclosures as January 1, 2025), available at <https://www.kirkland.com/-/media/publications/alert/2023/10/letter-of-legislative-intent.pdf>; see also Jordyn Milewski, *It’s (Been?) Time: Your VCMDA Compliance Reminder!* Frankfurt Kurnit (Dec. 2, 2024), <https://advertisinglaw.fkks.com/post/102jq15/its-been-time-your-vcmda-compliance-reminder> (describing history of failed VCMDA amendments and concluding January 1, 2025 remains the compliance deadline). Many companies have already updated their websites with the detailed disclosures required by the VCMDA. See, e.g., Bank of America, *California Voluntary Carbon Market Disclosure Act (VCMDA) Disclosure*, <https://about.bankofamerica.com/en/making-an-impact/vcmda>.

³⁴⁹ Cal. Health & Safety Code § 44475.2.

as the Companies.³⁵⁰ These website disclosures must include all information regarding “how, if at all, a ‘carbon neutral,’ ‘net zero emission,’ or other claim was determined to be accurate or accomplished, how interim progress toward that goal is being measured,” and whether “company data and claims” have been independently verified.³⁵¹ Given that the Companies continue to prominently make net zero claims and tout their progress to the public and to investors,³⁵² they presumably are required to disclose detailed information about their plans, their evaluation measures, and more. However, a search on the JBS and Pilgrim’s websites returns no results for “VCMDA,” nor does JBS’s governance and compliance website list VCMDA disclosures.³⁵³

The VCMDA requires transparency and due diligence regarding net zero claims, yet JBS has steadfastly refused or been unable to provide such information, even when facing challenges before the BBB, as described above. This raises a significant possibility of non-compliance. Failure to comply with the VCMDA can lead to significant penalties, as well as reputational and financial damage.³⁵⁴ Alternatively, if JBS does not have any documentation as to how its claims were determined to be accurate or how it measures its progress, it will have to disclose to the public that its claims are entirely unverifiable and untested. Or, it may have to withdraw its net zero claims altogether. Either way, the VCMDA poses a significant reputational risk.

³⁵⁰ Cal. Health & Safety Code § 44475.2. The Companies’ websites are directed at California residents, they sell significant amounts of their products in California, and JBS Foods also maintains at least one business address in the state for its Case Ready Facility. See JBS, Our Locations, United States, <https://jbsfoodsgroup.com/locations/united-states> (last visited Jan. 22, 2025).

³⁵¹ Cal. Health & Safety Code § 44475.2.

³⁵² See, e.g., JBS, *Our Goals and Progress*, <https://jbsesg.com/jbs/our-goals-and-progress/> (last visited Jan. 22, 2025) (identifying goal to “Achieve Net-Zero greenhouse gas (GHG) emissions by 2040” and listing various items under “Our Progress”); JBS Foods, *Our Approach to Net Zero*, <https://jbsfoodsgroup.com/our-purpose/net-zero> (last visited Jan. 22, 2025) (describing steps “to reach net zero”); *supra* Section VI.B.2.

³⁵³ JBS, *Search Results: VCMDA*, <https://jbsfoodsgroup.com/search/pages?q=vcmda> (last accessed Jan. 22, 2025); JBS, *Governance & Compliance*, <https://jbsfoodsgroup.com/our-purpose/governance-compliance> (last accessed Jan. 22, 2025) (notably, this website does list a California Transparency in Supply Chain disclosure). Pilgrim’s does not have a site search function, but a Google search of the site does not come up with any results. See *Google Search Results*, <https://www.google.com> (use query: “vcmda site:https://www.pilgrims.com/”) (last accessed Jan. 22, 2025).

³⁵⁴ Cal. Health & Safety Code § 44475.3 (penalties range between \$2,500 up to a total of \$500,000 “for each day that information is not available or is inaccurate on the person’s internet website.”).

Despite these risks, JBS fails to even mention the VCMDA by name in its Offering Documents, nor its requirements, providing vague disclosures instead.³⁵⁵ The Group's failure to specifically disclose the likely imminent business impacts associated with compliance with the VCMDA appears to violate federal securities laws. If the Companies are unable or unwilling to comply with the VCMDA and therefore becomes subject to penalties, or ultimately will be forced to disclose its net zero claims are bogus, that fact is material. That is, reasonable investors would consider it significant to an investment decision, given the significant negative financial, reputational and operational consequences of noncompliance.

(2) EU CSRD & CSDD. The European Union in 2022 enacted the Corporate Sustainability Reporting Directive ("CSRD"), which came into force in January 2023.³⁵⁶ Large companies that are publicly traded in the EU must comply with its provisions for reports issued in 2025 that cover FY2024; large companies that are not publicly traded in the EU must comply in 2026 for reports that cover FY2025.³⁵⁷ As part of the IPO-related restructuring, the ultimate parent company of JBS and Pilgrim's will be a Dutch company, which will be subject to the EU reporting requirements by 2026.³⁵⁸ Companies subject to reporting must report sustainability information based on

³⁵⁵ The Companies only provide a vague disclosure about what "may" or "could" happen if it fails to meet its sustainability goals, and vaguely mentions that "the State of California . . . [has] enacted climate disclosure laws." JBS B.V. Form F-4, *supra* note 3, at 52, 133. But the Offering Documents say nothing about the VCMDA's specific reporting requirements that will force it to provide the public with all information about its goals. The disclosures also contain a vague, non-specific statement about potential climate-related regulation and potential "difficult and costly" compliance. *Id.* at 66-67. Given that the VCMDA has now become fully effective, and given JBS's apparent noncompliance, these disclosures are inadequate and insufficiently specific.

³⁵⁶ Parliament and Council Directive (EU) 2022/2464, 2022 O.J. (L 322) 15 (enacted Dec. 14, 2022) (amending Directive 2013/34/EU) [hereinafter "CSRD"].

³⁵⁷ CSRD Art. 5(2).

³⁵⁸ JBS acknowledges that it will have to report by 2026 (for financial year 2025). JBS B.V. Form F-4, *supra* note 3, at 61. A "large undertaking," as referenced in CSRD Article 5(2), is any company in the EU that meets two of three criteria: a balance sheet total over EUR 20 million, a net turnover of EUR 40 million, and an average number of 250 employees in a financial year. Parliament and Council Directive (EU) 2013/34/EU, 2013 O.J. (L 182) 19, Art. 3(4) (enacted June 26, 2013). The new Dutch parent entity that will be the result once all corporate transactions are complete, JBS N.V., would easily meet those criteria as it would be the parent company of the entire group; and regardless, JBS reports that its net revenue in Europe alone is 9% of \$72.9B, or \$6.5B. JBS B.V. Form F-4, *supra* note 3, at 4. These requirements apply whether or not a large company is publicly traded. See CSRD Preamble 18 (noting the Directive's sustainability reporting requirements will apply to "all large undertakings" including those "whose securities are not admitted to trading on a regulated market in the Union").

European Sustainability Reporting Standards (“ESRS”), which are set by the European Commission.³⁵⁹

The first set of these ESRS, finalized in 2023, requires companies to disclose various kinds of sustainability information, including climate change and emissions information—the standards are even more extensive in nature than the VCMDA.³⁶⁰ Disclosures are governed by a double materiality standard—that is, not only are those matters that have a financial impact on the disclosing company required to be disclosed, but also matters that have an impact on people, the environment, or animals.³⁶¹ Where a company has specifically set a metric or target (such as a net zero target), requirements are similar to the VCMDA: a company must disclose the metrics, the “methodology and significant assumptions,” external validation, “whether and how the undertaking tracks the effectiveness of its actions to address material impacts,” or if it has not set metrics to track progress, it must so disclose.³⁶² And going well beyond the VCMDA, the ESRS require companies to clearly disclose “how the undertaking affects climate change, in terms of material positive and negative actual and potential impacts,” whether the company’s efforts are “in line with the Paris Agreement,” and disclosure of actions taken to mitigate and adapt to climate change.³⁶³ This includes disclosing emissions across the value chain, including Scope 3.³⁶⁴ Not only that, the ESRS also explicitly require companies to include animal welfare in their disclosures.³⁶⁵

Very similarly, the EU Corporate Sustainability Due Diligence Directive (CSDDD)³⁶⁶ requires certain companies, including food companies such as JBS, to conduct due diligence on (among other things) environmental and climate impacts as part of their corporate activities, and bring

³⁵⁹ CSRD Art. 1(8) (amending Directive 2013/34/EU to add Article 29b, requiring Commission to establish ESRS).

³⁶⁰ Commission Delegated Regulation (EU) 2023/2772, 2023 O.J. (L series), Art. 1 (enacted July 31, 2023) [hereinafter “ESRS Regulation”].

³⁶¹ ESRS Regulation, Annex I, ESRS 1, Obj. 3.

³⁶² ESRS Regulation, Annex II, ESRS 2, Obj. 5.

³⁶³ ESRS Regulation, Annex I, ESRS E1, Obj. 1.

³⁶⁴ ESRS Regulation, Annex I, ESRS E1, Disclosure Req. E1-6.

³⁶⁵ ESRS Regulation, Annex I, App’x A, AR 16 (requiring companies to specifically assess whether “animal welfare” is a material issue to report on) & ESRS G1, Obj. 2, Requirement G1-1 (listing animal welfare as a component of the disclosure standard and requiring companies to at least disclose whether they have animal welfare policies in place).

³⁶⁶ Parliament and Council Directive (EU) 2024/1760, 2024 O.J. (L Ser.) (enacted June 13, 2024) (amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859) [hereinafter “CSDDD”].

such impacts to an end.³⁶⁷ It also requires companies to adopt and implement plans for climate mitigation.³⁶⁸ This due diligence information is to be published in an annual statement online.³⁶⁹ This directive applies to both large EU and non-EU corporations, and goes into effect in 2027 for large companies.³⁷⁰

Under these European rules, JBS N.V.—as the future European parent company of the entire group, including Pilgrim’s—will have to disclose the details of its net zero plans starting in just about a year, and in three years will be *required* to have a climate plan and a process to evaluate and mitigate its environmental impacts. As the BBB has found, however, JBS does *not* appear to have detailed plans in place to make effective progress towards net zero, and it will be forced to disclose that fact. JBS will also be required to disclose the true impacts of its business, including being upfront about the significant amount of its Scope 3 emissions. It will also have to actually start mitigating its climate impacts—a tall order, given the environmental impacts of animal agriculture, and the apparent failure of the Companies to make any meaningful progress thus far. The Companies will also have to disclose their animal welfare policies and practices—which, as noted above in Section VI.A, are poor. These requirements will likely pose a known, significant reputational and competitive risk to the Companies, as they can no longer “greenwash” their products. However, the specific risks of compliance are not disclosed to investors. Rather, JBS’s disclosures stay high-level and hypothetical, describing only the requirements of the law, but not the risks or impacts on JBS specifically.³⁷¹

(3) EU Green Transition Consumer Directive. Finally, changes to EU consumer protection law will likely also impact JBS’s ability to make its net zero claims. In February 2024, the European Union enacted a Directive that amends existing EU consumer protection law to provide additional protection against “greenwashing,” regulating the making of generic environmental claims as well

³⁶⁷ CSDDD, Arts. 1.1(a), 5.1, 11.

³⁶⁸ CSDDD, Preamble ¶ 73, Art. 1.1(c), Art. 22.

³⁶⁹ CSDDD, Art. 16.

³⁷⁰ CSDDD, Art. 2, Art. 37.

³⁷¹ The Form F-4 simply describes the CSRD and CSDDD requirements without providing any specific discussion of how these regulations apply to the Companies or what material risks and impacts they cause. The Offering Documents list them under a very broad header of “focus . . . on ESG-related issues ... could expose us to additional costs or risks.” See JBS Form F-4, *supra* note 3, at 61-62; see also *id.* 135-36 (simply describing the laws without any discussion of how they will impact JBS’s business or whether JBS will be able to comply).

as, specifically, “climate net zero” claims.³⁷² The Directive, as to net zero claims, “*prohibit[s]* the making of claims, based on the offsetting of greenhouse gas emissions, that a product . . . has a neutral, reduced, or positive impact on the environment in terms of greenhouse gas emissions,” such as “climate net zero” claims.³⁷³ Because it is biologically impossible to produce beef without GHG emissions, JBS’s plans—to the minimal extent they exist—seem to include offsetting emissions.³⁷⁴ As such, the Directive may result in JBS not being able to make net zero claims in Europe at all.

In addition, the Directive would also regulate “climate-related claims” that “relate to future performance in the form of a transition to carbon or climate neutrality,” prohibiting them unless they are supported by “clear, objective, publicly available and verifiable commitments and targets given by the trader and set out in a detailed and realistic implementation plan. . . . verified by a third party expert,” whose report must be made available to consumers.³⁷⁵ As the Better Business Bureau has found, JBS has no detailed implementation plan. As such, it seems that JBS may also be completely prohibited from making its Net Zero claims in the EU at the latest by September 27, 2026.³⁷⁶ The Form F-4 does not discuss this regulation, or its risks to JBS’s business, at all.

(4) Apparent Violations. The VCMDA, CSRD, CSDDD, and Green Transition Consumer Directive are regulations that are in force and that require compliance now or in the near future. They will require the Companies to disclose information on their environmental and climate impacts, which in turn will likely lead to further regulatory scrutiny, reputational impacts, and so forth. The Companies in their disclosures merely discuss high level regulatory risk, or simply mention that these new rules exist without any specific disclosures of impacts and compliance

³⁷² Parliament and Council Directive (EU) 2024/825, 2024 O.J. (L Ser.), Preamble ¶¶ 1, 12 & Art. 1(1) (enacted Feb. 28, 2024) (amending Directives 2005/29/EC and 2011/83/EU) [hereinafter “Green Transition Consumer Directive”].

³⁷³ *Id.* Preamble ¶12; Annex I(2).4c (emphasis added).

³⁷⁴ Ben Lilliston, *Behind the curtain of the JBS net zero pledge*, IATP (Oct. 21, 2021), <https://www.iatp.org/documents/behind-curtain-jbs-net-zero-pledge> (“In March 2021, JBS pledged to reach net zero by 2040, through emission reductions in their operations *and by offsetting all residual emissions.*” (emphasis added)). See *supra* notes 281-282 (discussing enteric processes that occur naturally in cows that emit methane).

³⁷⁵ Green Transition Consumer Directive, Preamble ¶ 4; Art. 1(1)(b), 1(2)(b).

³⁷⁶ Green Transition Consumer Directive, Art. 4(1).

relating to these rules.³⁷⁷ The Companies' failure to disclose the "material effects" that compliance with the VCMDA and European regulations "may have" on its "capital expenditures, earnings and competitive position" apparently violates Item 101 of Regulation S-K and Sections 11 and 12(a)(2). Likewise, this omission apparently violates Item 303 as it is a failure to describe "known trends or uncertainties that have had or that the registrant reasonably expects will have a material . . . impact on net sales or revenues or income from continuing operations."³⁷⁸

d) Other issues with the Companies' climate and energy reporting make their climate and emissions claims even more suspect

There are several issues with the way the Companies have been reporting their climate impact and energy use which further reduce the credibility of their climate claims, and further counsel the SEC to exercise caution and perform additional investigation before declaring the IPO effective.

(1) Energy Mix. First, JBS in its successive 2021 and 2022 sustainability reports inexplicably reported widely different energy usage numbers and renewable/non-renewable mix. The following table, prepared by Complainants based on JBS's reports, compares what is supposed to be identical reporting under Global Reporting Initiative ("GRI") Standard 302-1,³⁷⁹ converted to MWh:³⁸⁰

³⁷⁷ See JBS B.V. Form F-4, *supra* note 3, at 61 (mentioning the CSRD and CSDDD in a generic risk disclosure without specifically describing the risks from these new regulations, including whether JBS will be able to comply); *id.* at 133 (simply stating "the State of California and the SEC have enacted climate disclosure rules that will require compliant carbon accounting and reporting" without further explanation of the risks posed or JBS compliance). Pilgrim's most recent Form 10-K does not mention any of these laws either.

³⁷⁸ *Panther Partners Inc. v. Ikanos Commc'ns, Inc.*, 681 F.3d 114, 120 (2d Cir. 2012) *quoting* 17 C.F.R. § 229.303(a)(3)(ii)); *Jianpu Tech.*, 2020 WL 5757628 at *13 (failure to disclose recent and imminent changes in regulation held to violate Item 303 and Sections 11 and 12(a)).

³⁷⁹ Both sections in these reports indicate that the reporting conforms to the GRI 302-1 standard, which measures energy consumption within an organization, and which has not changed since 2018. See GRI Standards, *GRI 302: Energy 2016* at 8 (July 1, 2018), available at <https://www.globalreporting.org/how-to-use-the-gri-standards/gri-standards-english-language/>.

³⁸⁰ Between these reporting years, JBS switched from reporting energy consumption in GJ to using MWh. 1 MWh is equivalent to 3.6 GJ, so the metric is easily converted. See, e.g., CDP, *CDP Technical Note: Conversion of fuel data to MWh* 6 (2023), https://cdn.cdp.net/cdp-production/cms/guidance_docs/pdfs/000/000/477/original/CDP-Conversion-of-fuel-data-to-MWh.pdf?1479755175.

JBS Reported Global Energy Usage and Energy Mix						
	Energy Usage (Global in MWh)			Renewable/Nonrenewable Energy Mix		
	2021 Report ¹	2022 Report ¹	2023 Report ¹	2021 Report	2022 Report	2023 Report
2019	20.12M	25.58M	25.58M	44%/56%	36%/64%	25%/75%
2020	19.89M	21.21M	21.21M	45%/55%	45%/55%	30%/70%
2021	20.45M	21.94M	21.94M	43%/57%	43%/57%	31%/69%
2022	[N/A]	20.87M	20.75M	[N/A]	43%/57%	33%/67%
2023	[N/A]	[N/A]	21.97M	[N/A]	[N/A]	36%/64%

Table 1: Comparison of JBS Reported Energy Usage

As shown in the table above, despite ostensibly reporting usage under the same, unchanged GRI standard, the 2022 and 2023 reports provide significantly increased energy usage numbers for JBS for 2019 through 2021, without explanation as to why these numbers would have changed. The 2022 report thus provides a distinct impression that energy usage is decreasing over time, with the 2023 report showing a decrease and then reporting an increase in 2023. But using the 2021 Report numbers, JBS's energy usage has significantly and consistently increased from 2019 to 2023 – seemingly, and without explanation, contrary to JBS's claims that it is reducing energy use.

Similarly, the 2022 report inexplicably changes the energy mix numbers to make the 2019 energy mix seem significantly worse than it was reported in 2021—dropping renewables from 44% to 36% in 2019, but then reporting an increase back to 43%. The 2023 report even more egregiously changes the historically reported renewable energy use again, lowering renewable energy use across the board, but now reporting a positive trend from 25% to 36% renewable use. This is ostensibly because JBS is taking a more “conservative approach” in accounting for renewable energy.³⁸¹ These changes create an impression of an improving trend, even though the original 2021 report numbers indicate that there has been no improvement in renewable energy

³⁸¹ 2023 JBS Sustainability Report, *supra* note 10, at 62.

usage. And even taking the most recent report at face value indicates that JBS is far removed from meeting its goals.

These unexplained discrepancies and changes shown in this table make JBS's claims about improved energy usage and renewable energy mix, and thus making progress towards net zero, highly suspicious and require further investigation by the SEC.

(2) Biogas as “Renewable Energy.” Using manure, processing it to create gas, and burning that gas to generate power, is often referred to as the use of “biogas.” In its sustainability report section on climate change solutions, JBS claims that its biogas projects convert methane “into clean fuel.”³⁸² It also refers to “methane-to-renewable-energy conversion initiatives” and creating “renewable fuels” or “renewable energy” from waste materials.³⁸³ JBS appears to count the use of biogas as “renewable” in its calculations,³⁸⁴ though it is not entirely clear how it does so—which is further confusing to investors. It highlights one of its facilities in Australia as newly using “bioenergy” with “biogas” as a “viable renewable energy source that will substitute a major portion of the site’s consumption of natural gas as a heat production source” stating that this will significantly reduce emissions.³⁸⁵

Calling biogas “renewable” is a misnomer, however, and apparently misleads investors. Biogas plants—also called “anaerobic digesters”—emit air, soil, and water pollutants as well as GHGs, just like fossil fuel plants.³⁸⁶ They can also leak the highly potent greenhouse gas methane back into the atmosphere.³⁸⁷ Overall, biogas production is inefficient and is unlikely to appreciably

³⁸² 2023 JBS Sustainability Report, *supra* note 10, at 21; 2022 JBS Sustainability Report, *supra* note 86, at 29.

³⁸³ 2023 JBS Sustainability Report, *supra* note 10, at 5, 38; 2022 JBS Sustainability Report, *supra* note 86, at 10, 65.

³⁸⁴ 2023 JBS Sustainability Report, *supra* note 10, at 49 (listing “biogas” as a renewable energy source); 2022 JBS Sustainability Report, *supra* note 86, at 58 (in the context of discussion of renewable energy projects, noting that “JBS Biolins cogeneration facility in Lins, São Paulo, produces electricity and steam from biomass (sugarcane bagasse, eucalyptus chips, and various biomass waste...)” (emphasis added)).

³⁸⁵ 2023 JBS Sustainability Report, *supra* note 10, at 63.

³⁸⁶ See, e.g., Vt. Dep’t of Envtl. Cons., *Anaerobic Digesters*, <https://dec.vermont.gov/air-quality/permits/source-categories/anaerobic-digesters> (last visited Jan. 23, 2025) (noting that air permits are required because digesters “generate appreciable quantities of greenhouse gases,” and even when captured and burned, still create GHGs, like carbon monoxide and nitrogen oxide, and other hazardous air pollutants).

³⁸⁷ Food & Water Watch, *Hard to Digest: Greenwashing Manure into Renewable Energy* (Nov. 2016), https://foodandwaterwatch.org/wp-content/uploads/2021/04/ib_1611_manure-digesters-web.pdf (citing various studies).

reduce pollution and GHG emissions.³⁸⁸ JBS's presentation of these kinds of projects as "renewable" and as part of its climate solution, without discussing the problems with this technology, only contributes further to apparently misleading investors regarding its climate plans.

e) *The Companies apparently do not sufficiently disclose the impacts climate change may have on their business*

In addition to having a large impact on the climate via emissions, animal agricultural companies are also themselves impacted by climate change. The agricultural sector, relying on stable weather and temperature patterns, access to fresh water, and so on, is uniquely vulnerable to climate change.³⁸⁹ The very climate change that the Companies are helping to cause and accelerate is causing extreme weather events,³⁹⁰ temperature changes, and other changes in the environment that wipe out crops, harm animals,³⁹¹ and significantly affect their business.

The Companies, however, only provide high-level, boilerplate disclosures couched in hypotheticals regarding climate risks. JBS states that climate change "*could* have a material effect" on its business because "natural disasters, fire, bioterrorism, pandemics, drought, changes in rainfall patterns or extreme weather, including floods, excessive cold or heat, hurricanes or other storms, *could* impair the health or growth of livestock or interfere with our operations."³⁹² The Offering Documents note that "*if* heat waves and droughts occur with greater frequency and intensity in locations where we maintain livestock, we *may have* to incur additional expenses to

³⁸⁸ *Id.*

³⁸⁹ See, e.g., P. Gowda et al., *Agriculture and Rural Communities*, in *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Vol. II* 391-437 (D.R. Reidmiller et al., eds., 2018), <https://nca2018.globalchange.gov/chapter/10/> (including as "key messages" on climate change impacts "reduced agricultural productivity," "degradation of soil and water resources" and "health challenges to rural populations and livestock").

³⁹⁰ See, e.g., EarthJustice, *How Climate Change Is Fueling Extreme Weather* (July 19, 2023), <https://earthjustice.org/feature/how-climate-change-is-fueling-extreme-weather> (citing various government, news and scientific sources).

³⁹¹ For example, high temperatures prevalent especially during heat waves weaken cattle immune systems, impacting their fertility and making them more vulnerable to disease. Geoffrey Dahl et al., *Heat Stress Impacts Immune Status in Cows Across the Life Cycle*, 116 *Front Vet. Sci.* 7 (2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7067922/>.

³⁹² JBS B.V. Form F-4, *supra* note 3, at 66 (emphasis added).

maintain livestock in suitable conditions or move it to other locations.”³⁹³ Pilgrim’s makes similar disclosures in its annual report, stating that “changing weather patterns *may* limit the availability or increase the cost of” commodities and raw materials, and climate change “*may* require us to make additional unplanned capital expenditures.”³⁹⁴

However, these effects of climate change are *already* occurring and are severely impacting agricultural businesses like the Companies. These business impacts are both direct, such as losses of animals, as well as indirect, such as increased feed prices.³⁹⁵ Disasters like heat waves,³⁹⁶ droughts,³⁹⁷ hurricanes,³⁹⁸ and flooding³⁹⁹ are causing more and more agricultural losses and business disruptions every year. Climate change is exacerbating these risks.⁴⁰⁰ As just one example, extreme weather in 2022 resulted to over \$21 billion in losses to crops and rangeland.⁴⁰¹

³⁹³ *Id.* (emphasis added).

³⁹⁴ Pilgrim’s 10-K, *supra* note 29, at 11-12 (emphasis added).

³⁹⁵ See, e.g., C.M. Godde et al., *Impacts of climate change on the livestock food supply chain; a review of the evidence*, 28 Global Food Sec. e100488 at 4, 12 (2021) (noting that though the full extent is uncertain, climate change “will impact the [livestock] sector throughout the food supply chain” including increases in “commodity price and price volatility”).

³⁹⁶ E.g., EPA, *Climate Impacts on Agriculture and Food Supply*, <https://climatechange.chicago.gov/climate-impacts/climate-impacts-agriculture-and-food-supply> (last visited Jan. 23, 2025) (noting impact of climate change on livestock, including specifically \$1 billion loss in 2011 due to a heat wave).

³⁹⁷ E.g., Jay Lund et al., *Lessons from California’s 2012–2016 Drought*, 144 J. Water Res. Planning & Mgmt. e04018067 at 3 (2018) (noting drought in California caused \$3.8 billion in agricultural damage alone).

³⁹⁸ E.g., Jacob Bunge, *After Florence, Smithfield Plans Fresh Look at Disaster Prep*, Wall St. J. (Sept. 27, 2018), <https://www.wsj.com/articles/after-florence-smithfield-plans-fresh-look-at-disaster-prep-1538070269> (noting major losses of farm animals after Hurricane Florence ravaged North Carolina, causing \$1.1B in crop and livestock damages).

³⁹⁹ See, e.g., Jacob London, *Commentary: Water Risks and the Food Sector’s Bottom Line*, Pensions & Investments (July 2, 2019), <https://www.pionline.com/industry-voices/commentary-water-risks-and-food-sectors-bottom-line> (noting water crises, exacerbated by climate change, are among the top threats to growth and stability, and providing as an example that a 2019 U.S. farm belt flood drove up livestock feed prices, and caused drops in share value of Pilgrim’s and other companies).

⁴⁰⁰ E.g., Nat’l Oceanic & Atmos. Admin., *Climate change impacts*, <https://www.noaa.gov/education/resource-collections/climate/climate-change-impacts> (last updated Nov. 8, 2024) (noting that climate change has impacts “today” and explaining that drought, flooding, hurricanes, etc. are all currently being exacerbated by climate change).

⁴⁰¹ Daniel Munch, *New Estimates Reveal Major 2022 Weather Disasters Caused Over \$21 Billion in Crop Losses*, Farm Bur. (Mar. 3, 2023), <https://www.fb.org/market-intel/new-estimates-reveal-major-2022-weather-disasters-caused-over-21-billion-in-crop-losses>.

The Companies themselves have experienced such effects already. For example, a heatwave in 2017 caused grass in an Australian JBS feedlot to catch fire, killing a contractor.⁴⁰² In 2018, a tornado damaged a JBS Iowa plant, resulting in the loss of 24 million pounds of pork.⁴⁰³ As another example, a 2021 tornado destroyed a Pilgrim's hatchery and damaged a feed mill, delaying operations for months.⁴⁰⁴ Earlier in 2021, Pilgrim's was severely affected by the unprecedented deep freeze in the US South.⁴⁰⁵ Pilgrim's former CEO, Bill Lovette, acknowledged in 2018 that an extreme drought in Europe increased feed costs and reduced profit.⁴⁰⁶ And in its most recent 10-K, Pilgrim's acknowledges that a severe drought in Argentina impacted crop prices.⁴⁰⁷ In 2024, Pilgrim's lost many birds and some of its farms were severely damaged as a result of Hurricane Helene.⁴⁰⁸

Despite knowing about these impacts, the Companies apparently do not fully disclose the real and present risks of climate change to their investors, nor the impacts they have already experienced. Additionally, they do not disclose their own role in furthering the climate change that makes these impacts worse. Instead, they couch their climate disclosures in hypotheticals, in apparent violation of the securities laws.⁴⁰⁹ By failing to disclose the real impact climate change is already having, and that climate change impacts are extremely likely to get worse, the

⁴⁰² Grace Tobin et al., *Australia's biggest meat company JBS is repeatedly failing to protect its workers from horrific injuries*, ABC News Austr. (last updated Apr. 26, 2022), <https://www.abc.net.au/news/2022-04-26/jbs-meat-company-worker-safety-four-corners/101012734>.

⁴⁰³ Sarah Brown, *24 Million Pounds of Pork Lost At JBS Marshalltown Plant After Tornado*, Farm J.'s Pork Bus. (July 24, 2018), <https://www.porkbusiness.com/news/industry/24-million-pounds-pork-lost-jbs-marshalltown-plant-after-tornado>.

⁴⁰⁴ Tom Polansek, *Chickens, tractors, grain silos destroyed by deadly U.S. tornadoes*, Reuters (last updated Dec. 13, 2021), <https://www.reuters.com/markets/commodities/chickens-tractors-grain-silos-destroyed-by-deadly-us-tornadoes-2021-12-13/>.

⁴⁰⁵ Joel Crews, *Winter weather, power outages hinder many plant operations*, Meat+Poultry (Feb. 18, 2021), <https://www.meatpoultry.com/articles/24551-winter-weather-power-outages-hinder-many-plant-operations>.

⁴⁰⁶ *Pilgrims Pride Corp (PPC) CEO Bill Lovette on Q4 2018 Results - Earnings Call Transcript*, Seeking Alpha Transcripts (Feb. 14, 2019) <https://seekingalpha.com/article/4241199-pilgrims-pride-corporation-ppc-ceo-bill-lovette-on-q4-2018-results-earnings-call-transcript> (mentioning weather events as causing increases in feed costs in Europe, and cause of losses in USA).

⁴⁰⁷ Pilgrim's 10-K, *supra* note 29, at 23.

⁴⁰⁸ Roy Graber, *US poultry industry harshly hit by Hurricane Helene* (Sept. 30, 2024), <https://www.wattagnet.com/broilers-turkeys/article/15704638/us-poultry-industry-harshly-hit-by-hurricane-helene>.

⁴⁰⁹ See, e.g., *Jianpu Tech. Inc.*, 2020 WL 5757628 at *12 (framing disclosures as "mere hypotheticals" where "a risk that has already materialized" is a violation of securities laws).

Companies are not disclosing known risks and trends, and are speaking only in “half-truths” about climate impacts, in apparent violation of Sections 11 and 12, including Regulation S-K which requires the accurate disclosure of material risk factors,⁴¹⁰ as well as Rule 10b-5.

C. Deforestation

Deforestation to clear land for farming causes significant harms to the environment and animals. Not only does it harm wildlife directly by destroying their habitat, but deforestation also is a major contributor to climate change, which in turn harms animals worldwide.⁴¹¹ This practice is especially prevalent in the Amazon rainforest in Brazil, where burning the forest to clear land for agriculture has had devastating ecological effects.⁴¹² Deforestation both causes release of carbon stored in the forest’s trees, as well as a reduction in the carbon absorption ability of the Amazon.⁴¹³ And, with the Amazon’s biodiversity being incredibly rich,⁴¹⁴ many species are at risk of extinction as a result of deforestation.⁴¹⁵

“Livestock farming is the single largest driver of deforestation.”⁴¹⁶ Beef production in particular is a major contributor to this deforestation, as are croplands for soy to feed animals

⁴¹⁰ See *supra* Section IV, discussing Regulation S-K and other legal requirements for disclosure.

⁴¹¹ See, e.g., Humane Soc’y Int’l, *Deforestation and Climate Change*, <https://hsi.org.au/international-wildlife/deforestation-and-climate-change/> (last visited Jan. 23, 2025); World Wildlife Fund, *The Effects of Deforestation*, <https://www.wwf.org.uk/learn/effects-of/deforestation> (last visited Jan. 23, 2025).

⁴¹² E.g., Matt Simon, *The Horrifying Science of the Deforestation Fueling Amazon Fires*, *Wired* (Aug. 23, 2019), <https://www.wired.com/story/the-horrifying-science-of-the-deforestation-fueling-amazon-fires/>.

⁴¹³ Luciana V. Gatti et al., *Amazonia as a carbon source linked to deforestation and climate change*, 595 *Nature* 388 (2021) (finding that the Amazon’s “carbon sink seems to be in decline” and has shifted to becoming a source of carbon emissions as a result of “intensification of the dry season and an increase in deforestation”); see also 2023/2024 FAIRR Index, *supra* note 73, at 9 (noting that the loss of habitats and land conversion due to deforestation are “rapidly accelerating the rate of global warming and biodiversity loss”).

⁴¹⁴ E.g., Nat’l Geographic, *Rainforest*, <https://education.nationalgeographic.org/resource/rain-forest/> (last visited Jan. 23, 2025) (“The Amazon rainforest is the world’s largest tropical rainforest. It is home to around 40,000 plant species, nearly 1,300 bird species, 3,000 types of fish, 427 species of mammals, and 2.5 million different insects.”)

⁴¹⁵ Sci. Panel for the Amazon, *Amazon Assessment Report 2021* at 30 (2021), <https://www.theamazonwewant.org/wp-content/uploads/2022/06/220717-SPA-Executive-Summary-2021-EN.pdf> (noting the biodiversity of the Amazon ecosystems are “under threat due to deforestation, habitat fragmentation, overexploitation, pollution, and climate change” leading to a “high risk of extinction” for many species).

⁴¹⁶ 2023/2024 FAIRR Index, *supra* note 73, at 9; see also 2024/2025 Collier FAIRR Protein Producer Index – Key Findings – Biodiversity (Nov. 2024), <https://www.fairr.org/tools/protein-producer-index#key-findings/biodiversity> (“Soy is a key component in animal feed and a leading driver of deforestation globally...”).

such as chickens.⁴¹⁷ As discussed in the First Complaint,⁴¹⁸ and further explained in this Complaint, public awareness and regulation of deforestation, and products contributing to deforestation, has increased. Yet, the Companies have failed to properly disclose business risks relating to deforestation to investors, in apparent violation of the securities laws.

1. *The importance of deforestation information to investors—business risks relating to deforestation*

As extensively explained above in Section VI.B.1, investors believe climate change information is important in investment decision making. Deforestation can be a major component of a company's climate change impacts, especially for a company such as JBS, and failure to address it can pose a business risk.⁴¹⁹ And not only is deforestation a major contributor to GHG emissions, it also poses supply chain risks as a result of changes in regulations and consumer behavior and preferences relating to products resulting from deforestation.⁴²⁰ The loss of biodiversity that results from deforestation is a significant business risk, as explained by the OECD:

There exists a strong business case for scaling up action on biodiversity. Business impacts and dependencies on biodiversity translate into risks to business and financial organisations, including ecological risks to operations; liability risks; and regulatory, reputational, market and financial risks. Acknowledging and measuring these dependencies and impacts on biodiversity can help businesses and financial organisations manage and prevent biodiversity-related risks, while harnessing new business opportunities.⁴²¹

⁴¹⁷ Hannah Ritchie, *Cutting Down Forests: What Are the Drivers of Deforestation?*, Our World In Data (last revised May 2024), <https://ourworldindata.org/what-are-drivers-deforestation> (noting that beef and soy production are major drivers of deforestation, especially beef: "The expansion of pasture land to raise cattle was responsible for 41% of tropical deforestation. . . .Most of this converted land came from Brazil; its expansion of beef production accounts for one-quarter (24%) of tropical deforestation.").

⁴¹⁸ First Complaint, App'x A, at 20-22.

⁴¹⁹ See, e.g., Accountability Framework Initiative & CDP, *From Commitments to Action at Scale: Critical steps to achieve deforestation-free supply chains* 19 (May 2022), https://accountability-framework.org/fileadmin/uploads/afi/Documents/Resources/CDP_AFI_Forest_Report_2022_2022_05_23.pdf (finding that 211 companies surveyed valued deforestation-related supply chain risks at a total of \$79.2 billion).

⁴²⁰ Ceres, *Investor Guide to deforestation and climate change* (June 29, 2020), <https://www.ceres.org/resources/reports/investor-guide-deforestation-and-climate-change>.

⁴²¹ Org. Econ. Coop. & Dev. (OECD), *Biodiversity: Finance and the Economic and Business Case for Action* 11 (Dec. 6, 2019), available at https://www.oecd-ilibrary.org/environment/biodiversity-finance-and-the-economic-and-business-case-for-action_a3147942-en.

Understanding these risks, large financiers such as JPMorgan Chase have adopted zero-deforestation policies,⁴²² as have large downstream consumer-facing companies such as Costco and Tesco.⁴²³ Moreover, as explained further below, the European Union will soon ban products such as beef that are not “deforestation-free,” underlining the risk to a company’s operations and the importance of this information to investors.

2. *The Companies’ deforestation claims*

JBS, in apparent recognition of the rising concerns over deforestation, promised as far back as 2009 that it would stop buying cattle from ranches established in deforested areas.⁴²⁴ It identifies deforestation in its sustainability report as a major priority,⁴²⁵ and in the deforestation section of its sustainability report it specifically commits to:

- “Delivering zero illegal deforestation in all Brazilian biomes by the end of 2025 for direct and tier 1 indirect cattle suppliers.”⁴²⁶
- “The Amazon: 2023 target date for no-deforestation for direct suppliers and 2025 for indirect suppliers (legal and illegal, PRODES 2008),” and “The Cerrado and other biomes: 2025 target date for no illegal deforestation (PRODES 2020) for direct and indirect suppliers.”⁴²⁷

⁴²² Chain Reaction Research Report, *supra* note 151, at 18 (“Of the top-20 financiers, half of them—with USD 10 billion exposure to JBS—have deforestation policies or policies that are gradually adapting [sic] zero-deforestation”).

⁴²³ Costco, *Costco Wholesale’s Forest Conservation Commitment: Kirkland Signature Raw Material Sourcing* 3 (Sept. 2020), <https://mobilecontent.costco.com/live/resource/img/static-us-landing-pages/4a-ForestConservationGoogleDocs.pdf> (“Costco remains committed to sourcing Kirkland Signature beef items, including in our meat case, from sources that are deforestation free. Costco does not source Kirkland Signature beef from Brazil.”); Tesco, *Protecting Forests*, <https://www.tescopl.com/sustainability/planet/protecting-forests> (last visited Jan. 23, 2025) (“We are committed to protecting forests and working towards sourcing only from verified zero deforestation areas.”); see also Lucy Tompkins, *Hundreds of Companies Promised to Help Save Forests. Did They?*, N.Y. Times (Dec. 2, 2021), <https://www.nytimes.com/2021/12/02/climate/companies-net-zero-deforestation.html> (discussing corporate deforestation commitments).

⁴²⁴ Chain Reaction Research Report, *supra* note 151, at 3.

⁴²⁵ 2023 JBS Sustainability Report, *supra* note 10, at 25, 34, 46; 2022 JBS Sustainability Report, *supra* note 86, at 40-41.

⁴²⁶ 2023 JBS Sustainability Report, *supra* note 10, at 46; 2022 JBS Sustainability Report, *supra* note 86, at 48.

⁴²⁷ 2023 JBS Sustainability Report, *supra* note 10, at 46

- “Achieve complete transparency and monitoring for direct and tier 1 indirect suppliers.”⁴²⁸

In its Offering Documents, JBS:

- Describes the EU Deforestation Regulation as well as other regulations such as Brazilian deforestation regulation, but (despite having a section titled “compliance with European Union and United Kingdom Initiatives”) does not fully describe whether it actually complies or will be able to comply with these laws.⁴²⁹ JBS only states that it is “closely monitoring developments” surrounding implementation, and states that “we may not be able to ensure that our raw material suppliers are in compliance,” that “there can be no assurance that we will be able to comply with the EUDR,” and as a result the company may be “subject to fines and other penalties.”⁴³⁰
- States it has a “zero-tolerance deforestation sourcing” policy.⁴³¹

Pilgrim’s similarly has promised that it will have “deforestation and conversion free soy (soya) across [its European and UK] targeted supply chains by 2025.”⁴³²

3. *The Companies apparently mislead investors regarding deforestation*

a) *Investigations indicate deforestation remains widespread in JBS’s supply chain, making its claims highly suspect*

JBS is the world’s largest beef producer, with most of its beef production located in Brazil.⁴³³ As such, JBS’s operations and supply chain have long been tied to deforestation.⁴³⁴ Despite its claims of eliminating deforestation in its supply chain, research continues to show that the practice has continued since 2008, with one research firm in 2020 estimating that between

⁴²⁸ 2023 JBS Sustainability Report, *supra* note 10, at 47; 2022 JBS Sustainability Report, *supra* note 86, at 49.

⁴²⁹ JBS B.V. Form F-4 *supra* note 3, at 54 (including caution that it “may not be able to ensure that we are in compliance”), 136-39.

⁴³⁰ *Id.* at 138-39.

⁴³¹ *Id.* at 141.

⁴³² Pilgrim’s, *Responsible Sourcing—Deforestation*, <https://sustainability.pilgrims.com/product-integrity/responsible-sourcing/> (last visited Jan. 23, 2025).

⁴³³ See JBS B.V. Form F-4, *supra* note 3, at 122-27 (Brazil is home to 33 beef processing plants, more than the other areas of the world combined).

⁴³⁴ Chain Reaction Research Report, *supra* note 151, at 3.

2008 and 2020, 200,000 hectares were deforested in JBS's direct supply chain, and 1.5 million hectares in its indirect supply chain.⁴³⁵ A variety of other recent investigations have similarly found that deforestation has continued in JBS's supply chain over the last several years.⁴³⁶ Other investigations have found that JBS's suppliers have engaged in "cattle laundering," moving cattle from illegal farms to legal farms to JBS slaughterhouses which then sell it, including to the US.⁴³⁷ JBS in 2022, following an investigation, admitted it had purchased thousands of laundered cattle from "one of the biggest deforesters in Brazil."⁴³⁸ As for the Cerrado, another important biome highlighted specifically in JBS's sustainability report, "[n]umerous recent reports have linked extensive soy and corn-driven deforestation and native vegetation conversion in the Cerrado to key JBS soy suppliers."⁴³⁹ As a bipartisan group of senators wrote to the Commission last year: "The U.S. Senate Finance Committee recently conducted an investigation into JBS' ties to deforestation; Chair Ron Wyden found that the company was 'turning a blind eye as parts of its supply chain burn down the Amazon.'" ⁴⁴⁰

Brazilian authorities in recent years have continued to investigate, sue, and fine JBS over its deforestation-related business practices. In 2021, an audit by the state of Pará found that JBS had bought over 300,000 animals from illegally deforested land.⁴⁴¹ A similar audit by Brazilian federal prosecutors in 2022 found that 17% of JBS's cattle in Pará came from problematic

⁴³⁵ Chain Reaction Research Report, *supra* note 151, at 1.

⁴³⁶ See, e.g., Andrew Wasley & Alexandra Heal, *Global Beef Trade 'Destroying the Amazon'*, *Ecologist* (July 2, 2019), <https://theecologist.org/2019/jul/02/global-beef-trade-destroying-amazon> (describing an investigation by the Bureau of Investigative Journalism, The Guardian and Repórter Brasil finding that cattle grown on illegally deforested land had been sold to JBS, even after JBS paid fines and said it had stopped buying such cattle).

⁴³⁷ Terrence McCoy & Júlia Ledur, *Devouring the Rainforest*, *Wash. Post* (Apr. 29, 2022), <https://www.washingtonpost.com/world/interactive/2022/amazon-beef-deforestation-brazil/> (describing Washington Post investigation finding that JBS "has yet to disentangle itself from ties to illegal deforestation" and describing "cattle laundering" as "shuffling cattle from ranch to ranch to conceal their illegal origins" with the chain ending at "JBS slaughterhouses certified to export meat to the United States").

⁴³⁸ Naira Hofmeister et al., *JBS admits to buying almost 9,000 cattle from 'one of Brazil's biggest deforesters'*, *Unearthed* (Nov. 11, 2022), <https://unearthed.greenpeace.org/2022/11/11/jbs-cattle-brazils-biggest-deforester-amazon>.

⁴³⁹ Alex Wijeratna, Mighty Earth, *Statement to the SEC: Review of JBS's F-4 Prospectus dated June 24, 2024* at 7 (submitted July 18, 2024) (citing sources) (on file with SEC and Complainants HSUS and Mighty Earth).

⁴⁴⁰ Senators' Letter, *supra* note 15, at 2-3 (citing US Sen. Comm. Fin., *Wyden Hearing Statement on Cattle Supply Chains, Amazon Deforestation* (June 22, 2023), https://www.finance.senate.gov/imo/media/doc/06222023_wyden_statement.pdf).

⁴⁴¹ Gelles, *supra* note 286.

ranchers.⁴⁴² The state of Rondônia in December 2023 reportedly sued JBS, alleging that it has continued to buy cattle raised on illegally deforested lands.⁴⁴³

Although JBS publicly claims that it is making progress and is implementing a “zero tolerance” deforestation policy, these investigations and lawsuits all indicate that little, if anything has, changed. This is not surprising; as noted above, JBS projects significant growth—6.6 to 7.2%—in its Brazilian beef sector,⁴⁴⁴ and thus there is a strong economic incentive to expand cattle ranches in deforested areas.

In its own sustainability report, JBS seems to admit it is not willing or able to take the steps needed to end deforestation. For example, JBS downplays its ability to control its suppliers, stating that their actions are “often outside of our immediate control” and the Company merely “strive[s]” to have suppliers do better⁴⁴⁵—conveniently omitting that it has the power to cut off suppliers who do not act according to JBS’s purported standards. And in its “roadmap” to end deforestation, the only actual target date it has set is to have direct and tier 1 suppliers somehow affirm they are compliant with JBS policies by 2025; tier 2 suppliers are excluded, thereby apparently permitting “cattle laundering” by remote suppliers to continue unabated.⁴⁴⁶ Moreover, JBS will only require direct suppliers to be on their digital “Transparent Livestock Farming Platform” by 2026.⁴⁴⁷ While the apparent goal of this platform is to have direct suppliers monitor indirect suppliers, it is not clear how such compliance for indirect suppliers is independently verified, nor is it clear whether indirect suppliers further down the supply chain (i.e., suppliers of indirect suppliers) are covered; and the platform has only reached about two-thirds of JBS’s cattle,

⁴⁴² Ana Mano, *Brazil audit finds 17% of cattle bought by JBS came from 'irregular' ranches*, Reuters (Dec. 15, 2022), <https://www.reuters.com/business/environment/brazil-audit-finds-17-cattle-bought-by-jbs-came-irregular-ranches-2022-12-15/>.

⁴⁴³ Manuela Andreoni, *Brazilian State Seeks Millions in Environmental Damages From Giant Meatpacker*, N.Y. Times (Dec. 20, 2023), <https://www.nytimes.com/2023/12/20/climate/amazon-deforestation-jbs.html>. JBS in November 2024 stated that “[t]o date, we have not received service of process in connection with these reported [Rondônia] proceedings.” JBS B.V. Nov. 2024 Form F-4 at 52, <https://www.sec.gov/Archives/edgar/data/1791942/000119312524266371/d654052df4a.htm>. In its January 2025 F-4, JBS corrected this apparent misstatement, now stating that it became “formally aware of the proceedings in June 2024” and that it has “submitted its defense.” JBS B.V. Form F-4 *supra* note 3, at 53-54.

⁴⁴⁴ JBS B.V. Form F-4 *supra* note 3, at F-112.

⁴⁴⁵ 2023 JBS Sustainability Report, *supra* note 10, at 44.

⁴⁴⁶ 2023 JBS Sustainability Report, *supra* note 10, at 47; *see supra* note 437 for a discussion on cattle laundering.

⁴⁴⁷ 2023 JBS Sustainability Report, *supra* note 10, at 51.

leaving significant gaps.⁴⁴⁸ Another program that is intended to “ensure traceability” and “eliminate deforestation,” called JUNTOS, is anticipated to not become “business as usual” until the (undefined) “medium and long term.”⁴⁴⁹

Given its history of poor practices and ongoing failure to address deforestation, with implementation of plans and programs piecemeal and pushed into the future, JBS’s claims and promises regarding deforestation are immensely suspect and seem highly unlikely to be achievable. Investors and customers have taken note. Two 2020 analyses found that deforestation poses significant business risks to JBS.⁴⁵⁰ Similarly, HSBC has concluded that JBS has “no vision, action plan, timeline, technology or solution for monitoring whether the cattle it buys originate from farms involved in rainforest destruction,” stating that deforestation is a “major risk on JBS that worries us.”⁴⁵¹ Bipartisan groups of senators and UK Members of Parliament have also raised the alarm over deforestation.⁴⁵²

Some investors and customers have gone further and acted in response. As just one example, one major investor has publicly divested, citing deforestation risks, as well as concerns

⁴⁴⁸ 2023 JBS Sustainability Report, *supra* note 10, at 51. Of note, JBS describes an independent monitoring system based on government databases, satellite imagery, and geo-referenced data to verify compliance for *direct* suppliers, but does not seem to extend that system to indirect suppliers, instead relying on unspecified blockchain “monitoring” or “verification” through the tracking platform. *Id.*; JBS B.V. Form F-4 *supra* note 3, at 146 (noting that indirect suppliers are providing information to direct suppliers which is “cross-check[ed],” but with no clear description of who performs such checks or provides oversight, and noting only 67% of cattle have been enrolled).

⁴⁴⁹ 2023 JBS Sustainability Report, *supra* note 10, at 54.

⁴⁵⁰ Chain Reaction Report, *supra* note 151, at 10-16 (discussing various types of risk arising out of deforestation); CDP, *Zeroing-in on deforestation* 5, 49 (Oct. 2020), https://cdn.cdp.net/cdp-production/cms/reports/documents/000/005/512/original/CDP_Agriculture_2020_v1.1.pdf (listing JBS ninth out of ten companies investigated on soy and cattle-related deforestation, ranking its transition and governance risks in the “red zone,” in part because JBS’s policies cover direct suppliers only).

⁴⁵¹ Andrew Wasley & Alexandra Heal, *HSBC Sounds Alarm Over Investment in Meat Giant Due to Deforestation*, The Guardian (Aug. 12, 2020), <https://www.theguardian.com/environment/2020/aug/12/hsbc-sounds-alarm-over-investment-in-meat-giant-jbs-due-to-deforestation-inaction>.

⁴⁵² Senators’ Letter, *supra* note 15, at 2-3; UK MPs Letter, *supra* note 16 (“JBS . . . has a well-documented history of engaging in deforestation”). See also Mighty Earth Submission, *supra* note 14, at 9-10 (citing evidence of deforestation); RAN Complaint, *supra* note 14, at 2-4 (citing evidence of deforestation in JBS’s supply chain between 2015 and 2022); Global Witness et al., *JBS S.A. Dual Listing: A collective warning of risks to people, planet and investors* 5-7 (Sept. 2023), https://www.globalwitness.org/documents/20581/Risks_of_JBS_Dual_Listing_2023_A_Collective_Warning_to_Financial_Services_QiecuT.pdf (discussing deforestation-related risks) [hereinafter “Collective Warning”].

over JBS's corruption and worker health protection.⁴⁵³ As another example, the largest grocery store in the UK, Tesco, in 2020 pledged to stop selling Brazilian meat—including JBS's—over deforestation concerns.⁴⁵⁴ Other major EU grocery stores like Sainsbury's, Auchan, Carrefour, Delhaize, Lidl and Albert Heijn have, out of deforestation concerns, similarly stopped selling Brazilian beef.⁴⁵⁵ The city of Los Angeles has also pledged to stop buying products that contribute to deforestation.⁴⁵⁶

The Companies' high-level risk statements regarding deforestation⁴⁵⁷ do not discuss with specificity the real risks of the business, including some risks that have clearly already materialized such as lawsuits, investigations, divestment, and stores dropping their products because of their failure to eliminate deforestation in its supply chain.⁴⁵⁸ The heading "compliance with European Union and United Kingdom Initiatives" (further discussed below) appears to be equally deceptive as it implies to reasonable investors that the companies are complying or will comply with these initiatives, when there is no indication that they are in compliance. Thus, the Offering Materials seem to be misleading investors and omitting material information. This is apparently in violation of Sections 11 and 12, as well as Rule 10b-5, and requires investigation by the Commission.

⁴⁵³ Dieter Holger & Paulo Trevisani, *Nordea Asset Management Drops JBS Over Deforestation, Corruption, Worker Health*, Wall St. J. (July 28, 2020), <https://www.wsj.com/articles/nordea-asset-management-drops-jbs-over-deforestation-corruption-worker-health-11595963107>.

⁴⁵⁴ Adam Vaughan, *Tesco accused of greenwashing after selling Brazilian chicken*, Times, (Sept. 19, 2023), <https://www.thetimes.com/world/latin-america/article/tesco-accused-of-greenwashing-for-selling-brazilian-meat-c7253jf7v> (noting Tesco's pledge to "no longer sell any Brazilian beef, chicken or pork" but also noting that the pledge is not fully being implemented, as investigators had found "Brazilian chicken on the shelves").

⁴⁵⁵ Jake Spring & Anthony Deutsch, *European supermarkets stop selling Brazil beef over deforestation links*, Reuters (Dec. 15, 2021), <https://www.reuters.com/markets/deals/european-supermarkets-stop-selling-brazil-beef-over-deforestation-links-2021-12-15/>.

⁴⁵⁶ *LA City Council Unanimously Votes to Stop Purchasing Products That Harm Amazon Rainforest*, NBC LA (last updated Feb. 27, 2020), <https://www.nbclosangeles.com/news/local/la-city-unanimously-votes-to-stop-purchasing-products-that-harm-amazon-rainforest/2318440/>.

⁴⁵⁷ E.g., JBS B.V. Form F-4, *supra* note 3, at 54 (using vague, hypothetical language like "if we are unable to ensure" compliance, "we may be subject to fines" (emphasis added)).

⁴⁵⁸ E.g., *In re iDreamSky*, 236 F. Supp. 3d at 831 (defendant's "generalized disclosures of potential risk" were "insufficient" as it had a duty to "disclose known risks that had already materialized by the time of the IPO").

b) *JBS does not fully disclose EU regulatory compliance and market access risks relating to deforestation*

In recognition of the massive damage to the environment and animals caused by deforestation, the European Union (“EU”) passed the Deforestation Regulation (“EUDR”). The EUDR, effective from June 29, 2023, mandates that companies operating in the EU, including the Group, comply with its requirements by December 30, 2025.⁴⁵⁹ The EUDR prohibits the importation or sale of certain products associated with deforestation, including cattle, beef, and soy,⁴⁶⁰ unless they meet strict criteria. Most importantly, covered products must be “deforestation-free” and adhere to the originating country’s laws, and compliance must be supported by a due diligence statement.⁴⁶¹ Because non-compliant products are entirely banned from the EU market, potential noncompliance is a significant business risk for any company that sells cattle and beef products⁴⁶² or which import or use soy-based feed their animals in the EU using imported soy,⁴⁶³ such as the Companies. Sales in violation of the EUDR also carry severe penalties, including confiscation of non-compliant products and revenues from the sales of such products and fines of at least 4% of the company’s annual EU turnover in the preceding year.⁴⁶⁴

⁴⁵⁹ Regulation (EU) 2023/1115 of the European Parliament and of the Council, 2023 O.J. (L 150/206), Art. 38(2) (enacted 31 May 2023) [hereinafter “EUDR”]. The original compliance date in the EUDR was December 30, 2024. In response to industry concern, recently the European Parliament and Council adopted an extension pushing the compliance deadline to December 30, 2025. Eur. Council, *EU deforestation law: Council formally adopts its one-year postponement* (Dec. 18, 2024), <https://www.consilium.europa.eu/en/press/press-releases/2024/12/18/eu-deforestation-law-council-formally-adopts-its-one-year-postponement/>.

⁴⁶⁰ EUDR Art. 1(1) (“This Regulation lays down rules regarding the placing and making available on the Union market as well as the export from the Union of relevant products, as listed in Annex I, that contain, have been fed with or have been made using relevant commodities, namely cattle, cocoa, coffee, oil palm, rubber, soya and wood . . .”) (emphasis added).

⁴⁶¹ *Id.* Art. 3, Art. 4 & Annex II.

⁴⁶² See Chain Reaction Research, *JBS, Marfrig, and Minerva Unlikely Compliant with Upcoming EU Deforestation Law* 1-4 (Nov. 2022), https://www.banktrack.org/download/jbs_marfrig_and_minerva_unlikely_compliant_with_upcoming_eu_deforestation_law/jbsmarfrigandminervaunlikelycompliantwithupcomingeudeforestationlaw1.pdf (noting that the products JBS sells in the European Union, including beef and leather, are subject to the EUDR, posing business risks for the company).

⁴⁶³ The EUDR includes in its scope “soya bean flour and meal,” which is commonly used in animal feed. EUDR, Annex 1. As reported in the trade press, the regulation will affect the “animal feed supply chain.” Jane Byrne, Feed Navigator, *Global commodity traders prepare for EUDR compliance amid implementation challenges* (last updated July 12, 2024), <https://www.feednavigator.com/Article/2024/07/10/Global-commodity-traders-prepare-for-EUDR-compliance>.

⁴⁶⁴ EUDR Art. 25(2)(a)-(c).

The EU is a significant market for JBS, totaling 9% of its global net revenue,⁴⁶⁵ and thus this regulation has a significant potential impact. The UK has a similar law in place, the UK Forest Risk Commodity (“UKFRC”) regime, which will also prohibit the use of cattle and soy from illegally deforested areas.⁴⁶⁶

The latest Offering Documents vaguely hint at a mere *potential* failure to timely meet the EUDR and UKFRC, but the Companies have remained mostly mum on actual compliance prospects.⁴⁶⁷ Following the November 2024 and January 2025 Form F-4 amendments, the Offering Documents now purport to more comprehensively discuss EUDR compliance, but they do not. Rather, they describe the law’s requirements generally, yet still omit specifics regarding the law’s impacts on the Companies. Thus, the disclosure remains vague and high-level. JBS states it is “monitoring” the EUDR implementation to “ensure full compliance,” but then only adds that it will (in some undefined manner) “improve” its procedures and “assessments.”⁴⁶⁸ Yet elsewhere in the F-4, JBS states it may be “unable to ensure” compliance and there can be “no assurance” of compliance.⁴⁶⁹ Similarly, JBS states it is “monitoring the outcome of [various] discussions” about deforestation regulation in Brazil.⁴⁷⁰ The disclosures only very briefly mentions the risk that JBS may lose access to the EU and UK markets.⁴⁷¹ JBS apparently downplays the regulation’s potential impacts by stating that in the last twelve months, “less than 1% of” beef production from Brazil

⁴⁶⁵ JBS B.V. Form F-4, *supra* note 3, at 4; *id.* at 141 (summarizing June 22, 2023 U.S. Senate Finance Committee testimony of JBS’s Global Chief, Sustainability Officer, Jason Weller, who pointed out that “[t]he United States is less significant, behind both China and the EU, in imports of major forest risk commodities, such as soy beef, and palm oil.”) (emphasis added).

⁴⁶⁶ See, e.g., Tim Baines et al., Mayer Brown, *The UK Forest Risk Commodity Regulation (“UKFRC”)* (July 10, 2024), <https://www.mayerbrown.com/en/insights/publications/2024/07/the-uk-forest-risk-commodity-regulation--ukfrc-one-to-watch-in-the-coming-year> (comparing scope of EUDR and UKFRC regimes).

⁴⁶⁷ JBS B.V. Form F-4, *supra* note 3, at 54 (“If we are unable to ensure that we are in compliance with the EUDR, we may be subject to fines and other penalties.”) (emphasis added); *id.* at 138-39 (“[T]here can be no assurance that we will be able to comply with the EUDR . . . and, in such a case, we may be subject to fines and other penalties. . .”).

⁴⁶⁸ JBS B.V. Form F-4, *supra* note 3, at 136.

⁴⁶⁹ JBS B.V. Form F-4, *supra* note 3, at 54, 138.

⁴⁷⁰ JBS B.V. Form F-4, *supra* note 3, at 138. In addition to the Transparent Livestock Platform, discussed *supra*, the only proactive action that JBS is taking is, apparently, a “pilot program” on traceability of animals in one Brazilian state, *id.*—a program set up some 15 years after JBS promised that it would eliminate deforestation by, among other things, tracking animals, and after its professed 2023 deadline to eliminate direct supply chain deforestation.

⁴⁷¹ JBS Form F-4, *supra* note 3, at 137 (mentioning that in general, penalties “may include,” for serious or repeated infringements, “temporary prohibition from dealing in the European Union in those items”).

was exported to the EU” and the UK.⁴⁷² Yet JBS does not further disclose whether it was intending to grow its Brazilian beef exports to the EU, and to what extent cattle by-products from Brazil that it sells, such as “leather, collagen, and other products,”⁴⁷³ will be impacted, nor does it disclose what other impacts (such as reputation loss) failure to comply with the EUDR and UKFRC may have.

The Companies presumably are aware whether they can timely comply with the clear requirements of the EUDR and UKFRC. Yet, even in their most recent Offering Documents, despite adding language on compliance, JBS has left open the possibility of non-compliance and fails to disclose its compliance plans beyond vague statements of planned improvement.⁴⁷⁴ Moreover, there are emerging laws in other places that would similarly restrict or ban the sale of deforestation-derived products.⁴⁷⁵ The lack of specific compliance information is especially concerning in the light of evidence that deforestation is ongoing in the Companies’ supply chains, as discussed above, as well as JBS’s statements that some of its proposed plans and programs to eliminate deforestation will not fully address its entire supply chain, and/or will not be fully implemented until the undefined “medium and long term.”⁴⁷⁶

The Offering Documents thus fail to fully disclose the “material effects” that compliance with the EUDR, UKFRC, and emerging similar laws “may have” on its “capital expenditures, earnings and competitive position;” fail to disclose that potential noncompliance with the EUDR

⁴⁷² JBS B.V. Form F-4, *supra* note 3, at 138.

⁴⁷³ JBS B.V. Form F-4, *supra* note 3, at 5. The EUDR, notably, applies to products that “have been made using” covered commodities, including cattle – and thus includes, e.g., leather. EUDR Art. 1(1)(a); Annex I.

⁴⁷⁴ JBS B.V. Form F-4, *supra* note 3, at 138 (noting the Company is “closely monitoring” the EUDR but that there “can be no assurance that we will be able to comply”); *Panther Partners*, 2020 WL 5757628 at *12 (holding that Defendants’ disclosures, framed as “mere hypotheticals,” imply “that the risk of regulation is a theoretical one, rather than – as Plaintiff alleges – a risk that has already materialized in the marketplace. ‘Cautionary words about future risk cannot insulate from liability the failure to disclose that the risk has transpired.’” (quoting *Rombach v. Chang*, 355 F.3d 164, 173 (2d Cir. 2004))).

⁴⁷⁵ Bills similar to the EUDR have been passed (but vetoed) in California and New York, and have been proposed on the US federal level as well. See Friends of the Earth, *California Governor Newsom fails to pass the Deforestation Free Procurement act* (Oct. 6, 2021), <https://foe.org/news/newsom-fails-pass-deforestation/> (describing California and federal bills); Liz Krueger, N.Y. State Sen., *Statement From Senator Liz Krueger On Veto Of TREES Act* (Dec. 21, 2024), <https://www.nysenate.gov/newsroom/press-releases/2024/liz-krueger/statement-senator-liz-krueger-veto-trees-act> (discussing New York’s TREES Act and governor’s recent veto).

⁴⁷⁶ See *supra* notes 445-449 and accompanying text discussing JBS’s statements relating to deforestation in its most recent sustainability report.

may make “an investment . . . speculative or risky” not only through fines, but also because of a loss of access to the EU market, product confiscation, and more; and fail to disclose “known trends or uncertainties” that may have a “material . . . impact on net sales or revenue.” This failure thus apparently violates Items 101, 105 and 303 of Regulation S-K.⁴⁷⁷ These apparent violations of Items 101, 105 and 303 of Regulation S-K, in turn, are apparent violations of Sections 11 and 12(a).⁴⁷⁸ Moreover, because the Companies make some disclosures about the EUDR but omit material compliance information from them, these statements also appear to be materially misleading in violation of Rule 10b-5.

D. Antibiotics Use & Antimicrobial Resistance

The overuse of antibiotics in industrialized animal agriculture is one of the most important public health issues facing the world.⁴⁷⁹ The large-scale nature of industrialized intensive agriculture, in which animals are kept packed together in cruel confinement—as in JBS’s and Pilgrim’s supply chains—means that diseases can quickly spread among animals, potentially leading to pandemics among animals and humans.⁴⁸⁰

To prevent the loss of animals, companies like JBS and Pilgrim’s have used the constant administration of antibiotics to prevent bacterial diseases from infecting and spreading among their closely confined herds, as well as to promote animal growth.⁴⁸¹ However, this extensive use

⁴⁷⁷ 17 C.F.R. §§ 229.101, 229.105, 229.303.

⁴⁷⁸ *Panther Partners Inc. v. Ikanos Commc'ns, Inc.*, 681 F.3d 114, 120 (2d Cir. 2012) (quoting 17 C.F.R. § 229.303(a)(3)(ii)); *Jianpu Tech. Inc.*, 2020 WL 5757628 at *13 (failure to disclose recent and imminent changes in regulation held to violate Item 303 and Sections 11 and 12(a)).

⁴⁷⁹ See, e.g., Jessica Williams-Nguyen et al., *Antibiotics and Antibiotic Resistance in Agroecosystems: State of the Science*, 45. J. Env’t. Qual. 394, 394 (2016) (“Antibiotic resistance is now considered by authorities in the United States and by international experts to be one of the paramount public health challenges of our time.”).

⁴⁸⁰ E.g., Public Health Amicus Brief, *supra* note 143, at 33 (noting that intensive confinement “creates more opportunity for the transmission of disease” and “facilitates the mutation of pathogens”) (citing, *inter alia*, John R. Rohr et al., *Emerging Human Infectious Diseases and the Links to Global Food Production*, 2 Nature Sust. 445, 451 (2019), available at <https://www.nature.com/articles/s41893-019-0293-3.pdf>).

⁴⁸¹ Williams-Nguyen et al, *supra* note 479, at 394 (stating that antibiotics have been used to treat and prevent diseases in humans and animals, and also to “promote growth and enhance feed efficiency in animal agriculture”); Public Health Amicus Br., *supra* note 143, at 10 (“[The FDA] reported that 89% and 76 of studied pork production facilities administered medically-important antibiotics and other antimicrobial drugs in feed and water, respectively, to their pigs.”) (citing Ctr. for Veterinary Medicine, FDA, *Antimicrobial Use and Resistance in Animal Agriculture in the United States, 2016-2019, Summary Report* (June 2022), available at <https://www.fda.gov/media/159544/download> [hereinafter “FDA Summary Report”]). The FDA also cited a USDA

of antibiotics results in bacteria evolving and mutating to acquire antimicrobial resistance; these resistant bacteria can then spread to humans through various pathways, causing serious illness and death.⁴⁸² These risks have become more well-recognized, and over the past decades, calls for reducing antibiotics use from regulators and consumers have grown. In recognition of these risks, the Companies make a variety of claims regarding “judicious” antibiotics use in their animals. However, given the nature of their businesses, these claims are suspect, if not apparently misleading, and should be further investigated.

1. *The importance of antibiotics information to investors—business risks relating to antibiotics*

Antimicrobial resistance (“AMR”) is a growing concern for animal and human health, including children’s health,⁴⁸³ and consequently, “it is increasingly important that investors be well-informed about AMR risk.”⁴⁸⁴ The global meat industry “accounts for 70% of global antibiotic use,” making this an acutely important issue for animal agriculture.⁴⁸⁵ Governments and investors have started taking action to address this risk. For example, in the US, the FDA for the past decade has implemented an action plan to restrict the use of antibiotics in animals.⁴⁸⁶ As another example, a group of investors, together with the UK government and FAIRR, has formed the Investor Action on Antimicrobial Resistance (“IAAMR”) coalition.⁴⁸⁷ As the IAAMR notes, AMR is a

study indicating that 55.6% of cattle feedlots in 2016 administered medically important antimicrobials in feed, with larger feedlots more so (77.8%) than smaller ones (53.8). FDA Summary Report at 65.

⁴⁸² Public Health Amicus Br., *supra* note 143, at 9-10 (noting the “increasing presence of antimicrobial-resistant pathogens in pork products” and that “extended exposure of bacteria to antibiotics facilitates the selection of mutations that cause antibiotic resistance”).

⁴⁸³ A recent report by the American Academy of Pediatricians highlighted that antibiotic resistant bacteria cause millions of infections and tens of thousands of deaths annually, including in children, and that “the misuse and overuse of antibiotics in human and animal medicine is a significant contributor to the emergence and spread of resistant pathogens.” Ethan Covey, *Animal Use of Antibiotics Threatens Pediatric Populations*, Infectious Disease Spec. Ed. (Nov. 26, 2024), <https://www.idse.net/Resistance-Stewardship/Article/11-24/Animal-Use-of-Antibiotics-Threatens-Pediatric-Populations/75584>.

⁴⁸⁴ Sophie Bartley, *Investor guide to antibiotics in animal agriculture: Protein-specific antibiotics factsheets*, FAIRR (Nov. 13, 2023), <https://www.fairr.org/resources/reports/antibiotic-factsheets>.

⁴⁸⁵ 2023/2024 FAIRR Index, *supra* note 73, at 10 (emphasis added); see also 2024/2025 Collier FAIRR Protein Producer Index – Key Findings – Antibiotics & Health (Nov. 2024), <https://www.fairr.org/tools/protein-producer-index#key-findings/antibiotics-and-health>.

⁴⁸⁶ See FDA, *FDA’s Strategy on Antimicrobial Resistance – Questions and Answers* (Dec. 2013), <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/fdas-strategy-antimicrobial-resistance-questions-and-answers> [hereinafter “FDA Q&A”].

⁴⁸⁷ Investor Action on AMR, *About*, <https://amrinvestoraction.org/about> (last visited Jan. 24, 2025).

major economic issue: drug-resistant microbes cause almost 5 million deaths globally per year, and cost the world \$100 trillion in losses.⁴⁸⁸

On an individual company level, poor antibiotics management can have serious business consequences as well. For example, in 2018, JBS had to recall 6.9 million pounds of beef that was contaminated with a strain of salmonella that is known to be antibiotic resistant, after the beef caused 120 illnesses in people.⁴⁸⁹ Consumers are increasingly aware of antibiotics issues, and are seeking out antibiotics-free meat products, with “several producers and retail-chains having moved their marketing in that direction.”⁴⁹⁰

The global economic and business impacts of poor antibiotics policies by large agricultural companies are enormous, and governments and investors have clearly taken notice. JBS and its subsidiaries, including Pilgrim’s, have an especially large impact as the largest animal agricultural company in the world. As such, the Companies’ antibiotics use policies are material to investors.

2. *The Companies’ antibiotics claims*

JBS makes the following statements regarding antibiotics:

- In a lengthy statement on its USA website regarding antibiotics, JBS states that “JBS USA practices the principles of judicious use regarding antibiotics,” with medically important antibiotics used under the supervision of veterinarians only for the purpose of “preventing, controlling or treating disease.” It claims “sub-therapeutic use of medically important antibiotics is not practiced.”⁴⁹¹

⁴⁸⁸ *Id.* The CDC estimates that in the US alone, “more than 400,000 United States residents become ill with infections caused by antibiotic-resistant food-borne bacteria every year, with about one in five resistant infections caused by germs from food and animals.” William D. Cohan, *Antibiotics in Meat Could Be Damaging Our Guts*, N.Y. Times (May 25, 2018), <https://www.nytimes.com/2018/05/25/opinion/sunday/meat-antibiotics-organic-farming.html>.

⁴⁸⁹ Sam Bloch, *World’s largest meatpacker recalls 6.9 million pounds of beef linked to antibiotic-resistant Salmonella*, The Counter (last updated Oct. 24, 2018), <https://thecounter.org/jbs-beef-recall-salmonella-newport-usda-fsis/>.

⁴⁹⁰ Hosein Mohammadi et al., *Antibiotic-Free Poultry Meat Consumption and Its Determinants*, 12 Foods 1776 at 2 (2023); see also FAIRR Factory Farming, *supra* note 176 (noting that “health impacts from the overuse of antibiotics in factory farms, pandemic risk and reputational damage to companies due to changing consumer attitudes” are all significant business risks; after the 2015 bird flu outbreak, “thought to have been catalyzed by factory farms, caused over \$3.3bn of economic costs”).

⁴⁹¹ JBS USA, *Animal Care – Health and Nutrition*, <https://sustainability.jbsfoodsgroup.com/chapters/animal-care/health-nutrition/> (last visited Jan. 24, 2025).

- JBS has additional disclosures in a website section discussing antibiotics use by region in a similar fashion to JBS USA’s statement, with most of them stating antibiotics are used under veterinary supervision under “responsible” or “judicious” use policies.⁴⁹² JBS promises: “We are committed to reducing the use of antibiotics in animal production...”⁴⁹³
- In the most recently amended Form F-4, JBS states that Brazilian cattle suppliers are “required to . . . verify that their use of antibiotics and agricultural chemicals complies with industry standards.”⁴⁹⁴ US suppliers must verify they follow “the manufacturer’s intended standards.”⁴⁹⁵

Pilgrim’s makes the following statements regarding antibiotics:

- Pilgrim’s claims that in the US, it has been “antibiotic free in all company hatcheries since 2016, and is fully compliant with the FDA Guidance 209 and 213 VFD rule.” In Mexico, it simply states that “the use of antibiotics is supervised by veterinarians” and records are kept. In the UK, Pilgrim’s claims it has reduced antibiotics use by “more than 70%.”⁴⁹⁶
3. *Given the nature of industrialized intensive agriculture, the Companies’ claims are suspect and require investigation*

JBS barely discusses its antibiotics use policies in its Offering Materials, but it makes broad promises about reducing antibiotics use online. However, despite these promises, it seems likely that JBS and Pilgrim’s still use a significant amount of antibiotics, including medically important antibiotics,⁴⁹⁷ yet are apparently not disclosing the associated risks of such use to investors. Thus, the SEC should closely scrutinize these statements.

⁴⁹² JBS, *Our Animals*, <https://jbsesg.com/our-animals/health-and-nutrition> (last visited Jan. 24, 2025).

⁴⁹³ *Id.*

⁴⁹⁴ JBS B.V. Form F-4, *supra* note 3, at 111.

⁴⁹⁵ JBS B.V. Form F-4, *supra* note 3, at 114.

⁴⁹⁶ JBS USA, *Animal Care – Health and Nutrition*, <https://sustainability.jbsfoodsgroup.com/chapters/animal-care/health-nutrition/> (last visited Jan. 24, 2025) (section discussing Pilgrim’s UK).

⁴⁹⁷ Medically important antibiotics are those that are important to treat human disease; resistance to these antibiotics would thus be particularly concerning for human health. See FDA Q&A, *supra* note 486.

(a) Animal Antibiotics Use Trends. First, the nature of industrial, intensive animal agriculture, in which animals are packed together and in which disease spreads easily, incentivizes the constant use of antibiotics.⁴⁹⁸ Brazil and the United States, which are the two countries in which JBS and Pilgrim’s operate most of their facilities,⁴⁹⁹ have historically been among the countries with significant amounts of industrial animal agriculture, and so they are high on the list of countries with the most animal antibiotics use.⁵⁰⁰

In recognition of increasing antimicrobial resistance, governments are now increasingly attempting to curtail the widespread use of antibiotics in animal agriculture. In addition to the FDA action plan, mentioned above,⁵⁰¹ the EU has banned the preventive use of antibiotics in groups of animals and restricted the use of antibiotics to control spread of infection.⁵⁰² Yet despite these efforts, animal antibiotics use has been projected to grow by 8% between 2020 and 2030, including in the Americas.⁵⁰³ These general trends make JBS’ and Pilgrim’s claims of reducing antibiotics use suspect, and suggest further investigation is necessary.

(b) Evidence JBS Continues to Use Medically Important Antibiotics. Antibiotics—including medically important antibiotics—are apparently still being used in great amounts in JBS’s supply

⁴⁹⁸ See, e.g., Christy Manyi-Loh et al., *Antibiotic Use in Agriculture and Its Consequential Resistance in Environmental Sources: Potential Public Health Implications*, 23 *Molecules* 795, 795 (2018) (noting that “large-scale farms requir[e] the routine use of antibiotics to maintain the health of animals and productivity”); Public Health Amicus Br., *supra* note 143, at 33 (“Physical proximity facilitates the spread of disease. The intensive confinement of animals facilitates disease transmission because the animals cannot physically distance themselves from each other.” (citing various sources)); 2023/2024 *Collier FAIRR Protein Producer Index, Antibiotics & Health* (Nov. 2024), <https://www.fairr.org/tools/protein-producer-index#key-findings/antibiotics-and-health> (“Addressing AMR involves curbing antibiotic use and improving the welfare conditions of farm animals [such as reducing stocking densities] – and as the latter can often reduce the need for antibiotics, this creates a mutually beneficial relationship between the two concerns.”).

⁴⁹⁹ See JBS B.V. Form F-4, *supra* note 3, at 111-27 (describing processing facilities in various areas).

⁵⁰⁰ Thomas P. Van Boeckel et al., *Global trends in antimicrobial use in food animals*, 112 *Proc. Nat’l Acad. Sci.* 5649 (2015) (noting that “in the Americas, the highest consumption of antimicrobials was observed in the south of Brazil, the suburbs of Mexico City, and midwestern and southern United States” and that by 2030, the “largest shares of global antimicrobial consumption in food animal production” will be “China (30%), the United States (10%), Brazil (8%), India (4%), and Mexico (2%)”).

⁵⁰¹ FDA Q&A, *supra* note 486.

⁵⁰² *Authorisation, import and manufacture of veterinary medicines: Summary of Regulation (EU) 2019/6 on veterinary medicinal products and repealing Directive 2001/82/EC*, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A4381220> (last updated Aug. 2, 2022).

⁵⁰³ Sara Reardon, *Antibiotic use in farming set to soar despite drug resistance fears*, 614 *Nature* 397 (2023); Ranya Mulchandani et al., *Global trends in antimicrobial use in food-producing animals: 2020 to 2030*, 3 *PLOS Glob. Pub. Health* e0001305 (2023).

chains, in the US and outside of it. In 2022, “unpublished US government records” reportedly showed that “farms producing beef for meat packing firms Cargill, JBS and Green Bay are risking public health by still using antibiotics classed as the ‘highest priority critically important’ to human health (HP-CIAs).”⁵⁰⁴ Although in the US, a veterinary prescription is needed for preventive antibiotics use, “many US cattle farmers still routinely use antibiotics often for months on end,” with “[c]attle farms selling to JBS . . . us[ing] seven HP-CIAs.”⁵⁰⁵ FAIRR, in its 2023/2024 Index, gives JBS an antibiotics stewardship score of less than 30%.⁵⁰⁶

(c) JBS Statements Apparently Mislead. JBS’s online statements to the public and investors are vaguely phrased, and fail to disclose that antibiotics, including medically important antibiotics, still seem to be extensively used in its supply chain. For example, JBS USA’s statement that it uses “medically important antibiotics” under “the supervision of licensed veterinarians for therapeutic use only, defined as prevention, control and treatment of disease” but not for “growth promotion,”⁵⁰⁷ obscures the fact that “prevention” means the constant application of antibiotics at levels that are often the same as those historically used for growth promotion.⁵⁰⁸ JBS, in its couched language, does not disclose its apparently ongoing large-scale, continuous use of antibiotics, with all the risks that such use poses.

(d) Conclusion. In short, JBS and farms in its supply chain seem to continue to use antibiotics on a large scale.⁵⁰⁹ JBS fails to fully inform investors and the public about the business risks regarding such large-scale antibiotics use. These risks include public health risks, such as spread of disease that reduce public confidence in the safety of animal products and large

⁵⁰⁴ Ben Stockton & Andrew Wasley, *McDonald’s and Walmart beef suppliers criticised for ‘reckless’ antibiotics use*, Guardian (Nov. 21, 2022), <https://www.theguardian.com/global/2022/nov/21/mcdonalds-and-walmart-beef-suppliers-put-public-health-at-risk-with-reckless-antibiotics-use>.

⁵⁰⁵ *Id.*

⁵⁰⁶ 2023/2024 FAIRR Index, *supra* note 73, at 41. Company-specific scores for the 2024/2025 are not publicly available at the time of filing of this Complaint.

⁵⁰⁷ JBS USA, *Animal Care – Health and Nutrition*, <https://sustainability.jbsfoodsgroup.com/chapters/animal-care/health-nutrition/> (last visited Jan. 24, 2025).

⁵⁰⁸ Stockton & Wasley, *supra* note 504 (quoting veterinarian Dr. Gail Hansen stating “[f]or some of the drugs that they’re using, the dosages that are used for prevention are exactly the same as what they were using for growth promotion”).

⁵⁰⁹ It is not unlikely that Pilgrim’s uses significant amount of antibiotics in its supply chain, too, especially its pork producing subsidiaries, given the nature of the intensive animal agriculture business.

industrial agriculture; recalls of meat and other animal products infested with antibiotic-resistant bacteria that erode consumer confidence and goodwill, and therefore reduce sales of meat; the growing trend of consumer preference for antibiotics-free products; and the regulatory trend of governments taking increasingly stronger action to curtail antibiotics use, which poses a risk to the ability of the Companies and their suppliers to continue their intensive confinement practices and therefore their output. The failure to disclose such risks is apparently in violation of Regulation S-K Item 303, requiring the disclosure of material risks and trends that can affect the company,⁵¹⁰ Sections 11 and 12, and—given that JBS is not wholly truthful in its antibiotics use statements—Section 10b. At the very least, this issue requires further investigation by the SEC to ensure investors are fully informed of the Companies’ practices.

E. Meat Product Demand Declines

1. The importance of meat product demand to investors

The Companies primarily sell meat products, and significant changes in consumer demand for meat products would, obviously, have significant business impacts on the Companies’ business. Thus, information relating to consumer demand shifts is clearly material to investors.

2. The Companies’ statements regarding meat product demand declines

The Companies acknowledge that consumer demand for meat is important, but disclose the risks of falling demand only in hypotheticals:

- JBS discloses that “health and environmental impacts of animal-based meat consumption *could* negatively impact consumer demand for our animal-based products,” noting that “consumer interest in plant-based proteins” especially among younger generations has increased.⁵¹¹ JBS states “global awareness of these issues *may* grow and *could potentially* have a negative impact on consumer demand.”⁵¹²

⁵¹⁰ See *supra* Section IV, discussing Regulation S-K and other legal requirements.

⁵¹¹ JBS B.V. Form F-4, *supra* note 3, at 66 (emphasis added).

⁵¹² *Id.* (emphasis added).

- Pilgrim’s similarly discloses that “changes in consumer preference *could* negatively impact our business,” noting that concerns like climate change and animal welfare “have driven consumer interest in plant-based protein,” and that these kinds of trends “*could* materially and adversely affect” product sales.⁵¹³

3. *Some existing market trends are shifting away from meat consumption, and the Companies do not fully disclose these trends*

Because of the environmental, animal welfare, health, and other negative impacts of meat consumption, certain consumers have started shifting away from meat products. The WHO has linked increased rates of cancer to the consumption of red meat and processed meat.⁵¹⁴ It is also well-established that reductions in meat consumption result in reductions in GHG emissions.⁵¹⁵ Prominent climate and agricultural scientists have noted that “[t]he scientific consensus at the moment is that dietary shifts are the biggest leverage we have to reduce emissions and other damage caused by our food system.”⁵¹⁶ Popular media has further increased awareness among consumers that reduction in meat consumption, especially beef, has a wide variety of advantages,

⁵¹³ Pilgrim’s 10-K, *supra* note 29, at 11 (emphasis added).

⁵¹⁴ World Health Org., *Cancer: Carcinogenicity of the consumption of red meat and processed meat* (Oct. 26, 2015), <https://www.who.int/news-room/questions-and-answers/item/cancer-carcinogenicity-of-the-consumption-of-red-meat-and-processed-meat>.

⁵¹⁵ *E.g.*, Aylin Woodward, *Researchers calculated what would happen if the entire US stopped eating meat. It'd be like taking 60 million cars off the road*, Bus. Insider (Aug. 11, 2019), <https://www.businessinsider.com/switch-from-meat-to-meatless-diet-environmental-benefits-2019-8> (reporting that “researchers calculated that if every American replaced all beef, chicken, and pork in their diet with a vegetarian option, that would save the equivalent of 280 billion kilograms (280 million metric tons) of carbon dioxide every year. That's roughly the total that the entire state of Ohio emits. Or, put another way, it'd be the same as taking about 60 million cars off the road.”).

⁵¹⁶ Arthur Neslen, *UN livestock emissions report seriously distorted our work, say experts*, Guardian (Apr. 19, 2024), <https://www.theguardian.com/environment/2024/apr/19/un-livestock-emissions-report-seriously-distorted-our-work-say-experts> (quoting professor Paul Behrens); *see also* Collective Warning, *supra* note 452, at 8 (describing studies and actions to encourage shifts away from meat consumption for climate reasons).

including for the climate.⁵¹⁷ Some politicians, too, have started recognizing this shift.⁵¹⁸ Over half of EU political parties are intending to shift subsidies away from livestock and recognize that plant-based diets are essential to achieve climate targets.⁵¹⁹ Consumer surveys consistently find an ongoing shift towards plant-based products.⁵²⁰

This demand trend has been ongoing for years, and rather than being hypothetical, is evidenced by actual purchase decisions made by consumers, major food service providers, large institutions, and governments, especially among younger demographics and in the EU and US. Sodexo and Compass, two of the largest food service providers, are already increasing plant-based options and decreasing meat options.⁵²¹ Schools and universities, some in response to student and staff demands, have over the past decade shifted away from meat and towards plant-based protein options.⁵²² As another example, the large New York City Health and Hospitals system

⁵¹⁷ See, e.g., John Green, *Beef Days*, Vlogbrothers (June 11, 2024), <https://www.youtube.com/watch?v=lzWlrARDVbQ&t> (a popular writer and YouTuber explaining that beef consumption reductions are necessary); Nat'l Pub. Radio, *Up First, Men, Beef and a Climate Solution* (Sept. 15, 2024), <https://www.npr.org/2024/09/15/1199732571/men-beef-and-a-climate-solution> (popular NPR podcast discussing climate impacts of beef and gender-cultural obstacles to reducing beef consumption); Julie Doyle, *Promoting veganism: The cultural role of celebrities and influencers in the reframing of meat and dairy as a climate issue*, <https://research.brighton.ac.uk/en/publications/promoting-veganism-the-cultural-role-of-celebrities-and-influence> (last visited Jan. 24, 2025) (describing in-press book chapter, noting “celebrities’ emergence as cultural communicators of veganism and climate change” and increasing “celebritisation and mainstreaming of veganism or ‘plant-based’ diets for climate action”).

⁵¹⁸ E.g., Joey Bunch, *Polis makes pitch for meatless options in Colorado ag*, *Denver Gazette* (Aug. 15, 2019), https://gazette.com/news/polis-makes-pitch-for-meatless-options-in-colorado-ag/article_fea29710-9cfe-5c71-9065-6fa077617781.html (Colorado governor Jared Polis stating “Colorado would be foolish to ignore the meatless trend” that he expects will “soon be an economic trend” and that “adapting to the market is critical”).

⁵¹⁹ Eur. Vegetarian Union, *Plant-Based Politics: The 2024 EU Election Guide* 7-8 (2024), <https://www.euroveg.eu/wp-content/uploads/2024/06/EVU-EU-ELECTION-2024-GUIDE-Plant-Based-Politics.pdf>.

⁵²⁰ E.g., OFI, *Plant-based: much more than a substitute* (Dec. 7, 2022), <https://www.ofi.com/news-and-events/press-release/plant-based-much-more-than-a-substitute.html> (“61% of [EU] consumers indicate they are consuming more plant-based products than two years ago, and 58% expect it to increase in the coming two years.”); Good Food Inst., *Consumer insights*, <https://gfi.org/resource/consumer-insights/> (last visited Jan. 24, 2025) (“Increasing consumer demand for plant-based options is driving restaurants and retailers to offer more plant-based selections. Of consumers who have tried plant-based meat, 80 percent plan to replace some or all animal-based meat with plant-based meat in the next year.”).

⁵²¹ Sodexo, *Committed to sustainable eating*, <https://www.sodexo.com/en/corporate-responsibility/impact-on-environment/healthy-sustainable-eating> (last visited Jan. 24, 2025) (committing to offering “33% plant-based dishes in our menus by 2025” to reduce carbon emissions); Compass Grp., *Compass Group USA and Farm Animal Welfare* 4 (Oct. 2022), https://www.compass-usa.com/wp-content/uploads/2022/11/Animal_Welfare_October_2022_3.pdf (noting that it promotes vegan and vegetarian options “in an effort to reduce the amount of animal proteins being served”).

⁵²² See, e.g., Kitty Block, HSUS, *It’s never been easier to go plant-based at U.S. colleges and universities. Our new scorecard shows why* (Jan. 7, 2025), <https://www.humanesociety.org/blog/college-and-university-protein->

serves default plant-based menus.⁵²³ Various city governments have set meat-reduction targets; for example, the city of Berkeley has a goal of eventually eliminating meat purchases by the city altogether.⁵²⁴

Even JBS recognizes that this trend is real and ongoing, as it has started acquiring alternative protein brands including the now-closed Planterra⁵²⁵ as well as Vivera,⁵²⁶ and cultivated protein brands such as BioTech Foods to meet “diverse . . . consumer preferences.”⁵²⁷ Vivera’s website exemplifies the consumer trend, with the JBS subsidiary telling consumers that plant-based foods are better for health, animals and the environment.⁵²⁸ Other meat companies are moving into the plant-based protein market as well, in apparent recognition of market trends.⁵²⁹

[sustainability-scorecard](#) (discussing trends among Gen Z to limit meat consumption and expecting educational institutions to become more sustainable); Plant-Based Universities, <https://www.plantbaseduniversities.org/> (last visited Jan. 24, 2025) (listing twelve UK universities that are shifting to plant-based menus); Lucy Ward, *No beef allowed: inside the schools that have banned meat*, The Guardian (Nov. 12, 2015), <https://www.theguardian.com/teacher-network/2015/nov/12/no-beef-allowed-inside-schools-banned-meat>; Goldsmiths Univ. of London, *Catering and the Green New Deal*, <https://www.gold.ac.uk/about/gnd/catering> (last visited Jan. 24, 2025) (noting that in 2019, the university removed all beef from campus food outlets in response to student and staff demand to reduce CO₂ emissions); Nadeem Badshah, *Cambridge University students vote for completely vegan menus*, The Guardian (Feb. 21, 2023), <https://www.theguardian.com/education/2023/feb/21/cambridge-university-students-vote-for-completely-vegan-menus>; Philip Oltermann, *Berlin’s university canteens go almost meat-free as students prioritise climate*, The Guardian (Aug. 31, 2021), <https://www.theguardian.com/world/2021/aug/31/berlins-university-canteens-go-almost-meat-free-as-students-prioritise-climate>; Reyna Estrada, *University of Michigan commits to make more than half its menu plant based by 2025*, Foodserv. Dir. (Nov. 30, 2022), <https://www.foodservicedirector.com/operations/university-michigan-commits-make-more-half-its-menu-plant-based-2025>.

⁵²³ NYC Health + Hosps., *Mayor Adams & NYC Health + Hospitals Announce Successful Rollout and Expansion of Plant-Based Meals as Primary Option for Patients in NYC Public Hospitals* (Sept. 29, 2022), <https://www.nychealthandhospitals.org/pressrelease/mayor-adams-nyc-health-hospitals-announce-successful-rollout-and-expansion-of-plant-based-meals-as-primary-option-for-patients-in-nyc-public-hospitals/>.

⁵²⁴ Katherine Noble, *Plant-Forward Food Policy: An Opportunity for City Governments to Raise Awareness about and Reduce the Impact of Industrial Animal Agriculture on Human Health, Climate Change, Animals, and Rural Communities*, Lewis & Clark L. Sch. Env’t., Nat. Res. & Energy Law Blog (June 16, 2022), <https://law.lclark.edu/live/blogs/187-plant-forward-food-policy-an-opportunity-for-city>.

⁵²⁵ Elaine Watson, *JBS Enters Plant-Based Meat Arena Via Planterra Foods With OZO Brand*, Food Navigator-USA (last updated Oct. 17, 2020), <https://www.foodnavigator-usa.com/Article/2020/03/03/JBS-enters-plant-based-meat-arena-via-Planterra-Foods-with-OZO-brand>.

⁵²⁶ JBS B.V. Form F-4, *supra* note 3, at 107.

⁵²⁷ *Id.* at 206.

⁵²⁸ Vivera, *Happy Planet*, <https://vivera.com/happy-planet/> (last visited Jan. 24, 2025).

⁵²⁹ CBInsights, Research Brief, *Our Meatless Future: How The \$2.7T Global Meat Market Gets Disrupted* (Aug. 9, 2021), <https://www.cbinsights.com/research/future-of-meat-industrial-farming/>.

In addition to consumer pressures, one of the biggest beef markets, China, has recently indicated it may impose additional protectionist measures to protect its own beef industry, leading to share price drops for JBS and other companies.⁵³⁰ This would further impact demand from producers that export to China, such as JBS.

The Companies downplay these trends in their materials, casting them as *potential* trends that *may* happen, rather than trends that are demonstrably already occurring in the US and Europe, two of the Companies' largest markets. This apparent failure to disclose existing trends, juxtaposed with incomplete discussion about market trends, seems to be in violation of the securities laws.⁵³¹ Moreover, as noted above, JBS has been attempting to portray its meat products as "sustainable" in an attempt to obscure and reverse this trend, which has resulted in litigation before the Better Business Bureau and by the New York Attorney General.⁵³² Complainants are not the only ones concerned that JBS is misleading investors and the public about trends in meat consumption. As UK Members of Parliament wrote, "JBS is also attempting to distort the global public policy debate about meat consumption. Evidence suggests that at COP28, JBS campaigned to position meat as 'sustainable nutrition' – a position that flies in the face of mainstream science."⁵³³ The SEC should closely investigate the Companies' statements about demand for their products.

VII. JBS'S EXTENSIVE RECORD OF LEGAL VIOLATIONS AND POOR SOCIAL RESPONSIBILITY CAUTIONS IN FAVOR OF CLOSE SCRUTINY OF ITS CURRENT CLAIMS AND STATEMENTS

The Companies seeking listing have a long record of legal violations and a poor track record when it comes to the "social" and "governance" aspects of ESG, which further counsels in favor of close scrutiny of all statements made by the Companies. JBS especially has a long history

⁵³⁰ Hallie Gu & Dayanne Sousa, *JBS, Marfrig Shares Drop as China Launches Beef-Import Probe*, Yahoo! Finance (Dec. 27, 2024), <https://finance.yahoo.com/news/china-launches-probe-beef-imports-075604061.html>.

⁵³¹ *Panther Partners*, 2020 WL 5757628 at *12; *In re Snap Inc. Secs. Lit.*, 2018 WL 2972528 at *6 (C.D. Cal. June 7, 2018) (holding that "hypothetical risk disclosures . . . do not absolve Defendants of their duty to disclose known material adverse trends currently affecting" the business, and that "hypothetical risk warnings that fail 'to alert the reader that some of the[] risks may already have come to fruition'" are insufficient (quoting *Berson v. Applied Signal Tech., Inc.*, 527 F.3d 982, 986 (9th Cir. 2008))).

⁵³² See *supra* Section VI.B.3.b.

⁵³³ UK MPs Letter, *supra* note 16.

of civil and criminal corruption allegations, poor governance, and compliance problems⁵³⁴—some of which continue to the present day.⁵³⁵ Pilgrim’s also has been accused of poor practices and illegal behavior, including collusion to fix prices. Some major reported failures relating to social and governance issues are described below, with more examples listed in Appendix B. The Companies’ poor record of corporate citizenship provides additional reason for the SEC to fully scrutinize everything the Companies put forth to the SEC and ensure that investors are not being misled.

1. *JBS has a history of civil and criminal violations, poor corporate governance, and violations of worker and indigenous rights*

(a) Bribery & Corruption. JBS was fined by prosecutors in a massive, widely-reported bribery scandal in 2017, in which Brazilian authorities found JBS bribed 1,900 politicians including Brazilian presidents.⁵³⁶ Some of the bribed officials were meat inspectors, who were bribed to let “rotten or tainted” meat pass inspection.⁵³⁷ Ultimately, the bribery scandal resulted in billions of dollars in fines following a plea deal with Brazilian prosecutors.⁵³⁸ The majority shareholders of JBS, Joesley and Wesley Batista, resigned their board posts over the scandal and were imprisoned for several months relating to alleged insider trading.⁵³⁹ Yet despite their history of criminal conduct, just recently the Batista brothers were re-elected to the board, mostly because the Batistas’ holding company holds a large amount of JBS shares.⁵⁴⁰ This raises further concerns

⁵³⁴ For a comprehensive overview of JBS’s record of poor corporate behavior relating to corruption, slavery, indigenous rights violations, fraud, and more, see the Mighty Earth Statement of Facts, *supra* note 14.

⁵³⁵ See, e.g., Collective Warning, *supra* note 452, 1-5, 8 -11 (throughout letter, laying out various governance risks, corporate structure risks, other legal risks, and reputational risks); Global Witness et al., *JBS S.A. Dual Listing: A collective warning of risks to people, planet and investors* 1, 3-5-, 9-11 (Oct. 2024), [https://www.globalwitness.org/documents/20711/October 24 JBS Investor Briefing.pdf](https://www.globalwitness.org/documents/20711/October%2024%20JBS%20Investor%20Briefing.pdf) [hereinafter “Collective Warning Update”].

⁵³⁶ Colin Dwyer, NPR, *Brazil Levies Record \$3.2 Billion Fine On Parent Of Meatpacking Giant* (May 31, 2017), <https://www.npr.org/sections/thetwo-way/2017/05/31/530952057/brazil-levies-record-3-2-billion-fine-on-parent-of-meatpacking-giant>.

⁵³⁷ Patrick Gillespie et al., *Brazil's spoiled meat scandal widens worldwide*, CNN (Mar. 22, 2017), <https://money.cnn.com/2017/03/22/news/economy/brazil-meat-scandal/>.

⁵³⁸ Collective Warning, *supra* note 452, at 1; Dwyer, *supra* note 536.

⁵³⁹ Ban The Batistas, *Tmeline*, <https://banthebatistas.com/#timeline> (last visited Jan. 24, 2025) (collecting sources and providing overview of history of corruption by the Batista brothers).

⁵⁴⁰ William Dodds, *JBS reinstates Batista brothers to board*, Food Manufacture (Apr. 29, 2024), <https://www.foodmanufacture.co.uk/Article/2024/04/29/Batista-brothers-reinstated-to-JBS-board>; Andy Coyne, *Controversial Batista brothers return to JBS board*, JustFood (Apr. 30, 2024), <https://www.just-food.com/news/controversial-batista-brothers-return-to-jbs-board/>.

about governance at JBS, given that the Batistas are likely to have even more influence under the proposed corporate restructuring as part of the IPO.⁵⁴¹

JBS has also been the subject of myriad lawsuits, investigations, and enforcement actions relating to other alleged corrupt and illegal behavior.⁵⁴² For example, in 2020, JBS's holding company paid \$155 million in fines to the SEC over another bribery scandal relating to obtaining funds from Brazilian officials to expand JBS's US operations, with the SEC citing the "profound failure to exercise good corporate governance" and "brazen misconduct."⁵⁴³

(b) Antitrust. Both JBS and Pilgrim's Pride have been subject to multiple antitrust investigations and lawsuits over alleged price fixing and other anticompetitive conduct.⁵⁴⁴ For example, JBS settled an antitrust lawsuit in 2020 for \$24.5 million over pork price fixing⁵⁴⁵ and two more lawsuits in 2022 and 2023 relating to beef price fixing.⁵⁴⁶ Pilgrim's Pride paid the DOJ \$110.5 million in criminal fines in 2021 as part of a plea deal relating to a conspiracy to fix poultry prices and rig bids for broiler chicken.⁵⁴⁷ In line with the increasing concern over monopolization in the agricultural industry, the US government is increasingly taking action that may significantly affect companies such as JBS and Pilgrim's—for example, USDA has touted its "Fair and Competitive Markets" plan.⁵⁴⁸

⁵⁴¹ Collective Warning, *supra* note 452, at 1-4; see also Ban The Batistas, <https://banthebatistas.com/> (last visited Jan. 24, 2025) (organization dedicated to exposing alleged wrongdoing by the Batista brothers).

⁵⁴² For an overview of the various bribery and corruption investigations, see Mighty Earth Statement of Facts, *supra* note 14, at 22-28.

⁵⁴³ Collective Warning, *supra* note 452, at 1; see also Sylvan Lane, *Owners of meatpacker JBS to pay \$280M fine over foreign bribery charges*, The Hill (Oct. 14, 2020), <https://thehill.com/policy/finance/521070-owners-of-meatpacker-jbs-to-pay-280m-fine-over-foreign-bribery-charges/>.

⁵⁴⁴ See Appendix B for various references to recent antitrust actions against the Companies; see also Mighty Earth Statement of Facts, *supra* note 14, at 64-65.

⁵⁴⁵ Erica Shaffer, *JBS settles antitrust lawsuit*, Food Bus. News (Nov. 6, 2020), <https://www.foodbusinessnews.net/articles/17235-jbs-announces-settlement-in-pork-antitrust-lawsuit>; Jennifer Shike, *JBS Pork Antitrust Lawsuit Plaintiffs Seek \$24.5 Million Settlement*, Pork Bus. (Dec. 3, 2020), <https://www.porkbusiness.com/news/industry/jbs-pork-antitrust-lawsuit-plaintiffs-seek-245-million-settlement>.

⁵⁴⁶ Mike Scarcella, *JBS to pay \$25 mln in latest beef price-fixing settlement in US court*, Reuters (Apr. 17, 2023), <https://www.reuters.com/legal/litigation/jbs-pay-25-mln-latest-beef-price-fixing-settlement-us-court-2023-04-17/>. JBS denied any wrongdoing as part of these settlements.

⁵⁴⁷ DOJ, Off. Pub. Aff., *One of the Nation's Largest Chicken Producers Pleads Guilty to Price Fixing and is Sentenced to a \$107 Million Criminal Fine* (last updated Feb. 23, 2021), <https://www.justice.gov/opa/pr/one-nation-s-largest-chicken-producers-pleads-guilty-price-fixing-and-sentenced-107-million>.

⁵⁴⁸ USDA, *Agricultural Competition: A Plan in Support of Fair and Competitive Markets* (May 2022), https://www.ams.usda.gov/sites/default/files/media/USDAPlan_EO_COMPETITION.pdf.

(c) Worker Rights. “Poor and unsafe working conditions present a major risk to companies within the animal farming sector.”⁵⁴⁹ JBS has widely been accused of treating its workers poorly—and has been found liable in court for labor law violations.⁵⁵⁰ For example, one study found that JBS is a driver of inequality in Brazil: workers are earning a pittance while executives take home large sums, and cities where JBS operates have seen increased poverty and hunger in the past decade.⁵⁵¹ Its minority workers in the US allegedly suffered disproportionately during the COVID pandemic,⁵⁵² and JBS settled with OSHA over its handling of the pandemic.⁵⁵³ JBS was sued in 2020 by the Brazilian labor prosecutor for discrimination and violating indigenous workers’ rights after firing indigenous tribe members, with a court in 2021 ordering JBS to pay damages and reinstate the workers.⁵⁵⁴ Even more egregiously, a JBS sanitation services contractor was fined for using child labor, including at several of JBS’s US plants.⁵⁵⁵ JBS has also been linked to suppliers who use slave and child labor.⁵⁵⁶

(d) Indigenous Rights. JBS in 2020 was linked to illegal land seizures from indigenous communities in Brazil, reportedly purchasing cattle from Uru-Eu-Wau-Wau lands that were seized, cleared and burned.⁵⁵⁷ Cattle records investigated by Amnesty International showed that

⁵⁴⁹ 2023/2024 FAIRR Index, *supra* note 73, at 10.

⁵⁵⁰ Appendix B contains various examples of reported worker-related lawsuits against JBS.

⁵⁵¹ Raisa Ramos the Pina, *Feeding Inequality: The Hidden Costs of Brazil’s Meat Industry Monopoly* 6 (Apr. 2024), <https://www.issuelab.org/resources/43427/43427.pdf>.

⁵⁵² See, e.g., Compl. Under Title VI, *Food Chain Workers Alliance et al. v. Tyson Foods et al.* at 25, 34 (USDA AMS, filed July 8, 2020), available at <https://farmstand.org/case/food-chain-workers-alliance-v-tyson-foods-title-vi-complaint/> (noting that 6 workers died of COVID at JBS’s Greeley plant and hundreds got sick, and that over 76% of JBS’s workforce are Latino, Black or Asian).

⁵⁵³ OSHA, *National News Release: JBS Foods USA reaches settlement with OSHA to develop, implement infectious disease preparedness plan at seven meat processing plants* (May 27, 2022), <https://www.osha.gov/news/newsreleases/national/05272022>.

⁵⁵⁴ Ana Mano, *Court confirms Brazil’s JBS must reinstate indigenous workers, pay damages*, Reuters (Oct. 6, 2021), <https://www.reuters.com/business/sustainable-business/court-confirms-brazils-jbs-must-reinstate-indigenous-workers-pay-damages-2021-10-06/>.

⁵⁵⁵ Tom Polansek & Leah Douglas, *Meatpacker JBS ends contracts with US company fined for hiring kids*, Reuters (Apr. 24, 2023), <https://www.reuters.com/business/meatpacker-jbs-ends-sanitation-contracts-with-us-company-fined-hiring-kids-2023-04-24/>. In its most recent F-4, JBS discloses that it has settled with the U.S. Department of Labor over this investigation, providing funds to assist those affected by child labor and increase awareness about unlawful child labor practices nationwide. JBS B.V. Form F-4, *supra* note 3, at 55.

⁵⁵⁶ For an overview of modern slavery and child labor allegations, see Mighty Earth Statement of Facts, *supra* note 14, at 33-39.

⁵⁵⁷ Amnesty Int’l, *Brazil: Cattle illegally grazed in the Amazon found in supply chain of leading meat-packer JBS* (last updated Oct. 7, 2020), <https://www.amnesty.org/en/latest/press-release/2020/07/brazil-cattle-illegally-grazed-in-the-amazon-found-in-supply-chain-of-leading-meat-packer-jbs/>.

some cattle that was illegally grazed in this area had been transferred to legal areas, and then subsequently made its way into the JBS supply chain.⁵⁵⁸ Rather than describing meaningful steps to ensure such illegal seizures do not happen again, JBS is merely promising as part of its IPO that it will “try to ensure” that it will not buy from farmers who illegally deforest and seize protected lands.⁵⁵⁹ Additionally, in its most recent F-4, JBS has dropped language that indicated it has “zero tolerance” to invasion of indigenous lands and protected environmental areas—further indicating it has no plans in place to cease involvement in reported ongoing land seizures.⁵⁶⁰ Unsurprisingly, a recent report from May 2024 again tracked cattle illegally raised on indigenous lands (this time, the Apyterewa Indigenous Territory) into the JBS supply chain.⁵⁶¹

These are just some examples of reported corporate misconduct. More examples of reported investigations, fines, and other allegations of anticompetitive misconduct, against both JBS and Pilgrim’s, are listed in Appendix B.⁵⁶²

2. *Given this long history of legal violations, poor corporate governance, and violations of worker and indigenous rights, close scrutiny of the Companies’ disclosures is warranted*

Because of this long history of illegal corporate behavior, the SEC should take a hard look at all statements by the Companies in their submissions to the Commission and elsewhere. Despite JBS’s claims in its sustainability reports that its human rights and labor policies “often go beyond what is required by law”⁵⁶³ and that it “adhere[s] to relevant laws, policies, and regulations” on ethical conduct,⁵⁶⁴ the public record suggests otherwise, and poses significant risks to investors.⁵⁶⁵

⁵⁵⁸ *Id.*

⁵⁵⁹ JBS B.V. Form F-4, *supra* note 3, at 145.

⁵⁶⁰ Collective Warning Update, *supra* note 535, at 1, 5.

⁵⁶¹ *Id.* at 12 (citing Env’tl Investigation Agency, *Who Bought Apyterewa’s Illegal Cattle?* (May 2024), https://eia.org/wp-content/uploads/2024/05/EIA_US_Apyterewa_illegal_cattle_May_2024.pdf).

⁵⁶² See also Mighty Earth Statement of Facts, *supra* note 14, at 22-39, 59-70 (detailing variety of poor corporate behavior in the social and governance space).

⁵⁶³ 2023 JBS Sustainability Report, *supra* note 10, at 57.

⁵⁶⁴ 2023 JBS Sustainability Report, *supra* note 10, at 83.

⁵⁶⁵ See, e.g., Control Risks, *Managing social factors in investments: Not losing sight of the “S” in ESG* (May 2, 2023), <https://www.controlrisks.com/our-thinking/insights/managing-social-factors-in-investments> (noting various risks of “mismanaging social issues” such as “negative impact on brand and value” and regulatory risks).

Complainants are far from alone in highlighting these concerns. Complainant Mighty Earth and other NGOs have also done so,⁵⁶⁶ and the bipartisan group of US senators stated that “[a]pproval of JBS’ proposed listing would subject U.S. investors to risk from a company with a history of blatant, systemic corruption, and further entrench its monopoly power and embolden its monopoly practices.”⁵⁶⁷ Wyoming’s Representative Harriet Hageman, after listing off a litany of problems, has also warned the Commission that “[t]he fact that JBS has a history of bribery, deception and corruption should be enough to deter the SEC from approving JBS’ registration statement,” and that “JBS and its corrupt leadership have misrepresented critical facts about their business, securities, and investment risks” that would warrant the SEC to investigate and pause the IPO.⁵⁶⁸

VIII. CONCLUSION

As set out above, the Companies appear to have made materially false and misleading statements and omissions to investors, both in materials filed directly with the SEC such as JBS’s IPO Offering Documents and Pilgrim’s 10-K, as well as in other materials aimed at investors and the public such as their sustainability reports and websites. The SEC should investigate the Companies’ statements, and it should not let the JBS IPO registration statement become effective while it investigates, to ensure that investors are not misled.

Respectfully submitted,

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⁵⁶⁶ See, e.g., Mighty Earth Submission, *supra* note 14, at 3-6, 10-11; Mighty Earth Statement of Facts, *supra* note 14; RAN Complaint, *supra* note 14, at 4-10, 14-15.

⁵⁶⁷ Senators’ Letter, *supra* note 15, at 3; see also UK MPs Letter, *supra* note 16 (“JBS, the biggest global meat producer globally, has a well-documented history of engaging in deforestation, violating human rights, and seizing land from indigenous communities.”).

⁵⁶⁸ Letter from Rep. Harriet M. Hageman to Gary Gensler, SEC, re: JBS (July 12, 2024), <https://hageman.house.gov/sites/evo-subsites/hageman.house.gov/files/evo-media-document/HH%20JBS%20IPO%20Letter.pdf>.

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IX. APPENDICES

APPENDIX A – JUNE 17, 2024 COMPLAINT AND ATTACHMENTS



**THE HUMANE SOCIETY
OF THE UNITED STATES**



CENTER for BIOLOGICAL DIVERSITY
Because life is good.



**Farmed Animal
Advocacy Clinic**
VERMONT LAW & GRADUATE SCHOOL

June 17, 2024

Gurbir S. Grewal
Director, Division of Enforcement
Securities and Exchange Commission
Office of the Chairman
100 F Steet, NE
Washington, D.C. 20549

SEC Mail Processing

JUN 17 2024

VIA HAND-DELIVERY

Washington, DC

Re: Complaint requesting action to enjoin the dissemination of alleged false or misleading statements in apparent violation of antifraud provisions of the Federal Securities Laws.

Dear Director Grewal,

The Humane Society of the United States ("HSUS") and the Center for Biological Diversity ("Center") respectfully request that the Securities and Exchange Commission conduct a comprehensive investigation into JBS B.V., JBS S.A. (collectively, "JBS"), and their subsidiaries such as Pilgrim's Pride ("Pilgrim's") (all collectively, "Group") for apparent violations of federal securities laws. The investigative need is urgent in light of serious apparent legal deficiencies in the Group's latest amended F-4 Registration Statement and Preliminary Prospectus (collectively "Offering Documents").¹ In those Offering Documents, essentially intended to effectuate an initial public offering ("IPO")² in the U.S., the Group

¹ Amendment No. 2 to Form F-4 Registration Statement Under the Securities Act of 1933, JBS B.V. (Mar. 27, 2024), available <https://www.sec.gov/Archives/edgar/data/1791942/000119312524078243/d654052df4a.htm> ("March 2024 F-4 Registration Statement"). Simultaneously, JBS S.A. also filed a Form F-4 regarding notes it wishes to convert. Form F-4 Registration Statement, JBS S.A. (Mar. 27, 2024) available <https://www.sec.gov/ix?doc=/Archives/edgar/data/1450123/000121390024026248/ea0202118-01.htm>. The disclosures in this filing are virtually the same as those in the JBS B.V. Form F-4, as the business underlying both is the same. Thus, any misrepresentations and omissions are the same across both filings, and reference to the Offering Documents in this Complaint also refer to the JBS S.A. Form F-4.

² Through a series of proposed transactions, in essence, all of the currently existing JBS companies and their subsidiaries will operate under a Netherlands-based public corporate parent called JBS N.V. JBS N.V.'s common shares would be registered on the New York Stock Exchange in the IPO. See March 2024 F-4 Registration Statement, *supra* n. 1, at 2.

appears to deceptively misrepresent its animal welfare practices, deforestation conduct, and net zero emissions commitments, and it inadequately discloses financial risks related to these issues. The Offering Documents' apparent misrepresentations and omissions, along with statements on its websites, in sustainability reports, and in other forums, continue the Group's longstanding, ongoing deception of investors. Accordingly, if confirmed upon investigation, the Commission should refuse to declare the Offering Documents effective pursuant to 15 U.S.C. § 77h.

I. Executive Summary

The Group appears to materially deceive stakeholders about its animal welfare, sustainability, and climate change corporate commitments and standards, and fails to disclose significant financial risks regarding these issues. Animal agriculture is one of the biggest contributors to anthropogenic climate change, and industrial-scale animal agriculture is associated with horrific treatment of animals. Yet the Group, comprised of huge multinational meat producers supplying a substantial percentage of the globe's beef, pork, and chicken, misleads stakeholders about these realities.

First, companies in the Group purport to uniformly ensure the humane treatment and housing of the hundreds of millions of animals in their supply chains, even while compelling, recent evidence of many welfare violations appears to show the contrary. These claims likely deceive consumers and investors alike, as both groups are increasingly incentivized by animal welfare representations.

Moreover, the Group omits material information about the animal welfare-related financial risks to the companies and its investors as a result of its poor animal rearing, transportation, and slaughter practices. Consumers are increasingly motivated by animal welfare concerns, yet the Group does not discuss consumer-associated risks (e.g., losing market share due to falling short of consumers' welfare expectations) in its current Offering Documents. A prior, September 2023 version of the Offering Documents did disclose, albeit inadequately, the risk of losing consumer goodwill over animal welfare issues, and Pilgrim's similarly discloses it in its latest annual report. The 2024 Offering Documents' failure to disclose that risk likely violates federal securities laws.

Second, the Group appears to mislead investors regarding greenhouse gas emissions claims. In 2021 members of the Group unambiguously publicly committed to achieving net zero greenhouse gas emissions by 2040. However, the Group has never demonstrated that this commitment is achievable at the current animal production level of these massive multinational meat companies. Moreover, the behemoth meat producer projects significant growth in its meat production – which would only result in *more* greenhouse gas emissions. In the Offering Documents, the Group now consistently attempts to reframe its promise as a mere aspiration, even

though it continues to maintain its net zero plans and advertising on its website. If the Group acknowledges that these entities' commitments are merely optimistic aspirations or that they are unachievable and withdraws them, this will likely cause immediate, dire financial and reputational damage. The goodwill and investment dollars the Group members appear to have unlawfully secured by way of their illusory net zero commitments would likely evaporate and likely trigger financially jeopardizing litigation and/or enforcement actions. The Group clearly understands that these commitments are important to its business, given how often it reiterates the claims publicly. Thus, its failure to disclose that the Group's companies have no plausible plans to achieve their commitments, or that they appear to be backtracking from these commitments, is a likely violation of securities laws.

Third, because the Group apparently does not have concrete plans in place to meet its climate goals, it is highly unlikely it will be able to comply with multiple pieces of legislation, posing further potential further risks. In a matter of months, members of the Group must comply with new European (December 2024) and Californian (January 2025) legislation related to deforestation and climate change. The Group discloses nothing about the implications for its business of the California law's requirements to publish on its websites how it estimates its net zero claims, and to report on its progress towards meeting its 2040 net zero commitment. The Group also does not disclose the serious financial risks inherent in failing to timely comply with this law. Companies in the Group either cannot timely comply, because compliance demands the sort of thorough disclosure of viable emissions reductions actions that the Group has so far been unable or unwilling to muster—or, compliance will require the companies to publicly admit that they have no scientific basis for their net zero plans, resulting in significant reputational harm. While the Offering Documents do discuss the newly enacted European Union deforestation legislation, which essentially imposes a “deforestation-free” mandate on certain products sold within or imported to the EU, they only frame the risks this law poses in hypothetical terms, and fail to state whether or not the Group is on track to comply, as it must, by the end of this year. By failing to specifically disclose these known regulatory compliance risks, the Group is likely violating securities laws.

As discussed in more detail below, the SEC should investigate the Group's statements, apparent half-truths and omissions. Given the seriousness of these apparent violations, the SEC should not declare the offering effective; an IPO proceeding on these Offering Documents threatens serious harm to investors.

II. Legal Standards

As described below, JBS's apparent material misrepresentations, omissions, and insufficient risk disclosures regarding animal welfare, deforestation, and climate

change appear to violate U.S. securities laws.³ Broadly speaking, the apparent violations discussed below fall into two categories: (1) misleading statements and omissions of material fact made in connection with the sales of securities (Rule 10b-5 violations) and (2) misleading statements and omissions of material fact made in the Offering Documents (violations of Sections 11 and 12(a)(2) of the Securities Act of 1933).

The first category of apparent violations discussed below involves the Group's misleading statements and omissions of material facts in connection with its sale of securities which appear to violate Rule 10b-5.⁴ The SEC can prove Rule 10b-5 violations by showing that a person has: (1) made a material misrepresentation or a material omission⁵ as to which he had a duty to speak, or used a fraudulent device; (2) with scienter;⁶ (3) in connection with the offer or sale of securities.⁷ A statement

³ The SEC stayed its recently promulgated Enhancement and Standardization of Climate-Related Disclosures for Investors rule, "pending the completion of judicial review in consolidated" challenges to the rule "in the Eighth Circuit." The Enhancement and Standardization of Climate-Related Disclosures for Investors; Delay of Effective Date, 89 Fed. Reg. 25804 (April 12, 2024), available at <https://www.govinfo.gov/content/pkg/FR-2024-04-12/pdf/2024-07648.pdf>. However, legislation recently enacted in California and the European Union impose climate disclosure requirements very similar to those of the stayed SEC rule, as discussed *infra*. Accordingly, the Group's likely failure to timely comply with the Californian and European disclosure laws in the coming months remains a risk that needs to be disclosed, as discussed further below, and its failure to adequately discuss these laws in its Offering Documents highlights its likely inability or unwillingness to comply and disclose risks pursuant to the currently stayed but imminent SEC rule.

⁴ 17 C.F.R. § 240.10b-5(b).

⁵ *Macquarie Infrastructure Corp. v. Moab Partners, L. P.*, 601 U.S. 257, 258 (2024) ("Rule 10b-5(b) . . . requires disclosure of information necessary to ensure that statements already made are clear and complete"; it "therefore covers half-truths, not pure omissions. Logically and by its plain text, the Rule requires identifying affirmative assertions (*i.e.*, 'statements made') before determining if other facts are needed to make those statements 'not misleading.'").

⁶ Scienter can be established where circumstantial evidence shows defendants "knew facts or had access to information suggesting that their public statements were not accurate" or "failed to check information they had a duty to monitor." *SEC v. Fiore*, 416 F. Supp. 3d 306, 324 (S.D.N.Y. 2019) (citation and internal quotation marks omitted).

⁷ *SEC v. Frohling*, 851 F.3d 132, 136 (2d Cir. 2016); see also *SEC v. Wolfson*, 539 F.3d 1249, 1256 (10th Cir. 2008) (explaining that unlike private litigants in a § 10(b) enforcement action, "[t]he SEC is not required to prove reliance or injury in enforcement actions") (alteration in original) (citation and internal quotation marks omitted)). In an enforcement action, the "in connection with" requirement is met where the SEC shows that "the misrepresentations in question were disseminated to the public in a medium upon which a reasonable investor would rely, and that they were material when disseminated." *Semerenco v. Cendent Corp.*, 223 F.3d 165, 175-76 (3d Cir. 2000); Commission Guidance on the Use of Company Websites, Exchange Act Release No. 34-58288, 73 Fed. Reg. 45,862, 45,869 (Aug. 7, 2008), <https://www.govinfo.gov/content/pkg/FR-2008-08-07/pdf/E8-18148.pdf> ("The antifraud

or omission is material if it is one that “a reasonable investor would have considered significant in making investment decisions.”⁸ Additionally, even where there is no affirmative duty to address a topic, if a company chooses to address it, it cannot do so in half truths.⁹

The second category of apparent violations discussed below involves the Offering Documents’ misleading statements and omissions of material facts which appear to violate Sections 11 and 12(a)(2) of the Securities Act of 1933.¹⁰ These provisions create three primary grounds for liability regarding registration statements and prospectuses filed with the Commission: (1) the presence of a misrepresentation; (2) an omission in violation of an affirmative legal disclosure obligation;¹¹ and (3) an omission of information that is necessary to make existing disclosures not misleading.¹² “Neither scienter, reliance, nor loss causation is an element of Section 11 or Section 12(a)(2) claims.”¹³ Importantly, the duty to disclose requires adequate disclosure of known risks that have already materialized by the time of the IPO, and these may not be framed as hypotheticals.¹⁴

A violation of Section 11 and 12(a)(2) can be premised on a predicate duty to affirmatively disclose information, including duties imposed by sections of Regulation S-K. If such an omission also renders an existing disclosure materially misleading, then Rule 10b-5 liability is also triggered. Item 101 of Regulation S-K requires a disclosure of:

provisions of the federal securities laws apply to company statements made on the Internet in the same way they would apply to any other statement . . .”).

⁸ *Ganino v. Citizens Utilities Co.*, 228 F.3d 154, 161 (2d Cir. 2000).

⁹ *Macquarie Infrastructure*, 601 U.S. at 258; *FindWhat Investor Grp. v. FindWhat.com*, 658 F.3d 1282, 1305 (11th Cir. 2011) (“By voluntarily revealing one fact about its operations, a duty arises for the corporation to disclose such other facts, if any, as are necessary to ensure that what was revealed is not so incomplete as to mislead.”) (citations and internal quotation marks omitted)).

¹⁰ Sections 11 (15 U.S.C. § 77k) and 12(a)(2) (15 U.S.C. § 77l(a)(2)) of the Securities Act of 1933.

¹¹ *Macquarie Infrastructure*, 601 U.S. at 264 (in addition to prohibiting half-truths, “Congress imposed liability for pure omissions in § 11(a) of the Securities Act of 1933.”).

¹² *In re Morgan Stanley Info. Fund Sec. Litig.*, 592 F.3d 347, 360 (2d Cir. 2010) (citing 15 U.S.C. §§ 77k(a), 77l(a)(2)).

¹³ *In re Facebook, Inc. IPO Sec. & Derivative Litig.*, 986 F. Supp. 2d 487, 506 (S.D.N.Y. 2013).

¹⁴ *Meyer v. Jinkosolar Holdings Co.*, 761 F.3d 245, 251 (2d Cir. 2014) (“A generic warning of a risk will not suffice when undisclosed facts on the ground would substantially affect a reasonable investor’s calculations of probability.”); *Panther Partners, Inc., v. Jianpu Tech. Inc.*, 2020 WL 5757628, *12 (S.D.N.Y., Sept. 27, 2020) (disclosures framed as “mere hypotheticals” imply “that the risk of regulation is a theoretical one, rather than – as Plaintiff alleges – a risk that has already materialized in the marketplace. ‘Cautionary words about future risk cannot insulate from liability the failure to disclose that the risk has transpired.’”) (quoting *Rombach v. Chang*, 355 F.3d 164, 173 (2d Cir. 2004)).

The material effects that compliance with government regulations, including environmental regulations, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries, including the estimated capital expenditures for environmental control facilities for the current fiscal year and any other material subsequent period.¹⁵

Similarly, Item 303 of Regulation S-K requires that a registration statement “[d]escribe any known trends or uncertainties that have had or that the registrant reasonably expects will have a material . . . impact on net sales or revenues or income from continuing operations.”¹⁶ Finally, Item 105 of Regulation S-K requires that companies disclose “material factors that make an investment in the registrant or offering speculative or risky,” with an explanation of “how each risk affects the registrant or the securities being offered.”¹⁷

In short, all of these regulations and requirements apply to the Offering Documents, and Rule 10b-5 further applies to any public statements made in connection with the Offering Documents that reasonable investors would rely on.¹⁸

III. The Group’s Animal Welfare Material Misrepresentations

Investors and consumers alike consider the welfare of animals in the care of companies like JBS and Pilgrim’s to be of critical importance. This reality is reflected in the policies of major financial and investment firms. For example, as a matter of

¹⁵ 17 C.F.R. § 229.101(c)(2)(i); *see also* Modernization of Regulations. S–K Items 101, 103, and 105, 85 Fed. Reg. 63726, 63737 (Oct. 8, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-10-08/pdf/2020-19182.pdf>.

¹⁶ *Panther Partners Inc. v. Ikanos Commc’ns, Inc.*, 681 F.3d 114, 120 (2d Cir. 2012) (Item 303 imposes a disclosure duty “where a trend, demand, commitment, event or uncertainty is both [1] presently known to management and [2] reasonably likely to have material effects on the registrant’s financial condition or results of operations.”) (*quoting* Management’s Discussion and Analysis of Financial Condition and Results of Operations, Securities Act Release No. 6835, Exchange Act Release No. 26,831, Investment Company Act Release No. 16,961, 43 SEC Docket 1330 (May 18, 1989)).

¹⁷ 17 C.F.R. § 229.105(a), (b).

¹⁸ Although some of the Group entities are currently based outside of the U.S., their deceptive statements and omissions discussed herein are subject to U.S. federal securities laws. In addition to the Offering Documents themselves being subject to U.S. law, the anti-fraud laws apply extraterritorially to “conduct constituting significant steps in furtherance” of violating anti-fraud securities laws, as well as “conduct occurring outside the United States that has a foreseeable substantial effect within the United States.” 15 U.S.C. § 78aa(b)(1)-(2); *see also SEC v. Scoville*, 913 F.3d 1204, 1218 (10th Cir. 2019) (holding that “Congress has ‘affirmatively and unmistakably’ indicated that the antifraud provisions of the federal securities acts apply extraterritorially when the statutory conduct-and-effects test is met”).

policy, the investment management firm Northern Trust, which holds \$1.4 trillion in assets under management “generally votes for [shareholder] proposals requesting increased disclosure or reporting regarding animal treatment issues that may impact a company’s operations and products, especially in relation to food production.”¹⁹

Investors’ concern for animal welfare as a material business issue is not only rooted in moral concerns, but also in a recognition that horrid abuse and neglect, once exposed, can seriously impact a company’s reputation and financial performance.²⁰ Yet instead of providing adequate care and standards for animals, the Group’s companies (including JBS and Pilgrim’s), have for years spun fairy tales about requiring the humane treatment of the animals in their supply chains and leading the industry in promoting animal welfare.

For example, JBS claims that:

1. it is “committed to meeting or exceeding government and industry standards for humane animal handling;”²¹
2. it “expects” its animals “to be handled in a safe and humane manner throughout our supply chain;”²² and
3. it “is committed to providing the livestock and poultry under our care with comfortable and safe housing that meets their needs.”²³

Any reasonable investor (and consumer) would understand these statements, in combination and in context, to mean that JBS and Pilgrim’s provide humane care for their animals. Despite such claims, JBS also paradoxically claims that ensuring animals are free from things like disease, injury, pain and distress is “difficult to

¹⁹ *Proxy Voting Policies, Procedures, and Guidelines*, NORTHERN TRUST 20 (Dec. 12, 2022), https://cdn.northerntrust.com/pws/nt/documents/fact-sheets/mutual-funds/institutional/nt_proxypolicy.pdf?bc=25782798; About Us: Overview, Northern Trust, (last visited June 5, 2024).

²⁰ See, e.g., Glass Lewis, 2024 Benchmark Policy Guidelines — Shareholder Proposals & ESG-Related Issues, <https://www.glasslewis.com/wp-content/uploads/2023/11/2024-Shareholder-Proposals-ESG-Benchmark-Policy-Guidelines-Glass-Lewis.pdf> (“Glass Lewis believes that it is prudent for management to assess potential exposure to regulatory, legal and reputational risks associated with all business practices, including those related to animal welfare. A high-profile campaign launched against a company could result in shareholder action, a reduced customer base, protests and potentially costly litigation.”).

²¹ *Animal Care: Humane Handling*, JBS, <https://sustainability.jbsfoodsgroup.com/chapters/animal-care/humane-handling/> (last visited Jun. 12, 2024).

²² *Id.*

²³ *Housing*, JBS, <https://sustainability.jbsfoodsgroup.com/chapters/animal-care/housing/> (last visited Jun. 12, 2024).

achieve, if not impossible to measure.”²⁴ This is patently untrue, as veterinarians worldwide daily diagnose these health and welfare states in evaluating every sort of animal, including farm animals.²⁵ More importantly, JBS’s statement that measuring disease, injury, pain and distress in animals may be “impossible” means JBS cannot truthfully make claims 1, 2 and 3, as listed above.²⁶

To be truthful, the three claims listed above all require that their maker have an ability to detect injury, disease, pain, and distress; if, as JBS claims, these health and welfare conditions are all impossible to measure, at least some of the time, then it cannot universally guarantee the safe, comfortable, and humane treatment of every animal in its supply chain. Put another way, minimizing, or eliminating pain, injury, disease, and distress are primary objectives of industry and government animal handling standards,²⁷ and housing certainly cannot be “comfortable and safe”— nor meet an animal’s needs — if it causes the animal pain, injury, distress, or facilitates the spread of disease. Likewise, the partial inability to detect pain, injury, distress and disease spread belies JBS’s unqualified claims that it expects its animals are handled in a “safe and humane manner throughout [its] supply chain.”²⁸ In sum, a company that claims that in an undisclosed percentage of occurrences it is impossible to measure pain, suffering, distress and disease spread cannot guarantee that its animals never experience any or all of them. As such, these humane care claims appear to be false and/or misleading.

In reality, the situation for the tens of millions of animals in JBS’s supply chain differs in material ways from JBS’s animal welfare misrepresentations. For example, since at least 2022, pigs and cattle in JBS’s supply chain have been subject to severe animal cruelty, as borne out in violations of federal humane slaughter laws. Recent U.S. Department of Agriculture (“USDA”) humane handling violations at JBS slaughter facilities include:

²⁴ 2022 Sustainability Rep., JBS, 52 (2023), <https://jbsegs.com/wp-content/uploads/2023/08/2022-JBS-SUSTAINABILITY-REPORT.pdf> (last visited Jun. 12, 2024) referring to the “Five Freedoms.” (For more on the “Five Freedoms,” see generally Farm Animal Welfare Council, <https://webarchive.nationalarchives.gov.uk/ukgwa/20121010012427/http://www.fawc.org.uk/freedoms.htm>) (last visited Jun. 12, 2024).

²⁵ See e.g., Marian Stamp Dawkins, *The Science of Animal Suffering*, 114 *Ethology* 937, 943 (2008).

²⁶ See *supra* nn. 4-9; 21-23.

²⁷ See e.g., National Pork Board, *Swine Care Handbook*, 13 (“Sow housing and management systems should . . . “[r]educe[ing] exposure to hazards or conditions that result in injuries, pain, distress, fear or disease”) (emphasis added), available at <https://library.pork.org/?mediaId=B75B3A6A-75B3-441B-9A316C342353D356> (last visited Jun. 12, 2024).

²⁸ *Animal Care: Humane Handling*, JBS, *supra* n. 21 (emphasis added).

- Employees hoisting a conscious steer by its back leg having failed to stun the animal as required by federal law;²⁹
- Employees hitting cows and pigs with sharpened and jagged prods³⁰ and other objects;³¹
- Employees causing broken bones and other injuries;³²
- Excessive and unlawful use of paddles, pokers and electric prods, causing extensive bruising;³³
- Severe overcrowding, including immobilizing animals, and preventing them from even drinking;³⁴
- The use of poorly maintained or operated equipment causing serious injuries and distress;³⁵

²⁹ Attachment 1, excerpts extracted on March 28, 2024 from *Inspection Task Data, USDA Livestock Humane Handling Inspection Task (Current)*, USDA FOOD SAFETY & INSPECTION SERV., <https://www.fsis.usda.gov/science-data/data-sets-visualizations/inspection-task-data> (last visited May 31, 2024) (“Attachment 1”); Attachment 1 at 35 (Sept. 16, 2023) (conscious, blinking steer leg shackled, hoisted and moved towards slaughter.) This violation was serious enough to cause USDA to suspend inspection at this facility. Notice of Suspension, Swift Beef Company, Est., M969G (Sept. 17, 2023), https://www.fsis.usda.gov/sites/default/files/media_file/documents/M96G-NOS-091723.pdf.

³⁰ Attachment 1 at 29 (Feb. 24, 2023) (excessive use of prods, some with sharpened or jagged tips).

³¹ *Id.* at 33 (Jul. 24, 2023) (repeatedly striking pigs, including in the face with a plastic baseball bat); *id.* at 18 (Mar. 14, 2022) (pigs “bunched up” inside truck being struck with a shaker can and plastic board causing vocalizations “louder than vocalizations heard during normal animal movement and handling. The hogs continued to vocalize loudly, as they frantically turned into one another.”).

³² *Id.* at 94 (Sept. 24, 2023) (pig sitting “with a bloody mouth, with a distressed appearance. The hog had a cut below the jaw with a broken mandible (lower jawbone)); *id.* at 93 (May 15, 2023) (several pigs with multiple circular/oval tool markings and bruises form “misuse [that] occurred at the establishment”).

³³ *Id.* at 11 (Oct. 14, 2021) (cow electrically prodded and possibly on sensitive perineum); *id.* at 37 (Apr. 16, 2021) (bruising from prodding and paddling); *id.* at 54 (Jan. 9, 2022) (several animals each with multiple bruises and other injuries from paddling, a poker, and an unidentified instrument).

³⁴ *Id.* at 7 (July 7, 2021) (a pen “containing 14 Holstein cows 13 of which were standing side by side with no room to move and one cow jammed in the corner in a lateral recumbent position with its' head protruding completely beneath the gate into the alley and unable to move. These cattle were received on 7/6/21 and held overnight and due to the overcrowded pen condition the cattle were unable to lie down or have access to water”); *id.* at 37 (May 11, 2021) (overcrowded cattle, and access to water may have been hindered or denied); *id.* at 79 (Dec. 8, 2022) (overcrowded pen); *id.* at 93 (June 20, 2023) (overcrowded pen and employee “moving in pen, toward the pigs, rather than walking around, causing pigs to pile and vocalize against the back of the pen. Hogs were stressed from overcrowding and heat”).

³⁵ *Id.* at 7 (Jun. 24, 2021) (cow with head trapped in equipment, “was clearly distressed in this position. [He] was trying to pull back with [his] feet. In addition, [his] tongue was protruding from [his] mouth. Lastly, twice while establishment personnel were trying to free

- animals subjected to excessive force, even when moving adequately,³⁶ and
- animals left to suffer in distressing conditions, such as a collapsed, immobilized cow trapped and trampled in a truck.³⁷

USDA records documenting these and other similar abuses highlight JBS's systemically inadequate animal welfare practices.

Likewise, Pilgrim's has a long history of well-documented cruelty to chickens. Like JBS, Pilgrim's touts its commitment to "safe and humane" animal handling practices, and claims to "meet[] or exceed[] government and industry standards for humane animal handling."³⁸ Pilgrim's also claims that the presence of USDA inspectors at its slaughter facilities, along with its own quality assurance team, "assures full compliance with all applicable USDA chicken processing regulations."³⁹ However, undercover investigations at factory farms supplying Pilgrim's as well as USDA records have repeatedly exposed the company's animal welfare violations. In 2019, HSUS brought these issues to the SEC's attention.⁴⁰ With this track record, it is sadly unsurprising that a recent 2023 investigation by Mercy for Animals documented more wanton cruelty and neglect at factory farms supplying Pilgrim's. The undercover investigation video-documented filthy living conditions and workers

the beef animal's head, I twice heard the animal beller [sic]"); *id.* at 14 (Dec. 2, 2021) (pig with trapped leg, trampled by other pigs); *id.* at 18 (Mar. 15, 2022) (failure to properly use unloading ramp caused cow to fall and "[w]hen the animal was finally capable of getting back on its feet and out of the trailer, I found that the animal had fresh blood from a laceration on the inside of its right hind leg and approximately 5 inches of skin hanging. In addition, she had fresh scrapes on her udder."); *see also*, Notice of Suspension, JBS Plainwell, Inc., Est. M562M, at 2 (Mar. 29, 2022),

https://www.fsis.usda.gov/sites/default/files/media_file/2022-04/M562M-NOS-03292022.pdf (steer caught in chute and "contorted and entrapped . . . with the head and neck bent and "pinned beneath the left shoulder by the weight of the animal. The animal was observed to be alive and breathing rapidly," but died in that position within 20 minutes.).

³⁶ Attachment 1 at 29 (Feb. 24, 2023) ("employees using air injection prods on cattle . . . repeatedly . . . on seven consecutive animals with no assessment whether the animals would move on their own (in the absence of prodding) towards the knock box.").

³⁷ *Id.* at 25 (Aug. 16, 2022) (25-30 pigs "piling and toppling over one another with continuous loud vocalizations." Some fell and one was on the ground "panting heavily with purple blotchy skin. Numerous hogs stepped on the down hog from both directions" and the animal was euthanized.); *id.* at 75 (Oct. 13, 2022) (two collapsed cows on a truck, one blocking the exit for 20 or so cows, and "I could observe the cattle stepping over and on the cow's neck and head.").

³⁸ *Animal Handling & Welfare Practices*, Pilgrim's Pride, <https://sustainability.pilgrims.com/product-integrity/animal-handling/> (last visited Apr. 12, 2024).

³⁹ *Id.*

⁴⁰ *See* Attachment 2, HSUS SEC Complaint re: Pilgrim's Pride Corp., at 54-67 (May 9, 2019) (describing several undercover investigations, whistleblower accounts, and federal inspection records showing inhumane treatment of animals).

stomping on birds, kicking them against walls and violently tossing them by their wings, legs, and necks into grossly overcrowded cages on trucks that will take them to slaughter.⁴¹

Once unloaded at slaughter, USDA inspection records reveal the grim reality of these tortured birds' final hours. As with JBS facilities, these records evidence recurrent, severe cruelty in violation of USDA regulations at Pilgrim's facilities.⁴² Incidents include birds being caught and crushed in cage mechanisms,⁴³ multiple instances of live birds entering scald tanks (intended only for deceased birds to remove feathers), and birds improperly cut while conscious, leading to severe injury or death without being stunned.⁴⁴ There were alarming numbers of birds found dead on arrival ("DOA") at processing plants, often due to extreme temperatures during transport or holding.⁴⁵ Additionally, USDA violation records show live birds dumped in DOA bins and at times suffocating under piles of DOA carcasses.⁴⁶ These reports span from 2016

⁴¹ *Breaking: Birds at Major Chicken Supplier Viciously Kicked and Thrown*, Mercy for Animals, <https://nokyaggag.com/> (last visited Apr. 12, 2024).

⁴² *The Welfare of Birds at Slaughter in the U.S.*, ANIMAL WELFARE INST. (2023) (summarizing slaughter facility cruelty at Pilgrim's Pride facilities), <https://awionline.org/store/catalog/animal-welfare-publications/farmed-animals/welfare-birds-slaughter-united-states> (last visited June 14, 2024).

⁴³ Attachment 1 at 151 (July 29, 2021) ("observed two live birds mutilated by the machinery of the automatic cage dumper," both died shortly thereafter.); *id.* at 154 (Apr. 1, 2022) (birds falling out of cages while moved by forklift); *id.* at 154 (June 14, 2022) ("Full crate of about 200 caged birds dropped 15 feet off of forklift "spilling live birds on the ground under and around the cage . . . I counted approximately 28 birds that had died/were crushed underneath the cage.").

⁴⁴ *Id.* at 150 (May 23, 2021) ("I observed a live bird with blinking eyes on the outside line progressing through the blood trough of the kill line to enter the scalding. There was no evidence of a cut from the kill blade, nor the backup kill step on the bird. . . . Without USDA intervention, the live bird would have entered the scalding still breathing." Later that day two more birds were removed before the scald tank.); *id.* at 152 (Nov. 8, 2021) ("the following was observed: a cherry red carcass, with its head attached and engorged with blood, was observed in a yellow condemn barrel which was partially (2/3) full behind the line 2 auto-rehang belt. I also observed the team member remove a cherry red carcass with its head attached and engorged with blood from the line at 1230 hours."). A reddened carcass engorged with blood is evidence that the bird entered the scald tank conscious. *See id.* at 150 (May 23, 2021) (if "birds are not physiologically dead when they enter the scald tank," "[w]hen submerged in the scald water, these birds drown and their physiological reaction to the heat is to dilate the vasculature in the skin and organs. This causes the skin to become cherry red to purple of the whole carcass or the lower regions of the carcass. On some occasions, only the neck will appear cherry red or purple.").

⁴⁵ *Id.* at 153 (Jan. 3, 2022) ("The cold weather (39 degrees at time of observation) had led to an increase in DOAs (dead on arrival)." Two live birds were put in a DOA dumpster. Both were "hypothermic" and both died shortly thereafter.)

⁴⁶ *Id.* at 148 (Oct. 23, 2023) ("Upon initial observation of the dumpster, I saw that the dumpster was overflowing with carcasses spilling onto the floor. As I looked inside the bin, I

to 2023, indicating the company’s ongoing and systemic problems with animal handling and welfare.

These are myriad violations of the minimal voluntary and legal standards⁴⁷ that many other companies do meet (and some exceed).⁴⁸ This means that JBS not only causes its animals to suffer, but it does so more so than other companies, making its misrepresentations about animal welfare even more egregious. The gravity of this conclusion is underscored by the most recent Business Benchmark on Farm Animal Welfare (“BBFAW”), in which JBS received the lowest rating, an F, for its animal welfare program.⁴⁹

JBS’s and Pilgrim’s animal welfare claims on their respective websites and sustainability reports are thus apparently unlawfully and materially deceptive in violation of Rule 10b-5, exposing investors to financially material risks. The Group promotes animal welfare on its websites and in its sustainability reports, where interested investors are likely to see them. But the Group conspicuously fails to disclose—in its Offering Documents or elsewhere—the litany of violations that betray its lofty promises. These omissions render the Group’s animal welfare claims discussed above unlawful half-truths that appear to violate Rule 10b-5.⁵⁰ The deception here is material, as the companies’ failure to operate according to their own stated animal welfare standards is a failure that “a reasonable investor would . . . consider[] significant in making investment decisions,” given the risk of serious

saw movement and saw that two birds were still alive mixed in with the DOAs” and more found on a table “overflowing with carcasses. Once again, I observed two more birds that were still alive as evident of breathing, open eyes and wing movement when touched.”).

⁴⁷ No federal law in the U.S. sets minimum standards for how farm animals are raised and federal laws such as the Federal Meat Inspection Act (FMIA), Humane Methods of Slaughter Act (HMSA), and the Poultry Products Inspection Act (PPIA) offer only limited, and often underenforced, protections for farm animals during the slaughter process. *See Humane Methods of Slaughter Act: Actions Are Needed to Strengthen Enforcement*, Gov. Accountability Off. (Feb. 2010), <https://www.gao.gov/assets/gao-10-203.pdf>.

⁴⁸ *See e.g.*, Br. of Amicus Curiae Global Animal, Partnership and EarthClaims in Support of Respondents, *Nat’l Pork Prods. Council, et al., v. Ross, et al.*, No. 21-468, 2022 WL 3567491, at *6-7 (filed Aug. 15, 2022), available at https://www.supremecourt.gov/DocketPDF/21/21-468/233507/20220815145950891_21-468%20Global%20Partnership%20and%20EarthClaims%20as%20Amici%20Curiae.pdf; Br. of Amicus Curiae Perdue Premium Meat Co., Inc., d/b/a Niman Ranch in Support of Respondents, *Nat’l Pork Prods. Council, et al., v. Ross, et al.*, No. 21-468, 2022 WL 3567477, at *1 (filed Aug. 15, 2022), available at http://www.supremecourt.gov/DocketPDF/21/21-468/233498/20220815141539359_21-468_Amicus%20Brief.pdf (describing Niman Ranch as “an industry leader in sustainable agriculture and humane animal care.”).

⁴⁹ Nicky Amos et al., BBFAW, *The Business Benchmark on Farm Animal Welfare: 2023 Report* 17 (Apr. 25, 2024), <https://www.bbfa.com/media/2176/bbfaw-2023-report-final.pdf>.

⁵⁰ *Macquarie Infrastructure*, 601 U.S. at 264; *Meyer*, 761 F.3d at 249–50.

reputational and financial fallout from such failings, as discussed above.⁵¹ Rule 10b-5's scienter element is likewise satisfied as both companies "knew facts or had access to information suggesting that their public statements" touting their high welfare standards "were not accurate" or at least "failed to check information they had a duty to monitor."⁵²

Moreover, the Group is undoubtedly well aware that its poor welfare practices significantly affect its business and operations. Not only is it subject to potential federal government enforcement actions as a result of its regulatory violations, but it also stands to lose valuable consumer goodwill. Yet, in its most recent Offering Documents, when discussing how changes in consumer trends and/or consumers' negative perceptions regarding the quality and safety of the Group's products could adversely affect its business, the Group *removed* its prior, September 1, 2023 amended F-4 registration's reference to risks stemming from "consumer trends, demands and preferences" involving "the perceived consumer concerns related to . . . animal welfare."⁵³ With that clause removed, animal welfare only appears in JBS's Offering Documents in regard to its purported compliance with animal welfare standards in Australia and Europe.⁵⁴ The Offering Documents no longer mention, and thus do not adequately disclose, risks associated with consumer trends involving animal welfare concerns. This material omission is concerning given the company's track record of routinely failing to meet its own animal welfare standards (as well as legally binding standards), as evidenced by the discussion above. In short, the Group is not adequately disclosing the potential for serious financial, reputational, and consumer demand risks related to the Group's poor animal welfare practices.

Despite the Group's removal of reference to this risk factor in its Offering Documents, Pilgrim's recently admitted in its required annual reporting that falling short of consumers' animal welfare expectations can threaten performance:

Trends within the food industry change often, and failure to identify and react to changes in these trends could lead to, among other things, reduced demand and price reductions for our products, and could have an adverse effect on our financial results. For example, consumer concerns related to . . . animal welfare of animal-based protein sources have driven consumer interest in plant-based protein sources. Because we primarily produce chicken and pork products, we may be limited in

⁵¹ *Ganino*, 228 F.3d at 161.

⁵² *Fiore*, 416 F. Supp. 3d at 324 (citation and internal quotation marks omitted).

⁵³ Amendment No. 1 to Form F-4 Registration Statement Under the Securities Act of 1933 at 43, JBS B.V. (Sept. 1, 2023), available <https://www.sec.gov/Archives/edgar/data/1791942/000119312523227736/d419054df4a.htm>.

⁵⁴ March 2024 F-4 Registration Statement at 120 (animal welfare regulation in Australia); *id.* at 108 (discussing chicken transport in Europe); *see also id.* at 169 (JBS's research on various topics including animal welfare).

our ability to respond to changes in consumer preferences towards other animal-based proteins or away from animal-based proteins entirely.⁵⁵

The Group has not, and cannot, reasonably explain why this consumer trend risk disclosed (still inadequately, and only as a hypothetical) by its subsidiary deserves no mention whatsoever in its latest Offering Documents. As recently as September 2023, this was a trend and risk factor the Group did feel obligated to disclose. It is hard to fathom how the animal welfare-related consumer trend and reputational risks connected to the raising and killing of hundreds of millions of animals in dozens of countries, while violating even minimal animal welfare standards, could have entirely disappeared in just the past few months. The failure to disclose this presently known trend and risk factor that Pilgrim's admitted could have an adverse effect on its financial results appears to violate Items 105 and 303 of Regulation S-K and Sections 11 and 12(a)(2).⁵⁶

IV. The Group's Climate and Deforestation Material Misrepresentations

A. The Group misleads investors with its net zero climate claims

The Group also appears to violate federal securities laws by persistently making what appear to be false and deceptive claims about the companies' plans and abilities to become "net zero" – that is, to emit, on balance, no greenhouse gases ("GHGs"). The contribution of GHG emissions to climate change significantly harms animals around the world: from displaced wildlife, to companion animals suffering in climate disasters, to ocean creatures suffering from acidification and higher ocean temperatures. "Indeed, the only source of animal suffering and death that is even remotely in the same class as climate change is factory farming, which ironically is both a cause of direct suffering for billions of confined animals, and also a significant cause of climate change emissions that are likely to kill billions of wild animals—a double header of misery."⁵⁷ The issue of reducing animal agriculture's climate change contributions is, thus, of imminent importance to many stakeholders, including governments and investors.⁵⁸

In recognition of the major importance of climate change as an investment issue, the Group has widely publicized to investors, and the broader public, its net zero promise: on its website, in print ads, in sustainability reports, as well as

⁵⁵ Pilgrim's Pride, Form 10-K at 11 (Feb. 27, 2024), <https://ir.pilgrims.com/node/17051/html>.

⁵⁶ See 17 C.F.R. § 229.303(a)(3)(ii); *Ikanos Commc'ns, Inc.*, 681 F.3d at 120.

⁵⁷ Jonathan Lovvorn, *Climate Change Beyond Environmentalism Part I: Intersectional Threats and the Case for Collective Action*, 29 *Georgetown Int'l Env. L. Rev.* 1, 59 (2017).

⁵⁸ See, e.g., *infra* nn. 59, 62.

references to its sustainability targets in its Offering Documents.⁵⁹ But the Group has no apparent way to meet this goal, and has not taken substantial steps in that direction. For example, as the State of New York explained in a recently filed consumer protection complaint alleging JBS unlawfully misled New Yorkers with its net zero commitment:

On March 21, 2021, the JBS Group made a sweeping commitment to consumers and the public that the global company would be “Net Zero by 2040.” It announced: “JBS, one of the world’s leading food companies, today announced a commitment to achieve net zero greenhouse gas (GHG) emissions by 2040. The commitment spans the company’s global operations, ... as well as its diverse value chain of agricultural producer partners, suppliers and customers in their efforts to reduce emissions across the value chain.”⁶⁰

But this and similar claims, made by the self-proclaimed “global leader” in the beef, poultry, and leather industries,⁶¹ are patently unsupportable.

The Group’s net zero claims appear to be unlawfully deceptive in at least two respects. First, in its Offering Documents, the Group consistently attempts to reframe its 2021 “net zero by 2040” commitment as merely an aspirational goal, something the Group is only “striving for.”⁶² Yet the Group’s repeated contemporaneous claims in advertisements, press releases, on its websites, and in its sustainability reports clearly show that the Group publicly *committed* to achieving net zero by 2040, not that it would merely *strive* to achieve it.⁶³ This attempted reframing of its corporate commitment as a mere aspiration appears to violate Rule 10b-5 and Sections 11 and 12(a) as it materially misrepresents the Group’s self-imposed 2040 commitment, as it was represented to investors and consumers, as now merely something it is striving for.

⁵⁹ See e.g. *People of the State of New York v. JBS USA Food Co., et al.*, No. 0450682/2024, Compl. at ¶¶ 100-114 (filed N.Y. Sup. Ct. Feb. 28, 2024) (Attachment 3); see *infra* n. 62.

⁶⁰ *Id.*; see also JBS USA, LLC, *JBS Makes Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040* (Mar. 23, 2021), <https://jbsfoodsgroup.com/articles/jbs-makes-global-commitment-to-achieve-net-zero-greenhouse-gas-emissions-by-2040>.

⁶¹ See e.g., JBS, *Investor Relations, Footprint and Operations*, <https://ri.jbs.com.br/en/jbs/footprint-and-operations/> (last visited June 14, 2024) (also claiming to be “the second largest pork producer in the USA”).

⁶² See March 2024 F-4 Registration Statement at 43 (describing its “climate reduction goals by 2040” as “aspiration[]” and a “goal[]”); *id.* at 6, 132, F-113 (mischaracterizing New York’s lawsuit as alleging JBS unlawfully misled consumers regarding its “striving to achieve Net Zero by 2040”); compare Compl., *supra* n. 59, at ¶ 100.

⁶³ See *supra* nn. 59-60.

While the Offering Documents acknowledge that the Group’s 2040 commitment created risks and that any failures related to it creates risks for shareholders,⁶⁴ they never disclose that (a) the Group is attempting to back down from its 2021 net zero by 2040 commitment nor (b) the Group faces risks stemming from its attempt to back down from that commitment. It appears that the Group knowingly touted its 2040 commitment to attract investors with climate concerns, and the Group knows—or is negligent in not knowing—that backing away from that commitment threatens significant financial damage in the form of reputational harm, litigation (similar to that filed by the New York Attorney General), enforcement actions, and divestment when that reversal comes to light. The Group’s knowingly made, material half-truths regarding the 2040 commitment in its Offering Document thus appear to violate Rule 10b-5 and Sections 11 and 12(a)(2).⁶⁵

Second, even if the company had merely stated an aspiration to be net zero by 2040 (which it did not), it has not and cannot point to plans now in place to make that aspiration reasonable—even without accounting for its plans to majorly expand production. In 2023, the National Advertising Division (“NAD”) of the Better Business Bureau (“BBB”), after a thorough review, found JBS’s claims about its net zero sustainability commitment misleading.⁶⁶ The NAD found JBS’s net zero claims and sustainability goals to be unsupported by any detailed plan for achieving operational net zero emissions by 2040, as the company had pledged to do.⁶⁷ Following this finding, JBS made minor adjustments to its claims, yet the NAD noted

⁶⁴ See March 2024 F-4 Registration Statement at 43, 126.

⁶⁵ *FindWhat*, 658 F.3d at 1305 (half-truths); *Fiore*, 416 F. Supp. 3d at 324 (10b-5 scienter); *In re Morgan Stanley*, 592 F.3d at 360 (misrepresentation is a basis for Section 11 and 12(a)(2) liability).

⁶⁶ NAD Final Decision, Case #7135, *Inst. for Agric. & Trade Pol’y (challenger) v. JBS USA Holdings, Inc. (advertiser)* (Feb. 1, 2023) (Attachment 4); Appeal of NAD’s Final Decision #7135 Regarding Claims for JBS USA Holdings Inc., Net Zero 2040, *Inst. for Agric. & Trade Pol’y (challenger) v. JBS USA Holdings, Inc. (advertiser)*, NARB Panel 313 (May 26, 2023) (Attachment 5); see also *JBS Appeals National Advertising Division Recommendation to Discontinue “Net Zero” Emissions by 2040 Claims*, BETTER BUSINESS BUREAU NAT’L ADVERT. DIV. (Feb. 15, 2023), <https://bbbprograms.org/media-center/dd/jbs-net-zero-emissions>.

⁶⁷ NAD Final Decision, *supra* n. 66, at 10-11. Even if the net zero obligation is construed as merely aspirational, it is nevertheless apparently actionable because it is factual, as evidenced by the Group’s efforts to prove facts underpinning that commitment before the NAD, and because it relates to a core aspect of the Group’s business (the carbon footprint of one of the largest companies in an industry with an outsized carbon footprint). See *In re Moody’s Corp. Sec. Litig.*, 599 F. Supp. 2d 493, 509, *op. corrected on den. of recons.*, 612 F. Supp. 2d 397 (S.D.N.Y. 2009) (Defendant’s claims regarding its independence were actionably deceptive and not vague or puffery where capable of objective verification and where defendant identified verifiable actions taken to ensure independence.); *In re Equifax Inc. Sec. Litig.*, 357 F. Supp. 3d 1189, 1224 (N.D. Ga. 2019) (given company’s repeated references to cybersecurity protections and the importance of these protections to the credit bureau defendant’s business, supposedly “aspirational” statements were actionably deceptive).

in a 2023 compliance report that these modified claims—which are still online—remained substantially similar to the earlier statements that were recommended for discontinuation.⁶⁸ As noted above, these claims are now the subject of a lawsuit filed by New York’s Attorney General.⁶⁹

The Group’s net zero claims need to be understood in tandem with its bullish statements about the Group’s ability to rapidly grow and increase its production in coming years.⁷⁰ For example, the Offering Documents relay an “estimated growth rate (average for the next 5 years)” of 7.2% for its Brazilian beef production, up nearly one percentage point from its 2022 estimated average 5-year growth rate of 6.6%.⁷¹ The Offering Documents include similar positive estimated growth rates for pork, chicken and other products, as well.⁷² JBS has not explained how it can achieve net zero by 2040 at its current size and output, making its claims to do so while also massively expanding its beef, pork, and chicken output in the near future even more unfounded.⁷³

It appears that the Group continues to speak out of both sides of its mouth: On the one hand, the Group makes lofty promises about reducing its greenhouse gas emissions in public-facing sustainability reports and in other forums; on the other hand, the Group provides weak disclaimers in its Offering Documents in an effort to retroactively convert its net zero commitment to mere “aspiration.”⁷⁴ The Offering Documents’ apparent half-truths and misrepresentations regarding its net zero commitment thereby deceive investors in apparent violation of Rule 10b-5 and Sections 11 and 12(a)(2).⁷⁵

⁶⁸ Compliance Proceeding from NAD Case Report #7135, *Inst. For Agric. & Trade Pol’y v. JBS USA Holdings, Inc.*, Case No. 7135; NARB #313C at 3-4 (Nov. 3, 2023) (Attachment 6) (recommending discontinuation of the phrase “Net Zero by 2040” in its entirety, as well as phrase “Our ambition is to achieve net-zero greenhouse gas emissions by 2040 . . .”); compare, e.g., *Our Approach to Net Zero*, JBS, <https://jbsfoodsgroup.com/our-purpose/net-zero> (last visited June 14, 2024) (maintaining claims recommended for discontinuation).

⁶⁹ *Attorney General James Sues World’s Largest Beef Producer for Misrepresenting Environmental Impact of Their Products* (Feb. 28, 2024), <https://ag.ny.gov/press-release/2024/attorney-general-james-sues-worlds-largest-beef-producer-misrepresenting>; Compl., *supra* n. 59 (Attachment 3).

⁷⁰ Compl., *supra* n. 59 at ¶¶ 143-57 (Attachment 3).

⁷¹ March 2024 F-4 Registration Statement, *supra* n. 1, at F-52.

⁷² *Id.* at F-52–F-56.

⁷³ *Id.*; *Jianpu Tech. Inc.*, 2020 WL 5757628, at *13 (S.D.N.Y. Sept. 27, 2020) (“bullish” statements created obligation to disclose facts that contradict or undercut such statements).

⁷⁴ See March 2024 F-4 Registration Statement, *supra* n. 1, at 43 (describing its net zero commitment as “aspiration[]” and a “goal[]” and laying the groundwork to blame third parties (“experts, shareholders, customers, governments, and partners throughout our supply chain.”) for the Group’s failure to timely achieve its net zero commitment.)

⁷⁵ *FindWhat Investor Grp. v. FindWhat.com*, 658 F.3d 1282, 1305 (11th Cir. 2011) (half-truths); *SEC v. Fiore*, 416 F. Supp. 3d 306, 324 (S.D.N.Y. 2019) (10b-5 scienter); *In re Morgan*

B. The Group is unlikely to timely comply with California’s Voluntary Carbon Market Disclosures Act and it fails to disclose this risk in its Offering Documents.

Given that the Group apparently does not have concrete plans in place to meet its goals, it is highly unlikely that it will be able to comply with other climate-related legislation, apparently posing material, undisclosed compliance risks. Pursuant to California’s Voluntary Carbon Market Disclosures Act (“VCMDA”),⁷⁶ by January 2025 at the latest,⁷⁷ the Group must annually report on its websites how it does the math on its net zero claims—if it has any to show.⁷⁸ That law requires that companies—including JBS—operating in California and making net zero, carbon-neutral, or significant emissions reductions claims must document the accuracy and means of achieving these goals on their websites.⁷⁹ These website disclosures must include all information regarding how a “carbon neutral,” “net zero emission,” or other claim was determined to be accurate or accomplished, how interim progress toward that goal is being measured, and whether company data and claims listed have been verified by an independent third party.⁸⁰ If a company has no such information, it must disclose that to the public.⁸¹ Failure to comply can lead to significant penalties, as well as reputational and financial damage.⁸² Thus, if JBS cannot back up its net

Stanley Info. Fund Sec. Litig., 592 F.3d 347, 360 (2d Cir. 2010) (misrepresentation is a basis for Section 11 and 12(a)(2) liability).

⁷⁶ Cal. Health & Safety Code § 44475.2.

⁷⁷ See Letter of Cal. State Assembly Member Jesse Gabriel to Sue Parker, Chief Clerk of the Assembly (Nov. 30, 2023) (VCMDA sponsor describing “inten[ded]” compliance deadline for first disclosures as January 1, 2025), <https://www.kirkland.com/-/media/publications/alert/2023/10/letter-of-legislative-intent.pdf?rev=22f02e83eb5a4698be50c57a1cb7ef85&hash=13951BA3A2F1A87B654DC0B60F2E7BC6>. Notably, by early 2024 many companies had already updated their websites with the detailed disclosures required by the VCMDA. See, e.g. Bank of America, California Voluntary Carbon Market Disclosure Act (VCMDA) Disclosure, <https://about.bankofamerica.com/en/making-an-impact/vcmda>.

⁷⁸ The VCMDA applies to entities that “operate” or “make claims within” California. The Group’s companies do so, as the companies’ websites are directed at California residents, each sells significant amounts of their respective products in California, and JBS Foods also maintains two business addresses in the state. Cal. Health & Safety Code § 44475.2; JBS, Our Locations, United States, <https://jbsfoodsgroup.com/locations/united-states>.

⁷⁹ Cal. Health & Safety Code § 44475.2.

⁸⁰ *Id.*

⁸¹ Cal. Health & Safety Code § 44475.2(a) (requiring disclosure of “[a]ll information documenting how, *if at all*,” net zero claims are supported (emphasis added)).

⁸² Cal. Health & Safety Code § 44475.3 (penalties range between \$2,500 up to a total of \$500,000 “for each day that information is not available or is inaccurate on the person’s internet website.”).

zero claim with evidence as required by the VCMDA, it will have to let the public know its “net zero” promises are bogus; or it may decide to withdraw them altogether. Either way, this is likely to lead to further reputational and financial damage.

Because the Group continues to widely publicize its net zero claims, as discussed above, and purports to be making progress towards its goals,⁸³ it will also need to annually show the math justifying those claims of progress—or publicly admit it has no such information—and must disclose on its websites if these analyses have been verified by any independent third party.⁸⁴ The VCMDA requires precisely the sort of transparent due diligence disclosure regarding its net zero claims that JBS appears to have steadfastly refused to provide, even when facing a challenge to such claims before the NAD (which it lost). In its most recent Offering Documents, JBS never mentions the VCMDA and fails to disclose any risks related to its imminent compliance deadline, next January 1.⁸⁵

The Group’s failure to specifically disclose the imminent risks and impacts associated with compliance with the VCMDA, and its potential failure to comply, each appear to violate federal securities laws. If the Group is unable or unwilling to timely comply with the VCMDA, or is planning on admitting that it cannot back up its net zero claims, that fact is material: reasonable investors would consider it significant to an investment decision, given the significant negative financial, reputational and operational consequences of noncompliance. The Group’s failure to disclose the “material effects” that compliance with the VCMDA “may have” on its “capital expenditures, earnings and competitive position” appears to violate Item 101 of Regulation S-K and thus apparently violates Sections 11 and 12(a)(2). Likewise, this omission appears to violate Item 303 of Regulation S-K (and Sections 11 and 12 in turn) as it is a failure to describe “known trends or uncertainties that have had or

⁸³ See, e.g., *Our Goals and Progress*, JBS, <https://jbsesg.com/jbs/our-goals-and-progress/> (last visited June 14, 2024) (identifying goal to “Achieve Net-Zero greenhouse gas (GHG) emissions by 2040” and listing various items under “Our Progress”); *Our Approach to Net Zero*, JBS, <https://jbsfoodsgroup.com/our-purpose/net-zero> (last visited June 14, 2024) (describing steps taken “to reach net zero”).

⁸⁴ Cal. Health & Safety Code § 44475.2; see JBS, *Our Goals and Progress*, available at <https://jbsesg.com/jbs/our-goals-and-progress/>.

⁸⁵ The Group only offers a vague disclosure about what “may” or “could” happen if it fails to meet its sustainability goals—but it says nothing about reporting requirements. March 2024 F-4 Registration Statement at 43. It also provides a vague, non-specific disclosure about potential climate-related regulation and potential “difficult and costly” compliance. *Id.* at 54-55. Given the imminence of the VCMDA’s effective date, and JBS’s likely noncompliance or being forced to disclose it has no plans in place, these disclosures are clearly inadequate and insufficiently specific.

that the registrant reasonably expects will have a material . . . impact on net sales or revenues or income from continuing operations.”⁸⁶

C. The Group insufficiently discloses significant risks posed by the European Union Deforestation Regulation in its Offering Documents.

Deforestation to clear land for farming significantly harms wildlife directly, and—especially when it comes to rainforest deforestation—is also a major contributor to climate change which in turn harms animals worldwide.⁸⁷ In recognition of the massive damage caused by deforestation, the European Union passed the Deforestation Regulation (“EUDR”). The EUDR, effective from June 29, 2023, mandates that companies operating in the EU, including the Group, comply with its requirements by December 30, 2024.⁸⁸ It prohibits importing or selling certain products, like cattle, beef, and soya,⁸⁹ unless they meet strict criteria. Principally, such products must be “deforestation-free” and adhere to the production country’s laws, with compliance supported by a due diligence statement.⁹⁰ Because non-compliant products are entirely banned from the EU market, noncompliance will constitute a significant business risk for any company that sells cattle and beef products, such as the Group. Non-compliant sales of banned product also carry severe penalties, including confiscation of violative products and revenues from the sales of such products and fines of at least 4% of the company’s annual European Union (“EU”) turnover in the preceding year.⁹¹

Despite the significance of EU export revenue—constituting roughly 9% of the Group’s global net revenue, ranking third behind the U.S. (49%) and Asia (14%)—the Group has failed to disclose the substantial impact the EUDR could have on it.⁹² The

⁸⁶ *Ikanos Commc'ns, Inc.*, 681 F.3d at 120 (2d Cir. 2012); *Jianpu Tech. Inc.*, 2020 WL 5757628, at *13 (failure to disclose recent and imminent changes in regulation held to violate Item 303 and Sections 11 and 12(a)).

⁸⁷ See, e.g., Humane Society International, *Deforestation and Climate Change*, <https://hsi.org.au/international-wildlife/deforestation-and-climate-change/> (last visited June 14, 2024); World Wildlife Fund, *The Effects of Deforestation*, <https://www.wwf.org.uk/learn/effects-of/deforestation> (last visited June 14, 2024).

⁸⁸ Regulation (EU) 2023/1115 of the European Parliament and of the Council, 2023 O.J. (L 150/206), Art. 38(2) (enacted 31 May 2023).

⁸⁹ *Id.* Art. 1(1) (“This Regulation lays down rules regarding the placing and making available on the Union market as well as the export from the Union of relevant products, as listed in Annex I, that contain, *have been fed with* or have been made using relevant commodities, namely *cattle*, cocoa, coffee, oil palm, rubber, *soya* and wood . . .”) (emphasis added).

⁹⁰ *Id.* Art. 3, Art. 4 & Annex II.

⁹¹ *Id.* Art. 25(2)(a)-(c).

⁹² March 2024 F-4 Registration Statement at 4; *id.* at 123 (summarizing June 22, 2023 U.S. Senate Finance Committee testimony of JBS’s Global Chief, Sustainability Officer, Jason Weller, who pointed out that “[t]he United States is less significant, behind both China and

Group’s latest Offering Documents merely hint at a potential failure to timely meet the EUDR requirements, without providing any assurance of timely compliance, despite compliance coming due this year.⁹³ Most notably, the Group mentions “fines and other penalties,” but does not clearly disclose that it may lose access to one of its primary markets. Yet, JBS has long been linked to illegal deforestation, having been sued over the issue in 2009, and it is currently again being sued by Brazilian authorities for continuing to purchase product from deforested areas.⁹⁴ Thus, whether or not the Group can continue to lawfully sell its products in the European Union beginning December 31, 2024 is material; if the Group is on the verge of losing access to an export market that constitutes one-tenth of its business, that is self-evidently something reasonable investors would want to know about. The Group surely should know by now if it can timely comply, yet it has left open the hypothetical possibility of non-compliance—or of complying only “eventually.”⁹⁵

The Group’s failure to sufficiently disclose the “material effects”—loss of the EU market, fines, product confiscation, and more—that noncompliance with the EUDR “may have” on its “capital expenditures, earnings and competitive position,” and the risk the EUDR presents given its potential noncompliance, apparently violates Item 101 of Regulation S-K. Likewise, the Offering Documents failure to disclose the “material factor” of the Group’s imminent EUDR compliance problems apparently violates Item 105 of Regulation S-K as the consequences of failure to timely comply make “an investment in the registrant or offering speculative or risky,” and the Group fails to adequately explain “how each risk affects the registrant or the

the EU, in imports of major forest risk commodities, such as soy beef, and palm oil.”) (emphasis added); see also Chain Reaction Research, *JBS, Marfrig, and Minerva Unlikely Compliant with Upcoming EU Deforestation Law*, at 1-2 (November 2022), https://www.banktrack.org/download/jbs_marfrig_and_minerva_unlikely_compliant_with_upcoming_eu_deforestation_law/jbsmarfrigandminervaunlikelycompliantwithupcomingeudeforestationlaw1.pdf (noting that the products JBS sells in the European Union, including beef and leather, are subject to the EUDR, and that the company is unlikely to be able to comply).

⁹³ March 2024 F-4 Registration Statement at p 44 (“If we are unable to ensure that we are in compliance with the EUDR, we *may be* subject to fines and other penalties.”) (emphasis added); *id.* at 123 (“If we are unable to ensure that we are in compliance with the EUDR and deforestation regulations in the UK, we may be subject to fines, and other penalties that may adversely affect our image, reputation, business, financial condition and results of operations.”).

⁹⁴ Manuela Andreoni, *Brazilian State Seeks Millions in Environmental Damages From Giant Meatpacker*, N.Y. TIMES (Dec. 20, 2023), <https://www.nytimes.com/2023/12/20/climate/amazon-deforestation-jbs.html>.

⁹⁵ March 2024 F-4 Registration Statement at 123; *Jianpu Tech. Inc.*, 2020 WL 5757628, at *12 (Defendants’ disclosures framed as “mere hypotheticals” imply “that the risk of regulation is a theoretical one, rather than – as Plaintiff alleges – a risk that has already materialized in the marketplace. ‘Cautionary words about future risk cannot insulate from liability the failure to disclose that the risk has transpired.’”) (quoting *Rombach*, 355 F.3d at 173).

securities being offered.”⁹⁶ These disclosure failures also appear to violate Item 303 of Regulation S-K, as they fail to sufficiently describe “known trends or uncertainties that have had or that the registrant reasonably expects will have a material . . . impact on net sales or revenues or income from continuing operations.”⁹⁷ These apparent violations of Items 101, 105 and 303 of Regulation S-K, in turn, are apparent violations of Sections 11 and 12(a). Moreover, because the Group makes some disclosures about the EUDR but omits material information from them, these statements also appear to be materially misleading in apparent violation of Rule 10b-5.

V. Conclusion

The SEC should not issue a notice of effect for the Group’s recently filed Offering Documents without first investigating the serious legal deficiencies alleged in this Complaint. To do so would risk establishing an unlawfully low standard for the adequacy of disclosures that could undermine the integrity of the disclosure standards required for public companies and encourage companies to provide minimal or insufficient disclosures. The SEC must, instead, hold companies such as those in the Group to a disclosure standard that fully reflects the risks to the companies and their investors stemming from foreseeable noncompliance with the companies’ own commitments and standards and with regulations concerning environmental, social, and governance matters — in particular, animal welfare, climate, and environmental-related matters.

HSUS and the Center, therefore, urge the SEC to scrutinize all claims related to the Group’s apparently misleading and deceptive representations and omissions, particularly in the context of its proposed IPO. The potential impact of these alleged violations, if confirmed upon investigation, necessitates rigorous action by the SEC to ensure the accuracy of information provided to investors and to maintain the integrity of the financial market. During the pendency of the SEC’s investigation, the Commission should refuse to declare the Offering Documents effective.

HSUS and the Center are ready to provide support and information to assist the SEC in this important matter and may supplement this Complaint with additional information at a later date. We look forward to your prompt and decisive action.

⁹⁶ 17 C.F.R. § 229.105(a), (b).

⁹⁷ *Ikanos Commc'ns, Inc.*, 681 F.3d at 120; *Jianpu Tech. Inc.*, 2020 WL 5757628, at *13.

Respectfully submitted,

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Enclosures:

Attachment 1: List of Federal Violations for JBS and Pilgrim's
Attachment 2: HSUS SEC Complaint re: Pilgrim's Pride Corp.
Attachment 3: Complaint, New York v. JBS USA Food Co.
Attachment 4: Final Decision, Nat'l Advertising Div. Case # 7135
Attachment 5: Nat'l Advertising Review Board (NARB) Panel 313
Attachment 6: Compliance Proceeding from NAD Case Report #7135

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ATTACHMENT 1

Reference Information

The following charts are excerpts of the USDA’s Livestock Humane Handling and Poultry Good Commercial Practices inspection task datasets.¹ For ease of review, please see the following reference information:

Column Name	Definition ²
EstablishmentNumber	A letter/number combination uniquely identifying each establishment.
EstablishmentName	The name of an establishment on the FSIS grant of inspection.
InspectionDate	The date of the inspection task.
NRRegs*	The regulations associated with the specific noncompliance in the noncompliance record.
NRDescription	The description of the specific noncompliance within the noncompliance record.
MOIDate	The date that the MOI [Memorandum of Interview] record was opened.
MOIDescription	The narrative portion of the MOI documentation.

*For the Livestock Humane Handling inspection task data, NRRegs identify violations of the regulations at 9 CFR §§ 313.1–313.50. For the Poultry Good Commercial Practices inspection task data, good commercial practices refer to the regulations at 9 CFR § 381.65. Copies of these regulations are appended at the end of this exhibit.

¹ *Inspection Task Data*, US DEPT. OF AG. FOOD SAFETY AND INSPECTION SERVICE, <https://www.fsis.usda.gov/science-data/data-sets-visualizations/inspection-task-data> (last accessed May 22, 2024).

² *Livestock Humane Handling Inspection Task Data Documentation*, US DEPT. OF AG. FOOD SAFETY AND INSPECTION SERVICE, https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf (last accessed May 22, 2024).

Excerpt of Livestock Humane Handling Inspection Task (Current)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description	MOI Date	MOI Description
M850+P177	Swift Pork Cor	4-Oct-23	313.2	<p>On 10/04/2023 at approximately 1920 hours while performing HATS Category V – Suspect and Disabled with Mr. REDACTED, Stun Tech in pen A, I noticed several animals slipping as they were coming down the sloped alley from unloading dock 3 towards the northeast corner outside of pen A. The employee was behind them tapping the flooring with his rattle paddle. I asked Mr. REDACTED to call for Mr. REDACTED, Livestock Supervisor. I informed Mr. REDACTED of my observations and showed him the area where the animals slipped. Mr. REDACTED determined the feces buildup in between the grooves of the flooring attributed to the animals slipping. Mr. REDACTED had the area hosed down. As Mr. REDACTED and I left pen A on our way to pen B we had to wait for hogs to be moved from the northwest alley of dock 1 to scale A before we could cross over. While waiting I looked to my right towards scale B and observed two animals slip as an employee was tapping his rattle paddle on the flooring to move the hogs on to the scale. As I turned back towards the alley before scale A, I noticed a hog fall as it moved away from the scale. The employee moving that group of hogs to scale A used his rattle paddle to tap the flooring behind the hogs eventually moving the group on to the scale. I informed Mr. REDACTED who was right next to me I had just observed 2 animals slip moments before at scale B and one fall near scale A. Heavy feces buildup was observed in both areas. Mr. REDACTED had both areas hosed.</p> <p>At approximately 2100 hours I returned to the northwest alley of dock 1 to perform HATS Category – VII Slips and Falls. I observed an employee moving hogs from unloading dock 1 towards scale A by tapping his rattle paddle on the flooring and vocal commands. I observed 1 animal fall, 2 slip and 1 lose footing in the northwest alley before scale A. I observed excessive feces in the grooves of the flooring. I asked Mr. REDACTED to radio for Mr. REDACTED. I informed Mr. REDACTED that excessive feces on the flooring caused 1 animal to fall, 2 slip, and 1 lose footing due to inadequate footing and informed him a noncompliance record would be issued and requested an immediate corrective action. Mr. REDACTED had the alley hosed down.</p> <p>MOI HEM4414092227G dated 09/27/2023 documented slips and falls in the same areas as described in this NR.</p>		
M3W+V3W	Swift Pork Cor	6-Oct-23			7-Oct-23	<p>I observed a hog carcass on the kill floor at approximately 0115 (toward the end of the night for night shift of 10/6/2023). The carcass was on the line in the heads' inspection area, and I asked an inspector to retain the carcass to be railed out for my inspection.</p> <p>Tattoo 310 had 10 or more distinct dark brown marks in the mid back area. The marks were 1/4 to 1/2 inch wide and of varying length, up to as much as 10 inches long. Marks were random in direction and mostly localized in one area approximately one foot square. Some marks had a very small open circle at one end.</p> <p>The yards procurement supervisor REDACTED was called to capture pictures of the marks on the carcass. Supervisor REDACTED said he would look into the source of the marks and get back to me.</p> <p>10/09/2023 Investigation report received from the establishment.</p> <p>Review of in-plant cameras stated the truck unloading where the hog arrived went well; there was no misuse of handling tools in barn pens, and CO2 drive lanes; and all handlers used approved tool and good handling.</p> <p>Producer report stated that there were no difficulties at loading out with sorting, moving or loading the hogs. Handling equipment included 3-foot sort boards, bifold panels and electric prods.</p> <p>Producer preventative/correction actions included a maintenance check to determine if anything could have caused the marks and review the producer animal handling SOP with all individuals involved.</p>
M1311	JBS Soudertor	25-Oct-23	313.2	<p>Category IV-Antemortem Inspection</p> <p>On October 25, 2023, at approximately 0845 hours, Insp. REDACTED and Insp. REDACTED were walking through the hide-on area and witnessed a steer that was running through the blood pit. They observed 2 establishment employees attempting to corral the animal to keep it from going further into the establishment. No injuries to the animal were noted. The establishment employees regained control of the animal and it was stunned appropriately. Establishment management was notified that a noncompliance record for 313.2(a) would be issued due to not handling the animal with a minimum of excitement.</p>		

Data includes inspection tasks between October 1, 2023 - December 31, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Current)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description	MOI Date	MOI Description
M3W+V3W	Swift Pork Cor	27-Oct-23			28-Oct-23	<p>10/26/2023 Approximately 2250 showed yards supervisor REDACTED a hog carcass which had been retained on the final rail. On the backside of the left ham was an outlined imprint of a "hotshot" prod end. The tattoo identifying the source of the hog was 1238.</p> <p>11/01/2023 Received investigation report from establishment. Both the producer site and the trucker used electric prods in loading the hogs. The producer site supervisor determined that the type of prod used by the trucker was different than the load crew. After analyzing the mark on the hog it was determined that the mark was from the trucker's prod.</p> <p>Preventive/corrective actions taken by producer: The animal welfare officer discussed proper animal handling and tool usage with trucker and having a second electric prod available for back up.</p>
M3W+V3W	Swift Pork Cor	13-Nov-23			14-Nov-23	<p>Approximately 0025 of night shift of 11/13/2023, I observed a carcass (tattoo 406) retained in the disposition area.</p> <p>Mid-back behind the neck of the carcass was a mark which appeared to be an imprint from a hot shot, with the prong end prominently outlined, and a portion of the attached stick.</p> <p>Superintendent REDACTED took photos of the carcass and sent them to procurement.</p> <p>At 1750 on 11/14/2023 I met with second shift procurement supervisor REDACTED for antemortem inspection. Supervisor REDACTED verified that he had received the photos and said the marks were being investigated.</p> <p>11/17/2023 Received investigation report from REDACTED.</p> <p>In-plant camera review found correct handling of tools.</p> <p>Investigation conclusion from producer found that it could not be determined who was at fault--the handler that brings hogs to truck and truckers at site or the trucker.</p> <p>Preventive/corrective action by JBS: review animal welfare procedures and JBS policy with trucker.</p> <p>Preventive/corrective actions taken by producer: Reviewed proper animal handling techniques with the load crew.</p>
M969G	Swift Beef Cor	14-Nov-23	313.1	<p>On Tuesday, November 14th, 2023, at approximately 1000 hours, while performing a routine Livestock Humane Handling task and verifying HATS category IV (ante-mortem inspection), I, the SPHV, observed the following noncompliance:</p> <p>In a pen with approximately 35 cattle, I observed one bovine fall and two bovines slip. The first animal was moving from the south side to the north side of the pen and tried to stop and both hind feet slid underneath it, leading its rear quarters and belly to contact the ground. The animal recovered its upright position without apparent injury. In approximately one minute, two more cattle slipped. Each of these slips was characterized by the metacarpus contacting the ground. The waffled concrete footing was covered by excess slurry manure. I notified the lead in the yards of the forthcoming noncompliance for not meeting the regulatory requirements of 9 CFR 313.1(b).</p> <p>There have been no noncompliance records issued for the same root cause in the past 90 days.</p>		

Excerpt of Livestock Humane Handling Inspection Task (Current)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description	MOI Date	MOI Description
M562M	JBS Plainwell,	16-Nov-23	313.2	<p>HATS CATEGORY IV—ANTEMORTEM INSPECTION; HATS CATEGORY III—WATER AND FEED AVAILABILITY</p> <p>At 0744 hour on 11/16/24, while performing ante-mortem inspection activities, I found noncompliance with "Humane Slaughter of Livestock—Handling of Livestock" regulatory requirements. At about 0735 hour I entered the barn area to perform ante-mortem inspection and I observed that a dairy cow and a beef cow (both standing) were being held in the suspect pen. It appeared these animals might not have access to water. Upon further investigation, I found that there was no water in the water trough that was located near the front of the suspect pen (in fact the bottom of the trough was completely dry). In addition, there was no water in the automated drinking trough at the back of the pen. Finally, no other sources of drinking water were present in the suspect pen. These findings illustrate noncompliance with 9 CFR 313.2 (e), because animals in a holding pen did not have access to water.</p> <p>In response to this finding, a barn employee immediately brought water to the cows in the suspect pen. In addition, at 0746 hour I notified barn supervisor REDACTED that I would be documenting the above-described findings on a noncompliance record.</p>		
M995	Swift Pork Cor	24-Nov-23	313.1	<p>HATS category IV: Ante-mortem Inspection</p> <p>While performing the Livestock Humane Handling task at JBS Swift (M995) Louisville, KY, Supervisory Veterinary Medical Officer (SVMO) REDACTED, DVM made the following observations at approximately 0940 hrs. EST in the holding pens of the establishment: In pen 27, multiple galvanized metal pipes were found in disrepair; near one water trough was found two approximately 1 1/2 inch rusted off pipes with jagged, sharp edges exposed with the potential for animal injury; near a second water trough was found another rusted off pipe with exposed jagged, sharp edges; on the wall opposite the water troughs, another rusted out pipe was observed with exposed jagged, sharp edges with the potential for animal injury. Additionally, pen 26 was found with a similar galvanized metal pipe, rusted out with exposed jagged, sharp edges. U.S. Rejected tag #B45710204 was placed upon pen 27. Barn Supervisor REDACTED was notified of the above observations, regulatory control action, and forthcoming documentation of non-compliance with 9 CFR 313.1(a).</p> <p>At approximately 1100 hrs. EST, following the establishment's corrective actions, pen 27 was again inspected by Dr. REDACTED. Sharp edges were still found to be present on the galvanized pipes in question. Following additional corrective actions by the establishment, the pen was found satisfactory, and the regulatory control action removed.</p>		

Data includes inspection tasks between October 1, 2023 - December 31, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M85B	Swift Pork Company	6-Apr-21	313.2	<p>Category IV-Antemortem Handling</p> <p>On April 6, 2021, at approximately 18:40, while performing Humane Handling Task (Category IV Antemortem Handling) in the livestock barn, I observed the following noncompliance. As I approached the pen on the offloading side of the scale, I saw a livestock employee trying to drive approximately four hogs that were trying to get past him back toward the scale. As I watched, a hog started to pass the driver and he stuck out his paddle in front of the hog, but the hog continued walking. The driver then drew back the paddle and struck the hog in the face at about the level of the eyes. I heard the impact of the paddle and the hog squealed and ran faster, continuing past the driver.</p> <p>Striking the hog in a sensitive area, such as the face, with a driving aid, is a noncompliance with 9 CFR 313.2 (a) and 9 CFR 313.2(b). I told the driver to stop, and he stopped trying to drive the hogs. I informed Livestock Supervisor REDACTED, who was immediately behind me, of what I had seen. He approached and spoke with the livestock employee and helped him to drive the hogs from the area. I informed Supervisor REDACTED that a noncompliance record would be created.</p>
M562	JBS Green Bay, Inc.	15-Apr-21	313.1	<p>While performing Handling During Ante-mortem Inspection (HATS category IV), it was observed that pen or "lobby #2" (as the establishment refers to it) had a piece of wood broken off inside it. As a result, there was a sharp 5" wire sticking out of the bottom of a welded wire cattle panel that prevents the animals from sticking their heads out of the barn. The wire was protruding into the pen. The animals were immediately moved to Lobby #1. The Barn supervisor REDACTED was immediately notified. He then notified an establishment QA tech and maintenance who came and cut the piece of wire that was sticking out. Cattle were allowed back in lobby #2. No animals were observed injured or near the exposed wire. This is a noncompliance with regulation 9 CFR 313.1(a). Establishment QA Superintendent REDACTED was notified of the noncompliance and that a noncompliance record would be issued.</p>
M562M	JBS Plainwell, Inc.	15-Apr-21	313.15(a)(1), 313.15(b)(1)(iii)	<p>At approximately 7:45am, Thursday, April 15th, 2021, CSI REDACTED was observing a barn employee stun a down Holstein cow on the loading dock. The animal was lying down sternally and wouldn't get up. The barn employee was trying to line up a shot with a handheld stunner, but the animal was moving its head from side to side. The employee tracked the animal's movement with the stunner and fired, but CSI REDACTED determined the shot was ineffective at rendering the animal unconscious as the animal was still holding its head up, had its ears up, eyes open, and was still moving its head from side to side. CSI REDACTED could also observe a spot on the animal's head where the stunner had hit. The barn employee immediately reloaded the stunner and began tracking the animal's head movements to line up a second shot. The employee fired the stunner again in a timely manner. CSI REDACTED determined this shot was effective in rendering the animal unconscious as the animal's head and ears dropped immediately. CSI REDACTED promptly informed Barn Supervisor REDACTED of the forthcoming noncompliance.</p> <p>The requirements of 313.15(a)(1) and 313.15(b)(1)(iii) were not met.</p> <p>HATS category VIII</p>
M1311	JBS Souderton, Inc.	16-Apr-21	313.1	<p>HATS Category: 4 On April 16, 2021 I, REDACTED was performing ante-mortem inspection. At approximately 0545 I observed a Holstein cow reluctant to move from the corner of the pen (pen 16) adjacent to the center alley where pens 16 and 17 join. Upon closer examination it was observed that approximately a 2" hook attached to about a 2' chain was in the cow's nostril. The chain was connected to the gate which kept the animal from freely moving about the pen. The cow was in a standing position, remaining calm. The chain was taut, but she was not pulling against it. The cow was also not vocalizing. A quick and simple attempt was made to dislodge the hook and was unsuccessful. The animal was euthanized to prevent any further injury or discomfort to the animal. Barn Supervisor, Mr. REDACTED was verbally notified and Mr. REDACTED, Food Safety Manager was notified in writing of the non-compliance with the Meat and Poultry Regulation 9 CFR 313.1, pens shall be maintained in good repair and free of sharp or protruding objects which may cause pain or injury to an animal.</p>
M562M	JBS Plainwell, Inc.	5-May-21	313.15(a)(1)	<p>At approximately 2:57pm, Wednesday, May 5th, 2021, CSI REDACTED was observing Barn Supervisor REDACTED knocking Holstein cattle in the knock box. Mr. REDACTED proceeded to line up a shot on an animal and discharge the pneumatic captive bolt gun. CSI REDACTED determined the animal remained conscious as he could observe the animal still holding its head upright, with its ears up, and eyes open. Mr. REDACTED immediately grabbed the hand held captive bolt gun and administered a second shot. The animal's head immediately dropped, and CSI REDACTED determined the shot was effective in rendering the animal unconscious. CSI REDACTED moved next to the knock box and could feel and observe two holes in the animal's head, one being off center. CSI REDACTED informed Mr. REDACTED of the forthcoming noncompliance.</p> <p>The requirements of 9CFR 313.15(a)(1) were not met.</p> <p>HATS Category VIII.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562M	JBS Plainwell, Inc.	17-May-21	313.15(a)(1)	<p>On Monday May 17, 2021 at approximately 1010 AM, I, CSI REDACTED, while performing the humane handling task, observed an ineffective stun of a beef cow. As the cow was approaching the knock box, she refused to enter the restraining conveyor. As such, the employee knocking, REDACTED, chose to use the captive bolt to knock the cow. CSI REDACTED determined the first knock was ineffective as the cow went to her knees but remained conscious. The cow's head was up and alert, ears were erect, and eyes showed signs of consciousness as she was able to track movements in front of her. REDACTED immediately reloaded the captive bolt device and administered the second knock, as the corrective action, causing the cow's head to drop, and rendering the animal unconscious. The CSI then notified Supervisor REDACTED that a noncompliance was being issued and the knock box was being tagged off, tag NO.B-45949272, while the CSI notified the USDA supervisor in charge, Dr. REDACTED. This was a violation of regulation 313.15(a)(1) which states,</p> <p>“Application of stunners, required effect; handling. (1) The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.”</p> <p>After corrective actions were discussed, the regulatory control tag was removed from the knock box and the establishment was allowed to resume slaughter.</p> <p>HATS Category VIII- Stunning Effectiveness</p> <p>This document serves as notification that continued failure to meet regulatory requirement(s) could result in additional regulatory or administrative action.</p>
M1311	JBS Souderton, Inc.	19-May-21	313.2	<p>HATS Category III – Water and Feed Availability On May 19th at approximately 0950 hours, I, REDACTED, went to the truck unloading area to observe activities there. I noticed that the animals in pen #11 (which had been there since I arrived to work at 0530) had no water in their tank. I notified the barn supervisor, REDACTED, of the noncompliance and the establishment's failure to comply with 9CFR 313.2(e). Her immediate corrective action was to tinker with the filling float mechanism which turned on and filled the tank with water. Two animals immediately availed themselves of the water, but none seemed badly affected by dehydration. The long term corrective action was to empty a different pen that had a functional water tank in it and transfer the animals to that pen, as the animals were being held overnight.</p>
M1311	JBS Souderton, Inc.	3-Jun-21	313.2	<p>HATS Category V – Suspect and Disabled On June 3rd, at approximately 1253 hours I was in the barn on the upper catwalk and my attention was drawn to a NAD cow in the main alleyway of the lower pens (about between pen 16 and pen 25). She was part of a lot of animals that was being unloaded from the scales. The animal was unprotected and had several other cows milling around on both sides of her. The pen runner had left the area. At the approach of a different establishment person who was going to knock the animal, the loose animals moved away from him and 3 or 4 cows trampled the NAD. The right side of her torso was stepped on and her head/neck was kicked. She made no attempt to rise, she just turned her head away from the oncoming animals, nor did she vocalize. The remainder of the loose animals moved around the NAD toward their designated holding pen. The animal did not appear to be injured. I informed the Barn Supervisor, REDACTED of the noncompliance and the establishment's failure to comply with 9CFR 313.2(a).</p>
M532	Swift Beef Company	5-Jun-21	313.15(a)(1)	<p>HATS Category VIII: Stunning Effectiveness While performing antemortem inspection on Saturday, June 5, 2021 at approximately 0935, I observed the following humane handling noncompliance: While unloading cattle from a trailer, establishment employees identified a non-ambulatory disabled beef cow. After failed attempts to mobilize the animal in a humane manner utilizing a cattle prod, the establishment determined that the animal would be euthanized. This process consists of stunning the animal with a handheld captive bolt device (HHCBD) and severing the arteries by “sticking” the animal in the neck and upper chest. Utilizing the HHCBD, the establishment employee failed to stun the animal on the first attempt. Although the animal did not vocalize, it made conscious movements away from the employee. The employee took immediate corrective action and attempted to stun the animal a second time. The establishment employee failed to stun the animal with the second attempt. Again, the animal did not vocalize but it made conscious movement away from the employee. The employee, utilizing a backup HHCBD that was readily available, successfully rendered the animal unconscious with their third attempt, which occurred at 0937. Supervisor REDACTED was verbally notified of the unsuccessful attempts to stun the animal and the forthcoming noncompliance. Further investigation demonstrated that the device did not completely fail during these attempts and that all three stun attempts made contact with the animal. This was evident by three holes through the animals hide. Two of these holes did not penetrate through the animal's skull (first two attempts) and the third, which successfully stunned the animal, penetrated through the skull. This was verified by Dr. REDACTED (SPHV). Since the establishment failed to produce immediate unconsciousness the observations detailed above are noncompliant with 9 CFR 313.15(a)(1). There have been no other non-compliances for the same root cause issued to the establishment within the past 90 days.</p>
M1311	JBS Souderton, Inc.	5-Jun-21	313.2	<p>HATS Category VI – Electric Prod/Alternative Object Use On June 5, at approximately 1226 hours I, REDACTED, was observing animal handling at the serpentine area. There was a single animal that was not wanting to go into the alley up the serpentine. Both the operator at the mouth of the alley and the one on the ground at the circle were attempting to coerce the animal with rattle paddles. The one in the circle had already touched the animal in the front shoulder area twice. The animal did not cooperate. The circle operator then hit the animal on the cheek with the flat side of the paddle and the immediately followed it up with a hit to the center of the forehead. The animal did not vocalize or appear to be injured. I immediately yelled to stop operations, which they did. The Barn Supervisor, REDACTED, was at the scales and immediately came over to the area. I informed her of the events and the subsequent noncompliance and the establishment's failure to comply with 9CFR 313.2(b). The immediate corrective action was to remove the operator and replace him with another.</p>
M1311	JBS Souderton, Inc.	16-Jun-21	313.2	<p>HATS Category III – Water and Feed Availability On July 16, at approximately 0546 hours I, REDACTED, was performing antemortem at pen 8&9 and the water tank appeared empty while the animals were present. An inspection of the water trough after the animals had left the pen revealed that the trough was empty, and the automatic water valve was not functioning to return any water into the trough. There was also a small ancillary tank at the back of the pen that is also on long-term disrepair and an inspection of it revealed it to be empty too. At approximately 0550 hours I informed the Night Barn Supervisor, REDACTED, of the noncompliance and the establishment's failure to comply with 9 CFR 313.2(e). The supervisor performed a correction to the automatic pump which allowed water to start flowing to the trough. The animals were returned to the pen upon adequate water availability.</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562M	JBS Plainwell, Inc.	24-Jun-21	313.15(a)(2), 313.2	<p>HATS CATEGORY VIII—STUNNING EFFECTIVENESS</p> <p>At approximately 1015 hour on 6/23/2021, while verifying the humane stunning of livestock, I observed noncompliance with Humane Slaughter of Livestock—Handling of Livestock regulatory requirements and Humane Slaughter of Livestock—Mechanical; Captive Bolt regulatory requirements. At approximately 1015 hour, I observed a beef animal in the livestock chute, just prior to the stun restraint box with its head entrapped. The chute floor, just prior to the stun restraint box, slopes down and includes a brisket slide (or brisket bar). In the same area of the chute, mounted to the walls of this chute were body slides (or body boards). These body slides were mounted about two feet above the floor and parallel to it. This part of the chute (prior to the stun restraint box) helps deliver beef animals onto a brisket conveyor located in the stun restraint box. The beef animal's head became entrapped between the left side of the brisket bar and the left chute wall with its forehead against the chute wall and its jaws against the brisket bar. In addition, the pole of the beef animal's head was entrapped below the body slide. The beef animal was clearly distressed in this position. It was trying to pull back with its feet. In addition, its tongue was protruding from its mouth. Lastly, twice while establishment personnel were trying to free the beef animal's head, I twice heard the animal beller. Because of the position of the beef animal's entrapped head, establishment personnel were unable to stun it to minimize further distress to the animal. It was not until 1034 hour that establishment personnel were able to get the beef animal's entrapped head repositioned enough to allow for an accurate placement of a cartridge fired captive bolt gun. As soon as the beef animal's head was repositioned, establishment personnel quickly rendered the beef animal unconscious with a single shot from a cartridge fired captive bolt gun. These observations illustrate that an animal was not driven to the stunning area with a minimum of excitement and discomfort, which is noncompliant with 9 CFR 313.2 (a) and 313.15 (a) (2).</p> <p>As soon as the beef animal was unconscious, I informed REDACTED, Quality Assurance Superintendent, that I would be documenting the above described findings on a noncompliance record.</p>
M562M	JBS Plainwell, Inc.	29-Jun-21	313.15(a)(1)	<p>On Tuesday June 29, 2021 at approximately 1047 AM, I, CSI REDACTED, while performing the humane handling task, observed an ineffective stun of a beef cow. Using the captive bolt gun, the employee knocking, Luis, delivered the first knock with no effect. The bolt only just punctured the skull. The cow jumped and looked around at its surroundings, alert, tracking the movement of the employee knocking. Luis then grabbed the second captive bolt from the employee assisting in reloading and delivered the second stun rendering the animal unconscious.</p> <p>The CSI then notified Supervisor REDACTED and Superintendent REDACTED, that a noncompliance was being issued and the knock box was being tagged off, tag NO.B-45949271, while the CSI notified the USDA supervisor in charge, Dr. REDACTED. This was a violation of regulation 313.15 (a)(1) which states,</p> <p>“Application of stunners, required effect; handling. (1) The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.”</p> <p>There were no corrective actions discussed at this time. After further discussion with the supervisor, the regulatory control tag was then removed from the knock box and the establishment was allowed to resume slaughter.</p> <p>HATS Category VIII- Stunning Effectiveness This document serves as notification that continued failure to meet regulatory requirement(s) could result in additional regulatory or administrative action.</p>
M1311	JBS Souderton, Inc.	30-Jun-21	313.2	<p>HATS Category VIII – Stunning Effectiveness On June 30, at 1538 hours I, REDACTED, was observing stunning operations from the knock box platform. An uncooperative conscious animal on the moving belly conveyor presented a difficult shot with the pneumatic captive bolt gun for the stunning operator. He stopped the conveyor and then backed the animal up to perform a hand-held captive bolt gun shot. I observed that the animal had already been shackled by the shackling operator on the floor. The animal did not vocalize or struggle. The stun operator then yelled “head shot” which normally indicates to the floor operator to not to shackle the animal yet, but it already had been done and no attempt to remove the shackle from the conscious animal was made by the floor operator. I observed the stun operator apply a hand-held captive bolt shot to the shackled animal which rendered it unconscious. Barn Supervisor REDACTED and Harvest Supervisor REDACTED were immediately informed of the noncompliance and the establishment's failure to comply with 9CFR 313.15(a)(1).</p>
M1311	JBS Souderton, Inc.	7-Jul-21	313.2	<p>This morning (7/7/21) at approximately 0645, while performing Ante Mortem inspection in the barn area, I (REDACTED) observed pen 47 containing 14 Holstein cows 13 of which were standing side by side with no room to move and one cow jammed in the corner in a lateral recumbent position with its head protruding completely beneath the gate into the alley and unable to move. These cattle were received on 7/6/21 and held overnight and due to the overcrowded pen condition the cattle were unable to lie down or have access to water. REDACTED, barn supervisor, was notified verbally and in writing with this NONCOMPLIANCE Report of the establishments failure to comply with the Code of Federal Regulations Part 9 section 313.2(e). The establishment also failed to follow its' General Barn Operation SOP dated 9-1-20 which states that REDACTED and also states that REDACTED. No regulatory control action was taken since management immediately opened the pen gate and the recumbent animal got up and did not appear injured and all animals were relocated.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M1311	JBS Souderton, Inc.	10-Jul-21	313.2	<p>HATS Category III – Water and Feed Availability On July 10th, around 0530hours, I, REDACTED, started antemortem and observed pen #21 from the overhead catwalk where there was not sufficient room in the holding pen for the animals in the pen to lie down. This pen had been kept overnight. The pen consisted of 42 Holstein steers and heifers and I observed four (4) animals lying down with the remainder standing closely together (parallel orientation) from side to side and no other open areas available in the pen to move. The lack of sufficient room also inhibited and made access to water difficult for the animals standing in the middle of the pen. There was no barn supervisor on duty at the time of observation. At around 0800 hours Dayshift Barn Supervisor REDACTED and Tech Services Manager REDACTED were informed of the noncompliance and the establishments failure to comply with 9CFR 313.2(e).</p>
M562M	JBS Plainwell, Inc.	21-Jul-21	313.2	<p>On Wednesday July 21, 2021, I CSI REDACTED, observed the following non-compliance.</p> <p>As I was walking to the loading dock, on top of the catwalk, I heard a JBS employee shouting. When I approached the loading dock, I witnessed a steer stuck in the fence rail that divides the two unloading docks. The animal's body was on one side of the fence and its hind leg was on the opposite. The steer was trying to regain its footing but was unable to do so, causing it discomfort. The bar that was located above the steer was broken from the anchor post. Almost immediately, the same employee realized there was no chance of getting him free, so he decided to stun the animal using the handheld captive bolt device. The first stun rendered the animal unconscious. Maintenance then had to cut the rail releasing the now carcass from the fence.</p> <p>I then notified Superintendent REDACTED and Technical Services Director REDACTED that I would be issuing a non-compliance record. This is a violation of regulation 9 CFR 313.2 (a) which states,</p> <p>“§ 313.2 Handling of livestock. (a) Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed.”</p> <p>In addition to the immediate corrective action of stunning the steer, the metal bars on the fence were rewelded, anchoring them to the ground support posts. This repair allowed the establishment to fully utilize the unloading dock to continue unloading the cattle.</p> <p>HATS Category II – Truck Unloading</p> <p>This document serves as a notification that continued failure to meet regulatory control requirement(s) could result in additional regulatory or administrative action.</p>
M562M	JBS Plainwell, Inc.	26-Jul-21	313.15(a)(1)	<p>On Monday July 26, 2021 at approximately 0530, I, CSI REDACTED, while performing the humane handling task during antemortem, observed an ineffective stun of a non-ambulatory beef cow. Using the captive bolt device, the employee stunning, REDACTED, delivered the first stun with no effect. The beef cow was alert, her head was up right, her ears were erect, and she was tracking the movement of the employee delivering the stun. REDACTED then, immediately, reached for the second handheld stunning device and delivered the second stun to the back of the head rendering the cow unconscious.</p> <p>I then notified Superintendent REDACTED, that a noncompliance record was being issued for ineffective stunning. This was a violation of regulation 313.15 (a)(1) which states,</p> <p>“Application of stunners, required effect; handling. (1) The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.”</p> <p>HATS Category VIII- Stunning Effectiveness</p> <p>This document serves as notification that continued failure to meet regulatory requirement(s) could result in additional regulatory or administrative action.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562M	JBS Plainwell, Inc.	6-Aug-21	313.1	<p>HATS CATEGORY IV—Ante-mortem Inspection</p> <p>On 8/6/2021, while performing livestock ante-mortem inspection, I identified Humane Slaughter of Livestock—Livestock Pens, Driveways, and Ramps noncompliance. At 0803, while performing livestock ante-mortem inspection of pen 4. I observed a recumbent beef steer with its left front leg stuck in an approximately 4-inch gap between a metal pipe and a metal plate. The metal plate ran horizontally along the width of the pen and extended from the floor to a height of about 6 inches. The metal pipe ran parallel to the metal plate about 4 inches above this plate. Running horizontally above the metal pipe was a drinking trough. The steer did not struggle to free itself from the entrapment, but it was unable to stand because its foot was entrapped. This finding illustrates noncompliance with 9 CFR 313.1 (a), which requires establishment personnel to repair unnecessary openings where the head, feet, or legs of an animal may be injured.</p> <p>The employee moving the animals inside pen 4 responded to the above-described situation by immediately contacting maintenance for assistance with freeing the steer. In addition, he moved the other animals in pen 4 to pen 7. When maintenance personnel arrived, they cut the metal plate that entrapped the steer's foot. By 0820 hour the steer's foot was freed, and the steer stood up. Establishment personnel moved the steer to a pen 7 with its pen mates. Establishment personnel placed pen 4 on hold so that it could not be used for holding livestock</p> <p>At 0805 hour, I notified REDACTED (Barn Superintendent) that the above-described finding would be documented on a noncompliance record.</p> <p>In plant inspection personnel, documented a similar noncompliance finding on noncompliance record CFO5204073622N/1, dated 7/21/2021. This noncompliance record describes a steer stuck in a fence rail dividing the two loading docks. The immediate action taken by establishment personnel to address this noncompliance was to reweld a broken fence rail, in the loading dock area, to its support post. However, this action has not prevented a similar noncompliance from occurring.</p> <p>This document serves as notification that continued failure to meet regulatory requirements could lead to further regulatory or administrative action.</p>
M1311	JBS Souderton, Inc.	13-Aug-21	313.2	<p>HATS Category IV; Handling During Ante Mortem Inspection On August 14, 2021 at 7:44 am I, REDACTED, was performing observations of employees moving cattle in the crowd pen and serpentine area. The crowd pen operator was leading a group of Steers into the serpentine. The operator did not properly close the pen 16 swing gate, when one of the Steers turn back around and got it's hips caught between the swing gate and the fence, and was unable to free itself. The pen employee then encouraged the Steer to move backward so the swing gate could be moved away from the animal to free it. The Steer did not vocalized and did not appear injured. Mr. REDACTED Barn Supervisor, Mr. REDACTED (Slaughter Superintendent and Quality Control REDACTED verbally were all notified verbally and in writing of the establishment failure to comply with the regulatory requirements of 9 CFR 313.2.</p>
M562M	JBS Plainwell, Inc.	16-Aug-21	313.1	<p>At approximately 8:55am, Monday, August 16th, 2021, while performing ante-mortem inspection duties, CSI REDACTED became aware of down animals on a truck which was about to unload. After unloading the belly of the trailer, CSI REDACTED could observe two down animals. The top of the trailer was then unloaded which revealed at least two more down animals. One animal on the top was able to be unloaded, but the establishment elected to euthanize the animal as it appeared weak. A plant employee went into top of the truck and found one of the downed animals had its leg stuck in the floor of the trailer where the floor had partially collapsed. CSI REDACTED observed from the side of the trailer and could see where the animal's leg was protruding through the floor. The plant euthanized the animal as there was no way to safely remove its stuck leg from the floor. The leg had to be cut off to drag the carcass off the trailer. The two down animals in the belly of the trailer were also euthanized after they failed to get up. All animals euthanized were rendered unconscious on the first stun. CSI REDACTED informed Food Safety Supervisor REDACTED of the forthcoming noncompliance. The requirements of 313.1a were not met.</p> <p>HATS Category II</p>
M562M	JBS Plainwell, Inc.	20-Aug-21	313.15(a)(1), 313.15(b)(1)(iii)	<p>At approximately 2:40pm, Friday, August 20th, 2021, CSI REDACTED was observing a plant employee stunning beef animals at the knock box. The employee was stunning with a handheld captive bolt stunner and went to line up a shot on an animal which was moving its head from side to side, over the top of the squeeze restraints making up either side of the knock box. The animal paused its head movement and the employee lined up a shot with the captive bolt gun. Just as the employee fired the gun, the animal moved its head to the left which caused the bolt to strike the animal between the eye and the ear on the right side of the animal's head. CSI REDACTED could observe a bloody spot in this area. The animal was not rendered unconscious as it was holding its head up, had its ears erect, had its eyes open, and was moving its head, but not as much as before. The employee quickly lined up a second shot on the animal and rendered it unconscious as the head immediately dropped down into the knock box and its ears were limp. CSI REDACTED informed Barn Supervisor REDACTED of the forthcoming noncompliance. The conditions of 313.15(a)(1) and 313.15(b)(1)(iii) were not met. Noncompliance CFO4505074827N/1 from 7/26 will be linked in association with this current noncompliance as failure to implement corrective actions and preventative measures were ineffective at preventing a reoccurrence.</p> <p>HATS Category VIII</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562M	JBS Plainwell, Inc.	24-Aug-21	313.15(a)(2), 313.2	<p>At approximately 12:00pm, Tuesday, August 24th, 2021, CSI REDACTED was going to the knock box to observe knocking when he noticed they were not knocking and employees were looking into the knock box. Upon further investigation, CSI REDACTED observed a Holstein steer with its head and leg stuck in the knock box. The knock box has a floor that slopes downward with a brisket conveyor running out of the middle of the slope. The animals walk down the slope, which eventually drops off, but the animal is then riding on the brisket conveyor. On the walls making up the sides of the box, there are green plastic body slides to guide the animals down onto the conveyor. The slides themselves are approximately 18in in height, protrude about 4in from the wall, and are mounted about 18-20in above the floor and run parallel to the sloped floor of the knock box. The steer had its head and right leg stuck between the brisket conveyor and the side of the knock box under the body slides at the bottom edge of the slope of the knock box. The steer was vocalizing and was in distress. Furthermore, the steer behind the stuck steer was standing on the down animal with its front legs. Employees tried to back the standing steer out, but it would not move. After several minutes of moving the brisket conveyor intermittently and shifting the top animal, the bottom animal was able to free its head. The knocker pulled both animals forward on the brisket conveyor and knocked both animals successfully on the first stunning attempt. CSI REDACTED informed Superintendent REDACTED and Operations Manager REDACTED of the forthcoming noncompliance. These observations are consistent with the animal not being driven to the knock box with a minimum of excitement, therefore, the conditions of 313.2(a) and 313.15(a)(2) were not met. Noncompliance CFO3315063124N/1 from 6/24 will be linked in association with this current noncompliance as failure to implement corrective actions and preventative measures were ineffective at preventing a reoccurrence.</p> <p>HATS Category VI</p>
M969G	Swift Beef Company	26-Aug-21	313.2	<p>At 2030 while in the antemortem pen area to perform antemortem inspection, I (SVMO REDACTED) observed the following noncompliance under HAT category III, Water and Feed Availability.</p> <p>Pens 1A through 6A and pens 8A through 14A all held cattle awaiting antemortem inspection, but the water troughs for those pens were empty of water. According to the employees in the pens, the water had gone off at approximately 1900, and maintenance had been notified of the problem. As the cattle received antemortem inspection, they were moved into other pens which had full water troughs (1B through 6B and 8B through 14B). Pens 1 through 14 share water troughs which are situated between the pens so one trough serves two pens. According to the pen cards, each of the pens held between 34 and 40 head of cattle so each trough would have served between 68 and 80 head of cattle if operational.</p> <p>At 2320, I visited the pens again and found all troughs full of water. All animals on premise had access to water at that time.</p> <p>This finding represents a noncompliance with 9 CFR 313.2(e).</p> <p>The water supply issue has been recurring this week as the sprinklers in the pens had been observed by inspection personnel to be operating intermittently on previous days on both shifts during conditions of high heat and humidity. This issue of providing water for the pens to prevent heat stress in the cattle was discussed and documented at the weekly meeting with management held earlier today. According to management, the issue was being addressed, and a hose was run from an alternate source to provide constant flow to the pens. During the observation tonight, the hose appeared to be delivering water as intended, but the system was not operating the sprinklers or filling the water troughs. REDACTED, Day Shift Slaughter Superintendent, and REDACTED, Evening Shift Slaughter Superintendent, were both notified of this finding and the forthcoming noncompliance record.</p> <p>This noncompliance record is not associated with a previous noncompliance.</p>
M562M	JBS Plainwell, Inc.	10-Sep-21	313.1	<p>HATS CATEGORY II- Truck unloading</p> <p>On 09/10/2021, while performing livestock ante-mortem inspection, SPHV Dr. REDACTED identified Humane Slaughter of Livestock- Livestock Pens, Driveways, and Ramps noncompliance. At approximately 12:15, while performing truck unloading HATS Category inspection, Dr. REDACTED was made aware that a non- ambulatory steer was down at the front belly of the livestock trailer with a foot stuck. Dr. REDACTED went to inspect the trailer and observed that the animal had the left hind foot stuck in a hole in the left front part of the belly floor. The outer side of the front floor of the trailer where the animal's foot was stuck was covered in rust and looked deteriorated. The steer was laying on its side and was calm. The plant managed to cut metal floor around where the foot was stuck, and liberated the foot. The animal tried to get up but could not. Upon further inspection Dr. REDACTED observed that the left front foot was also stuck in another hole on the lower front right side of the trailer. The plant was able to free the left front stuck foot. The plant provided time for the animal to get up. The animal remained non-ambulatory and the plant voluntarily decided to humanely euthanize. The animal was rendered unconscious on the first stun.</p> <p>At 13:15 hour Dr. REDACTED notified verbally to Plant Manager John Beasley of the forthcoming noncompliance. The requirements of 313.1a were not met. A noncompliance record for the same cause was reported on 8/17/2021 number CFO430908471N/ 1, and has been associated to this noncompliance record.</p> <p>This document serves as notification that continued failure to meet regulatory requirements could lead to further regulatory or administrative action.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M267	JBS Tolleson Inc.	22-Sep-21	313.2	<p>HATS Category III Ante-Mortem Inspection</p> <p>On September 22, 2021 at approximately 0742 hours while performing Ante Mortem Livestock Inspection on cattle from pen 5 (north side) I noted the following regulatory non-compliance.</p> <p>While the animals were being presented from pen 5 for my inspection, I observed that the water trough was empty. There was a total of 33 animals in the pen. I immediately took regulatory control action and asked the responsible employee to please remove and place the cattle into a pen where water was available. Furthermore, I asked to see the documentation of the arrival time of cattle and noted that the cattle had arrived at 0516hours.</p> <p>I placed a U.S. Reject Tag B45440613 on the pen. I showed REDACTED (Cattle Pen Supervisor) my findings and informed him of the non-compliance and that a non-compliance record (NR) would be issued.</p> <p>The establishment failed to meet the requirement of 9 CFR 313.2(e) "which requires that water is available to livestock in all holding pens."</p> <p>REDACTED CSI</p>
M562M	JBS Plainwell, Inc.	14-Oct-21	313.2	<p>At approximately 2:50pm, Thursday, October 14th, 2021, CSI REDACTED was observing plant employees drive cattle through the serpentine chute towards the knock box. One cow in particular had long horns and was having some difficulty navigating the chute. Plant employees successfully drove the cow through the chute with minimum excitement. The cow then reached the back of the knock box and would go no further. While employees were trying to get the cow to move, one employee started applying an electric prod to the back of the cow just forward of the tail head area. The cow reacted to the prod by flinching. The cow started to move while the employee continued to prod it toward the knock box. In doing so, the prod made contact with the perineal area of the cow. The cow moved down into the knock box and the employee ceased prodding the animal. The animal was successfully knocked on the first shot. It is unclear if the prod was discharged on the sensitive area of the animal, however it is considered excessive and noncompliant to apply an implement to sensitive areas of an animal in order to drive it anywhere. The conditions of 9CFR 313.2(b) were not met. Barn Supervisor REDACTED was informed of the forthcoming noncompliance.</p> <p><u>HATS Category VI</u></p>
M850+P17775+V85O	Swift Pork Company	15-Oct-21	313.2	<p>On 10/15/2021, while performing HATS Category V – Suspect and Disabled, a noncompliance was observed in HATS Category III – Water and Feed Availability. At approximately 2040 hours, I was reevaluating a hog in pen 22 that I had segregated earlier from the center alley, at 1730 hours, with signs of PSS with ataxia. While I was waiting to see if the hog would lie down, I noticed the dual nipple waterer to my right, so I decided to ensure water was available. I pressed down both nipples and no water came out. I summoned for Mr. REDACTED, Livestock Supervisor and communicated my findings with him. This section of pen 22 was being used as a temporary subject pen and was gated in half. The other half of pen 22 had access to the new REDACTED area which has available water. I informed Mr. REDACTED a noncompliance would be issued. For an immediate corrective action, Mr. REDACTED opened one of the gates in pen 22 providing access to the new REDACTED area. At 2345 hours, I met with Mr. REDACTED at pen 22 and he showed me that the water was turned on and that the nipples now had available water. Mr. REDACTED advised me that Mr. REDACTED, Animal Welfare Manager was notified of the issue and would investigate further and get with me on Monday to discuss his findings.</p>
M1311	JBS Souderton, Inc.	20-Oct-21	313.2	<p>HATS Category: 3 – Water and Feed Availability Date: 10/20/21 Time: 0920 hours Location: Barn, Pen #11 Description: I (REDACTED) observed 2 steers in Pen #11, 1 of them was drinking from the water bowl available to them in the Pen. Upon closer inspection of the water bowl, I discovered that it was a tint of blue. I placed a US Rejected tag on the water bowl, alerted a nearby employee and requested the presence of Ms. REDACTED - Barn Supervisor. Upon further investigation of the source, I was informed and shown that the blue substance was denaturant. Its source was a wooden floorboard above the pen that had denaturant spilled on it previously. When the floorboard gets wet during the course of operations, the dripping blue water falls onto the pipes and area below to include the Pen water bowl. This was visibly seen when speaking to the Barn Supervisor. Due to the contaminated water, the establishment did not have drinkable water available in Pen #11 for its 2 steers to drink. Ms. REDACTED – Barn Supervisor had an establishment employee conduct corrective actions to restore Pen #11 and its water bowl to sanitary conditions. The 2 steers located in the pen were moved to the adjacent Pen #12 where clean water was located. I (REDACTED) placed U.S. Rejected Tag #B-45088997 on Pen #11 and its water bowl. The US Rejected tag remained on the Pen due source of the denaturant still remaining in place (contaminated floorboard above). This is noncompliant with 9 CFR 313.2 (e)</p>
M562M	JBS Plainwell, Inc.	21-Oct-21	313.2	<p>HATS CATEGORY II- Truck Unloading</p> <p>On 10/22/2021, at approximately 10:15 hours, SPHV Dr. REDACTED was performing Livestock Humane Handling task for HATS category II Truck Unloading when she observed the following noncompliance. A barn plant employee was segregating a group of about 6 beef cows that had been unloaded from the truck onto the dock area. While trying to segregate the cattle from one dock pen of the loading area to the other, he swung the middle gate to close the pen, but it hit one of the beef cows in the head. The cow dropped down from the impact in her head but was able to get up and walk back to her pen. Dr. REDACTED caught the attention of Barn Supervisor REDACTED for him to address the employee actions. Immediate corrective action by the plant was to tell the employee that is actions were inappropriate.</p> <p>Barn Supervisor REDACTED was verbally notified of this noncompliance for the failure to meet 9CFR 313.2(a). A noncompliance of the same cause was also reported on August 24th, 2021 record number CFO3905082025N/1, and has been associated to this noncompliance record.</p> <p>This document serves as notification that continued failure to meet regulatory requirements could lead to further regulatory or administrative action.</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562	JBS Green Bay, Inc.	25-Oct-21	313.2	At approximately 7:10 am on 10-25-21, CSI REDACTED finished performing HATS Category IV, Antemortem inspection in the scale barn when he observed a noncompliance with HAT Category III, Water and Feed Availability. Loading docks 2 and 3 were without water. Both pens had cattle in them until approximately 7:00 am at which time the cattle received antemortem inspection and were moved to a different pen. Upon investigation, the cattle were previously moved to the loading docks at around 5:00 am. CSI REDACTED took regulatory action through his presence, ensuring the water troughs in loading docks 2 and 3 were filled and water was available to the cattle. Harvest Superintendent, Mr. REDACTED and Barn Supervisor, Mr. REDACTED were made aware of the issue. CSI REDACTED notified Mr. REDACTED and Food Safety Superintendent, Mrs. REDACTED of the forthcoming noncompliance record. The establishment failed to meet the regulatory requirements of 9 CFR 313.2 (e). Animals that are penned are required to have access to water at all times.
M1311	JBS Souderton, Inc.	29-Oct-21	313.2	HATS Category 2: Truck Unloading Date: 10/29/2021 Time: 09:25 AM Location: Barn-Unloading alleyway, truck Description: I (Dr. REDACTED) was observing truck unloading as a part of the Humane Handling task. I observed a non-ambulatory animal on the truck. I observed the trucker who was unloading the animals, kneeling and kicking the non-ambulatory animal multiple times. I instructed the driver to stop, and he complied. I did not hear the animal vocalizing or see it showing signs of discomfort at any time. Establishment employees then knocked the non-ambulatory animal on the truck and then pulled the animal out. I notified my observation to Ms. REDACTED - Barn Supervisor, REDACTED – Food Safety Superintendent and REDACTED – Kill floor Manager and informed them that there would be a noncompliance report. There were 1 dead and 2 more non-ambulatory animals on the truck. Establishment employees knocked those animals and pulled them out. The rest of the animals unloaded without any problem. Mr. REDACTED – Food Safety Superintendent stated that they will talk to the owner of the truck and do further training with him. This is noncompliant with 9 CFR 313.2 (d)
M562M	JBS Plainwell, Inc.	3-Nov-21	313.15(a)(1), 313.15(b)(1)(iii)	HATS Category VIII At approximately 12:00 hours, on November 3rd, 2021, SPHV Dr. REDACTED was performing Livestock Humane Handling Stunning inspection duties when she observed the following noncompliance. SPHV Dr. REDACTED was observing a plant employee stunning beef cattle at the knock box. A beef animal that was going to be stunned was moving its head from side to side. The plant employee line up a shot towards the forehead of the animal with the pneumatic captive bolt stunner, while the animal was moving its head. When the plant employee shot the pneumatic captive bolt, towards the forehead area of the animal, SPHV Dr. REDACTED observed that the animal was not rendered unconscious. After this ineffective shot the animal was visually tracking, eyes were open, was moving its head, had erect and attentive ears, and was licking its nose. It was also observed a bloody spot in the mid forehead area where the plant employee had fired the captive bolt. The plant employee immediately and effectively lined up a second shot with the handheld captive bolt that rendered the animal unconscious as the animal immediately drop its head down, and ears and tongue were limp. Barn Supervisor REDACTED was notified verbally of this noncompliance record. The conditions of 313.15(a)(1) and 313.15(b)(iii) were not met. Noncompliance record number CFO141408020 N/1 will be associated with this current noncompliance record as failure to implement corrective actions and preventive measures were ineffective at preventive a reoccurrence.
M969G	Swift Beef Company	6-Nov-21	313.15(a)(1)	HATS Category VIII: Stunning Effectiveness On 11/6/2021, at approximately 2135 hours, while observing stunning effectiveness, I observed the following noncompliance. The primary stun operator applied an ineffective stun with the pneumatic captive bolt device. I observed the red Hereford bovine immediately lift its head and move its head with a controlled movement from side to side, as well as blink multiple times. The primary stun operator motioned to the secondary stun operator, and the secondary stun operator immediately used the backup handheld captive bolt device to deliver the second stun, which rendered the bovine unconscious. I inspected the dressed head and verified two separate penetrating stun holes. This is a regulatory noncompliance with 9 CFR 313.15(a). The Denver District Office was contacted via supervisory channels and I verbally informed QA Superintendent REDACTED that an NR was forthcoming. There have been no Humane Handling NR's or MOI's documented for this same root cause within the past 90 days.

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M969G	Swift Beef Company	11-Nov-21	313.15(a)(1)	<p>HATS Category VIII: Stunning Effectiveness</p> <p>On 11/11/2021, at approximately 1735 hours, while observing stunning effectiveness, I observed the following noncompliance. A black angus bovine upon entering the stun box was vocalizing repeatedly and using controlled movements in an attempt to escape the belly belt and stun box. The stun operator applied the first stun attempt with the handheld captive bolt (HHCB) device, which was ineffective. I observed the bovine continue to vocalize numerous times and continue to use controlled movements to lift its legs and head in an attempt to escape the stun box. The stun operator immediately retrieved the backup HHCB device, which was readily available at the stun box, to deliver the second stun attempt, which rendered the bovine unconscious.</p> <p>I inspected the dressed head and verified three separate penetrating stun holes and retained the head using U.S. Retained tag number B38605321. I observed two penetrating stun holes in the forehead and a third penetrating stun hole in the top of the poll. Area 1 Supervisor REDACTED informed me that the designated plant employee monitoring consciousness on the rail applied a security stun to the bovine while it was hanging in the stack.</p> <p>This is a regulatory noncompliance with 9 CFR 313.15(a). The Denver District Office was contacted via supervisory channels and I verbally informed Kill Floor Superintendent, REDACTED, that an NR was forthcoming.</p> <p>This noncompliance is being associated with NR# NDH5500112709N-1 issued on 11/6/21 for same root cause.</p>
M562M	JBS Plainwell, Inc.	12-Nov-21	313.1	<p>At approximately 10:50am, Friday, November 12th, 2021, while performing humane handling tasks in the barn, CSI REDACTED noticed a commotion at the other end of the barn. A steer had its head stuck between the toe guard and the first rail of the railing on the walkway on the outside of the crowder which makes up one side of pen 9. This walkway stands approximately 2ft above the level of the barn. The steer was laying down with its head stuck upwards in the railing. Attempts by plant employees to get the animal up to free itself were unsuccessful. Maintenance employees ended up cutting the rail which allowed the animal to free itself and then the animal was able to get up. The animal did not appear distressed during the ordeal and CSI REDACTED did not observe any obvious physical injuries. Barn supervisor REDACTED was informed of the forthcoming noncompliance. The conditions of 313.1(a) were not met, "Livestock pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects which may, in the opinion of the inspector, cause injury or pain to the animals. Loose boards, splintered or broken planking, and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired."</p> <p>HATS Category IV</p>
M562M	JBS Plainwell, Inc.	18-Nov-21	313.2	<p>At approximately 12:00pm, Thursday, November 18th, 2021, CSI REDACTED was performing ante-mortem inspection duties in the barn and noticed a sternal recumbent cow in the back of pen 7 which was otherwise empty. The animal was laying at an approximate 45 degree angle to the back of the pen with its hind end very close to the back wall of the pen. The animal remained in the same location throughout the day. CSI REDACTED returned to the barn at approximately 5:00pm to check on the animal and found it alive and in the same position it had been in earlier. The animal could not access water in the position it was lying in even though the pen had water in the trough just behind the animal. CSI REDACTED informed Barn Supervisor REDACTED of the forthcoming noncompliance. The conditions of 313.2(e) were not met.</p> <p>HATS Category III</p>
M562M	JBS Plainwell, Inc.	24-Nov-21	313.2	<p>At approximately 12:30pm, Wednesday, November 24th, 2021, while performing ante-mortem inspection, a plant employee informed CSI REDACTED of a down cow in the back half of pen 25. The cow was laying on its left side perpendicular to the back wall of the pen and about 3-4 feet away from the wall. This employee attempted to get the cow up, but was unsuccessful. Plant supervision came out and instructed the employee to keep pulling pens and to "leave it there", referring to down cow. Another plant employee attempted to get the animal up, but was unsuccessful. This employee tried again approximately 15 minutes later to get the cow up, but was again unsuccessful. The cow attempted to get up a couple times itself, but only managed to rotate itself counterclockwise a few feet. It otherwise remained in the same position until approximately 3:30pm when a plant employee euthanized the cow. The cow could not access water in the position it was in. A similar incident from 11/18/21 was documented in a noncompliance record and will be linked to this record. Corrective actions were not effective in preventing a recurrence. The conditions of 313.2(e) were not met. Superintendent REDACTED was informed of the forthcoming noncompliance.</p> <p>HATS Category III</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562M	JBS Plainwell, Inc.	29-Nov-21	313.1, 313.2	<p>At approximately 05:50 hours, on November 29, 2021, SPHV Dr. REDACTED was performing Livestock Humane Handling Ante-Mortem inspection duties when she observed the following noncompliance. SPHV Dr. REDACTED observed a heifer from pen 9 with her head stuck in the far-left square railing in the middle section of a gate from pen number 10. The heifer tried to get her head out of the hold but was unable to do so. Some animals of pen 10 approached the stuck heifer's head causing the latter to pull back forcibly in distress to liberate herself. Since the heifer was not able to get the head unstuck on her own plant maintenance personnel were called to the barn. The plant's maintenance team tried to liberate the head of the heifer with a saw, but when they put the saw close to the heifer's head to cut the bar lose, the animal appeared to be in distress. The animal started to back out forcibly, was moving her head around trying to liberate it, and was jumping up and down. The plant opted for voluntarily euthanizing the animal before liberating the head. The heifer was stunned effectively, and the head was later liberated by the maintenance personnel when they cut the bar around the head.</p> <p>Barn Supervisor REDACTED was notified verbally of this noncompliance record. The conditions of regulatory requirements 313.1(a) and 313.2(a) were not met. Noncompliance record number CFO13131128112N/1 dated Nonmember 19th, 2021 for the same cause will be associated with this current noncompliance record.</p> <p>This document serves as notification that continued failure to meet regulatory requirements could lead to further regulatory or administrative action.</p>
M85O+P17775+V85O	Swift Pork Company	2-Dec-21	313.2, 313.5	<p>At approximately 0101 hours while performing HATS Category VIII – Stunning Effectiveness at the exit of the north stunner I heard intermittent loud vocalizations. The vocalizations continued so I walked over to the small drive alley just before the entrance of the north stunner and observed a hog sitting in the drive alley with its leg pinned between the push gate and the wall, exhibiting open mouth breathing. I tapped my fingers on my hard hat, which is understood throughout the establishment that a supervisor is needed. While waiting for a supervisor, the hog continued intermittent loud vocalizations, especially when it shifted its body. Approximately five minutes later Mr. REDACTED, Acting Livestock Stick Supervisor arrived and observed the hog. Mr. REDACTED then proceeded to take measures to lockout-tagout the push gates. After this was done, Mr. REDACTED and another establishment employee entered the confined space to euthanize the hog. In the process, the other five hogs in the area moved quickly towards the hog that was pinned and two of them toppled over the trapped hog eliciting loud vocalizations. The trapped hog was effectively and humanely stunned with a hand-held captive bolt device (HHCB) and removed from the drive alley. No visible injuries were observed on the unconscious hog. I informed Mr. REDACTED that I was stopping slaughter operations and placed U.S. Reject tag B34826083 across the main drive alley at approximately 0112 hours. I informed him I would be contacting the Des Moines district office, through supervisor channels for further guidance. After discussing the incident with Dr. REDACTED, DVMS, a conference call was held with Ms. REDACTED, Regulatory Manager, Mr. REDACTED, Animal Welfare Manager, Mr. REDACTED, Acting Stick Supervisor, and myself, and the establishment was informed of the forthcoming noncompliance record (NR). Albeit the incident was not deemed egregious we asked for verbal preventative measures before the U.S. Reject tag would be removed. At approximately 0350 hours, after discussion with establishment management about their preventative measures, I removed the U.S. Reject tag, prior to the start of first shift slaughter operations. Specific regulations found noncompliant: 9 CFR 313.2(b) and 9 CFR 313.5(b)(2).</p>
M995	Swift Pork Company	13-Dec-21	313.15(a)(1), 313.15(a)(3)	<p>HATS Category VIII Stunning Effectiveness</p> <p>On 12/13/2021 at approximately 1500 hours while monitoring the establishment's humane handling practices I, SCSi REDACTED, observed the following the non-compliance. I observed an establishment employee discharge a captive bolt gun on a non-ambulatory hog in the disabled pen. The captive bolt gun discharged, and the hog began vocalizing and walking around the pen area with visible blood from the ineffective stun attempt site. The establishment employee reloaded the captive bolt device and utilized a sorting board to limit the free movement of the hog. The establishment employee delivered an immediate and effective corrective action stun attempt with the captive bolt device, rendering the hog unconscious, and it remained so thereafter. I notified Humane Handling Manager REDACTED of my observations of non-compliance with 9CFR 313.15(a)(1) and 9CFR 313.15(a)(3), and I took a regulatory control action by applying U.S. Reject tag B-45467416 and B-45467357 to the stick alleyways.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M267	JBS Tolleason Inc.	27-Dec-21	313.2	<p>HATS Category III Ante-Mortem Inspection</p> <p>On 12/27/2021 at approximately 0612 hours prior to performing Ante Mortem Livestock Inspection on the (south side) of the cattle pens, I noted the following regulatory non-compliance.</p> <p>I observed that at holding pen (#32) the water trough was empty. There was a total of 35 animals in the pen. I immediately took regulatory control action and asked the employee to remove and place the cattle into a pen where water was available.</p> <p>I placed a U.S. Reject Tag B45447614 on the pen. I showed REDACTED (Cattle Pen Supervisor) my findings and informed him of the non-compliance and that a non-compliance record (NR) would be issued.</p> <p>The establishment failed to meet the requirement of 9 CFR 313.2(e) "which requires that water is available to livestock in all holding pens."</p> <p>A review of associated non-compliance records (NR's) for the establishment not having water available for the animals in the holding pens revealed 1 NR ECD1910092723N/1 (dated 9/22/2021).</p> <p>REDACTED, CSI</p>
M969G	Swift Beef Company	3-Jan-22	313.2	<p>On Monday, January 3, 2022, at approximately 2130 hours, while performing a Livestock Humane Handling review and observation task accompanied by CSI REDACTED the following noncompliance was observed on holding pens 5B and 6B.</p> <p>I, SCSi REDACTED, observed approximately 70 cattle head (35 head per pen) that have passed ante-mortem inspection with no access to water. The water trough between both pens was observed with solid ice and no available water to the livestock. I notified Animal Handling personnel of this noncompliance and proceeded to take regulatory control action by placing US Reject tags B36803501 and B36803502 on both holding pens.</p> <p>This is noncompliant with 9 CFR 313.2(e), REDACTED, Quality Assurance Supervisor was verbally notified of the noncompliance. At approximately 2300 hours appropriate corrective actions were implemented and upon verification the water trough between pens 5B and 6B was filled with water. At this time regulatory control action was relinquished.</p>
M85O+P17775+V85O	Swift Pork Company	17-Jan-22	313.2	<p>At approximately 1911 hours, while performing HATS Category V – Handling of Suspect and Disabled in pen 43, Category VII – Observation for Slips and Falls, in which a noncompliance was observed, with Mr. REDACTED, Stun Tech. As Mr. REDACTED was presenting the hogs as they were rising from a recumbent position, I heard loud vocalizations coming from the center alley, which were louder than vocalizations heard during normal animal movement and handling. I immediately looked up and observed a center alley hog driver shaking her rattle can and rattle paddle over a group of hogs as the group of hogs continued to vocalize, at the exit of one of the holding pens. The driver was facing me and from my vantage point, the driver was against a sidewall of the pen. She was trying to move the hogs out of the pen to the center alley, but the hogs were piling on top of each other in all directions while she continued to shake her rattle can and rattle paddle. The hogs continued to pile and vocalize loudly as they exited the pen into the center alley. The driver was now behind the hogs in the center alley moving the hogs towards the REDACTED, continuing to shake her rattle can and rattle paddle, causing excessive excitement and discomfort. Despite the piling and intense vocalizations, the driver continued to shake her rattle can and rattle paddle behind the group of hogs, causing one of them to fall. I motioned to Mr. REDACTED, Livestock Supervisor, to have the driver stop moving the hogs, and he did. There were approximately 40 hogs in the group. I informed Mr. REDACTED of my observations, notified him a noncompliance record would be issued for inhumane handling, and that I was rejecting the center alley gate to prevent further inhumane handling. Before I left pen 43 to place my tag, Mr. REDACTED, Stick Supervisor arrived and proffered an immediate corrective action to remove the center alley driver and that she would be retrained and coached on safe animal handling. Based on Mr. REDACTED immediate action, I did not reject the center alley.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M267	JBS Tolleson Inc.	3-Feb-22	313.1	<p>HATS Category IV Ante-Mortem Inspection</p> <p>On 2/03/2022 at approximately 0730 hours while performing Ante-Mortem Inspection I observed the following regulatory non-compliance:</p> <p>Inside empty cattle pens # 9 and #20 I found that the water trough that feeds both pens had sharp metal edges and pieces of sharp rusty metal falling off.</p> <p>I took regulatory control action and placed US Reject Tag B45488552 on pen #9 and B45488558 on pen #20. I informed REDACTED (Yards Supervisor) of the non-compliance and that a non-compliance record (NR) would be issued.</p> <p>The failure to maintain pens (trough) in good repair and may cause injury or pain to animals represents non-compliance with 313.1(a).</p>
M85O+P17775+V85O	Swift Pork Company	12-Feb-22	313.1	<p>At approximately 1830 hours, while performing HATS Category V – Handling of Suspect and Disabled in pen 45, Category VII – Observation for Slips and Falls, in which a noncompliance was observed, with Mr. REDACTED, Stun Tech. As Mr. REDACTED was presenting the hogs as they were rising from a recumbent position, I observed several hogs slip and fall on the downward slopes at the exits of scales A and B as Livestock employees used rattle paddles audibly to move the hogs from the scales towards holding pens. No apparent injuries or signs of distress were observed. I continued to monitor hogs as Livestock employees moved several more groups at 1849, 1859, 1904, and 1908 hours, resulting in numerous hogs sliding, nine slips, and nine falls. Most of the slips and falls occurred on the downward slope, and no injuries or signs of distress were observed. I observed a heavy buildup of fecal material on the scales and slopes. I informed Mr. REDACTED, Livestock Supervisor of my observations, notified him a noncompliance record would be issued for inhumane handling with regulatory requirements of 9 CFR 313.1(b) for not providing good footing, and requested he provide an immediate corrective action. As we were talking, a Livestock employee began washing down the scales and the downward slopes, this being the immediate corrective action. Mr. REDACTED advised me that he would ensure both scales and the drive alleys before and after the scales be kept clean for the remainder of the shift. I informed Mr. REDACTED that the scales were not rejected due to the immediate corrective action. Mr. REDACTED provided verbal preventative measures.</p>
M267	JBS Tolleson Inc.	12-Feb-22	313.2	<p>HATS Category III Ante-Mortem Inspection</p> <p>On 2/12/2022 at approximately 1101 hours while performing an odd hour Ante Mortem Livestock Inspection of the unloading ramps, pens, alleyways, and carryover cattle, I noted the following regulatory non-compliance.</p> <p>When verifying cattle left over the weekend to ensure that feed and water was provided, I found a Holstein cow in pen 7 without water.</p> <p>I informed REDACTED (Food Safety Superintendent) of my findings and that a non-compliance record (NR) would be issued.</p> <p>The establishment failed to meet the requirement of 9 CFR 313.2(e) “which requires that water is available to livestock in all holding pens.”</p> <p>A review of associated non-compliance records (NR’s) for the establishment not having water available for the animals in the holding pens revealed 2 NR ECD0618122627 (dated 12/27/2021) and ECD1910092723 (dated 9/22/2021).</p>
M562M	JBS Plainwell, Inc.	18-Feb-22	313.15(a)(2), 313.2	<p>At approximately 1:15pm, Friday, February 18th, 2022, while performing ante-mortem inspection in the barn, CSI REDACTED came upon a situation at the knock box involving a steer with its head stuck under the right side green plastic body slide and brisket conveyor. The knock box has a floor that slopes downward with a brisket conveyor running out of the middle of the slope. The animals walk down the slope, which eventually drops off, but the animal is then riding on the brisket conveyor. On the walls making up the sides of the box, there are green plastic body slides to guide the animals down onto the conveyor. The slides themselves are approximately 18in in height, protrude about 4in from the wall, and are mounted about 18-20in above the floor and run parallel to the sloped floor of the knock box. The steer had its head stuck between the brisket conveyor and the side of the knock box under the body slides at the bottom edge of the slope of the knock box. The steer was vocalizing and was in distress. The animal's head was stuck such that the knocker could not access it from the top of the knock box. After several minutes, plant personnel had removed previously installed access panels and the knocker was able to knock the animal successfully. Food Safety Superintendent REDACTED was informed of the forthcoming noncompliance. The conditions of 313.2 and 313.15(a)(2) were not met.</p> <p>HATS Category VI</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M267	JBS Tolleson Inc.	19-Feb-22	313.1	<p>HATS Category IV Ante-Mortem Inspection</p> <p>On 2/19/2022 at approximately 1127 hours while performing Ante-Mortem Inspection I observed the following regulatory non-compliance:</p> <p>Inside cattle pen #13 I found rusty sharp and protruding metal edges from the fencing metal bars.</p> <p>I communicated to the cattle presenter to remove the cattle (31 steers) from the pen and took regulatory control action by placing US Reject Tag B45488557 on the pen.</p> <p>I informed REDACTED (Yards Supervisor) of the non-compliance and that a non-compliance record (NR) would be issued.</p> <p>The failure to maintain pens in good repair that may cause injury or pain to animals represents non-compliance with 313.1(a).</p> <p>A review of associated NRs for the past 90 days revealed 1 NR, NR ECD1417025703 (dated 2/03/2022).</p> <p>The establishment monitors areas where animals are held or pass through as part of the SOP in their "Robust Systematic Approach to Humane Handling." To consider a systematic approach to be robust, the expectation is that it includes a written animal handling program that effectively addresses design, maintenance, and execution of the aspects of the program. These findings present a failure in the maintenance of the RSA program.</p>
M969G	Swift Beef Company	21-Feb-22	313.2	<p>On February 21, 2022, at approximately 1930 hours, while performing HATS Categories VI, I, SPHV Dr. REDACTED, observed the following. I observed pens employees moving cattle in the main drive alley towards the stunning box. A group of approximately 15-20 cattle were circling continuously in the drive alley and not making much forward progress. Four pens employees were standing on the sides and behind the group of cattle waving rattle paddles. I observe one employee standing at the very back of the group of cattle raise his paddle above his head and make contact with the animal's rump. I observed the employee raise his paddle above his head and make contact with the same animal approximately 5 times. As I walked down the catwalk to be closer to the animals in the drive alley, I observed the employee move to the other side of the drive alley, raise his paddle above his head and makes contact with another animal approximately 5-6 times. I tried yelling at the employee to stop using the paddle to strike the same animal, but considering how hard the wind was blowing it appeared the employee couldn't hear me. I walked to the ground and told the employee he was not allowed to use his rattle paddle for the remainder of the shift. I spoke with his supervisor and the QA Superintendent REDACTED about the what I observed and I verbally notified Ms. REDACTED that I would be issuing a noncompliance record. There have been no noncompliance records issued within the past 90 days for the same root cause.</p> <p>The observed behavior by the employee is in noncompliance with 313.2. Part (a) says cattle should be moved with a minimum of excitement and discomfort. Part (b) says other implements used to move cattle should be used as little as possible to minimize excitement and injury to the animals. Furthermore, any use of implements which, in the opinion of the inspector, is excessive is prohibited.</p>
M267	JBS Tolleson Inc.	4-Mar-22	313.1	<p>HATS Category IV Ante-Mortem Inspection</p> <p>On 3/04/2022 at approximately 1625 hours while performing Ante-Mortem Inspection I observed the following regulatory non-compliance:</p> <p>In the alleyway leading to the single file entrance, I found several rusty sharp and protruding metal edges from the fencing metal sheets and bars.</p> <p>I informed REDACTED (Harvest Superintendent) of the non-compliance and that a non-compliance record (NR) would be issued.</p> <p>The failure to maintain alleyways in good repair that may cause injury or pain to animals represents non-compliance with 313.1(a).</p> <p>A review of associated NRs for the past 90 days revealed 2 NRs: NR ECD1910024721 (dated 2/19/2022), ECD1417025703 (dated 2/03/2022).</p> <p>As part of the establishment's SOP addressed in the "Robust Systematic Approach to Humane Handling" REDACTED</p> <p>For a systematic approach to be robust, the expectation is that it includes a written animal handling program that effectively addresses design, maintenance, and execution of the aspects of the program. These findings represent a failure in the maintenance of the RSA program.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M85O+P17775+V85O	Swift Pork Company	14-Mar-22	313.2	<p>At approximately 2230 hours, while performing HATS Category II – Truck Unloading outside of dock 1, Category VI – Electric Prod/Alternative Object Use, in which a noncompliance was observed. As the driver was unloading the remaining 15-20 hogs from the bottom deck, I observed him striking numerous hogs, some of them while they were moving on the back with his plastic shaker can, eliciting loud vocalizations from the hogs. He struck the last hog in the group repeatedly while it was moving away from him towards the trucks exit. The hog was moving faster than a normal walking speed. When I arrived at the inside of dock 1, the driver began unloading hogs from the upper deck. As I looked inside the trailer and up the ramp, the hogs were bunched up and balking against one of the middle partition gates facing away from the driver. I observed the driver continuing to use his shaker can by striking several hogs causing loud vocalizations. I observed him use his shaker can by striking one of the hogs five to seven times on the back. The hogs continued to balk until he started to use his plastic sort board. He bounced the sort board up and down on top of the hogs heads and back, concurrently as he was striking adjacent hogs with the shaker can. This elicited loud vocalizations from the hogs, causing the group to move towards the top of the exit ramp. These loud vocalizations were louder than vocalizations heard during normal animal movement and handling. The hogs continued to vocalize loudly, as they frantically turned into one another. Several of the leading hogs stopped at the top of the ramp. Despite this, the driver continued to strike the hogs on the back of the group forcing them to pile on the ones at the top of the ramp and continued until the hogs rode one another down the ramp. I asked the employee at the tattoo stand to tell the driver to stop unloading, and he did. I asked the dock monitor to radio for a supervisor. While waiting for a supervisor, the driver started unloading hogs again from another section of the upper deck, and then stopped unloading again shortly before a supervisor arrived. No apparent injuries were observed.</p> <p>I informed Mr. REDACTED, Livestock Supervisor, of my observations, notified him a noncompliance record would be issued for inhumane handling and requested an immediate corrective action and preventative measure. Mr. REDACTED provided a verbal response and had an establishment employee unload the remaining hogs. Based on Mr. REDACTED immediate action, I did not reject the unloading dock.</p>
M267	JBS Tolleson Inc.	15-Mar-22	313.1	<p>HATS Category II Truck Unloading</p> <p>On 3/15/2022 at approximately 1110 hours while performing Ante-Mortem Inspection I observed the following regulatory non-compliance:</p> <p>On the south side cattle unloading ramp I noted a dairy cow backing down from the second level platform of a trailer. The animal slipped and fell from the trailer's ramp, resulting in the animal's abdomen and sternum on the ramp and its right hind leg hanging off the side of the ramp.</p> <p>I approached closer and found that the cattle hauler/unloader failed to pull the ramp's side gate from inside the trailer towards the ramp. When this side gate is properly put in place, it eliminates the gap on the side between the ramp and the flooring of the lower platform thereby eliminating the risk of an animal falling off the side while moving down the ramp onto the platform below.</p> <p>When the animal was finally capable of getting back on its feet and out of the trailer, I found that the animal had fresh blood from a laceration on the inside of its right hind leg and approximately 5 inches of skin hanging. In addition, she had fresh scrapes on her udder.</p> <p>I informed REDACTED (Food Safety Superintendent) and REDACTED (Yards Supervisor) of the non-compliance and that a non-compliance record (NR) would be issued.</p> <p>The failure to properly position equipment inside the trailer leading to the animals slip and fall represents non-compliance with 313.1(b).</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M267	JBS Tolleason Inc.	22-Mar-22	313.1	<p>HATS Category IV Ante-Mortem Inspection</p> <p>On 3/22/2022 at approximately 0550 hours prior to cattle being driven into the alleyways and crowd pens, as I was verifying the establishment's facilities, I observed the following regulatory non-compliance:</p> <p>Along the alleyway (including the crowd pen) leading to the single file entrance, as well as inside the single file area (prior to the knock box/restrainer), I found numerous rusty sharp metal edges from the metal sheet fencing including some of the metal support bars.</p> <p>I took regulatory control action and placed US Reject Tag B45447815 on the crowd pen entrance gate and informed REDACTED (Food Safety Superintendent) of the non-compliance and that a non-compliance record (NR) would be issued.</p> <p>The failure to maintain alleyways and the single file in good repair represents non-compliance with 313.1(a).</p> <p>A review of associated NRs for the past 90 days revealed 3 NRs: NR ECD0714031505 (dated 3/05/2022), ECD1910024721 (dated 2/19/2022), ECD1417025703 (dated 2/03/2022).</p> <p>The establishment's "Robust Systematic Approach to Humane Handling" SOP, states in part that REDACTED</p> <p>The establishment has failed to respond to these evaluations or monitorings, as appropriate, by addressing problems immediately and by improving those practices when necessary to avoid potential injury to livestock.</p>
M850+P17775+V850	Swift Pork Company	24-Mar-22	313.1, 313.2	<p>03/24/2022 Non-Compliance- Livestock - Hogs slipping and falling At approximately 0904 hours, As I was performing HATS task VII Slips and Falls. I walked south, down the alleyway of the livestock barn. I stopped and stood behind a closed gate that was across the alley just north of pen #19. I observed 2 establishment employees shaking their rattle cans to drive a group of hogs, south, towards the alley leading up to the REDACTED. The employee standing approximately eight feet in front of me was continually shaking his implement. A hog behind him slipped on the excessive manure and water covered floor of the alley. At the same time a second employee was standing on the west side of the alley, behind the gate of pen #19, shaking his rattle can continually. I observed a hog running past him and fall near the employee. The employee continued to rattle the implement as the hog struggled to regain a standing position. As the hog moved away from the noise, I observed it's first steps and noticed the stride of the left hind leg was noticeably shortened in length. No visible injuries were observed. I opened the gate, stepped into the alley, and stopped the actions of the employees driving the hogs and causing excessive excitement by asking the employees to stop using the implements. I motioned for the supervisor, by waving my hand to REDACTED, who was in the north end of the alley, to come down to me. The 2 employees had moved the hog, by waving their arms, out of the alley through a gate toward pen #43 which is designated for slow movers and downers. A separate gate in the alley had not been latched and the hog escaped out of the livestock alley into an area of the plant currently undergoing remodeling. The hog ran several feet and stopped at the top of a set of stairs leading down to the stick. Livestock Supervisor, REDACTED arrived and I explained my observations to him. He called for Supervisor REDACTED. Mr. REDACTED and Livestock General Foreman, REDACTED arrived. REDACTED and REDACTED assisted the employees in directing the hog out of the construction area and away from the stairs and into pen #43. I notified Mr. REDACTED of my observations and informed him that a regulatory non-compliance would be documented. Mr. REDACTED had the employees immediately hose off the slick alley. These observations are a non-compliance with 9 CFR 313.1(b), 9 CFR 313.2 (a, b)</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562M	JBS Plainwell, Inc.	29-Mar-22	313.1, 313.2	<p>HATS Category IV:</p> <p>On 03/29/2022, at approximately 09:55 hours the SPHV was performing the Humane Handling task when the following noncompliance was observed in the knocking box area. When the SPHV got to the knocking box area it was observed that plant management and other employees were looking at an animal that was on the floor of the snake just before the brisket belt of the knock box. When the SPHV approached that area, it was observed that a steer was contorted in lateral recumbency with his head twisted toward the left and under the left side of his body. The caudal aspect of the steer's body was towards the brisket belt. The animal was breathing rapidly, moved his right rear leg, and was unable to stand from that position on its own. The SPHV notified plant Slaughter Supervisor REDACTED of the noncompliance and took regulatory control action by retaining the knock box with retain tag NO B-45 949476. At approximately 10:09 hours returned to the knocking box area to find out that the steer was no longer breathing or showing any signs of being alive. Upon further observation by the SPHV it was determined that the animal was deceased, and this was later confirmed by observations of the CSI who saw when the animal was dragged out of the area with his ears down, and was not breathing.</p> <p>Technical Service Director REDACTED was notified verbally of the noncompliance and of the withstanding regulatory control action and of further administrative action to be taken by the district office. The conditions of regulatory requirements 313.1(a) and 313.2(a) were not met. It was determined that this event was considered egregious and a Notice of Suspension was issued by the district office.</p> <p>This document serves as notification that continued failure to meet regulatory requirements could lead to further regulatory or administrative action.</p>
M850+P17775+V850	Swift Pork Company	30-Mar-22	313.2, 313.5	<p>At approximately 2117 hours, while performing HATS Category VI – Electric Prod/Alternative Object Use at the small drive alley just before the entrance of the northeast stunner, I observed a hog standing in the final compartment before the stunner with its snout and mouth pinned between two of the mechanical gates. The right side of the hog was facing me. The hogs' right eye was bulged out, exposing more of the sclera than would be seen with a hog at rest. The hogs' vocalizations were muffled and intermittent. With each exhalation its upper lip puffed out. The hog was unable to open its mouth because of the compression of the mechanical gates. The employee on the near side of the alley tapped the hog and the mechanical gates several times with his rattle paddle, and the employee on the far side pushed buttons on the control panel. Despite these attempts to free the hog, the hog's snout and mouth remained entrapped. The hog continued with muffled vocalizations with the right eye still fixated and bulged out. The far side employee then shook his shaker can near the hog's face. The hog suddenly pulled out from between the gates. I did not see any visible injuries to the hog, so I walked down to the center alley and motioned to the center alley drivers to stop moving any more hogs. Right at that moment, Mr. REDACTED, Stick Supervisor arrived, and I informed him of my observations, notified him a noncompliance record would be issued for inhumane handling with regulatory requirements of 9 CFR 313.2 and 9 CFR 313.5(b)(2) for the mechanical gates operating in a manner that resulted in excitement and discomfort and that I was stopping operations. Mr. REDACTED proffered an immediate corrective action of instructing the employee responsible for moving hogs in the last compartment to the stunner entrance to pay special attention to the gates ensuring all the hogs in the group are facing away from the gates and towards the stunner. Based on Mr. REDACTED immediate action, and proffered preventative measures, I did not reject the center alley. I then allowed operations to resume.</p>
M267	JBS Tolleson Inc.	12-Apr-22	313.1	<p>HATS Category IV Ante-Mortem Inspection</p> <p>On 4/12/2022 at approximately 0555 hours prior to cattle being driven into the crowd pen/single file, as I was verifying the establishment's facilities, I observed the following regulatory non-compliance:</p> <p>Along the crowd pen (including the single file) leading to the restrainer/knock box, I found several rusty sharp metal edges from metal support bars. In addition, there were two areas where protruding sharp and pointed metal were found.</p> <p>I took regulatory control action and placed US Reject Tag B45440367 on the gate at the crowd pen and informed REDACTED (Harvest Superintendent) of the non-compliance and that a non-compliance record (NR) would be issued.</p> <p>The failure to maintain pens and the single file in good repair represents non-compliance with 313.1(a).</p> <p>A review of associated NRs for the past 90 days revealed 4 NRs: NR ECD3311032923 (dated 3/22/2022), ECD0714031505 (dated 3/05/2022), ECD1910024721 (dated 2/19/2022), ECD1417025703 (dated 2/03/2022).</p> <p>The establishment's "Robust Systematic Approach to Humane Handling" SOP, states in part that REDACTED</p> <p>The establishment has failed to effectively monitor or address areas where animals are held or pass through to avoid potential injury to livestock.</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562M	JBS Plainwell, Inc.	14-Apr-22	313.15(a)(1), 313.15(b)(1)(iii)	<p>HATS CATEGORY VIII—STUNNING EFFECTIVENESS</p> <p>At 1426 hour on 4/14/2022, while performing a routine livestock humane handling verification task, I observed noncompliance with Humane Slaughter of Livestock—Mechanical; Captive Bolt regulatory requirements. As I approached the stun restraint box, I observed a beef animal in the stun restraint box turning its head from side to side. After the animal calmed down and stopped its head movement, I observed the captive bolt operator apply a blow to the forehead of this beef animal with a compressed air fired captive bolt gun. Just as the operator applied the blow, the beef animal moved its head upward. After this stunning attempt, the animal remained conscious, bellowed, and shook its head from side to side. The captive bolt operator quickly grabbed a cartridge fired captive bolt gun and applied a second blow to the forehead of the beef animal. This second blow effectively rendered the beef animal unconscious. I then briefly stopped the line to observe the forehead of this beef animal. I observed two knock holes on the forehead of this animal. One hole was very near the center of the forehead, at the intersection of two lines drawn from each eye to the opposite ear. The second hole was off from the center of the forehead, about 1 inch below and 1 inch to the animals right of this first described hole. Later, I examined the skinned skull of the beef animal described above. I probed the off center and slightly larger knock hole with a knife honing steel; it was clear that the pin of the compressed air captive bolt gun had entered the right frontal sinus of the animal through this knock hole. I also probed the center and slightly smaller knock hole with knife honing steel; it was clear that the cartridge fired captive bolt gun pin had entered the brain cavity through this knock hole. These findings illustrate noncompliance with 9 CFR 313.15 (a) (1), because the captive bolt stunner was not applied to immediately produce unconsciousness in a livestock animal and because a livestock animal was not rendered unconscious with a minimum of excitement and discomfort. In addition, this finding illustrates noncompliance with 9 CFR 313.15 (b) (1) (iii), because the design of the stunning area did not limit the free movement of a livestock animal to allow the captive bolt operator to locate the stunning blow with a high degree of accuracy.</p> <p>Immediately after stopping the line and observing the forehead of the above-described beef animal, I notified REDACTED (Technical Services Director) of my findings. I also immediately notified REDACTED that I would be documenting my findings on a noncompliance record. I then informed REDACTED that she could start the line again when establishment personnel were ready.</p> <p>There have been no similar noncompliance findings at the establishment in the last 90 days</p>
M850+P17775+V850	Swift Pork Company	22-Apr-22	313.1	<p>At approximately 1830 hours, while performing HATS Category V – Handling of Suspect and Disabled in pen 45, I observed a noncompliance in Category VII – Observation for Slips and Falls, involving Mr. REDACTED, Stun Tech. As Mr. REDACTED was presenting “subject” hogs in pen 45 as they were rising from a recumbent position, I briefly looked over in the direction of the scales and noticed Livestock employees moving hogs off the scales using rattle paddles audibly for this purpose. While the hogs were being moved, I observed one fall and another slip. No apparent injuries or signs of distress were observed. I continued to monitor hogs as Livestock employees moved several more groups from 1928 to 1953 hours, resulting in numerous hogs sliding, slipping with knuckles contacting the floor, and falling backwards landing on both hams, and frontwards landing on the shoulders and sides. These observations occurred on the scales and on the downward slopes exiting the scales. I observed a heavy buildup of fecal material on the scales and slopes. On two of the groups, I observed several hogs riding the backs of others and, some vocalizing loudly as Livestock employees audibly used their rattle paddles to move hogs off the scale. On one occasion, a hog was riding the back of a hog in front while they were moving off the scale and it fell backwards. I informed Mr. REDACTED, Livestock Supervisor of my observations, notified him a noncompliance record would be issued for inhumane handling with regulatory requirements of 9 CFR 313.1(b) for not providing good footing, and requested he provide an immediate corrective action. Mr. REDACTED instructed Livestock employees to wash down the scales and downward slopes and advised me that he would ensure both scales and the drive alleys before and after the scales be cleaned as often as needed. I informed Mr. REDACTED that the scales were not rejected due to the immediate corrective action. Mr. REDACTED provided verbal preventative measures. This NR has the same root cause as NR HEM1823023812N / 1, dated 2/12/2022. Previous preventative measures were either not implemented or ineffective.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M267	JBS Tolleason Inc.	10-May-22	313.2	<p>HATS Category IV Handling During Ante-Mortem Inspection</p> <p>On 5/10/2022 at approximately 1205 hrs while performing ante-mortem on a pen of Holstein steers CSI REDACTED noted the following non-compliance:</p> <p>As the animals were being driven and presented to CSI REDACTED, one Holstein steer managed to wedge himself between the metal man shield (approximately 6' high and 3' wide) which is a metal plate located in the corner of the pen designed to allow a man to stand behind. The metal shield is not big enough for an animal to be behind it, and it was located in the corner of the pen towards the south side.</p> <p>The animal was initially stuck in a standing position with his abdominal girth wedged between the metal piping. The cattle pen employee then proceeded to try to push on the backside of the steer to get him to move and free himself. The animal was stressed but was not actively trying to free himself. Noting the trapped status of the animal CSI REDACTED immediately notified the SPHV's of the situation.</p> <p>The plant employee left the scene (apparently to search for maintenance personnel to free the animal). At approximately 1215 hrs Dr. REDACTED and Dr. REDACTED arrived at the scene and found CSI REDACTED and the stuck animal. There was no supervisor present from the establishment upon our arrival. No one from the establishment arrived until approximately 6 minutes later.</p> <p>In between the time that the veterinarians arrived and establishment management made their way to the pens the steer went down on its knees and was noticeably struggling to breathe. The animal was bellowing and moaning with its mouth open and tongue hanging out. This went on for approximately 2 minutes and then the animal actually freed itself. Once freed the animal was noted to wander around the pen seemingly not injured.</p> <p>REDACTED (QA Superintendent) was informed of the findings and that a non-compliance (NR) record would be documented.</p> <p>That the establishment failed in the driving of the livestock shall be done with minimal excitement and discomfort represents non-compliance with 9 CFR 313.2.</p>
M3W+V3W	Swift Pork Company	11-May-22	313.2	<p>HATS Category III: Water Availability</p> <p>On Wednesday, May 11, 2022, at approximately 2123 hours, while performing Livestock Humane Handling verification, I observed the following noncompliance: the East side of loading chute 3 had approximately 30 hogs, with a gate closed from the rest of the group on the West side of the loading chute. I noted that the West side behind the gate had water, but that the hogs on the East side did not have access to water.</p> <p>I verbally notified Yard Supervisor REDACTED of the forthcoming noncompliance for failing to provide access to water as required in 9 CFR 313.2(e).</p> <p>Upon notification of the deviation, Mr. REDACTED moved the pigs out of the area and into a pen with access to water.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M267	JBS Tolleson Inc.	18-May-22	313.15(a)(1)	<p>HAT VIII: Ineffective Stunning</p> <p>On 5/18/2022 at approximately 0618 hours while I (CSI REDACTED) was performing ante-mortem inspection at establishment M267, JBS, Tolleson at the cattle pens when the following occurred:</p> <p>Employee REDACTED was presenting cattle for inspection from pen 28 and noted a non-ambulatory ranch cow recumbent on her belly and not capable to rise from the concrete floor. Mr. REDACTED left the area momentarily to retrieve handheld captive bolt guns and returned to the holding pen.</p> <p>Mr. REDACTED loaded both guns and proceeded to euthanize the animal by applying a stun on the animal's forehead. The first shot made a hollow sound and was ineffective and did not render the animal unconscious as her head was still upright, swinging side and looking at the employee. The cow made a short momentary vocalizing noise after the stun. During this time the animal remained lying on its belly.</p> <p>The employee immediately attempted to render the animal unconscious with the back-up hand-held gun to give the cow a second stun. The second stun also made a hollow sound and was ineffective and did not render the animal unconscious as her head was still upright, swinging side to side and the cow made a short vocalizing noise after the stun. The animal remained lying on its belly.</p> <p>Mr. REDACTED immediately proceeded to reload one of the handheld guns and applied third stun. The third shot sounded less hollow, and this shot rendered the animal unconscious as her head was no longer upright and she fell to her side and was no longer able to track the employee.</p> <p>I took a regulatory control action at 0735 hours with US Reject Tag No. B45440364 on the restrainer box.</p> <p>After examining the skull, I found three holes that penetrated into the skull from 2.5 to 3 inches. This event was non-compliance with 9 CFR 313.15(a)(1). I notified REDACTED (Food Safety Superintendent) of the non-compliance and that a non-compliance record (NR) would be issued. REDACTED, CSI</p>
M969G	Swift Beef Company	3-Jun-22	313.15(a)(1)	<p>On Friday, June 3, 2022, at approximately 1222 hours, I, SPHV Dr. REDACTED, observed the following noncompliance. I was performing humane handling HATS category VIII at the stunning box. A Charolais colored heifer with a tan ear tag #2243 entered the restrainer behind another animal. I observed the employee fail to successfully stun this animal with a single stun attempt as per 9 CFR 313.15 (A) (1) & (3). The hand held captive bolt appeared to be operationally sound. I in review, I visually confirmed the first stun attempt probe had contacted the animal's head as there were two separate wounds on the forehead.</p> <p>After the first stun attempt, the heifer raised her head, looked over its left shoulder and voluntarily blinked its eyes several times. There was a hole in the head with no blood exiting the wound. It is my professional judgement that that this animal was completely conscious and alert after the first stun attempt. I requested the operator re-stun this animal for the second stun effort for fear the animal would be released from the restrainer still conscious. The animal was successfully rendered unconscious after the second stun attempt was performed.</p> <p>There have been no noncompliances issued for similar incidents in the last 90 days.</p>
M562M	JBS Plainwell, Inc.	15-Jun-22	313.1	<p>HATS Category II:</p> <p>On 6/15/22 at approximately 0533 hours, while performing the Livestock Humane Handling Review and Observation task, the CSI witnessed an animal that had its right rear foot trapped under the rear toe guard in pen 17 of the facility. The plant was unable to free the animal from the facility and elected to knock the animal at this time. The CSI alerted Barn Supervisor REDACTED of the findings and issuance of an NR under HATS Category II, as well as tagged the pen with US Reject tag NO.B-45948351. The CSI pulled the tag at 1615 hours when the toe guard had been rewelded and reinforced releasing the pen to the plant. Supervisor REDACTED informed the CSI that over weekend that maintenance was going to go through and replace/repair toe guards.</p> <p>The requirements of 313.1(a) of 9CFR were not met.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M969G	Swift Beef Company	23-Jun-22	313.2	<p>HATS Category III: Water and Feed Availability</p> <p>On June 23, 2022, at or about 0523 hours while performing a Livestock Humane Handling task I observed the following noncompliance. During Ante mortem Inspection in pens 9a and 10A the water tank for the cattle was empty. One pen had 40 head and the other pen had 41 head which had been placed in these pens at approximately 0130 hour. No regulatory control action was taken, as the establishment moved the animals to pens 9B and 10B with a full water tank.</p> <p>I showed my findings to the Pen Supervisor and verbally informed her of the forthcoming NR. The Pen Supervisor stated that the cattle knocked the plug out of the tank during the night and the Pen Supervisor and replaced it and the tank was refilled.</p> <p>There have been no noncompliance records issued within the past 90 days for the same root cause.</p>
M562M	JBS Plainwell, Inc.	30-Jun-22	313.1	<p>On Thursday, June 30, 2022, Inspector REDACTED observed the following noncompliance at JBS Inc. in Plainwell, MI. While performing ante-mortem inspection in the barn at the establishment, a steer was discovered at approximately 5:40 AM with its head stuck between the vertical bars, at the junction where the gate for pen # 14 is secured to the alley post with a lock and chain. An employee attempted to get the lock and chain off by maneuvering the gates to loosen the tension, but was unsuccessful. Another employee left the area to get bolt cutters to free the entrapped steer. The night shift lead was notified that the incident would be documented as a non-compliance. This is a failure by the establishment to maintain livestock pens in accordance with 9 CFR 313.1(a) under HATS category IV.</p> <p>This incident is linked to humane handling CFO3206060915N from June 15, 2022 and serves as a formal notice that a non-compliance exists.</p>
M267	JBS Tolleason Inc.	14-Jul-22	313.2	<p>HATS Category IV Humane Handling During Ante-Mortem Inspection</p> <p>On July 14, 2022, at approximately 1157hrs while performing ante-mortem on a pen of Holstein steers I noted the following non-compliance:</p> <p>As the animals were being driven from Pen #9 to Pen #1, and presented to me, one Holstein steer managed to wedge himself between the metal man shield (approximately 5' high and 3' wide) which is a metal plate located in the North corner of the pen designed to allow a man to stand behind. The metal shield is not big enough for an animal to be behind it, as its location in the corner of the pen does not allow for enough space for an animal to travel through it.</p> <p>The animal was initially stuck in a standing position with his abdominal girth wedged between the metal piping and a support beam. The animal did not seem stressed and was not actively trying to free himself, but he was visibly stuck. Noting the trapped status of the animal, I phoned the USDA office to report what was happening to the SCSI.</p> <p>As REDACTED (Cattle Pens Supervisor) went to euthanize the animal it was able to free himself. Once freed the animal did not have any visual injuries. Retain tag# B45444809 was applied to Pen #1 upon further investigation of the man shield.</p> <p>REDACTED (QA Superintendent) was notified of the incident and that a non-compliance (NR) record would be recorded.</p> <p>That the establishment failed in the driving of the livestock shall be done with a minimum of excitement and discomfort to the animals represents non-compliance with 9 CFR 313.2.</p> <p>A review of associated NR's for the past 90 days revealed 1 linked NR: ECD1117052310 (5/10/2022).</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562M	JBS Plainwell, Inc.	15-Jul-22	313.1	<p>Hats Category IV</p> <p>At approximately 0530 while performing antemortem inspection on cattle I observed the following noncompliance:</p> <p>I observed several cattle slipping in several pens and along the walkway to the snake area. In pen #5, while cattle were being moved at a normal pace, I observed many (too many to count) of the cattle slipping. I observed 3 of the cattle had slipped and dipped below of the level of the other cattle, but due to the size of the herd, I could not see if any body part of these 3 made contact with the floor. In pen #15, I observed one bovine slip and it couldn't get up as it couldn't get a solid footing and took approximately a minute or so to be able to get a footing to upright itself. In pen # 11, I observed two of the cattle slipping while being moved at a normal pace.</p> <p>The cattle slipping in various areas of the barn is noncompliant with 9 CFR 313.1 Livestock pens, driveways, and ramps (b) Floors of livestock pens, ramps, and driveways shall be constructed and maintained to provide good footing for livestock. Slip resistant or waffled floor surfaces, cleated ramps, and the use of sand, as appropriate, during winter months are examples of acceptable construction and maintenance.</p> <p>I talked with Supervisor REDACTED about my findings and explained this was a noncompliance of 9CFR313.1 (b) and an NR would be issued.</p>
M1311	JBS Souderton, Inc.	26-Jul-22	313.1	<p>Livestock Humane Handling HATS category VII slips and falls: On 7/26/2022 at approximately 0721hours while conducting antemortem inspection in the barn on a pen of 35 steers and heifers, I CSI (REDACTED) observed the following Humane Handling noncompliance for HATS category VII slips and falls. Specifically, I observed 12 animals slipping and falling to either knees or their side as the moved around the antemortem corner. One animal fell to its side and was stepped on by the animal behind it, without vocalization, the animal arose uninjured and was ambulatory. There was no employee driving the animals in near proximity as he was retrieving more animals from the pen at the other end of the barn. The bedding around the corner of the drive alley was pushed away exposing bare slippery concrete. I took regulatory control rejecting the affected area and notified REDACTED (Barn Supervisor) of the rejection and noncompliance. The establishment failed to comply with the regulations prescribed within 9CFR313.1(b) "floors of livestock pens and driveways shall be constructed and maintained so as to provide good footing for livestock." Corrective actions proffered were to add packed bedding to the corner to provide better footing. Corrective actions pending.</p>
M267	JBS Tolleson Inc.	8-Aug-22	313.15(a)(1)	<p>**HAT Category VIII Stunning Effectiveness**</p> <p>At 1603 hours on Monday, 8/8/22 while watching stunning on the mezzanine with CSI REDACTED, we observed the following non-compliance:</p> <p>Establishment employee REDACTED, responsible for knocking, was noted to apply a captive bolt stun from the pneumatic gun to a Holstein steer (#1882). In response to the knock the animal appeared to act somewhat startled sticking its head out of the knock box and looking around ("eye tracking"), but it did not appear to be in pain. The employee was then noted to feel around the animal's forehead with his hand as if searching for a knock hole. A few seconds later he then delivered a second knock to the animal which immediately rendered it unconscious.</p> <p>From our vantage point up on the mezzanine level we saw a small forehead wound that had been created from the first ineffective knock. The animal's response of looking around but otherwise not being startled nor agitated suggested that if a wound had been created by the missed stun it was superficial in nature.</p> <p>It is a regulatory expectation that each delivered captive bolt stun attempt that makes contact with the animal be an effective one (i.e. one that induces immediate insensibility) as per 9 CFR 313.15(a)(3) and 9 CFR 313.15(b)(iv).</p> <p>REDACTED (Harvest Manager) was informed of the incident and that a non-compliance record (NR) would be issued.</p>
M850+P17775+V850	Swift Pork Company	16-Aug-22	313.2	<p>On 08/16/2022 at approximately 2130 hours, I met with Mr. REDACTED, Livestock Supervisor, at the pen card box to perform HATS Category IV – Antemortem Inspection. Upon my arrival, a noncompliance was observed with HATS Category VII – Observations for Slips and Falls. I observed 25-30 hogs sandwiched against and pointed towards the closed gate in the center alley. The hogs were piling and toppling over one another with continuous loud vocalizations. Some of the hogs that were piling fell sideways and backwards into the midst of surrounding hogs and against the gate. The stun tech along with one of the center alley drivers tried to open the gate to free the hogs but were unable due to the force of the hogs pressing against the gate. The center alley driver then rattled his paddle over the hogs and enough hogs turned and moved away from him that he was able to open the gate. As he opened the gate and as some of the hogs were moving away from him, I then noticed a hog a few feet from the gate in lateral recumbency, panting heavily with purple blotchy skin. Numerous hogs stepped on the down hog from both directions as some of the hogs were going towards the REDACTED and others back up the center alley. The down hog got up and started walking towards the REDACTED panting heavily and was euthanized with a handheld captive bolt gun by the stun tech. No external injuries were observed. After the gate was opened, I observed many of the hogs panting heavily scrambling in both directions. I informed Mr. REDACTED, who was standing next to me that I was issuing a noncompliance record and was rejecting the center alley.</p> <p>Mr. REDACTED instructed the center alley driver to close the gate. I placed U.S. Reject tag B36019642 across the gate, at approximately 2133 hours, and allowed the hogs on the REDACTED side to be moved to slaughter. Mr. REDACTED, General Harvest Superintendent arrived, and I requested an immediate corrective action. Mr. REDACTED advised me the root cause was from a newly trained employee who caused the hogs to move towards the gate resulting in the piling and he would remove him and have him retrained on the process. At approximately 2142 hours I removed the U.S. Reject tag and allowed slaughter to resume. At approximately 2330 hours Mr. REDACTED informed me that upon further review of the incident with Mr. REDACTED, Animal Welfare Manager, the cause was due to the center alley driver moving too many hogs to the REDACTED drive, and once the hogs were gated, got spooked causing them to pile. Mr. REDACTED informed me that the employee was removed from the area.</p>

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Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M969+V969	Swift Beef Company	25-Aug-22	313.15(a)(1)	Category VIII - Stunning Effectiveness (9 CFR 313.15) I, REDACTED DVM, while evaluating stunning effectiveness at approximately 2223 hours observed an establishment employee attempt to render a bovine unconscious with a single blow from a compressed air driven knocking gun however the attempt failed resulting in the animal vocalizing and throwing its head around before another employee could effectively and promptly apply a follow up knock from a hand held knocking gun which did render the animal unconscious with a single blow. The noncompliance was promptly and effectively corrected by removing the employee who failed to render the animal unconscious with a single blow. I immediately informed Cattle Pens Supervisor REDACTED who was standing next to me on the knocking platform that a non compliance record would be issued.
M267	JBS Tolleson Inc.	6-Sep-22	313.2	HATS Category III Ante-Mortem Inspection On 09/06/2022 at approximately 1209 hours prior to performing Ante Mortem Livestock Inspection in the Cattle Pens, I noted the following regulatory non-compliance. I observed an empty water trough in Pen #3. There was a total of 33 animals being held in the pen. I immediately asked the employee to remove the cattle from the pen and place them in a pen where water was available. The cattle were placed in Pen #6 with full access to water. I placed U.S. Reject Tag B45444807 on pen #3. I showed REDACTED (Cattle Pen Supervisor) my findings and informed him that a non-compliance record (NR) would be issued. The establishment failed to make water available to the cattle represents non-compliance with 9 CFR 313.2(e).
M562M	JBS Plainwell, Inc.	15-Sep-22	313.1	At approximately 5:30am, Thursday, September 15th, 2022, while performing ante-mortem inspection in the barn, CSI REDACTED observed a broken bar between pen 6 and 7. The weld had broken on one end of a lower bar of the middle section of gate dividing the two pens and was protruding out into pen 6. Barn personnel moved the animals from pen 6 into previously empty pen 4 and elected not to use the pen until it has been repaired. CSI REDACTED informed Kill Floor Superintendent REDACTED of the findings and the forthcoming noncompliance.
M562	JBS Green Bay, Inc.	21-Sep-22	313.15(a)(1)	On September 21 at approximately 2:55pm, while performing HATS Category VII – Stunning Effectiveness, CSI REDACTED observed an establishment employee (certified stunner) using the pneumatic captive bolt stunning device to attempt to stun a beef steer. The first attempted stun was ineffective, and the animal was conscious, flinging its head, exhibiting sideways and up down movement of the body, and placing front hooves on the hind quarters of the animal in front of it. An immediate second stun was rendered with the pre-loaded handheld captive bolt device and the animal was confirmed to be unconscious. CSI REDACTED took an immediate regulatory control action by stopping production and placing US Reject Tag #B4566586 on the restrainer and notified establishment management of the noncompliance. CSI REDACTED then followed chain of command procedures and requested IIC Dr. REDACTED and FLS Dr. REDACTED. The establishment's immediate corrective actions were to retrain all certified stunners. At approximately 3:43pm, after gathering data, assessing the situation, and consulting with the DVMS, and after the establishment implemented corrective actions, CSI REDACTED relinquished regulatory control and removed the US Reject tag from the restrainer. Upon post-mortem examination of the head, one wound was located approximately 4cm lateral (and left) of center and went into the frontal sinus. A second stun was located in the center of the forehead and went into the cranial cavity.
M562	JBS Green Bay, Inc.	25-Oct-22	313.1	On October 25, 2022, at approximately 6:50 am while performing HAT's category IV-antemortem inspection, CSI REDACTED observed a dairy cow laying in pen 37. Barn Supervisor REDACTED tried several times with the rattle paddle to get her to stand but every time the cow tried to get up her hind leg would slip out from under her. There was very little bedding on the floor and appeared to be wet. Much of the bedding was gone in the area of the cow leaving nothing present but the bricks that the floor is made of. This slipping caused that cow's front legs to buckle and bang her knees on the ground leaving areas (approximately 4" tall by 3" wide) scraped and bleeding on both knees. Once the pen was empty, Barn QA REDACTED placed a QC Hold Tag on the pen. Barn Supervisor REDACTED brought new bedding to the pen to prevent further slipping. When the bedding was in place, I allowed cattle to be placed in the pen. Barn Supervisor REDACTED was notified of the noncompliance.

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EstablishmentNumber	EstablishmentName	Inspection Date	NRRegs	NRDescription
M628+P628	Swift Beef Company	28-Nov-22	313.1	<p>HATS Category I – Inclement Weather</p> <p>HATS Category IV – Ante-mortem Inspection</p> <p>HATS Category VII - Slips and Falls</p> <p>On Monday, November 28, 2022 at approximately 1210 hours I, the DVMS, was performing ante-mortem inspection at the establishment outdoor uncovered holding pens while it was snowing and observed the following noncompliance. A group of approximately forty heifers and steers were being driven from pen #1 into the alleyway and then back into pen #1. I observed a red bovine slip and fall onto it left side. The bovine stayed in left lateral recumbency until the other cattle had moved past and then the bovine was able to rise on its own. I did not observe the animal to have sustained any injuries. I verbally notified the Yard Lead Employee that a noncompliance record would be issued for a slip and fall due to the inclement weather conditions.</p> <p>There have been no noncompliance records issued for the same root cause within the past 90 days.</p>
M85O+P17775+V85O	Swift Pork Company	6-Dec-22	313.1	<p>On 12/06/2022 at approximately 1925 hours, I went to the Livestock scales to perform HATS Category VII – Observation for Slips and Falls. While observing hogs as they were being moved off scales A and B, I observed the following noncompliance.</p> <p>The flooring of both scales had excessive amounts of feces material that overfilled the grooves in the flooring. I observed as the animals were being moved off the scales the livestock employee was using his rattle paddle by hovering and rattling it over the animals as they moved towards the exits of the scales. I noticed that even as the animals were already in motion the livestock employee continued to drive the hogs. I observed fourteen lose footing, four slips and two falls. This is a noncompliance with 313.1(b). No efforts at any time were made by the livestock employee to stop moving animals. No injuries or signs of distress were observed. I took a regulatory action by rejecting both scales with US Reject tag B34826036.</p> <p>At approximately 1935 hours, I informed Mr. REDACTED of my observations as the basis for my regulatory control action, and I notified him that a noncompliance record would be issued for failing to meet the regulatory requirements of 9 CFR 313.1(b). At approximately 1938 hours, Mr. REDACTED advised me that the scales would not be utilized until maintenance scarified the flooring and instructed a livestock employee to wash the scales. As the scales were washed, I noted the unevenness in the grooved flooring. At approximately 1946 hours, I removed the US Reject tag so maintenance could scarify the flooring, which they completed at 2002 hours.</p>
M969G	Swift Beef Company	12-Jan-23	313.2	<p>HATS Category IV: Ante-mortem Inspection</p> <p>On Thursday January 12, 2023 at approximately 1845 hours, while performing a routine Livestock Humane Handling task, I, the SPHV, observed the following noncompliance.</p> <p>While walking on the catwalk above the livestock holding pens, I observed the pens employee who was driving inspected cattle into the drive alley drive a black steer at a running pace. The single animal was still in a holding pen that had been otherwise emptied and the pens employee aggressively snapped his driving aid which consisted of a handle and a plastic bag at the animal without striking the animal. The pens employee then took off running at the animal and the animal in turn went running into the drive alley. I called out to the pens employee to stop chasing the animal. No regulatory control action was taken as the activity ceased.</p> <p>I saw an employee from the scale house nearby and informed her of the incident. This employee brought Pens Supervisor and the establishment's humane handling QA outside and I explained what I observed the employee do and informed them of the forthcoming noncompliance. It is noncompliant with 9 CFR 313.2(a) to force animals to move faster than a normal walking speed. The District Veterinary Medical Specialist was notified of the noncompliance. There have been no noncompliance records issued for the same root cause in the past 90 days.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M969+V969	Swift Beef Company	13-Jan-23	313.15(a)(1)	<p>On Friday, 1/13/23 at approximately 2:00, I SCS I REDACTED observed the following noncompliance. While performing the ante-mortem inspection task I observed that pen personnel had separated a steer off by itself in a small pen on the west side of the scale house. The animal in question was a black steer that was able to stay on its feet but was not mobile enough to make its way up the serpentine chute to the knocking box. The steer was standing still with its head down and showed no signs of agitation or aggression. Slaughter General Foreman, REDACTED was donning the required PPE in preparation of knocking the steer. Mr. REDACTED then entered the pen and approached the steer which continued to stand still. As Mr. REDACTED reached in front of the head to knock the steer it moved its head slightly but continued to stand still. Mr. REDACTED used the and held stunner on the steer which failed to go down, the steer turned to the left and took a few steps. I could see the sight of the failed knock near the poll on the left side of the steer's head. The steer continued to stand still as Mr. REDACTED attempted a second knock which was again ineffective, I did not see the exact placement of the second knock as I was standing behind the site when the knock was applied. The animal moved its head slightly and took a few steps around the pen still showing no aggressive behavior. On both attempts to knock the steer Mr. REDACTED was very tentative and hesitant, his knocking approach was ineffective making him unable to render the animal insensible. This is in violation of 9 CFR 313.15(a)(1).</p> <p>At this time Mr. REDACTED made the decision to use xylazine in order to properly and safely render the animal unconscious. Once the REDACTED took effect the animal was rendered insensible with one knock.</p> <p>I verbally notified Mr. REDACTED and A Shift QA superintendent, REDACTED that a noncompliance report would be issued.</p> <p>This noncompliance report is not being linked to any prior noncompliance reports.</p>
M969+V969	Swift Beef Company	6-Feb-23	313.1, 313.2	<p>Humane Handling Routine Task: HATS Category IV,V, & VII: Handling during antemortem, Handling of suspect and disabled cattle, and Observation for Slips and Falls:</p> <p>At approximately 1058 hours on Monday, February 6, 2023, while observing antemortem I, the Supervisory Public Health Veterinarian observed the following non-compliance:</p> <p>A Holstein steer out of REDACTED, Lot: 820, was off loaded from a truck on dock 2. The steer had gotten stuck in between a walkway opening leading into the scale house. I observed that the steer was collapsed in a sternal position, and was stuck along the mid-thoracic region, while actively flailing it's limbs in an attempt to rise. Despite it's efforts, the steer remained stuck and was unsuccessful at rising.</p> <p>I alerted the pens employee to stop antemortem and address the trapped steer. The pens employee indicated that nothing could be done for the animal until REDACTED was provided and therefore proceeded to present animals for antemortem inspection. I took regulatory control action and temporarily suspended antemortem inspection.</p> <p>During this time, I waived down another pen employee, and QA personnel through an opened window leading into the scale house. I alerted them about the trapped animal. The pen employee inside the scale house replied, "We're aware of the situation." However, over the next couple minutes, I continued to observe the steer go from flailing to resting and flailing to resting, with no success in rising.</p> <p>Using my cell phone, I called Technical Services Management and Fabrication Floor Management at 1115 hours. During this time, the steer had worked ¾ of the way through the opening and was stuck at the pins, along the hips. By 1120 hours, numerous supervisors arrived at the scene, and the steer was successfully stunned by a pen employee, without the use of REDACTED. The carcass was then disposed of accordingly and antemortem inspection continued. The forthcoming NR was relayed to the QA Supervisor, Harvest Floor Supervisor, QA Superintendent of Harvest, and the Pen Supervisor. Upon walking into the scale house to sign antemortem cards, I observed remnants of black and white tufts of hair stuck to the fence posts where the animal was trapped.</p> <p>This noncompliance is not linked with any other associated non-compliances.</p> <p>The Denver District management team was contacted through supervisory channels. This establishment operates under a Robust Systematic Approach to Livestock Humane Handling.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M969+V969	Swift Beef Company	8-Feb-23	313.1	<p>Humane Handling Routine Task: HATs Category II – Truck Unloading</p> <p>At approximately 1130 hours, I, the Supervisory Public Health Veterinarian, along with the Supervisory Consumer Safety Inspector were performing antemortem duties, when I observed the following non-compliance:</p> <p>A truck parked on dock 1 was approximately half way offloaded, when I heard shouting and observed signaling surrounding the back end of the truck. Establishment personnel ran back and forth between the scale house and the back gate of the truck. I quickly made my way down the catwalk and observed a black cow with its back legs hanging between a 2-3 foot gap. The hind limbs were suspended off the dock, between the dock and trailer, whereas the sternum and forelimbs were perched on the dock.</p> <p>As plant personnel were in the process of initiating their emergency action plan, the cow was able to wiggle enough to get its hind limbs onto the ground below. From there, the cow was able to bear weight on the hind limbs and leveraged its forelimbs down from the dock. The cow then took off running. The remaining cattle on that truck were behind a closed gate and no further cows were at risk of falling or jumping off the truck.</p> <p>The cow ran towards the north side of the building and dodged various parked vehicles, stationary equipment and ran by an open security gate. Establishment personnel and myself diligently followed behind the loose cow. I used my cell phone to call Technical Services Management and alerted them to the ongoing situation.</p> <p>Establishment security started to shut all open gates and plant personnel spent approximately 15 to 20 minutes tracking the cow from the north end of the property, back to the south end of the property.</p> <p>At 1158 hours, the cow ran under a parked trailer, where it laid down. Plant personnel were able to stun the animal with a hand-held captive bolt device, successfully rendering the animal unconscious on the first attempt. Dock 1 was temporarily placed under regulatory control, while I, the Supervisory Public Health Veterinarian contacted the Denver District management team through supervisory channels. The Supervisory Consumer Safety Inspector remained outside to monitor that no further cattle were offloaded on dock 1 and that the driver did not leave prior to gathering the needed information on how this occurred. The plant operates under a Robust Systematic Approach to Livestock Humane Handling.</p> <p>Upon my return to the pens, dock 1 was released, The driver was interviewed and reported to have left a 2-3 inch gap from the dock to the trailer. Upon noticing a cow had gotten its hoof stuck in the gap, the driver stated, "he got back into his trailer and pulled forward to try to assist the cow. It was then the truck lurched forward on the driver, causing a gap big enough for the cow's hind end to slip through."</p>
M267	JBS Tolleson Inc.	24-Feb-23	313.2	<p>HATS VI: Excessive Prod Use</p> <p>On February 23, 2023, at approximately 1535 hours while CSI REDACTED and I were observing how the cattle were handled as they moved in the single file to the entrance of the knock-box the following non-compliances were noted:</p> <p>There were three establishment employees using air injection prods on cattle as the animals were being driven to the entrance of the knock box. The prods were repeatedly being used on seven consecutive animals with no assessment whether the animals would move on their own (in the absence of prodding) towards the knock box.</p> <p>The animals were moving in a forward direction when the prod was applied excessively to the animals back side, and rump. Each animal became irritated with muscle twitching in the area where the prod was applied.</p> <p>To investigate further, I asked to see the prod tips themselves. REDACTED (Cattle Pen Supervisor) presented two of the prods so we could evaluate them. Upon examination, one of the prod tips came to a sharp point, and the other had jagged sharp edges along its tip.</p> <p>The two affected prods with the sharp tip and jagged edges were taken out of service and not used for the remainder of the day.</p> <p>REDACTED (QA Superintendent) was notified of the incident and that a non-compliance (NR) record would be issued.</p> <p>That the establishment failed to drive animals with minimal excitement and discomfort by excessively using cattle prods with sharp tips and edges represents non-compliance with 9 CFR 313.2 (b) and (c).</p>
M3W+V3W	Swift Pork Company	14-Mar-23	313.1	<p>On Tuesday, March 14, 2023, at approximately 2124 hours, while performing Livestock Humane Handling verification, HATS IV, Antemortem Inspection, to verify that the establishment's facilities meet 313.1(a), I observed the following noncompliance: on the south side of the south gate for pen 11A, I observed several sharp/jagged points of metal along the gate. The sharp points were all low enough that the hogs could be injured. This area is also a high traffic area for hogs being moved up to the stunning area. I notified the Yard Supervisor REDACTED of the deviation and discussed corrective actions. Mr. REDACTED informed me that the pen was to be emptied and then the establishment would reweld the gate. On March 15, 2023, I reexamined the gate and found that the sheet metal along the entire gate had been replaced and no sharp edges were present.</p> <p>I verbally notified Mr. REDACTED of the forthcoming noncompliance for failing to maintain pens and driveways as required in 9 CFR 313.1(a).</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M850+P17775+V850	Swift Pork Company	30-Mar-23	313.2	<p>After checking subject pens and verifying deads with the stun tech, as I entered the door to livestock at approximately 11:05 hours to verify HATS Category III - Water and Feed Availability, I heard loud vocalizations coming from pen 40. I walked along the outside of pen 40 and observed a noncompliance with HATS Category – VI Electric Prod/Alternative Object Use. A center alley employee standing by the northeast wall on the inside of pen 40 was encircled by a bunched-up groups of hogs. She was looking at the other two center alley drivers, one by the end of the southwest gate of pen 40 and the other standing at the southeast end of pen 39. Then, she started paddling the animals in the back of the group and they began to pile and vocalize loudly. The employee continued to paddle the animals, until the group finally moved. During this movement I observed signs of excitement as there were increased loud vocalizations, piling, causing one hog twisting in the pile and falling. Then the employee near the southwest gate entered the pen and in the process of rattling his paddle to move animals towards the exit gate, animals behind him began to vocalize loudly, piling amongst one another causing another hog to twist and fall in the pile.</p> <p>Given these observations, at approximately 11:07 hours, I informed Mr. REDACTED, Stick Supervisor, that I observed numerous hogs bunched together against the northwest corner of the pen and one of the employees began to paddle the hogs in the back of the group, and as the hogs started to pile and vocalize loudly, the employee continued to paddle the hogs causing more piling, loud vocalizations, and a hog vocalizing loudly losing balance in the pile and falling. I informed Mr. REDACTED I would be US rejecting the drive alley and requested corrective actions. Mr. REDACTED informed me that the employee was new, and he would do a coaching. I informed Mr. REDACTED a noncompliance record would be issued. I placed US reject tag B36019698 on the drive alley at approximately 11:10 hours. Mr. REDACTED, Harvest General Superintendent, Ms. REDACTED, Regulatory Manager, and Mr. REDACTED, Plant Manager arrived, and I discussed with them what had transpired. Mr. REDACTED gave further corrective actions to remove the employee from livestock. I removed my tag at approximately 11:13 hours and allowed operations to resume.</p>
M969G	Swift Beef Company	4-Apr-23	313.2	<p>HATS Category III. Water and Feed</p> <p>On 4-4-23 at approximately 0530 hours while performing HATS Category III verification I the first shift SPHV at establishment M969G observed the following non-compliance. Pens twenty-three and twenty- four North of the catwalk were stocked with enough cattle to preclude the livestock from obtaining water or laying down. Further inspection revealed the same situation in pen eight South of the catwalk. The Animal Welfare QA was shown the non-compliance and informed that a non-compliance record would be issued. The establishment performed an immediate corrective action.</p> <p>The Denver District Veterinary Medical Specialist was contacted. There have been no noncompliance records of similar root cause documented within the past 90 days. The establishment operates under a Robust Systematic Approach to Livestock Humane Handling.</p>
M1311	JBS Souderton, Inc.	6-Apr-23	313.1	<p>On April 6, 2023, I CSI (REDACTED) observe following non-compliance. On April 5, 2023, Inspector REDACTED observed that the Pen No. 26 didn't have enough wood chips bedding and also noticed that Pen No. 54, 55 and 56 was wet. He notified the Barn Supervisor and Quality Assurance personnel. Quality Assurance personnel tagged both pens to be fixed. In the morning of April 6, 2023 around 7:15am, Inspector REDACTED observed that QA Tags were removed from pen 26 and pen 54, 55, 56 and pens were not fixed and animals were in the pens 26 and pen 54, 55, 56. Immediately, he notified the Barn Supervisor, and they took out the animals from the pen 26 and put more wood chips bedding and put back the animals into the pen. Approximately at 8:05am, I went down to the barn and I observed QA tag was removed and animals were in pen 54, 55, 56. I observed that pen 54, 55, 56 was still wet. I immediately took regulatory control action and rejected the pen and place a reject tag No. B-45 505498. All animals were removed from that pen to a different pen.</p>

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Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M562	JBS Green Bay, Inc.	7-Apr-23	313.1	<p>At approximately 10:36 am, while performing HATS IV, Handling During Ante-mortem Inspection, CSI REDACTED observed the following noncompliance: CSI REDACTED observed a steer, exiting the weight scale, slip and fall while moving through the alleyway. CSI REDACTED observed the animal right itself and walk without difficulty into pen 17. No external injuries were apparent. Upon completion of ante-mortem inspection for the load of steers, CSI REDACTED took a regulatory control action through his presence and refused use of alleyway.</p> <p>Per 9 CFR 313.1 (b), Floors of livestock pens, ramps, and driveways shall be constructed and maintained so as to provide good footing for livestock. The exit to the scale did not have sufficient grip surface for the animal to remain upright.</p> <p>CSI REDACTED notified barn supervisor REDACTED of his observations and the forthcoming noncompliance record. As an immediate corrective action, the barn personnel utilized lime for additional footing. Upon completion of the corrective action, CSI REDACTED released the scale for use.</p>
M562	JBS Green Bay, Inc.	18-Apr-23	313.1	<p>At approximately 10:23 am on April 18th, while performing HATS IV, Handling During Ante-mortem Inspection, SCSi REDACTED observed the following noncompliance. SCSi REDACTED was observing cows being moved out of a pen and into the alleyway when a cow slipped and fell on its side while it was going around a corner. The alley way had enough sawdust and no liquid manure was present. SCSi REDACTED observed the animal right itself and walk without difficulty into the front part of the barn. No external injuries were apparent. Upon completion of ante-mortem inspection for the pen of cows, SCSi REDACTED took a regulatory control action did not allow further use of alleyway.</p> <p>SCSi REDACTED notified barn supervisor REDACTED of his observations and the forthcoming noncompliance record. As an immediate corrective action, the barn personnel utilized lime for additional footing. Upon completion of the corrective action, SCSi REDACTED released the alleyway for use.</p>
M562M	JBS Plainwell, Inc.	22-May-23	313.1	<p>HATS Category IV - Ante-mortem Handling</p> <p>On 5/22/23 at approximately 0748 hours while performing a scheduled Livestock Humane Handling Task I, CSI REDACTED, observed the following non-compliance:</p> <p>While performing ante-mortem on pen 2, I observed a cow's head stuck between the two swinging gates below a chain binding the gates together on pen 4. I immediately notified a barn employee and he attempted to get the cow's head unstuck. The chain prevented the cow from pushing or pulling the gate open so she could free herself. After some time, the employee decided bolt cutters were required. At approximately 0753 hours, upon returning with the bolt cutters the cow managed to free herself from the opening in-between these two swinging gates before the bolt cutters were used. This finding shows the establishment to be noncompliant with 9CFR 313.1(a) which states in part: "... unnecessary openings where the head, feet, or legs of an animal may be injured ...".</p> <p>Barn Clerk REDACTED was verbally informed of the findings and that a non-compliance would be issued at approximately 0801 hours.</p>
M267	JBS Tolleson Inc.	31-May-23	313.2	<p>On 5/31/2023 at approximately 1153 hrs while performing Ante-Mortem Livestock inspection on cattle in pen 18 (north side) I noted the following regulatory non-compliance:</p> <p>While the animals were being presented from pen 18 for inspection, I observed that the pen's water trough was empty. There were a total of 33 animals in the pen. I immediately took regulatory control action and asked the responsible employee to place the cattle into another pen where water was available.</p> <p>Reviewing establishment records I noted that the cattle had arrived at 1029 hrs.</p> <p>I placed U.S. Reject Tag B45080295 on the pen. I showed REDACTED (Cattle Pen Supervisor) my findings and informed him that a non-compliance record (NR) would be issued.</p> <p>The establishment failed to meet the requirement of 9 CFR 313.2(e) "which requires that water is available to livestock in all holding pens".</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M850+P17775+V850	Swift Pork Company	1-Jun-23	313.2	<p>On 06/01/2023 at approximately 0027 hours, I was going to the northeast REDACTED holding pen to perform HATS Category VII – Slips and Falls of the adjacent REDACTED drive alley. Upon my arrival to one of the northeast side gates I noticed a hog in the pen resting up against the gate preventing me from entering. As I briefly looked in the pen, a noncompliance was observed with HATS Category III – Water and Feed Availability. I observed a blue sort board leaning up against and covering both water nipple outlets. I went around to the northwest gate, entered the pen and walked up to the sort board. I motioned to one of the REDACTED drive employees to summon for a supervisor. Mr. REDACTED, Stick Supervisor arrived, and I showed him the sort board and how it was blocking the hogs accessibility to the water and that I was issuing a noncompliance record and requested an immediate corrective action. Mr. REDACTED removed the sort board.</p> <p>The sort board was covering the only source of water in the pen. There were nine hogs in the pen at the time of this observation. I also informed Mr. REDACTED, Harvest General Foreman of my observations and that a noncompliance was being issued.</p>
M267	JBS Tolleson Inc.	9-Jun-23	313.1	<p>HATS Category IV Ante-Mortem Inspection</p> <p>On 6/9/2023 at approximately 0708 hrs while performing cattle Ante-Mortem (AM) inspections on the south side of the cattle pens, I noted the following regulatory non-compliance:</p> <p>On the alley gate that runs north to south (when closed) located on the south side of the pens in front of the scale there was a protruding sharp jagged metal edge evident on one end of the sliding metal bar that serves to latch the gate closed. The area of irregular sharp protruding metal was about one inch in diameter. Several bovine hairs were noted attached to this protruding sharp surface likely having come from animals that had previously rubbed against the sharp surface. At the time I noted the finding there were no animals in the alleyway.</p> <p>I placed U.S. Reject Tag B45080061 on the gate and I showed the sharp protruding end of the bar to REDACTED (Cattle Pen Supervisor). I informed him that a non-compliance record (NR) would be issued.</p> <p>In my presence maintenance personnel were summoned and the sharp protruding edge of the gate latch was cut off and the remaining margin was sanded to the point where it was flat and smooth.</p> <p>The establishment failed to meet the requirement of 9 CFR 313.1(a) which requires that "livestock pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects....".</p>
M562	JBS Green Bay, Inc.	9-Jun-23	313.1	<p>On June 9th 2023 at approximately 11:00 am, while performing HATS Category IV, Handling During Ante-Mortem Inspection, I observed the following regulatory noncompliance. I was observing a group of cows being moved off the barn scale and into the alleyway when a cow slipped on the black, rubber mat falling on the knees of the forelimbs. I observed the cow rise on its own and walk without difficulty into the alleyway. The animal did not appear to have any external injuries as a result of the slipping incident. After the remainder of the group of cows exited the scale area, I observed a puddle of standing water approximately 12 x 12 inches on the black, rubber, mat. As the wet mat was slippery, I asked for corrective actions to be taken before moving subsequent groups of animals onto the scale.</p> <p>I notified barn supervisor REDACTED of my observations and the forthcoming issuing of a regulatory noncompliance record. As an immediate corrective action, the barn personnel spread lime powder on the entirety of the barn scale to ensure adequate slip resistance and traction. Upon completion of the corrective action, I allowed animals to be placed on the barn scale. No additional slipping was witnessed.</p> <p>This regulatory noncompliance is linked with noncompliance QSM0311045825N, documented on 04/18/2023 for a similar noncompliance due to slipping of livestock within the livestock holding areas and the barn. In response to the 04/18/2023 NR (QSM0311045825N), the establishment provided written preventive measures: "REDACTED." These preventive measures have not been implemented at this time.</p> <p>REDACTED, DVM</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M85O+P17775+V85O	Swift Pork Company	20-Jul-23	313.1, 313.2	<p>On 07/20/2023 at approximately 1922 hours, I went to do HATS Category VII – Slips and Falls, near the area where the center alley drive transitions to the REDACTED drive. Upon my arrival an establishment employee was in the east half of pen 22 shaking their rattle can and tapping their rattle paddle on the flooring as a group of about 25-30 hogs were moving towards the north wall of the pen. As the group was moving away from her, I observed one hog fall on its ham and another slip. The employee continued to use both implements as the hogs moved towards the exit gates of pen 22 and into the center alley. I then observed a hog behind the employee in pen 22 slip as it was moving towards the south wall. The hog stopped parallel against the south wall. The southeast exit gate of pen 22 wasn't fully shut so it swung into the pen towards the south wall coming to a stop after bumping the hog. The employee went back into the pen, opened the gate, and moved the hog to the center alley. No apparent injuries were observed.</p> <p>After the pen was emptied, the overall flooring was observed to have accumulated enough feces to fill up the spaces between the cobblestone grooves in the flooring. Given these observations, at approximately 1927 hours, I informed Mr. REDACTED, Stick Supervisor of the excessive fecal buildup causing inadequate footing resulting in one animal to fall and two to slip, and that I was issuing a noncompliance record and requested an immediate corrective action. Mr. REDACTED advised he would hose the pen down. While Mr. REDACTED went to get a hose, I observed the same employee moving a group of hogs down the center alley towards the first REDACTED drive gate. As the employee was closing the gate one hogs in the group stopped in the way of the gate from being closed so the employee pushed that gate into the hog eliciting a loud rapid squeal as it quickly moved forward. After the employee closed the gate, I informed Mr. REDACTED of the employee's actions causing excitement and discomfort to the hog. At approximately 1935 hours, I placed U.S. Reject tag B36019873 across the center alley and requested an immediate corrective action. Mr. REDACTED radioed for Mr. REDACTED, Harvest General Foreman. Mr. REDACTED arrived, I informed him of my observations, and requested an immediate corrective action. Mr. REDACTED had the employee removed from the area. At approximately 1938 hours, I removed the U.S. Reject tag and allowed slaughter to resume.</p> <p>Mr. REDACTED, FSQA Hot Side Supervisor had arrived and inquired about the matter. While informing Mr. REDACTED what had taken place, I observed an employee moving a group of about 25-30 hogs down the center alley towards the REDACTED drive gate. Before the employee closed the gate several of the hogs went around both sides of the employee moving back up the center alley. Of these hogs, one slipped and fell on its belly alongside the gate of pen 22 and two other hogs slipped near the opposite side of the alley. The flooring where the hog fell had shallow linear scarification grooves overfilled with wet feces and the flooring where the slips occurred was waffled type with heavy feces buildup between some of the grooves. Given these observations, I verbally informed Mr. REDACTED to stop moving anymore hogs and requested corrective actions. Mr. REDACTED thoroughly hosed the center alley. I then allowed slaughter to resume. No further slips or falls were observed. Mr. REDACTED advised the flooring would be scarified this weekend and, in the interim, would be monitored every 30-60 minutes and hosed as necessary.</p>
M85O+P17775+V85O	Swift Pork Company	24-Jul-23	313.2	<p>On 07/24/2023 at approximately 2200 hours, I was conducting humane handling observations for HATS Category II - Truck Unloading at hog unloading bay number three. I was outside the trailer for these observations, peering through the numerous trailer wall holes. I observed the driver in the front lower section using his plastic BB-bat to drive animals toward the trailer exit. I observed the driver strike the face of a hog twice, and when the hog reacted by stopping movement, he continued to strike the animal in the face three times in rapid succession. I went to the employee at the tattoo booth and, taking a regulatory control action, requested to have the driver stop unloading hogs and requested a supervisor. Mr. REDACTED, Livestock Supervisor arrived, and I informed him of the noncompliance I observed, and I reiterated that based on my observations the excessive frequency and placement of the bat strikes was not consistent with a minimum of excitement and discomfort. I informed Mr. REDACTED that a noncompliance record would be issued, and I requested corrective actions. Mr. REDACTED suspended the driver for 72 hours and would not permit the driver to continue unloading the current load of hogs. I removed my regulatory control action, and establishment employees unloaded the remaining hogs.</p>
M85O+P17775+V85O	Swift Pork Company	31-Jul-23	313.1	<p>On 07/31/2023 at approximately 1120 hours, I was conducting humane handling observations for HATS Category VII – Slips and Falls near holding pen 42. I stood near the unloading side of the pen to observe the hogs when they were moved to slaughter. As the exit gate was opened, I observed two establishment employees working in tandem inside the pen. One employee shook a rattle can on one side of the pen spreading the herd out while the other employee tapped a rattle paddle on the flooring moving groups of 25-30 hogs out of the pen around a sloped curve towards the center alley leading to the REDACTED alley. Many of the hogs lost footing on the sloped area and several hogs slipped and fell. As some of the hogs exited the pen their pace increased. The employee moved each group to the center alley gating most of them off at the REDACTED drive alley, while some of the hogs lost footing, slipped, and fell while moving back towards pen 42 around the slope. After the pen was unloaded, I informed Mr. REDACTED, Stick Supervisor, that based on my observations a noncompliance record would be issued and requested an immediate corrective action. Mr. REDACTED radioed for Mr. REDACTED, Animal Welfare Manager. While waiting for Mr. REDACTED to arrive I observed excessive feces in the grooves of the sloped area. The area at the base of the slope had standing wet feces up to approximately one-half inch deep completely covering parts of the flooring. I noticed a large hole in the concrete near the base of the slope, approximately four feet long also with wet feces buildup. The flooring was comprised of slight linear grooves, smooth areas where concrete had been poured, bricks, and pebble stone. Mr. REDACTED arrived, I discussed and showed him my observations and that a noncompliance record was being issued and requested an immediate corrective action. Mr. REDACTED advised he would have the area hosed down, contact maintenance to fill in the hole, have the area scarified over the weekend, and that the pen will remain on hold until all corrective actions were implemented.</p> <p>This NR is associated with NR HEM4218074024 N / 1, dated 07/20/2023 in that both NRs demonstrate repetitive failures of the same aspect of floors and driveways not being maintained to provide good footing for the animals.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M267	JBS Tolleason Inc.	2-Aug-23	313.2	<p>HATS Category III Ante-Mortem Inspection</p> <p>On 8/02/2023 at approximately 0705 hrs. while performing Ante Mortem Livestock Inspection, I noted the following regulatory non-compliance:</p> <p>While the animals were being presented from pen 32 for my inspection, I observed that the water level in the water trough that holds cattle in pens 32 and 33 was just high enough to barely cover the bottom of the trough. There was a total of 32 animals in the pen and animals were slurping and licking whatever water they could from the bottom of the trough.</p> <p>I immediately took regulatory control action by placing US Reject Tags B45080020 and B45080176 on the two cattle pens. I also requested that the cattle be moved from pen 32 into another pen where drinking water was readily available.</p> <p>I informed REDACTED (Operation Manager) and REDACTED (Yards Supervisor) of the finding and that a non-compliance record (NR) would be issued.</p> <p>The establishment failed to meet the requirement of 9 CFR 313.2(e) "which requires that drinking water be made available to livestock in all holding pens.</p> <p>A review of associated NRs for the past 90 days revealed 1 NR, NR ECD5911061901 (dated 5/31/2023).</p>
M969+V969	Swift Beef Company	8-Aug-23	313.15(a)(1)	<p>Humane Handling Routine Task: HATS Category VIII: Stunning Effectiveness</p> <p>At approximately 0613 hours, Tuesday, August 8th, 2023 while observing stunning effectiveness; I, the SPHV, observed the following non-compliance:</p> <p>The stun operator, using a pneumatic captive bolt device was observed applying the initial stun on a beef heifer (Carcass: 080170). Following the first stun attempt, the animal remained with its head upright, fully conscious, and tossed its head up and down violently while on the belly-belt conveyor. The animal was alert and in distress with both ears upright, rhythmic breathing, blinking and eye tracking.</p> <p>The stun operator with the pneumatic captive bolt device immediately stopped the conveyer, tried to calm the animal, while the secondary stun operator retrieved the readily available handheld captive bolt device. After 38 seconds, the secondary stun operator successfully applied the second stun, which was effective at rendering the animal unconscious. Following the second stun, the animal remained unconscious during shackling, hoisting, sticking, and bleeding.</p> <p>The Harvest floor supervisors were verbally notified of the event and the carcass was retained with U.S. Retain tags: B41447761 and B41447738. Both parties were verbally notified of the forthcoming noncompliance record (NR), pending post-mortem inspection of the stun hole placements. The head was also retained with U.S. Retain Tag MPD67284740, and followed to the head disposition stand. Upon inspection of the dressed head, there was one hole located rostral to the left supraorbital foramen, and a second hole which appeared to be appropriately positioned. A Technical Services employee used a stun hole gauge to measure the holes and it was observed that the hole located rostral to the left supraorbital foramen was outside of the appropriate boundaries set forth by the establishment.</p> <p>The dressed head was then taken downstairs with the Harvest Supervisor, the Technical Services Supervisor and the Technical Services Slaughter Supervisor. The dressed head was split, and the two holes were back traced using a pen. The hole located rostral to the left supraorbital foramen did not appear to have entered the brain cavity, while the other hole was also back traced and confirmed to have entered the brain cavity. Upon verification of stun hole placements, the Harvest Floor Superintendent was also verbally notified forthcoming NR.</p> <p>This is not in compliance with regulation 9 CFR 313.15(a)(1): Immediate unconsciousness by captive bolt, in which animals shall be stunned in such a manner that they will be rendered unconscious with minimum excitement and discomfort.</p> <p>This non-compliance is not associated with any other non-compliances for same root cause within the past 90 days. This establishment operates under a robust systematic approach to livestock humane handling and slaughter.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M267	JBS Tolleason Inc.	22-Aug-23	313.1	<p>HATS Category IV Ante-Mortem Inspection</p> <p>On 8/22/2023 at approximately 0533 hours while performing an Other Inspection Requirement task, I observed the following regulatory non-compliance:</p> <p>There was a rusty sharp metal edge at the gate's holding pen next to the single file that leads to the restrainer/knock box. Additionally, inside the pen there were several sharp pointy metal pieces on the concrete floor that measured between 3 and 6 inches in length.</p> <p>I took regulatory control action and placed US Reject Tag B45494639 on the gate and informed REDACTED (Yards Supervisor) of the non-compliance and that a non-compliance record (NR) would be issued.</p> <p>That the establishment failed to maintain these areas where cattle are held or moved in good repair represents non-compliance with 313.1(a).</p> <p>A review of associated NRs for the past 90 days revealed 1 NR, NR ECD4317061709 (dated 6/09/2023) .</p> <p>The establishment's "Robust Systematic Approach to Humane Handling" SOP, states in part that REDACTED.</p>
M562	JBS Green Bay, Inc.	13-Sep-23	313.1	<p>At Approximately 7:00 am, on September 13th 2023, while performing HATS IV, Handling during ante-mortem inspection, CSI REDACTED observed the following noncompliance with HATS VII. CSI REDACTED was observing Steers being moved out of pen 30 and into the main alleyway when a Holstien Steer slipped and fell touching its hind underside to ground with both hind feet splayed to the sides in the entry way of the pen. Inside the pen was completely damp and soiled and the grooves were filled with waste material and wet sawdust, the alley way had fresh bedding, but it was not evenly spread over the wet areas leading the steer to slip on the wet, soiled bedding. After the fall, the steer stood up and walked without difficulty into the front part of the barn. No injuries were apparent. CSI REDACTED applied a verbal regulatory control action on the pen restricting it's use. She then informed barn supervisor REDACTED of the Noncompliance. The Establishment's corrective actions were to spread out the bedding evenly and place more bedding inside the pen. Upon completion of the corrective actions, CSI REDACTED released the pen for use. CSI REDACTED did not observe anymore slips or falls in that pen when animals entered that pen.</p>
M969G	Swift Beef Company	16-Sep-23	313.16(a)(3)	<p>HATS Category IX: Conscious Animals on the Rail</p> <p>On Saturday, September 16, 2023, while performing a routine Livestock Humane Handling task, I, the SCSi observed the following noncompliance at approximately 2255 hours:</p> <p>I was observing stunning hoisting and shackling next to the blood pit railing overlooking the carcass takeaway belt near the maintenance toolbox on the south side of the protective metal shield.</p> <p>At approximately 2255 hours I observed a sensible animal being hoisted. I determined sensibility by the observation of a righting reflex, eye tracking, and blinking. When I saw the animal being hoisted off the takeaway belt, I saw blinking and the head raise. I followed the animal to the stack, prior to where the animals are stuck and bled out and observed eye tracking, a righting reflex, and blinking. The animal flexed its head in the dorsoventral plane. I halted production and informed the Superintendent of my observations. He brought the knocker to the stack. The knocker asked me which animal was sensible. I identified the conscious animal in the stack. I observed that the animal was still exhibiting eye tracking, blinking, and attempting to lift its head. The knocker applied a stun after which the animal was immediately rendered unconscious. He applied a second security stun. Both stuns were performed with a handheld captive bolt instrument. Per 9 CFR 313.15 (a)(3), immediately after the stunning blow is delivered the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking, and bleeding.</p> <p>The SPHV was called to the floor by the establishment, at my request, and informed the establishment that the knocking box would remain tagged, and we would be contacting the Denver District Office immediately for further instruction. Regulatory control of the production line was released at approximately 2258 hours, and the establishment was informed that they could proceed with processing the cattle on the line. No further stunning was allowed. U.S. Reject tag B-45836026 was applied to the restrainer.</p> <p>The SPHV went to the floor and located the head, which was tagged and saved at the head chain and examined it with the faceplate skinned to the bone. The SPHV was able to verify that there were 3 holes in the skull and no more. Two knock holes were penetrating. One knock hole indicates an area of the skull that was fractured/fragmented into 4-5 fragments, but was not penetrated. There was no distinct hole and the SPHV could not probe into it. The cracked skull was depressed less than 1/4". This area was located approximately 1" dorsocaudal to the left eye and 1 – 1.5" laterally.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	NR Regs	NR Description
M969G	Swift Beef Company	18-Sep-23	313.2	<p>HATS Category III. Water and Feed</p> <p>On 9-18-23 at approximately 1746 hours while performing HATS Category III verification I the first shift SPHV at establishment M969G observed the following non-compliance. The water tanks in pens twenty-one, twenty-two, twenty-three and twenty-four North of the catwalk were empty. Cattle contained within the pens were crowded around the tanks but were unable to drink. Livestock personnel in the pens were shown the non-compliance and moved the livestock to pens with water available. The Slaughter Superintendent was informed of the non-compliance and that a non-compliance record would be issued. The establishment has failed to comply with 9CFR 313.2(e).</p> <p>There have been no noncompliance records of similar root cause documented within the past 90 days.</p>
M267	JBS Tolleson Inc.	19-Sep-23	313.1	<p>HATS Category IV Ante-Mortem Inspection</p> <p>On 9/19/2023 while performing ante-mortem inspection on cattle from cattle pen 25 the following regulatory non-compliance was observed:</p> <p>At approximately 0628 hours when 32 head of beef steer were being presented it was noted that a steer had its head pinned underneath the bottom steel support fence bar.</p> <p>The animal was distressed, as it was kicking its rear leg and was unable to sit upright or free itself. The animal had increased respiration rate and frothy saliva coming from its mouth. The steel bar was pressing on top of the animal's neck, and the steer was open mouth breathing.</p> <p>REDACTED (Cattle Pen Employee) immediately called on the two-way radio and informed REDACTED (Cattle Pen Employee) of the situation. Mr. REDACTED attempted to release and free the animal prior to REDACTED arrival, but he was not successful.</p> <p>At approximately 0637 hours Mr. REDACTED (Cattle Pen Employee) approached the distressed animal inside the pen with a gun carrier that contained two handheld knock guns and no bullets. Mr. REDACTED walked back out of the pen and stated that he was awaiting the bob cat. The animal was subsequently euthanized.</p> <p>REDACTED (Technical Service Manager) and REDACTED (Harvest Manager) were notified of the situation and that a non-compliance record (NR) would be documented.</p> <p>That the establishment held animals in pens with unnecessary openings where the head, feet, or legs or an animal may be injured represents non-compliance with 9 CFR 9 313.1(a).</p>
M85O+P17775+V85O	Swift Pork Company	21-Sep-23	313.2	<p>On 09/21/2023 at approximately 2042 hours, after performing HATS Category IV – Antemortem Inspection, I walked up to the corner of the northeast REDACTED holding pen. As I looked in the pen, a noncompliance was observed with HATS Category III – Water and Feed Availability. I observed the black boat used to transport downer hogs under both water nipple outlets mounted to the east wall of the pen. The looped shaped steel cable attached to the front of the black boat used to pull it was looped on the floor extending approximately 2' away from the boat in front of the northeast nipple water outlet. There was also a sort board leaning from the wall adjacent to the southeast water nipple outlet to the side of the black boat facing the wall. I walked around to the southwest wall of the pen and observed the front of the boat in line with the northeast water nipple outlet. The black boat was approximately 4' x 2.5'.</p> <p>Mr. REDACTED, Stick Supervisor was already in the area hosing down the center alley. I showed him how the storage location of the boat, steel cable and sort board obstructed access to the nipple waterers as well as creating a trip hazard. I informed Mr. REDACTED a noncompliance record would be issued and requested an immediate corrective action. Mr. REDACTED had the boat and sort board removed. This fails to meet 9 CFR 313.2(e) in that access to water was obstructed, and if attempted gave opportunity for a trip hazard. At the time of this observation there were two animals in the pen.</p>
M1311	JBS Souderton, Inc.	21-Sep-23	313.15(a)(2), 313.2	<p>HATS Categories: VII: Slips and Falls, and VI: Electric Prod/Alternative Object Use</p> <p>At approximately 1500 hours on 9/21/2023, while verifying HATS Category VII: Slips and Falls and HATS Category VI: Electric Prod/Alternative Object Use, I (REDACTED) observed the following non-compliance:</p> <p>The stunning employee was working through a mixed lot of both dairy and beef cows. As the operator opened the restrainer in the knock box to release a stunned dairy cow, a smaller beef cow that had not been stunned yet was also released from behind the dairy cow and fell out of the knock box. This beef cow had not been shackled and fell onto the takeaway table, where she then slid onto the floor, regained her footing and proceeded to run through the sticking area before being corralled back into the barn area. After the cow had been corralled back into the barn, I notified barn management that they should immediately stop knocking and the knock box was tagged with US Reject Tag #B-46583900.</p> <p>This is non-compliant with 9CFR 313.2(a) and 9CFR 313.15(a)(2) which states that "The driving of the animals to the stunning area shall be done with a minimum of excitement and discomfort to the animals." Mr. REDACTED (QA Superintendent) and Mr. REDACTED (Slaughter Superintendent) were notified verbally and in writing of this non-compliance.</p> <p>After conferring with Dr. REDACTED (FLS) and Dr. REDACTED (SPHV), the Reject tag was removed from the knock box and the plant was allowed to resume knocking for the remainder of the production day.</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	2-Apr-21	During 2nd shift harvest for the week of 03/29/21, IPP railed out 21 carcasses for the presence of paddle and prod marks. Some of the carcasses had multiple marks and were located along both sides of the back, shoulder, and ham. I showed the carcasses to a member of the supervisory harvest team on each occasion and they in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 03/29 – 6846 x 2 (numerous marks); 03/31 – 0338 x 2, 0337, 6173 x 3, 6172 x 4, 0331, 0329, 0330, 6171, and 033X; 04/01 – 0392 (prod), and 038X x 3 (prod). I informed Mr. REDACTED, harvest general foreman that a MOI would be issued. Representative pictures of paddle and prod marks are attached to this MOI in PHIS. The origin of the marks observed on 03/29 is currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M562	JBS Green Bay, Inc.	7-Apr-21	At Approximately 1330Hrs while performing HATS task IV (handling during antemortem inspection) on Monday April 5, it was brought to my attention that a truck driver was behaving inappropriately. When I looked in the direction of unloading dock #3 to look at the truck driver in question, I noticed that the truck driver was grabbing a steer by the tail. He stopped quickly after I saw what was happening. I immediately informed a QA tech that was in the area of what I had observed, and the QA then went and talked to the truck driver. The QA tech informed me that the truck driver had apologized for his actions and mentioned that he would never do that again. I then went in to the USDA office to inform the establishment IIC of my observations.
M562	JBS Green Bay, Inc.	19-Apr-21	On Thursday April 15, 2021 at around 10am, I went to the barn to inspect the pen that had been found in violation of 9CFR313.1(a) during morning antemortem inspection (NR# QSM5410045217). Upon inspection, it was found that there were several nails sticking out of the boards where the loose board had been attached, and the bottom of the cattle panel was bent into the pen and several of the vertical wires were poking toward the area that would be occupied by cattle. I notified establishment management REDACTED (by phone – she was not in the office) that maintenance needed to correct the problems in Lobby #2 before it could be used. Maintenance Supervisor REDACTED was contacted and met with me to discuss my concerns. He immediately corrected the concerning sharp objects and brought Lobby #2 back into compliance. He informed me they will be replacing the panel and the boards altogether in that area. Seeing that the pen was now back in compliance, I released the pen for use.
M850+P17775+V850	Swift Pork Company	16-Apr-21	During 2nd shift harvest for the week of 04/12/21, IPP railed out 38 carcasses for the presence of paddle marks. Some of the carcasses had multiple marks and were located along both sides of the back, neck, and ham. I showed the carcasses to a member of the supervisory harvest team on each occasion and they in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Tattoo numbers are as follows: 04/12 – 6438, 6446, 64X0 x 3, and 64X1; 04/13 – 0X0X, 0X04, 0X03 x 3, 6497, 0X21 x 3, 0X18 x 2, 64X0 x 3, and 64X1; 04/14 – 3982 (paddle mark on neck and circular “prod” marks on ham), and 0X67 x 3; 04/16 – 0694, 0711 x 5, 0710 x 6, and 6670. I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. Representative pictures of paddle and prod mark bruises are attached to this MOI in PHIS. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	23-Apr-21	On 4/20/2021, at approximately 1:15pm, I was performing HATS Category VI – Electric Prod/Alternative Object Use. I noticed two establishment employees working the circle pen before the irons leading to the REDACTED utilizing their plastic bats and hand-held battery-powered electric prods on a group of hogs. The irons were full, and they were still utilizing their bats on the hogs in the circle pen even though hogs could not move forward. While the hogs were standing shaking and jumpy in the circle pen, I observed one of the hogs had two raised red welts on her upper neck area. The shape of these welts was similar to the bats used to propel the hogs forward. The hog was stressed and breathing heavy. I had establishment employees remove the hog into the area between the irons so I could examine her and allow her to rest. The two welts were a thin rectangular shape with an open bottom and a slightly rounded top part. The rest of the bruising appeared as scratches. After a few minutes of rest, the raised red welts began to decrease in coloration and inflammation indicating that the welts may have been recently acquired during the driving process. Plastic bats are not used prior to the circle pen and staging area location in the facility. I did not see establishment employees raise their bats over their shoulders although I did notice increased strength behind the paddling with the bats. They were using one hand on the bats but they were striking not using a patting/shaking motion. After a period of rest during the establishment’s employee break, the animal was allowed to enter the regular harvest process as her breathing was regular and she did not appear stressed anymore. After removing the animal from the rest of the group, I had Mr. REDACTED, Stick Area Supervisor contact Ms. REDACTED, Quality Assurance Superintendent. I then discussed my findings with Ms. REDACTED and Animal Welfare Manager, Mr. REDACTED. They took pictures of the injuries and said they would be investigating the incident per their SOP.
M850+P17775+V850	Swift Pork Company	23-Apr-21	During 2nd shift harvest for the week of 04/19/21, IPP railed out 19 carcasses for the presence of paddle and prod marks. Some of the carcasses had multiple marks (up to 5), and were located along both sides of the back, shoulder, and ham. I showed the carcasses to a member of the supervisory harvest team on each occasion and they in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 04/19 – 6728 (“prod” marks), 6729, and 0767-9999 (impression mark from end of electric prod – offsite); 04/20 – 6797 (paddle mark and unidentified mark); 04/21 – 6840, 0881, 0888 x 5; 04/22 – 0139 x 3, 0134, 0141, 6113, and 612X (5 strikes – from tailhead to dorsal neck); 04/23 – 0190. I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. Representative pictures of paddle and prod marks are attached to this MOI in PHIS. The origin of the prod marks observed on 04/19/20 are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M562	JBS Green Bay, Inc.	11-May-21	At 4:30am on Thursday April 29 while performing Odd Hours Inspection for Humane Handling, CSI REDACTED noted that the wash pen (pen 41) seemed crowded. Upon checking the pen card, it was noted that 32 head were in the pen. The pen is stated by the company to have a capacity of 25 head overnight. Access to water is a regulatory issue, and animals should have enough space to be able to lie down when held overnight. Due to the “L” shape of this pen, overcrowding could potentially hinder access to water for some individuals. It is not known how long the cattle were in this pen (there was no one available to ask) and since antemortem inspection was due to start in the next hour, at which time the pen would be moved to a pen less likely to be crowded, it was decided to discuss the matter with establishment management at the next available opportunity and issue a Memorandum of Interview. Dr. REDACTED discussed the matter with establishment management and it was noted that they would keep an eye on this and remind barn personnel to keep pen capacities in mind when unloading and moving cattle, especially with the weather starting to warm up.

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	30-Apr-21	During 2nd shift harvest for the week of 04/26/21, IPP railed out 29 carcasses for the presence of paddle and prod marks. Some of the carcasses had multiple marks, and were located along both sides of the back, neck, and ham. I showed the carcasses to a member of the supervisory harvest team on each occasion and they in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 04/29 – 0447 (circular cluster of “prod” marks on ham), 6426, 6429 x 2, 0440, 0443, 0444 x 8, 0448 x 3, 0429, and 6421 x 2; 04/30 – 6473 x 4, 648X x 2, 6486, 0480 (hand-held electric prod mark), 0X03 (mark consistent with paddle mark on left ham/side of live hog observed just before guillotine gate #1, and a mark consistent at post-mortem on carcass with same tattoo), and 048X (red conical-shaped mark on midline back of hog in subject pen 43). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. Representative pictures of paddle and prod marks are attached to this MOI in PHIS. The origins of paddle, prod, and other such marks are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	7-May-21	On Thursday 5/6/2021 at 3:02 pm, a carcass was railed out by CSI REDACTED with evidence of animal handling tool misuse. The markings resembled two rattle paddle imprints on the dorsum of the hog. The carcass that presented with the rattle paddle lesion was from tattoo number 0688. I spoke with Harvest floor supervisor REDACTED and he told me he would make lesions available to REDACTED, Humane Handling Supervisor.
M850+P17775+V850	Swift Pork Company	7-May-21	During 2nd shift harvest for the week of 05/03/21, IPP railed out 29 carcasses for the presence of paddle and prod marks. Some of the carcasses had multiple marks, and were located along both sides of the back, neck, and ham. I showed the carcasses to a member of the supervisory harvest team on each occasion and they in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 05/03 – 0X46 x 3, 0X48, 0X44 (unidentified marks), and 0X42; 05/04 – 6X74 (multiple circular 10-12 mm diameter, marks on right ham); 05/05 – 06X6 x 2, 0641 x 2, 0639 x 3, 0640, 06X2, 06X9, and 6637; 05/06 – 0698, 6691 (electric prod impact mark), 6707, 0710, and 0711 x 2; 05/07 – 0760 (2 unidentified marks on ham), 6768, 0766, and 0763. I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. Representative pictures of paddle and prod marks are attached to this MOI in PHIS. The origins of paddle, prod, and other such marks are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	15-May-21	During 2nd shift harvest for the week of 05/10/21, IPP railed out 62 carcasses for the presence of paddle and prod marks. Some of the carcasses had multiple marks, and were located along both sides of the back, neck, ham, and side. I showed the carcasses to a member of the supervisory harvest team on each occasion and they in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 05/10 – 0823 x 3, 6798, 6799, 6821, 0809 x 3, 0811, 0819 x 4, and 0820 x 5; 05/11 – 6848, 0863 x 4, 0862, 68X3 (electric prod tip impact mark), 68X2, 68X1, and 6877; 05/12 – 6120 (electric prod tip impact mark – 2 marks on neck), 6134, 0133 (multiple circular 10-12 mm diameter marks on ham, shoulder, and side), 0136, 0133 (paddle), 0137 x 4, 0138 x 2, and 0131 x 2; 05/13 – 620X, 6207 x 5, 6206 x 2, and 0184; 05/14 – 6236 x 3, (62X2 and 62X8 - incidental findings by FSQA on sorted carcasses). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. Representative pictures of paddle and prod marks are attached to this MOI in PHIS. The origins of paddle, prod, and other such marks are currently under investigation. The use of hand held electric prods as a means to hit the animal with enough force to leave a permanent mark, as seen on two of the carcasses in this MOI, continues a trend of similar observations as documented on previous MOI's. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P17775+V85O	Swift Pork Company	22-May-21	During 2nd shift harvest for the week of 05/17/21, IPP railed out 11 carcasses for the presence of paddle and prod marks. Some of the carcasses had multiple marks and were located along both sides of the back and neck. I showed the carcasses to a member of the supervisory harvest team on each occasion and they in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 05/17 – 6328 and 6330; 05/18 – skinned, 0323, 0321, 0334 x 2, and 6397; 05/19 – 39X0, 0387, 0392 (two electric prod impact marks), and XX23 (electric prod impact mark); 05/20 non-readable (multiple cone and rectangular impact marks), 0449 x 2, and 0447. The conical and rectangular marks continue to be observed and have yet to be connected to a positive source. I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. Representative pictures of paddle and prod marks are attached to this MOI in PHIS. The origins of paddle, prod, and other such marks cited in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M85O+P17775+V85O	Swift Pork Company	28-May-21	During 2nd shift harvest for the week of 05/24/21, IPP observed 63 carcasses with paddle, electric prod (in-house), electric prod tip mark from high velocity impact (off-site), broken off handle of rattle paddle used as a poker stick, and unknown marks (elongated conical and rectangular). Some of the carcasses had multiple marks and were located along both sides of the back, neck, hams, and sides. I showed the carcasses to a member of the supervisory harvest team on each occasion and they in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Affected carcasses were either railed out by IPP or photographed online by a member of the harvest supervisory team under the direction of offline IPP. Dates and tattoo numbers are as follows: 05/24 – 0618 x 6, and 0626 x 2; 05/25 – 6773 and 0703 (poker – caudal right ham - multiple), 0698 x 19, 069X, 0678, 0696, 0679, and 0683; 05/26 – 0763 (conical and rectangular - multiple), 0766 x 2, 07X2, and 07X3 (rectangular); 05/27 – 0798 (prod – in-house – right dorsocaudal ham - multiple), 6103 (poker – right flank - multiple), 0827 (conical), 6103, 0829 x 3, and 6103 (rectangular); 05/28 – 3998 (in-house prod - right ham and right lateral side - multiple), 3996 x 2, 0879 (off-site electric prod), 0881 (rectangular), 6160, 6160 (rectangular - multiple), 61X8 x 4, 61X6 (in-house prod - right chest - multiple), 61X6 (rectangular - multiple), and 087X x 3. I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. Representative pictures of paddle, prod, and other marks are attached to this MOI in PHIS. The origins of paddle, prod, and other such marks cited in this MOI are currently under investigation by the establishment. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M85O+P17775+V85O	Swift Pork Company	7-Jun-21	During 2nd shift harvest for the week of 05/31/21, IPP observed 55 carcasses for the presence of paddle, prod, poker, rectangular, oval, and “shepherd hook” marks. Many of the marks played hemorrhage noticeable around the edges. Some of the carcasses had multiple marks and were located along both sides of the back, neck, sides, and hams. I showed the carcasses to a member of the supervisory harvest team on each occasion and they in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 05/31 – 06/02 (no kill); 06/03 – 6194 (poker – back – multiple), 0111, 6212 (rectangular – back), 6204 x 2 (oval – multiple – back), and 0117 – (“shepherd hook” – 2 marks - back); 06/04 – 62XX x 2 (“donut” shaped prod marks) 62XX x 2 (“donut” shaped prod marks on 2 hogs in pen 14 – back and right ham), 0169 x 2, 016X x 2, 0161 x 8, 0173 x 2, 0174 x 2, 6278 x 3, 6277 x 4, 01X7, 01X7 x 2 (rectangular), 01XX (rectangular), 01X8 (rectangular and “donut” marks), and non-readable (poker – right side); 06/05 – rectangular marks on 0222, 0224, 0218, 0217, and 0223; 0212 (“shepherd hook” – 2 marks – back), 0230, 0229 x 2, 0232, 6331 x 3, and 6330; 6329 and 6330 (poker - side). I informed Mr. REDACTED, harvest general foreman that a MOI would be issued. Representative pictures of the marks observed are attached to this MOI in PHIS. The origins of paddle, prod, and other such marks cited in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M85O+P17775+V85O	Swift Pork Company	9-Jun-21	During 2nd shift harvest on 06/08/21, IPP observed 57 carcasses for the presence of primarily paddle, but some with multiple rectangular marks ranging from approximately 2-10 cm x 1.5 cm. Many of the marks played hemorrhage noticeable around the edges. Many of the carcasses had multiple marks and were located along both sides of the back, neck, sides, and hams. Marks were identified by IPP and trimmed online by establishment employees. Members of the harvest supervisory chain collected carcass identification including photographs which were immediately forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Tattoo numbers are as follows: 06/08 – 03X9 x 5, 03XX, 03X6, 03X8 x 10, 6440, 03X2, 6449 x 4, 6447, 6448, XX25 x 15, XX26 x 15; 6440 and 03X2 (rectangular – multiple). I informed Mr. REDACTED that a MOI would be issued. Representative pictures of the marks observed are attached to this MOI in PHIS. The origins of the marks cited in this MOI are currently under investigation with top priority of those from the two NRF loads. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M85O+P17775+V85O	Swift Pork Company	12-Jun-21	During 2nd shift harvest, from 06/09/21 to 06/12/21, IPP identified 43 carcasses for the presence of paddle, prod, and unidentified rectangular (R) and ovalar (O) marks. Some of the carcasses had multiple marks and were located along both sides of the back, neck, and side. A member of the supervisory harvest team was informed, who in turn forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 06/09 – 0412 (R,O), 041X (O), 041X, and 0417; 06/10 – 6X46 x 6, 6X4X x 2, 6X49, 0472, 0472 x 2 (poker), and 0471; 06/11 – ?? x 2, 6607, 0X3X, 0X24 x 5, 0X24 (poker), and 0X34 (R, O); 06/12 – 6633 x 2, ?? x 1, 0XXX, 0XX6 x 3, 6637, 0X64, 0X63 (electric prod impact), 0XX7 x 2, XX27, 6632, and 0XX6 (R, O). I informed Mr. REDACTED, harvest general foreman that a MOI would be issued. Representative pictures of paddle, prod and other marks are attached to this MOI in PHIS. The origins of paddle, prod, and other such marks cited in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M85O+P17775+V85O	Swift Pork Company	21-Jun-21	During 2nd shift harvest for the week of 06/14/21, IPP observed 29 carcasses for the presence of paddle, poker, rectangular, and ovalar marks. Poker marks were located on the right side of the carcass ranging from the ham, flank, chest, and shoulder. Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, neck, sides, and hams. The marks were identified for trimming and a member of the harvest supervisory team forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 06/14 – 6670 x 2 (poker), no tattoo (poker), 0623 x 5, 0620, 0619 x 2 (rectangular), and 0624 (rectangular and ovalar); 06/15 – 0649 and 6772; 06/16 – 071X (poker), 6836 x 2, 6838, and 0724; 06/17 - 0782 and 0782 (ovalar); 06/18 – 0839 (poker), 6144 (poker) 61XX (poker) 61X0 x 2 (poker) 08X1 (rectangular), and 08X2 x 2 (ovalar). I informed Mr. REDACTED, harvest general foreman that a MOI would be issued. All marks observed during this week are consistent with those cited in previous MOI's. The origins of paddle, poker, and other such marks cited in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	23-Jun-21	On 06/22/21 at 2315 hours, I walked up the stairs by the swing gate on the north side on my way to perform HATS Category VIII – Stunning Effectiveness. Before I proceeded any further I observed the orange hat trainer on the north side of the walkway, just before the swing gate guillotines, that as she was moving the hogs she was raising her right hand with a blue plastic bat above her shoulders swinging the bat with downward force onto the hogs. Before I proceeded in her direction, an employee moving hogs on the south side of the alley motioned with her arm in my direction. I proceeded around the corner of the walkway to look for a supervisor and Mr. REDACTED, stick supervisor was already present; I informed Mr. REDACTED of my observations and that a MOI would be issued. Mr. REDACTED advised me he would get with Mr. REDACTED, livestock supervisor to review the camera footage of that area. As I walked back towards the north swing gate, I observed the trainer employee moving the hogs by lightly tapping them with the plastic bat. On 06/23/21, Mr. REDACTED verbally informed me that the trainer employee was still learning on that job task and that he pulled her off the job for a couple of days for coaching. SOP #22 – Paddle and Bat Usage, states that the supervisor or designee will ensure only qualified and trained employees will be utilized for this task, and that bringing the driving aid over the shoulder height is unacceptable. On 06/24/21, I went to the livestock office to review the training records/SOP sign offs for the trainer employee. Mr. REDACTED, livestock supervisor could not find any records for her and advised me that he would contact Mr. REDACTED, animal welfare manager; On 06/25/21, I followed up with Mr. REDACTED and he advised me that Mr. REDACTED would look for the records on 06/28/21, when he returns. This MOI is similar to MOI HEM3321030204G dated 03/04/21 in that IPP observed improper bat usage to move hogs in the same general area. Respectfully submitted, REDACTED, DVM SPHV, 2nd shift, JBS-Ottumwa
M850+P17775+V850	Swift Pork Company	23-Jun-21	On 06/23/21 (06/22 harvest), at approximately 0215 hours, I observed one of the last 5 carcasses of the shift, tattoo # 0121, had generalized rectangular marks with rounded tips. I railed the carcass out for further observations and noted marks on the hams, sides, back and neck. Some of the marks were more ovalar but all had a rounded tip. There were > 20 marks on the carcass. I had the trimmer remove a section of skin on the right side and counted 13 marks. Mr. REDACTED, FSQA lead collected carcass identification to be forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager for investigative measures. I informed Mr. REDACTED, harvest general superintendent of my observations and that a MOI would be issued. Representative pictures are attached to this MOI in PHIS. Marks resembling these were observed on a live animal and documented on MOI HEM2505040821 dated 04/23/2021. Respectfully submitted, REDACTED, DVM SPHV, 2nd shift JBS-Ottumwa
M850+P17775+V850	Swift Pork Company	28-Jun-21	During 2nd shift harvest for the week of 06/21/21, IPP observed 45 carcasses for the presence of paddle, poker, rectangular, ovalar and electric prod marks (use of a hand-held electric prod as a paddle leaving an impression mark of the end of the prod which is in the shape of a “Y”). Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, neck, sides, shoulders, and hams. The marks were identified for trimming and a member of the harvest supervisory team forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 06/21 – 6209 and 6210 (poker), and 6228; 06/22 – 0141 x 2, 0140, 0142 and 6301 (poker), 0149 x 4, and 6294; 06/24 – 0264, 02XX x 4, 02X6, and 0261 (rectangular and ovalar); 06/25 – 0314 (poker), 0321 x 2, 0324 x 3, 0323 x 4, XX30 (rectangular and ovalar), XX29 x 5, XX29 x 2 (“Y” prod marks), XX28 x 2, and XX29 x 5 (rectangular and ovalar). I informed Mr. REDACTED, harvest general foreman that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	3-Jul-21	During 2nd shift harvest for the week of 06/28/21, IPP observed 30 carcasses for the presence of paddle, poker, rectangular, ovalar and electric prod marks (use of a hand-held electric prod as a paddle leaving an impression mark of the end of the prod which is in the shape of a “Y”). Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, neck, sides, flank, and hams. The marks were identified for trimming and a member of the harvest supervisory team forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 06/28 – 6X38, 6X31, 6XX4, 6XX-, and 6XX0 x 2; 06/29 – 0427 x 2, NR, 6X99, and 044X x 2; 06/30 – 6670; 07/01 – 673X; 07/02 – 0619, 6796 x 2, 679X, 6779, 6790, 6790, 6801 x 5, 6789, 0617, 0616, and XX32 x 2. I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	14-Jul-21	During 2nd shift harvest for the week of 07/06/21, IPP observed 146 carcasses for the presence of paddle (PM), poker (P), conical-rectangular (CR), and electric prod marks (use of a hand-held electric prod as a paddle leaving an impression mark of the end of the prod which is in the shape of a “Y”). Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tailhead, sides, flank, and hams. The marks were identified for trimming and a member of the harvest supervisory team forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 07/06 – NR- (PM), 3907 x 2 (CR), and 066X (“Y”); 07/07 – 6127 (PM), 0712, 6144, 6142 x 8, and 61X0 (RC), 391X x 7, 3916 x 5, 61X0, 61X9, 61X7, 6136 x 9, 6132, 613X x 5, 6133, 6141, 6142, 6144, 61X3, 6147 x 3, 61X7 x 5, 6140 x 6, 612X, 6126 x 6, and 6127 x 2 (RC); 07/08 – 6227 x 2, 6216, 0770, 0763, and 6212 x 2 (P), 0777 x 2, 0768, 07X9, 0770 x 2, 076X, 6211, 0764, 0773, 0762 x 5, 078X x 2, 0782 x 2, 6220, 6224, 0773 and 0774 (CR); 07/09 – 626X, 6268, 6283, 6271, 628X, 6284, and 0838 (PM), 6267 (P), 6264 x 2, 626X x 4, 6264, 6268 x 3, 6270, 3932 x 4, 3931, 0841, 0838 x 2, 0837 x 3, 0839 x 3, 0840 x 2, 0842 x 2, 6279, 628X, and 6286 x 2 (CR), and 0841 (donut shaped red mark). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	21-Jul-21	<p>During 2nd shift harvest for the week of 07/12/21, IPP observed 296 carcasses for the presence of paddle (PM), poker (P), conical-rectangular (CR), and electric prod marks (use of a hand-held electric prod as a paddle leaving an impression mark of the end of the prod which is in the shape of a "Y"). Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. The marks were identified for trimming, and a member of the harvest supervisory forwarded carcass identification and pictures to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 07/12 – 6346, 6347, 0103, 0898 x 2, 0847, 0104, and 63X8, (PM), 6332, 0104, 010X, 6326, 6334 x 4, 6327, 0898 x 4, 634X, 6346 x 2, 0103 x 2, 0897, 63X4, 63X3, 0897 x 2, 0896, and 0102 x 3 (CR); 07/13 – 01X7 and NR (PM), 6383, 394X, 014X, 0148, 6396, 6397, 01X1, 01X6, 6403, 0137 x 2, 6406, 0147 x 5, 0148, 0160, 01X8, 6407, 01X6 x 5, 6416, 01X9 x 4, 01X7 x 2, 01X0, 641X x 3, 6412 x 2, 6413 x 2, 6414, and 6411 x 8 (RC); 07/14 – 0208, 0209, 0218 x 4, 0214 x 4, 6470 x 2, and 6469 (P), 0231, 0220, 0219, 0228, 6454, 0214 x 2, 0232 x 5, 0226, 0227 x 5, 0229, 023X, 0239 x 12, 6470 x 5, 6462 x 4, 6461 x 2, 6469, 0238 x 3, and 0236 x 2 (CR); 07/15 – 6X10 and 6X08 (P), 0301 x 2, 0307 x 2, 0302 x 2, 0306, 0303, 6496 x 2, 0307 x 3, 0306 x 3, 030X x 6, 0310 x 2, 028X, 39X7 x 8, 0284, 6X07 x 2, 6X09 x 2, 6X10, 6X08, 6496, 6X23 x 6, 6X20, 6X21 x 2, 6X26 x 2, 6X27 x 7, 6X28 x 2, 6X24 x 2, and 6X22 x 4 (CR); 07/16 – 036X x 4, 6X99, 6X83, 6604 x 3, 6603, 0361, 6604 x 5, 0366 x 4, 0367, and 660X x 7 (PM), 6X90 x 2, 6X79 x 3, 6X82, 6X76, 6X78, and 6X79 (P), 0346 x 2, 034X, 6X77, 6X78, 6X79 x 2, 036X x 4, 0361 x 9, 6X96, 0362 x 10, 0364 x 6, 6X83 x 2, 6601, and 0367 (CR), 0363 (Y). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS – Ottumwa</p>
M3W+V3W	Swift Pork Company	21-Jul-21	<p>Approximately 00:10 night shift of 07/20/2021 I observed a conscious, recumbent hog by the north water tank blocked in by dead hogs. Dead hogs were not being put in dead pen. I pointed the pig out to employee Levi, who said it was a slow from the north end of pen 14. I told him the situation was not maintaining separation of edible from inedible. Slow hogs were being placed in pen 14, but the gate was being maintained open. I told Supervisor REDACTED, the gate needed to be kept shut, and slow pigs movement controlled. The situation was of particular concern, because of skid loader traffic and numerous dead hog in the area. Slow hogs should be secured in a closed pen.</p> <p>Approximately 00:15, I observed an individual moving hogs out of pen 9B. The individual was at the south end, about to move pigs to north. There was a dead hog laying in the middle of the pen and I observed hogs walking over it. The dead was an obstruction for moving hogs. I motioned to the employee to stop, so the dead could be removed. Employee REDACTED went for a skid load driver to pick it up, before hogs were moved out of the back of the pen. Dead hogs should be moved to the side or removed, to avoid possible injury to moving hogs. The presence of a dead hog had been noted on the ante mortem card for the pen.</p> <p>Both of these situations should be prevented.</p>
M850+P17775+V850	Swift Pork Company	21-Jul-21	<p>On 07/20/21 at approximately 2338 hours, I was observing truck unloading in dock #1. I was about 20 feet from the truck. I observed the driver move a group of about 20 animals from the middle section of the lower deck out of the truck. I then noticed that one of the animals from the group was still in the middle section lying in sternal recumbency. The driver attempted to get the animal to rise and exit the truck by using his rattle paddle several times, but the animal only "pivoted" its body, unable to rise. At this point, I expected the driver to notify establishment employees for assistance but instead the driver opened the next gate in the lower deck of the trailer and proceeded to unload the last group of animals (about 20) past the downer. I quickly walked up to the side of the trailer to visualize the non-ambulatory animal but could not see over or through the group being moved; seconds later, the driver walk past the non-ambulatory animal, continuing to move the last group of animals out of the truck. I then could see the non-ambulatory animal, still in sternal recumbency, in the same location and panting. A few minutes later, two establishment employees entered the truck and euthanized the animal via captive bolt. I informed Mr. REDACTED, 3rd shift livestock supervisor of my observations and that a humane handling MOI would be issued. Mr. REDACTED immediately proceeded to dock #1 to speak with the driver, but he had already left the premises. Mr. REDACTED informed me that he would convey what had transpired to Mr. REDACTED, animal welfare manager. On 07/21/21, Mr. REDACTED, 2nd shift livestock supervisor informed me of the establishments corrective actions and preventative measures enacted by Mr. REDACTED, effective immediately: The driver responsible for the infraction must recertify his TQA status and be given another JBS Swine Well-Being Requirements hand book; before reentering the establishment to deliver animals, he must first contact Mr. REDACTED, procurement manager directly or via chain of command; once this is accomplished, and for his first load, establishment employees will unload the animals for him; for the next three loads, the driver will be permitted to unload the animals while being audited by establishment employees; if the driver is compliant with the establishments animal handling requirements, he will be permitted to unload his animals moving forward without being audited. The establishment has implemented a new form entitled JBS Mistreatment of Swine Policy that every driver will be required to fill out, sign and date, before animals are unloaded. A copy of this form is attached to this MOI in PHIS. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa</p>
M850+P17775+V850	Swift Pork Company	24-Jul-21	<p>During 2nd shift harvest for the week of 07/19/21, IPP observed 153 carcasses for the presence of paddle (PM), poker (P), and conical-rectangular (CR) marks. Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tailhead, sides, flank, and hams; all marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 07/19 – 042X, 0429, 6643 x 4, 6644 x 4, 6642, 66X0 x 2, 66X1 x 2, 0438, 0430 x 4, NR, 0433 x 5, 0439 x 5, 0440 (CR), 0439 (P), and 6642 (PM); 07/20 – 67X1, 0X02 x 2, 0496, 0X03 (CR), 0X03 and 0X02 (P); 07/21 – 67X9 x 3, 6771, 6772 x 9, 6770, 6777 x 2 (CR), and 6772 (PM); 07/22 – 0X93, 0X9X x 4, 0X99, 0X91 x 2, 6843 x 3, 6841, 6849 x 9, 0616 (CR), 0X97, 6841, and 6849 x 2 (P); 07/23 – 6876 x 2, 06X9 x 6, 08X-, 0662, 0661 x 2, 066X x 3, 6881, 6882, 6884, 6879, 6878, 6890 x 8, 6899, 6896 x 2, 0679 x 5, 0684, 0683, 0680, 6887, 6102, 6103 x 3, 6104, 6891 x 7, 6892, 6888 x 5, 689X x 2, 6894, 6893 (CR), 066X, 0662, 6899, NR, 0684, 6103, 6891 (P), 6891 and 6894 (PM). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS – Ottumwa</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P17775+V85O	Swift Pork Company	2-Aug-21	<p>On 07/02/21, I met with Mr. REDACTED, animal welfare manager after reviewing the establishments Animal Welfare System (AWS), including records review for the last 30 days, and direct observations during HAT tasks. With respect to implement usage MOI's, Mr. REDACTED and the livestock management team continue to follow the SOP's developed for tool use, doing a thorough investigation for every reported incident, maintaining the establishments strict zero tolerance policy by holding in-plant employees, livestock haulers, and producers accountable for any infractions and have imposed immediate corrective actions and preventative measures for each incident. Records supporting each incident are maintained in the livestock office. Mr. REDACTED has ensured the establishment is following AWS written SOPs at each level of the process from truck unloading to stick. Records support both monitoring, verification, frequency, location, time, and corrective actions as applicable pertaining to each SOP, and the employees responsible to perform each task are being implemented. Training records documenting each employee's attestation of knowledge and understanding of the SOP's related to their job tasks are on file. Observations during HAT tasks in conjunction with AWS requirements I occasionally observed center alley drivers causing excessive noise by striking gates with their rattle paddles while moving animals to slaughter. Mr. REDACTED immediately followed up with area supervisors to ensure this practice is discontinued. Animals with rectal prolapses in holding pens, some of which were being cannibalized by other animals were observed. Livestock supervisors enacted resolution by either segregating and euthanizing the animals or moving the pen immediately to slaughter. Mr. REDACTED will follow up with the counter-sorter employees to ensure these animals are sorted and euthanized before the scale. I observed animals, post stunning, unshackled lying either on the shackle table or on the floor adjacent to the shackle table without a captive bolt security knock. I also observed offline stickers hoist animals to be re-shackled without a security knock. I did not see this requirement in any of the SOP's. Mr. REDACTED is certain this is incorporated somewhere in the program, but if not, will have all applicable employees sign off to security knock all animals before hoisting and return to shackling. Records review related concerns Vocalization audits are done on 50 hogs per audit and a finding is only recorded if an animal squeals in response to stimuli from a prod or plastic bat (squeal resulting from implement contact only). Also, the monitor doing the audit can only look at one employee at a time. While monitoring operations in the areas audited by establishment employees for vocalization, I heard frequent vocalizations from the guillotine gates up to the REDACTED entrances (there are six to eight employees driving animals in this locality). AMI audits and those performed by front end supervisors for vocalization show almost zero findings. Mr. REDACTED will look for ways to improve this category of monitoring. Camera audits were not random and not being done on all 3 shifts, most were done from 5-6 am. Mr. REDACTED will ensure all 3 shifts are being audited at random times. Mr. REDACTED informed me that JBS-Ottumwa will start using REDACTED, a 3rd party auditor, which is currently being used by other JBS establishments. REDACTED performs random camera audits throughout the livestock area. Monitoring time is 3500 minutes per month, and idle time is not counted; in other words, when a random time selected by the REDACTED monitor happens to coincide when the establishment is either not operating, experiencing downtime, company breaks, or any other reason the process has been halted, the monitor will fast forward the camera footage until they observe that active engagement of the process has resumed. Mr. REDACTED also plans to replace the existing analog cameras with digital cameras. Upon reviewing the pig slaughter and transportation audits, I noticed the time the audits were being done were virtually the same on 1st shift, with some variation on 2nd shift, but still relatively close. Mr. REDACTED will follow up with auditors to ensure audits are done at random times. I noticed in SOP #1, 4, b- states "REDACTED"; this topic is also referenced on page 7, facility- last paragraph. I do not regularly see pen quantity reductions during hot weather. The establishment ensures that all hogs have at least 6 square feet per hog which is an accepted standard for market hogs, but this may not consider variables such as weight, in barn temperatures, long haul animals (signs of stress, panting), weather, humidity, barn ventilation/air flow, and distance animals must go to the pen, e.g. distance to pen 22 verses pen 1 is approximately 150 feet. Mr. REDACTED concurred with this rationale and will discuss further with Mr. REDACTED, procurement manager and in the interim communicate with scalars to reduce the number of hogs per pen when conditions warrant. After a review of the establishment's AWS, implementation of the program, and associated records, I, Dr. REDACTED, SPHV have determined that the program meets the agency's expectations for a robust systematic approach to humane handling and slaughter of livestock. It is my conclusion that the establishment is both operating under and properly implementing their written program in alignment with FSIS Notice 34-18 - Assessment and Verification of an Official Livestock Establishment's Robust Systematic Approach Plan for Humane Handling and Slaughter. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa</p>
M85O+P17775+V85O	Swift Pork Company	10-Aug-21	<p>During 2nd shift harvest for the week of 08/02/21, IPP observed 61 carcasses for the presence of paddle marks (PM), 12 for poker marks (P), and 219 for conical-rectangular marks (CR). Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tailhead, sides, flank, and hams; all marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 08/02 – 6473, 6487 x 2, 6483, 6X04, 6X06 x 3, 0193, 0203, 0202 x 2 (CR), 0200, 0202 (P); 08/03 – 024-, 6XX9 x 2, 6X60 x 2, 6XX6, 6X66 x 3, 6X68 x 2, 6X69 x 3 (CR); 08/04 – 6619, 6633, 6641 x 3, 6642 x 4, 6636, 6627 x 3, 6637 x 3, 662X, 6626, 6634 x 2, 6631, 6616 x 2, 6617, 6612 x 4, 6613 x 2, 0301 x 3, 661X x 4, 6614 x 2, 0302 x 2, 0306, 6621 x 2, 6640 x 4, 6628 x 2, 6636, 6633 x 2, 6639 x 3, 6619 x 4, 663X x 7, 6634 x 2 (CR), 6627, 6616, 6612 x 3, 661X x 2 (P), 6627 x 4, 6628, 6631 x 7, 6619, 662X, 6626 x 4, NR, 0312, 0297, 0301 x 3, 6638 (PM); 08/05 – 0346 x 2, 0347, 0348, 0349, 0344 x 3, 0343 x 3, 6698, 6701, 03X7 x 4, 03X8 x 3, 03X9 x 5, 6X09, 6703, 6717 x 5, 6704 x 2, 0362 x 8, 0363 x 7, 6719, 6711 x 3, 6718 x 4, 0361 x 6, 6712, 0362 x 7 (CR), 6699, 03X8, 03X6 (P), 0343, 03X8, 03X9, 0360, 03X6, 03X7, 6717 x 6, 6710, 6704, 6703, 6711, 6718 x 2, 0362 x 2 (PM); 08/06 – 6782 x 2, 6783 x 2, 6786, 0406 x 3, 040X, 6780 x 7, 0397, 6777, 0396, 0391 x 4, 038X x 4, 3920 x 5, 3921 x 11, 0393, 6767 x 2, 6763, 6760, 0397, 0398 x 2, 0399 x 2 (CR), 6782 x 2, 6786 x 3, 0407, NT, 3921 x 4, 3920, 0407, 6763 x 2, 0393 (PM). I informed Mr. REDACTED, FSQA hot side supervisor, that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa</p>
M85O+P17775+V85O	Swift Pork Company	14-Aug-21	<p>During 2nd shift harvest for the week of 08/09/21, IPP observed 36 carcasses for the presence of paddle marks (PM), 15 for poker marks (P), 197 for conical-rectangular marks (CR), and 1 carcass for a Y-shaped mark made by someone slapping the hog with the tip of a handheld electric prod (Y). Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams; all marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 08/09 – 684X x 6, 6844 x 2, 6839 x 3, 6820 x 4, 6821 x 6, 6841 x 2, 6842, 683X, 0464 x 2, 046X x 4, 0468 x 7, 04X6, 04X7, 04X0 x 4, 04X1 x 3, 0449, 0448, 6846, 6836 x 2, 6837 (CR), 04X2, 04X0, 0449 x 2, 6837 (P) 684X x 2, 6821, 6841 x 4, 6842, 046X, 0460, 0449, 6837 (PM); 08/10 – 0X11 x 6, 0X08 x 3, 0X09, 0X12, 0X16 x 6, 0X1X, 0X26, 0X2X x 9, 0X24 x 8 (CR), 0X12, 6111 (P), 0X24 x 3, 0X06 (PM); 08/11 – 0X08 x 4, 0X74, 0X09 x 2, 0X71, 0X77 x 7, 6172, 6186, 618X x 4 (CR), 0XX6, 0XX2, 618X, 6180 (P), 6179, 618X (PM), 616X (Y); 08/12 – 6268 x 7, 0633 x 7, 62X6 x 2, 6236 x 4, 6249 x 5, 6247, 622X, 6248, 62X1, 6264, 62X9 (CR), 6267, 6268, 6248, 6236 (P), 6268 x 2, 0634 x 2, 0633 x 6, 626X (PM); 08/13 – 631X, 6328, 6329 x 3, 6318 x 2, 0669 x 2, 6320 x 2, 0681 x 3, 6777 x 14, 0678 x 3, 0682 (CR), NR, 6318 (PM); 08/14 – 0708 x 2, NT, 0710 x 2, 0712 x 3, 0713, XX33 x 15 (CR), XX33 x 5 (PM). I informed Mr. REDACTED, FSQA hot side supervisor that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	16-Aug-21	On 07/02/21, I met with Mr. REDACTED, animal welfare manager after reviewing the establishments Animal Welfare System (AWS), including records review for the last 30 days, and direct observations during HAT tasks. With respect to implement usage MOI's, Mr. REDACTED and the livestock management team continue to follow the SOP's developed for tool use, doing a thorough investigation for every reported incident, maintaining the establishments strict zero tolerance policy by holding in-plant employees, livestock haulers, and producers accountable for any infractions and have imposed immediate corrective actions and preventative measures for each incident. Records supporting each incident are maintained in the livestock office. Establishment records support both monitoring, verification, frequency, location, time, and corrective actions as applicable pertaining to each SOP, and the employees responsible to perform each task are being implemented. Training records documenting each employee's attestation of knowledge and understanding of the SOP's related to their job tasks are on file. Observations during HAT tasks in conjunction with AWS requirements I occasionally observed center alley drivers striking gates with their rattle paddles during driving animals to slaughter. Mr. REDACTED followed up with area supervisors to communicate with the drivers to refrain from this practice. I observed animals, post stunning, unshackled lying either on the shackle table or on the floor adjacent to the shackle table without a captive bolt security knock. I also observed offline stickers hoist animals to be re-shackled without a security knock. Mr. REDACTED verified all applicable employees were signed off and understood their responsibilities in performing this task. I discussed my concerns regarding animals with rectal prolapses in holding pens subject to tissue injury due to the nature of their conditions. Mr. REDACTED will follow up with the counter-sorter employees to ensure these animals are sorted and euthanized before the scale. Records review related concerns Vocalization audits are done on 50 hogs per audit and a finding is only recorded if an animal squeals in response to stimuli from a prod or plastic bat (squeal resulting from implement contact only). Also, the monitor doing the audit can only look at one employee at a time. Mr. REDACTED will look for ways to improve this category of monitoring. Camera audits were not random and not being done on all 3 shifts, most were done from 5-6 am. Mr. REDACTED will ensure all 3 shifts are being audited at random times. Mr. REDACTED informed me that JBS-Ottumwa will start using REDACTED, a 3rd party auditor, which is currently being used by other JBS establishments. REDACTED performs random camera audits throughout the livestock area. Monitoring time is 3500 minutes per month, and idle time is not counted; in other words, when a random time selected by the REDACTED monitor happens to coincide when the establishment is either not operating, experiencing downtime, company breaks, or any other reason the process has been halted, the monitor will fast forward the camera footage until they observe that active engagement of the process has resumed. Mr. REDACTED also plans to replace the existing analog cameras with digital cameras. Upon reviewing the pig slaughter and transportation audits, I noticed the time the audits were being done were virtually the same on 1st shift, with some variation on 2nd shift, but still relatively close. Mr. REDACTED will follow up with auditors to ensure audits are done at random times. Although I did not regularly see pen quantity reductions during hot weather, the establishment ensures that all hogs have at least 6 square feet per hog which is an accepted standard for market hogs. Mr. REDACTED will discuss further with Mr. REDACTED, procurement manager and in the interim communicate with scalars to reduce the number of hogs per pen when conditions warrant. After a review of the establishment's AWS, implementation of the program, and associated records, I, Dr. REDACTED, SPHV have determined that the program meets the agency's expectations for a robust systematic approach to humane handling and slaughter of livestock. It is my conclusion that the establishment is both operating under and properly implementing their written program in alignment with FSIS Directive 6900.2 Rev.3 – Humane Handling and Slaughter of Livestock. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa
M850+P17775+V850	Swift Pork Company	23-Aug-21	During 2nd shift harvest for the week of 08/16/21, IPP observed 189 carcasses for the presence of conical-rectangular marks (CR), 13 for poker marks (P), and 16 for paddle marks (PM). Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams; all marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 08/16 – 6423, 6426 x 5, 6424, 6427 x 8, 6440 x 4, 0788 x 9, 0789 x 4, 6432 x 6, 6431 x 6, 6421, 6432 x 5, 643X, 6437 x 4, 6430 x 7, NR x 2, 6429 x 2 (CR), 6427 x 4, 643X x 2 (P), 6440, 6420, 0789, 6432, 6421, 6430 (PM); 08/17 – 082X x 7, 0826, 6486, 6479 x 2, 6480 x 2, 6483, 6490, 6X04 x 13, 6X03 x 7, 6X01, 0839 x 2 (CR), 6X03 (P), 0838 (PM); 08/18 – 6X89 x 13, 0876, 0877, 0878 x 3, 6X88 x 10, 6X70 x 2, 6X91 x 7 (CR), 6X88 (P), 6X70, 6X91 (PM); 08/19 – 6714 (PM); 08/20 – 6704, 0714, 3902 x 6, 3901, 6707 x 2, 671X, 6706 x 3, 6699, 6714 x 3, 6720, NT, 6712 x 3, 6719 x 3, 6727, 6730 x 2, 6723 x 3, 6716 x 4, 6729 x 4, 3997, 6728 x 6 (CR), 6714, 6723, 6729, 6730 (P) 0180, 6710, 6712, 6723 x 2, 6728 (PM). I informed Mr. REDACTED, FSQA hot side supervisor that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	24-Aug-21	During 2nd shift harvest for the week of 08/02/21, IPP observed 219 carcasses for the presence of conical-rectangular (CR) marks, and 61 for paddle marks (PM); for the week of 08/09, IPP observed 197 carcasses for (CR), and 36 for (PM); for the week of 08/16, IPP observed 189 carcasses for (CR), and 16 for (PM). During 2nd shift harvest for the day of 08/23, IPP observed zero carcasses for (CR), and 60 for (PM). Many of the carcasses had multiple marks (up to four) and were located on the hams and down both sides of the back; when accessible, most of the marks were identified for trimming by establishment employees. Carcass identification (tattoo numbers) were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21, which states: • REDACTED Tattoo numbers are as follows: 08/23 – 678X, 6781 x 5, 6780 x 4, 67-?, 6791 x 4, 6787, 6789, 6788, 6779 x 5, 6783 x 2, 6782, 6772, 6774, 6770 x 2, 677X, 6784 x 4, 6790 x 2, 023X x 12, 0233 x 11 (PM). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. This MOI was generated due to the sudden and pronounced changes in CR-PM ratios. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	3-Sep-21	Memorandum of Information regarding Human Handling of livestock while driving to the REDACTED. On 08/25/21 at approximately 0430 after I had performed my antemortem inspection, I observed a JBS employee, REDACTED, raise his driving paddle above his head and forcefully drive it down into the alley full of hogs in front of the east REDACTED. The employee was running the first pen of hogs for the production day (pen #42). The employee noticed I was observing his actions and did not use his paddle inside the alley anymore. He struck the outside wall and the top of the wall of the alley. The employee looked back at me on 3 more occasions as I observed his activity. I was working the online position at the start of production at 0500 at the head station when I observed 5 hogs with very distinctive paddle marks on their backs. The hogs were tattooed with #0317(3 head) and #6866(2 head). In the JBS Revised Animal Welfare program (revised 04/29/2021) it is stated, under Equipment, REDACTED 9CFR 313.6(b) reads: Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited. The actions of the employee can be regarded as excessive, as he brought the paddle down with excessive force. Respectfully submitted REDACTED Consumer Safety Inspector- FSIS 1st Shift JBS-Ottumwa
M850+P17775+V850	Swift Pork Company	27-Aug-21	On 8/25/2021, the following carcasses were identified by CSI REDACTED with evidence of animal handling tool misuse: 6866 (2), 0317 (3). On 8/26/2021, the following carcasses were identified by CSI REDACTED with evidence of animal handling tool misuse: 013X, 61X0, 3939, 3937, 3936, 0367(4). The tattoo numbers will be made available to REDACTED, Humane Handling Supervisor, so the appropriate investigation can be conducted per the establishment's SOP.
M850+P17775+V850	Swift Pork Company	31-Aug-21	During 2nd shift harvest for the week of 08/23/21, IPP observed carcasses with the following marks: 279 paddle (PM), 20 poker (P), 8 conical-rectangular (CR), 10 diamond shaped (D), and 2 Y-shaped, caused by someone slapping the hog with the tip of a handheld electric prod (Y). Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams; marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 08/23-678X, 6781 x 5, 6780 x 4, 677, 6791 x 4, 6787, 6789, 6788, 6779 x 5, 6783 x 2, 6782, 6772, 6774, 6770 x 2, 677X, 6784 x 4, 6790 x 2, 023X x 12, 0233 x 11 (PM), 6777, 6779, 0233 (P); 08/24-6826 x 5, 6820, 6819 x 2, 0287, 6818, 6817, 6822, 6821, 0276, 028X x 3, 6837 x 2, 0291, 0292, NR, 68X3, 68X1 x 3, 68X0 x 3, 6849 x 7, 0297 x 11 (PM), 6819 x 4, 6826 x 2, 6819, 0289 (P), 6826, 0292, NR (CR); 08/25-6123 x 12, 6118 x 9, 6122 x 8, 6121 x 5, 6119 x 4, 6109 x 2, 6128 x 2, 6124 x 6, 6116 x 2, 6129, 611X, 6126, NR x 2, 0324, 0323, 0326 x 3, 3929, 6896 x 2, 0327 x 2, 0328, 6898, 6102, 6103 (PM), 6122, 6121, 0324 x 2 (P), 0331, 0324 (CR); 08/26-0366, 036X, 0369, 0370, 0373, 0376, 61X8 x 2, 0390 x 2, 61X9, 61X8, 6163, 6170, 6182, 6183 x 2, 6184, 6180, 6181, 618X, 6186, 039X x 2, 0384 x 2, 0387, 0401 x 7, 0398 x 3, 0397, 0400 x 6, 0399 x 9 (PM), 0380, 039X, 0400 (CR); 08/27-62X6, 62X8 x 7, 62XX, 04X1 x 5, NT x 4, 04X0 x 9, 6237, 0444 x 4, 0443, 0448 x 3, 62X7 x 2, 3949, 3948, 043X, 0427 x 2, 0432, 0431, 6240, 623X, 0419/9999 (PM), 6243, 6233 x 3, 6234 (P), 3949 x 7, 3948, 3947, 043X (D), 62X6, 62X7 (Y). I informed Mr. REDACTED, FSQA hot side supervisor that a MOI would be issued. Investigations of mark origins continue per the SOP. Respectfully submitted, REDACTED, DVM SPHV - 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	31-Aug-21	During 2nd shift harvest on 08/30/21, IPP observed 197 carcasses for the presence of the following marks: 196 paddle (PM), and 1 poker (P). Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located primarily along both sides of the back and neck; marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Tattoo numbers are as follows: 6309 x 23, 6296 x 30, 6306 x 7, 6304 x 14, 6301 x 7, 6302, NT, 630X x 19, 0499, 6307 x 23, 6308, NR, 6284 x 4, 6282 x 2, 6283, 39X8 x 4, 628X x 2, 6287 x 2, 6288, 3960, 6293 x 2, 6294, 6290 x 2, 0492 x 3, 0489 x 2, 0493 x 2, 0490 x 2, 048X x 2, 0486 x 3, 0491 x 2, 0487 x 2, 0482 x 3, 0483 x 7, 0488 x 2, 6303, 0498 x 5, 049X x 2, 0X01, 0499 x 3, 0494, 0X02 x 2 (PM), 6289 (P), 6316 (PM observed on live hog during antemortem inspection - outline of mark injected red). I informed Mr. REDACTED, FSQA hot side supervisor that a MOI would be issued. Investigations are ongoing using the tattoo numbers to retrieve producer and transporter information, and to trace and track the animals from the receiving process through stunning in the plant via camera footage when possible. Respectfully submitted, REDACTED, DVM SPHV - 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	3-Sep-21	On 09/02/21 at approximately 0625, while observing the stunning process with Dr. REDACTED, we both observed a company employee make contact with the hogs at the north end of the alley in front of the east REDACTED, 8 consecutive times in a quick motion as the automatic drive gate was returning north end of the alley. Once the employee noticed we were present and watching his actions, he no longer make contact with a hog and proceeded to utilize the automatic drive gate in a reasonable manner. In the JBS Revised Animal Welfare program (revised 04/29/2021) it is stated, under Equipment, "REDACTED" The actions of the employee can be regarded as excessive, as he did not allow the process of the driving to be completed prior to utilizing the rattle paddle. 9CFR 313.6(b) reads: Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited. Respectfully submitted REDACTED Consumer Safety Inspector -FSIS 1st. Shift JBS-Ottumwa

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+P17775+V850	Swift Pork Company	4-Sep-21	During 2nd shift harvest for the week of 08/30/21, online IPP observed carcasses with the following marks: 360 paddle (PM), 19 poker (P), 4 conical-rectangular (CR), and 1 carcass with five marks made by someone hitting the hog with the tip of a handheld electric prod. (Y). Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams; marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 08/30-6309 x 23, 6296 x 30, 6306 x 7, 6304 x 14, 6301 x 7, 6302, NT, 630X x 19, 0499, 6307 x 23, 6308, NR, 6284 x 4, 6282 x 2, 6283, 39X8 x 4, 628X x 2, 6287 x 2, 6288, 3960, 6293 x 2, 6294, 6290 x 2, 0492 x 3, 0489 x 2, 0493 x 2, 0490 x 2, 048X x 2, 0486 x 3, 0491 x 2, 0487 x 2, 0482 x 3, 0483 x 7, 0488 x 2, 6303, 0498 x 5, 049X x 2, 0X01, 0499 x 3, 0494, 0X02 x 2 (PM), 6316 (PM live hog during antemortem), 6289 (P); 08/31-63X3 x 3, 63X4, 0X42 x 3, 0X38 x 2, 0X37, 0X36 x 4, 6371, 638X, 6380, 0X47 x 4, 0XX2 x 4, 0X46 x 8 (PM), 0X43, 0X47 (P); 09/01-6423 x 7, 6424 x 5, 6422 x 5, 642X x 5, 6426 x 2, 6418 x 8, 641X x 5, 6414 x 4, 6427, 6428, 6434, 6430, 0X83 x 2, 0X81, 0X7X x 3, 0X82, 0X87, 6439 x 2, 0X9X x 5, 0X92 x 4, 0X93 x 3, 0X91, 0X96, 0X78 x 2, 0602, 64X8, 64XX x 7, 64X6 x 2, 64X2, 64X8 x 3, 64X4 x 3, 64X3 x 3 (PM), 0X83, 6443, 64X8 x 3, 6X03, 64X4, 64X8 (P), 64X6, 64X4 (CR); 09/02-6X10 x 2, 6X11, NR, 6X03, 064X, 3997 x 13, 0633 x 3, 0632, 063X, 6X12 x 4, 6X06 x 2, 6X11 x 3 (PM), 064X, 06XX x 2 (P), 0637, 0649 (CR); 09/03-NR, 0698 x 5 (PM), 0699 x 2, 0703, 0701 x 2 (P), 0701 (Y - picture attached to MOI in PHIS). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV - 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	11-Sep-21	During 2nd shift harvest for the week of 09/07/21, online IPP observed carcasses with the following marks: 101 paddle (PM), 4 poker (P), and 3 conical-rectangular (CR). Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams; marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 09/07-077X (PM), 0660, NR, 0714 (P); 09/08-NR x 2, 0831, 0827 x 5, 082X, 6621 x 4 (PM); 09/09-0882 x 3, 6631, 6633 x 2, 6632 x 3, 7244 x 6, 6634 x 2, 0101 x 3, 0890 x 3, 089X x 2, 0891 x 5, 0896, 7246 x 2, NR, 6636 x 2, 7249, 7248 x 14, 0102 x 5, 0103 x 6, 0897 x 13, 0893 x 3 (PM), 7249 (CR); 09/11-6661 x 2, 0196, 7321, 6664 x 2 (PM), 019X (P), 6661, NR (CR). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV - 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	21-Sep-21	During 2nd shift harvest for the week of 09/13/21, online IPP observed carcasses with the following marks: 92 paddle (PM), 12 poker (P), and 3 conical-rectangular (CR). Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams; marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 09/13-73X8 x 4, 7363, 6681, 02X8, 02X7 x 2, 7368 x 2, 7367 x 2, 6682 (PM), NR, 0262, 7371 x 3 (P); 09/14-670X x 4, 0280, 3966, 390X, 0302 x 2, 7398, 7399, 3964 x 2, 0323 x 6, 0319 x 6, 0330 x 2, 6699 x 5, 7412 x 2, 396X x 2, 0329, 39X9, 0331, 0332 x 2, 7400, 0309 x 2, 0310, 0304 x 2, 0321, 0322 x 4, 0317 x 5, 0306, 032X (PM), 3966 x 3, 740X (P); 09/15-7446, 7443, 6723 x 2, 6724, 74X8, 6717 (PM); 09/16-6741, 0429, 6737, 6740 (PM), 7XX4 x 2, 6738 (P), 6741 (CR); 09/17-67X4, 0464, 7X90, 7X87, 7X89 (PM); 09/18-676X x 2, 7619 (PM). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV - 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	25-Sep-21	During 2nd shift harvest for the week of 09/20/21, online IPP observed carcasses with the following marks: 387 paddle (PM), 16 poker (P), and 2 conical-rectangular (CR). Many of the marks played hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams; marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 09/20-0X48, 0X46, 6792 x 2, 6791, 0X78, 0X7-, 0X77, 7667, 6798 x 4, 0XX3, 76X4 x 5 (PM), 0X61, 0X6-, 0X72, NR, 0X77 x 2, 6797 x 5 (P); 09/21-6812 x 2, 7702, 0630 x 2, 6810, 0633, 6807 x 4, 0612, 7707 x 5, 6816 x 3, 681X, 771X x 9, 0649 x 5, 0647, 7711 x 4, 0642, 0646, 0644 x 2, 0641, 7714 x 4, 7712 x 2, NR (PM), 063X x 3 (P), NR (CR); 09/22-067X, 0683 x 3, 0684, 0686 x 3, 0680 x 2, 06-, 068X x 2, 0691 x 6, 6830 x 10, 6831 x 4, 070X, 0704 x 3, 0693 x 2, 6832 x 5, 6827 x 2, 7740, 0676, 0677 x 2, 0678, 6833 x 2, 77X4 x 6, 77X1 x 5, 6829, 6837 x 4, 77X8, 77XX x 2, 6838 x 6, 6834 x 3, 6839 x 3, 7741 x 2, 774X x 4, 7743, 7747 x 2, 6836 x 13 (PM); 09/23-68X1 x 4, 7820 x 9, 6849 x 2, 6848, 7807 x 2, 7814 x 4, 0734, 0743, 0740 x 2, 07X0 x 2, 0748, 0749, 0742, 7818, 7821 x 7, 68X9 x 17, 7819 x 5, NT x 2 (PM); 09/24-0811, 080X, 0806, 0799 x 2, 0819 x 10, 0818 x 2, 7863, 68-x 2, 6864 x 5, 784X x 2, NT, 0794, 0793 x 4, 079X x 4, 6868, 78X3, 78X1 x 4, 784X, 782 x 3, 7861 x 2, 0807 x 3, 0808, 786X x 7, 0798, 7866 x 7, 6876, 7867, 0797, 0821 x 6, 0820 x 4, 7862, 7871 x 2 (PM); 09/25-0852, 0840, 0861, 0862, 0868 x 3, 0863 x 2, 0864 x 6, 0866, 0870, 08XX, 08X9, 0847 x 2, 7900 x 14, 7901 x 21, 6889, 7902, 6890 x 5, (PM), 7901, 6894 (P), 6889 (CR). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV - 2nd shift JBS - Ottumwa

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	8-Oct-21	On Tuesday 9/27/2021, In Plant Personnel noticed multiple carcasses with evidence of animal handling tool misuse during post mortem inspection. The markings resembled a rattle paddle imprint on the dorsum of the hogs. The carcasses that presented with the lesion were from the following tattoos: 0874 (12); 0876 (31); 0875 (29); 0877 (25); 0878 (19); 0879 (11); 0880 (3); 0881 (6); 0882 (15); 0884 (1); 7917 (9); 7916 (12); 3923 (3); 7921 (3); 7918 (2); 7915 (3); 7913 (10); 7912 (3); 7914 (35); 0897 (2); 0896 (12); 0895 (6); 0895 (6); 0103; 0104; 7927 (3); 7922 (4). A total of 267 hogs exhibited bruising secondary to rattle paddle impacts.
M850+P17775+V850	Swift Pork Company	7-Oct-21	During 1st shift harvest on 9/30/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 3938; 3942 (4); 3941; 7156 (3); 7155; 7150; 0265; 0261 (2); 0262 (3); 0263; 0264 In total, 19 animals were affected Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	7-Oct-21	During 1st shift harvest on 10/1/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0199; 0206 (6); 0208 (7); 0209 (2); 0210 (13); 0198 (2); 0201; 0202 (21); 0211 (17); 0204 (21); 0205 (8); 6133 (46); 7144 (9); 7105 (5); 0212; 0310 (7); 0311 (2); 0312 (2); 0313 (4); 0303 (2); 0315 (3); 0316; 0314 (29); 0318; 0298; 0297 (2); 0304 (2); 0305; 7188 (10); 7187 (4); 7198 (4); 7197 (27); 7190 (11); 7196; 7189; 7193 (11); 7194 (6); 3958 (2); 7169 (4); 3959 (6); 3960 (4); 7202; 0325 (3); 0321 (6); 0324 (8); 0323; 0322 (10); 0330 (5); 0326 (4); 0327; 0319 (4); 0320 (2); 0335; 0333 (2); 0328; 0334; 7203; 7202; 7204; 3960; 7206 (4); 6172; 7205 (3); 7208 (8); 7191 (2); 0326; 0331; 0332; 0320; 0321; 0328; 0327, 0322 (2) In total, 388 animals were affected The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	4-Oct-21	During 2nd shift harvest for the week of 09/27/21, online IPP observed carcasses with the following marks: 242 paddle (PM), 9 poker (P), and 3 conical-rectangular (CR). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams; when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 09/27 – 793X x 2, 610-, 7937, 6104 x 5, 7932, 6104 x 5, 7932, 611X x 2, 7943, 6112 x 3, 0130, 0132, 0102, 794X x 2, 0611, 6112 x 2, 7944, 6113 x 2, 6112, 0133, 0137, 0136 x 6, 013X x 5, 0134 x 3, 7948 x 10 (PM), 0133, 012X (P); 09/28 – 0169 x 2, 0186, 018X x 6, 0184, 6130 x 4, 0187 x 3, 0189 x 4, 0188 x 2, 0190, 0170, 0194, 0196 x 2, 799X x 2, 6129 x 3, 7994 x 6, 7993, 0193 (PM), 799X, 7994 x 2 (P); 09/29 – 7134, 7129 x 2, 7128, 7127, 6147 x 4, 713X x 2, 7144 x 3, 0246 x 5, NR, 0247 x 3, 02X0 x 2, 02X2, 0249 x 4, 0239, 02X1 x 6, 024X x 5, 02XX, 02X6 x 3, 3937 (PM), 7144, 7142, 02X- (P), 3937 (CR); 09/30 – 717X, 6163 x 2, 030X, 0306 x 10, 0309 x 9, 0298, 0307 x 5 (PM), 717X (P), 0306, 0307 (CR); 10/01 – 03X1, 03X2, 7236 x 12, 7237 x 24, NT x 2, 7238 x 9, 6182 x 4, 6187 x 2, 6189 x 16 (PM). I informed Mr. REDACTED, FSQA hot side supervisor that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	6-Oct-21	During 1st shift harvest on 10/5/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 7296; 7295 (3); 7283 (11); 7284 (52); 7285 (40); 7286 (38); 7287 (26); 7288 (9); 3976; 6215 (6); 3977 (3); 7293 (6); 7291; 7295; 3974 (2); 0431 (3); 0435 (10); 0429 (14); 7292 (3); 7294; 3975; 0428; 0436 (9); 0439 (3); 7306 (3); 7303 (10); 7304 (9); 7306 (7); 6217 (5); 7305 (2); 6216 (4). In total, 285 animals were affected. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	7-Oct-21	During 1st shift harvest on 10/6/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0478 (13); 0479 (19); 0482 (4); 0480 (15); 0483; 0484 (2); 0481; 0477 (11); 7341 (3); 7342; 7332 (2); 6232 (3); 7349 (2); 3986; 7351 (4); 6233 (3); 3983; 3987; 7353 (2); 6237 (2); 6236 (10); 7352 (3); 7355 (2); 7351 (3); 3988 (3); 7357 (2); 7354 (3); 6239 In total, 127 animals were affected The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P177 75+V85O	Swift Pork Company	11-Oct-21	During 2nd shift harvest for the week of 10/04/21, online IPP observed carcasses with the following marks: 439 paddle (PM), 5 poker (P), and 2 conical/rectangular (C/R). Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams; when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. On 10/04, 05 most of the paddles being used in the livestock department were not wrapped with saran wrap, and from 10/06 through 10/09 most of the paddles were wrapped with saran wrap and then covered with white tape. Dates and tattoo numbers are as follows: 10/04 – 7272 x 4, 6204 x 2, NT, 6203 x 9, 7269 x 2, 6199 x 3, 7273 x 8, 6191 x 2, 6194, 7261 x 8, 7262 x 6, 6494 x 3, 7264 x 9, 7263 x 8, 72X7 x 6, 72X6 x 2, 3971 x 2, 3970 x 8, 3972 x 2, 0406 x 3, 6201 x 3, 7274 x 9, 7270 x 8, 7279 x 27, 6209 x 8, 620X x 6, 6206 x 8, 727X x 4, 6202 x 2, 7267 x 2, 7280 x 8, 7281 x 4, 7282 x 11, 6212 x 3, 6211 x 8, 6210 x 7, 0417 x 21, 041X x 14, 0418 x 23, 0416 x 9, 726X x 3, 0410 x 2, 0411 x 4, 0409 x 3, 0412 (PM), 7273 (P); 10/05 – 04X4 x 2, 04X7, 04X9 x 3, 0449, 0447, 0461, 0469, 0470, 0462 x 10, 0463 x 9, 0466, 0468 x 4, 0474 x 9, 0476 x 2, 6219 x 3, 7313 x 2, 6220 x 4, 7312 x 3, 7309, 7310, 7311 x 3, 6222, 622X, 3981 x 8, 3982 x 4, 044X, 0446 x 6, 04X9, 04X6 x 3, 0472, 0477 x 2, 04X0 x 3, 04X1 x 3, 04X3 x 6, 04X4 x 5, 04X8 x 2, 044X, 7236 x 6, 6227, 7324 x 3, 732X x 2, 0447 x 4, 0464 x 3, 0471, 0469 x 7 (PM), 04X6 (P), 04X6 (R); 10/06 – 73X9 x 4, 3989 x 2, 7360, 736X, 6241 x 2, 7362 x 4, 7377, 0X24, 7376, 7378, 62X4 x 2, 7386 x 4 (PM), 738X (P); 10/07 – 0XX2, 0XX4, 0X70, 0X63 x 2, 0XX6 x 6, 0X77, 0X67 x 3, 0X84 x 2, 0X83 x 4 (PM); 10/08 – 0623 x 3, 062X x 2 (PM), 7468 (P), 0632 x 2 (R); 10/09 – 7X26 (PM), 0669 (P). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M85O+P177 75+V85O	Swift Pork Company	18-Oct-21	During 2nd shift harvest for the week of 10/11/21, online IPP observed carcasses with the following marks: 89 paddle (PM), and 1 poker (P). Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 10/11 – 7XX6, 7X60 x 2 (PM); 10/12 – 6340, 6330 x 2, 6339 x 4, 6342 x 2, 6346, 6340, 7616 6349 x 2, 63X0 x 2, 7623, 7624 x 4 (PM); 10/13 – 76X3, 63XX, 0839, 0846, 08X1, 08X2, 7672, 7673 x 2, 7671 x 2, 7681 x 2, 0864 x 2, 086X x 2 (PM); 10/14 – 0104, 089X x 2, 0103, 011X, 0106 x 3, 0107 x 3, 0108 x 2, 0110 x 3, 7823 (PM), 0107 (P); 10/15 – 0176 x 2, 78X2, 78X9, 78X8 x 3, 78X7 x 5, 01X4, 7867, 0170, 0169 x 5, 016X x 2, 0167 x 4, 78X7 x 5 (PM). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M85O+P177 75+V85O	Swift Pork Company	19-Oct-21	During 1st shift harvest on 10/18/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 7873; 7374 (3); 7875 (8); 7876 (19); 7877 (6); 7888 (2); 7881 (6); 7890 (2); 7891 (5); 7879 (4); 0191 (10); 0192 (4); 0189; 6395 (3); 6397 (3); 7892 (10); 7893 (11); 7894; 7895 (5); 3960 (5) In total, 109 animals were affected This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	20-Oct-21	During 1st shift harvest on 10/19/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0239 (5); 0238; 0243 (4); 0240; 0231; 7923 (3); 7927 (9); 6409 (3); 3967; 7919 (2); 7933 (2); 7920; 7921 (4); 0257 (4); 0251 (4); 027(27)0- (3) In total, 48 animals were affected This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	22-Oct-21	During 1st shift harvest on 10/20/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0257 (4); 0299 (4); 0304 (4); 0310; 0311 (5); 0312 (4); 0316 (8); 0317 (2); 0318 (9); 0319 (3); 0322 (3); 0324 (6); 0326 (2); 0327 (2); 0328 (5); 0330 (5); 0333 (2); 7970 (9); 7963 (2); 7964 (2); 7971 (2); 7975 (6); 7974(2); 7969 (4); 6430 (11); 6433; 7979 (2); 7978 (2); 7982; 6431 (2); 6433; 7951(3); 0251 (4); 0298; 0308 (2); 0303 (2); 0306; 7965; 7966 (4); 7974 (5); 7976 (2); 7973; 7963; 6426 (2); 7977 (10); 6427 (3); 7968 (3); 7972 (3); 6422 (2); 7984 (2) In total, 170 animals were affected This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	23-Oct-21	During 1st shift harvest on 10/21/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0363 (4); 0361 (2); 0352 (3); 0353 (3); 0354 (19); 0362 (19); 0365 (14); 0366 (7); 0367 (10); 0368 (8); 0364 (9); 0368 (3); 0369 (21); 0370 (15); 0371 (7); 0372 (16); 0373 (23); 0374 (4); 0375 (2); 0376 (13); 0377; 0378 (28); 0379; 0380 (13); 0382 (4); 0381 (17); 0382 (4); 0383 (7); 0384 (5); 0385 (15); 0386; 0387 (8); 0388 (13); 0389 (9); 0390 (20); 0391 (2); 0392 (17); 0393 (10); 0394 (11); 0395 (3); 0396 (6) 1205; 6442 (6); 6445 (5); 6446 (21); 6447 (17); 6448 (5); 6449 (10); 6820; 7108 (2); 7110 (35); 7111 (8); 7112 (12); 7113 (13); 7114 (10); 7115 (11); 7116 (3); 7117 (7); 7118 (7); 7119 (14); 7120 (19); 7121 (15); 7122 (56); 7123 (8); 7124 (2); 7125 (6); 7126 (3); 7130 (3); 7131 (6); 7172; 7177 (3); 7178 (17); 7179 (10); 7180 (18); 7181 (14); 7182 (19); 7183 (14); 7184 (8) In total, 807 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs: HEM32141019221 (10/20/2021) HEM01071006201 (10/20/2021) HEM01081018191 (10/19/2021) HEM53091028071 (10/7/2021) HEM12131026071 (10/7/2021) HEM22051014081 (10/8/2021) HEM02091053071 (10/7/2021) HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P177 75+V850	Swift Pork Company	25-Oct-21	During 1st shift harvest on 10/22/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0440 (10); 0425 (23); 0438 (3); 0439 (7); 0426 (41); 0442 (14); 0441 (2); 0427 (5); 0443 (71); 0434 (21); 0435 (9); 0436 (48); 0437 (15); 0438 (19); 0443 (11); 0444 (5); 0445 (30); 0446 (8); 0447 (10); 0448 (16); 0449 (6); 0450 (6); 0451 (3); 0452 (12); 0453 (8); 0454 (4); 0455 (12); 0456 (6); 0457 (9); 0458 (42); 0459 (11); 0460; 0464 (12); 0463 (11); 0466 (34); 0465 (10); 6431; 6457 (12); 6458 (21); 6459 (15); 6460 (11); 6461 (10); 6462 (9); 6463 (4); 7206 (4); 7207 (8); 7208 (37); 7209 (20); 7210 (17); 7211 (5); 7212 (23); 7213 (23); 7214 (13); 7215 (29); 7216 (24); 7217 (10); 7218 (15); 7219 (17); 7220 (11); 7221 (23); 7222 (10); 7223 (25); 7224 (9); 7225 (9); 7226 (10); 7227 (15); 7228 (15); 7229 (4); 7230 (17); 7231 (11); 7232 (8) In total, 1050 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs: HEM24071045231 (10/25/2021) HEM32141019221 (10/20/2021) HEM01071006201 (10/20/2021) HEM01081018191 (10/19/2021) HEM53091028071 (10/7/2021) HEM12131026071 (10/7/2021) HEM22051014081 (10/8/2021) HEM02091053071 (10/7/2021) HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	24-Oct-21	During 2nd shift harvest for the week of 10/18/21, online IPP observed carcasses with the following marks: 67 paddle (PM), 22 poker (P), 4 (CR), and 3 new mark (NM) > approximately 2.5" x 1" rectangular strips stacked horizontally. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 10/18 – 3963 x 2, 3962, 6408, 0220, NT, 0234 x 3 (PM); 10/20 – NT, 7104, 7993 x 2, 7992, 7991, (PM), 7104, 7992, 7991, 03X8, 03X7 x 3, 03X-P, 10/21 – 64X2, 0408, 010X, 0104, 0430 (PM), 0722 x 3, 0407 (P), 0432 (CR); 10/22 – 0471, 3977, 0491, 049X x 2, 0496 x 3, 0106, 049-, 6470 x 4, NR, 6468 x 3, 7246, 72X3 x 12, 6469, 72X4 (PM), 3977, 72X3, 0470 x 2, 0480 (P), 0494 (NM); 10/23 – 0X30 x 2, 0X19 x 2, 0X27, 0X30, 7292, 6486, 648X, 7282 (PM), 6487, 0X26, NR, 0X23, 7282, 6-, (P), 7294, 6489, 648- (CR), 7292, 0X19 (NM). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P177 75+V850	Swift Pork Company	1-Nov-21	During 2nd shift harvest for the week of 10/25/21, online IPP observed carcasses with the following marks: 84 paddle (PM), 5 poker (P), 3 new mark (NM) > approximately 2.5" x 1" rectangular strips stacked horizontally, and 1 (Y-mark made by someone hitting the animal with a handheld electric prod tip). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 10/25 – 0X74 x 2 (PM), 7349 (P); 10/26 – 0648 x 3, 06X1 x 4, 0647, 064X, 6X30 x 3, 7398 x 5, 06X0, 06X2 x 2, 064- (PM); 10/27 – 0694 x 3, 0692, 0693 x 2, 6X42 x 4, 6X44 x 15, 7431 x 5, 0690, 0688, 6X43 x 2, NR, 7432 (PM), 6X42, 7427 (P), 6X44, 7431 x 2 (NM), 6X43 (Y-2 marks); 10/28 – 0769 x 16, 077X, 0776, 0774 x 4 (PM), 0769, 6X61 (P); 10/29 – 0833 (PM); 10/30 – 0867, 0870 (PM). I informed Mr. REDACTED, harvest general superintendent that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P177 75+V850	Swift Pork Company	2-Nov-21	11/01/21 Memorandum of Interview: Livestock Handling On 11/01/21, at approximately 0830, while doing a humane handling task in the livestock barns, I observed a JBS employee moving 3 hogs out of the alley towards an area along pen #42. The employee was using his paddle continually tapping the back of a hog that was freely moving along, although slowly, in front of the employee. The hog stopped, turned around and the employee redirected the hog with the flat side of the paddle. When the hog turned the proper direction and was moving along at a walk, he continued the tapping on the back of the slow, moving hog. This goes against the JBS Animal Welfare System for Ottumwa Pork - Equipment category "REDACTED" I asked the Livestock Supervisor, REDACTED, if these hogs were "slow movers", and he said "Yes". Regards, REDACTED CSI-USDA
M850+P177 75+V850	Swift Pork Company	2-Nov-21	11/01/2021 Memorandum of Instruction: Livestock Handling 11/01/21 at approximately 0425, I was doing ante-mortem inspections and observed a JBS employee, REDACTED raised his paddle above his head and strike the back of a hog as he was driving a small group of hogs up the alley towards the REDACTED. From my viewpoint, I could clearly see, the contact was on the live animal and not the wall or wall ledge. Excessive force is prohibited when driving animals as stated in 9CFR: § 313.2(a) Handling of livestock. (a) Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed. The JBS Animal Welfare Handbook states, under the Equipment section that: REDACTED. My observation of company employees standing in the narrow alley connecting the pens and the REDACTED ahead of the groups of hogs cause the hogs to balk and refuse to go forward due to the employees standing in front of them, even when they are standing along the alley wall inside the alleyway. The other employee standing behind the group of hogs had to resort to using excessive noise and the need to use direct contact with the rattle paddle to drive the hogs past the employee. I also observed, when both of those employees are using the rattle boxes and shaking the paddles, the hogs balked due to the noise coming from in front and from behind them. I voiced my concerns with the excessive use with the paddles when driving hogs. I told Mr. REDACTED, the inspectors are still seeing paddle marks on the carcasses in Harvest. Mr. REDACTED responded to me by saying, "It will never go away. It's an industry standard and it will never go away. Everyone has them. I've talked to both of them that have come in and they see it too." Regards, REDACTED CSI -USDA
M562	JBS Green Bay, Inc.	23-Nov-21	At approximately 11:15 am on 11-4-21, CSI REDACTED was performing HATS Category IV Ante-mortem inspection in the new barn when he observed an issue with HATS Category VII, Slips and Falls. A Holstein cow, being driven to lobby 3, slipped and fell to her knees. The establishment employee driving the animals continued to utilize the paddle near the cow by continually shaking it behind her as she was trying to get up, without giving her an opportunity to regain her footing. The cow regained her footing and did not appear to be injured. CSI REDACTED recommended that the employee cease utilization of the paddle and allow animals to regain their feet with a minimum of excitement. The incident was discussed with establishment management who met with the employee in question.
M850+P177 75+V850	Swift Pork Company	5-Nov-21	During 2nd shift harvest for the week of 11/01/2021, online IPP observed carcasses with the following marks: 152 paddle (PM), 17 poker (P), and 5 (CR). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 11/01 – 0133 x 5, 0131 x 6, 0132, 7623, 6627, 6620 x 2, 6617, 7612, 7618, 6622, 7613, 7614, 7216 x 5, 7616, 0140, 0141 x 7 (PM); 11/02 – 0179 x 2, 6649 x 4, 66X0 x 4, 7669, 76X3 x 4, 0169, 0172, 7664 x 2, 0178 x 2, 0179, 0197 x 2 (PM), 66-(P), 6648, 6649 (CR); 11/03 – 7719 x 3, 771X, 7717, 6668 x 3, 7722 x 2, 6666, 6669 x 9, 7724 x 5, 7723 x 5, 7703, 023X x 3, 0233, 0234, 39X0, 39X4 (PM), 7724, 39X1

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	22-Nov-21	During 2nd shift harvest for the week of 11/08/2021, online IPP observed carcasses with the following marks: 296 paddle (PM), and 5 poker (P). Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 11/08 – 674X x 5, 6732, 7868, 0381 x 2, 0394 x 2, 6739, 6740 x 2, 6741, 6742 x 2 (PM), 787X (P); 11/09 – 046X x 6, 7924, 67X2, 7931 x 2, 7928 x 4, 6767 x 2, 0461 (PM), 046X (P); 11/10 – 3980 x 2, 7967, 7961 x 2, 7964 x 2, 7962, 3979 x 2, 3981 x 2, 6782 x 2, 6780 x 5, 7970 x 2, 678X (PM); 11/11 – 7128, 681X x 2, 6814, 7134, 6816, 0X83, 0X39 x 3, 0X38, 0X40, 7117, 0X61, 713X, 0XX2, 6808 x 3, 6807 x 3 (PM); 11/12 – 682X, 0603 x 2, 0604 x 3, 0601 x 3, 0607 x 2, 0606, 0608 x 2, 060X, 3901 x 7, 71X4 x 7, 6821 x 8, 71XX x 4, 6822 x 4, 6823 x 19, 0X98 x 8, 0X96, 7170 x 4, 7168, 682X, 6830 x 7, 7166, 061X x 2, 6826, 7169 x 3, 0623 x 3, 6829, 6831 x 4, 717X x 17, 0629 x 2, 0628 x 2, 0627, NT (PM), 6826, 0607 (P); 11/13 – 0642, 0648, 06X1 x 2, NR x 2, 390X x 7, 7204 x 7, 683X x 6, 720X x 6, 6836 x 8, 064X x 8, 0644 x 11, 0646 x 2, 06X0, 6840 x 4, 6841 x 6, 7211, 684X, 6843, 6844, 6842 x 3, 06X6 x 6, 06X8, 06X7 x 8 (PM), 06X1 (P). I informed Mr. REDACTED, Harvest General Superintendent, that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M850+P17775+V850	Swift Pork Company	16-Nov-21	During 1st shift harvest on 11/15/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0660 (2); 0661 (3); 0662 (8); 0663 (3); 0664 (5); 0667; 0668 (3); 0669 (10); 0670 (5); 0671 (7); 0672 (7); 0673 (11); 0674 (2); 0675 (7); 0677; 0678 (4); 0679; 0680 (10); 0681 (5); 0682 (7); 0684; 0686 (3); 0687; 3907; 3908 (2); 3909 (3); 3910 (7); 3911 (3); 6835 (2); 6849 (15); 6850 (12); 6851 (4); 6852 (8); 6853 (7); 6854 (2); 6856 (3); 7214 (5); 7215 (3); 7216 (7); 7217 (8); 7218 (3); 7219 (18); 7220 (2); 7221; 7222 (2); 7223 (3); 7224; 7225 (13); 7226 (7); 7227 (2); 7228 (5); 7230 (3); 7231 (16); 7232 (23); 7233; 7234 (2); 7236 (5); 7238 (13); 7239; 7240 (4); In total, 308 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs: <div style="display: flex; justify-content: space-between;"> <div> <p>HEM01081018191 (10/19/2021)</p> <p>HEM11081047061 (10/6/2021)</p> </div> <div> <p>HEM53091028071 (10/7/2021)</p> </div> <div> <p>HEM24071045231 (10/25/2021)</p> <p>HEM12131026071 (10/7/2021)</p> </div> <div> <p>HEM32141019221 (10/20/2021)</p> <p>HEM22051014081 (10/8/2021)</p> </div> <div> <p>HEM01071006201</p> <p>HEM02091053071</p> </div> </div> Respectfully submitted, REDACTED, DVM
M562M	JBS Plainwell, Inc.	16-Nov-21	IPP observed an animal stuck in the chute immediately behind the knock box, on the downward slope where the brisket trolley starts protruding. The animal had its head and neck turned back along its right side and stuck under the green plastic body slide on the right side of the knock box. The animal did not appear to be alive when IPP observed the scene. There have been two other documented incidents similar to this incident in this area. IPP are concerned preventative actions have not been affective in preventing reoccurrence.
M850+P17775+V850	Swift Pork Company	20-Nov-21	During 1st shift harvest on 11/16/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0711 (3); 0713 (10); 0714 (9); 0715 (20); 0716 (14); 0717 (14); 0718 (2); 0720 (6); 0722 (4); 0725 (3); 0726; 3916; 3917 (2); 3920 (2); 6871 (3); 6874 (3); 6875 (2); 6876 (9); 6878 (3); 7263 (3); 7264 (7); 7265 (8); 7268 (2); 7269 (15); 7272 (2); 7276 (10); 7277 (6); 7278 (3); 7279 (3); 7284 (2); 7285 (3); 7286 (8); 7287 (3) In total, 186 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs: <div style="display: flex; justify-content: space-between;"> <div> <p>HEM01081018191 (10/19/2021)</p> <p>HEM11081047061 (10/6/2021)</p> </div> <div> <p>HEM53091028071 (10/7/2021)</p> </div> <div> <p>HEM24071045231 (10/25/2021)</p> <p>HEM12131026071 (10/7/2021)</p> </div> <div> <p>HEM32141019221 (10/20/2021)</p> <p>HEM22051014081 (10/8/2021)</p> </div> <div> <p>HEM01071006201</p> <p>HEM02091053071</p> </div> </div> Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	20-Nov-21	During 1st shift harvest on 11/17/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0732; 0765; 0767 (3); 0768; 0770 (6); 0771 (2); 0772 (3); 0774 (3); 0775 (7); 0776 (12); 0777 (16); 0778 (23); 0779 (3); 0780 (8); 0781; 0782; 0783 (9); 0784 (13); 0785 (14); 0788 (9); 0789 (4); 0790; 0791 (2); 0792 (2); 1345; 3924 (2); 3925 (2); 3926 (8); 6890; 6891 (6); 6892 (13); 6894; 6895 (13); 6896 (12); 6897 (17); 6898 (20); 6899 (2); 7313 (3); 7314; 7315 (7); 7316 (12); 7317 (12); 7318 (7); 7319 (6); 7320 (7); 7321 (19); 7322 (20); 7323 (2); 7324 (8); 7326 (6); 7327 (3); 7329 (7); 7330 (4); 7331 (17); 7332 (8); 7333 (4); 7334 (4); 7335 (6); 7336 (6); 7337 (5); 7338 (8); 7339 (5); 7340 (5); 7341 (14); 7342 (5); 7343 (9) In total, 463 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs: <div style="display: flex; justify-content: space-between;"> <div> <p>HEM32141019221 (10/20/2021)</p> <p>HEM22051014081 (10/8/2021)</p> </div> <div> <p>HEM01071006201 (10/20/2021)</p> <p>HEM02091053071 (10/7/2021)</p> </div> <div> <p>HEM01081018191 (10/19/2021)</p> </div> <div> <p>HEM53091028071 (10/7/2021)</p> </div> <div> <p>HEM24071045231 (10/25/2021)</p> <p>HEM12131026071 (10/7/2021)</p> </div> </div> Respectfully submitted, REDACTED, DVM

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	20-Nov-21	<p>During 1st shift harvest on 11/19/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0868 (4); 0869 (16); 0870 (7); 0871 (29); 0872 (5); 0874 (8); 0875 (24); 0876 (5); 0877 (4); 0878 (6); 0879 (19); 0880; 0881 (4); 0882; 0884 (2); 0886 (8); 0890 (4); 3938 (7); 3939 (16); 3940 (4); 3942 (4); 3943 (10); 6150 (10); 6151 (8); 6152 (2); 6154 (22); 6155 (8); 6156; 6157 (13); 6158 (7); 6160 (4); 6161 (9); 7409 (6); 7410 (4); 7412 (11); 7413 (25); 7414 (13); 7415 (25); 7416 (23); 7417 (2); 7418 (3); 7419; 7420 (37); 7423 (9); 7424 (7); 7425 (19); 7426 (21); 7427 (19); 7428 (13); 7429; 7430 (2); 7431 (6); 7432 (3); 7433 (3); 7434 (2); 7435 (3); 7436 (12) In total, 542 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs:</p> <p style="text-align: right;"> HEM4411112016G (11/16/2021) HEM24071045231 (10/25/2021) HEM32141019221 </p> <p> HEM01071006201 (10/20/2021) HEM01081018191 (10/19/2021) HEM53091028071 (10/7/2021) </p> <p> HEM02091053071 (10/7/2021) HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM </p>
M850+P17775+V850	Swift Pork Company	29-Nov-21	<p>During 2nd shift harvest for the week of 11/22/2021, online IPP observed carcasses with the following marks: 962 paddle (PM), and 2 poker (P). Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 11/22 – 6207 x 7, 6208 x 10, 6209 x 9, 7X20 x 3, 0229 x 6, 0228 x 2, 0231 x 3, 0232 x 4, 0227, 0234 x 3, 620X x 2, 7X1X x 7, 3958 x 3, 39X9 x 2, 6202, 7X10 x 7, 7X18 x 15, 7X19 x 3, 6201 x 3, 7X17 x 5, 6206 x 8, 7X16 x 6, 0218 x 4, 0217 x 6, 0219, 7X23 x 2, 0224 x 2, 022X x 2, 0220, 0234 x 4, 7X33 x 4, 7X30 x 7, 7X29 x 9, 6213 x 13, 6218 x 4, 6217 x 15, 7X34 x 9, 7X31 x 16, 7X28 x 3 621X x 5, 0218 x 7, 3961 x 12, 021X x 5, 0216 x 8, 0217 x 3, 0214 x 13, 0212 x 6, 022X, 7X30 x 3, 7X23 x 8, 7X24 x 6, 6214 x 4, 0229 x 15, 6211 x 5, 7X28 x 2, 7X32 x 2, 0228 x 6, 0223 x 3, 0228 x 10, 0227 x 5, 0221 x 3, 023X x 28 (PM); 11/23 – 7X60, 7X62 x 3, 0262 x 11, 6223 x 5, 7X63 x 6, 0264, 622X x 15, 6226 x 17, 0271 x 2, 6227 x 3, 7X66 x 5, 0268 x 6, 7X69 x 8, 6231 x 3, 7X68 x 5, 7X67, 7X69, 7X70 x 2, 7X71 x 5, 6228 x 13, 7X67 x 6, 0276 x 10, 0271, 7X70 x 6, 6229 x 2, 7X69, 6227 x 22, 7X6X x 7, 0270 x 5, 0263 x 4, 0269 x 39, 0272 x 2, 0274 x 16, 0273 x 16, 0261 x 14, 0262 x 5, 0263 x 4, 0270 x 15, 027X x 9, 0268 x 9, 0277 x 2, 0267, 0280 x 2, 0278 x 2, 0289 x 2, 0288 x 11, 6234 x 13, 623X, 0279 x 3, 0283 x 9, 0281 x 8, 0282 x 15, 6232 x 7, 7X73 x 11, 7X74 x 6, 6236 x 3, 6237, 6236, 7X77 x 3, 6233 x 5, 7X7X x 3, 7X74 x 2, 0269, 7X76 x 2, 7X79 x 3, 7X80, 6239 x 5, 026X, 0284 x 3, 028X x 3, 0287 x 2 (PM); 11/24 - 0308 x 3, 0309 x 5, 0317 x 2, 0319 x 3, 7608 x 2, 0249 x 3, 7613, 0329, 62X3, 62X1 x 4, 7616 x 2, 62X1 x 2, 0332, 0331 x 3, 0330 x 2, 0236, 0321, 0234 x 2, 0339 x 3, 7621 x 2, 7618 x 4, 0323 x 4, 0334, 7620, 7619 x 3, 0336 x 6, (PM); 11/26 – 7648 x 2, 398X x 10, 0336 x 3, 0367 x 3, 6271 x 6, 7X69 x 5, 6273 x 2, 76X6, 7661, 7660, 0373 x 3, 6274 x 3, 0371, 0374, 7666 x 3, 0379 x 6, 0382, 0380 x 2, 7670, 7669, 6281, 038X, 0389, 7624 x 3 (PM); 11/27 – 0421, 0420 x 2, 6296 x 3, 0421 x 5, 6299 x 8, 3989, 7696, 7698 x 2, 0427, 0417 x 2 (PM), 0418, 0419 (P). I informed Mr. REDACTED, Harvest General Superintendent, that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift, JBS-Ottumwa</p>
M850+P17775+V850	Swift Pork Company	2-Dec-21	<p>On 11/23, 26, 29, and 30/2021, a combination of the following items was observed on the flooring of one holding pen, four subject pens, and the north and south drive alleys: self-tapping screws, used welding rods, clip hook, metal pen card holder, bolts, bailing wire, drill bit, piece of stainless metal with sharp edges, nail, stainless rods, washers, nuts, clasp, and other unidentified metal parts. On 11/29 while walking from the south side of the new REDACTED complex holding pen area to the open entrance into pen 22, I observed a 2" curved bolt embedded in the concrete directly in the path of animals that are moved from the south REDACTED pen area into pen 22. I showed the bolt to Mr. REDACTED, 2nd shift Livestock Supervisor and he had maintenance grind it off. The two drive alleys are continuously used during the filling of holding pens. The holding pen, and two of the subject pens had hogs in them. All the items were shown to Mr. REDACTED, and Mr. REDACTED, 2nd shift Stick Supervisor. Mr. REDACTED communicated with Mr. REDACTED, Maintenance Superintendent to advise all maintenance employees working on livestock gates, water lines, etc. to check the area for screws, bolts, etc. before leaving. In addition, Mr. REDACTED instructed all livestock employees that after they fill a holding pen to check adjacent pens for screws, bolts, etc. during their available water verifications. Mr. REDACTED coached also coached employees working in the REDACTED drive alleys to check their work areas for any metal items. On 12/02/2021, at approximately 1730 hours while inspecting hogs in pen A, I observed a chunk of concrete in the corner of pen A. I then observed about of two-foot section of broken up concrete in the flooring of unloading dock #3 which is adjacent to pen A. A closer look showed sharp edges around the perimeter of the existing concrete. I showed Mr. REDACTED, 2nd shift Livestock Supervisor the sharp edges of broken concrete. Mr. REDACTED immediately shut the dock down and called for maintenance to repair the flooring. Upon leaving pen A, Mr. REDACTED, Stun Tech, and myself found eight to ten more chunks of concrete in dock #3. At 1830 hours, Mr. REDACTED requested I inspect the flooring. Maintenance had scarified the concrete but there were still some sharp edges. After maintenance further scarified, I reinspected at 1845 hours and found it to be safe for animal movement. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS-Ottumwa</p>
M850+P17775+V850	Swift Pork Company	4-Dec-21	<p>On 12/03/2021 at approximately 2335 hours, while performing HATS Category II – Truck Unloading, I observed approximately twenty hogs bunched up together in one of the gated sections of the lower belly of a trailer in dock #2 as I was looking in from the outside of the trailer. Most of the hogs were facing the opposite direction of the unloading ramp. The driver used a rattle paddle and was able to get some of the hogs to turn around and move toward the ramp but for the most part the hogs balked. I observed the driver tap a few hogs on the forehead before stopping and exiting the truck. Shortly thereafter, the driver and an establishment employee returned to the group of hogs, with the majority still facing the opposite direction. The employee had a hand-held hot shot in one hand and a rattle paddle in the other. The employee leaned into the hogs and started tapping many of them on the forehead until several of them finally turned and started to move towards the ramp but still unreluctantly to move with any fluency. The employee then continued to tap the hogs that had moved away from the group on the forehead and some on the side of the face. I motioned to the employee and asked her to radio for Mr. REDACTED, Livestock Supervisor to come over. I informed Mr. REDACTED of my observations and that a Humane Handling MOI would be issued. I further explained to Mr. REDACTED the establishments Animal Welfare System prohibits the use of rattle paddles on the head or face. Mr. REDACTED informed me that he would discuss the issue with Mr. REDACTED, Animal Welfare Manager in the morning. SOP #22 – Paddle and Bat Usage Procedure states: REDACTED Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS-Ottumwa</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description												
M850+P17775+V850	Swift Pork Company	4-Dec-21	<p>During 2nd shift harvest for the week of 11/29/2021, online IPP observed carcasses with the following marks: 959 paddle (PM), and 8 poker (P). Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 11/29 – 7727 x 7, 7736, 6316 x 7, 773X x 5, 7737 x 5, 7741, 7739 x 4, 7740 x 15, 7738 x 6, 3998 x 5, 6319 x 3, 6317 x 9, 7747 x 2, 04X0 x 4, 04X1 x 2, 7742 x 2, 6318, 7749, 0474, 0472, 0473, 0469, 04X6, 04X2 x 2, 04X4 x 3, 04X8 x 2, 04X3 x 5, 0464, 6320 x 2, 7747 x 3, NT, 6322, 6321 x 3, 6322 x 2, 6326, 6327 x 3 (PM); 11/30 – 6334 x 2, 7799, 3908 7803 x 3, 7796, 779X, 7806 x 2, 0X13 x 2, 7813 x 2, 7814 x 7, 6344 x 2, 6344 x 5, 6347 5, 6339 x 10, 6337, 7804 x 2, 63X0 x 6, NT, 7816 x 8, 0X13 x 8, 0X16 x 3, 7812, 634X, 6346 x 7, 0X1X x 9, 0X18 x 4, 0X14 x 2, 3907 x 2, 0497, 7794 x 6, 0498 x 6, 0499, 0X01 x 5, 0X03, 0X11 x 3, 0X10 x 2, 7806 x 2, 6344 x 4, 781X, 6340, 7810, 7817 x 2 (PM), 7812, 0X14, 0X1X x 2 (P); 12/01 – 0X47 x 7, 3919 x 3, 7847 x 4, 7848 x 4, 0XX2 x 2, 0X60, 6361 x 5, 6362 x 2, 7867, 6363 x 2, 7872 x 2, 0X71 x 7, 7866 x 3, 786X x 2, 63X9 x 10, 636X x 4, 7873 x 12, 0XX8 x 5, 7863, 7860 x 2, 0X63, 0X70, 0X71, 0X69, 0X68, 7870 x 3, 78X9, 7848, NT, 0XX4 x 2, 0XXX, 0XX0 x 2, 7868 x 2, 7869 x 7, 6361 x 13 (PM); 12/02 – 7902 x 9, 7903 x 7, 6378 x 11, 0613 x 5, 6376, 061X, 0616 x 12, 0619 x 5, 0617 x 12, 0618 x 5, 7891, 7893 x 9, 637X x 6, 0X9X x 4, 0X96 x 8, 0X98, 790X x 2, 7897, 7896, 7898 x 10, 6376 x 3, 7901, 060X, 0606 x 2, 0603 x 4, 0604 x 5, 0607 x 3, 7894 x 4, 7913, 6382 x 3, 7908 x 3, 6381 x 3, 7910, 6380 x 2, 7911 x 3, 7907 x 4, 7919 x 4, 061X x 8, 0611, 0610, 7909 x 7, 7910 x 2, 0614 x 18 (PM); 12/03 – 06X9, 06X8, 79X3 x 5, 0660 x 2, 0662 x 2, 0670 x 2, 0663 x 7, 0671, 6398 x 20, 7964 x 24, 7968 x 19, 7962 x 27, 6392 x 3, 639X x 26, 6403 x 9, 7961 x 3, 7947 x 3, 6392, 6393 x 2, 7948, 79X1, 7849 x 2, 79X2 x 2, 0664 x 3, 0648 x 3, 0649, 06X2, 06X0 x 5, 06X1 x 2, 794X, 7947 x 6, 79X1 x 2, 79X8 x 2, 79X9 x 3, 6397 x 3, 7964 x 2, 6398 x 10, 6401 x 3, 7966 x 15, 7967 x 4, 6399, 796X x 15, 7966 x 2, 796X, 6402 x 10, 6403 x 2, 6404 x 5 (PM); 12/04 – 069X x 2, 0696 x 2, 39XX x 10, 39X4, 7999 x 2, 0689, 0698 x 4, 0704 x 2, 0703 x 3, 0694 x 2, 0692 x 13, 0693 x 7, 0691 x 14, 068X x 5, 0688 x 3, 0697 x 3, 7107, 6428 x 2, 7110 x 3, 6430 x 2, 7108 x 3, 6427 x 4, 0689, 6423 x 8, 7994, 7996 x 2, 7102 x 6, 0694 x 2, 0689 x 3, 0684 x 22 (PM), 0684 x 2, 7102, 0688 (P). I informed Mr. REDACTED, Harvest General Foreman, that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa</p>												
M850+P17775+V850	Swift Pork Company	7-Dec-21	<p>During 1st shift harvest on 12/6/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0707 (6); 0708 (9); 0709 (10); 0710 (32); 0711 (11); 0712 (2); 0713 (3); 0714 (10); 0715 (5); 0716 (14); 0717 (6); 0718 (16); 0719 (13); 0720 (8); 0721 (2); 0722 (20); 0724 (8); 0730 (10); 0733 (6); 0734 (4); 0735 (2); 3957 (14); 3958 (8); 3959 (10); 3960 (7); 3961 (13); 3962 (10); 3963 (3); 3964 (14); 6433 (2); 6434 (5); 6435; 6439 (4); 6440 (10); 7111 (9); 7112 (18); 7113; 7114 (7); 7115 (8); 7121 (8); 7123 (2); 7124 (6); 7125 (2); 7126; 7128 (5); 7129 (2); 7130; 7132 (2); 7133 (3); 7134 (10). In total, 383 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 25%;">HEM24071045231 (10/25/2021)</td> <td style="width: 25%;">HEM32141019221 (10/20/2021)</td> <td style="width: 25%;">HEM01071006201 (10/20/2021)</td> <td style="width: 25%;">HEM01081018191 (10/19/2021)</td> </tr> <tr> <td>HEM53091028071 (10/7/2021)</td> <td>HEM12131026071 (10/7/2021)</td> <td>HEM22051014081 (10/8/2021)</td> <td>HEM02091053071 (10/7/2021)</td> </tr> <tr> <td colspan="4">HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM</td> </tr> </table>	HEM24071045231 (10/25/2021)	HEM32141019221 (10/20/2021)	HEM01071006201 (10/20/2021)	HEM01081018191 (10/19/2021)	HEM53091028071 (10/7/2021)	HEM12131026071 (10/7/2021)	HEM22051014081 (10/8/2021)	HEM02091053071 (10/7/2021)	HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM			
HEM24071045231 (10/25/2021)	HEM32141019221 (10/20/2021)	HEM01071006201 (10/20/2021)	HEM01081018191 (10/19/2021)												
HEM53091028071 (10/7/2021)	HEM12131026071 (10/7/2021)	HEM22051014081 (10/8/2021)	HEM02091053071 (10/7/2021)												
HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM															
M850+P17775+V850	Swift Pork Company	15-Dec-21	<p>During 1st shift harvest on 12/9/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0845 (2); 0846 (4); 0850 (3); 0851; 0852 (3); 0853; 0854 (5); 0855 (9); 0857 (2); 0860 (4); 0862; 0863 (6); 0864 (14); 0869 (2); 0882; 3992 (3); 3996 (2); 3997 (12); 3998 (2); 6514; 6515 (2); 6516 (4); 6517 (12); 6518 (7); 6519 (14); 6520 (2); 7258 (3); 7259 (6); 7260; 7264; 7265 (3); 7266 (6); 7267 (9); 7268 (7); 7269 (6); 7270 (10); 7271 (12); 7272; 7273 (8); 7274 (7); 7275; 7276 (2). In total, 202 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 25%;">HEM01071006201 (10/20/2021)</td> <td style="width: 25%;">HEM01081018191 (10/19/2021)</td> <td style="width: 25%;">HEM53091028071 (10/7/2021)</td> <td style="width: 25%;">HEM24071045231 (10/25/2021)</td> </tr> <tr> <td>HEM32141019221 (10/20/2021)</td> <td>HEM22051014081 (10/8/2021)</td> <td>HEM02091053071 (10/7/2021)</td> <td>HEM12131026071 (10/7/2021)</td> </tr> <tr> <td colspan="4">HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM</td> </tr> </table>	HEM01071006201 (10/20/2021)	HEM01081018191 (10/19/2021)	HEM53091028071 (10/7/2021)	HEM24071045231 (10/25/2021)	HEM32141019221 (10/20/2021)	HEM22051014081 (10/8/2021)	HEM02091053071 (10/7/2021)	HEM12131026071 (10/7/2021)	HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM			
HEM01071006201 (10/20/2021)	HEM01081018191 (10/19/2021)	HEM53091028071 (10/7/2021)	HEM24071045231 (10/25/2021)												
HEM32141019221 (10/20/2021)	HEM22051014081 (10/8/2021)	HEM02091053071 (10/7/2021)	HEM12131026071 (10/7/2021)												
HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM															
M3W+V3W	Swift Pork Company	13-Dec-21	<p>On December 10, 2021, at approximately 1627 hours while walking along the East side of the barns heading North towards the CO2 chambers, I observed an establishment employee using a rattle paddle by lifting the paddle well above his head and striking down on a group of hogs. The hogs were scrambling on top of one another, and I could not discern which part of the hog was struck with the paddle. The employee upon looking over at me began to only lift the paddle to shoulder height and tap the hogs. I immediately waved down a yellow hat and had him radio over a supervisor. Supervisor REDACTED arrived, and I informed him of my observations, and pointed out the employee who I had seen performing the actions described above. Mr. REDACTED removed the employee from the area at that time.</p> <p>Kill Floor Superintendent REDACTED informed me the establishment's preventative measure is to retrain the employees in the area that the incident occurred.</p>												

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	15-Dec-21	<p>During 1st shift harvest on 12/10/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0104 (3); 0105 (2); 0106 (3); 0107 (9); 0109 (18); 0111 (3); 0113 (3); 0114 (7); 0118 (11); 0119 (15); 0121; 0122 (8); 0123 (8); 0124 (5); 0125 (4); 0126 (5); 0127; 0128 (4); 0129 (2); 0131 (7); 3901 (20); 3902 (8); 3903 (4); 3904 (2); 3905; 6544 (6); 6549 (9); 7301 (5); 7302 (7); 7305 (18); 7306 (3); 7308 (12); 7309; 7312 (4); 7314 (14); 7315 (8); 7317 (3); 7318 (8); 7319 (4); 7320 (4). In total, 259 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs:</p> <p> HEM32141019221 (10/20/2021) HEM01071006201 (10/20/2021) HEM01081018191 (10/19/2021) HEM53091028071 (10/7/2021) HEM24071045231 (10/25/2021) HEM12131026071 (10/7/2021) </p> <p>HEM22051014081 (10/8/2021) HEM02091053071 (10/7/2021) HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM</p>
M850+P17775+V850	Swift Pork Company	14-Dec-21	<p>During 2nd shift harvest for the week of 12/06/2021, online IPP observed 390 carcasses with paddle marks. Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 12/06 – 0737 x 4, 0736 x 5, 0738 x 3, 0739 x 7, 0740 x 12, 7141 x 10, 6442 x 3, 7142 x 2, 6443 x 7, 3960 x 4, 0746 x 2, 64X-, 71X7 x 2, 71X3 x 4, 71X4, 64X1, 7138 x 6, 6441 x 2, 7137 x 5, 7140 x 3, 7148 x 2, 0741 x 5, 0743 x 3, 71X0 x 2, 71X1, 3968 x 6, 71X8 x 5, 7144 x 4, 71X9 x 5, 0748 x 2, 6444, 64XX (PM); 12/07 – 6464, 7190 x 5, 3982 x 7, 7189, 6462, 0792, 0797, 0787, 3983 x 3, 0786 x 5, 0791 x 2, 0790 x 6, 719X x 4, 6466 x 3, 7193 x 2, 7196 x 4, 6472 x 3, 7199 x 4, 7200, 7201 x 3, 079X x 3, 7198 x 2, 6447 x 2, NR (PM); 12/08 – 7328 x 2, 723X x 2, 7229 x 3, 7232, 7239 x 4, 7243, 6X02 x 4, 6X03 x 8, 7244 x 3, 7231 x 3, 7284 x 2, 0847 x 2, 0840 x 2, 0847, 084X, 7247 x 3, 6X06 x 3, 6493, 7230 x 2, 3991 x 3, 0841 x 2, 6X04 x 2, 7246, 6499 x 2, 72X3 x 2, 72X1, 7246, 72XX x 3, 72X6 (PM); 12/09 – 6X3-, 6X38, 7299 x 8, 7293, 72-- 6X2X x 4, 6X26, 7281, 6X34, 728X x 6, 7286 x 3, 6X33, 0896, 0898 x 3, 7291, 7292 x 3, 6X31, 6X21 x 4, 7280 x 2, 7279, 0887 x 4, 0888 x 3, 7286 x 3, 7287 x 6, 0102 x 5, 7281 x 3, 7297 x 7, 7290 x 2, 6X39 x 3 (PM); 12/10 – 0142 x 3, 6XXX x 4, 6XX6 x 2, 6X6X x 4, 6XX0 x 5, 6X60, 7239 x 4, 7331, 6XX9, 7333 x 2, 6X62 x 3, 0147 x 3, 7338, 6X64 x 2, 7336 x 5, 7334 x 2, 6X66 x 4, 733X x 2, 7339 x 2, 3911 x 2, 014X, 7341 x 2 (PM). I informed Mr. REDACTED, Harvest General Foreman, that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa</p>
M850+P17775+V850	Swift Pork Company	15-Dec-21	<p>During 1st shift harvest on 12/13/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0161; 0162 (7); 0163 (3); 0164 (2); 0165; 0169; 0171; 0172 (3); 0173 (10); 3913 (2); 3914 (4); 3915 (2); 6571 (2); 6572 (5); 6573; 6577; 6578 (3); 6579 (4); 7343 (2); 7344 (5); 7345 (4); 7346 (7); 7347 (9); 7348; 7349 (2); 7350 (14); 7351 (8); 7352 (12); 7353 (4); 7355 (12); 7356 (6); 7357 (3); 7358; 7364; 7366 (3); 7368 (3); 7369 (2); 7370 (9); 7371 (6); 7372. In total, 171 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs:</p> <p> HEM01071006201 (10/20/2021) HEM01081018191 (10/19/2021) HEM53091028071 (10/7/2021) HEM24071045231 (10/25/2021) HEM12131026071 (10/7/2021) HEM32141019221 (10/20/2021) HEM22051014081 (10/8/2021) </p> <p>HEM02091053071 (10/7/2021) HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM</p>
M850+P17775+V850	Swift Pork Company	15-Dec-21	<p>During 1st shift harvest on 12/14/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0196 (6); 0197 (2); 0198 (4); 0201; 0202 (3); 0203 (14); 0204; 0205 (6); 0206 (7); 0207 (3); 0209 (2); 0210 (4); 0211 (8); 0212 (5); 0213 (10); 0214 (7); 0215; 0216 (6); 0217 (2); 3919; 3920 (3); 3921 (2); 3922 (3); 3923 (10); 3924 (2); 3925 (3); 3927 (2); 6608; 6609 (2); 6610 (11); 7394; 7395 (8); 7396 (11); 7397 (3); 7398; 7404 (13); 7406 (6); 7407 (6); 7408 (7); 7409 (6); 7410 (3); 7411 (4); 7413 (4); 7414 (6); 7415 (8); 7416 (2). In total, 161 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs:</p> <p> HEM24071045231 (10/25/2021) HEM32141019221 (10/20/2021) HEM01071006201 (10/20/2021) HEM01081018191 (10/19/2021) HEM53091028071 (10/7/2021) HEM12131026071 (10/7/2021) HEM22051014081 (10/8/2021) </p> <p>HEM02091053071 (10/7/2021) HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM</p>
M850+P17775+V850	Swift Pork Company	6-Jan-22	<p>On 12/17/2021, as I was performing my inspection of slow and disabled hogs accompanied by an establishment employee, I observed another establishment employee moving a large group of hogs into pen 42. This is a large pen often holding 200 hogs at a time. It has been noted that in this pen often hogs walk out of the pen back towards the scale causing a jam before entering the pen which makes it difficult to fill. At 0905, I noticed the employee moving the animals into pen 42 having issues with one slow hog. This hog was lagging behind and was breathing heavily. This hog was the last one to enter the pen and the employee was contacting the same hog repeatedly with his rattle paddle on the animal's hindquarters. It was surrounded by other hogs and really didn't have anywhere to go as it was behind other animals. There was increased redness on the skin of this hog. At that moment, I asked the employee to stop contacting that hog with the paddle as he really didn't have anywhere to go and was fatigued. The employee that accompanied me for antemortem inspection, spoke with the individual and they finished filling the pen. As they closed the pen, the hog immediately layed down to rest and continued breathing heavily. I approached the hog and noticed red raised marks on her hindquarters that could possibly have come from implement overusage.</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	20-Dec-21	<p>During 2nd shift harvest for the week of 12/13/2021, online IPP observed 1,180 carcasses with paddle marks, and 1 with poker marks. Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 12/13 – 6X82 x 11, 0170 x 5, 7376 x 4, 737X x 3, 7377, 6X8X, 6X34 x 26, 7374 x 4, 7373, 0181 x 2, 0191 x 4, 0194 x 3, 7382, 6X97, 7389 x 18, 7394 x 6, 7393 x 10, 7387, 738X x 8, 6X99 x 17, (PM); 12/14 – 0233 x 2, 0231 x 2, 7431, 0229 x 3, 023X x 2, 7437, 6619, 743X x 3 (PM); 12/15 - 7471 x 10, 7473 x 9, 7468 x 5, 6632 x 5, 7474 x 12, 7470 x 5, 6634 x 3, 0291 x 3, 0281, 0289 x 2, 028X x 19, 0286 x 4, 0297 x 29, 0298 x 50, 0299 x 17, 0293 x 16, 0294 x 16, 029X x 25, 0296 x 15, 0301 x 5, 7483 x 8, 7482 x 4, 7480 x 6, 7487 x 16, 7486 x 16, 748X x 12, 7478 x 8, 7479 x 11, 6636 x 27, 7489 x 3, 7477, 7484 x 4, 7481 x 10, NT x 2, 7488 x 11, NR, 0290 x 2 (PM); 12/16 – 0321 x 27, 0320, 0319 x 5, 7X04 x 2, 7X03 x 7, 6644 x 2, 7499 x 5, 0326 x 4, 7496 x 3, 39X6 x 5, 7498 x 13, 7X01 x 20, 7X02 x 10, 0327 x 4, 0322 x 10, 7X11 x 9, 6647 x 2, 7X0X, 0329 x 6, 0321 x 3, 0332 x 2, 0333 x 6, 0334 x 5, 033X, 0343 x 3, 034X x 7, 0346 x 6, 0342 x 13, 0347 x 11, 0337 x 11, 0338 x 8, 6646, 39X7 x 4, 66X4 x 8, 7X19, 7X18, 7X21 (PM); 12/17 - 7X02 x 8, 7X0X x 10, 0370, 7X0X, 6677 x 6, 7X04 x 6, 7X67 x 5, 7X03 x 4, 668X, 7X09 x 2, 6682 x 2, 7X0X x 2, NR x 2, 6673, 6677 x 2, NT x 3, 6678 (PM); 12/18 – 042X, 7600 x 3, 6709 x 40, 6708 x 8, 7601 x 17, 7X99 x 24, 6701 x 8, 7604 x 2, 6703 x 4, 6713 x 42, 6711 x 40, 6707 x 3, 7602, 7X99 x 4, 0440 x 6, 0441 x 2, 0432 x 14, 0431 x 10, 0430 x 2, 0428 x 10, NR, NT, 0433 x 6, 0427, 7X99 x 5, 7608 x 33, 7607 x 29, 760X x 7, 7606 x 7, 6714 x 19, NR, 760- x 3 (PM), 7607 (P). During ante-mortem inspection on 12/18, IPP observed a hog (tattoo# 0432) with a paddle mark in holding pen #16. Online IPP observed 14 carcasses with paddle marks bearing tattoo# 0432. I informed Mr. REDACTED, Harvest General Foreman, that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa</p>
M850+P17775+V850	Swift Pork Company	27-Dec-21	<p>During 1st shift harvest on 12/18/21, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0390 (4); 0391 (4); 0393 (3); 0395 (7); 0396 (5); 0397 (4); 0398 (3); 0401 (6); 0402 (18); 0403 (2); 0404 (9); 0405 (3); 0406 (3); 0410 (7); 0411 (8); 0412 (15); 0413 (6); 0416; 0422 (3); 3971 (5); 3972 (3); 3974 (7); 6688 (8); 6689 (2); 6690 (13); 6692 (10); 6693; 6694 (5); 6695 (20); 6696; 6697 (2); 6698 (10); 7569 (6); 7572 (3); 7574 (12); 7575 (3); 7576 (4); 7577 (14); 7578; 7579 (7); 7581 (5); 7582 (5); 7584 (10); 7585 (8); 7586 (6); 7587 (4); 7588; 7589 (4); 7590 In total, 292 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs: HEM24071045231 (10/25/2021) HEM32141019221 (10/20/2021) HEM01071006201 (10/20/2021) HEM01081018191 (10/19/2021) HEM53091028071 (10/7/2021) HEM12131026071 (10/7/2021) HEM22051014081 (10/8/2021) HEM02091053071 (10/7/2021) HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM</p>
M850+P17775+V850	Swift Pork Company	24-Dec-21	<p>During 2nd shift harvest for the week of 12/20/2021, online IPP observed 1,345 carcasses with paddle marks. Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams, when possible marks were identified for trimming by establishment employees. Carcass identification and what type of mark(s) present were provided to a member of the harvest supervisory team; all data was forwarded to Mr. REDACTED, animal welfare manager and Mr. REDACTED, livestock procurement manager, per the SOP for investigating paddle marks, dated 1/14/21. Dates and tattoo numbers are as follows: 12/20 – 0462 x 7, 0463 x 8, 0464 x 9, 0468 x 4, 0469, 0470 x 6, 0472 x 13, 0473, 7644 x 12, 7643 x 11, 0476 x 2, 0477 x 12, 0478 x 33, 6740 x 37, 6741 x 35, 6743 x 2, 399X x 33, 6744 x 9, 7630 x 3, 7631 x 3, 7632 x 24, 673X, 7636 x 4, 7629 x 5, NT x 6, 762X x 12, 3994 x 12, 3992 x 6, 3993 x 14, 7624 x 4, 7633 x 10, 046X, 04X8, 0466, 763X, 0473, 0474 x 2, 0467 x 2, 0468 x 9, 7638 x 10, 7634 x 2, 7633 x 8, 7628 x 10, 7623, 673X x 3, 7639, 7637 x 5 (PM); 12/21 – 0X06, 0X07 x 2, 0X02 x 5, 0X01 x 2, 0X04 x 8, 0X03 x 2, 7663 x 10, 6744 x 12, 7662 x 3, 3902 x 9, 3901 x 5, 3999 x 4, 0X17 x 2, 0498, 0X12 x 4, 7671 x 2, 7672, 0X28 x 2, 7673 x 3, 0X26 x 4, 0X27 x 8, 0X23 x 15, 0X24 x 69, 7678 x 3, 6749 x 23, 67X0 x 31, 67 – x 7, 7679 x 4, 7678 x 16, 7680 x 16, 767X x 7, 7674 x 10, 0X3X, 0X20 x 4, 0X34 x 2, 0X32, 0X33 x 2, 0X28, 0X27, 0X1X x 2, 0X21 x 7, 0X20 x 2, 0X22 x 10, 0X23 x 4, NT x 2, 0X18 x 5, 0X16 x 26, 7663 x 11, 7662 x 15, 3999 x 3, 766X x 12, 674X x 10, 6744 x 5, 7666 x 5, 7667 x 5, 7664 x 26, 6746 x 4, 3904, 3907, 7661 x 2 (PM); 12/22 - 7709 x 3, 3910 x 5, 67X9, 0X62 x 3, 0X02, 7710 x 2, 7711, 7720 x 8, 0X66, 7729 x 2, 6767, 6768 x 4, 6769 x 2, 7727 x 3, 0X79 x 30, 6773 x 10, 0X80 x 12, 0X81 x 3, 0X82 x 22, 0X83 x 7, 7731 x 10, 7730 x 18, 7728 x 14, 6764 x 17, 7711 x 9, 6762 x 11, 6763 x 8, 7714 x 2, 771X x 9, 7717 x 12, 7716 x 7, NT, 7712 x 2, 7730 x 2, 7727 x 6, 7732 x 10, 0X8X x 10, 0X84 x 2, 7729 x 6, 6773 x 6, 0X83 (PM); 12/23 – 7769 x 4, 6783 x 3, 7768 x 10, 6782 x 6, 7780 x 9, 7782 x 4, 7781 x 2, 0638 x 9, 06X0, 0639 x 5, 0648 x 3, 0637 x 3, 7766, 776X, 0630 x 9, NT x 3, 0631 x 3, 0627, 0637, 064X x 2, 0646 x 2, 7784, 7783 x 3, 678X, 6787 x 3, 7786, 7787, 6786 x 6, 6X81, 6781, 7760 x 3, 7761 x 16, 7762 x 14, 6778 x 4, 776X x 8, 3917 x 14, 0618 x 5, 7763 x 12, 3918 x 7, 6780 x 12, 7764 x 4, NT, 6779 x 4 (PM). I informed Mr. REDACTED, Harvest General Foreman, that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. For 2021, post-mortem paddle mark observations have shown a consistent upward trend with some of the week ending totals for November and December exceeding 1,000 observations per shift. It is duly noted that not all of the online CSI's record paddle marks, therefore some of the week ending totals may actually be lower. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P17775+V85O	Swift Pork Company	31-Dec-21	During 2nd shift harvest for the week of 12/27/2021, online IPP observed 929 carcasses with paddle marks. Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers recorded by online CSI's were provided to the SPHV on each shift to generate an MOI and forward to Ms. REDACTED, Regulatory Manager, Mr. REDACTED, Animal Welfare Manager, and Mr. REDACTED, Livestock Procurement Manager. Moving forward, if the online QA sorters do not identify and promptly summon for a QA Manager, the online CSI will, to ensure the SOP for investigating paddle marks is followed. Tattoo numbers will be scanned and forwarded daily to Ms. REDACTED and Mr. REDACTED to expedite the investigation process. Dates and tattoo numbers are as follows: 12/27 – 7817 x 8, 7818 x 8, 7802 x 4, 7821 x 10, 781X x 17, 7816 x 22, 7814 x 4, 6808 x 3, 0677 x 3, 0687 x 2, 0690, 0694 x 9, 0689, 069X x 4, 782X x 14, 0703 x 3, 0702 x 2, 0696 x 7, 7831 x 23, 7808, 6806 x 2, 7811 x 3, 7813 x 2, 7814 x 5, 6808, 6810 x 2, 7820 x 2, 7819 x 7, 7818 x 3, 3927 x 2, 0687 x 7, 0688 x 5, 0689 x 2, 6814 x 8, 0692 x 4, 7826 x 3, 6816 x 3, 7832 x 12, 7831 x 4, 6817, 7833 x 4, 7830 x 4, 7829, 681X x 3, 0697 x 3, 0696 x 6 (PM); 12/28 – 0742 x 2, 074X x 3, 0738, 0740, 0749, 6837 x 15, 07X2 x 3, 07X0 x 3, 07X3 x 4, 07X1 x 7, 6838 x 5, 7877, 6836 x 10, 787X 5, 7876, 6830 x 5, 7873, 6831 x 9, 6828 x 5, 7869 x 3, 7871 x 9, 6833 x 2, 7872 x 4, 7867 x 5, 6826 x 10, 787X x 2, 7876 x 5, 6837 x 4, 7880 x 4, 7878 x 4, 7868, 7879 x 2, 07X9 x 7 (PM); 12/29 – 7901 x 3, 0782 x 4, 7902 x 3, 3949 x 9, 68XX, 68X7, 0789 x 13, 0790 x 7, 7911, 7909, 7910, 0794, 0802, 0808, 0803, 0804 x 2, 0786 x 5, 0797 x 5, 080X x 2, 0806 x 5, 6868 x 3, 6867 x 5, 0784 x 2, 0783 x 4, 078X x 2, 0780 x 2, 7906 x 3, 0790, 6861, 7909, 7913 x 2, 791X, 6863 x 11, 6862 x 3, 6864 x 3, 7919 x 4, 686X x 3, 7918 x 5, 7921 x 4, 7922, 6920, 6869 x 10, 7923 x 3 (PM); 12/30 – 79X2 x 3, 79X3 x 4, 0841 x 5, 0843 x 4, 0844, 0838, 0839, 0842 x 2, 0840 x 4, 0847 x 4, 08X0 x 31, 08X1 x 5, 08X2 x 7, 08X3 x 7, 7971, NR x 2, 0826 x 5, 082X x 4, 0824 x 7, 0829 x 8, 0830 x 8, 0823 x 2, 6883 x 5, 7948 x 4, 7949 x 3, 0834 x 6, 3963, 79X3 x 5, 79X1 x 8, 79X2, 79XX x 4, 79X6 x 15, 08XX, 7969 x 2, 7968 x 2, 7963 x 3, 7964, 7966 x 6, 796X x 4, 7968 x 3, 7967, 08X9, 08X8 x 2, 08XX x 3 (PM); 12/31 – 7987 x 12, 7986 x 3, 7992 x 23, 7990 x 22, 7991 x 17, 397X x 17, 3976 x 9, 0886 x 9, 0887 x 14, 0884, 0887 x 5, 0888, 7994 x 2, 6101 x 5, 6899 x 4, 6103 x 4, 0892, 0893, 6104 x 17, NR x 5, 0894 x 11, 7987 x 7, 7988, 7986 x 4, 0884, 798X x 6 (PM). I informed Mr. REDACTED, Harvest General Foreman, that a MOI would be issued. The origins of the marks observed in this MOI are currently under investigation. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa
M85O+P17775+V85O	Swift Pork Company	7-Jan-22	On 01/05/2022 at approximately 2215 hours, I went to the unloading ramp at dock #1 to observe the hogs as they exited the truck. I leaned over to look inside the truck, and at the top of the ramp I observed the driver using a rattle paddle with both hands, striking several hogs on the back with enough force to elicit a slapping sound. The hogs did not vocalize but were balking intermittently while walking down the ramp, then I noticed a hog at the top of the ramp, balk and lie down in sternal recumbency directly in front of the driver. The driver paddled the non-ambulatory hog several times, but it did not move or vocalize, and appeared to be alert. At this point the employee at the tattoo stand yelled at the driver to stop. Another establishment employee walked up the ramp with a rattle paddle and sort board and was able to get the non-ambulatory hog up and walk down the ramp without incident. While the employee in the truck continued to unload the remaining hogs in the upper deck, I asked a nearby employee to radio for Mr. REDACTED, Animal Welfare Manager to come over. I explained to Mr. REDACTED what transpired, and he told me per the establishments policy the driver will not be aloud to deliver hogs for 72 hours, and that an investigation would be initiated. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa
M85O+P17775+V85O	Swift Pork Company	8-Jan-22	On 01/07/2022 at approximately 1839 hours, on my way to do ante-mortem with Mr. REDACTED, 2nd shift Livestock Supervisor, I observed about 30 hogs tightly bunched against the center alley gate that goes into the new REDACTED complex. Two establishment employees from the REDACTED complex area walked down to the gate and used their rattle paddles to hover and to gently tap the hogs closest to the gate. A hog near the gate started to pile while attempting to move away from the employees, leading to several more hogs piling, vocalizing loudly as the drivers continued to use their rattle paddles until the hogs farthest from the gate moved forward, now freeing up space which allowed the hogs behind them to move forward; all vocalization and piling was ceased at this point. I informed Mr. REDACTED, 2nd shift Stick Supervisor of my observation and that a MOI would be. Mr. REDACTED told me he would go check the cameras. At 2118 hours while observing hogs exit the truck in dock 2, I heard loud vocalizations behind me, so I looked back and observed about 25 hogs pushed up against the center gate in dock 1. A counter-sorter employee was moving slowly toward the hogs gently tapping them with a rattle paddle while another establishment employee was leaning over the adjacent wall rattling a paddle over the hogs. This all led to many of the hogs piling trying to go towards the gate. I discussed my observations with Mr. REDACTED, 2nd shift Livestock Supervisor, and that hogs must be driven to slaughter without piling or changing direction. Respectfully submitted, REDACTED, DVM SPHV, Est. M85O
M85O+P17775+V85O	Swift Pork Company	9-Jan-22	During 2nd shift harvest for the week of 01/03/2022, online IPP observed 696 carcasses with paddle marks, and 1 with a poker mark. Many of the marks splayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. If a carcass on the kill floor is identified as having bruises due to a handling instrument, the QA manager should be notified promptly. Ideally pictures will be taken by a member of management to document the incident. The tattoo number from the affected carcass will be identified and communicated to the Humane Handling Manager and the Livestock Manager per the SOP for investigating paddle marks, dated 1/14/21. If a live hog is identified in the barn as having bruises, the same process should be followed to try to determine the root cause. Dates and tattoo numbers are as follows: 01/03 – 3984 x 2, 3986 x 4, 7118 x 3, 7121 x 3, 0138, 0139, 6121 x 2, 7127 x 5, 6122 x 3, 7126 x 4 (PM); 01/04 – 7163, 6144 x 2, 3997 x 18, 71X9, 0181, 0180 x 3, 7167 x 5, 7161, 716X x 4, 6148, 7170 x 4, 6147 x 12, 7172 x 12, 6146 x 17, 61X1, 7171, 6148 x 10, 6149, 61X0, 61X7 x 4, 61X6 x 8, 0187 x 2, 0189 x 9, 0186 x 3, 0173 x 5, 0170 x 7, 0172 x 3, 3996 x 26, 7160 x 5, 6144, 71XX x 19, 71X4 x 4, 71X6 x 8, 7161 x 10, 7167 x 9, 61X0 x 2, 0187, 018X x 5, 0186 x 4, 0183 x 6, 0184 x 3, 0193 x 15, 0196 x 6, 019X x 14, 0183 x 2, 0197 x 2, 0188, 0194 x 2, 0191 x 5, 0192 x 10, 0190 x 11 (PM); 01/05 – 7200 x 5, 7199 x 4, 6172 x 8, 7201, 0231, 7202 x 3, 7203 x 2, 7210, 7211, 7213 x 4, 6177 x 2, 7219 x 2, 6183 x 3, 7220, 6178 x 3, 0247, 0244 x 6, 02X0, 0226, NR x 3, 022X x 4, 0227 x 3, 0174, NT, 02X1, 0249, 0234 x 16, 618X x 7, 7226, 0248 x 4, 0246 x 7, 0247, 0230, 0233 x 2, 0232 x 2, 0237 x 7, 0236 x 3, 7208 x 15, 721X x 16, 7216, 7217 x 7, 7206 x 7, 617X x 2, 071X x 7, 6207 x 11 (PM); 01/06 – 6197, 7248, 7249 x 3, 724X x 7, 3917, 72X0 x 2, 3916 x 2, 0290, 72X9 x 3, 0296 x 4, 0297 x 4, 0284, 6196 x 2, 0292, 0291 x 2, 72X3 x 3, 0266 x 51 (PM), 7241 (P); 01/07 – 0342, 0343 x 2, 6213, 7286, 7289, 7292, 617X x 3, 7296, 0348, 729X, 7297, 6221 x 7, 7298 x 3, 6222, 0363 x 4, 03X3, 0338, 0340, 6211 x 3, 0344, 0341 x 5, 6218 x 20, 6223 x 2, 03X8 x 3 (PM); 01/08 – 731X, 3932, 7317 x 6, 7310 x 5, 732X, 0369 x 4, 0380, 0379, 0382, 6230 x 3, 7322 (PM). On 01/06, during ante-mortem inspection of pens 36 and 38, I observed 9 hogs with readily identifiable red paddle mark bruises; one of the hogs had three marks on the back, two purple, approximately 6" x 6" each, and the third red and a bit smaller. Both pens compromised one load bearing tattoo 0266. Ms. REDACTED, Regulatory Manager moved the hogs out of the pens for a closer look and took 71 pictures. On post-mortem, IPP observed 51 carcasses with tattoo 0266. The source(s) of the marks are still under investigation. I informed Mr. REDACTED, Harvest General Foreman, that a MOI would be issued. The origins of all the marks observed in this MOI are currently under investigation. Not all the online CSI's record paddle marks, so some of the week ending totals may not be representative of the actual values. Respectfully submitted, REDACTED, DVM SPHV – 2nd shift JBS - Ottumwa

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	15-Jan-22	01/14/2022 Memorandum of Information-Implement Usage- Humane Handling After my anti-mortem inspection, in the livestock barns, I was walking towards the REDACTED to monitor the humane handling of the live hogs going into the REDACTED. At approximately 0430 hours in the west ally, just in front of the last drop-down automatic gate before the REDACTED, I observed an Establishment employee raise his rattle paddle several times over his head and strike down with great speed into a group of hogs in the confined area of the ally. I told an employee to call for a supervisor. He stated he had no radio. I requested he summon the maintenance supervisor, REDACTED, who was standing nearby. I told Mr. REDACTED to tell the employee using the rattle paddle to stop striking the hogs. Implements raised above the shoulder can be classified as excessive force and can cause excitement. I instructed Mr. REDACTED I was going to issue a Memorandum of Instruction (MOI) regarding the incident. Mr REDACTED walked over to the west REDACTED ally and talked to the employee. I did not observe any more usage of the paddle at that time. In the JBS Revised Animal Welfare program (revised 04/29-2021), it is stated, under Equipment, "REDACTED." In my opinion, the actions of the employee can be regarded as excessive, as he brought the paddle down with excessive force. Any use of such implements, which, in the opinion of the inspector, is excessive, is prohibited. I notified Plant Manager, REDACTED, I was going to issue a MOI based on my observations. Mr. REDACTED stated he would review video and investigate. Respectfully submitted REDACTED Consumer Safety Inspector-FSIS 1st Shift JBS-Ottumwa
M850+P17775+V850	Swift Pork Company	3-Mar-22	During 1st shift harvest on 1/17/22, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0677 (5); 0678; 0687 (2); 0688; 0689 (16); 0690 (3); 0696; 0697; 0698 (5); 3983 (4); 3984 (5); 3985 (7); 6360 (16); 6361 (5); 7560 (6); 7561 (5); 7562 (4); 7563 (19); 7564 (8) In total, 114 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs: HEM24071045231 (10/25/2021) HEM32141019221 (10/20/2021) HEM01071006201 (10/20/2021) HEM01081018191 (10/19/2021) HEM53091028071 (10/7/2021) HEM112131026071 (10/7/2021) HEM22051014081 (10/8/2021) HEM02091053071 (10/7/2021) HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	3-Mar-22	During 1st shift harvest on 1/18/22, online IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0738 (5); 0745; 0747 (3); 0748; 0755 (4); 0756 (4); 6377; 6380; 6381 (2); 6383; 6385 (3); 7590; 7593 (8); 7594 (18); 7599 (2); 7602 (4); 7603 (8); 7604 (10); 7605 (6); 7606 (5); 7607 (9); 7608 (3); 7611 (3); 7612 (2); 7614 (5); 7615 (8) In total, 118 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in the following MOIs: HEM24071045231 (10/25/2021) HEM32141019221 (10/20/2021) HEM01071006201 (10/20/2021) HEM01081018191 (10/19/2021) HEM53091028071 (10/7/2021) HEM12131026071 (10/7/2021) HEM22051014081 (10/8/2021) HEM02091053071 (10/7/2021) HEM11081047061 (10/6/2021) Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	25-Jan-22	On 01/20/2022, I, Dr. REDACTED, SPHV observed the following marks: a red Y shaped mark, consistent in shape with the tip of an electric prod, on the right ham of a hog in pen 19 during ante-mortem inspection (tattoo 6447). I informed Mr. REDACTED, Livestock Supervisor, who in turn contacted Ms. REDACTED, Regulatory Manager. Ms. REDACTED had the pen moved to slaughter after dinner break and was able to identify the carcass; multiple Y shaped marks on the backs of two carcasses during post-mortem inspection (tattoo 087X). Ms. REDACTED was already on the kill floor and had identified the carcasses; a red paddle mark on the back of two hogs during truck unloading (tattoo 0892). REDACTED, Livestock Manager, was informed. The hogs were put in pen 42 and Mr. REDACTED was able to take pictures. The Y shaped mark seen on antemortem was dark red and indicates it is more chronic. The marks observed during post-mortem had a light brown appearance indicating they were long-standing. The paddle marks seen at truck unloading were bright red indicating they were likely made by either the driver and/or the establishment employee. The ageing of marks as with any bruise starts out bright red at the onset, changing to dark red/purple then to brownish and eventually fading lighter to undetectable. The establishment is investigating each incident in accordance with the SOP for investigating paddle marks. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa
M850+P17775+V850	Swift Pork Company	2-Mar-22	During 1st shift harvest on 2/23/2022, I, Dr. REDACTED, while performed a 15 minute post mortem implement mark audits to observe carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 3923 (3); 3924; 3925 (2); 7746 (20); 7747 (10) In total, 36 animals were affected in the 15 minute period. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P177 75+V85O	Swift Pork Company	24-Feb-22	On 2/23/2022, at approximately 0853 hours, while observing HATS Category VI – Electric Prod/Alternative Object Use. I observed an establishment employee overusing his rattle paddle on a group of hogs as he was moving them from the pen to the REDACTED alleyway. As he was attempting to move hogs they were piling up in the corner of the pen while he was emptying the pen. He continued contacting the hogs with the rattle paddle and shaking the shaker can further increasing agitation and excitement. The hogs were vocalizing and piling on top of each other and further into the corner. I instructed this employee to stop, back off and let the hogs calm down. He stopped contacting the hogs and they slowly relaxed and exited the pen on their own. I then performed a post-mortem paddle mark audit at head inspection and found multiple paddle marks in a 15-minute time period. My findings were as follow: Tattoo number: 7746 – 20 7747 – 10 3924 -1 3925 – 2 3923- 3 This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Handling Tool Marks). I am also respectfully requesting producer information for the affected tattoos.
M85O+P177 75+V85O	Swift Pork Company	2-Mar-22	During 1st shift harvest on 2/24/2022, I, Dr. REDACTED, while performed three 15 minute post mortem implement mark audits to observe carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st Audit- 0608 am: 0786; 0797; 0802 (2); 0803 (5); 0803 (5 Y) 2nd Audit- 0845 am 7798 (6); 7801 (10) 3rd Audit- 1410 pm 0804 (3); 0805 (3); 0810; 0819 (9) In total, 46 animals were affected in the forty five minute period. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	2-Mar-22	During 1st shift harvest on 2/25/2022, I, Dr. REDACTED, while performed two 15 minute post mortem implement mark audits to observe carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st 0915 : 6309 (8); 6310 (9); 7343 (16) 2nd audit: 0867 (3); 0872 (4); 0873 (3); 3939 (4); 3940 (11) In total, 54 animals were affected in the thirty minute period. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	2-Mar-22	During 1st shift harvest on 2/28/2022 at approximately 1300 hrs, I, Dr. REDACTED, while performing a 15 minute post mortem implement mark audit observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0151 (4); 0152 (17); 0153 (3) In total, animals 24 were affected in the fifteen minute period. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	2-Mar-22	During 1st shift harvest on 3/1/2022 at approximately 0815 hrs, I, Dr. REDACTED, while performing a 15 minute post mortem implement mark audit observed carcasses with evidence of implement misuse (paddle marks and poker marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 6378 (5); 7932 (6); 7932 - poker marks; 7934; 7935 (8) In total, animals 21 were affected in the fifteen minute period. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	3-Mar-22	During 1st shift harvest on 3/2/2022, I, Dr. REDACTED, while performed three 15 minute post mortem implement mark audits to observe carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 0722 hrs : 0218; 0231 (2); 0232 (2); 6410 (2) 0934 hrs 3983 (4); 3984 (6); 3986; 7967 1300 hrs: 0250; 0255 (2); 0256 (12); 0257 (6); 0257 - poker In total, 41 animals were affected in the 45 minute period. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	4-Mar-22	During both shift of harvest on 3/3/22, offline IPP observed carcasses with evidence of implement misuse (paddle marks). Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: 0292 (3); 0293 (7); 0294 (6); 0298; 0301 (8) Second shift: 0322; 0324 (3); 0325 (6); 0328 (10); 0340 (31); 0341 (4); 0351 (32); No tattoo- 5 In total, on first shift 25 animals were affected. On second shift, 93 animals were affected. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information including names and addresses for the producers for the affected tattoos. Respectfully submitted, REDACTED, DVM

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P177 75+V85O	Swift Pork Company	8-Mar-22	On 3/4/2022, the following post mortem implement mark findings were made during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: 0361 (2); 0371 (10); 0372 (2); 0934 (1); 6459 (1); 6460 long y; 6460 (1); 6462 (2) Second shift: 6479 (4); 6480 (1); 7153 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	8-Mar-22	At approximately 0829, as I was headed to perform my inspection of suspect and disabled hogs (HAT Category V), I observed the following concern with HATS Category V and VI – Electric Prod/Alternative Object Use. There were three company employees trying to get a slow hog to exit the main drive alley towards the REDACTED. I tried climbing over a gate to see the situation better and had a hard time. When I looked back up and saw the same employees were continuing to attempt to remove the animal from the alley, I jumped over the gate. I saw one employee continue to contact the animal with the paddle as it was slowly trying to walk out of the alley. By the time I arrived the animal was outside the alley, and it was stressed, laying down and breathing heavily. It had some reddening of the skin, but I could not determine if there were paddle marks present as the hog was also marked with a bright pink line along the dorsal area. I went to the main office and notified Mr. REDACTED, Animal Welfare Manager, of my observations. I stressed the importance of driving the animals with a minimum of excitement and discomfort and the need to prevent the excessive use of driving implements on slow moving animals. This particular animal being a slow-moving animal should not have been continuously contacted with the paddle as he was already exiting the area at his own pace. Mr. REDACTED told me they would be reviewing the video.
M85O+P177 75+V85O	Swift Pork Company	9-Mar-22	On 3/8/2022, the following post mortem implement mark findings were made during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: 0463 (5); 0469 (2); 3923 (2); 3924 (1); 6515 (1); 6516 (1) Second shift: No Tattoo- (4); 6525 (2); 6526 (4); 6527 (3); 6528 (7); 7239 (7); 0504 (4); 0505 (2); 0518 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	11-Mar-22	On 3/9/2022, the following post mortem implement mark findings were made during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: Only one 15 minute audit was performed: 1220 (3); 1221 (2); 1222 (2) Second shift: 3 15 minute audits : 0563 (4); 0569 (1); 6549 (2); 6550 (4); 6553 (2); 6554 (17); 7274 (3) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	11-Mar-22	On 3/10/2022, the following post mortem implement mark findings were made during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: Only one 15 minute audit was performed: 0579 (3); 0580 (2); 0581 (5); 0584 (10); 0586 (3); 0589 (2); 0589 (y shape) Second shift: 0602 (5); 0603 (7); 0604 (2); 0606 (3); 0607 (5); 0609 (2); 0610 (12); 0611 (2); 0612 (5); 6576 (9); 6580 (3); 6581 (1); 6577 (8); 6582 (5); 7313 (2); 7316 (1); No tattoo- (13) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	12-Mar-22	On 3/11/2022, the following post mortem implement mark findings were made during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 7736 (4); 6603 (3); 6604 (10); 6604 - y mark; 6605 (2); 7360 (2); No Tattoo (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	14-Mar-22	On 3/12/2022, the following postmortem implement mark findings were made during random audits of carcasses on the harvest floor. Primarily paddle marks were observed except for a "Y" mark made by blunt contact from the end of an electric prod, and poker marks. Some of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail, sides, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0682 (1); 0678 (9); 0684 (1); 0679 (1); 7381 (11); non-readable (1); 7311 (2)-poker Please note a correction to MOI HEM19080335121 dated 3/12/2022: a "Y" mark was also observed on a carcass with tattoo 6606 observed on 2nd shift. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure for Investigating Paddle Marks). These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa

Excerpt of Livestock Humane Handling Inspection Task (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M85O+P17775+V85O	Swift Pork Company	17-Mar-22	From 3/14/2022 to 3/16/2022, the following antemortem and postmortem implement mark findings were made during offline random audits, incidental findings of carcasses on the harvest floor, and at livestock. Primarily paddle marks were observed, with the exception of two "Y" marks caused by blunt force trauma from the end of an electric prod onto the hog. Some of the marks displayed hemorrhage noticeable around the edges, ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail, sides, and hams. Total audit time for this date range was 57 minutes and total marks were 51. Tattoo numbers and affected hogs are as follows: First shift: 3/16 - 7416 (1). Second shift: 3/14 - 6642 (2); 3979 (3); non-readable (1); 6647 (3); no tattoo observed (1) 6643 (1); 0733 (2); 0732 (2); incidental findings on disposition carcasses: 0728 (1); 7412 (1). 3/15 - non-readable (2); 0672 (1); 0673 (1); 0764 (2); 0777 (9); 0786 (3); 0787 (1); no tattoo observed (1). 3/16 - short "Y" mark on dorsal neck of hog observed during antemortem inspection of pen 35. The tattoo # was 0833 and the color of the mark was tomato red with well-defined margins. A long "Y" on the dorsal neck of carcass with tattoo # 6698 observed on postmortem as an incidental finding; this mark was purple to deep red. 3/16 - 0832 (3); 0833 (7); 0831 (1). This MOI serves as a notice to the establishment so they can start their investigation as per the establishments SOP (Standard Operating Procedure for Investigating Paddle Marks). These issues have been previously documented in multiple MOI's presented to the establishment by in-plant personnel. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa
M85O+P17775+V85O	Swift Pork Company	19-Mar-22	On 3/18/2022, the following postmortem implement (paddle) mark findings were made during offline random audits on the harvest floor. Some of the marks displayed hemorrhage noticeable around the edges, ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail, sides, and hams. Total audit time was 18 minutes; total marks were 23. Tattoo numbers and affected hogs are as follows: Second shift: 01X2 (1); 01X3 (19); 67X2 (1); 6743 (1); 6744 (1). This MOI serves as a notice to the establishment so they can start their investigation as per the establishments SOP (Standard Operating Procedure for Investigating Paddle Marks). These issues have been previously documented in multiple MOI's presented to the establishment by in-plant personnel. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa
M85O+P17775+V85O	Swift Pork Company	18-Mar-22	On 3/18/2022, the following pieces of hardware were observed in one holding pen, a drive alley and two segregation pens: rocks, two screws, and a protruding bolt embedded in the concrete. I showed/informed Mr. REDACTED, Livestock Supervisor the hardware and that a MOI would be issued, including a summary of hardware findings since 11/23/2021. I discussed with Mr. REDACTED that the bolt was left over from when maintenance had removed the old concrete water trough, and that this was my third finding. The two previous findings were discussed at the establishment weekly meeting on 3/16/2022. Mr. REDACTED had the bolt removed before any more animals were put in it and advised me that after shift, he would check every pen for protruding bolts, and forward this information to Mr. REDACTED, Animal Welfare Manager. In summary, hardware pieces observed between 11/23/2021 and 11/30/2021 were documented on HHMOI HEM35011215021. Additional hardware observed between 2/26/2022 and 3/17/2022, inadvertently not discussed at the 3/16/2022 weekly meeting were as follows: metal strips, sheet metal, a screw, and pieces of a metal valve handle, found in three segregation pens. All hardware was on the flooring of all the pens. Some of the holding pens were empty because the hogs had already been moved to slaughter, and some of the segregation pens had hogs in them. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa
M85O+P17775+V85O	Swift Pork Company	23-Mar-22	On 3/21/2022, the following postmortem implement (paddle) mark findings were made during offline random audits on the harvest floor. Some of the marks displayed hemorrhage noticeable around the edges, ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail, sides, and hams. Total audit time was 10 minutes; total marks were 23. Tattoo numbers and affected hogs are as follows: Second shift: 0213 (2); 0207 (1); no tattoo observed (1); 6X69 (18); 7X70 (1). This MOI serves as a notice to the establishment so they can start their investigation as per the establishments SOP (Standard Operating Procedure for Investigating Paddle Marks). Photographs were taken. These issues have been previously documented in multiple MOI's presented to the establishment by in-plant personnel. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa
M85O+P17775+V85O	Swift Pork Company	23-Mar-22	On 3/22/2022, the following postmortem implement (paddle) mark findings were observed during offline random audits on the harvest floor. Some of the marks displayed hemorrhage noticeable around the edges, ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail, sides, and hams. Total audit time was 7 minutes; total marks were 25. Tattoo numbers and affected hogs are as follows: Second shift: 0264 (3); 0263 (17); no tattoo observed (1); 026X (1); 0261 (3). This MOI serves as a notice to the establishment so they can start their investigation as per the establishments SOP (Standard Operating Procedure for Investigating Paddle Marks). These issues have been previously documented in multiple MOI's presented to the establishment by in-plant personnel. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa
M85O+P17775+V85O	Swift Pork Company	23-Mar-22	On 3/22/2022, the following pieces of hardware were observed: while performing antemortem inspection of pen 22, Mr. REDACTED Livestock Supervisor was in the pen presenting some of the hogs in motion. As the hogs were moving about the pen, I noticed a screw on the flooring. While verifying available water in holding pen 35, I noticed two bolts protruding from the flooring, each about 1/4". The embedded bolts were left over from when maintenance had removed the old concrete water trough. I also noticed a fresh puddle of blood close to the bolts. Further inspection of the pen showed several more splotches of blood on the dividing wall near the exit gate and another small puddle near the exit gate. I showed Mr. REDACTED the bolts and blood. Mr. REDACTED put the pen on hold. Pen 35 was filled with hogs earlier in the shift. I informed Mr. REDACTED that I would be issuing a MOI. Mr. REDACTED advised me that he would have Livestock employees check each pen for bolts during their available water check verifications. Other bolt findings in holding pens occurred on 3/14, 3/15, and 3/18/2022, and were referenced in HH MOIHEM142003266181 dated 3/18/2022. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa
M85O+P17775+V85O	Swift Pork Company	24-Mar-22	On 3/23/2022, the following post mortem implement mark findings were made during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: 0262 (15); 0263 (3); 0266 (5); 0267 (7); 0268 (5); 0269 (12); 7626 (2) Second shift: 0310 (poker); 0313 (4); 0319 (2); 6812 (1); 7639 (1); 7642 (3); No tattoo- (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M3W+V3W	Swift Pork Company	25-Mar-22	<p>On March 24, 2022, at approximately 2351 hours while walking past stick heading East towards the recovery area, I observed a hog slowly walking into the recovery area with an establishment employee lifting a rattle paddle above his head and striking down on a "slow" hog twice. The paddle struck the lower back of the hog. The hog was observed to quicken its pace into the recovery area. I immediately notified Supervisor Mr. REDACTED of my observations and pointed out the employee who I had seen performing the actions described above. Mr. REDACTED removed the employee from the area at that time.</p> <p>Slaughter Floor Superintendent Mr. REDACTED informed me that after reviewing the cameras that it was observed that the employee kept his arm down but that the rattle paddle was above the head. There was a similar incident with a rattle paddle being lifted above employee's head and striking down upon a group of swine on 12-10-21.</p>
M85O+P177 75+V85O	Swift Pork Company	25-Mar-22	<p>On 3/24/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: 3950 (5); Second shift: 0223 (1); 0354 (2); 0366 (4); 0367 (1); 6832 (1); 7679 (7); 7680 (5); 7684 (7); Not readable- (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM</p>
M85O+P177 75+V85O	Swift Pork Company	28-Mar-22	<p>On 3/25/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 6856 (5); 6858 (25); 6859 (30); 6861 (8); 6862 (37); 6863 (43); 6864 (16); 6865 (1); 6866 (2); 7173 - poker marks; 7713 (15); 7716 (20); NR (10); NT (5) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM</p>
M3W+V3W	Swift Pork Company	29-Mar-22	<p>On May 28, 2022, at approximately 2315 hours while performing head inspection, I observed a hog with two dark pink distinct rattle paddle bruising marks across the nape of the hog. The bruising was so sharp that the bolt holding the paddle together could be distinguished among the contours of the paddle. The hog was railed out for photos by the establishment and SPHV Dr. REDACTED notified Kill Floor Superintendent REDACTED. Mr. REDACTED photographed the bruising. Mr. REDACTED said he would forward photos to the yards superintendent, Mr. REDACTED.</p>
M85O+P177 75+V85O	Swift Pork Company	30-Mar-22	<p>On 3/28/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift : 6876 (5); 6878 (12); 7733 (2); 7734 (1); 7738 (1); 7744 (1); NR (3); NT (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM</p>
M85O+P177 75+V85O	Swift Pork Company	30-Mar-22	<p>On 3/29/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift : 0529 (1); 6102 (1); 6896 (1); 6897 (13); 7769 (1); 7781 (3); 7782 (3); 7785 (3); NR (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM</p>
M85O+P177 75+V85O	Swift Pork Company	31-Mar-22	<p>On 3/30/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift : 0583 (3); 0593 (2); 0602 (2); 0603 (8); 0605 (1); 3901 (15); 6113 (5); 6123 (1); 7804 (9); 7820 (3); NR (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM</p>
M85O+P177 75+V85O	Swift Pork Company	4-Apr-22	<p>On 3/31/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift : 0637 (4); 0654 (1); 0655 (5); 0656 (6); 0661 (9); 0662 (6); 3915 (1); 6141 (22); 6142 (5) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM</p>

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Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P177 75+V85O	Swift Pork Company	4-Apr-22	On 4/1/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift : 0695 (1); 0696 (1); 0697 (6); 0705 (5); 0706 (4); 0711 (1); 0712 - Poker; 0712 (8); 0714 (3); 0715 (3); 6163 (1); 6167 (1); 7882 (5); 7883 (2); 7887 (1); NT (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	5-Apr-22	On 4/4/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: 3928 (2); 3929 (2); 6169 (15); 7891 (1); 0736 (2) Second shift : 0767 (3); 0767 - short Y; 0768 (2); 3944 (11); 6191 (12); 6192 (3); 7907 (2); 7914 (7); NTO (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	6-Apr-22	On 4/5/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift : 0817 Poker- (2); 0829- Poker; 7946 (1); 7946 - poker This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	8-Apr-22	On 4/6/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0863 (1); 0864 - poker (1); 0864- Y short (2); 0864 (7); 0869 (2); 0870 (2); 0871 (1); 0878 (2); 0881 (7); 3958 (1); 6228 (8); NT (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	8-Apr-22	On 4/7/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: 3961 (2); 3962 (19); 3963 (12); 7994 (10) The audit for first shift was performed after having observed excessive paddle usage at approximately 0930 while I was performing my HATS category for implement usage. Second shift: 0116 (1); 0122 (3); 0124 (3); 0127 (5); 0128 (34); 0129 (13); 7110 (3); 7111 (7); 7112 (1); NR (3) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	11-Apr-22	On 4/8/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: 0125 (2); 0131 (30); 0137 - Y long prodded; 3974 (9); 3976 (2); 7116 (2); Second shift: 0165 (3); 0171 (1); 0176 (2); 0177- Poker; 0177 (1); 0181 (4); 0182 (18); 0183 (4); 0184 (6); 0185 (2); 6287 (1); NR (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

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Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	9-Apr-22	On 4/8/2022 at 2330 hours, I spoke with Mr. REDACTED, Stick Supervisor, about my concerns with putting the slow/fatigued hogs from the REDACTED drive alleys in the holding pens on either side of the REDACTED drive alleys, because of several items in the holding pens that could pose an injury to the hogs. Mr. REDACTED asked me what the items were, and I told him there were barrel fans, electric cords, drop hoses, exposed opening of a floor drain cover, fire extinguisher, bug zapper, industrial space heater that was in use, floor grates, electric outlets, maintenance portable tool storage unit, exposed wires on the sides on the exterior framework of the southwest REDACTED mechanical arm unit, and the swing gates for personnel egress in/out of the pens, did not have any way to keep them shut, e.g., latches. Both holding pens have nipple waterers in place. At the time of this MOI, hogs were present in both holding pens, and no injuries were observed. I informed Mr. REDACTED that a MOI would be issued. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS Ottumwa
M850+P17775+V850	Swift Pork Company	12-Apr-22	On 4/11/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0220 (1); 0221 (6); 0222 (11); 0228 (2); 0229 (5); 0230 (3); 6316 (10 strikes); 6317 (15); 6318 (22); 7167; 7070 (2); 7171 (11); 7171 (poker); 7173 (12); NT (3) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	13-Apr-22	On 4/12/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: 3905 (4); 3906 (12); 3907 (5); 6322 (2); 7175 (1) Second shift : 0260 (3); 0261 (1); 0261 – poker; 0265 – poker; 0266 (1); 0279 (1); 0281 – poker; 0289- (1); 0289 – poker; 0292 (12); 0293 (18); 6335 (8); 6336 (10); 6337 (13); 6338 (6); 6340 (7); 7196 (1); 7198 (1); 7199 (19); NTO- 3 This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M3W+V3W	Swift Pork Company	13-Apr-22	<p>Approximately 2020 on the slaughter floor, I observed a carcass which had been retained by a viscera inspector for veterinary disposition. The viscera of the hog had pathology of a stressed hog. The back mid loin area had a dark brown hot shot impression which included the prong and approximately 12 inches of the stick extension.</p> <p>The tattoos on the carcass were 168 and 9873. This was a "slow" hog. Pictures were sent to the yards by an establishment employee.</p> <p>(MOI updated 04/15/2022 for completeness.)</p> <p>At 2215 on 04/13/2022 I met with night shift procurement supervisor Mr. REDACTED. I told him that the hog was a slow, as identified by a second tattoo on the carcass.</p> <p>The hot shot mark on the hog appeared to be from a different style implement than that used by the establishment.</p> <p>Mr. REDACTED followed up by checking the video of the truck which brought the hog being unloaded. Mr. REDACTED identified the truck driver and the originating farm site based on records.</p>
M850+P17775+V850	Swift Pork Company	14-Apr-22	On 4/13/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: 6435 (3); 6341 (2); 6346 (1); 7205 (4) Second shift: 0323 (4); 0340 (2); 0341 (1); 0345 (1); 6360 (1); 7224 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

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M85O+P177 75+V85O	Swift Pork Company	15-Apr-22	On 4/14/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 7253 (3); 7254 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	19-Apr-22	On 4/15/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift: 3951 (7); 6375 (1); 7260 (1) Second shift: 0453 (1); 0454 (1); 0467 (2); 0468 (7); 6395 (2); 6396 (7); 7278 (2); 7284 (4); NR (3) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	19-Apr-22	On 4/18/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0513 (2); 0518 (16); 0519 (3); 0522 (4); 1210 (1); NR (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	20-Apr-22	On 4/19/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0556 (7); 0557 (2); 0562 (9); 0574 (15); 0576 (6); NR (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	29-Apr-22	On 4/20/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0630 (2); 0639 (1); 0640 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	29-Apr-22	On 4/21/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 3920 (1); 6487 (3); 7407 (7); No Tattoo- (1); Tattoo Not Readable (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	29-Apr-22	On 4/22/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: 3924 (2); 3927 (2); 3928 (1); 7408 (8) Second shift: 0758 (20); 0760 (1); 6507 (1); NR (3); NT (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	29-Apr-22	On 4/25/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0801 (2); 0796 (poker); 6524 (4); 7459 (3) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	29-Apr-22	On 4/26/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0859 (3); 0883 (14); 0873 (1); 0874 (2); 0881 (1); 0882 (3); 0884 (4) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

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Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P17775+V85O	Swift Pork Company	28-Apr-22	On 4/27/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0129 (6); 0130 (14); 0131 (3); 0133 (1); 5536 (29) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	2-May-22	On 4/28/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: 0185 (13); 0186 (1); 0189 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	2-May-22	On 4/29/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift: poker- 1236; Paddle marks- 0232 (1); 0233 (22); 0234 (1); 0235 (2); 0236 (10); 0237 (4); 6597 (3); 6598 (11); 6599 (8); 7493 (13); 7494 (6); 7593 (6); 7596 (2); NT (2); NR (5) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	3-May-22	On 5/2/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- one audit of 15 minutes was performed, during which time the following carcasses were affected: 3913 (5); 6605 (7); 6605- poker; 7606 (2); 7608 (1); 7609 (3) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	6-May-22	On 5/3/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- two audits of 15 minutes were performed, during which time the following carcasses were affected: 7621 (3); 7622 (2); 7624 (1); 7626 (7); 7634 (1); 7637 (10); 7637 poker (2); 7638 (5) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	6-May-22	On 5/5/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- two audits of 15 minutes were performed, during which time the following carcasses were affected: 0425 (6); 0427 (5); 0428 (2); 3959 (5); 6664 (16); 6672 (1); 6673 (7); 6674 (9); 6675 (4); 7684 (3) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	9-May-22	On 5/6/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- one audit of 15 minutes were performed, during which time the following carcasses were affected: 6696 (1); 6697 (2); 7702 (6); 7703 (1); 7704 (1); 7792 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	11-May-22	On 5/9/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- one audit of 15 minutes were performed, during which time the following carcasses were affected: 6724 (5); 6725 (16); 6729 (2); 7729 (5); 7730 (1); 7731 (5) Second shift- 1216 (1); 5538 (3); 6748 Poker This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	11-May-22	On 5/10/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- one audit of 15 minutes were performed, during which time the following carcasses were affected: 0576 (2); 0577 (1); 0582 (5); 0585 (1); 7767 (2) Second shift- 0634 (1); 3901 (2); 6767 (2); 6767 (y mark x 2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

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Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P177 75+V850	Swift Pork Company	19-May-22	On 5/16/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- one audit of 15 minutes was performed, during which time the following carcasses were affected: 0804 (7); 0804-poker; 0805 (2); 0806 (1) Second shift- 2 audits performed: 6841 (8); 6842 (2); 6843 (16); 7895 (3); 7896 (2); NTO (3) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	19-May-22	On 5/17/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- one audit of 15 minutes was performed, during which time the following carcasses were affected: 3966 (8); 3 (or 7) 897 (4); 6846 (4) Second shift- 1 audit performed: 0111 (12); 0115 (1); 0119 (10); 0124 (26); 0125 (35); 0126 (16); NT (4); NR (4) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	19-May-22	On 5/18/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second shift- 1 audit performed: 6876 - (3); 6877 (1); 6878 (6); 6880 (1); 7939 (1); NR (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	25-May-22	On 5/19/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- one audit of 15 minutes was performed, during which time the following carcasses were affected: 3907 (4); 3910 (3); 7947 (2) Second shift- 1 audit performed: 0251 (7); 0258 (1); 0259 (5); 0263 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	25-May-22	On 5/23/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift- two audits of 15 minutes was performed, during which time the following carcasses were affected: 0348 (5); 0349 (2); 3928 (6); 7989 (6); 7990 (6); 7990 (poker mark) Second shift- 0385 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	3-Jun-22	On 5/24/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: 0397 (9); 0407 (3); 6134 (5); 6141 (9) Second Shift: 7114 (11); 7115 (poker); 7115 (1); 7121 (1); 0416 (1); 0417 (3); 0421 (2); 0422 (1); 0423 (1); 0425 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	3-Jun-22	On 5/25/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: 3951 (6); 3952 (2); 3955 (4) Second Shift: 0499 (6); 5541 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+P17775+V850	Swift Pork Company	15-Jun-22	On 5/26/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: 3972 (2); 3975 (3); 3976 (1); 6178 (3); 7157 (1); 7162 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	15-Jun-22	On 5/27/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: 0593 (8); 0602 (1); 0602 -poker; 0603 - (2); 0607 (3); 0612 (3); 7200 (4); This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	2-Jun-22	On 6/1/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: 0734 (5); 0745 (4); 0748 (1); 0749 (1); 0750 (2); 0752 (32); 0754 (22); 0755 (12); 7256 (2); NR (2); NT (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	2-Jun-22	On 5/31/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: 0626 (6); 0627 - 2 Poker; Second Shift: 0675 (1); 0680 (2); 7215 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	3-Jun-22	On 6/2/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: 0802 (1); 0804 (2); 0805 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	7-Jun-22	On 6/3/2022, the following postmortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: 0881 (25); 0884 (39); nonreadable (1); 1240 (26); 6260 (4); 6260 (poker marks 1); 0879 (9); 0880 (16); no tattoo observed (1); 0877 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure for Investigating Paddle Marks). I am also respectfully requesting producer information for the affected hogs. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	9-Jun-22	On 6/8/2022, the following postmortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: 6313 (8); 0269 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure for Investigating Paddle Marks). I am also respectfully requesting producer information for the affected hogs. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P17775+V850	Swift Pork Company	14-Jun-22	On 6/9,10/2022, the following postmortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 6/9: Second Shift: 0328 (2); XX43 (4) 6/10: Second Shift: 1203 (seen on hog during antemortem inspection); 120X (1); 1203 (2); 0378 (13); 0379 (2); 0387 (1); 0392 (1); 0391 (4); 0391 (1 with electric prod indentation - "Y shaped"). This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure for Investigating Paddle Marks). I am also respectfully requesting producer information for the affected hogs. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

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Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P177 75+V85O	Swift Pork Company	16-Jun-22	On 6/13/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: One audit performed- 0440 (1); 0441 (1); 6361 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	16-Jun-22	On 6/14/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: 0484 (1); 0498 (2); 6374 (3); 6376 (1); 6377 (1); 6377 (poker); 7502 (7); 7504 (1); NT - (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	16-Jun-22	On 6/15/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: one audit performed: 7525 – poker; 7553 (1); 7553 – paddle side; 5544 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	21-Jun-22	On 6/17/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: two audits performed: 0737 (2); 0737 – poker; 0739 (1); 6429 (3); 7609 (poker); 7613 (15); 7615 (4) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	24-Jun-22	On 06/23/2022 at approximately 2130 hours, I observed one of the REDACTED drive employees swing the gate that separates the REDACTED alley drive towards the center alley drive. The gate is swung open so the center alley drive employees can drive the next group of hogs to the REDACTED alleys. As the gate was in motion, it contacted one of the hogs that did not go with the previous group. The hog vocalized and jolted forwards away from the gate with no apparent injuries. I informed Mr. REDACTED, FSQA Hot Side Supervisor, who was standing beside me, of what had just transpired and that a HHMOI would be issued. Mr. REDACTED advised he would check the cameras to identify the employee and take them to HR. The employee was coached via a translator to be more aware of where hogs are before closing the gate. On 06/24, at approximately 2105 hours, I observed the same employee push the same gate into a hog standing in the same area as the hog cited on 06/23, albeit not very hard. I informed Mr. REDACTED, Stick Supervisor of the incident, and Mr. REDACTED advised he would get a different translator to talk with the employee to ensure he understood handling hogs in this manner was unacceptable. Mr. REDACTED followed up with me shortly and informed me the second translator determined the employee had some misconceptions of his job task but now fully understands his expectations of continual awareness of ensuring hogs are out of the way when closing gates. On 06/27 at 1615 hours, Mr. REDACTED advised me that Mr. REDACTED, Harvest General Foreman had moved the employee to the harvest department. At 1630 hours, I asked Mr. REDACTED, Livestock Supervisor, to review the Establishment's Humane Handling Corrective Actions (HHCA) document for the two incidents, and to review the employee's training records. At 1930 hours, Mr. REDACTED advised me the HHCA documents were lost so a new one was made. The new HHCA documented only a coaching to the employee but no mention of a translator, and the preventative measures section was blank. I shared my concerns with Mr. REDACTED, and he advised he would get with Mr. REDACTED, Animal Welfare Manager. At 2230 hours, Mr. REDACTED came to the government office to discuss all that had transpired. I advised Mr. REDACTED of my concerns with the inaccuracies found in the employees training record, and we discussed that the completeness of all the establishments training records is imperative before an employee is released for duty. Mr. REDACTED stressed his total commitment to the establishments Animal Welfare Program and that he would ensure all aspects of training are verified pre-duty. On 06/28, I asked Mr. REDACTED to review the HHCA documents and he advised that Mr. REDACTED would have them tomorrow. On 06/29, I reviewed the HHCA document which stated the employee was verbally coached by management via a translator from a coworker on 06/23, was coached again on 06/24 and documented on a HHCA form, and that since the employee did not understand the coworker's translation it was decided to move the employee to the Harvest department until successfully completing all animal welfare training. Respectfully submitted, REDACTED, DVM SPHV, 2nd shift JBS Ottumwa
M85O+P177 75+V85O	Swift Pork Company	8-Jul-22	On 07/05/2022, Mr. REDACTED, Harvest General Foreman, informed me that online CSI REDACTED needed to speak with me at head inspection. On my way, Mr. REDACTED, FSQA Hot Side Supervisor advised me that CSI REDACTED had observed three carcasses with multiple implement marks made from an electric prod tip. Mr. REDACTED showed me pictures on his phone of all three carcasses. One of the carcasses had seven marks spanning both sides of the back. I went to head inspection and CSI REDACTED advised that she deemed it necessary to communicate her observations with me at once. Marks of this nature are caused by blunt force trauma from the tip ("Y") part of a handheld electric prod. All three carcasses had tattoo # 0490. The following postmortem paddle marks were observed during a random audit of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back from shoulder to loin. Tattoo numbers and affected hogs are as follows: 07/08: Second Shift: 6609 (5); 0674 (1); 0679 (3); 0677 (2); 0671 (2); 71X0 (2). This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure for Investigating Paddle Marks). I am also respectfully requesting producer information for the affected hogs. I informed Mr. REDACTED an MOI would be issued. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P17775+V85O	Swift Pork Company	25-Jul-22	On 7/21/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: one audit performed: 0367 (4); 0368 2 (poker); 0368 (7); 0369 (5); 0371 (25); 0372 (8); 0374 (1); 0375 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	22-Jul-22	On 07/21/2022 at approximately 2230 hours, while passing through the northwest side of the REDACTED alley subject pen, I observed a hog in the center REDACTED subject pen, in a sitting position, body shaking, and panting. I observed two paddle marks across the lower back. One mark was approximately 6" x 5" encompassing the top part of the paddle. The distinct prefabricated grooves of the paddle were outlined in bright red. The other mark was approximately 2" x 1" with bright red borders and a red dot in the middle. This mark encompassed the top middle rectangular grooved area near the tip of the paddle with the hallmark circular spot in the middle of the rectangle made from the rivet. I showed the marks to Mr. REDACTED, Stick Supervisor, informed him a Humane Handling MOI would be issued, and that the marks were fresh. Mr. REDACTED took pictures and forwarded them to Mr. REDACTED, Animal Welfare Manager so the establishment can start their investigation as per the establishments SOP (Standard Operating Procedure for investigating Paddle marks). The hog had tattoo # 6741. The hog had been segregated to the center alley pen from one of the adjacent REDACTED drive alleys for stress/fatigue. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	25-Jul-22	On 7/22/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First Shift: one audit performed: 6745 poker; 6746 (6); 6748 (1); 6749 (1); 6749 - Y shape; 7453 (2); 7454 (4); 7455 (5) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	2-Aug-22	On 8/1/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: one five minute audit performed: 6868 poker; 6869 (11); 7670 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	2-Aug-22	On 08/02/2022, at approximately 1900 hours, I was standing outside the east side of a trailer, at truck unloading dock #3, close to where the hogs go up the incline ramp from the lower deck. As I was observing the livestock hauler unloading hogs using his rattle paddle to move them up the incline ramp, some of the hogs went up the ramp and others circled back around the hauler. I observed one of the hogs that balked at the ramp, turn and rustle towards me stopping abruptly at a DOA blocking its forward movement. The DOA was upside down against the side of the trailer. The hog then stumbled over the DOA before darting away towards the front of the trailer. As the hauler continued to use his rattle paddle on the hogs at the incline ramp, two hogs in the mix stumbled over the DOA before darting back towards the incline ramp. As the hauler walked away from the incline ramp towards the front of the trailer, I went inside dock #3 and communicated with the establishment employee at the tattoo stand of the issue and that the hauler needed to stop unloading hogs because of the DOA. The tattoo employee hollered at the hauler to stop and then motioned to the establishment employee in charge of dock monitoring who was over by dock #1 to come over and assist. The dock monitor walked down the ramp and stood in front of the DOA, and then the hauler resumed unloading the rest of the hogs. I asked the dock monitor to radio for Mr. REDACTED, Livestock Supervisor. Mr. REDACTED arrived shortly thereafter with Mr. REDACTED, FSQA Hot Side Supervisor, and I explained what had transpired. I advised Mr. REDACTED that even though technically there were no slips or falls, this was still a humane handling related concern, and the hauler was not following the establishments posted instructions to notify staff immediately when there is a dead hog(s) on the trailer. I informed Mr. REDACTED that a MOI would be issued. JBS Swine Well-Being Requirements handbook for Transporters Unloading states: • REDACTED Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	5-Aug-22	On 8/3/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: 6107 (1); 0794 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	5-Aug-22	On 8/4/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: 0840 (1); 0843 (1); 0844 (1); 6125 (5); 6129 (u mark); 7783 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P17775+V85O	Swift Pork Company	12-Aug-22	While performing a livestock human handling task, I performed the HATS task of truck unloading. I observed the truck driver and an establishment employee on the top level of a semi trailer driving the hogs towards the unloading ramp. The employee had a paddle in his hand and a cattle prod in his other hand. I observed him striking downward towards the hogs with his paddle. I observed the paddle was not laying flat as it was rotated so the edge of the paddle was the first point of contact. Rattle paddles are to be used as a noise implement with minimal contact. I notified livestock supervisor REDACTED regarding proper usage of the rattle paddle. Mr. REDACTED stated the paddles made more noise when used on the edge. I informed Mr. REDACTED the paddles are to make minimal contact and an edge may cause produce bruising at the point of contact. Mr. REDACTED informed me he would talk to the livestock employees regarding driving implement usage. Respectfully submitted, REDACTED Consumer Safety Inspector USDA-FSIS JBS Swift 600 South Iowa Avenue Ottumwa, Iowa 52501

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P177 75+V85O	Swift Pork Company	9-Aug-22	On 8/8/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: Second Shift: 6177 (2), 0128 (2); 3940 (poker) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	10-Aug-22	On 8/9/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st shift- 6184 (1) 2nd shift- 0174 (3); 0175 (3) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	12-Aug-22	On 8/10/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 2nd shift- 0226 (7) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	10-Aug-22	On 08/09/2022, while I was performing the HATS task, Check for Conscious Animals on the Rail, I observed a hog shackled on the bleed chain stiffen its neck, draw its chin down and take what appeared to be an agonal breath. The hog exhibited the same reflex 2 more times as I quickly walked down to line to its position on the bleed chain. I placed my fingertip onto the left corner of the left eye and the hog blinked again. I repeated the step and the hog blinked again. I quickly walked to a red emergency stop button located on the north wall of the bleed chain room. I pressed the e-stop button and the line kept moving. I tried pulling the e-stop button out and the line continued to move. I checked the blink response on the hog again and it blinked with palpebral pressure applied and then blinked on its own without stimuli. I quickly walked to the stick station and yelled to the stick technician, "Turn the line off! Bring the gun!" I quickly located the hog as it was still exhibiting the agonal breathing. The stick technician delivered a stunning charge between the ears, high onto the hogs skull. The location of the captive bolt discharge was observed to be approximately 5 centimeters above the desired location for a successful stunning blow. I checked the eyes for sensitivity and blink reflex and observed none and the agonal breathing had ceased. As I told the stun technician to, "Call for a supervisor." He did not acknowledge my request, so I walked up the stairs to the REDACTED and located an establishment employee with a radio. I told him to, "Call for a supervisor! Get me one right away!" As I turned around to go back down the stairs, I observed the bleed chain was running again. I told the stun technician, "Stop the line and leave it off". Livestock Supervisor, REDACTED, responded, along with Harvest General Foreman, REDACTED and Dr. REDACTED. Dr. REDACTED requested a second stunning blow. After which the line was turned back on. There is concern for the lack of properly labeled emergency stops along the bleed chain. There is only one e-stop located at the start of the bleed chain and this chain travels through 2 separate rooms. There is concern regarding the improperly applied stunning blow. Respectfully submitted, REDACTED USDA-FSIS Consumer Safety Inspector JBS Swift M85-O 600 South Iowa Avenue Ottumwa, Iowa 52501
M85O+P177 75+V85O	Swift Pork Company	12-Aug-22	On 8/11/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st Shift- 3960 (5); 7899 (1); 7901 (10); 7902 (3); 7903 (5); 7903 (poker) 2nd shift- 6243 (4); 6246 (3); 6250 (10); 7294 (1); 7921 (4) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	11-Aug-22	On 8-11-22 @ approximately 4:10 a.m. while performing ante-mortem inspection, in pen 19 about 3 feet into the pen, I observed a hog actively chewing and then proceeded to spit out a metal bolt. I showed REDACTED the bolt and he entered the pen to retrieve it. Metal hardware could be potentially injurious to the hogs health and similar findings have been observed by Dr. REDACTED on multiple occasions as documented in numerous M.O.I.s
M85O+P177 75+V85O	Swift Pork Company	15-Aug-22	On 8/12/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st Shift- 2 audits - 3971 (12); 6253 (9); 6255 (1); 6257 (3); 6258 (2); 7925 (4); 7932 (1); 7933 (6) 2nd shift- one audit- 0298 (2); 0312 (1 poker); 0316 (1); 6267 (2); 7493 (1); 7944 (3); 7945 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	17-Aug-22	On 8/12/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st Shift- 0371 (1); 0372 (1); 0377 (1); 0378 (9); 0379 (13); 0380 (1); 0381 (12); 0382 (4); 0386 (5); 0386 (1 poker); 0387 (5); 6296 (2); 6297 (15); 6298 (15); 6301 (10) Pictures were obtained of affected hogs at 3:19PM - affected hogs- 7969 (REDACTED); 7970 (REDACTED) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M85O+P177 75+V85O	Swift Pork Company	19-Aug-22	On 8/17/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st shift- 0420 (1); 0423 (3); 1276 (2); 1277 (5); 1278 (3); 1279 (5); 1280 (4); 1281 (4); 1282 (4); 6318 (2); Pictures REDACTED and REDACTED 0420 (1); 1275 (2); 1276 (2); 1281 (1); 1282 (2) 2nd Shift- 8 - 10 min audit- 0455 (3); 1287; 6344 This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P177 75+V850	Swift Pork Company	20-Aug-22	On 8/18/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st Shift- 0822 am- pressed button 3 times no one came- 3930 (9); 6345 (1); 6346 (7); 6347 (1); 6350 (4) 2nd Shift- 0486 (1); 0487 (2 Y marks); 3946 (3); 6366 (1); 6376 (3); 7124 (2); 7124 (deep purple marks on hams x 3); 7126 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	20-Aug-22	On 8/19/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st Shift - 0630am- There was not enough staffing for pictures 0503 (1 towards neck- picture); 0503 (2); 0504 (picture); 0505 (1); 0506 (3); 0506 (y shape); 0507 (1); 0508 (6); 0509 (9); 0509 (picture - hit 4 times); 0511 (1) 2nd Shift - 0547 (5); 0548 (1); 0549 (1); 0552 (9); 0552 (Y shape); 0553 (9); 0554 (5); 1236 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	23-Aug-22	On 8/22/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st Shift 1 audit- 0815 am : 6414 (3, 1 picture); 7141 (1); 7145 (4); 7146 (2) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	25-Aug-22	On 8/23/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 1st Shift- I was summoned at 0830 by the online CSI to perform an implement audit. 3966 (5); 6442 (6); 7164 (1); 7166 (5) 2nd shift- NT- (1); 0630 (4); 3984 (8); 3985 (1); 6464 (poker) The establishment's states that REDACTED Today, CSI REDACTED noticed multiple implement marks on carcasses (14) and she utilized the buzzer to call the QA manager as per the SOP and received no response. She rang the buzzer 5 separate times starting at 1228 through 1327 and no one responded. This issue will be addressed with Harvest Floor Superintendent REDACTED. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	26-Aug-22	On 8/24/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 2nd Shift- 6495 (3); 6497 (7) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM
M850+P177 75+V850	Swift Pork Company	26-Aug-22	On 8/25/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: 2nd Shift : 0732 (1); 0737 (2); 1202 (poker); 1203 (poker); 1205 (poker)- Buzzer twice - no show gave numbers to REDACTED; 3913 (2- 1A pics); 3913 (1); 6250 (poker- AM); 6520 (4); 6527 (1); 7211 (1) This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	29-Aug-22	<p>On 8/26/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows: First shift One audit performed at 0930 am: 3920 (2- ham area); 3921 (2) (2 with pictures REDACTED); 3922 (2 – pictures REDACTED) Second shift- 0775 (1) – rang buzzer- no show; 0784 (5); rang buzzer REDACTED came over and advised REDACTED would come over and she did. 0784 (poker); 0783 (poker) 0806 (1) REDACTED; 0804 (1); 0803 (1 poker); (4 Paddle Marks) rang buzzer twice. 0795 (6); 0794 (poker); REDACTED took pictures at Final Rail 0807 (poker); 0810 (2); 0810 (poker) – Rang buzzer twice – REDACTED 0813 (poker); 0813 (5); 0814 (1); 0812 (poker); 0812 (1); 6553 (poker); 6553 (1); Rang buzzer 4 times- no show 6553 (5 red strikes sideways along back)- went to final rail- REDACTED said he didn't hear buzzer, must be broken so he called maintenance. Waited at Final rail with REDACTED so he could take a picture of 6553. The carcass came to us and the marks had been knife trimmed. I told REDACTED that whoever trimmed it was not following the SOP. The marked trimmed skin was found at the prefinal rail. I discussed with REDACTED that if an implement mark is observed management, QA supervisor will be notified as per SOP. He said a union employee trimmed it and the SOP is not part of their job task, and that the QAs are responsible, so I said it went past the QAs at heads. 6553 (3 strikes), 0811 (8); 6552 (1); 6553 (8); 0811 (poker); 7226 (1); 0809 (1), 0808 (2) After the buzzer broke I could not be heard at final rail so it was hard to communicate for pictures to be taken. This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos. These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel. Respectfully submitted, REDACTED, DVM</p>
M850+P17775+V850	Swift Pork Company	13-Sep-22	<p>On 9/12/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>First shift - 0645 am- 0530 (5); 0531 (3)</p> <p>Second shift - 0568 (1); 0571 (4); 0572 (1); 0573 (1); 0574 (2); 5562 (14); 6883 (13); 6886 (2); 6887 (10); 7489 (1); No tattoo- (1)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M850+P17775+V850	Swift Pork Company	14-Sep-22	<p>On 9/13/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>First shift: One audit- 20 minutes- 0574 (19); 0575 (7)(1 railed out for picture by establishment); 0576 (12); 0577 (26); 0578 (10); 6103 (1); 6106 (1); 6107 (11); 7503 (3); 7497 (railed out for picture by establishment)</p> <p>Second shift: 1203 (2); 1203 (poker); 1204 (1); 1298 (9); 1298 (poker); 1299 (1)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	14-Sep-22	<p>While on the line giving breaks, I observed paddle marks on several carcasses with different tattoo numbers. As per the JBS Standard Operation Procedure(SOP) for investigating handling tool marks, I pressed the call button to promptly summon a QA manager to do a handling tool audit and take pictures for the establishment's investigation and no one responded. I pressed the call button a second time approximately 30 seconds later and no one responded. I placed USDA retaining tag # 54076966 a carcass exhibiting multiple handling tool marks across the back to have an example of my observations.</p> <p>By failing to take pictures of affected carcasses, the investigation cannot be completed, therefore the SOP cannot be followed.</p> <p>Respectfully submitted,</p> <p>REDACTED</p> <p>USDA-FSIS</p> <p>JBS-Swift M85-O</p> <p>600 S. Iowa Ave.</p> <p>Ottumwa, Iowa</p>
M850+P17775+V850	Swift Pork Company	23-Sep-22	<p>On 9/14/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>First shift 0744am- 6120 (1); 6129 (2); 6130 (3); 7516 (15)</p> <p>2nd shift- 7530</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M850+P17775+V850	Swift Pork Company	23-Sep-22	<p>On 9/21/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>2nd shift -(5 minutes)- 1231 (3); 6249 (5); 7628 (12)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P17775+V85O	Swift Pork Company	23-Sep-22	<p>On 9/22/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>1st shift: 6259 (4); 7628 (1); 7633 (2 poker); 7633 (15); 7634 (5)</p> <p>2nd shift: 10 min- 0206 (1); 0210 (7); 0211 (1); 0212 (1)</p> <p>REDACTED pics : 0219 (13); 6276 (5); 7643 (2); 7645 (1); NR (1)</p> <p>REDACTED pics: 0223 (5); 0225 (3 poker); 0225 (6); 0226 (2)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M85O+P17775+V85O	Swift Pork Company	24-Sep-22	<p>On 09/23/2022 Harvest production, the following postmortem implement mark findings were observed during random audits of carcasses on the harvest floor at USDA head inspection for access to a buzzer. When marks were observed the buzzer was sounded, Harvest supervisor(s) responded, and collected tattoo numbers and took pictures via camera phones.</p> <p>Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>Second Shift: 0269 (13); 026X (36); # missed (1); 6307 (23); 0264 (41); 027X (poker marks 1); 6306 (7); 02X6 (1); 0263 (2); 0261 (21); 0260 (4); 0260 (poker marks 1); 6302 (3); 630? (1); 6304 (3); 7670 (1); 0266 (11); 0267 (8), and 0268 (8), totaling 186.</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected hogs.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by in Plant personnel. I informed Mr. REDACTED, FSQA Hot Side Supervisor an MOI would be issued.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M85O+P17775+V85O	Swift Pork Company	27-Sep-22	<p>On 9/26/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>Second shift – 15 minute audit- 0309 (1); Missed (1); 0323 (2); 0324 (4); NTO- (1); 6330 (3); 6331 (7); 6331 (2 pokers); 6332 (5)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P177 75+V850	Swift Pork Company	28-Sep-22	<p>On 9/27/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>Second shift- 42 mins- 0346 (8); 0347 (1); 0359 (5); 0365 (3); 0367 (2); 0368 (8); 6349 (2); 6355 (2); 6358 (9); 6359 (3); 6360 (17); 7717 (5); 7720 (1)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M850+P177 75+V850	Swift Pork Company	29-Sep-22	<p>On 9/28/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>Second shift 1545-1607 (22min total audit) - 0395 (1); 0396 (1); 0399 (1); 6372 (1); 7733 (6); 7734 (7); 7735 (6); 7735 (poker)</p> <p>14 minute audit- 6381 (10); 6382 (16); 6385 (1)</p> <p>4 minute audit - 0413 (4); 0414 (2)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M850+P177 75+V850	Swift Pork Company	30-Sep-22	<p>On 9/29/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>Second shift- 3 audits total- 40 minutes: 0460 (14); 0461 (9); 0462 (1); 0471 (13); 0473 (1); 6401 (5); 6402 (poker); 6404 (2); 6404 (poker); 6405 (2); 6406 (3); Missed (1)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P17775+V85O	Swift Pork Company	1-Oct-22	<p>On 09/30/2022 Harvest production, the following postmortem implement mark findings were observed during random audits of carcasses on the harvest floor, at USDA head inspection for quick access to the buzzer. When marks were observed the buzzer was sounded. Harvest supervisor(s) and/or QA management responded, collected tattoo numbers and took pictures via camera phones.</p> <p>Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks (> 5) and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>Second Shift: 7789 (2); 6422 (8); 7794 (2); no tattoo observed (2); 779X (11); 6418 (3); 0X33 (2); 0X32 (6)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure for Investigating Paddle Marks). I am also respectfully requesting producer information for the affected hogs. I notified Mr. REDACTED, FSQA Hot Side Supervisor an MOI would be documented.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by in Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M85O+P17775+V85O	Swift Pork Company	4-Oct-22	<p>On 10/1/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>Second shift- 0563 (poker-4); 1274 (poker-1); 6430 (1); 6430 (Y 2 marks mid back); 6430 (Y 2 marks mid back); 6431 (3); 6438 (4); 6438 (Y 2 marks on dorsal neck); 6338 (Y 2 marks on dorsal neck); 7798 (4); 7800 (2); 7800 (poker- 5); 7801 (8)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M85O+P17775+V85O	Swift Pork Company	4-Oct-22	<p>On 10/3/2022, the following post mortem implement mark findings were observed during random audits of carcasses on the harvest floor. Many of the marks displayed hemorrhage noticeable around the edges ranging in color from brown to red. Some of the carcasses had multiple marks and were located along both sides of the back, tail head, sides, flank, and hams. Tattoo numbers and affected hogs are as follows:</p> <p>Second Shift: 2204 (9minutes): 0614 (4); 0615 (2)</p> <p>0056 (13 minutes) : 0622 (1); 0629 (5)</p> <p>This MOI serves as a notice to the establishment so they can start their investigation as per the establishment's SOP (Standard Operating Procedure For Investigating Paddle Marks). I am also respectfully requesting producer information for the affected tattoos.</p> <p>These issues have been previously documented in multiple MOIs presented to the establishment by In Plant personnel.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M3W+V3W	Swift Pork Company	6-Oct-22	<p>On October 5, 2022, at approximately 0001 hours while standing near the stick stand, I observed an establishment employee in the funnel area leading to the South Samson moving hogs. While watching the employee it was seen that he lifted his hand and bat above his shoulder and swung downward. I could not see if the employee hit any hogs as the cement wall blocked my view. I immediately notified Barn Supervisor REDACTED, Kill Floor General Foreman REDACTED, and Plant Manager REDACTED of my observations in the barn.</p> <p>At approximately 0230 hours, Mr. REDACTED informed me that the employee in question would receive retraining in Humane Handling to ensure that he moves hogs properly in future.</p> <p>At 1950 hours, I held a meeting with Mr. REDACTED regarding the incident in the barn and was informed that the video footage from the area was sent to Humane Handling Specialist REDACTED for further evaluation.</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	6-Oct-22	<p>On 10/06/2022 at approximately 2150 hours, I went to the northeast REDACTED to perform HATS Category VIII – Stunning Effectiveness. During this task I noticed that no hogs were coming down the conveyor from the southwest REDACTED. I walked over to the exit of the southwest REDACTED, observed that the stunner had stopped cycling and that the door to the stunner exit was in the open position exposing the closed basket. A maintenance man used a crowbar to aid in getting the basket opened, and when doing so, twelve hogs were emptied onto the conveyor belt.</p> <p>I discussed my concerns with Mr. REDACTED, FSQA Hot Side Supervisor, who was already present, with regards to twelve hogs being placed into one basket, exceeding the manufacturer’s specs of eight hogs. After completing a thorough investigation, Mr. REDACTED determined the root cause was due to a glitch involving the photo eye associated with the hydraulic gate that shuts after the hogs are pushed into the stunner. Camera footage showed six hogs being pushed into the basket and the stunner door only shutting momentarily before stopping again in the open position, so the stunner withheld a cycle and the basket remained opened, allowing the push bar to move the next groups of six hogs into the same basket. This time the stunner door shut long enough for the basket to close, however now, stunner cycling was paused due to the unbalanced weight distribution from the overloaded basket.</p> <p>The photo eye sensor was replaced, and the REDACTED operator and REDACTED drive employee at the last set of push gates, were coached on keeping a closer eye on the stunner gate, and in the event of a recurrence to hit one of the e-stops.</p> <p>I informed Mr. REDACTED a Humane Handling MOI would be issued.</p>
M850+P17775+V850	Swift Pork Company	17-Oct-22	<p>Follow up meeting for paddle mark observations</p> <p>A) On 10/10, at approx. 1930 hours, Dr. REDACTED observed a paddle mark bruise on a hog in pen 18 with tattoo 0107 during antemortem inspection with Mr. REDACTED, Livestock Supervisor. Mr. REDACTED was made aware of and requested a picture be taken so the establishment could start their investigation for paddle marks. The mark was in between the shoulders and had well demarcated red borders outlining the top portion of the paddle including part of the hallmark “lollypop” rectangle with the rivet impression. Mr. REDACTED, FSQA Hot Side Supervisor advised he would follow the pen to slaughter to capture pictures. Mr. REDACTED took several pictures, one of which was the mark observed by Dr. REDACTED. Pictures were forwarded to Ms. REDACTED, Regulatory Manager. On 10/11 at 2230 hours Mr. REDACTED, Harvest General Superintendent had the marks printed and shared with Dr. REDACTED. (Case number 101020220107)</p> <p>Plant Response- REDACTED- Based off tattoo system – (tattoo 0107)- no issues identified with team members- nothing out of compliance. Case will be forwarded to REDACTED- who will take the case to producer level.</p> <p>B. On (date), Dr. REDACTED identified two carcasses at disposition rail presenting with paddle marks. These were tattoo number 0122 and 1221. REDACTED took information and pictures (cases number - (Case number: 101220220122 and 101220221221)</p> <p>C. On 10/12/2022, at approximately 1145, CSI REDACTED railed out a carcass with a Y implement mark. Tattoo number was -0175.</p> <p>Plant response REDACTED- will be investigated- No dock monitors helped unload the truck. Will go to producer level. (Case number - 101220220175)</p>
M969G	Swift Beef Company	13-Oct-22	<p>Date: 10-13-2022</p> <p>Incident: Down cow in trailer</p> <p>Where: Grand Island (JBS) middle unloading bay, on rear belly of cattle pot</p> <p>Time approx.: 1:00 pm – 3:00 pm</p> <p>What: After I SCSI REDACTED finished ante-mortem inspection of cattle in the yards, I was summoned to unloading bay 1 to observe a down cow in the trailer. At approx. 1:00 pm while observing the establishment euthanize the cow another cow went down in the trailer right next to the first one, in bay #2. At approx. 1:10 pm after assessing the situation, I observed a cow lying on its right side with its head and neck down into the belly of the trailer, and its front shoulders to the rear of the animal lying in the ramp walkway of the center of the truck with a swing gate shut over the top of the animal. I could overhear the truck driver say, “I screwed up bad, I must have left the floor gate open” The trailer was still full of approx. 20 head in the belly of the truck right behind the downed cow. I could observe the cattle stepping over and on the cow’s neck and head. Due to the position of the downed cow and to protect human safety the establishment had no way to knock the animal. The establishment could not enter the trailer to knock the downed cow for safety reasons and the other cows could not be unloaded because the downed cow was directly in the only walking path available and unloading any cattle at this point would cause further pain and suffering to the downed cow as well as potential injury to any trying to avoid the down animal. SCSI REDACTED called Dr. REDACTED at 1:34 pm to come out to the unloading station. At this time the establishment management REDACTED and REDACTED were on location assessing the downed cow, the establishment immediately called for their vet Dr. REDACTED and started the establishments REDACTED protocols. Once the REDACTED was given and the cow was insensible to pain the establishment was able to drag it out by its hind legs approx. 5 feet, and then perform proper knocking protocols. At approx. 2:45 pm the cow was euthanized and removed from the trailer allowing the rest of the cows to be unloaded humanely. After arriving on the scene at approximately 1340, I (FLS REDACTED) observed the following. A beef animal was laying on its right side on the ramp leading from the belly of the livestock trailer to the exit. The tail was facing the exit with the head and forelegs on the belly floor. Establishment supervisors present included QA REDACTED and Slaughter REDACTED. Approximately 10 mL of 100 mg/mL REDACTED had just been administered IM. Approximately five head of cattle were already on the scale as they had been on the rear of the trailer and once removed, the down animal was discovered. The establishment had safety equipment, personnel, and equipment ready and available to euthanize the animal, but due to its position was considered unreachable for human safety concerns. Dr. REDACTED was on the scene and elected to give another IM injection of 20 mL REDACTED. Ultimately the animal was administered a combination of IM and IV injections totaling 62 mL. After allowing time for the drugs to take affect, determining how the animal was going to be removed from the trailer, and who would play what role, the establishment pulled the animal from the ramp to a point sufficient to safely contain the remaining animals on the trailer and the head could be reached. A handheld captive bolt gun was used to produce insensibility and a second security knock was administered, before removing the carcass for the landfill.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	18-Oct-22	<p>On 10/18/2022, at approximately 2005 hours, while Mr. REDACTED, Livestock Supervisor and I, Dr. REDACTED, SPHV, were on our way to the center alley to access pens to perform HATS Category IV – Ante-mortem Inspection, I observed one of the REDACTED drive alley employees grab ahold of the gate that separates the REDACTED drive alley from the center drive alley to swing it open so the center alley drive employees could drive the next group of hogs to the REDACTED alley. Before the employee swung the gate, I observed a hog clearly standing in line with the path of the gate. The employee looked in the direction of the hog, hesitated a bit, then swung the gate which contacted the hog's forehead making a clunk sound. Directly after the gate made contact, the hog moved away from the gate. The hog did not vocalize, and no apparent injuries were observed.</p> <p>I informed Mr. REDACTED that a Humane Handling MOI would be issued. Mr. REDACTED immediately brought this to the attention of Mr. REDACTED, Stick Supervisor, who was nearby, and I informed Mr. REDACTED of what I had just observed, that a Humane Handling MOI would be issued, and asked for an immediate corrective action. Mr. REDACTED advised he would have a coaching session with the employee and convey what had transpired to Mr. REDACTED, Animal Welfare Manager. The employee was taken to HR.</p> <p>This MOI maintains association with MOI HEM29190628241, dated 06/24/2022 in which one of the REDACTED drive employees swung the same gate contacting a hog.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M3W+V3W	Swift Pork Company	19-Oct-22	<p>On October 17, 2022, I, SCSi REDACTED went to the barn to perform a HATS task. I was performing "Handling of Disabled Suspects", while walking along the South ramp from the Southwest entrance of the barn. At approximately 2240 hours, I observed a hog that was laying down being pushed by hand, approximately 2 1/2 to 3', by the front half of the body then the back half of the body rotating between the two by an establishment employee. The employee was moving the hog into a middle pen on the West side of the scales. I did not hear the hog vocalize nor did the hog seem distressed during my observations. I immediately notified Yard Supervisor REDACTED of my observations.</p> <p>The establishment's humane handling program states that "REDACTED." This observation is not consistent with the establishment's humane handling program by pushing a laying hog greater than 2', this is also inconsistent with 9-CFR 313.2(d)(3), which states: "Disabled animals and other animals unable to move may be moved, while conscious, on equipment suitable for such purposes; e.g., stone boats."</p> <p>I notified Plant Manager REDACTED of my observations and of the forthcoming MOI.</p> <p>I discussed the incident with Yards Supervisor REDACTED on October 18, 2022, he informed me that the establishment would be placing a sled closer to the scales for easier access.</p> <p>On October 19, 2022, at 1700 hours, I held a meeting with Plant Manager REDACTED to discuss what the establishment planned for further corrective actions. Mr. REDACTED informed me that he had not been given any information regarding further corrective actions.</p>
M3W+V3W	Swift Pork Company	25-Oct-22	<p>In the veterinary disposition area I observed marks on the backs of three carcasses. Marks were darkened (brown) and circular or ovoid, and varying size from 1.5 to 3 inches in diameter. Marks were located in various areas from the neck to the middle of the back. The marks were different from the usual scrapes and fight marks frequently observed.</p> <p>When the area of the mark was skinned with the hand skinner, light hemorrhage outlined the area on the under skin and in the underlying fat. Superintendent REDACTED and Procurement Supervisor REDACTED observed the marks.</p> <p>My concern was the possibility the marks were from an animal handling tool such as a plastic bat. Mr. REDACTED disagreed and showed the circumference of the end of the bat. I told him the marks could be the result of different contact angles from a bat. I also told him the marks appeared to be the result of more than a gentle tap.</p> <p>Mr. REDACTED noted the two different tattoo numbers of the carcasses and stated that he would look for more information.</p> <p>Mr. REDACTED found that the two loads were from the same site. The loads were delivered early afternoon by two different truckers.</p> <p>I told Mr. REDACTED that I would let him know if similar marks like these were observed.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+P17775+V850	Swift Pork Company	29-Oct-22	<p>Memorandum of Information</p> <p>On October 26,2022, at approximately 1125 hours, while I was performing the Anti-mortem task of inspecting the hogs sorted for slaughter, I heard an excessive amount of vocalization behind me coming from the pens on the southern end of the livestock barn. I turned around towards the noise and observed an establishment employee standing and raising his driving implement (plastic paddle) above his shoulders and striking downward into the pen. One hog was observed climbing over the top of the herd as I could see his whole head over the top of the pen wall. I observed another employee who was standing in the middle of the pen, raising his driving implement above his shoulders and strike down into the pen. The hogs were vocalizing as they were trying to drive them out of the pen towards the REDACTED. I told livestock supervisor, REDACTED to tell them to stop using their driving implements in that manner. As Mr. REDACTED was walking towards the employees, I observed a third employee raising his paddle above his shoulders in the alley driving them up towards the REDACTED. Mr. REDACTED talked to the employees and returned to me. Mr. REDACTED stated he has notified livestock superintendent, REDACTED to come out and talk to me. I informed Mr. REDACTED I was issuing a Memorandum of Information regarding driving implement usage causing excitement and vocalization in the hogs as they were being driven to the REDACTED. Mr. REDACTED informed me, he would contact livestock superintendent, REDACTED and they would look at the video camera footage to determine the extent of the situation. When driving the hogs, careful observation must be implemented to move the hogs with the least amount of excitement and stress to allow a smooth stunning process in the REDACTED.</p> <p>Respectfully submitted,</p> <p>REDACTED</p> <p>Consumer Safety Inspector</p> <p>JBS Swift M850</p> <p>600 South Iowa Avenue</p> <p>Ottumwa, Iowa 52501</p>
M3W+V3W	Swift Pork Company	2-Nov-22	<p>Several dark circular marks were seen on back loin area of a carcass retained by heads' inspector. Second shift procurement Supervisor REDACTED observed the carcass and took pictures to send to the producer. When skin was removed from the areas, the fat tissue below the marks had circular areas with hemorrhage. Supervisor REDACTED also photographed the skin removed from the site.</p> <p>I showed Supervisor REDACTED the carcass viscera which had pneumonia and pericarditis. The condition may have resulted in a slower moving animal.</p> <p>Supervisor REDACTED said the yards would follow up with the producer.</p> <p>Someone handling the hog is likely using an inappropriate handling tool or using it incorrectly.</p>
M3W+V3W	Swift Pork Company	16-Nov-22	<p>On 11/14/2022 around 9:00pm, an inspector at final rail inspection retained a carcass with unusual extensive dark brown markings on its back. I asked the kill floor general foreman to take pictures of the carcass marks to send to Procurement Supervisor REDACTED. After an area of the marks was skinned, extensive hemorrhage was seen on the underside of the skin and in the underlying fat tissue. The marks were in an area approximately 12 to 18 inches lengthwise mid back region of the carcass and approximately 7 to 12 inches width across the mid back area.</p> <p>Upon close examination, prominent cable features of the numerous long marks and the loops formed were noted, as well as an area distal to the loops where two cable marks came together. There were more than six loop marks visible.</p> <p>The marks indicated obvious excessive misuse of an inappropriate animal handling tool.</p> <p>On 11/15/2022 an inspector at heads' inspection retained a carcass with unusual brown loop marks approximately 1.5 to 3 inches diameter. When skin was removed from one area of the marks, there was prominent hemorrhage underneath the skin and in the fat tissue. Hemorrhage reflected the shape of the skin brown marks. I asked the kill floor general foreman to take pictures of the carcass to send to Supervisor REDACTED.</p> <p>I observed that the loop lines of the brown marks had cable features. These marks were possibly made by misuse of an animal handling tool.</p> <p>Supervisor REDACTED said he would forward the skin samples and pictures to his supervisor.</p> <p>Establishment forwarded pictures to producers associated with hogs.</p> <p>November 18, 2022. The corrective actions taken by the producer associated with the incident of November 14, 2022, were:</p> <ol style="list-style-type: none"> 1. Talked with the load out crew and retrained on proper handling of pigs during sorting and loading. 2. Talked about proper welfare procedures when handling the pigs. 3. Provided a person to observe sorting and loading operations to ensure all handling is done correctly and make recommendations for better options.

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P177 75+V85O	Swift Pork Company	16-Nov-22	<p>On 11/04/2022 while walking through the REDACTED area I happened to observe a group of hogs bunched together with some riding one another in the start of the South REDACTED drive alley after an establishment employee had gated them off in the first compartment of the South REDACTED alley. I also observed that there were more hogs in that group than are normally moved to that compartment. Mr. REDACTED, Stick Supervisor was standing next to me during this observation, and I advised him this was not an acceptable manner to move the hogs. Mr. REDACTED informed me that since the North REDACTED was down, he had to move more hogs per group to accommodate. I advised Mr. REDACTED, regardless of the North REDACTED being down, the hogs should be moved in a manner that prevents them from being bunched up to the point of riding one another. Mr. REDACTED advised me that he would address this with his employees.</p> <p>On 11/05/2022 at approximately 0135 hours, I went to perform HATS category VII, Observations for Slips and Falls in between the REDACTED.</p> <p>The flooring of both compartments leading up to the South REDACTED had excessive amounts of feces material that overfilled the scarified grooves of the flooring. I also noticed that each time the mechanical gates moved hogs, the footing was inadequate causing excessive slips and falls. I observed six slips and five falls. While the animals were being moved by mechanical gates with poor footing, I observed signs of excitement as there were increased vocalizations, panting, and open-mouthed breathing.</p> <p>Given these observations, at 0150 hours, I informed Mr. REDACTED, General Foreman, who was standing next to me, that I observed excessive fecal buildup causing poor footing and excessive slips and falls and requested corrective actions. Mr. REDACTED stated that personnel will clean and remove the feces from the flooring immediately, but that there are no more hogs to drive through the area because the shift had ended.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M85O+P177 75+V85O	Swift Pork Company	2-Dec-22	<p>Humane Handling Meeting</p> <p>Paddle mark investigation discussion post meeting</p> <p>11/11/2022- CSI REDACTED - 2 hogs with paddle marks- tattoos 6296, 6298.</p> <p>The paddle mark investigation for 11/11 marks is still pending.</p> <p>*11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Plant response- nothing on this yet. It is at producer level. Will ask REDACTED again.</p> <p>*11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p>
M3W+V3W	Swift Pork Company	5-Dec-22	<p>12/02/2022</p> <p>Approximately 11:45PM of the night shift slaughter operation, I observed two carcasses which had been retained. Both had the same tattoo numbers. One number on each indicated the farm site and the second tattoo on each indicated a nonambulatory hog associated with the farm site. The general foreman took pictures of the carcasses and procurement 2nd shift supervisor REDACTED observed one of the carcasses on the kill floor and took additional photos. Both carcasses had several discolored brown circular or oval skin marks, primarily in the back loin area. When the areas of the marks were skinned, using the handheld skinner, there were circular/semicircular hemorrhage lesions in the underlying fat. The carcass observed with Mr. REDACTED had 8 or more hemorrhagic lesions in the back fat.</p> <p>These lesions are an indication of misuse/overuse of an animal handling implement.</p> <p>12/14/2022 No corrective actions or investigation report of this incident has been made available to USDA at this time.</p> <p>01/07/2022 The establishment gave a verbal warning to the trucker who transported these hogs. The establishment also is doing increased audits on the trucker when he brings hogs to the establishment. The trucker has been given the establishment's written document "JBS Livestock Trucker Policy for Animal Handling" which he acknowledged receipt of by signing. The establishment's policy emphasizes appropriate animal handling for truckers as well as truckers' animal handling/behavior which is not acceptable.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M3W+V3W	Swift Pork Company	5-Dec-22	<p>12/05/2022</p> <p>Approximately 10:40 pm on slaughter floor I showed Procurement supervisor REDACTED marks on two retained carcasses. One carcass had a brown imprint of "hot shot" on the loin area. The mark was approximately 12 inches long as it included the prongs and a portion of the attached rod. When skin over the mark was removed with a hand skinner there was a hemorrhaged imprint of where the hot shot struck. The imprint of the hot shot and underlying hemorrhage indicates misuse of the hot shot. Pictures were taken by Mr. REDACTED.</p> <p>The second carcass had four darkened circles (approximately 1.5-inch diameter) in the skin loin area. When the marked skin was removed, there was circular areas of hemorrhage in the underlying fat tissue. These marks and associated hemorrhage are an indication of misuse/overuse of an animal handling implement.</p> <p>12/07/2022</p> <p>Corrective action sent regarding the second carcass with circular bruises. Load crew, driver, and site audits were conducted. There was review of all proper handling techniques and tools acceptable for animal handling. There will be follow up with load audits the next time the site sells. There will also be audits of the trucker through his next few loads.</p> <p>12/15/2022 Corrective actions received regarding prod (hot shot) imprint.</p> <p>Farm site investigation found that two individuals used prods with this load, one being the driver and the other being a member of the load crew. Neither individual knew how the mark happened or took responsibility for it. Corrective actions included: a) audit the driver randomly over the next several weeks; b) audit the next three loads out of the facility; c) all personnel involved were re-educated on proper animal handling with special attention to proper use of movement tools.</p> <p>01/07/2023 The establishment is doing increased audits on the truckers bringing the described hogs to JBS. Truckers are being observed while handling hogs on trailers and as the hogs are being unloaded.</p>
M85O+P17775+V85O	Swift Pork Company	8-Dec-22	<p>Paddle mark investigation discussion post meeting</p> <p>The paddle mark investigation for 11/11 marks is still pending.</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager. Status – pending response from producer - Status unchanged- still waiting for producer to follow up.</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses. Status – REDACTED teams members in compliance per Establishment's Investigation. Only have pictures from the trimmed carcass. Dr. REDACTED gave pictures of whole carcasses to REDACTED. Status- waiting for producer follow up.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. Status - .REDACTED and REDACTED never received pictures or knew about the marks. Dr. REDACTED gave his pictures of the carcasses to REDACTED. An in-House investigation will be started by REDACTED</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting. Status - .REDACTED and REDACTED never received pictures or knew about the marks. Dr. REDACTED gave his pictures of the carcasses to REDACTED. An in-House investigation will be started by REDACTED</p> <p>REDACTED- Last week termed 2 livestock employees</p> <ol style="list-style-type: none"> 1. Overcrowding pen in unloading dock 2. Hitting hog in the face with paddle

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M3W+V3W	Swift Pork Company	8-Dec-22	<p>Approximately 1725-1735, I observed a yards employee in the area of the number two scale, randomly using his plastic bat unnecessarily to strike/prod hogs. Hogs were toward the back of the group and moving with the group. When I observed the same employee moving hogs away from the number two scale and toward the pen, I observed the employee striking/prodding hogs in the back of the group. The hogs being struck were moving at a normal walking pace. The employee was not utilizing a sort board.</p> <p>The establishment's SOP for Handling Tool Use, dated January 25, 2022, states:</p> <p>"REDACTED "</p> <p>"REDACTED "</p> <p>"REDACTED "</p> <p>It appears the employee's handling tool use was not consistent with the SOP.</p> <p>Supervisor REDACTED said he would talk with the employee and have a meeting with all yards employees to discuss handling tool use.</p>
M85O+P17775+V85O	Swift Pork Company	20-Dec-22	<p>Paddle mark investigation discussion post meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>11/18/2022- tattoo # 1272- AMI on the driver. The load unloaded fine. Investigation- no findings on Establishment's end. Producer level- said no findings.</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – currently under investigation at buyer's and producer's level.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – investigation at buyer's and producer's level.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status –investigation at buyer's and producer's level.</p> <p>12/09 (12/08 production) at approximately 0215 hours, carcass with tattoo # 02X8 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P17775+V85O	Swift Pork Company	29-Dec-22	<p>Paddle mark investigation discussion post meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>11/18/2022- tattoo # 1272- AMI on the driver. The load unloaded fine. Investigation- no findings on Establishment's end. Producer level- said no findings.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – currently under investigation at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – investigation at buyer's and producer's level.</p>
M85O+P17775+V85O	Swift Pork Company	10-Jan-23	<p>Paddle mark investigation discussion meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>01/04/2023- Status - no updates.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status –investigation at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>01/04/2023- Status - no updates</p> <p>12/09 (12/08 production) at approximately 0215 hours, carcass with tattoo # 02X8 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status at buyer's and producer's level.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M3W+V3W	Swift Pork Company	10-Jan-23	<p>Approximately 8pm in the veterinary disposition area, I observed a hog carcass with prominent dark brown marks in the shoulder area. The carcass was marked tattoo 128X. Near the shoulder dorsal midline six brown marks, circular to oval in shape, and approximately 1.5 to 2 inches in diameter. When the skin was removed with a hand held skinner, there were faint pink impressions.</p> <p>Second shift procurement supervisor REDACTED took pictures of the carcass and the removed skin with marks.</p> <p>The presence of the marks, the number of marks, and the location of the marks suggest inappropriate hog handling and use of an inappropriate animal handling tool.</p> <p>Supervisor REDACTED stated he would look into the matter.</p> <p>01/11/2023 Investigation at the production site did not find that handling equipment was used in a way that would have caused any harm to the pigs. Corrective actions were to review the Animal Handling SOP and related training information regarding proper use of handling equipment with the farm personnel.</p> <p>Review of inplant video in the area of the Samson drive alleys raised concern about animal handling by employee. The video is being reviewed further.</p> <p>01/19/2023 Supervisor REDACTED presented USDA with document dated 1/18/23, second kill, Humane Handling Annual Training 2023. Nineteen employees were listed for the training.</p>
M85O+P17775+V85O	Swift Pork Company	12-Jan-23	<p>Paddle mark investigation discussion post meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates.</p> <p>01/11/2023- Status - investigation findings finalized per Mr. REDACTED, Animal Welfare Manager: no findings on farm - producer advised that all their employees use only plastic BB bats, the site manager ensures all barn employees use plastic BB bats, and all drivers loading hogs from this site use only plastic BB bats.</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally call producer.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – waiting on response from the producer.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P177 75+V850	Swift Pork Company	30-Jan-23	<p>Paddle mark investigation discussion post meeting 1/18/2023</p> <p>Dr. REDACTED</p> <p>1/16/2023</p> <p>0841, 0842- at approximately 0835, I observed two carcasses one with tattoo 0841 and the other with tattoo 0842 with well defined and highly bruised implement marks on the dorsal area of the carcasses. Pictures were taken by REDACTED.</p> <p>Status: 1/18/2023 REDACTED – working on it</p> <p>Dr. REDACTED</p> <p>01/16/2023 - at approximately 1730 hours, I observed a carcass with tattoo #129X bearing multiple red well demarcated poker marks. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Not typically investigated per the SOP</p> <p>01/17/2023 – from approximately 1705-1800 hours, I observed multiple carcasses with tattoo #1221 bearing multiple electric prod marks ranging from tan to deep red. Number of marks per carcass ranged from 3 to 15. There were 9 carcasses affected. I informed Mr. REDACTED, Harvest General Superintendent and he captured pictures and provided copies to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Driver had a sort board and paddle, Dock monitor that assisted was inside only 45 secs and handled around 10 hogs. Spoke with driver- driver noticed nothing. Has been forwarded to site humane handling person. Corporate is involved. Jbs Live, REDACTED, Driver- REDACTED</p> <p>01/18/2023 (01/17 harvest) – at approximately 0100 hours, CSI REDACTED retained a carcass with tattoo #6XX9 bearing a red electric prod mark consistent with one of the inhouse prod dimensions. I informed Mr. REDACTED, Harvest General Superintendent and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p>
M3W+V3W	Swift Pork Company	20-Jan-23	<p>Approximately 2015, I found a carcass that had been railed out in the veterinary disposition area with notable dark brown marks in the dorsal midline area, just behind the shoulders. There were four marks, circular to oval in shape, and approximately 1.5 to 2 inches in diameter. When the skin was removed with a hand held skinner, there were very faint pink impressions. The carcass was marked with tattoo 1207.</p> <p>I retained the skin to show to Supervisors REDACTED and REDACTED, and notify REDACTED of the findings.</p> <p>Supervisor REDACTED said Mr. REDACTED would investigate the incident.</p> <p>The presence of the marks, the number of marks, and the location of the marks suggest inappropriate hog handling and handling tool use.</p> <p>The establishment's SOP procedure for Handling Tool Use is to ensure handling tool used at JBS are used in a humane and responsible manner compliant with company policy and USDA regulations. The responsible personnel include the transporter, management, procurement and operations employees.</p> <p>In summary the SOP emphasizes that REDACTED.</p> <p>1-27-2023 Producer said the driver and staff use hot shot and boards to load. The trucker uses a bat to unload. No issues were noticed with loading hogs.</p> <p>REDACTED reviewed cameras in-plant including receiving areas and CO2 area. No mishandling tool use was observed. Preventive/corrective actions were to stay vigilant and communicate with supervisors on animal welfare.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+P17775+V850	Swift Pork Company	2-Feb-23	<p>1/25/2023</p> <p>Humane Handling Post meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status ???pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates.</p>
M850+P17775+V850	Swift Pork Company	3-Feb-23	<p>Paddle mark investigation discussion post meeting</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally call producer.</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p> <p>USDA response- Need to have some kind of resolution for each incident. ie- training, awareness... something</p> <p>Plant Response- We will continue following our SOP and fully investigate all findings which are indisputable.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	7-Feb-23	<p>Paddle mark investigation discussion post meeting</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally call producer.</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p> <p>USDA response- Need to have some kind of resolution for each incident. ie- training, awareness... something</p> <p>Plant response- We will continue following out SOP and fully investigate all findings which are indisputable.</p> <p>02/08 – Establishment closed case on its own behalf due to multiple attempts at contacting the producer through email and phone without any correspondence from the producer.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p>
M3W+V3W	Swift Pork Company	9-Feb-23	<p>Marks on two hogs railed out. Tattoo 40X on both carcasses. One carcass had 6 dark brown circular marks 1 1/2 to 2 inches diameter. Marks were in close proximity to each other in midline area 8 to 12 inches behind the shoulders.</p> <p>When the area was skinned, the tissue beneath the skin had no extraordinary marks.</p> <p>The second carcass had marks midline from midback to in front of hams. There were more than 12 marks approximately 1/4 inch wide and 4 to 18 inches long. Marks were parallel to vertebral column and close together.</p> <p>When the marked area was skinned, there were no extraordinary marks.</p> <p>The presence of the skin marks on these two carcasses, the number of marks and the location of the marks suggest inappropriate hog handling and handling tool use.</p> <p>The establishment's SOP for Handling Tool Use emphasizes that REDACTED</p>
M3W+V3W	Swift Pork Company	11-Feb-23	<p>Carcass (tattoo 1246) present at retained which was retained by inspector. Carcass had 4 circular dark brown marks in the dorsal midline area between the shoulders. Circles were approximately 1.5 to 2 inches in diameter. When skin was removed there was hemorrhage outlining circles in the underlying fat tissue.</p> <p>No one was available on the kill floor to capture pictures, so the skin was retained, shown to Supervisor REDACTED and given to Supervisor REDACTED for investigation by REDACTED. (Using the tattoo number, incoming hogs can be tracked to trucker unloading time, movement through the yards, and to the stunning area. Animal handling can be observed in all these areas by REDACTED using establishment video.)</p> <p>The presence of the marks, the number of marks and location of the marks suggest inappropriate hog handling and handling tool use.</p> <p>The establishment's SOP for Handling Tool Use emphasizes that REDACTED.</p> <p>February 16, 2023 Producer response:</p> <p>The Animal Welfare Specialist for the site said the loading crew did not observe a pig with marks or bruising get loaded. Tools used at loading were electric prods and sort panels. Proper tool use on pigs was discussed.</p> <p>Also, the Animal Welfare Specialist was going to audit the driver on his next loads, as well as auditing the next loads out of the site to watch for proper animal handling and tool use.</p> <p>Humane Handling Supervisor reviewed in plant cameras from receiving and including the CO2 area. No misuse of handling tools was observed.</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+P17775+V850	Swift Pork Company	17-Feb-23	<p>2/15/2023 Paddle mark investigation discussion post meeting</p> <p>Plant- REDACTED- has anyone seen any mishandling of animals here in the establishment?</p> <p>Dr. REDACTED- At around 7 19 pm while doing antemortem inspection of pen 33, with Mr. REDACTED, Livestock Supervisor, I noticed a hog with a prolapsed rectum. I showed the hog to Mr. REDACTED, Livestock Supervisor and he had one of the center alley drivers move the pen to slaughter. Pens 32 and 33 are separated by a walkway. The center alley driver was moving the hogs out of the pen by going into the pen, and this caused a few hogs to start to ride each other. I motioned for him to stop and summoned for his supervisor Mr. REDACTED, Stick Supervisor. I told Mr. REDACTED that the walkway should have been utilized in this case. Mr. REDACTED agreed and advised he would talk to the employee.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status – Plant investigation – no findings; waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>02/08 – Mr. REDACTED will follow up on status. Investigation pending.</p> <p>2/ 15 2023 - EFI loads- they only use bats and hot shots to load, driver used a bat to unload. Will close investigation as inconclusive.</p> <p>01/16/2023- at approximately 1730 hours, I observed a carcass with tattoo #129X bearing multiple red well demarked poler marks. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provide a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p>
M850+P17775+V850	Swift Pork Company	23-Feb-23	<p>02/22/2023 Paddle mark investigation discussion post meeting</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – 02/15 – Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer. Still no response from producer.</p> <p>02/04 (02/03 harvest) – at approximately 0219 hours, I affixed US retain tag# MPD54076836 to a carcass with tattoo # 0122 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/08/2023.</p> <p>02/15- Status – Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Received response today from producer. Using gate panels, electric prods and shaker cans. There are no paddles on site. Driver used rattle pan to unload. No assistance was required to unload. Closed now 2/22/23</p> <p>02/10/2023- IPP US retained carcass with tattoo # 12X1 bearing multiple well demarcated paddle marks with tag# MPD56187391. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No Response from producer</p>
M850+P17775+V850	Swift Pork Company	25-Feb-23	<p>At approximately 0019 hours while performing HATS Category IV Antemortem inspection of pen 40 with Mr. REDACTED, Livestock Supervisor, I observed a hog with a large intact rectal prolapse. I showed the prolapsed hog to Mr. REDACTED, and he advised to run the pen immediately to slaughter. At 0023 hours while doing antemortem inspection pen 38, which is adjacent to pen 40, I happened to look over at pen 40 and both exit gates were closed and one of the hogs in pen 40 was walking behind nosing at and nibbling on the prolapse as the hog was moving towards the gates. I asked Mr. REDACTED why the gates were shut and the prolapsed hog still in the pen. Mr. REDACTED advised they had run one draft out of pen 40 and while they were waiting to run the next draft, they shut the gates so the center alley employee could hose down the center alley. I told him it was my understanding this hog would be immediately moved to slaughter. Mr. REDACTED had the employee stop hosing, opened one of the gates and moved the prolapsed hog to slaughter.</p> <p>No vocalizations occurred at any time. I informed Mr. REDACTED that a Humane Handling MOI would be issued.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM SPHV- Est. M850</p>

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Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	3-Mar-23	<p>03/01/2023 Paddle mark investigation discussion post meeting</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – 02/15 – Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response; Ms. REDACTED commented the establishment is struggling in getting the producers to respond.</p> <p>02/10/2023- IPP US retained carcass with tattoo # 12X1 bearing multiple well demarcated paddle marks with tag# MPD56187391. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>02/13 - IPP US retained carcass with tattoo # 6217 bearing multiple well demarcated paddle marks with tag# MPD54076768. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p>
			<p>On 03/02/2023 at approximately 2310 hours while performing HATS Category IV – Antemortem inspection of pen 9 with Mr. REDACTED, I saw two employees hitting their rattle paddles on the wall of the alley just outside the load gate of pen 11, and this resulted in an excessive amount of stress and excitation of the pigs in pen 11. I saw one of the pigs piling and there was marked increase in vocalizations. When the employees stopped hitting their paddles on the walls, I no longer observed these indicators among this group. I discussed with Mr. REDACTED and reminded that 9 CFR 313.2(a) states that driving livestock shall be done with a minimum of excitement. I informed Mr. REDACTED that I will document our conversation in a Humane Handling MOI, and Mr. REDACTED advised he would do a coaching on both employees.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M850+P17775+V850	Swift Pork Company	8-Mar-23	<p>03/08/2023 Paddle mark investigation discussion post meeting</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – 02/15 – Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response; Ms. REDACTED commented the establishment is struggling in getting the producers to respond.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/10/2023- IPP US retained carcass with tattoo # 12X1 bearing multiple well demarcated paddle marks with tag# MPD56187391. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p>

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Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M3W+V3W	Swift Pork Company	10-Mar-23	<p>03/09/2023 A slow hog tattoo 98X4 (68X) observed in slow pen with right rear medial tibia/fibula laceration with blood. Requested third shift supervisor (REDACTED) take pictures of laceration. Hog was in lateral recumbency, condemned, stunned, and pictures taken to document tattoos.</p> <p>03/10/2023 Supervisor REDACTED said that the pictures and information were sent to Humane Handling Supervisor REDACTED. Video was reviewed of when the hog was loaded into a skidloader bucket. Video showed one leg off edge of bucket after hog was loaded, before leg was put into bucket. Examination of the skid loader resulted in the finding of a sharp edge. Maintenance was called to grind smooth the sharp edge.</p> <p>Third shift supervisor REDACTED had a meeting with third shift yards/procurement employees on the night of 03/09/2023. Awaiting documentation of investigation of laceration by REDACTED.</p> <p>03/14/2023 Inquired with Supervisor REDACTED if investigation report was available. It was not available at this time. Asked if there was monitoring of skid loader buckets on a routine schedule, to check for sharp edges.</p> <p>03/20/2023 Inquired with Supervisor REDACTED if investigation report was available. No report available at this time.</p> <p>03/22/2023 Received investigation report for the incident. Preventive/corrective actions included examination of skidloaders by supervisors and any sharp edges were taken care of by maintenance. Supervisors retrained employees on proper loading of non-ambulatory animals.</p>
M85O+P17775+V85O	Swift Pork Company	15-Mar-23	<p>03/15/2023 Paddle mark investigation discussion post meeting</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – 02/15 – Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response; Ms. REDACTED commented the establishment is struggling in getting the producers to respond.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/10/2023- IPP US retained carcass with tattoo # 12X1 bearing multiple well demarcated paddle marks with tag# MPD56187391. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p>
M3W+V3W	Swift Pork Company	19-Mar-23	<p>03/18/2023 Carcass 376 retained at disposition; numerous dark brown marks on skin, approximately 1 1/2 inches to 10 inches long, and approximately 1/4 inch wide. Extensive marks were from shoulder area to tail, width of carcass's back. With skinning, light hemorrhage was visible on the underside of the skin and in the underlying fat. Supervisor REDACTED took photos after called to the kill floor by Superintendent REDACTED.</p> <p>03/20/2023 Inquired with Supervisor REDACTED regarding investigation of marks on carcass. No update at this time.</p> <p>03/23/2023 Investigation report of the marks on the hog indicated that at loadout of pigs in the group there was a weather and ice problem, resulting in a misalignment of the loadout chute.</p> <p>The Producer's Welfare Officer discussed the height of the loadout chute with the handler at the site and will monitor in the future.</p> <p>The report does not indicate if the chute misalignment caused the marks on the hog, or what handling tools were used at loadout.</p> <p>03/29/2023 Animal Welfare Officer for site responded that the pigs piled up in the chute area because of cold wind and poor alignment of chute with trailer. Alignment was adjusted. Handling equipment used by farm personnel included sorting boards, bifold panels, and an electric prod. Truckers used sorting boards and electric prods.</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M850+P17775+V850	Swift Pork Company	28-Mar-23	<p>03/22/2023 Paddle mark investigation discussion post meeting</p> <p>03/13 Harvest- IPP retained 11 carcasses with tattoo numbers 7621, 7620, 6661, 0647, 0648, 6647, and 6648 with tags MPD67483230, 67483250, 67483148, 67483166, 67483209, 67483211, 67483203, 67483158, MPD54076793, and 54076842. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor which were forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/15/2023.</p> <p>03/15- Status- In progress.</p> <p>03/22- Status- Investigation completed.</p> <p>03/15(03/14 Harvest)- IPP US retained carcass with tattoo # 6689 bearing a well demarcated electric prod mark with tag# MPD67483177. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/15/2023.</p> <p>03/15- Status- In progress.</p> <p>03/22- Status-- Investigation completed.</p> <p>03/17(03/16 Harvest)- IPP US retained a carcass bearing tattoo #0814 with a well demarcated paddle mark with US retain tag MPD54076754. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Mr. REDACTED will check on.</p> <p>03/18(03/17 Harvest)- IPP US retained 2 carcasses bearing tattoo # 0861 with well demarcated paddle marks. The subcutaneous fat displayed hemorrhage below the marks on one of the carcasses. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Investigation completed.</p>
		29-Mar-23	<p>03/29/2023 Paddle mark investigation discussion post meeting</p> <p>03/17(03/16 Harvest)- IPP US retained a carcass bearing tattoo #0814 with a well demarcated paddle mark with US retain tag MPD54076754. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Mr. REDACTED will check on.</p> <p>03/29- investigation findings- driver used bat, team members in compliance with all animal handling regulations. Transporter- NA, CA/PM- NA. Investigation closed.</p> <p>03/21- IPP US retained a carcass bearing tattoo #6791 with well demarcated prod marks. There were 6 carcasses affected. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Investigation completed. Mr. REDACTED- no hot shot used during unloading; driver used paddle. Will send to REDACTED, Corporate Animal Welfare who will make the decision whether to send to the producer level.</p> <p>03/29- Status- Farm employee at REDACTED was reprimanded and signed back off on PQA and informed that a repeat offense will result in termination. Investigation closed.</p> <p>03/21 Harvest IPP US retained 2 carcasses bearing tattoo #s 7734 and 0160 with well demarcated paddle marks with US retain tag MPD67483167, MPD67483245, and MPD54076817. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- In progress.</p> <p>03/29- Status- investigation closed – see handling tool marks investigation below.</p> <p>03/22 Harvest- IPP observed carcass hanging at pre rail with 2 well demarcated paddle marks with tattoo number 0208. Mr. REDACTED, FSQA Hot Side Supervisor was present and took pictures, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/29/2023.</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M3W+V3W	Swift Pork Company	5-Apr-23	<p>On April 5, 2023, at approximately 1640 hours while performing head inspection I observed three separate hogs with tool markings on their back, all three hogs were marked to be railed out on mid-trim. I noted that the first hog had 9 visible marks, the second hog had two marks, and the last hog had 6 marks. The marks were rectangular in shape with rounded edges and the ridges along the length of the marks and round bruising consistent with the shape and bolts of a rattle paddle. All three hogs had tattoo number 229.</p> <p>Slaughter Floor General Foreman REDACTED and Yard Supervisor REDACTED were shown the hogs with tool markings. Mr. REDACTED was observed taking photos of the hogs and informed me that he would investigate the markings. I informed Mr. REDACTED of the forthcoming MOI.</p> <p>The establishment's Humane Handling Program Standard Operating Procedure for Handling Tool states: handling tools should never be used unnecessarily and handling tools should be used only to guide or coax animals to move or turn. The program also states that the responsible personnel includes: transporter, management, procurement, and operations employees.</p> <p>I was informed by SPHV Dr. REDACTED that the 2 of the 3 hogs had been skinned on the kill floor, she stated that there was significant hemorrhage of the underlying fat in the third hog with hits to the loin (closer to ham).</p> <p>At approximately 2115 hours, I met with Mr. REDACTED and looked over the photos that he had taken of the carcasses that I had railed out on the kill floor. Upon viewing the photos, I could see that the hogs with the 6 and 9 paddle marks had significant bruising on the back in the underlying fat. He informed me that he would be reviewing the cameras to see if the driver was using a paddle.</p> <p>On April 6, 2023, at approximately 0030 hours, I met with Mr. REDACTED. He informed me that the establishment had reviewed the cameras and found that the driver of the truck was using a rattle paddle.</p> <p>At approximately 1040 hours, I held a discussion with Mr. REDACTED and he informed me that Yard Manager REDACTED contacted the producer for corrective actions.</p> <p>On April 7, 2023, I reached out via email to Yard Manager REDACTED to see if the establishment has received preventative or corrective actions.</p> <p>On April 11, 2023, the establishment responded via email, it included paddle mark investigation from JBS and a letter from the producer. The paddle mark investigation stated that it was observed that the truck driver was using the rattle paddle over the shoulder inside of the trailer by the yard supervisor. The QA went inside the hog trailer with a sorting board and fat bat to assist the driver in unloading the remainder of the hogs. The QA informed management that he discussed moving smaller loads with the driver and to ask for assistance from the establishment. The QA did not observe the driver using the paddle over the shoulder. The driver was contacted and placed on suspension. The trucking company is to review TQA.</p>
M85O+P177 75+V85O	Swift Pork Company	7-Apr-23	<p>04/05/2023 Paddle mark investigation discussion post meeting</p> <p>FSIS findings:</p> <p>04/04(04/03 Harvest)- IPP railed out carcass with tattoo 7973 with a well demarcated paddle mark: the "lollypop", adjacent linear marks, and areas of ridge detail of the paddle. Mr. REDACTED forwarded pictures to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager to discuss at the weekly meeting on 04/05.</p> <p>04/05- Status- driver used bat and sort board to unload, team members in compliance with all animal handling regulations. Investigation closed at plant level.</p> <p>Records reviewed on 04/04 for the week of 03/26/2023.</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>3/27- @ 1042- no findings</p> <p>3/28- @ 1350- no findings</p> <p>3/29- @ 0856- no findings</p> <p>3/30- @ 0557- no findings</p> <p>3/31- No audit performed.</p> <p>Handling Tool Marks Investigation</p>

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+P177 75+V85O	Swift Pork Company	14-Apr-23	<p>04/12/2023 Paddle mark investigation discussion post meeting</p> <p>04/08(04/07 Harvest)- IPP railed out carcass with tattoo # 6304 with a well demarcated brown to light red paddle mark showing approximately 5" of the "lolly pop" and evidence of the linear marks on either side- Mr. REDACTED forwarded pictures to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager to discuss at the weekly meeting on 04/12.</p> <p>04/12- Status-</p> <p>Records reviewed on 04/11 for the week of 04/02/2023.</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>04/03- not performed.</p> <p>04/04- @ 0647 hours- no findings</p> <p>04/05- not performed.</p> <p>04/06- @ 1232 hours- no findings</p> <p>04/07- not performed.</p> <p>04/08- not performed (1st shift harvest)</p> <p>Handling Tool Marks Investigation</p>
M85O+P177 75+V85O	Swift Pork Company	14-Apr-23	<p>04/13/2023</p> <p>At approximately 1019 hours while doing the USDA ante-mortem inspection, I observed a group of hogs being driven down the center alley towards the REDACTED. A single hog doubled back and ran north down the alley. In front of pen # 21, an establishment employee attempted to block the hog by stepping in front of it and extending his paddle out. The hog attempted to stop, and its hind legs slid approximately 3 feet before it was able to stop and turn around. The surface condition in front of pen #21, where the hog slipped has less scarification and a different pattern compared to the rest of the alley. The flooring where the hog slipped was not sufficiently maintained to provide good footing. The ally way had been washed down and no manure was present.</p> <p>9CFR313.1 (b) states: Floors of livestock pens, ramps and driveways shall be constructed and maintained so as to provide good footing for livestock. Slip resistant or waffle floor surfaces, cleated ramps and the use of sand, as appropriate, during winter months are examples of acceptable construction and maintenance.</p> <p>Respectfully submitted,</p> <p>REDACTED</p> <p>Consumer Safety Inspector</p> <p>JBS Swift M-85O</p> <p>600 South Iowa Avenue</p>
M85O+P177 75+V85O	Swift Pork Company	14-Apr-23	<p>On 4/13/2023 at approximately 2335 hours, I was performing HATS category II - Truck Unloading outside of dock # 1 about 20' from the right side of the trailer. After the driver unloaded the top deck, he went to the lower deck to unload the rest of the hogs. The driver walked down the ramp to the belly of the first compartment. I noticed the driver stooping down near the entrance of the ramp for a few moments and then began tapping the hogs with his rattle paddle. I walked up to the side of the trailer and looked through one of the openings and viewed a dead hog near the opposite side of the trailer near the end of the ramp. The driver was standing alongside the dead while using his rattle paddle to direct hogs up the ramp. The driver then quickly opened the next dividing gate and darted into the next compartment. I could not see him for a moment because his trailer lights were off. A hog came out of the compartment and stepped over the dead and walked up the ramp. Immediately the driver came back and stood beside the dead while guiding hogs up the ramp; one hog walked down the ramp behind the driver and stepped over the dead. After getting the drivers attention, I told him to stop moving hogs and get assistance from a dock employee to either remove the dead or stand by it before unloading any more hogs. As the driver went to get a dock employee, I summoned for Mr. REDACTED, Livestock Supervisor. Mr. REDACTED was in the middle of electrical stunning, so I opted not to interrupt him. I then went back to the truck and verified an establishment employee standing alongside the dead with a hinged sort-board while the driver finished unloading the resto of the hogs. I informed Mr. REDACTED of the incident and that an HHMOI would be issued. Mr. REDACTED advised he would put the driver under a 72-hour suspension pending an investigation.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p> <p>SPHV-2nd shift</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/inspectionTasksLHH_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Livestock Humane Handling Inspection Task (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M3W+V3W	Swift Pork Company	16-Apr-23	<p>04/15/2023 11:40 pm met procurement supervisor REDACTED on kill floor to observe and photograph pictures of carcass X93 with 3 hotshot carcass imprints on back of carcass. One imprint included approximately one foot length of rod from prongs. After the area was skinned, there were hemorrhaged impressions in the underlying fat of the carcass. Mr. REDACTED said he would forward the pictures to the appropriate person(s) to investigate.</p> <p>04/24/2023 Received investigation report from procurement. The producer associated with the hog found that a new employee used the hot shot in a swinging motion. The employee thought a swinging method was better than shocking the hog to facilitate loading. Preventive/corrective actions included to educate all growers and loadout crews about the incident. All were told to immediately address any mishandling. Also, one of the owners will observe the handling of animals at the site on a random basis to verify proper handling methods are used.</p>
M3W+V3W	Swift Pork Company	18-Apr-23	<p>4-17-2023 10:30 pm carcass 626 with 4 circular marks (approximately 1.5 to 2.0 inches in diameter) on back behind shoulder. REDACTED took pictures. When marked area was skinned, hemorrhage was present in the underlying fat.</p> <p>12:30 am carcass 641 with 5 marks in area behind shoulder and toward mid back. REDACTED took pictures. When the marked area was skinned, there was slight hemorrhage in the underlying fat.</p> <p>01:30 am carcass 364 with 4 marks in area behind shoulder and towards mid back. REDACTED took pictures. When the marked area was skinned, there was hemorrhage in the underlying fat.</p> <p>04/24/2023 Received investigation reports (3) from procurement. In house cameras for the receiving chutes, barn pens, and CO2 drive lanes. No misuse of handling tools was observed.</p> <p>Preventive/corrective actions included reviewing pictures and proper use of handling tools with employees and hog truckers.</p>
M3W+V3W	Swift Pork Company	2-May-23	<p>On April 29, 2023, at approximately 0105 hours while performing HATS IV, antemortem inspection, I was standing on the catwalk between Samson 1 and 2. I observed that driven hogs started to head East, away from the stunning area in the alley. The hogs were bunched up against the moving gates. Three employees attempted to drive the hogs away from the gate and towards the stunning area. The employees were using air hoses to coax the hogs to turn, and I observed that one of the employees was tapping the snout/nose of a hog to get the hog to turn around. The hog did not vocalize and instead moved away from the employee, further into the group of hogs bunched at the gate. Excitation and piling increased after this observation. I saw the Barn Supervisor, REDACTED near the sticking area and called him up to the walk area to address the employees tapping the snout of the hog. During the time it took him to come up to catwalk, the excitation had decreased, and the hogs had turned around and proceeded toward the stunning area. I explained my observations to Mr. REDACTED, he went over, and I saw him talk to his employees. Kill Floor Superintendent REDACTED and General Foreman REDACTED were notified of my observations in the barn.</p> <p>On May 1, 2023, at approximately 1630 hours, I met with Kill Floor Superintendent REDACTED to discuss the establishment's humane handling program and about possibly giving hogs more space to allow them to turn around in future.</p> <p>On May 12, 2023, I received a written response from the establishment for preventative measures in future, the employees were retrained on not tapping face are of hog and correct humane handling procedures.</p>
M3W+V3W	Swift Pork Company	2-May-23	<p>On May 2, 2023, at approximately 1220 hours while performing HATS VI, Electric Prod/Alternative Object Use, I was observing from the West side of the shackle table looking up at the alley leading up to the CO2 stunner. I could hear loud vocalization of hogs coming from that direction and observed that an employee who was actively driving hogs was switching between a bat and electrical prod. The employee had a bat-type implement in one hand and an electric prod in the other. I immediately notified Yard Supervisor REDACTED and pointed up to the alley to the employee using both the bat and the electrical prod. Mr. REDACTED immediately went up to alley area and took the electrical stunner away from the employee. I stopped hearing loud hog vocalizations coming from the alley.</p> <p>I informed Mr. REDACTED and Kill Floor General Foreman REDACTED of my observations in the barn and that using the electric prod in this way is not consistent with the establishment's humane handling program.</p> <p>On May 12, 2023, I received a written response from the establishment for preventative measures in the future, the employee was coached on proper use of tool and counseling in HR.</p>
M3W+V3W	Swift Pork Company	10-May-23	<p>On May 10, 2023, at approximately 1030 hours, while on the harvest floor, I observed a hog carcass with 11 distinct tool/implement markings on its back, the hog was railed-out by FSIS inspectors at mid-trim. The markings were circular in shape consistent with the shape of bats. The hog had tattoo number 8175.</p> <p>Slaughter Floor Superintendent REDACTED and Humane Handling Manager REDACTED were shown the hogs with tool markings. Mr. REDACTED and Mr. REDACTED captured photos of the carcass lesions, per my request, establishment personnel skinned the lesions and I observed that there was significant hemorrhaging of the underlying fat in conjunction with three of the bruises. I informed Mr. REDACTED of the forthcoming MOI.</p> <p>On May 15, 2023, at approximately 0815 hours, I was given the establishment's corrective actions by Humane Handling Manager REDACTED, it stated that the company reviewed proper use of hog handling tools with employees and hog truckers including showing the picture of the incident.</p>

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Establishment Number	Establishment Name	MOI Date	MOI Description
M3W+V3W	Swift Pork Company	15-May-23	<p>On May 15, 2023, at approximately 0800 hours while performing head inspection I observed multiple hogs distinct round/oval tool markings on their backs, the hogs were marked to be railed out on mid-trim. Upon examination at the mid-trim, the first hog had a circular bruise on the side of its snout. This hog had tattoo number 8195. The second hog had four distinct circular bruises on the back between the shoulder blade, this hog's tattoo number was 8195. The third hog had five circular/oval bruises along the spine going down to the rump area, the hog's tattoo number was 8194. The fourth hog had six circular marks along the spine, the hog's tattoo number was 8194. The fifth hog had seven circular/oval marks, the tattoo number was 8194. The sixth hog had six circular/oval marks on the lower back, the hog's tattoo number was 8194.</p> <p>Slaughter Floor Superintendent REDACTED and Humane Handling Manager REDACTED were shown the hogs with tool markings. Mr. REDACTED and Mr. REDACTED were observed taking photos of the hogs, I asked them to skin the hogs and observed that significant hemorrhaging of the underlying fat was visible in conjunction with bruises on three separate hogs. I informed Mr. REDACTED of the forthcoming MOI.</p> <p>On May 17, 2023, the establishment determined that the misuse occurred at the establishment. Employees were coached on proper use of tools.</p>
M3W+V3W	Swift Pork Company	20-Jun-23	<p>Approximately 0020 (night shift of 06/19/2023) I observed pen 2A (staging pen prior to drive line for South Samson) was filled with hogs by employee driving hogs from their pen to the staging area. The number of hogs were excessive. Employee working in 2A was moving in pen, toward the pigs, rather than walking around, causing pigs to pile and vocalize against the back of the pen. Hogs were stressed from overcrowding and heat.</p> <p>The supervisor in the area was called to the area and concerns addressed. Kill floor Superintendent was notified of my observations.</p> <p>The animal handling observed was not consistent with the establishment's written program.</p>
M3W+V3W	Swift Pork Company	27-Jun-23	<p>During the antemortem inspection scheduled at 2115, I observed hogs being moved from pen 3B to 3A. Hogs were heavy and three hogs became nonambulatory in the driveway between 3A and 3B. These hogs had not received antemortem inspection.</p> <p>I observed one skid loader in the area of the slows, which turned and drove toward the west large slow pens, where slows are placed for antemortem inspection. I then observed a skid loader driven by the CO2 area Supervisor REDACTED in the area of the slows, which then turned back to the north. I watched as the skid loader maneuvered in the area of the CO2 slow pen and then parked outside the pen area.</p> <p>Slows placed in the CO2 slow pen must have previously received antemortem inspection.</p> <p>When I asked third shift procurement Supervisor REDACTED if all three slows were placed in the west slow pens, he said he would ask Supervisor REDACTED. He returned and stated the supervisor said all three slows went to the west slow pen.</p> <p>When I questioned Supervisor REDACTED, he said he would follow-up to be certain the slows were placed in the correct area.</p> <p>After finishing antemortem inspection, I observed Supervisor REDACTED and another employee transporting two slows out of the CO2 pen and to the west slow pen where they would have antemortem inspection.</p> <p>I expressed my concerns regarding the situation to General Foreman REDACTED.</p>
M3W+V3W	Swift Pork Company	17-Jul-23	<p>07/17/2023</p> <p>Approximately 1950 I observed a carcass retained on the final rail. Carcass tattoo 4X7 had a dark reddish-brown mark midback lengthwise. The mark was approximately 1 1/2 to 2 feet in length, width 1/2-to-3/4-inch width. After the skin was removed from the site, extensive hemorrhage in the underlying fat was visible, with two streaks of hemorrhage the length of the mark. In some areas the hemorrhage extended into the red meat of the loin. Kill floor superintendent REDACTED sent pictures of the carcass to procurement supervisor REDACTED.</p> <p>Supervisor REDACTED said day shift yards management would check into the matter and he forwarded the pictures.</p> <p>07/20/23</p> <p>Supervisor REDACTED showed me correspondence from the producer for investigation and corrective actions.</p> <p>Producer's response was that the mark could have been from the handle of rattle paddle.</p> <p>The corrective action was termination of the load out crew at the site.</p>

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Establishment Number	Establishment Name	MOI Date	MOI Description
M3W+V3W	Swift Pork Company	29-Jul-23	<p>Approximately 2:35pm in the area of the west slow pens, I observed the south most slow pen. One employee was standing in the pen, and one employee was removing a stunned hog with the skid loader. The employee dropped the one hog from the skid loader and went to retrieve a second stunned hog. I observed two more stunned hogs in the pen. The stunned hogs all had pink spray on them, indicating they had passed inspection. I also observed a dead hog (not stunned), without pink spray, in the pen.</p> <p>I told a procurement employee that the dead needed to be removed from the pen. The procurement employee removed the dead hog and placed in the appropriate pen for dead hogs.</p> <p>It appeared the employee who sprayed the slows which passed inspection failed to remove the dead hog.</p> <p>Employees who I observed stunning the passed and inspected hogs did not first remove the dead hog.</p> <p>The establishment does not have a written program for handling dead animals in the slow pens. A program to remove dead animals from the slow pen, at the time of inspection and before stunning passed animals might be useful to assure compliance with 314.8(b): Under no circumstances shall the carcasses of any animal which has died otherwise than by slaughter, or any part thereof, be brought into any room or compartment in which any edible product is prepared, handled, or stored.</p>
M85O+P1775+V85O	Swift Pork Company	20-Sep-23	<p>On 09/14/2023, I noticed one animal slip and seven fall in the southwest corner of pen 40. Please be advised we are recommending you investigate this issue. Future incidents that repeat may result in a noncompliance record.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M3W+V3W	Swift Pork Company	24-Sep-23	<p>09/23/2023 Approximately 2210 I observed a hog in the slow pen, sitting dog-like with a bloody mouth, with a distressed appearance. The hog had a cut below the jaw with a broken mandible (lower jawbone). I indicated to the employee showing me hogs that the animal needed to be euthanized. A supervisor from the CO2 area arrived in the area and indicated the animal needed to be euthanized. A second yards employee arrived, and the yards supervisor REDACTED arrived in the area. Supervisor REDACTED said he would investigate. The situation was not consistent with the establishment's humane handling program. I asked to see any report when the investigation is complete. Supervisor REDACTED got the tattoo number and pictures of the hog after it was euthanized.</p> <p>09/29/2023 I received the investigation report regarding this hog's injury. The in-plant cameras for receiving chute #2 and scale area were reviewed and showed the trucker doing a good job unloading. The load had three slows and employees seemed to have struggled loading two of the slows. The suggested areas of possible occurrence of the injury were the off ramp unloading and the slow loading process.</p> <p>Preventive/corrective actions included 1) supervisor retrained crew on identifying hogs with injuries and 2) proper loading of slow hogs. The skid loader, chute #2, and trailer were examined for sharp edges; no sharp edge was found.</p> <p>At the morning meeting with the establishment Dr. REDACTED suggested decreasing the power on the skid loader during the loading of slows to better control bucket movements.</p>
M85O+P1775+V85O	Swift Pork Company	23-Sep-23	<p>On 09/22/2023, I noticed three animals fall and two slip in the northwest corner of pen 42 and the southwest corner of the drive alley for pen 42. Please be advised we are recommending you investigate this issue. Future incidents that repeat may result in a noncompliance record.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>
M85O+P1775+V85O	Swift Pork Company	27-Sep-23	<p>On 09/27/2023, I noticed multiple animals slip and fall in the northeast corner of dock #3 drive alley, between the entrance of scale B and the first cross gate, and the west end of dock #1 drive alley before the scales. Please be advised we are recommending you investigate this issue. Future incidents that repeat may result in a noncompliance record.</p> <p>Respectfully submitted,</p> <p>REDACTED, DVM</p>

Appendix to Excerpt of Livestock Humane Handling Inspection Task (Archive)

The content in several rows of this dataset was unavoidably cut off as a result of Excel formatting and printing limitations. That missing content is included here:

EstablishmentNumber	EstablishmentName	Inspection Date	NRRegs	NRDescription
M969+V969	Swift Beef Company	8-Feb-23	313.1	<p>Humane Handling Routine Task: HATs Category II – Truck Unloading</p> <p>At approximately 1130 hours, I, the Supervisory Public Health Veterinarian, along with the Supervisory Consumer Safety Inspector were performing antemortem duties, when I observed the following non-compliance:</p> <p>A truck parked on dock 1 was approximately half way offloaded, when I heard shouting and observed signaling surrounding the back end of the truck. Establishment personnel ran back and forth between the scale house and the back gate of the truck. I quickly made my way down the catwalk and observed a black cow with it's back legs hanging between a 2-3 foot gap. The hind limbs were suspended off the dock, between the dock and trailer, whereas the sternum and forelimbs were perched on the dock.</p> <p>As plant personnel were in the process of initiating their emergency action plan, the cow was able to wiggle enough to get it's hind limbs onto the ground below. From there, the cow was able to bear weight on the hind limbs and leveraged it's forelimbs down from the dock. The cow then took off running. The remaining cattle on that truck were behind a closed gate and no further cows were at risk of falling or jumping off the truck.</p> <p>The cow ran towards the north side of the building and dodged various parked vehicles, stationary equipment and ran by an open security gate. Establishment personnel and myself diligently followed behind the loose cow. I used my cell phone to call Technical Services Management and alerted them to the ongoing situation.</p> <p>Establishment security started to shut all open gates and plant personnel spent approximately 15 to 20 minutes tracking the cow from the north end of the property, back to the south end of the property.</p> <p>At 1158 hours, the cow ran under a parked trailer, where it laid down. Plant personnel were able to stun the animal with a hand-held captive bolt device, successfully rendering the animal unconscious on the first attempt. Dock 1 was temporarily placed under regulatory control, while I, the Supervisory Public Health Veterinarian contacted the Denver District management team through supervisory channels. The Supervisory Consumer Safety Inspector remained outside to monitor that no further cattle were offloaded on dock 1 and that the driver did not leave prior to gathering the needed information on how this occurred. The plant operates under a Robust Systematic Approach to Livestock Humane Handling.</p> <p>Upon my return to the pens, dock 1 was released, The driver was interviewed and reported to have left a 2-3 inch gap from the dock to the trailer. Upon noticing a cow had gotten it's hoof stuck in the gap, the driver stated, "he got back into his trailer and pulled forward to try to assist the cow. It was then the truck lurched forward on the driver, causing a gap big enough for the cow's hind end to slip through."</p> <p>This non-compliance will be linked to: UOA5015021606N, which was dated 2/6/2023.</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

Establishment Number	Establishment Name	MOI Date	MOI Description
M85O+ P17775+ V85O	Swift Pork Company	2-Aug-21	<p>On 07/02/21, I met with Mr. REDACTED, animal welfare manager after reviewing the establishments Animal Welfare System (AWS), including records review for the last 30 days, and direct observations during HAT tasks. With respect to implement usage MOI's, Mr. REDACTED and the livestock management team continue to follow the SOP's developed for tool use, doing a thorough investigation for every reported incident, maintaining the establishments strict zero tolerance policy by holding in-plant employees, livestock haulers, and producers accountable for any infractions and have imposed immediate corrective actions and preventative measures for each incident. Records supporting each incident are maintained in the livestock office. Mr. REDACTED has ensured the establishment is following AWS written SOPs at each level of the process from truck unloading to stick. Records support both monitoring, verification, frequency, location, time, and corrective actions as applicable pertaining to each SOP, and the employees responsible to perform each task are being implemented. Training records documenting each employee's attestation of knowledge and understanding of the SOP's related to their job tasks are on file. Observations during HAT tasks in conjunction with AWS requirements I occasionally observed center alley drivers causing excessive noise by striking gates with their rattle paddles while moving animals to slaughter. Mr. REDACTED immediately followed up with area supervisors to ensure this practice is discontinued. Animals with rectal prolapses in holding pens, some of which were being cannibalized by other animals were observed. Livestock supervisors enacted resolution by either segregating and euthanizing the animals or moving the pen immediately to slaughter. Mr. REDACTED will follow up with the counter-sorter employees to ensure these animals are sorted and euthanized before the scale. I observed animals, post stunning, unshackled lying either on the shackle table or on the floor adjacent to the shackle table without a captive bolt security knock. I also observed offline stickers hoist animals to be re-shackled without a security knock. I did not see this requirement in any of the SOP's. Mr. REDACTED is certain this is incorporated somewhere in the program, but if not, will have all applicable employees sign off to security knock all animals before hoisting and return to shackling. Records review related concerns Vocalization audits are done on 50 hogs per audit and a finding is only recorded if an animal squeals in response to stimuli from a prod or plastic bat (squeal resulting from implement contact only). Also, the monitor doing the audit can only look at one employee at a time. While monitoring operations in the areas audited by establishment employees for vocalization, I heard frequent vocalizations from the guillotine gates up to the REDACTED entrances (there are six to eight employees driving animals in this locality). AMI audits and those performed by front end supervisors for vocalization show almost zero findings. Mr. REDACTED will look for ways to improve this category of monitoring. Camera audits were not random and not being done on all 3 shifts, most were done from 5-6 am. Mr. REDACTED will ensure all 3 shifts are being audited at random times. Mr. REDACTED informed me that JBS-Ottumwa will start using REDACTED, a 3rd party auditor, which is currently being used by other JBS establishments. REDACTED performs random camera audits throughout the livestock area. Monitoring time is 3500 minutes per month, and idle time is not counted; in other words, when a random time selected by the REDACTED monitor happens to coincide when the establishment is either not operating, experiencing downtime, company breaks, or any other reason the process has been halted, the monitor will fast forward the camera footage until they observe that active engagement of the process has resumed. Mr. REDACTED also plans to replace the existing analog cameras with digital cameras. Upon reviewing the pig slaughter and transportation audits, I noticed the time the audits were being done were virtually the same on 1st shift, with some variation on 2nd shift, but still relatively close. Mr. REDACTED will follow up with auditors to ensure audits are done at random times. I noticed in SOP #1, 4, b- states "REDACTED"; this topic is also referenced on page 7, facility- last paragraph. I do not regularly see pen quantity reductions during hot weather. The establishment ensures that all hogs have at least 6 square feet per hog which is an accepted standard for market hogs, but this may not consider variables such as weight, in barn temperatures, long haul animals (signs of stress, panting), weather, humidity, barn ventilation/air flow, and distance animals must go to the pen, e.g. distance to pen 22 verses pen 1 is approximately 150 feet. Mr. REDACTED concurred with this rationale and will discuss further with Mr. REDACTED, procurement manager and in the interim communicate with scalers to reduce the number of hogs per pen when conditions warrant. After a review of the establishment's AWS, implementation of the program, and associated records, I, Dr. REDACTED, SPHV have determined that the program meets the agency's expectations for a robust systematic approach to humane handling and slaughter of livestock. It is my conclusion that the establishment is both operating under and properly implementing their written program in alignment with FSIS Notice 34-18 - Assessment and Verification of an Official Livestock Establishment's Robust Systematic Approach Plan for Humane Handling and Slaughter. Respectfully submitted, REDACTED, DVM SPHV-2nd shift JBS-Ottumwa</p>
M3W+V3W	Swift Pork Company	16-Nov-22	<p>On 11/14/2022 around 9:00pm, an inspector at final rail inspection retained a carcass with unusual extensive dark brown markings on its back. I asked the kill floor general foreman to take pictures of the carcass marks to send to Procurement Supervisor REDACTED. After an area of the marks was skinned, extensive hemorrhage was seen on the underside of the skin and in the underlying fat tissue. The marks were in an area approximately 12 to 18 inches lengthwise mid back region of the carcass and approximately 7 to 12 inches width across the mid back area.</p> <p>Upon close examination, prominent cable features of the numerous long marks and the loops formed were noted, as well as an area distal to the loops where two cable marks came together. There were more than six loop marks visible.</p> <p>The marks indicated obvious excessive misuse of an inappropriate animal handling tool.</p> <p>On 11/15/2022 an inspector at heads' inspection retained a carcass with unusual brown loop marks approximately 1.5 to 3 inches diameter. When skin was removed from one area of the marks, there was prominent hemorrhage underneath the skin and in the fat tissue. Hemorrhage reflected the shape of the skin brown marks. I asked the kill floor general foreman to take pictures of the carcass to send to Supervisor REDACTED.</p> <p>I observed that the loop lines of the brown marks had cable features. These marks were possibly made by misuse of an animal handling tool.</p> <p>Supervisor REDACTED said he would forward the skin samples and pictures to his supervisor.</p> <p>Establishment forwarded pictures to producers associated with hogs.</p> <p>November 18, 2022. The corrective actions taken by the producer associated with the incident of November 14, 2022, were:</p> <ol style="list-style-type: none"> 1. Talked with the load out crew and retrained on proper handling of pigs during sorting and loading. 2. Talked about proper welfare procedures when handling the pigs. 3. Provided a person to observe sorting and loading operations to ensure all handling is done correctly and make recommendations for better options. <p>November 29, 2022 The corrective actions given to the establishment by producer associated with the hog of November 15, 2022, were:</p> <ol style="list-style-type: none"> 1. Observed the loading crews at each farm site.

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>2. Reviewed TQA guidelines with crew.</p> <p>The establishment followed the SOP for investigation of incidents of marks on hogs and completed investigation documents.</p>
M850+ P17775+ V850	Swift Pork Company	8-Dec-22	<p>Paddle mark investigation discussion post meeting</p> <p>The paddle mark investigation for 11/11 marks is still pending.</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager. Status – pending response from producer - Status unchanged- still waiting for producer to follow up.</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses. Status – REDACTED- teams members in compliance per Establishment's Investigation. Only have pictures from the trimmed carcass. Dr. REDACTED gave pictures of whole carcasses to REDACTED. Status- waiting for producer follow up.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. Status - .REDACTED and REDACTED never received pictures or knew about the marks. Dr. REDACTED gave his pictures of the carcasses to REDACTED. An in-House investigation will be started by REDACTED</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting. Status - .REDACTED and REDACTED never received pictures or knew about the marks. Dr. REDACTED gave his pictures of the carcasses to REDACTED. An in-House investigation will be started by REDACTED</p> <p>REDACTED- Last week termed 2 livestock employees</p> <ol style="list-style-type: none"> 1. Overcrowding pen in unloading dock 2. Hitting hog in the face with paddle <p>REDACTED- last week sent an employee to HR and termed.</p> <p>REDACTED and REDACTED- spending some time on second shift in Livestock- employees working well together, everything looked good, no issues.</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	20-Dec- 22	<p>Paddle mark investigation discussion post meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>11/18/2022- tattoo # 1272- AMI on the driver. The load unloaded fine. Investigation- no findings on Establishment's end. Producer level- said no findings.</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – currently under investigation at buyer's and producer's level.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – investigation at buyer's and producer's level.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status – investigation at buyer's and producer's level.</p> <p>12/09 (12/08 production) at approximately 0215 hours, carcass with tattoo # 02X8 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status at buyer's and producer's level.</p> <p>12/13 (12/12 Production) at approximately 0238 hours, carcass with tattoo # 0407 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status - at buyer's and producer's level.</p> <p>12/13, carcass with tattoo # 04X2 was US retained for electric prod impact mark. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status – Will be sent to producer's level. Tried contacting driver 3 times. The load took 10 minutes to unload- with no Establishment assistance. Driver went in with paddle and came out with paddle.</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	29-Dec- 22	<p>Paddle mark investigation discussion post meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>11/18/2022- tattoo # 1272- AMI on the driver. The load unloaded fine. Investigation- no findings on Establishment's end. Producer level- said no findings.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – currently under investigation at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – investigation at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status – investigation at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>12/09 (12/08 production) at approximately 0215 hours, carcass with tattoo # 02X8 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>12/13 (12/12 Production) at approximately 0238 hours, carcass with tattoo # 0407 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status - at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>12/13, carcass with tattoo # 04X2 was US retained for electric prod impact mark. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status – Will be sent to producer's level. Tried contacting driver 3 times. The load took 10 minutes to unload- with no Establishment assistance. Driver went in with paddle and came out with paddle.</p> <p>12/28/2022- Producer/ Site manager REDACTED (REDACTED)- trucker was using electric prod at farm- he was coached and not allowed to use electric prods at property.</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M85O+ P17775+ V85O	Swift Pork Company	10-Jan- 23	<p>Paddle mark investigation discussion meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>01/04/2023- Status - no updates.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status –investigation at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>01/04/2023- Status - no updates</p> <p>12/09 (12/08 production) at approximately 0215 hours, carcass with tattoo # 02X8 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>01/04/2023- Status - no updates</p> <p>12/13 (12/12 Production) at approximately 0238 hours, carcass with tattoo # 0407 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status - at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>01/04/2023- Status - no updates</p> <p>12/13, carcass with tattoo # 04X2 was US retained for electric prod impact mark. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status – Will be sent to producer's level. Tried contacting driver 3 times. The load took 10 minutes to unload- with no Establishment assistance. Driver went in with paddle and came out with paddle.</p> <p>12/28/2022- Producer/ Site manager REDACTED (REDACTED)- trucker was using electric prod at farm- he was coached and not allowed to use electric prods at property.</p> <p>01/04/2023 - Status - Investigation completed.</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	12-Jan- 23	<p>Paddle mark investigation discussion post meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates.</p> <p>01/11/2023- Status - investigation findings finalized per Mr. REDACTED, Animal Welfare Manager: no findings on farm - producer advised that all their employees use only plastic BB bats, the site manager ensures all barn employees use plastic BB bats, and all drivers loading hogs from this site use only plastic BB bats.</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally call producer.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status – investigation at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates</p> <p>01/11/2023 - Status - Mr. REDACTED will personally call producer.</p> <p>12/09 (12/08 production) at approximately 0215 hours, carcass with tattoo # 02X8 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates</p> <p>01/11/2023 - Mr. REDACTED will personally call producer.</p> <p>12/13 (12/12 Production) at approximately 0238 hours, carcass with tattoo # 0407 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status - at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>01/11/2023 - Mr. REDACTED will personally call producer.</p> <p>12/13, carcass with tattoo # 04X2 was US retained for electric prod impact mark. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status – Will be sent to producer's level. Tried contacting driver 3 times. The load took 10 minutes to unload- with no Establishment assistance. Driver went in with paddle and came out with paddle.</p> <p>12/28/2022- Producer/ Site manager REDACTED (REDACTED)- trucker was using electric prod at farm- he was coached and not allowed to use electric prods at property.</p> <p>01/04/2023 - Status - Investigation completed.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	30-Jan- 23	<p>Paddle mark investigation discussion post meeting 1/18/2023</p> <p>Dr. REDACTED</p> <p>1/16/2023</p> <p>0841, 0842- at approximately 0835, I observed two carcasses one with tattoo 0841 and the other with tattoo 0842 with well defined and highly bruised implement marks on the dorsal area of the carcasses. Pictures were taken by REDACTED.</p> <p>Status: 1/18/2023 REDACTED – working on it</p> <p>Dr. REDACTED</p> <p>01/16/2023 - at approximately 1730 hours, I observed a carcass with tattoo #129X bearing multiple red well demarcated poker marks. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Not typically investigated per the SOP</p> <p>01/17/2023 – from approximately 1705-1800 hours, I observed multiple carcasses with tattoo #1221 bearing multiple electric prod marks ranging from tan to deep red. Number of marks per carcass ranged from 3 to 15. There were 9 carcasses affected. I informed Mr. REDACTED, Harvest General Superintendent and he captured pictures and provided copies to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Driver had a sort board and paddle, Dock monitor that assisted was inside only 45 secs and handled around 10 hogs. Spoke with driver- driver noticed nothing. Has been forwarded to site humane handling person. Corporate is involved. Jbs Live, REDACTED, Driver- REDACTED</p> <p>01/18/2023 (01/17 harvest) – at approximately 0100 hours, CSI REDACTED retained a carcass with tattoo #6XX9 bearing a red electric prod mark consistent with one of the inhouse prod dimensions. I informed Mr. REDACTED, Harvest General Superintendent and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status - Noone went into the truck to help. Sent to producer to ask for answer.</p> <p>. (REDACTED; REDACTED; Driver- REDACTED)</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	2-Feb-23	<p>1/25/2023</p> <p>Humane Handling Post meeting</p> <p>11/11 (11/10 Harvest) at approximately 0210 hours, I observed carcass with tattoo #6288 bearing multiple paddle mark bruises. Mr. REDACTED, Harvest General Foreman took a picture. I requested a copy of the picture for the next weekly meeting. Mr. REDACTED showed me the picture and that he sent the picture to Mr. REDACTED, Plant Manager, Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status ???pending response from producer. Nothing received from REDACTED. He sends an email to buyers who then contact the producers. Animal handling person attaches pictures to the email.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates.</p> <p>01/11/2023- Status - investigation findings finalized per Mr. REDACTED, Animal Welfare Manager: no findings on farm - producer advised that all their employees use only plastic BB bats, the site manager ensures all barn employees use plastic BB bats, and all drivers loading hogs from this site use only plastic BB bats.</p> <p>Status: Investigation Closed. Findings- Conclusive.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status ??Investigation at buyer??s and producer??s level.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates</p> <p>01/11/2023 - Status - Mr. REDACTED will personally call producer.</p> <p>1/25/2023- Status- No findings at Producer level</p> <p>12/09 (12/08 production) at approximately 0215 hours, carcass with tattoo # 02X8 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status at buyer??s and producer??s level.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates</p> <p>01/11/2023 - Mr. REDACTED will personally call producer.</p> <p>1/25/2023- Status- No findings at Producer level. Were not answering emails so instead went to phone calls.</p> <p>12/13 (12/12 Production) at approximately 0238 hours, carcass with tattoo # 0407</p> <p>was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status - at buyer??s and producer??s level.</p> <p>12/28/2022- Have to wait and see when REDACTED gets here.</p> <p>01/04/2023- Status - no updates</p> <p>01/11/2023 - Mr. REDACTED will personally call producer.</p> <p>1/25/2023- Status- No findings at Producer level</p> <p>12/13, carcass with tattoo # 04X2 was US retained for electric prod impact mark. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status ???Will be sent to producer??s level. Tried contacting driver 3 times. The load took 10 minutes to unload- with no Establishment assistance. Driver went in with paddle and came out with paddle.</p> <p>12/28/2022- Producer/ Site manager REDACTED (REDACTED)- trucker was using electric prod at farm- he was coached and not allowed to use electric prods at property.</p> <p>01/04/2023 - Status - Investigation completed. Findings- Conclusive</p> <p>01/17/2023 – from approximately 1705-1800 hours, I observed multiple carcasses with tattoo #1221 bearing multiple electric prod marks ranging from tan to deep red. Number of marks per carcass ranged from 3 to 15. There were 9 carcasses affected. I informed Mr. REDACTED, Harvest General Superintendent and he captured pictures and provided copies to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>Status – Plant employee assisted during unloading for 45 secs, only used electric prod on a couple of hogs. 16 pigs came out in rapid succession. Driver had used hot shot during loading. The producer terminated employee from any other sites and recommended termination to trucking business. Driver is forever banned from JBS pork plants.</p> <p>Investigation completed. Findings Conclusive.</p> <p>01/18/2023 (01/17 harvest) – at approximately 0100 hours, CSI REDACTED retained a carcass with tattoo #6XX9 bearing a red electric prod mark. I informed Mr. REDACTED, Harvest General Superintendent and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – A crew fieldman will visit with site. Will watch them load. Investigation still ongoing.</p> <p>1/20/2023- Electric Prod mark- 6628 - REDACTED Pictures</p> <p>Status- REDACTED Just sent it off today.</p> <p>1/25/2023 - Paddle mark- 6706 REDACTED pictures</p> <p>1/25/2023 Paddle mark- 6703 - REDACTED pictures</p> <p>REDACTED – found a prod mark. Finished investigation today- at producer level right now.</p> <p>REDACTED- found a bad one yesterday- hot shot mark. At Producer level right now.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	3-Feb-23	<p>Paddle mark investigation discussion post meeting</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally call producer.</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p> <p>USDA response- Need to have some kind of resolution for each incident. ie- training, awareness... something</p> <p>Plant Response- We will continue following our SOP and fully investigate all findings which are indisputable.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>1/25/2023- Status- No findings at Producer level</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p> <p>12/09 (12/08 production) at approximately 0215 hours, carcass with tattoo # 02X8 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status - waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>1/25/2023- Status- No findings at Producer level. Were not answering emails so instead went to phone calls.</p> <p>12/13 (12/12 Production) at approximately 0238 hours, carcass with tattoo # 0407 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status - at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p> <p>01/04/2023- Status – no updates.</p> <p>01/11- Mr. REDACTED will personally call producer.</p> <p>1/25/2023- Status- No findings at Producer level</p> <p>1/16/2023 0841, 0842- at approximately 0835, I observed two carcasses one with tattoo 0841 and the other with tattoo 0842 with well defined and highly bruised implement marks on the dorsal area of the carcasses. Pictures were taken by REDACTED.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>Tattoo- 0841</p> <p>Status: Response from producer. There are no paddles on site. Spoke with load crew- REDACTED crew- they utilize plastic bats to unload.</p> <p>In Plant- no findings.</p> <p>Tattoo- 0842</p> <p>Status: Spoke with Barn manager- loaded using rattle can, loading went easy. No paddles onsite. REDACTED banned paddles from facility 2 years ago.</p> <p>01/16/2023 - at approximately 1730 hours, I observed a carcass with tattoo #129X bearing multiple red well demarcated poker marks. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status –</p> <p>01/18/2023 (01/17 harvest) – at approximately 0100 hours, CSI REDACTED retained a carcass with tattoo #6XX9 bearing a red electric prod mark . I informed Mr. REDACTED, Harvest General Superintendent and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status - 1/ 25/2023 A crew fieldman will visit with site. Will watch them load. Investigation still ongoing.</p> <p>2/1/2023- Producer level- hog was difficult to move. No prod usage during loading</p> <p>Nothing internal, did not help unloading on that truck</p> <p>01/19/2023 - I observed a carcass with tattoo #1266 bearing multiple circular lesions with well demarcated dark red borders. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status - Will review photos with establishment.</p> <p>01/19/2023 – I observed a carcass on the disposition rail with tattoo #0277 bearing multiple circular lesions with dark red raised borders. I informed Mr. REDACTED, FSQA Hot Side Supervisor and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Will review photos with establishment.</p> <p>1/20/2023- Electric Prod mark- 6628 - REDACTED Pictures</p> <p>Status- REDACTED Just sent it off today.</p> <p>01/21/2023 (01/20 harvest) – I observed a carcass with tattoo #1297 bearing multiple circular lesions with well demarcated dark red borders. I informed Mr. REDACTED, FSQA Hot Side Supervisor and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status - Will review photos with establishment.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	7-Feb-23	<p>Paddle mark investigation discussion post meeting</p> <p>11/30 (11/29 production) at approximately 0050 hours, I US retained 2 carcasses with tattoo #7919 bearing multiple red paddle mark bruises. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took. I followed up with Mr. REDACTED, Harvest General Superintendent and showed him both carcasses.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally call producer.</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p> <p>USDA response- Need to have some kind of resolution for each incident. ie- training, awareness... something</p> <p>Plant response- We will continue following out SOP and fully investigate all findings which are indisputable.</p> <p>02/08 – Establishment closed case on its own behalf due to multiple attempts at contacting the producer through email and phone without any correspondence from the producer.</p> <p>12/01 (11/30 production) at approximately 0233 hours, I US retained a carcass with tattoo #6606 bearing two well demarcated paddle mark bruises on the ham and shoulder. I informed Mr. REDACTED, Harvest Supervisor, asked him to inform a member of management, take pictures of the marks, and provide the pictures to me to present at the next weekly meeting. Mr. REDACTED showed me the pictures he took.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p> <p>1/25/2023- Status- No findings at Producer level</p> <p>2/2/2023- Plant response- At what point can we close down investigations. We are doing what we can- there has been no feedback from the farm. We are closing these investigations.</p> <p>02/08 – Establishment closed case on its own behalf due to multiple attempts at contacting the producer through email and phone without any correspondence from the producer.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status – waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>02/08 – Mr. REDACTED will follow up on status. Investigation pending.</p> <p>12/09 (12/08 production) at approximately 0215 hours, carcass with tattoo # 02X8 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status - waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>1/25/2023- Status- No findings at Producer level. Were not answering emails so instead went to phone calls.</p> <p>02/08 – Establishment closed case on its own behalf due to multiple attempts at contacting the producer through email and phone without any correspondence from the producer.</p> <p>12/13 (12/12 Production) at approximately 0238 hours, carcass with tattoo # 0407 was US retained for multiple red well demarcated paddle marks. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting, and to forward the data to Ms. REDACTED, Mr. REDACTED, and to Ms. REDACTED so she may begin her investigation.</p> <p>Status - at buyer's and producer's level.</p> <p>12/28/2022- Have to wait and see when REDACTED get here.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>01/04/2023- Status – no updates.</p> <p>01/11- Mr. REDACTED will personally call producer.</p> <p>1/25/2023- Status- No findings at producer level.</p> <p>02/08 – Establishment closed case on its own behalf due to multiple attempts at contacting the producer through email and phone without any correspondence from the producer.</p> <p>1/16/2023 at approximately 0835, I observed two carcasses one with tattoo 0841 and the other with tattoo 0842 with well-defined and highly bruised implement marks on the dorsal area of the carcasses. Pictures were taken by REDACTED.</p> <p>Tattoo- 0841</p> <p>Status- Response from producer. There are not paddles on site. Spoke with load crew- REDACTED crew- they utilize plastic bats to unload.</p> <p>In Plant- no findings.</p> <p>02/08 - Establishment closed case due to inconclusive investigation findings to determine the source.</p> <p>Tattoo- 0842</p> <p>Status- Spoke with Barn manager- loaded using rattle can, loading went easy. No paddles onsite. REDACTED banned paddles from facility 2 years ago.</p> <p>02/08 - Carcass tattoo 0842 by IPP on 01/16 investigated on 01/23. Producer was contacted: REDACTED site 4437, investigation conclusion from producer, talked to driver, used buzzer at barn and rattle can at plant said hogs went easy. Field staff talked to producer they used hot shots, no paddles on site. Driver used paddle and rattle can to unload at est., all team members in compliance.</p> <p>Status- Establishment closed case due to inconclusive investigation findings to determine the source.</p> <p>01/16/2023- at approximately 1730 hours, I observed a carcass with tattoo #129X bearing multiple red well demarked poler marks. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provide a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>01/18/2023 (01/17 Harvest) at approximately 0100 hours, CSI REDACTED retained a carcass with tattoo #6XX9 bearing a red electric prod mark. I informed Mr. REDACTED, Harvest General Superintendent and he captured a picture and provide a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status- 1/25/2023- a crew fieldman will visit with site. Will watch them load. Investigation still ongoing.</p> <p>2/1/2023- Producer level- hog was difficult to move. No prod usage during loading.</p> <p>Nothing internal, did not help unloading on that truck.</p> <p>02/08 – Establishment closed case due to inconclusive investigation findings to determine the source.</p> <p>01/19/2023 - I observed a carcass with tattoo #1266 bearing multiple circular lesions with well demarcated dark red borders. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Will review photos with establishment.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p>

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Establishment Number	Establishment Name	MOI Date	MOI Description
			<p>Status- Investigation pending.</p> <p>01/19/2023 – I observed a carcass on the disposition rail with tattoo #0277 bearing multiple circular lesions with dark red raised borders. I informed Mr. REDACTED, FSQA Hot Side Supervisor and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status - Will review photos with establishment.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>1/20/2023- Electric Prod Mark- tattoo 6628 – REDACTED Pictures</p> <p>Status- REDACTED just sent it off today.</p> <p>Carcass tattoo 6628 with prod marks, email- plan to contact the contract partner and make them aware and to meet to discuss, document a letter and training that this happened, and place in their grower file. They are also being fined.</p> <p>02/08- Status- Contact, discussion, and documentation have been finalized. The establishment has closed this case.</p> <p>01/21/2023 (01/20 harvest) - I observed a carcass with tattoo #1297 bearing multiple circular lesions with well demarcated dark red borders. I informed Mr. REDACTED, FSQA Hot Side Supervisor and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Will review photos with establishment.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Investigation pending.</p> <p>02/04 (02/03 harvest) – at approximately 0219 hours, I affixed US retain tag# MPD54076836 to a carcass with tattoo # 0122 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/08/2023.</p> <p>Status – Investigation pending.</p> <p>02/07/2023- at approximately 1230 hours, CSI REDACTED identified 4 carcasses on the harvest floor with tattoo 3917 bearing electric prod marks. CSI REDACTED informed Ms. REDACTED, NSIS Supervisor. Ms. REDACTED collected pictures, sent me copies to be discussed at the weekly meeting on 02/08, and forwarded copies to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Dr. REDACTED – Photo evidence shows two different styles of prod marks.</p> <p>Mr. REDACTED – will check the styles and send off to the producer.</p> <p>02/08 – Status- Investigation pending.</p> <p>Records review for the week of 01/29/2023</p> <p>Handling Tool Marks Investigation</p> <p>Carcass tattoo 6628 with prod marks, email- plan to contact the contract partner and make them aware and to meet to discuss, document a letter and training that this happened, and place in their grower file. They are also being fined. The establishment has closed this case.</p> <p>Carcass tattoo 0842 by IPP on 01/16 investigated on 01/23. Producer was contacted: REDACTED site 4437, investigation conclusion from producer, talked to driver, used buzzer at barn and rattle can at plant said hogs went easy. Field staff talked to producer they used hot shots, no paddles on site. Driver used paddle and rattle can to unload at est., all team members in compliance. Establishment closed case due to</p>

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			<p>inconclusive investigation findings to determine the source.</p> <p>Carcass tattoo 1231 investigated on 01/24, email from establishment: will work with producers on an internal investigation and corrective action process and keep you in loop. Investigation pending, establishment will follow up.</p> <p>Carcass tattoo 02X8 by IPP on 01/19 with paddle marks investigated on 01/25, driver used paddle, producer level – pig owner visited with driver and reminded him of correct paddle usage during unloading; hung on hook on side wall: only light tapping of hog, driver responded he will be mindful of paddle usage during future unloading. The establishment has closed this case.</p> <p>Carcass tattoo 1273 by IPP on 01/19, paddle marks, investigated on 01/25, REDACTED site 6575, dock monitor witness statement- unloaded hogs with paddle because driver couldn't unload; driver and producer used hot shot during load out, no paddles on site. Establishment unable to reach a determination of the root cause with the information gathered therefore this case is closed due to inconclusive investigation findings to determine the source. Dock monitor will continue job as normal.</p> <p>Carcass tattoo 0270 by IPP on 01/19, paddle marks observed, producer REDACTED site 6534, driver used paddle, producer – no paddles used at load out, hot shots only. Establishment unable to reach a determination of the root cause with the information gathered therefore this case is closed due to inconclusive investigation findings to determine the source.</p> <p>Dr. REDACTED – commented on producer using hot shot as sole implement to load hogs and that this practice is not allowed at the establishment; Ms. REDACTED agreed.</p> <p>Carcass tattoo 0280 by IPP on 01/19, paddle marks, investigated on 01/25, driver used bat, producer REDACTED 6588, producer- Field man loaded pigs, no paddles used on fats, driver used bat to load and unload, hot shot to load, email states REDACTED banned paddles at site 2 years ago, email – producer asked why investigation on group of hogs loaded 8 days ago. Establishment unable to reach a determination of the root cause with the information gathered therefore this case is closed due to inconclusive investigation findings to determine the source</p> <p>Carcass tattoo 0281 by IPP on 01/19, paddle marks, investigated on 01/27, driver used paddle, team members in compliance, producer REDACTED site 11817 contacted – no response yet. Establishment unable to reach a determination of the root cause with the information gathered therefore this case is closed due to inconclusive investigation findings to determine the source</p> <p>Carcass tattoo 0284 by IPP on 01/20, paddle marks, investigated on 01/27, driver used bat, team members in compliance, producer REDACTED site 4530 contacted – no response yet. Establishment unable to reach a determination of the root cause with the information gathered therefore this case is closed due to inconclusive investigation findings to determine the source.</p> <p>Carcass tattoo 0341 by IPP on 01/20, paddle marks, investigated on 01/28, driver used paddle and rattle can, producer REDACTED site 28994 contacted – no response yet.</p> <p>Status- Producers response- no paddles were used when loading hogs at site, driver commented that hogs unloaded with paddle and rattle can, barely used paddle, hogs easy to unload. Producer will have a retraining with site owner about presort and loading practices, review incident and proper protocol with driver. The establishment has closed this case.</p> <p>Carcass tattoo 1294 by IPP on 01/21, paddle marks, investigated on 01/28, driver used paddle, team members in compliance, producer JBS site 8553 contacted – no response yet.</p> <p>Status- Investigation pending.</p> <p>Carcass tattoo 7707 by IPP on 01/20, paddle marks, investigated on 01/28, driver used paddle, producer JBS site 3945 contacted – no response yet.</p> <p>Status- Investigation pending.</p> <p>Carcass tattoo 6640 by IPP on 01/21, paddle marks, investigated on 01/28, driver used bat, producer REDACTED site 10491 contacted – crew 33 terminated, driver used only sort board, sort board and electric prod available for use on truck. The producer's response indicated the root cause to be from loading crew 33. The establishment has closed this case.</p> <p>Carcass tattoo 1220 by IPP on 01/21, paddle marks, investigated on 01/28, driver used bat and sort board, team members in compliance, producer JBS site 4088 contacted – no response yet.</p> <p>Status- Investigation pending.</p> <p>Carcass tattoo 6703 on 01/25, paddle marks, investigated on 01/30, driver used bat, USDA present while load was being penned, producer REDACTED site 1397 contacted – no paddles on site, only sort boards, bi-fold panels and hot shots as needed. Establishment unable to reach a determination of the root cause with the information gathered therefore this case is closed due to inconclusive investigation findings to determine the source.</p> <p>Carcass tattoo 6706 on 01/25, investigated on 01/30, driver used bat, producer REDACTED site 1397 contacted – no paddles on site, only sort boards, bi-fold panels and hot shots as needed. Establishment unable to reach a determination of the root cause with the information gathered therefore this case is closed due to inconclusive investigation findings to determine the source.</p> <p>Transportation Camera Audit – performed once daily</p> <p>Audits of all criteria monitored passed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>All criteria monitored acceptable. No willful acts of abuse observed.</p> <p>Transportation Audit – performed once per week per shift</p> <p>All criteria monitored passed.</p> <p>Pig Slaughter Audit – performed once per week per shift</p> <p>All criteria monitored passed.</p> <p>A copy of this Memorandum will be provided to establishment management and a copy placed in the official USDA file.</p> <p>Respectfully submitted,</p> <p>_____</p> <p>Dr. REDACTED date</p> <p>Establishment refused to sign per Mr. REDACTED</p> <p>Plant Management Response:</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	17-Feb- 23	<p>2/15/2023 Paddle mark investigation discussion post meeting</p> <p>Plant- REDACTED- has anyone seen any mishandling of animals here in the establishment?</p> <p>Dr. REDACTED- At around 7 19 pm while doing antemortem inspection of pen 33, with Mr. REDACTED, Livestock Supervisor, I noticed a hog with a prolapsed rectum. I showed the hog to Mr. REDACTED, Livestock Supervisor and he had one of the center alley drivers move the pen to slaughter. Pens 32 and 33 are separated by a walkway. The center alley driver was moving the hogs out of the pen by going into the pen, and this caused a few hogs to start to ride each other. I motioned for him to stop and summoned for his supervisor Mr. REDACTED, Stick Supervisor. I told Mr. REDACTED that the walkway should have been utilized in this case. Mr. REDACTED agreed and advised he would talk to the employee.</p> <p>12/3 (12/2 production) at approximately 0120 hours, I US retained carcass with tattoo # 0818 bearing multiple well demarcated red paddle mark bruises. I informed Mr. REDACTED, Harvest General Superintendent and asked him to take pictures to be presented at the next weekly meeting.</p> <p>Status – Plant investigation – no findings; waiting on response from the producer.</p> <p>01/11- Mr. REDACTED will personally contact producer.</p> <p>02/08 – Mr. REDACTED will follow up on status. Investigation pending.</p> <p>2/ 15 2023 - EFI loads- they only use bats and hot shots to load, driver used a bat to unload. Will close investigation as inconclusive.</p> <p>01/16/2023- at approximately 1730 hours, I observed a carcass with tattoo #129X bearing multiple red well demarked poler marks. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provide a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>2/15/2023 - Closing investigation. Regarding the circular marks establishment has researched the dehair paddles as a potential cause of the circular marks . REDACTED also submitted photos of other possible areas on the trailers that could have resulted in the circular marks. The establishment has also discussed the REDACTED baskets as a potential source since the baskets have circular openings. Establishment has not found anything within the facility that could cause these marks.</p> <p>01/19/2023 - I observed a carcass with tattoo #1266 bearing multiple circular lesions with well demarcated dark red borders. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Will review photos with establishment.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>2/15/2023 - Closing investigation. Regarding the circular marks establishment has researched the dehair paddles as a potential cause of the circular marks . REDACTED also submitted photos of other possible areas on the trailers that could have resulted in the circular marks. The establishment has also discussed the REDACTED baskets as a potential source since the baskets have circular openings. Establishment has not found anything within the facility that could cause these marks.</p> <p>01/19/2023 – I observed a carcass on the disposition rail with tattoo #0277 bearing multiple circular lesions with dark red raised borders. I informed Mr. REDACTED, FSQA Hot Side Supervisor and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status - Will review photos with establishment.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>2/15/2023 - Closing investigation. Regarding the circular marks establishment has researched the dehair paddles as a potential cause of the circular marks . REDACTED also submitted photos of other possible areas on the trailers that could have resulted in the circular marks. The establishment has also discussed the REDACTED baskets as a potential source since the baskets have circular openings. Establishment has not found anything within the facility that could cause these marks.</p>

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			<p>01/21/2023 (01/20 harvest) - I observed a carcass with tattoo #1297 bearing multiple circular lesions with well demarcated dark red borders. I informed Mr. REDACTED, FSQA Hot Side Supervisor and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Will review photos with establishment.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>2/15/2023 - Closing investigation. Regarding the circular marks establishment has researched the dehair paddles as a potential cause of the circular marks . REDACTED also submitted photos of other possible areas on the trailers that could have resulted in the circular marks. The establishment has also discussed the REDACTED baskets as a potential source since the baskets have circular openings. Establishment has not found anything within the facility that could cause these marks.</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Investigation pending.</p> <p>2/15/2023- No findings at plant level. Sent off to producer.</p> <p>02/04 (02/03 harvest) – at approximately 0219 hours, I affixed US retain tag# MPD54076836 to a carcass with tattoo # 0122 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/08/2023.</p> <p>Status – Investigation pending.</p> <p>2/15/2023- No findings at plant level. Sent off to producer.</p> <p>02/07/2023- at approximately 1230 hours, CSI REDACTED identified 4 carcasses on the harvest floor with tattoo 3917 bearing electric prod marks. CSI REDACTED informed Ms. REDACTED, NSIS Supervisor. Ms. REDACTED collected pictures, sent me copies to be discussed at the weekly meeting on 02/08, and forwarded copies to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Dr. REDACTED – Photo evidence shows two different styles of prod marks.</p> <p>Mr. REDACTED – will check the styles and send off to the producer.</p> <p>02/08 – Status- Investigation pending.</p> <p>2/15/2023- REDACTED- they fired the entire crew #4- final response. Investigation closed.</p> <p>02/10/2023- IPP US retained carcass with tattoo # 12X1 bearing multiple well demarcated paddle marks with tag# MPD56187391. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>Status- 2/15/2023- No findings at Plant level. Forwarded to producer.</p> <p>02/13 - IPP US retained carcass with tattoo # 6217 bearing multiple well demarcated paddle marks with tag# MPD54076768. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>Status- In Process of Investigation</p> <p>02/14 - IPP US retained carcass with tattoo # 3962 bearing multiple well demarcated paddle marks with tag# MPD54076860. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>Status- In Process of Investigation</p> <p>02/15 (02/14 harvest) IPP US retained carcass with tattoo # 6239 bearing multiple well demarcated paddle marks with tag# MPD54076771. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>Status- In Process of Investigation</p>

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			<p>Records review for the week of 02/05/2023</p> <p>Handling Tool Marks Investigation</p> <p>Carcass tattoo 1231 investigated on 01/24, email from establishment: will work with producers on an internal investigation and corrective action process and keep you in loop. Investigation pending, establishment will follow up.</p> <p>Status: Closed on 2/8/2023</p> <p>Carcass tattoo 1294 by IPP on 01/21, paddle marks, investigated on 01/28, driver used paddle, team members in compliance, producer JBS site 8553 contacted – no response yet.</p> <p>Status- Investigation pending.</p> <p>Status: Closed on 2/8/2023</p> <p>Carcass tattoo 7707 by IPP on 01/20, paddle marks, investigated on 01/28, driver used paddle, producer JBS site 3945 contacted – no response yet.</p> <p>Status- Investigation pending.</p> <p>Status: Closed on 2/8/2023</p> <p>Carcass tattoo 1220 by IPP on 01/21, paddle marks, investigated on 01/28, driver used bat and sort board, team members in compliance, producer JBS site 4088 contacted – no response yet.</p> <p>Status- Investigation pending.</p> <p>Status: Closed on 2/8/2023</p> <p>Records for Week 2/5/2023</p> <p>Transportation Camera Audit – performed once daily</p> <p>Audits of all criteria monitored passed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift</p> <p>All criteria monitored acceptable. No willful acts of abuse observed. Records for 02/10 not available.</p> <p>Transportation Audit – performed once per week per shift</p> <p>All criteria monitored passed.</p> <p>Pig Slaughter Audit – performed once per week per shift</p> <p>All criteria monitored passed.</p> <p>Harvest Daily Quality Review – Handling Implement Marks are recorded – target to perform once per day</p> <p>Circle marks observed on 02/06, 07, 08/2023. Investigations are ongoing to determine origin(s).</p>

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Establishment has not found anything within the facility that could cause these marks.</p> <p>01/19/2023 - I observed a carcass with tattoo #1266 bearing multiple circular lesions with well demarcated dark red borders. I informed Mr. REDACTED, Harvest General Foreman and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Will review photos with establishment.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>2/15/2023 - Closing investigation. Regarding the circular marks establishment has researched the dehair paddles as a potential cause of the circular marks . 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			<p>01/21/2023 (01/20 harvest) - I observed a carcass with tattoo #1297 bearing multiple circular lesions with well demarcated dark red borders. I informed Mr. REDACTED, FSQA Hot Side Supervisor and he captured a picture and provided a copy to present at the next weekly meeting. The picture was sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Will review photos with establishment.</p> <p>02/08 – Ms. REDACTED and Mr. REDACTED will check singers in general and specifically to ensure proper gas flow, look for areas on dehair paddles that may resemble circular type marks, and will look for similar marks on trailers specifically at clean out portals.</p> <p>Status- Investigation pending.</p> <p>2/15/2023 - Closing investigation. Regarding the circular marks establishment has researched the dehair paddles as a potential cause of the circular marks . REDACTED also submitted photos of other possible areas on the trailers that could have resulted in the circular marks. The establishment has also discussed the REDACTED baskets as a potential source since the baskets have circular openings. Establishment has not found anything within the facility that could cause these marks.</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – Investigation pending.</p> <p>2/15/2023- No findings at plant level. Sent off to producer.</p> <p>02/04 (02/03 harvest) – at approximately 0219 hours, I affixed US retain tag# MPD54076836 to a carcass with tattoo # 0122 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/08/2023.</p> <p>Status – Investigation pending.</p> <p>2/15/2023- No findings at plant level. Sent off to producer.</p> <p>02/07/2023- at approximately 1230 hours, CSI REDACTED identified 4 carcasses on the harvest floor with tattoo 3917 bearing electric prod marks. CSI REDACTED informed Ms. REDACTED, NSIS Supervisor. Ms. REDACTED collected pictures, sent me copies to be discussed at the weekly meeting on 02/08, and forwarded copies to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Dr. REDACTED – Photo evidence shows two different styles of prod marks.</p> <p>Mr. REDACTED – will check the styles and send off to the producer.</p> <p>02/08 – Status- Investigation pending.</p> <p>2/15/2023- REDACTED- they fired the entire crew #4- final response. Investigation closed.</p> <p>02/10/2023- IPP US retained carcass with tattoo # 12X1 bearing multiple well demarcated paddle marks with tag# MPD56187391. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>Status- 2/15/2023- No findings at Plant level. Forwarded to producer.</p> <p>02/13 - IPP US retained carcass with tattoo # 6217 bearing multiple well demarcated paddle marks with tag# MPD54076768. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>Status- In Process of Investigation</p> <p>02/14 - IPP US retained carcass with tattoo # 3962 bearing multiple well demarcated paddle marks with tag# MPD54076860. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>Status- In Process of Investigation</p> <p>02/15 (02/14 harvest) IPP US retained carcass with tattoo # 6239 bearing multiple well demarcated paddle marks with tag# MPD54076771. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>Status- In Process of Investigation</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>Records review for the week of 02/05/2023</p> <p>Handling Tool Marks Investigation</p> <p>Carcass tattoo 1231 investigated on 01/24, email from establishment: will work with producers on an internal investigation and corrective action process and keep you in loop. Investigation pending, establishment will follow up.</p> <p>Status: Closed on 2/8/2023</p> <p>Carcass tattoo 1294 by IPP on 01/21, paddle marks, investigated on 01/28, driver used paddle, team members in compliance, producer JBS site 8553 contacted – no response yet.</p> <p>Status- Investigation pending.</p> <p>Status: Closed on 2/8/2023</p> <p>Carcass tattoo 7707 by IPP on 01/20, paddle marks, investigated on 01/28, driver used paddle, producer JBS site 3945 contacted – no response yet.</p> <p>Status- Investigation pending.</p> <p>Status: Closed on 2/8/2023</p> <p>Carcass tattoo 1220 by IPP on 01/21, paddle marks, investigated on 01/28, driver used bat and sort board, team members in compliance, producer JBS site 4088 contacted – no response yet.</p> <p>Status- Investigation pending.</p> <p>Status: Closed on 2/8/2023</p> <p>Records for Week 2/5/2023</p> <p>Transportation Camera Audit – performed once daily</p> <p>Audits of all criteria monitored passed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift</p> <p>All criteria monitored acceptable. No willful acts of abuse observed. Records for 02/10 not available.</p> <p>Transportation Audit – performed once per week per shift</p> <p>All criteria monitored passed.</p> <p>Pig Slaughter Audit – performed once per week per shift</p> <p>All criteria monitored passed.</p> <p>Harvest Daily Quality Review – Handling Implement Marks are recorded – target to perform once per day</p> <p>Circle marks observed on 02/06, 07, 08/2023. Investigations are ongoing to determine origin(s).</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	3-Mar-23	<p>03/01/2023 Paddle mark investigation discussion post meeting</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – 02/15 – Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response; Ms. REDACTED commented the establishment is struggling in getting the producers to respond.</p> <p>02/10/2023- IPP US retained carcass with tattoo # 12X1 bearing multiple well demarcated paddle marks with tag# MPD56187391. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>02/13 - IPP US retained carcass with tattoo # 6217 bearing multiple well demarcated paddle marks with tag# MPD54076768. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response from producer.</p> <p>02/14 - IPP US retained carcass with tattoo # 3962 bearing multiple well demarcated paddle marks with tag# MPD54076860. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response from producer.</p> <p>02/16 (02/15 Harvest) - IPP US retained carcass with tattoo # 0XX3 bearing a well demarcated paddle marks with tag# MPD54076761. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status – driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response from producer.</p> <p>02/16 (02 15 Harvest) – Establishment took pics of carcass with tattoo # 0XXX in conjunction with IPP carcass tattoo #0XX3.</p> <p>02/22 – Status – driver used bat (plastic BB bat), No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response from producer.</p> <p>02/17 - IPP US retained carcass with tattoo # 72XX bearing a well demarcated paddle marks with tag# MPD56187354. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response from producer.</p> <p>02/17 - IPP US retained carcass with tattoo # 6284 bearing a well demarcated paddle marks with tag# MPD54076827. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status – driver used bat (plastic BB bat), no in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>No response from producer.</p> <p>03/01- Status- still awaiting response from producer.</p> <p>02/17 - IPP US retained carcass with tattoo # 3901 bearing a well demarcated paddle marks with tag# MPD54076871. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response from producer.</p> <p>02/17 - IPP US retained carcass with tattoo # 3904 bearing a well demarcated paddle marks with tag# MPD67483204. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status - Investigation pending. no in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response from producer.</p> <p>02/18 (02/17 Harvest) - IPP US retained 3 carcasses with tattoo # 0749 bearing well demarcated paddle marks with tags# MPD54076777, MPD54076755, and MPD56187276. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/01/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- still awaiting response.</p> <p>02/22 (02/21 Harvest)- IPP US retained 3 carcasses with tattoo # 0749 bearing well demarcated paddle marks with tags# MPD54076777, MPD54076755, and MPD56187276. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/01/2023.</p> <p>02/22 – Investigation in progress.</p> <p>03/01- Status- still awaiting response.</p> <p>02/25 (02/24 harvest)- IPP US retained 3 carcasses with tattoo numbers 0899, 088X, and 089X bearing well demarcated paddle marks with tags# MPD67483147, MPD67483223, and MPD67483157. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/01/2023.</p> <p>03/01- Status- still awaiting response.</p> <p>02/25- IPP US retained carcass with tattoo # 1234 bearing a demarcated paddle mark with tags# MPD54076830. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/01/2023.</p> <p>03/01- Status- driver used bat, team members in compliance. Establishment closed case per revised SOP.</p> <p>Records review for the week of 02/20/2023</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>Dr. REDACTED- Records not available until 03/02/2023 per Mr. REDACTED</p> <p>Mr. REDACTED – Was under the impression records were checked on Thursdays.</p> <p>Dr. REDACTED- Records for the previous week are checked every Tuesday.</p> <p>Handling Tool Marks Investigation</p> <p>Dr. REDACTED- Records not available until 03/02/2023 per Mr. REDACTED</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>Mr. REDACTED – Was under the impression records were checked on Thursdays.</p> <p>Dr. REDACTED- Records for the previous week are checked every Tuesday.</p> <p>Transportation and Barn Camera Audit – performed once daily</p> <p>Audits of all criteria monitored passed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift by Dock Monitors</p> <p>Dr. REDACTED- records were not present in the file on 02/28.</p> <p>Mr. REDACTED- Was finishing up stapling the weeks audits.</p> <p>AMI Transportation Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>AMI Pig Slaughter Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>Harvest Daily Quality Review – Handling Implement Marks are recorded – target to perform once per day.</p> <p>02/20 – 02/22 – no Handling Implement marks observed.</p> <p>02/23 – no audits performed.</p> <p>02/24 – 2 carcasses observed with implements marks.</p> <p>02/17 – Ms. REDACTED observed prod marks on 2 carcasses with tattoo number 0625. Investigation pending. No in-plant findings, team members in compliance. No assistance needed from the establishment during unloading; no prod observed used at the plant; photos and investigation sent off to the producer. Awaiting response from producer.</p> <p>2/22 – Status – Field manager response got information to producer on 2/21. REDACTED, REDACTED driver REDACTED.</p> <p>03/01- Status- Follow up per Ms. REDACTED- Producer had surgery so his 2 sons loaded the hogs. His sons were not trained on proper handling of an electric prod. Ms. REDACTED, Humane Handling Specialist QA observed an electric prod mark from the same site at a different time on 02/17.</p> <p>Additional dialogue:</p> <p>Dr. REDACTED- I have never seen this amount of implement marks at other plants.</p> <p>Dr. REDACTED- We struggle because it is hard to see the mark on antemortem so if a mark is seen on postmortem this puts a delay in starting the investigation and the driver has already left so we are unable to talk with them at this point.</p> <p>Dr. REDACTED- QA audits for implement marks on postmortem 5 minutes per day does not reflect the number of hogs slaughtered daily.</p> <p>Dr. REDACTED- During our observations today of the driver in dock #1 unloading hogs there was a lot of paddle usage. He did stop and ask for help to finish unloading top deck of hogs which is good on his part, but we are still seeing marks continue.</p> <p>Ms. REDACTED- We need help in resolving this issue.</p> <p>Dr. REDACTED- We do not have the authority to intervene at the producer level but can send a letter to the State veterinarian.</p> <p>Dr. REDACTED- We have the numbers of in- plant findings and they are very few.</p> <p>Dr. REDACTED- Is the establishment tracking drivers, for example, the number of times they have been here and have been part of an investigation?</p> <p>Dr. REDACTED- We are getting “dinged” for something that’s not happening here; what is the definitive regulation?</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>Dr. REDACTED- The Robust status would be the “regulation”.</p> <p>Dr. REDACTED- How is someone else (producer level) impacting our Robust program?</p> <p>Mr. REDACTED- The QA spends most of their 12-hour day doing camera audits for investigations.</p> <p>Ms. REDACTED- We don’t track back to the farm.</p> <p>Dr. REDACTED- Why don’t you pursue paddle marks if you’re not tracking a trend?</p> <p>Mr. REDACTED- I’ve tracked over a thousand drivers and have not found a trend.</p> <p>Dr. REDACTED- Producer says, “we don’t have paddles.”</p> <p>Dr. REDACTED- Have you ever thought of using different implements?</p> <p>Dr. REDACTED- We have tried and done some testing, e.g., taping paddles.</p> <p>Dr. REDACTED- Still getting hogs from producers that don’t respond; not seeing improvement; some paddles are used on walls, hogs, and taped.</p> <p>Dr. REDACTED- We have looked at the past 90 days of MOI’s, seeing less attention being made compared to 03/02/2022. I don’t see anywhere else to this extent than I do here. I’m not totally convinced it’s happening here or at the producer level.</p> <p>Dr. REDACTED- The majority of producers have paddle marks at some point. The in-plant team talks to the driver and then to the producer. We don’t have any recourse with the producer if they say, “we didn’t do it”, e.g., if driver used bat and paddle marks are observed then we close the case.</p> <p>Ms. REDACTED- It didn’t happen here; inspectors are out in Livestock 5-6 hours a day. We need help from someone, APHIS?</p> <p>Mr. REDACTED- We do audits 2 times per week.</p> <p>Dr. REDACTED- I’m seeing a decrease in audits, we don’t see a consistency, hogs are still coming in. Do you audit specifically hogs from same producer?</p> <p>Mr. REDACTED- No.</p> <p>Dr. REDACTED- Per the regulations we’ve been given and what we are responsible for, we focus our attention here, we have been spending too much time on contacting the producer. We need to focus our time on the establishment. There is no regulation for what happens at the farm.</p> <p>Dr. REDACTED- So the driver, did it?</p> <p>Dr. REDACTED- No, they did not do it here.</p> <p>Dr. REDACTED- We don’t want to contact the producer on every single mark.</p> <p>Dr. REDACTED- JBS is not deeming a mark as inhumane?</p> <p>Dr. REDACTED- We do think its inhumane. Will contact the producer if the whole load has marks.</p> <p>Mr. REDACTED- If the dock monitor sees marks coming off trucks, then we will check the driver.</p> <p>Dr. REDACTED- It’s the USDA’s job to investigate implement misuse. America reads all these similar MOI’s in FOYA documents, this is a challenge for people to read. Perception is important so getting rid of that part of the SOP (contacting the producer) is not good.</p> <p>Dr. REDACTED- Yes, you’re taking a step backward.</p> <p>Dr. REDACTED- Old SOP was not working so we changed it. We reached out to industry professionals like NAMI who helped us make the new revision of the SOP.</p> <p>Dr. REDACTED- Did they recommend sending a letter to the producer?</p> <p>Dr. REDACTED- We don’t have a lot of recourse at the farm.</p>

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			<p>Dr. REDACTED- Have you reached out to the State Vet?</p> <p>Dr. REDACTED- No.</p> <p>Dr. REDACTED- The producer may think “well, they’re not doing anything.”</p> <p>Ms. REDACTED- We have a meeting on the 10th with hog haulers in Burlington.</p> <p>Dr. REDACTED- You’re building a repertoire in your Robust program.</p> <p>Dr. REDACTED- Is our Robust status in jeopardy?</p> <p>Dr. REDACTED- Yes, according to the Robust directive.</p> <p>Dr. REDACTED- Not seeing a decrease in marks, but a decrease in harvest audits.</p> <p>Mr. REDACTED- No difference in paddle marks when paddle is taped, only on 2nd shift; most paddle marks are seen on 2nd shift.</p> <p>Dr. REDACTED- Since 12/2021 there has been an increase in paddle marks.</p> <p>Dr. REDACTED- What if the establishment does not have paddles and the producer says, “we don’t have paddles either.”. Need some corrective action.</p> <p>Dr. REDACTED- We will still get “dinged” with MOI’s whether in-plant findings or not.</p> <p>Dr. REDACTED- That’s fair to say and we will give that some thought. We also are getting accused of this. The public doesn’t know what we do or what the Establishment does.</p> <p>Dr. REDACTED- Records availability is also a concern.</p> <p>Dr. REDACTED- A paddle mark is evidence that it happened at one point of time.</p> <p>Dr. REDACTED- The circular marks look like the broken off end of a paddle stick.</p> <p>Dr. REDACTED- The trend analysis went away is my takeaway point.</p> <p>Dr. REDACTED- What would you recommend?</p> <p>Dr. REDACTED- Can you put something together like using another implement?</p> <p>Dr. REDACTED- All JBS establishments use rattle paddles, we struggle when producers “say we don’t use them,” and they sell us millions of hogs.</p> <p>Dr. REDACTED- We have seen plants change implements and we acknowledge your struggle, but we’re not seeing it get any better and you’re doing less.</p> <p>Dr. REDACTED- We don’t see it that way. We’ve investigated every tattoo number listed and also establishment findings.</p> <p>Dr. REDACTED- You’ve changed your SOP a number of times, I think this is the 3rd or 4th time.</p> <p>Dr. REDACTED- We’re trying to find what works.</p> <p>Dr. REDACTED- You can look at Outreach to see what other implements can be used.</p> <p>Dr. REDACTED- We don’t want to change, that could lead to slowing the process down.</p> <p>Dr. REDACTED- Can you answer the MOI’s in PHIS?</p> <p>Dr. REDACTED- Have you been doing this?</p> <p>Ms. REDACTED- We got behind on answering MOI’s. We respond in meetings so why enter twice?</p> <p>Ms. REDACTED- So, we need to be more descriptive in our response to investigations, that when the producer’s response is “we don’t use paddles here” to “we followed up with a letter to the producer.”</p>

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			<p>Dr. REDACTED- Need to describe how you took action on the preventative. Need to have employee "switch" oversight if another employee is seen misusing a paddle. Some employees shouldn't have paddles, don't need them.</p> <p>A copy of this Memorandum will be provided to establishment management and a copy placed in the official USDA file.</p> <p>Respectfully submitted,</p> <p>_____</p> <p>Dr. REDACTED date Hand delivered to:</p> <p>Plant Management Response:</p>

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M85O+ P17775+ V85O	Swift Pork Company	8-Mar-23	<p>03/08/2023 Paddle mark investigation discussion post meeting</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – 02/15 – Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response; Ms. REDACTED commented the establishment is struggling in getting the producers to respond.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/10/2023- IPP US retained carcass with tattoo # 12X1 bearing multiple well demarcated paddle marks with tag# MPD56187391. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/13 - IPP US retained carcass with tattoo # 6217 bearing multiple well demarcated paddle marks with tag# MPD54076768. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/14 - IPP US retained carcass with tattoo # 3962 bearing multiple well demarcated paddle marks with tag# MPD54076860. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/16 (02/15 Harvest) - IPP US retained carcass with tattoo # 0XX3 bearing a well demarcated paddle marks with tag# MPD54076761. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/16 (02 15 Harvest) – Establishment took pics of carcass with tattoo # 0XXX in conjunction with IPP carcass tattoo #0XX3.</p> <p>02/22 – Status – Driver used bat (plastic BB bat), No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/17 - IPP US retained carcass with tattoo # 72XX bearing a well demarcated paddle marks with tag# MPD56187354. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/17 - IPP US retained carcass with tattoo # 6284 bearing a well demarcated paddle marks with tag# MPD54076827. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status – Driver used bat (plastic BB bat), no in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/17 - IPP US retained carcass with tattoo # 3901 bearing a well demarcated paddle marks with tag# MPD54076871. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/17 - IPP US retained carcass with tattoo # 3904 bearing a well demarcated paddle marks with tag# MPD67483204. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/18 (02/17 Harvest) - IPP US retained 3 carcasses with tattoo # 0749 bearing well demarcated paddle marks with tags# MPD54076777, MPD54076755, and MPD56187276. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/01/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>02/25 (02/24 harvest)- IPP US retained 3 carcasses with tattoo numbers 0899, 088X, and 089X bearing well demarcated paddle marks with tags# MPD67483147, MPD67483223, and MPD67483157. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/01/2023.</p> <p>03/01- Status- Still awaiting response.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/07(03/06 Harvest) – IPP US retained 2 carcasses with tattoo numbers 39X2 and 0417 with tags MPD67483215 and 67483234 respectively. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/08/2023.</p> <p>03/08- Status- In progress</p> <p>03/08(03/07 Harvest) - IPP US retained 3 carcasses with tattoo numbers 7X12 and 7X13 with tags MPD67483079, MPD54076881 and MPD54076867. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/08/2023.</p> <p>03/08- Status- In progress</p> <p>Records review for the week of 02/26/2023</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>2/27 @ 0553 hours, 0 findings</p> <p>2/28 @ 0530 hours, 1 paddle mark-slt.</p> <p>3/01 @ 0521 hours, 2 paddle marks-slt.</p> <p>3/02 – no audits done.</p> <p>3/03 @ 0524 hours, 1 paddle mark-dark bruising, investigation- driver used paddle, team members in compliance, FSIS watched pen 22 ran to kill, findings from transporter or unloading- NA, preventative measures/corrective actions- NA. Case closed.</p> <p>Handling Tool Marks Investigation</p> <p>Not available for review.</p> <p>Transportation and Barn Camera Audit – performed once daily.</p> <p>Audits of all criteria monitored passed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift by Dock Monitors.</p> <p>All criteria monitored passed.</p> <p>AMI Transportation Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>AMI Pig Slaughter Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>Harvest Daily Quality Review – Handling Implement Marks are recorded – target to perform once per day</p> <p>02/27- no findings</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>02/28- no findings</p> <p>03/01- no findings</p> <p>03/02- no findings</p> <p>03/03- no audit performed.</p> <p>A copy of this Memorandum will be provided to establishment management and a copy placed in the official USDA file.</p> <p>Respectfully submitted,</p> <p>Dr. REDACTED Hand delivered to Ms. REDACTED, Regulatory Manager on 03/09/2023.</p> <p>SPHV, 2nd shift</p> <p>Plant Management Response:</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M85O+ P17775+ V85O	Swift Pork Company	15-Mar- 23	<p>03/15/2023 Paddle mark investigation discussion post meeting</p> <p>02/02/2023 at approximately 2010 hours, I affixed US retain tag # MPD54076774 to a carcass with tattoo #0848 bearing two well demarcated paddle marks. I verified pictures taken by Mr. REDACTED, Harvest Supervisor and he forwarded them to Mr. REDACTED, Harvest General Superintendent and a copy was provided to present at the next weekly meeting on 02/08/2023. The pictures were also sent to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager.</p> <p>Status – 02/15 – Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response; Ms. REDACTED commented the establishment is struggling in getting the producers to respond.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/10/2023- IPP US retained carcass with tattoo # 12X1 bearing multiple well demarcated paddle marks with tag# MPD56187391. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/13 - IPP US retained carcass with tattoo # 6217 bearing multiple well demarcated paddle marks with tag# MPD54076768. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending- No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/14 - IPP US retained carcass with tattoo # 3962 bearing multiple well demarcated paddle marks with tag# MPD54076860. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/15/2023.</p> <p>02/15- Status- Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>02/16 (02/15 Harvest) - IPP US retained carcass with tattoo # 0XX3 bearing a well demarcated paddle marks with tag# MPD54076761. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status – Driver used paddle. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/16 (02 15 Harvest) – Establishment took pics of carcass with tattoo # 0XXX in conjunction with IPP carcass tattoo #0XX3.</p> <p>02/22 – Status – Driver used bat (plastic BB bat), No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/17 - IPP US retained carcass with tattoo # 72XX bearing a well demarcated paddle marks with tag# MPD56187354. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/17 - IPP US retained carcass with tattoo # 6284 bearing a well demarcated paddle marks with tag# MPD54076827. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status – Driver used bat (plastic BB bat), no in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/17 - IPP US retained carcass with tattoo # 3901 bearing a well demarcated paddle marks with tag# MPD54076871. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>No response from producer</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/17 - IPP US retained carcass with tattoo # 3904 bearing a well demarcated paddle marks with tag# MPD67483204. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 02/22/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response from producer.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/18 (02/17 Harvest) - IPP US retained 3 carcasses with tattoo # 0749 bearing well demarcated paddle marks with tags# MPD54076777, MPD54076755, and MPD56187276. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/01/2023.</p> <p>02/22 – Status - Investigation pending. No in-plant findings, team members in compliance. Awaiting response from producer.</p> <p>03/01- Status- Still awaiting response.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>02/25 (02/24 harvest)- IPP US retained 3 carcasses with tattoo numbers 0899, 088X, and 089X bearing well demarcated paddle marks with tags# MPD67483147, MPD67483223, and MPD67483157. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/01/2023.</p> <p>03/01- Status- Still awaiting response.</p> <p>03/08 – Status- The same but need to check with Mr. REDACTED to make sure.</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>03/07(03/06 Harvest) – IPP US retained 2 carcasses with tattoo numbers 39X2 and 0417 with tags MPD67483215 and 67483234 respectively. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/08/2023.</p> <p>03/08- Status- In progress</p> <p>03/15- Mr. REDACTED- no response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>Dr. REDACTED- Marks start of new SOP.</p> <p>Dr. REDACTED- What day did that start?</p> <p>Dr. REDACTED- February 23rd</p> <p>03/08(03/07 Harvest) - IPP US retained 3 carcasses with tattoo numbers 7X12 and 7X13 with tags MPD67483079, MPD54076881and MPD54076867. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/08/2023.</p> <p>03/08- Status- In progress</p> <p>03/15- Mr. REDACTED- No response from producer, no in-plant findings, team members in compliance. Ms. REDACTED- establishment is closing the case.</p> <p>03/13 Harvest- IPP retained 11 carcasses with tattoo numbers 7621, 7620, 6661, 0647, 0648, 6647, and 6648 with tags MPD67483230, 67483250, 67483148, 67483166, 67483209, 67483211, 67483203, 67483158, MPD54076793, and 54076842. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor which were forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/15/2023.</p> <p>03/15- Status- in progress</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>03/15(03/14 Harvest)- IPP US retained carcass with tattoo # 6689 bearing a well demarcated electric prod mark with tag# MPD67483177. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/15/2023.</p> <p>03/15- Status- in progress</p> <p>Records review for the week of 03/05/2023</p> <p>Dr. REDACTED- Looking at the records for 03/07 the establishment had a finding of electric prod. Is the process the same?</p> <p>Dr. REDACTED- Yes, all are investigated the same.</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>3/06 @ 0519 hours- no findings</p> <p>3/07 @ 0524 hours- no findings</p> <p>3/08 @ 0535 hours- no findings</p> <p>3/09 @ 0530 hours- no findings</p> <p>3/10 @ 0526 hours- no findings</p> <p>Dr. REDACTED- Why are all the audits done around 5AM?</p> <p>Dr. REDACTED- Dr. REDACTED brought it up earlier today. This topic is currently being discussed to be changed to random times.</p> <p>Handling Tool Marks Investigation</p> <p>Not available for review.</p> <p>Mr. REDACTED- I thought these were checked on Thursdays.</p> <p>Dr. REDACTED- I check all the records for the previous week on the Tuesday before the meeting. This was discussed at the last meeting on 03/08.</p> <p>Transportation and Barn Camera Audit – performed once daily.</p> <p>Audits of all criteria monitored passed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift by Dock Monitors.</p> <p>All criteria monitored passed. Records for one of the two audits for 3/12 were not in the file. Mr. REDACTED will get with Mr. REDACTED.</p> <p>Mr. REDACTED- Will check on.</p> <p>AMI Transportation Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>AMI Pig Slaughter Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>Harvest Daily Quality Review – Handling Implement Marks are recorded – target to perform once per day</p> <p>03/06- no findings</p> <p>03/07- no findings</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>03/08- no findings</p> <p>03/09- no findings</p> <p>03/10- no findings</p> <p>Dr. REDACTED- Do you stop in house investigations for electric prod findings?</p> <p>Dr. REDACTED- We will still contact the producer for any marks we feel are severe enough and definitively an implement mark, e.g., the whole paddle impression.</p> <p>A copy of this Memorandum will be provided to establishment management and a copy placed in the official USDA file.</p> <p>Respectfully submitted,</p> <p>_____</p> <p>Dr. REDACTED date hand delivered to: date</p> <p>Plant Management Response:</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	28-Mar- 23	<p>03/22/2023 Paddle mark investigation discussion post meeting</p> <p>03/13 Harvest- IPP retained 11 carcasses with tattoo numbers 7621, 7620, 6661, 0647, 0648, 6647, and 6648 with tags MPD67483230, 67483250, 67483148, 67483166, 67483209, 67483211, 67483203, 67483158, MPD54076793, and 54076842. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor which were forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/15/2023.</p> <p>03/15- Status- In progress.</p> <p>03/22- Status- Investigation completed.</p> <p>03/15(03/14 Harvest)- IPP US retained carcass with tattoo # 6689 bearing a well demarcated electric prod mark with tag# MPD67483177. I verified pictures taken by Mr. REDACTED, FSQA Hot Side Supervisor and he forwarded them to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/15/2023.</p> <p>03/15- Status- In progress.</p> <p>03/22- Status-- Investigation completed.</p> <p>03/17(03/16 Harvest)- IPP US retained a carcass bearing tattoo #0814 with a well demarcated paddle mark with US retain tag MPD54076754. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Mr. REDACTED will check on.</p> <p>03/18(03/17 Harvest)- IPP US retained 2 carcasses bearing tattoo # 0861 with well demarcated paddle marks. The subcutaneous fat displayed hemorrhage below the marks on one of the carcasses. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Investigation competed.</p> <p>03/20- IPP US retained 2 carcasses bearing tattoo #s 0887 and 7706 with well demarcated paddle marks with US retain tag MPD67483154 and MPD67483230. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Investigation completed.</p> <p>03/21- IPP US retained a carcass bearing tattoo #6791 with well demarcated prod marks. There were 6 carcasses affected. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Investigation completed inhouse. Mr. REDACTED- no hot shot used during unloading; driver used paddle. Will send to REDACTED, Corporate Animal Welfare who will make the decision whether to send to the producer level.</p> <p>03/21 Harvest IPP US retained 2 carcasses bearing tattoo #s 7734 and 0160 with well demarcated paddle marks with US retain tag MPD67483167, MPD67483245, and MPD54076817. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- In progress.</p> <p>Records review for the week of 03/12/2023</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>3/13- No audits performed.</p> <p>3/14 @ 0525 hours- no findings.</p> <p>3/15 @ 0526 hours- no findings.</p> <p>3/16- No audit performed.</p> <p>3/17- No audit performed, working at Harvest department.</p> <p>Mr. REDACTED will ensure audit times are randomized.</p> <p>Handling Tool Marks Investigation</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>FSIS findings</p> <p>03/08- tattoo 0367- driver used rattle can, team members in compliance, investigation completed. Transporter and preventative measures- NA.</p> <p>03/08- tattoo 0368- driver used bat, team members in compliance. Transporter and preventative measures- NA.</p> <p>03/08- tattoo 3960- driver using bat, team members in compliance, investigation completed. Transporter and preventative measures- NA.</p> <p>03/14- tattoo 6648- driver used paddle, team members in compliance. Transporter and preventative measures- NA.</p> <p>03/14- tattoo 7620- driver used paddle, team members in compliance. Transporter and preventative measures- NA.</p> <p>03/14- tattoo 0647- driver used bat, team members in compliance. Transporter and preventative measures- NA.</p> <p>03/14- tattoo 7621- driver used bat, team members in compliance. Transporter and preventative measures- NA.</p> <p>03/14- tattoo 6661- driver used paddle, team members in compliance. Transporter and preventative measures- NA.</p> <p>03/15- tattoo 6689- driver used paddle, team members in compliance. Transporter and preventative measures- NA.</p> <p>03/14- tattoo 0648- driver used bat, team members in compliance. Transporter and preventative measures- NA.</p> <p>Establishment findings</p> <p>03/08- tattoo 39X8- driver used bat, team members in compliance. Transporter and preventative measures- NA.</p> <p>03/08- tattoo 0363- hot shot mark, driver used bat, 2nd shift supervisor tattooed 1/2 the load, team members in compliance. Transporter and preventative measures- NA.</p> <p>03/06- tattoo 123X- driver used paddle, team members in compliance. Transporter and preventative measures- NA.</p> <p>Records for the week of 03/05</p> <p>3/15- Mr. REDACTED, 3rd shift Livestock Supervisor had records available for FSIS findings but not for establishment findings. Mr. REDACTED advised he would leave a note for Mr. REDACTED.</p> <p>3/16- Mr. REDACTED, 2nd shift Livestock Supervisor advised he was still checking with Mr. REDACTED concerning the records for establishment findings.</p> <p>03/21- Mr. REDACTED provided records for review.</p> <p>Records for the week of 03/12</p> <p>Transportation and Barn Camera Audit – performed once daily.</p> <p>Audits of all criteria monitored passed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift by Dock Monitors.</p> <p>All criteria monitored passed.</p> <p>AMI Transportation Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>AMI Pig Slaughter Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>Harvest Daily Quality Review – Handling Implement Marks are recorded – target to perform once per day.</p> <p>03/13- No findings.</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>03/14- No findings.</p> <p>03/15- No findings.</p> <p>03/16- No findings.</p> <p>03/17- No findings.</p> <p>A copy of this Memorandum will be provided to establishment management and a copy placed in the official USDA file.</p> <p>Respectfully submitted,</p> <p>_____</p> <p>Dr. REDACTED date hand delivered to date</p> <p>Plant Management Response:</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M85O+ P17775+ V85O	Swift Pork Company	29-Mar- 23	<p>03/29/2023 Paddle mark investigation discussion post meeting</p> <p>03/17(03/16 Harvest)- IPP US retained a carcass bearing tattoo #0814 with a well demarcated paddle mark with US retain tag MPD54076754. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Mr. REDACTED will check on.</p> <p>03/29- investigation findings- driver used bat, team members in compliance with all animal handling regulations. Transporter- NA, CA/PM- NA. Investigation closed.</p> <p>03/21- IPP US retained a carcass bearing tattoo #6791 with well demarcated prod marks. There were 6 carcasses affected. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- Investigation completed. Mr. REDACTED- no hot shot used during unloading; driver used paddle. Will send to REDACTED, Corporate Animal Welfare who will make the decision whether to send to the producer level.</p> <p>03/29- Status- Farm employee at REDACTED was reprimanded and signed back off on PQA and informed that a repeat offense will result in termination. Investigation closed.</p> <p>03/21 Harvest IPP US retained 2 carcasses bearing tattoo #s 7734 and 0160 with well demarcated paddle marks with US retain tag MPD67483167, MPD67483245, and MPD54076817. Pictures were taken, verified, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/22/2023.</p> <p>03/22- Status- In progress.</p> <p>03/29- Status- investigation closed – see handling tool marks investigation below.</p> <p>03/22 Harvest- IPP observed carcass hanging at pre rail with 2 well demarcated paddle marks with tattoo number 0208. Mr. REDACTED, FSQA Hot Side Supervisor was present and took pictures, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/29/2023.</p> <p>03/29- Status- investigation closed – see handling tool marks investigation below.</p> <p>03/23 Harvest- IPP US retained 2 carcasses with well demarcated paddle marks with tattoo numbers 02XX and 02X9. Mr. REDACTED, FSQA Hot Side Supervisor took pictures, and forwarded to Mr. REDACTED, Animal Welfare Manager and Ms. REDACTED, Regulatory Manager to be presented at the next weekly meeting on 03/29/2023.</p> <p>03/29- Status- investigation closed – see handling tool marks investigation below.</p> <p>Records review for the week of 03/19/2023</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>3/20- not performed.</p> <p>3/21- not performed.</p> <p>3/22- @ 1103 hours, no findings</p> <p>3/23- @1224 hours, no findings</p> <p>3/24- @ 0924 hours, no findings</p> <p>Handling Tool Marks Investigation</p> <p>FSIS findings</p> <p>Dr. REDACTED- Photos are very light, almost black & white.</p> <p>Ms. REDACTED- These are just for our records.</p> <p>Tattoo # 7734 for paddle mark on 03/21- driver used bat/sort board, team members in compliance with all animal handling regulations. Transporter- NA, PM/CA- NA</p> <p>Status- Investigation closed.</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>Tattoo # 0160 for paddle mark on 03/21- driver used bat, team members in compliance with all animal handling regulations. Transporter- NA, PM/CA- NA</p> <p>Status- Investigation closed.</p> <p>Tattoo # 0208 for paddle mark on 03/22- driver used bat, team members in compliance with all animal handling regulations. Transporter- NA, PM/CA- NA</p> <p>Status- Investigation closed.</p> <p>Tattoo # 02XX for paddle mark on 03/23- driver used bat, team members in compliance with all animal handling regulations. Transporter- NA, PM/CA- NA</p> <p>Status- Investigation closed.</p> <p>Tattoo # 02X9 for paddle mark on 03/23- driver used paddle, team members in compliance with all animal handling regulations. Transporter- NA, PM/CA- NA</p> <p>Status- Investigation closed.</p> <p>Tattoo # 7706 for paddle mark on 03/20- driver used plastic bag and whistle, team members in compliance with all animal handling regulations. Transporter- NA, PM/CA- NA</p> <p>Status- Investigation closed.</p> <p>Tattoo # 0887 for paddle mark on 03/20- driver used bat, team members in compliance with all animal handling regulations. Transporter- NA, PM/CA- NA</p> <p>Status- Investigation closed.</p> <p>Establishment findings</p> <p>03/29- Ms. REDACTED- Establishment has started an investigation concerning carcasses observed on the harvest department with “whip” marks, 03/24- tattoo #7803, 03/28- tattoo # 7851, and 03/29- tattoo # 1237. It is the same driver but from different sites. We did watch unloading the driver unload today, and looked OK, but observed a live hog from this load with a “whip” mark. The investigation findings have been sent up to the trucking company REDACTED and to the producer.</p> <p>Transportation and Barn Camera Audit – performed once daily.</p> <p>Audits of all criteria monitored passed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift by Dock Monitors</p> <p>Both audits for 3rd shift on 03/21 unavailable; both audits for 3rd shift on 03/23 unavailable; both audits for 2nd shift on 03/24 unavailable. Mr. REDACTED will follow up with Mr. REDACTED.</p> <p>Ms. REDACTED- Will follow up.</p> <p>AMI Transportation Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>AMI Pig Slaughter Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>Harvest Daily Quality Review – Handling Implement Marks are recorded – target to perform once per day.</p> <p>03/20- no findings</p> <p>03/21- no findings</p> <p>03/22- no findings</p> <p>03/23- no findings</p> <p>03/24- no findings</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>A copy of this Memorandum will be provided to establishment management and a copy placed in the official USDA file.</p> <p>Respectfully submitted,</p> <p>_____</p> <p>Dr. REDACTED date hand delivered to date</p> <p>Plant Management Response:</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M3W+V3W	Swift Pork Company	5-Apr-23	<p>On April 5, 2023, at approximately 1640 hours while performing head inspection I observed three separate hogs with tool markings on their back, all three hogs were marked to be railed out on mid-trim. I noted that the first hog had 9 visible marks, the second hog had two marks, and the last hog had 6 marks. The marks were rectangular in shape with rounded edges and the ridges along the length of the marks and round bruising consistent with the shape and bolts of a rattle paddle. All three hogs had tattoo number 229.</p> <p>Slaughter Floor General Foreman REDACTED and Yard Supervisor REDACTED were shown the hogs with tool markings. Mr. REDACTED was observed taking photos of the hogs and informed me that he would investigate the markings. I informed Mr. REDACTED of the forthcoming MOI.</p> <p>The establishment's Humane Handling Program Standard Operating Procedure for Handling Tool states: handling tools should never be used unnecessarily and handling tools should be used only to guide or coax animals to move or turn. The program also states that the responsible personnel includes: transporter, management, procurement, and operations employees.</p> <p>I was informed by SPHV Dr. REDACTED that the 2 of the 3 hogs had been skinned on the kill floor, she stated that there was significant hemorrhage of the underlying fat in the third hog with hits to the loin (closer to ham).</p> <p>At approximately 2115 hours, I met with Mr. REDACTED and looked over the photos that he had taken of the carcasses that I had railed out on the kill floor. Upon viewing the photos, I could see that the hogs with the 6 and 9 paddle marks had significant bruising on the back in the underlying fat. He informed me that he would be reviewing the cameras to see if the driver was using a paddle.</p> <p>On April 6, 2023, at approximately 0030 hours, I met with Mr. REDACTED. He informed me that the establishment had reviewed the cameras and found that the driver of the truck was using a rattle paddle.</p> <p>At approximately 1040 hours, I held a discussion with Mr. REDACTED and he informed me that Yard Manager REDACTED contacted the producer for corrective actions.</p> <p>On April 7, 2023, I reached out via email to Yard Manager REDACTED to see if the establishment has received preventative or corrective actions.</p> <p>On April 11, 2023, the establishment responded via email, it included paddle mark investigation from JBS and a letter from the producer. The paddle mark investigation stated that it was observed that the truck driver was using the rattle paddle over the shoulder inside of the trailer by the yard supervisor. The QA went inside the hog trailer with a sorting board and fat bat to assist the driver in unloading the remainder of the hogs. The QA informed management that he discussed moving smaller loads with the driver and to ask for assistance from the establishment. The QA did not observe the driver using the paddle over the shoulder. The driver was contacted and placed on suspension. The trucking company is to review TQA.</p> <p>The producer uses sorting boards and noise makers. Trucker uses rattle paddles.</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	7-Apr-23	<p>04/05/2023 Paddle mark investigation discussion post meeting</p> <p>FSIS findings:</p> <p>04/04(04/03 Harvest)- IPP railed out carcass with tattoo 7973 with a well demarcated paddle mark: the "lollypop", adjacent linear marks, and areas of ridge detail of the paddle. Mr. REDACTED forwarded pictures to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager to discuss at the weekly meeting on 04/05.</p> <p>04/05- Status- driver used bat and sort board to unload, team members in compliance with all animal handling regulations. Investigation closed at plant level.</p> <p>Records reviewed on 04/04 for the week of 03/26/2023.</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>3/27- @ 1042- no findings</p> <p>3/28- @ 1350- no findings</p> <p>3/29- @ 0856- no findings</p> <p>3/30- @ 0557- no findings</p> <p>3/31- No audit performed.</p> <p>Handling Tool Marks Investigation</p> <p>Establishment findings:</p> <p>03/29- Ms. REDACTED- Establishment has started an investigation concerning carcasses observed on the harvest department with "whip" marks, 03/24- tattoo #7803, 03/28- tattoo # 7851, and 03/29- tattoo # 1237. It is the same driver but from different sites. We did watch unloading the driver unload today, and looked OK, but observed a live hog from this load with a "whip" mark. The investigation findings have been sent up to the trucking company REDACTED and to the producer.</p> <p>04/05- Status- REDACTED responded- new driver was using the handle of the rattle paddle with enough force causing "whip" marks. The driver was retrained on proper use of a rattle paddle, re-signed off on PQA, and was disciplined. Investigation closed at farm level.</p> <p>Transportation and Barn Camera Audit – performed once daily.</p> <p>Audits of all criteria monitored passed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift by Dock Monitors</p> <p>Audits of all criteria monitored passed for the week of 03/26</p> <p>Records still not available upon request: Animal Welfare Audit for Swine Transportation – performed twice a day per shift by Dock Monitors</p> <p>Both audits for 3rd shift on 03/21 unavailable; both audits for 3rd shift on 03/23 unavailable; both audits for 2nd shift on 03/24 unavailable. Mr. REDACTED will follow up with Mr. REDACTED.</p> <p>03/29- Ms. REDACTED- Will follow up.</p> <p>04/05- Records still not available upon request.</p> <p>AMI Transportation Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>AMI Pig Slaughter Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>Harvest Daily Quality Review – Handling Implement Marks are recorded – target to perform once per day.</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<div>03/27- no findings</div> <div>03/28- no findings</div> <div>03/29- no findings</div> <div>03/30- no audit</div> <div>03/31- no findings</div> <div>A copy of this Memorandum will be provided to establishment management and a copy placed in the official USDA file.</div> <div>Respectfully submitted,</div> <div>_____</div> <div>Dr. REDACTED date hand delivered to date</div> <div>Plant Management Response:</div>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
M850+ P17775+ V850	Swift Pork Company	14-Apr- 23	<p>04/12/2023 Paddle mark investigation discussion post meeting</p> <p>04/08(04/07 Harvest)- IPP railed out carcass with tattoo # 6304 with a well demarcated brown to light red paddle mark showing approximately 5" of the "lolly pop" and evidence of the linear marks on either side- Mr. REDACTED forwarded pictures to Ms. REDACTED, Regulatory Manager and Mr. REDACTED, Animal Welfare Manager to discuss at the weekly meeting on 04/12.</p> <p>04/12- Status-</p> <p>Records reviewed on 04/11 for the week of 04/02/2023.</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>04/03- not performed.</p> <p>04/04- @ 0647 hours- no findings</p> <p>04/05- not performed.</p> <p>04/06- @ 1232 hours- no findings</p> <p>04/07- not performed.</p> <p>04/08- not performed (1st shift harvest)</p> <p>Handling Tool Marks Investigation</p> <p>Not available for review- Mr. REDACTED could not locate, will get with Mr. REDACTED.</p> <p>Transportation and Barn Camera Audit – performed once daily.</p> <p>Not reviewed.</p> <p>Animal Welfare Audit for Swine Transportation – performed twice a day per shift by Dock Monitors</p> <p>Audits of all criteria monitored passed.</p> <p>AMI Transportation Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>AMI Pig Slaughter Audit – performed once per week per shift.</p> <p>All criteria monitored passed.</p> <p>Harvest Daily Quality Review – Handling Implement Marks are recorded – target to perform once per day.</p> <p>04/03- not performed.</p> <p>04/04- 5 carcasses tattoo 06X2 with paddle marks sent for review with pictures, 1 carcass tattoo 06X3 with partial paddle mark. Investigation on 06X2 showed no misuse in plant.</p> <p>Dr. REDACTED- 06X3 was from REDACTED which banned the use of paddles at all their farms.</p> <p>04/05- not performed.</p> <p>04/06- not performed.</p> <p>04/07- no findings.</p> <p>04/08- not performed (1st shift harvest)</p> <p>Summary of records unavailable upon request:</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>Meeting held on 03/01</p> <p>Records review for the week of 02/20/2023</p> <p>Carcass Review for Animal Welfare Concerns</p> <p>Dr. REDACTED- Records not available until 03/02/2023 per Mr. REDACTED</p> <p>Mr. REDACTED – Was under the impression records were checked on Thursdays.</p> <p>Dr. REDACTED- Records for the previous week are checked every Tuesday.</p> <p>Handling Tool Marks Investigation</p> <p>Dr. REDACTED- Records not available until 03/02/2023 per Mr. REDACTED</p> <p>Mr. REDACTED – Was under the impression records were checked on Thursdays.</p> <p>Dr. REDACTED- Records for the previous week are checked every Tuesday.</p> <p>Meeting held on 03/08</p> <p>Records review for the week of 02/26/2023</p> <p>Handling Tool Marks Investigation</p> <p>Not available for review</p> <p>Meeting held on 03/15</p> <p>Records review for the week of 03/05</p> <p>Handling Tool Marks Investigation</p> <p>Not available for review.</p> <p>Mr. REDACTED- I thought these were checked on Thursdays.</p> <p>Dr. REDACTED- I check all the records for the previous week on the Tuesday before the meeting. This was discussed at the last meeting on 03/08. **my error-it was discussed and documented at the meeting on 03/01 * HH MOI for 03/01 is still under review and has not been submitted to the establishment.</p> <p>Meeting held on 03/22</p> <p>Records review for the week of 03/12</p> <p>Handling Tool Marks Investigation</p> <p>Available and reviewed.</p> <p>Inquired on the following dates requesting records for the week of 03/05</p> <p>3/15- Mr. REDACTED, 3rd shift Livestock Supervisor had records available for FSIS findings but not for establishment findings. Mr. REDACTED advised he would leave a note for Mr. REDACTED.</p> <p>3/16- Mr. REDACTED, 2nd shift Livestock Supervisor advised he was still checking with Mr. REDACTED concerning the records for establishment findings.</p> <p>03/21- Mr. REDACTED provided records for review.</p> <p>Meeting held on 03/29</p>

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EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			<p>Records reviewed for the week of 03/19</p> <p>Animal Welfare Audit for Swine Transportation performed twice a day per shift by Dock Monitors</p> <p>Both audits for 3rd shift on 03/21 unavailable; both audits for 3rd shift on 03/23 unavailable; both audits for 2nd shift on 03/24 unavailable. Mr. REDACTED will follow up with Mr. REDACTED.</p> <p>Ms. REDACTED- Will follow up.</p> <p>Meeting held on 04/05</p> <p>Records still not available upon request: Animal Welfare Audit for Swine</p> <p>Transportation – performed twice a day per shift by Dock Monitors</p> <p>Both audits for 3rd shift on 03/21 unavailable; both audits for 3rd shift on 03/23 unavailable; both audits for 2nd shift on 03/24 unavailable. Mr. REDACTED will follow up with Mr. REDACTED.</p> <p>03/29- Ms. REDACTED- Will follow up.</p> <p>04/05- Records still not available upon request</p> <p>Dr. REDACTED- records requested post meeting</p> <p>04/06- requested records for the audits cited above. Mr. REDACTED advised they were not in the file, and he would have to check with Mr. REDACTED.</p> <p>04/07- requested records for the audits cited above. Mr. REDACTED provided a ‘Humane Handling Corrective Action Form’ dated 04/07 signed by Mr. REDACTED and verified by Mr. REDACTED.</p> <p>Humane Handling Corrective Action Form</p> <p>Description of deviation</p> <p>Misplaced/lost dock audits (Animal Welfare for Swine transportation) for 3rd shift on 3.22/3.23</p> <p>Action to correct deviation</p> <p>Communicated with dock monitors and supervisors when audits are complete they are to be placed in the audit receiving basket located on the Animal Welfare Managers desk.</p> <p>Measures to prevent reoccurrence (if different than above):</p> <p>Supervisors will ensure documents are being left in the basket at the end of shift. In the event that corrections need made the Animal Welfare Manager or Designee will hand the paper back to the supervisor, the supervisor will then ensure the document is returned to the audit receiving basket. 04/07- Dr. REDACTED- the corrective action form did not address missing audits for 03/21- 3rd shift. Records were re-reviewed and showed 3rd shift audits for 03/22 and 2nd shift audits for 03/24 were present/not missing; 4 audits were done on 3rd shift all dated 03/20, two of the audits were before midnight and two after; no audits for 03/21- 3rd shift were present.</p> <p>From 03/01/2023 to 04/05/2023 there were six post meeting discussion meetings. In all six meetings the subject of records being unavailable when requested by IPP was discussed. On more than one occasion the same records were requested and were either not in the file, unable to locate, or incomplete. Records for Carcass Review for Animal Welfare Concerns requested on 02/28, proffered at the meeting on 03/01 to be available on 03/02, were not available until 03/07. Animal Welfare Audit for REDACTED Monitors records were not on file when requested on 2/28, and not available until 3/7. Records for Handling Tool Marks Investigation requested on 2/28 were not available until 3/21. Repetitive unavailability of records upon request can affect the establishments Robust Humane Handling Status.</p> <p>Directive 6900.2 (page 4) states,</p> <p>D. The establishment is not required to provide IPP access to a written humane handling program. However, IPP will not be able to verify effective implementation of a program that the establishment believes reflects a robust systematic approach without access to the written program. Because a documented systematic approach is not a regulatory requirement, failure to implement provisions of such a program is not a noncompliance unless such failure to implement results in an identifiable failure to meet specific regulatory requirements.</p> <p>A copy of this Memorandum will be provided to establishment management and a copy placed in the official USDA file.</p> <p>Respectfully submitted,</p> <p>_____</p> <p>Dr. REDACTED date hand delivered to date</p>

Appendix to Excerpt of Livestock Humane Handling (Archive)

EstablishmentNumber	EstablishmentName	MOIDate	MOIDescription
			Plant Management Response:

Excerpt of Poultry Good Commercial Practices Inspection Task (Current)

Establishment Number	Establishment Name	Inspection Date	MOI Date	MOI Description
P855	Pilgrim's Pride Corporation	23-Oct-23	24-Oct-23	<p>At 10:00am on October 23, 2023, as I, Supervisory Consumer Safety Inspector REDACTED, and Consumer Safety Inspector REDACTED, were performing a Good Commercial Practice verification task at Pilgrim's Pride Athens, Establishment P855, the following issues were identified. As I walked out of the live hang breakroom and into the cage dump area, I noticed that the dead-on arrival (DOA) small dumpster was sitting in the first bay of the offal department, which is unusual. Upon initial observation of the dumpster, I saw that the dumpster was overflowing with carcasses spilling onto the floor. As I looked inside the bin, I saw movement and saw that two birds were still alive mixed in with the DOAs. I then proceeded to the area where the dumpster is usually located, at the end of the conveyor belt coming from the live hang area. There is a small table that sits at the end of this conveyor belt. This table was also overflowing with carcasses. Once again, I observed two more birds that were still alive as evident of breathing, open eyes and wing movement when touched. At 1002, Quality Assurance Supervisor REDACTED arrived in the area. I asked Ms. REDACTED to call for Mr. REDACTED, Shift Superintendent. When Mr. REDACTED arrived, he was shown the birds that were still alive in the DOA dumpster and bin. I took regulatory control and informed management to stop dumping anymore cages until the area could be brought back under control.</p> <p>At 10:30 am on this date, a meeting was held with Mr. REDACTED, Operations Manager, Mr. REDACTED, Shift Manager, Ms. REDACTED, QA Manager, Mr. REDACTED, and Ms. REDACTED. Dr. REDACTED, Supervisory Public Health Veterinarian, and I were also in attendance. All of the above items listed were explained to all of the parties previously listed.</p> <p>Live poultry must be handled in a manner that is consistent with good commercial practices and must not die from causes other than slaughter.</p>
P1201	Pilgrim's Pride Corporation	6-Dec-23	7-Dec-23	<p>On December 6, 2023 at approximately 3:00 PM, while performing a Poultry Good Commercial Practice (GCP) verification task in the picking room of the establishment, I, Dr. REDACTED, SPHV, and Student Intern, REDACTED, observed a bird, in the metal rolling bin adjacent to the rehang table, which had not been thoroughly bled out prior to scalding. The bird was warm and its head and neck were attached and fully intact. No cut had been made to the bird's neck area. The bird's head and neck were a bright red to purple in color.</p> <p>I showed my findings to QA Employee Ms. REDACTED. I advised her that she should tell her supervisor and/or Establishment Management and that I would be writing this GCP MOI. I also showed the bird to CSI REDACTED who watched the bird while we waited for a supervisor. I finished my GCP task and met with Mr. REDACTED, HACCP Superintendent, in the USDA Office. I notified him that a GCP MOI would be documented. This information was also conveyed to Mr. REDACTED, QA Manager, via telephone call.</p> <p>Per 9 CFR 381.65(b), poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses in addition to ensuring breathing has stopped prior to scalding. Additionally, Directive 6110.1 (7/3/2018) --Verification of Poultry Good Commercial Practices states "Poultry are to be slaughtered in a manner that ensures that breathing has stopped before scalding, so that the birds do not drown, and that slaughter results in thorough bleeding of the poultry carcass." Moreover, Directive 6110.1 Section IV prescribes inspection program personnel (IPP) instruction to document establishment failure to follow GCP. It should be noted that the establishment's first (of two) head pullers was not working at the time. It should also be noted that there was a similar occurrence of two birds found without their necks cut and not thoroughly bled out on 11/14/2023, documented in MOI #JAB50131142171.</p> <p>After taking into consideration the pathological findings, regulations, and policy, I have determined the establishment was not acting in accordance with 9 CFR 381.65(b) since a failure to ensure any bleeding of the carcass was observed.</p> <p>I conclude that this incident was not consistent with a loss of process control and that a regulatory noncompliance is not warranted. A mistreatment GCP MOI has been documented in the form of this document, as prescribed in Directive 6110.1. I recommend that the establishment refer to FSIS Directive 6110.1 and 9 CFR 381.65(b). The establishment was notified that this GCP MOI will be forwarded to the Raleigh District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended.</p> <p>You have the right to appeal this decision to:</p> <p>Dr. REDACTED, Frontline Supervisor</p> <p>Siler City Circuit (8010)</p>

Data includes inspection tasks between October 1, 2023 - December 31, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksGCP_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

EstablishmentNumber	Establishment Name	InspectionDate	MOIDate	MOIDescription
P1284	Pilgrim's Pride Corporation	3-May-21	6-May-21	On May 3, 2021 at approximately 1450 hours while performing Good Commercial Practice verification in the live hang department, I (Dr. REDACTED) observed a live chicken, evident by breathing, in the dead-on-arrival (DOA) barrel that contained half a barrel of DOA chickens. The chicken was on the top layer of DOA chickens in the barrel. I summoned Supervisor REDACTED to notify him of this finding. Upon removal from the barrel, the chicken was alert and responsive. Mr. REDACTED and I went through the remaining chickens in the DOA barrel and no additional live chickens were observed. The chicken was euthanized by cervical disarticulation. During our meeting, Mr. REDACTED stated he believed the chicken had jumped from the DOA stand. I agreed it was possible since I observed the establishment employee picking up DOAs and removing the heads before placing in the barrel. The employee stopped adding chickens to the barrel when I started looking in it. I reminded Mr. REDACTED that the PPIA and Agency regulations require that live poultry be handled in a manner that is consistent with good commercial practices (GCPs) and that they not die from causes other than slaughter. I recommended that Mr. REDACTED review Federal Register Notice Vol. 70, No. 187, published September 2005 [Docket No. 04-037N] for FSIS recommendations concerning treatment of live poultry before slaughter and provided him a copy of this document. I notified Mr. REDACTED that this MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. Respectfully, Dr. REDACTED IIC, SPHV P1284, Pilgrim's
P584	Pilgrim's Pride Corporation	12-May-21	14-May-21	At approximately 2357 hour on the shift of May 12, 2021 while verifying operations in the evisceration department the following Good Commercial Practices concern was observed. I, REDACTED, SCSI, observed 12 birds on the floor near the hock cutters, and on the floor near the area between the hock cutters and the entrance to the auto rehang area and drain. There were five birds that appeared to have heads attached filled with blood. Upon closer examination the birds had heads attached that were engorged with blood, without any evidence of a cervical cut that resulted in the heads and bodies appearing cherry red to purple. Cadavers are poultry that die from causes other than slaughter and are condemned under 9 CFR 381.90 and requirements under Good Commercial Practices. These birds are not physiologically dead when they enter the scald vat. When submerged in the scald water, these birds drown and their physiological reaction to the heat is to dilate the vasculature in the skin and organs. This causes the skin to become cherry red to purple of the whole carcass or the lower regions of the carcass. On some occasions, only the neck will appear cherry red or purple. Cadavers are any birds that do not bleed out properly due to a poor or missed cut of the neck veins before they entered the scalders(s). This causes the entire carcass, paws and viscera to be unwholesome and condemned. I then looked through the yellow condemn barrel for line 2 rehang and observed that there were 4 cadavers in the barrel, two of the cadavers were cut but had not properly bled out. Next, I entered the kill area. At approximately 0004 hours, I observed a live bird with blinking eyes on the outside line progressing through the blood trough of the kill line to enter the scalders. There was no evidence of a cut from the kill blade, nor the backup kill step on the bird. The live bird was removed by USDA and presented to REDACTED, Live Hang Supervisor, as he was exiting the Back Dock Supervisors office. The removed bird was located after the kill step (kill blade and the backup killer) and just before the scalders. Without USDA intervention, the live bird would have entered the scalders still breathing. Mr. REDACTED took the bird from USDA and hung the bird on the line between the stunner and the kill machine on line 2. Mr. REDACTED then had maintenance assess and adjust the kill blade. I met with REDACTED and discussed the planned corrective action. The corrective action provided was to have maintenance adjust the equipment and place another employee to assist at the backup kill step. I then performed a recheck and observed zero sensible birds prior to the scalders. Measures to prevent the needless suffering, discomfort, or death of poultry by means other than slaughter, must be met throughout the entire slaughter process. The establishment failed to ensure this bird was properly slaughtered (not breathing) and thoroughly bled out prior to the scalders. The establishment is reminded of the requirement to meet regulatory requirements of 9 CFR 381.65(b) which states in part, "Poultry must be slaughtered in accordance with Good Commercial Practices in a manner that resulted in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding." FSIS respectfully request that the establishment assess any opportunities or gaps that may have led to this observation to ensure the poultry are handled and processed in accordance with Good Commercial Practices.
P40	Pilgrim's Pride Corporation	20-May-21	20-May-21	At approximately 21:28 on 5/20/2021 I was alerted to the following potential Good Commercial Practices violation by Inspector REDACTED. Ms. REDACTED removed a bird with the head still intact and no stick wound. The bird had obviously not been bled out. It was apparent to me that the bird had not been slaughtered in a manner that results in thorough bleeding of the carcass or of the bird still breathing when it entered the scalders. I initiated regulatory control action by contacting Supervisor REDACTED of the anomaly so he could further investigate the cause of the loss of control in the establishment's Good Commercial Practices process. Mr. REDACTED had stated that the establishment was understaffed but that is not an excuse for this inconsistency of the PPIA and Agency requirements. A copy of this Memorandum of Interview will be shared with Dr. REDACTED and this MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. Respectfully, REDACTED - Consumer Safety Inspector
M322A+P322	Pilgrim's Pride Corporation	20-May-21	21-May-21	Good Commercial Practices MOI 20 May 2021 While performing good commercial practices verification at P322 at 10:20pm, I observed the following in the live haul area by the stunnors. On stunner line 1, a mod (481) had flipped on its long side, forcing all the birds in the mod trays to slide to one end and stack on one another. No fewer than 10 birds were observed to have fallen out of the mod and were 5 feet beneath the conveyor lines for the mod stacks. No fewer than 10 birds were observed to have fallen into the pit at least 15 feet from the mod. At least 5 of these birds that had fallen out were observed to not be moving or breathing and appeared dead. Live birds were observed to be hanging out between the top covering and the upper mod, and hanging by heads, wings or upside down by legs. A number of live birds appeared distressed with open mouth breathing, dilated pupils, vocalizing, and increased respiratory rates, and wing flapping. At 10:29pm, hoists began to be attached to the mod, and the mod was righted at 10:55pm. I witnessed at least 6 birds stop breathing and die during this time. After the mod was righted, attempts were made to gather the birds underneath the mod conveyor with catch poles and manually into the pit, and the 5 birds appearing dead were confirmed dead. I spoke with REDACTED (night shift processing manager) regarding my concerns and observations of live bird handling. The mod was removed from the entrance conveyor and dead birds were removed from the mod while live birds were transferred to other mods for entrance to the stunner system. No fewer than 190 birds from this mod were collected and counted as dead. These carcasses were sent to offal and denatured as per the establishments program for DOA carcasses. Recorded by Dr. REDACTED N/S SPHV P322

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksGCP_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	MOI Date	MOI Description
P584	Pilgrim's Pride Corporation	23-May-21	25-May-21	<p>Est. P-584 Pilgrim's Pride Corp. May 24, 2021 In attendance: REDACTED, SCSi, and REDACTED, Live Hang Supervisor At approximately 114 hours on the shift of May 24, 2021 while verifying Good Commercial Practices in the Kill room the following Good Commercial Practices concern was observed. I, REDACTED, SCSi, I observed a live bird with blinking eyes on the outside line progressing through the blood trough of the kill line to enter the scalders. There was no evidence of a cut from the kill blade, nor the backup kill step on the bird. Cadavers are poultry that die from causes other than slaughter and are condemned under 9 CFR 381.90 and requirements under Good Commercial Practices. The live bird was removed by USDA and presented to REDACTED, Live Hang Supervisor, as he was exiting the Back-Dock Supervisors office. The removed bird by USDA was located after the kill step (kill blade and the backup killer) and just before the scalders. Without USDA intervention, the live bird would have entered the scalders still breathing. Mr. REDACTED took the bird from USDA and hung the bird on the line between the stunner and the kill machine on line 2. At 116 hours and 118 hours there were 2 more live birds progressing down the line after the back up kill step and prior to the scalders. The live birds were removed from the line by Mr. REDACTED. These birds are not physiologically dead when they enter the scald tank. When submerged in the scald water, these birds drown and their physiological reaction to the heat is to dilate the vasculature in the skin and organs. This causes the skin to become cherry red to purple of the whole carcass or the lower regions of the carcass. On some occasions, only the neck will appear cherry red or purple. Cadavers are any birds that do not bleed out properly due to a poor or missed cut of the neck veins before they entered the scalders(s). This causes the entire carcass, paws, and viscera to be unwholesome and condemned. At approximately 120 hours I met with REDACTED and discussed the planned corrective action. The corrective action provided was to place another employee to assist at the backup kill step for the remainder of the shift, and reduce the line speed to REDACTED BPM for the remainder of the shift. I then performed a recheck and observed zero sensible birds prior to the scalders. Measures to prevent the needless suffering, discomfort, or death of poultry by means other than slaughter, must be met throughout the entire slaughter process. The establishment failed to ensure this bird was properly slaughtered (not breathing) and thoroughly bled out prior to the scalders. The establishment is reminded of the requirement to meet regulatory requirements of 9 CFR 381.65(b) which states in part, "Poultry must be slaughtered in accordance with Good Commercial Practices in a manner that resulted in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding." FSIS respectively request that the establishment assess any opportunities or gaps that may have led to this observation to ensure the poultry are handled and processed in accordance with Good Commercial Practices. On a previous MOI documented QLM41220534141 dated 05/12/21 for a failure of the establishment to prevent birds from entering the scalders. The corrective action given for the previous MOI was to have an additional back killer to ensure there are no birds entering the scalders was not implemented as stated. MOI QLM5104040012L dated 4/12/21; QLM1005041006L dated 04/06/21; QLM 1722031730I dated 03/30/21 was discussed in a weekly meeting to discuss failure of the establishment to effectively slaughter poultry and thoroughly bled prior to the scalders step. Copies of this Memorandum of Interview will be distributed to the establishment, Inspection file and the District Veterinarian Medical Specialist per Directive 6100.3. This issue will also be discussed at the next weekly meeting. Documented by REDACTED SCSi</p>
P855	Pilgrim's Pride Corporation	25-Jun-21	25-Jun-21	<p>At approximately 12:16 on 6/25/2021 I was alerted to the following potential Good Commercial Practices violation while I was giving break to the food inspectors on Line 2. I removed a bird with the head still intact and no stick wound. The bird had obviously not been bled out. It was apparent to me that the bird had not been slaughtered in a manner that results in thorough bleeding of the carcass or of the bird still breathing when it entered the scalders. At 12:36 that same day I encountered another bird that had been slaughtered without being bled out. According to the inspector I relieved this was not an isolated incident as he had seen several birds slaughtered in that manner. I initiated regulatory control action by contacting Supervisor REDACTED of the anomalies so he could further investigate the cause of the loss of control in the establishment's Good Commercial Practices process. This is inconsistent of the PPIA and Agency requirements. I also spoke to QA Manager REDACTED who contacted Plant Manager James (Danny) Leach. Mr. Leach arrived on the Slaughter Floor and conferred with Mr. REDACTED. It was determined that the full-time stick and the backup stick were out that day and the replacement was not skilled on the position. The sticker was removed and replaced with a more experienced worker. A copy of this Memorandum of Interview will be shared with Dr. REDACTED and Dr. REDACTED and this MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. Respectfully, REDACTED - Consumer Safety Inspector</p>
P855	Pilgrim's Pride Corporation	8-Jul-21	9-Jul-21	<p>While performing the Poultry Good Commercial Practices at 1310 hours on 07/08/2021, I, SCSi REDACTED observed that the establishment is still having an issue with cadaver birds on picking line #2. I observed the cadaver birds while at the rehang table. This area is where the bird is transferred from the live hang metal shackles onto the plastic evis line shackles. I observed the cadaver pass through on the picking line and then the establishment employee remove the bird from the line and throw the bird onto the floor. Upon approaching the area where the bird had been discarded, I observed 2 more cadaver birds on the floor. The establishment has made marked improvement since the last document MOI regarding cadaver birds.</p>
P584	Pilgrim's Pride Corporation	12-Jul-21	13-Jul-21	<p>This Memorandum of Interview is being documented because of concerns USDA has for the Humane Handling of birds at P584. On July 12, 2021 at approximately 1330 hours, while performing Good Commercial Practices Verification at the Stunners, Live Hang Department, and Coop Dump Belts, the following humane handling concerns were observed: Upon entering the Live Hang Department, I encountered 23 live birds huddled on top of one another at the end of Live Hang belt #1. Four additional birds were observed on the floor either behind or beside the live hang team members. On the opposite end of the belt I observed 12 DOAs piled on the metal table with one live bird in the mix. On Line #2 belt, I observed paws and associated feathers and organic material piled under the metal table extending approximately 2' x 3'. This is considered a "smother" area and should be maintained in a manner to avoid a smothering concern. As I exited the Live Hang Department, I observed two swollen paws caught in an area of disrepair which resulted in an opening approximately 4 inches in length, in the lip/wall portion of conveyor belt #1. The paws were wedged so tightly that it was difficult for the coop dump operator to dislodge them. Manager REDACTED was notified and shown the area of concern and notified of the other issues. While attempting to perform the broken wing portion of the GCP task, I observed wings either fluttering or flapping on 38/REDACTED birds exiting the stunner from line 1 and 46/REDACTED birds exiting the stunner from line 2. As the establishment is aware, proper stunning is verified by birds presenting past the stunner with wings tucked. It was also difficult to determine an accurate broken wing count as excessive numbers of birds presented with open wings that appeared "caught" or were contacting birds on adjacent shackles. USDA recognizes that stunning is optional, however, if the establishment chooses to incorporate stunners into their process, the equipment must work properly. Manager REDACTED was notified of the concerns. USDA requests that the establishment ensure that Humane Handling Procedures are followed to minimize discomfort to the birds prior to and during the slaughter process. Documented by REDACTED, DVM.</p>
P843	Pilgrim's Pride Corporation	25-Jul-21	25-Jul-21	<p>On Sunday (July 25th, 2021) night, at approximately 10:00 pm, while observing operations in the scald/picking room I (Dr. REDACTED) observed an uncut bird (that already passed through the scald tank – all feathers were removed) come down the picking line. I removed the bird from the picking line to fully examine it. During my examination, I did not see a cut on the neck which prevented thorough bleeding; the head and neck were swollen and bright red in color. After making these observations I determined this bird was not slaughtered in accordance with good commercial practices. The Evisceration Superintendent, REDACTED, entered the area shortly after; he was shown the uncut bird and notified of the forthcoming MOI. Agency regulation require that the poultry be handled in a manner that is consistent with good commercial practice, and that they do not die from causes other than slaughter. It is the establishment's responsibility to ensure that the birds are slaughtered in accordance with 9 CFR 381.65 (b). "Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding."</p>

Data includes inspection tasks between April 1, 2021 - September 30, 2023

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Data extracted March 28, 2024

Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	MOI Date	MOI Description
P843	Pilgrim's Pride Corporation	27-Jul-21	28-Jul-21	On Tuesday (July 27th, 2021) night, at approximately 11:10 pm, while observing operations in the scald/picking room I (Dr. REDACTED) observed an uncut bird (that already passed through the scald tank – all feathers were removed) come down the picking line. I removed the bird from the picking line to fully examine it. During my examination, I did not see a cut on the neck which prevented thorough bleeding; the head and neck were swollen and bright red in color. After making these observations I determined this bird was not slaughtered in accordance with good commercial practices (GCP). The Evisceration Supervisor, REDACTED, and Superintendent, REDACTED, were shown the uncut bird and notified of the forthcoming MOI. Agency regulation require that the poultry be handled in a manner that is consistent with good commercial practice, and that they do not die from causes other than slaughter. It is the establishment's responsibility to ensure that the birds are slaughtered in accordance with 9 CFR 381.65 (b). "Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding."
P1201	Pilgrim's Pride Corporation	27-Jul-21	28-Jul-21	On 07/27/2021 at approximately 11:15pm, I walked through the live hang room and noticed a large pile of dead on arrival (DOA) birds on a metal table. I looked closer and observed a live bird in respiratory distress and its head underneath two DOA birds. I showed a line lead my findings and asked him to call Supervisor REDACTED. I immediately removed the head from underneath the dead carcasses, thus allowing the bird to breathe. Once Mr. REDACTED arrived in the area, I informed him of my findings. Additionally, I informed HACCP Superintendent REDACTED of my finding as well. The establishment culled the bird immediately. The establishment should prevent the mistreatment of birds before or during shackling or elsewhere in the slaughter operation, up until the kill step.
P1201	Pilgrim's Pride Corporation	29-Jul-21	2-Aug-21	On 07/29/2021 at approximately 10:21pm, CSI REDACTED performed a Good Commercial Practice task and observed two live birds mutilated by the machinery of the automatic cage dumper. She immediately notified Supervisor REDACTED and showed him her findings. By this time, the birds were dead, which Mr. REDACTED verified. CSI REDACTED notified Dr. REDACTED of the incident. This is evident that birds died by other means than slaughter. Prior to this event, USDA has notified the establishment numerous times about mutilated birds on the floor underneath the cage dumper. The following is a list of documented instances when IPP observed mutilated birds under the cage dumper. This list does not include the verbal communications IPP have discussed with the establishment. 1. On 06/22/2021, IPP observed birds caught in the roller where the cage dumper meets the CAS system. The establishment decided to end the night early to repair the system. IPP notified Dr. REDACTED, FLS and Dr. REDACTED, SPHV. On 06/23/2021, Dr. REDACTED discussed with QA Manager REDACTED and he explained the birds caught in the roller were dead on arrival (DOA) and were mutilated by the roller of automatic cage dumper. On 06/24/2021, IICs discussed this issue in the weekly HACCP meeting. 2. On 06/25/2021 at approximately 3:30 pm, IPP witnessed dead birds under and around the cage dumper and notified Dr. REDACTED of the issue. Dr. REDACTED went to the area and witnessed live birds fall out of the cage, through the machinery of the dumper and onto the floor. The establishment made repairs to the dumper. Once repairs were completed, IPP did not observe anymore birds falling out of the cage for the rest of the night. 3. On 07/26/2021 at approximately 3:30pm, IPP observed mutilated birds on the right side of the cage dumper. Dr. REDACTED emailed QA Manager REDACTED about this incident. Approximately 10:47pm, IPP observed another mutilated bird on the right side of the cage dumper. 4. On 07/27/2021 at approximately 4:35 pm, IPP observed a wing (feathers attached to muscle) underneath the cage dumper. At approximately 9:35pm, IPP observed extremely mutilated birds under the cage dumper. For all instances, IPP alerted a supervisor or the employee in charge of collecting birds that did not get dumped. Poultry are to be slaughtered in a manner that ensures that breathing has stopped before scalding, so that the birds do not drown, and that slaughter results in thorough bleeding of the poultry carcass. Compliance with these requirements helps ensure that poultry are treated humanely. A copy of this Memorandum of Interview was sent to the Raleigh District Veterinary Medical Specialist, Dr. REDACTED.
P6638	Pilgrim's Pride Corporation	5-Aug-21	8-Aug-21	Tonight, early morning of August 6th 2021, during my evening Good Commercial Practices walkthrough at approximately ~0030hrs, on line 2, I saw a live bird coming down the line, passed the backup cutter. It was not stunned and had no signs of being bled. It was looking around, bright, and alert. I then observed the live bird go into the scald tank. I notified, REDACTED, evisceration supervisor of my findings and that I was writing a GCP MOI. REDACTED, Night shift manager, also responded and was notified. Sincerely, REDACTED, dvm
P40	Pilgrim's Pride Corporation	17-Aug-21	23-Aug-21	On 8/17/21 at approximately 2311 hours I (Dr. REDACTED) was performing GCP. While in live hang (A side) on line 2 I noticed a pile of DOAs stacked on top of each other on the rack directly behind the hangers. The rack is placed behind the hangers so they can put the DOAs on there and not on the floor. I know there is concern for live birds being accidentally placed with DOAs so I showed Lead REDACTED the issue. As I watched REDACTED remove several of the birds from off top of each other, I then noticed at the bottom of the pile a small live bird being smothered. This bird was underneath the other DOAs. The bird appeared to be being smothered due to the fact it could not get out from under the other birds that were piled on top of it. I then informed REDACTED to get his supervisor, I showed Live Receiving Supervisor REDACTED the bird and informed him of my concerns. I asked REDACTED about the corrective actions that would be taken. He stated there would be correlations done with the hangers and inform them they should not be piling birds on top of each other. I stated an MOI would be written. The PPIA and Agency regulations require that live poultry be handled in a manner that is consistent with good commercial practices and that they not die from causes other than slaughter.
P6638	Pilgrim's Pride Corporation	8-Sep-21	8-Sep-21	On September 8, 2021, at approximately 1231 hours; I observed Less than Good Commercial Practice at establishment P-6638 Pilgrim's in Enterprise, AL. While performing a Good Commercial Practice verification task, I observed one (1) live bird enter the scalders on Picking Line #2. When I initially observed the live bird, the neck and head was not visible, and no blood was noted. I then bent down and was able to see a fully conscious bird holding its head and neck up along its dorsal surface. The bird's eyes were open and blinking, the head/neck were moving, and the bird was not stunned. The bird then entered the scalders on Picking Room line 2 scalders alive after bypassing the head puller which is the establishment's final intervention. I immediately left the head puller on Picking Line #2 and notified Supervisor REDACTED of my findings and the documentation of this Memorandum of Information (MOI). In addition, Plant Manager Brent Byrd, QA Manager REDACTED, HACCP Superintendent REDACTED, Evisceration Superintendent REDACTED and Shift Manager Antonio Pierson were notified of the observed events and of the forthcoming documentation of a GCP MOI. Respectfully Submitted, Dr. REDACTED, SPHV cc: Dr. REDACTED, DVMS cc: Dr. REDACTED, FLS

Data includes inspection tasks between April 1, 2021 - September 30, 2023

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Data extracted March 28, 2024

Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	MOI Date	MOI Description
P1284	Pilgrim's Pride Corporation	9-Sep-21	10-Sep-21	Est. P-1284, Pilgrim's, September 9, 2021, 1225 hours. In attendance: Dr. REDACTED, SPHV; Art Mann, Plant Manager; REDACTED Second Processing Manager; REDACTED QA Manager. At approximately 1025 hours while performing a Poultry Good Commercial Practice (GCP) verification in the live hang area of the poultry receiving department, I (Dr. REDACTED) observed live hang personnel mishandling live birds. Specifically, I observed a live hang employee aggressively shackle several live birds by throwing birds at the shackle not only in front of him but also in front of the live hang employee next to him instead of carefully placing the birds in the shackle. I took immediate action and stopped the picking line and notified Supervisor REDACTED. I met with Art Mann, Plant Manager; REDACTED, Second Processing Manager; REDACTED, QA Manager and reminded them the Poultry Product Inspections Act (PPIA) and Agency regulations require that live poultry be handled in a manner that is consistent with good commercial practices. During our meeting, Mr. REDACTED along with Mr. Mann and Ms. REDACTED stated they investigated and determined the employee was aggressively hanging the live birds, informing me the employee was removed from the live hang department until further planned actions were implemented. I was also informed Supervisor REDACTED conducted additional training with all live hang personnel in both English and Spanish in handling of live birds. I recommended Mr. Mann review Federal Register Notice Vol. 70, No. 187, published September 2005 [Docket No. 04-037N] for FSIS recommendations concerning treatment of live poultry before slaughter and provided him a copy of this document. I notified Mr. Mann and the management team that this MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. A plant response is requested. Respectfully, Dr. REDACTED, DVM IIC, SPHV P1284, Pilgrim's
P476	Pilgrim's Pride Corporation	13-Oct-21	14-Oct-21	REDACTED, Plant Manager Pilgrim's Pride Corporation P-00476 616 Kingsbridge Rd. Carrollton GA. 30117 On Wednesday, October 13, 2021 at approximately 0443 hours while performing a Good Commercial Practices Task at P-0467 I, CSI REDACTED, observed an issue with the implementation of Good Commercial Practices in the pre-evisceration area. I observed one live bird enter the scald vat on picking line number two alive. The bird was observed bright, alert, responsive and blinking its eyes prior to entry into the scald vat. There was no cut observed to the neck. I immediately notified Live Hang Supervisor, REDACTED of this occurrence. Upon exit from the scald vat, I identified the cadaver to Mr. REDACTED and he removed the cadaver from the picking line. No other live birds were observed entering the scald vat at this time. This issue was discussed briefly with Mr. REDACTED shortly after the occurrence. He stated he did not see any immediate issues with the kill machine but was currently seeing fluctuations with bird size. Mr. REDACTED also stated adjustments had been made due to the bird size fluctuations. The topic will also be discussed again at the next USDA weekly meeting on October 19, 2021 at approximately 0230 hours for further discussion and the minutes will be documented in the corresponding MOI. Respectfully, CSI REDACTED
P584	Pilgrim's Pride Corporation	8-Nov-21	10-Nov-21	This Memorandum of Interview is being documented to address a violation of the Good Commercial Practices regulation 9CFR 381.65(b) which states: Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding... On November 8, 2021 at approximately 1230 hours, while performing tasks throughout the evisceration department, the following was observed: a cherry red carcass, with its head attached and engorged with blood, was observed in a yellow condemn barrel which was partially (2/3) full behind the line 2 auto-rehang belt. I also observed the team member remove a cherry red carcass with its head attached and engorged with blood from the line at 1230 hours. At 1231 hours, a second cherry red carcass, with its head attached and engorged with blood, was removed by the team member, and immediately following, an additional decapitated cherry red carcass was removed as well. I left the area to locate a supervisor and was informed that the Live Hang Supervisor was absent. I proceeded to the Evisceration Supervisor Office and spoke with Supervisor REDACTED at approximately 1233 hours. I asked for Superintendent REDACTED to meet me at the Line 2 Auto Rehang table. When I arrived at the rehang table at 1235 hours, I noticed that the partially filled condemn barrel had been emptied. At approximately 1244 hours, I met with First shift Manager REDACTED and Evisceration Superintendent REDACTED and expressed my concerns regarding my observations. I stated that the kill wheel evidently malfunctioned and the back up cutter had failed to perform their duties, resulting in birds inhumanely entering the scald still breathing. I asked that the management team review the video footage provided by security cameras at the rehang tables. I was informed that during the time of my observations, the security cameras "skipped", causing the footage to be unavailable. Earlier this year, on May 12, 2021 and May 24th, 2021, cadavers were also observed by USDA IPP. MOIs were documented on May 14th and May 25th; see QLM 4033054114 and QLM 022054114. The Establishment is urged to maintain equipment (including security cameras) in good operating order and ensure team members effectively perform their duties to avoid further violations of Good Commercial Practices Regulations. Documented by REDACTED, DVM
M810+P810	Pilgrim's Pride Corporation	11-Nov-21	12-Nov-21	Pilgrim's Pride Inc. P-810, November 12, 2021, at approximately 0210 hours, I, CSI REDACTED, met with REDACTED, First Processing Manager and REDACTED, Live Hang Supervisor to discuss the mishandling of a dead-on-arrival (DOA) chicken which occurred on November 12/2021 at 0205 hours in the live hang department. At approximately 2105 hours, while performing a Good Commercial Practice task in the live hang department, I observed a live, weak chicken in the DOA hopper that contained to numerous too count dead-on-arrival (DOA) chickens. I notified REDACTED, Back-up Foreman of my finding. Mr. REDACTED immediately retrieved the chicken from the hopper and elected to euthanize to chicken due to the weakened state, by cervical dislocation. P-810 has a written Animal Welfare Program with a revision date of 6/30/2020 with a training manual incorporated within, located in the Quality Assurance Office. The establishment provides training on the proper technique of euthanizing to new hires and provides an annual training to establishment employees for the live hang department. I informed establishment management that live poultry must be handled in a manner that is consistent with good commercial practices and that they are not to die from causes other than slaughter. I provided the establishment a copy of this MOI and notified Mr. REDACTED that this MOI will be forwarded to REDACTED, Frontline Supervisor, and the District Office in case a follow-up is recommended. Respectfully, REDACTED, CSI.
P6638	Pilgrim's Pride Corporation	18-Nov-21	19-Nov-21	On Friday November 19, 2021 at approximately 0015 hours, located at Pilgrim's Pride P-6638 Enterprise, AL, while performing the Good Commercial Practices Verification task, I observed a live bird pass all establishment interventions and entered the scald on Picking Line #2. The live bird was small in stature and appeared bright, alert, and responsive with its head dorsally hyperflexed and eyes blinking. There were no observed cuts to its neck. I notified Evisceration Supervisor REDACTED of my findings and informed him of the forthcoming issuance of a Good Commercial Practices Memorandum of Information (GCP MOI). Respectfully Submitted, Dr. REDACTED, SPHV Cc: Dr. REDACTED, DVMS Cc: Dr. REDACTED, FLS
P1353	Pilgrim's Pride Corporation	30-Nov-21	30-Nov-21	From: REDACTED Date: 11/30/2021 Subject: Poultry Good Commercial Practices/ WUM44071154301 Meeting Date: 11/30/2021 Meeting Time: 0830 Establishment: P1353 - Pilgrim's Pride Corporation Comments: While performing the Good Commercial Practices verification task at approximately 0820, I observed a single live and uncut bird enter the scald on line. The bird was alert with head raised eyes open and blinking as it entered the scald. I notified Mr. REDACTED, the Live Hang Supervisor, of my findings. I also informed QA Supervisor REDACTED and Plant Manager REDACTED of my observations and the impending GCP MOI.

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksGCP_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	MOI Date	MOI Description
M17980+P17	Pilgrim's Pride Corporation	23-Dec-21	23-Dec-21	Est. P17980, Pilgrims- Sumter, SC, December 23, 2021, 10:35 hr. In attendance: Dr. REDACTED, IIC, SPHV; REDACTED, FSQA, Humane Handling coordinator; REDACTED, Plant Manager At approximately 9:28 hr on 12/23/2021, while performing the 500 bird pre-scald observation portion of the Good Commercial Practices task, I, REDACTED, DVM, observed the following. A small bird without any evidence of cervical incision, demonstrating rhythmic respiratory coelomic excursions, and with controlled movements of the head, eyes, and neck, entered the first scalding. I attempted to alert plant personnel in the picking room, but there were no available personnel. I quickly checked on the autoknife, head pullers, and 2 backup killers, and discovered that there was a 3rd person/hourly production employee standing in the narrow backup kill area between the two killers having a conversation with them. As no supervisors were available in Picking or Evisceration, I asked an employee with a radio to request a supervisor to come to the picking room. The Evisceration superintendent, REDACTED, joined me to observe the line at the end of the pickers, and we both observed the cadaver emerge with a deep purple neck and head at 9:33 am. Ms. REDACTED removed the bird from the line, showed it to the backup killers, and let plant management know of the situation. I discussed the above observations with Ms. REDACTED and Mr. REDACTED. In response, Mr. REDACTED stated that respective parties will be held accountable, and that upon his investigation, he did not see any actionable failures in review of the slaughter processes. I remind the management of P17980 that the PPIA and Agency regulations require that live poultry be handled in a manner that is consistent with good commercial practices and that they not die from causes other than slaughter. Mr. REDACTED and Ms. REDACTED were notified that this MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. Respectfully, Dr. REDACTED, IIC, P17980 Pilgrims
P6638	Pilgrim's Pride Corporation	3-Jan-22	3-Jan-22	On January 3, 2022, at approximately 1224 hours; I observed Less than Good Commercial Practice at establishment P-6638 Pilgrim's in Enterprise, AL. While performing a Good Commercial Practice verification task, I observed several employees sorting a cage of birds that had been placed off to the side. The cold weather (39 degrees at time of observation) had led to an increase in DOAs (dead on arrival). The establishment was actively sorting the live birds from the dead. I observed two (2) live birds that had been sorted by employees, be placed into a DOA dumpster. One of the live birds still had a pulsating brachial wing vein where the wing attaches to the breast area, the leg still had movement with the leg being extended and contracted. When I placed my hand on the thoracic inlet, I was still able to palpate a heartbeat. The bird was hypothermic to touch, wet and no indication of rigor mortis. The second bird I observed, still had movement in both legs and could also palpate the heartbeat at the thoracic inlet. This bird was also hypothermic and wet to touch with no signs of rigor mortis. Both birds died while showing Evisceration Superintendent REDACTED my findings. I notified Evisceration Superintendent REDACTED of my findings and the documentation of this Memorandum of Information (MOI). A copy of this MOI will be forwarded to the Jackson District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. Respectfully Submitted, Dr. REDACTED, SPHV cc: Dr. REDACTED, DVMS cc: Dr. REDACTED, FLS
P40	Pilgrim's Pride Corporation	27-Jan-22	1-Feb-22	At approximately 0551 hours on January 28, 2022, while performing GCPs. I (Dr. REDACTED) witness one live bird go into the scalding on line REDACTED. As I was watching the birds come around the corner from where the head remover is. As the bird in question passes by, I notice the head was still attached, the neck was not cut, and the bird was looking around. I immediately went to inform Live Receiving Supervisor REDACTED of the situation. He came out and we both waited for the bird to come by. He pulled the bird off the line, and I informed him I will communicate with my FLS on how to proceed in the matter. First Processing Manager REDACTED came over and I informed him of the situation and showed him the bird. I notified management that a MOI would be issued.
P843	Pilgrim's Pride Corporation	14-Feb-22	14-Feb-22	On Monday (February 14th, 2022) evening, at approximately 10:30 pm, I (Dr. REDACTED, SPHV) observed multiple red birds entering the evisceration department. These red birds displayed a cherry red appearance of the entire carcass, no cut on the neck, and a swollen/engorged head which was cherry red/purple in color. This observation prompted me to perform a directed Good Commercial Practice (GCP) task. As I entered the picking room, to observe birds exiting the kill room, I noticed more red birds coming down the line to enter the evisceration department. Finally at the back of the picking room, I positioned myself to visualize bird exiting the kill room, just before the first head-puller. I observed a small bird, with its head bent at a 90° angle leave the kill room. I walk over to the scalding entrance and successfully remove the bird before submerging into the scald tank. This bird had no cut on its neck, its eyes were wide open and appeared aware of its surroundings; as I adjusted the bird in my hands it began to flap its wings to correct its posture thus confirming life (time was approximately 10:37 pm). I remained in the area and observed another small bird, with a bent neck that lacked a cut; its eyes were also observed open/blinking and appeared aware of its surroundings. I attempted to remove this bird as well but was unsuccessful and as a result it entered the scald tank still breathing in my presence. Agency regulation require that poultry be handled in a manner that is consistent with Good Commercial Practice (GCP), and that they do not die from causes other than slaughter. It is the establishment's responsibility to ensure that the birds are slaughtered in accordance with 9 CFR 381.56(b). Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding.
P17500	Pilgrim's Pride Corporation	17-Mar-22	17-Mar-22	At approximately 0708 hours, after completing my Good Commercial Practices verification task along with Ante-mortem, I entered the Live Hang area and noticed a live bird hanging from a head puller. From a distance an establishment QA personnel, that was doing her hourly check, and I noticed the bird's wings flapping briskly while hanging from the head puller. I then proceeded closer to the bird to see if it was alive. The QA personnel and I waited to see if anyone was going to immediately decapitate the bird, but no one came to attend to it. She and I observed the bird for 3 minutes and noticed its eyes blinking, its wings flapping, with rapid breathing. The bird was observed motioning its head up and down, and suddenly stopped breathing. I immediately informed First Processing Superintendent REDACTED and Live Hang Supervisor REDACTED of my observations and of the forthcoming Good Commercial Practices MOI (Memorandum of Information) documenting these events. Respectfully Submitted, Dr. REDACTED, SPHV Cc: Dr. REDACTED, DVMS Cc: Dr. REDACTED, FLS
P584	Pilgrim's Pride Corporation	21-Mar-22	22-Mar-22	Est. P-584 Pilgrim's Pride Corp. March 21, 2022 In attendance: REDACTED SCSi, and REDACTED, Back Dock Supervisor At approximately 2328 hours on the shift of March 21, 2022, while verifying Good Commercial Practices in the Kill Room the following was observed. A live bird with its neck tucked, and blinking eyes. The bird was on the outside line after the killer progressing through the blood trough approaching the scalding. I implemented regulatory control by removing the bird from the line. There was no evidence of a cut from the kill blade, nor the backup kill step on the bird. The live bird was presented to REDACTED, Back Up Foreman, in the Back-Dock Supervisors office. The bird on line 2 was removed after the kill step (kill blade and the backup killer) and just before the scalding. Without USDA intervention, the live bird would likely have entered the scalding alive. Mr. REDACTED took the bird from USDA and hung the bird on the line. I asked for REDACTED, Back Dock Supervisor, to enter the kill room area. Mr. REDACTED entered the kill room and was informed of the concern. The immediate corrective action was to stop the kill line and talk to the employee. At approximately 2330 hours I met with REDACTED and discussed the planned corrective action. The corrective action provided was to have a documented training on the employee. I then performed a recheck and observed zero sensible birds prior to the scalding. REDACTED, Night Shift Manager, was verbally notified of the incident. Mr. REDACTED placed an additional backup killer on line 2 for the remainder of the shift. Documented by REDACTED SCSi

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksGCP_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

EstablishmentNumber	Establishment Name	InspectionDate	MOIDate	MOIDescription
P1272	Pilgrim's Pride Corporation	1-Apr-22	5-Apr-22	On 03/25/2022 at approximately 1015 hours, outside in the line two live receiving area, I observed a cage being put on the platform with the cage door open. One of the birds from the cage fell to the platform. I also observed a cage with a missing door being transported on a forklift, a bird fell to the ground from the cage. Supervisor REDACTED was notified of my observations. Mr. REDACTED stated that a training will be performed with the forklift drivers as to the proper procedure to follow when a bird falls from the cages. He stated that the drivers will park the forklift, retrieve the bird and place it back into the cage before proceeding. On 04/01/2022 at approximately 1106 hours, I observed a bird falling from a cage to the ground inches from the tire while in route to the platform on the forklift. The driver did not stop to retrieve the bird. The driver returned with another cage while the bird was still in the proximity of the forklift. Live Receiving Lead REDACTED stopped the driver and retrieved the bird. The issue was discussed with Mr. REDACTED and Evisceration Superintendent REDACTED. This has been an ongoing issue. It is important that the cages are in good repair so as not to allow birds to fall out which could lead to the death of the birds in a manner other than slaughter as well as team members prompt attention to these matters if it does occur. It has been addressed several times in the USDA/Establishment meetings as well as documented in Memorandum of Interview dated 03/21/2022. Under the Poultry Products Inspection Act (PPIA) and Agency regulations, live poultry must be handled in a manner that is consistent with good commercial practices, which means they should be treated humanely. Poultry products are more likely to be adulterated if, among other circumstances, they are produced from birds that have not been treated humanely, because such birds are more likely to be bruised or die other than slaughter. Please note that this is an important issue and should be handled accordingly. Respectfully, REDACTED, CSI
P218	Pilgrim's Pride Corporation	17-May-22	18-May-22	On Tuesday May 17, 2022 at approximately 1258 hours, while performing a Good Commercial Practice Verification task in the evisceration department at establishment P218 Pilgrims Pride, Dr. REDACTED, SPHV, observed a cadaver traveling on the conveyor belt near the auto rehang machine on line #2. The cadaver was removed from the conveyor belt by SPHV REDACTED and immediately presented to REDACTED, Senior Evisceration Superintendent, to show that no bleeding cut was present on the neck. The cadaver was then condemned due to adulteration. Approximately 40 minutes later, another cadaver was identified by a USDA food inspector on line #1 and hung back on the rack for veterinary disposition. Upon thorough investigation, SPHV REDACTED confirmed that the carcass was a cadaver due to the hyperemic skin, especially around the neck area, which was likely due to the dilation of blood vessels from the carcass entering the scalding alive. This cadaver was also shown to Senior Evisceration Superintendent REDACTED and then condemned due to adulteration. These types of situations present concern for inspection personnel as regulations require that live poultry do not die from causes other than slaughter. This MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is needed. REDACTED, DVM, MPH SPHV USDA FSIS
P218	Pilgrim's Pride Corporation	24-May-22	25-May-22	On Tuesday May 24, 2022, at approximately 1642 hours, while performing a Good Commercial Practice Verification task in the evisceration picking room. I, SCSi REDACTED observed a cadaver coming out of the picker on line 1. The bird had a dark red congested head attached at the time of my observation. The head of the carcass was removed at the head puller as it traveled on line #1. The cadaver traveled on line #1 to the hock cutting room where I was able to remove the carcass from the line. I removed the cadaver from the shackle of line # 1 and immediately presented it to Superintendent REDACTED. Later the cadaver was presented to Senior Superintendent REDACTED and Night Shift Manager REDACTED. The cadaver was then condemned due to adulteration. These types of situations present a concern for inspection personnel as regulations require that live poultry do not die from causes other than slaughter.
P206+V206	Pilgrim's Pride Corporation	3-Jun-22	4-Jun-22	6/3/2022 To: Mr. REDACTED, Floating Production Manager Pilgrims Pride Corp. 928 MLK Jr. Blvd Nacogdoches, TX 75965 From: Dr. REDACTED Sr (acting IIC covering for IIC Dr REDACTED) USDA-FSIS-OFO Pilgrim's s Pride Corporation 928 MLK Jr. Blvd Nacogdoches, TX 75965 REDACTED RE: MOI : Humane Handling , Animal Welfare issue At approximately 1401 hours while performing the human handling verification task in the live hang area, I observed an establishment employee gather a live bird and place it in the condemn barrel for the deceased and properly culled carcasses. This bird was verified to be live by SPHV REDACTED Sr, as it was noted that the bird was alert, eyes open and flapping its wings at the response of being handled by the establishment employee. Once noted, I informed management of this issue, Mr. REDACTED, the first shift back dock Supervisor, and he then removed the bird and demonstrated to the employee how to properly cull small sized birds according to establishment protocol. I informed Mr. REDACTED, that if the establishment has a program/ protocol to address this, that the employee did not properly follow establishment protocol. This does not meet with 381.65(b). This is a humane handling issue that must be documented with an MOI. The establishment should ensure that it is following all protocols and procedures in its SOP's regarding Animal Welfare. Professionally, Dr. REDACTED Sr (acting IIC covering for IIC Dr REDACTED) USDA-FSIS-OFO
P218	Pilgrim's Pride Corporation	13-Jun-22	13-Jun-22	On June 13, 2022, at approximately 1911, while performing a Poultry Good Commercial Practices task USDA SCSi REDACTED observed very large piles of birds at the end of each belt in the live hang area. On line one there was a pile of birds too many to count, and I identified four live birds buried breathing and trying to move underneath the DOA's and feathers. I notified Superintendent REDACTED and he removed the birds from the pile. Upon further inspection at line two a couple of live birds could be seen breathing buried underneath a pile DOA's, feathers, and dirt. I took regulatory control of line two and the employees of live hang on line two stopped hanging and removed the DOA's from the area. The establishment is reminded it is important to treat poultry in a way that minimizes accidental injury to include proper sorting of live and dead birds at rehang as well handling prior to euthanasia. In addition, employing humane methods of handling consistent with Good Commercial Practices can help produce an unadulterated product. Plant Management is asked to consider these USDA concerns and prevent future occurrences. Copies of this Memorandum of Interview (MOI) will be distributed to the establishment, inspection file and District Veterinary Medical Specialist per FSIS Directive 6100.3.
M17980+P17	Pilgrim's Pride Corporation	14-Jun-22	15-Jun-22	Establishment P-17980 Pilgrim's – Sumter, SC June 14, 2022 1345 hr In attendance: REDACTED, DVM, IIC, SPHV; Ms. REDACTED, Plant Manager; Ms. REDACTED, FSQA Director While performing the Good Commercial Practices task on June 14, 2022 at approximately 1235hr, I observed conditions that needed supervisory attention. I walked to the perimeter of the loading zone to find the supervisor of the affected area. The supervisor was driving the forklift and was lifting a full crate of approximately 200 live birds to the crate conveyor, which leads to the cage dumper. He acknowledged my presence and motioned that he would come over. It was approximately 1241 hr. He attempted to place the crate on the cage conveyor, then reversed the forklift to back away from the cage conveyor, and the cage of live birds fell approximately 15ft to the ground. The cage doors opened in the course of the fall, spilling live birds on the ground under and around the cage. I remained in the same area and observed the situation as the supervisor and plant employees performed the clean-up and cleared the loading zone. As they cleaned up the birds, which took a total of 10 minutes, I counted approximately 28 birds that had died/were crushed underneath the cage. The event and cleanup were also witnessed by a "lot jockey" truck driver employee and by the cage repair employee. Regulations require that live poultry be handled in a manner consistent with good commercial practices and that they not die from causes other than slaughter. Ms. REDACTED was not available by phone when I called her office at 1259 hr; I advised Ms. REDACTED of the situation when I encountered her on the production floor at approximately 1310 hr, and requested the Ms. REDACTED be informed. At 1345 hr, I reported the full observations to both Ms. REDACTED and Ms. REDACTED in the USDA Field Office. They received the information and made no further comment at the time. At the time of this MOI, Plant Management has not yet advised me of a response to the incident. REDACTED, DVM, IIC, SPHV

Data includes inspection tasks between April 1, 2021 - September 30, 2023

Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksGCP_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	MOI Date	MOI Description
P7091	Pilgrim's Pride Corporation	5-Jul-22	7-Jul-22	<p>On Tuesday July 5 and Wednesday July 6, 2022, Dr. REDACTED met with P7091 Establishment Management to discuss the following incident and the establishments investigation results with corresponding actions to address the incident. July 5, 2022, attendees at approximately 1553 hours: Dr. REDACTED, FSQA Manager REDACTED, Shift Manager REDACTED (D/s) and Second Processing Superintendent REDACTED (D/s) July 6, 2022, attendees at approximately 0715 hours: Dr. REDACTED, 1st Processing Superintendent REDACTED followed by Plant Manager REDACTED, then later FSQA Manager REDACTED at approximately 1530 hours On Tuesday July 5, 2022, at approximately 1452 hours Supervisory Public Health Veterinarian Dr. REDACTED observed a Good Commercial Practices mistreatment event in Live Hang. Dr. REDACTED observed the hangers approximately 3-4 positions down from the switch driver hanging chickens when 2 live chickens were thrown from behind the hangers in a horizontal line without the hanger(s) turning around. Each bird hit the wall approximately 5+ feet away from the hanging line (one after the other), bounced off the wall from the force of momentum and then fell to the floor approximately 1-2 feet away, back towards the hangers. Each bird visibly roused but did not stand up when hitting the floor, they were alive and conscious. Dr. REDACTED immediately pulled the E-stop cord and notified the lead who was standing in front of the hangers, of the observed issue. The line was re-started shortly after Dr. REDACTED took regulatory control of the line without being released by Dr. REDACTED. When returning to the hanging side of the table, the two chickens had been removed from the floor. Dr. REDACTED then informed the Back Dock Supervisors (REDACTED D/s and REDACTED N/s) in the office of the observation. Dr. REDACTED also met and discussed the event with Mrs. REDACTED, Mr. REDACTED, and Mr. REDACTED. Management stated they would review what video footage they had from around the incident and meet with the back dock team to identify the responsible party(ies) for internal handling and address Animal Welfare handling procedures and practices with the teams. On July 6, 2022, establishment management met with Dr. REDACTED and discussed the results of their investigation and actions. One responsible party was identified and managed through internal avenues. Both day shift and night shift Back Dock teams participated in "Stand-Down" meetings on July 5th and 6th as well as increased monitoring to verify handling practices. Management also addressed the violation of regulatory control by instructing the teams to be aware of who is in control of the line if it is USDA to step away from the line until USDA releases for operations to resume. Management after meeting with the individual, stated that they truly believed the birds were dead. Regardless of the thought process, employees should be checking to ensure birds are not alive before being condemned as well as under no circumstances should a bird be thrown. Employing humane methods, such as ensuring birds are not alive before being processed as dead birds (e.g. moved to be placed into condemn bins) is consistent with Good Commercial Practices and can help produce an unadulterated product. Throwing of live birds in any circumstance is not consistent with Good Commercial Practices and can result in unnecessary injury to the bird or death. In addition, the PPIA and Agency regulations do require that live poultry be handled in a manner consistent with good commercial practices. The establishment is reminded in addition to the regulations found in 9 CFR 381.65(b), it is also a violation of the Poultry Products Inspection Act (PPIA) 21 USC 458 (a)(1) if birds, especially on the slaughter line, are allowed to die by means inconsistent with good commercial practices. FSIS encourages establishments to develop and implement a systematic approach to ensuring poultry presented for slaughter are treated in a manner that minimizes excitement, discomfort, and accidental injury. The initial component of the approach is to assess the areas where handling problems may occur. Establishments should periodically evaluate their handling methods to ensure that their employees are treating animals in a manner that minimizes injury, excitement, and discomfort prior to slaughter and that their methods ensure all poultry are slaughtered in accordance with 9 CFR 381.65 (b). The establishment has previously been requested by me, Dr. REDACTED, and previous Supervisory Public Health Veterinarians, to take adequate measures to ensure all establishment employees handling live animals are aware of the need to carefully check all animals handled in the Live Hang and Picking Room areas, for signs of life before they are condemned as dead. Again, under no conditions should a bird be thrown. USDA is requesting plant management properly evaluate conditions observed at P7091 concerning animal welfare, to ensure that employees are consciously aware of the need to properly treat animals and to establish effective preventive measures to avoid future occurrences. Future incidents of the same or similar mistreatment may result in further regulatory control action(s) and documentation in a noncompliance record. Copies of this Memorandum of Interview (MOI) will be distributed to the establishment, inspection file and District Veterinary Medical Specialist per FSIS Directive 6110.1. Documented by REDACTED, DVM, SPHV</p>
P6638	Pilgrim's Pride Corporation	13-Jul-22	13-Jul-22	<p>At approximately 0844 while performing the Good Commercial Practices (GCP) Task on Line 1, I observed a single live bird enter the scalders. The bird was bright, alert, and responsive to its surroundings. It was blinking its eyes, turning its head, and had steady rhythmic breathing at the point of entrance into the scalders. I immediately notified Live Hang and Evisceration personnel and Production Manager REDACTED of my observations and forthcoming GCP MOI documentation. Production and Maintenance personnel evaluated all points in the process and found them to be acceptable. It was noted that the bird did appear slightly smaller in frame compared to the other birds within this lot (variation in bird size observed). The backup killer was counseled and received disciplinary documentation per management. At approximately 0950, I performed an additional, extended GCP Task on Line 1 to ensure that corrective actions were effective. No further deficiencies were observed.</p>
P218	Pilgrim's Pride Corporation	14-Jul-22	15-Jul-22	<p>On Thursday July 14, 2022, at approximately 2238 hours, while performing a Good Commercial Practice Verification task in the evisceration picking room. I, SCSi REDACTED observed a cadaver coming out of the picker of line 1. The bird had a dark red congested head with no signs of a cut on its neck. The cadaver was removed from line one and was presented to Senior Superintendent REDACTED. The bird found on line 1 completely missed the cutting machine and the back-up killer missed the bird allowing a live bird to enter the scalders. 9 CFR 381.65(b) states "poultry must be slaughtered in accordance with good commercial practices in a manner that will result in through bleeding of the carcass and ensure that breathing has stopped prior to scalding". And thus, the establishment was not operating in accordance with Good Commercial Practices of Poultry. These types of situations present concern for inspection personnel as regulations require that live poultry do not die from causes other than slaughter. Plant Management is asked to consider these USDA concerns and prevent future occurrences. This MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case an additional follow up is needed.</p>
P218	Pilgrim's Pride Corporation	23-Sep-22	23-Sep-22	<p>At approximately 1627 on September 23, 2022, while performing a Poultry Good Commercial Practices task USDA SCSi REDACTED observed a pile of DOA's at the end of live hang belt number two. Under the pile of DOA's a live bird could be seen breathing buried under the pile of DOA's, dirt, and feathers. During my observation another live breathing bird was on top of the pile of DOA's. The conveyor belt on hanging line two continued to move discarding the DOA's on top of the live birds below. While observing the buried live birds, the floor employee threw two hand fulls of DOA's on top of the live birds. Live Hang Superintendent was notified and shown the noncompliance. The live hang Superintendent removed the birds from the pile and had the hangers on line two stop hanging. At the time of my observation there was no attempts made by Pilgrim's personnel to remove the buried live birds from the pile of DOA's nor anyone observing the floor employee to stop him from throwing other DOA's on top of the live buried birds. This type of situation presents concern for inspection personnel as poultry must be handled in a manner that is consistent with good commercial practice. The establishment is reminded it is important to treat poultry in away that minimizes accidental injury to include proper sorting of live and dead birds at rehang as well handling prior to euthanasia. In addition, employing humane methods of handling consistent with Good Commercial Practices can help produce an unadulterated product.</p> <p>Plant Management is asked to consider these USDA concerns and prevent future occurrences.</p>

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Data documentation available: https://www.fsis.usda.gov/sites/default/files/media_file/documents/InspectionTasksGCP_DataDocumentation.pdf

Data extracted March 28, 2024

Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	MOI Date	MOI Description
P2632	Pilgrim's Pride Corporation	27-Sep-22	28-Sep-22	On 9/27/22 at approximately 1:10PM I observed the following, at cage dumper #1, a cage of chickens was dumped. After the first attempt to dump, there were still 5 chickens in the cages primarily in the bottom right cage closest to the cage dumper. The cage dumper attempted to dump the chickens a second time. All 5 chickens were still in the cage. The cage dumper then attempted to dump the chickens a third time using a quick stop and start method. At this time one of the chickens got stuck underneath the cage door at the lowest level cage in between the cage door and the moving belt. The other 4 chickens were still in the cage at this time. When the cage dumper attempted to dump the chickens a fourth time, the chicken between the cage door and the belt sustained a traumatic crush injury. When the cage dumper righted the cage and moved it to the exit belt, the chicken that was previously underneath the cage door begun to spin and twitch. He then went to grab the chicken and put him on the belt. The chicken twitched a few more times, stilled and died.
P218	Pilgrim's Pride Corporation	4-Oct-22	4-Oct-22	<p>On Tuesday October 09, 2022, at approximately 1609 hours, while performing a Good Commercial Practice Verification task in the evisceration hock cutting room. I, SCSi REDACTED observed a cadaver on the floor. The bird had a dark red congested head with a miscut on its neck. The cadaver was removed from the floor by me SCSi REDACTED and was presented to Senior Superintendent REDACTED. The bird completely missed the cutting machine and the back-up killer miscut the bird's neck allowing a live bird to enter the scalders. 9 CFR381.65(b) states "poultry must be slaughtered in accordance with good commercial practices in a manner that will result in through bleeding of the carcass and ensure that breathing has stopped prior to scalding". And thus, the establishment was not operating in accordance with Good Commercial Practices of Poultry. These types of situations present concern for inspection personnel as regulations require that live poultry do not die from causes other than slaughter.</p> <p>Plant Management is asked to consider these USDA concerns and prevent future occurrences.</p> <p>This MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case an additional follow up is needed.</p>
P584	Pilgrim's Pride Corporation	22-Dec-22	28-Dec-22	<p>Est. P-584 Pilgrim's Pride Corp.</p> <p>December 23, 2022</p> <p>In attendance: REDACTED, SCSi, and REDACTED, 1st Processing Superintendent</p> <p>At approximately 0010 hours on the shift of December 22, 2022, while verifying Good Commercial Practices in the Live hang area the following was observed. There was increased number of Dead-on Arrivals on table 1 approximately 3 to 4 stacks of DOA's on the table. There were approximately twenty DOA's on line 2 table, 9 DOA's on the floor awaiting decapitation and pile of DOA's on the floor behind line 2 table. I discuss my concerns with REDACTED. Mr. REDACTED stated that, he had stopped hanging on line one to regain control of the process to ensure each carcass. I then observed several birds with weakened appearance that had frozen due to the low index temperature at that time which was 10 degrees Fahrenheit and dropping. I expanded my inspection by verifying the trailers and cages near the establishment and I then observed too numerous to count DOA' in the cages on all three trailers stage near the plant. There were numerous birds with their heads stuck between the bars of the cages, REDACTED was verbally notified of the dead birds on the trailer. I then walked to the holding shed and observed that there was two full trailers and one partial trailer with approximately 75% mortality rate staged in the west holding shed. It was evident that due to the low temperature the birds were transported from the farm to the establishment dying ,or dead-on arrival , died while waiting in the holding shed.</p> <p>At approximately 0030 hours I met with Mr. REDACTED and discussed the planned corrective action. Mr. REDACTED stated that the plans were to have live operations stop catching temporarily. To slow the line speed on line two, stop hanging on line one, to ensure no loss of process control due to the high-volume dead-on arrival. Mr. REDACTED stated that he would receive further guidance from upper management, for next steps. There were 15,045 Dead on arrivals for the night shift that was recorded. There were 20924 Dead On Arrivals recorded for the day shift.</p> <p>Measures to prevent the needless suffering, discomfort, or death of poultry by means other than slaughter, must be met throughout the entire process." "whether they have appropriately designed and maintained facilities for bird delivery to the establishment." FSIS respectfully request that the establishment assess any opportunities or gaps that may have led to this observation to ensure the poultry are handled and processed in accordance with Good Commercial Practices.</p> <p>A prudent establishment would react as proactively as possible to such occasions to reduce the severity of loss of process control. P584 is an establishment with two dumping/hanging systems. There are several methods the establishment may institute during instances such as these that would allow effective and efficient addressing of DOAs with potential to maintain slaughter operations. Further failure to appropriately act during incidents of high DOA volumes to maintain process control, whether intentional or accidental, may lead to further regulatory control actions and documentation. FSIS respectfully requests any updates regarding these matters and welcomes communication to understand and resolve concerns associated with this memorandum or any other instances.</p>
P1353	Pilgrim's Pride Corporation	17-Jan-23	17-Jan-23	<p>From: REDACTED, DVM Date: 1/17/2023 Subject: Poultry Good Commercial Practices/ WUM5807015517G Meeting Date: 1/17/2023 Meeting Time: 0830 Establishment: P1353 - Pilgrim's Pride Corporation Comments:</p> <p>While performing the Good Commercial Practices verification task at approximately 0820, I observed a single live bird with no observable cuts to the neck enter the scalders. The bird was alert with head raised eyes open and blinking as it entered the scalders. I notified Mr. REDACTED, the Live Hang Supervisor, of my findings. I also informed day shift Plant Superintendent REDACTED of my observations and the impending GCP MOI.</p>
P855	Pilgrim's Pride Corporation	9-Feb-23	9-Feb-23	<p>Today at 2105 hours, while performing the Good Commercial Practices verification task in Receiving, I observed the following nonconformance: a bird in the second row of coops of a cage had its head caught between the bottom edge of the cage dumper and the top of the respective coop. I notified the cage dumper operator because he did not see what was happening. He placed the cage in question back down, adjusted the cage, and dumped the remaining birds onto the dumper belt. I looked on the dumper belt for the bird in question where I observed it barely moving and virtually decapitated. I notified REDACTED, Receiving Supervisor, of the nonconformance.</p> <p>Respectfully</p> <p>REDACTED, SPHV, Night Shift</p>

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Establishment Number	Establishment Name	Inspection Date	MOI Date	MOI Description
P855	Pilgrim's Pride Corporation	14-Feb-23	15-Feb-23	<p>At 0600 hours on 2/15/23 at P855, Pilgrim's Pride Athens, a meeting was held with Mr. REDACTED, Shift Manager, SPHV Dr. REDACTED, and CSI REDACTED in regard to the mistreatment of animals in the cage dump area.</p> <p>At the end of the shift, approximately 1535 hours, on 2/14/23, I, CSI REDACTED, was observing employees at the cage dumper emptying the last few cages of the day. After the last cage was dumped, I observed an employee grab a water hose with the water coming out at full pressure. This employee proceeded to start spraying the chickens that remained on the belt. I got the employees attention and told him that he should not be spraying the chickens with that much pressure coming out of the hose. The employee then stated that this was common practice at the end of the shift to get the chickens onto the belt that leads into the live hang area. The supervisor for this area was standing on the platform and did not make any attempt to stop the employee from spraying the chickens.</p> <p>After the meeting this morning, Mr. REDACTED met with Dr. REDACTED and I and informed us that they have made a long pole for employees to use at the end of the day to humanely move chickens on the belt instead of the using the water hose.</p>
P6638	Pilgrim's Pride Corporation	16-Feb-23	16-Feb-23	<p>While performing the Good Commercial Practice Task with CSI REDACTED, the following Mistreatment was observed:</p> <p>At approximately 1206, CSI REDACTED informed me that she observed numerous birds with cut legs on Line 1 at the entrance of the scalding tank. She and I went upstream in the process to the stunner and kill blade to investigate the issue. There we observed one legged birds going into the stunner and exiting the stunner before going through the kill blade. At approximately 1210, we observed a one legged conscious bird exit the stunner. The bird exhibited normal blinking and head movement indicating it was aware of its surroundings, conscious, and not properly stunned. We observed this bird enter the kill blade with the unhung leg leading and head trailing. Once it entered the kill blade, the leg was completely cut off below the hock by the blade and the neck of the bird was not cut at all until it reached the backup kill employee. At approximately 1211, I observed two more birds that were hung by only one leg exit the stunner, again showing the same above signs of consciousness go into the kill blade where both had their unhung foot cut prior to their neck/major vessels being dissected. Immediately following these two birds, I observed a conscious bird with the same conscious signs as mentioned above exit the stunner hung by one leg. It entered the kill blade where the wing was completely cut off without the neck of the bird being cut until it reached the backup kill employee. At approximately 1212, I observed a bird enter the stunner that was hung by one leg. It exited the stunner exhibiting the same mentioned signs of consciousness and entered the kill blade with the unhung leg leading. Once in the kill blade, a wing and the unhung leg were both cut prior to the neck/major vessels being cut (leg was cut below the hock). At approximately 1215, I observed yet another bird exit the stunner hung by one leg that showed the same signs of consciousness enter the kill blade with the unhung foot leading where the leg was cut just below the hock, prior to the neck/major vessels being cut. At this point I immediately notified Live Hang Supervisor REDACTED of my observations and the subsequent GCP MOI. Mr. REDACTED immediately went into the hanging area to oversee the hanging process to ensure birds were being hung properly by both legs. I then exited the area and notified Shift Manager REDACTED of my observations and again of the forthcoming GCP MOI. The establishment stated that upon investigation, it appeared that newly hired employees were placed at the end of the line and were not able to adequately keep up with the hanging process to ensure birds were being hung by both legs. The establishment placed more experienced employees at the end of the line and stated they would extensively monitor hanging practices until 02/21/2023 at which time they will re-evaluate as needed.</p> <p>At approximately 1326, I went back to Line 1 stunning area and observed the process from the exit of the hanging pen, through the stunner, and through the kill blade. I observed two birds at 1327 exit the hanging pen hung by one leg. They both entered the stunner and exited properly stunned before entering the kill blade. I observed the process until 1336 and did not observe any further concerns or mistreatment.</p>
M56+P56	Pilgrim's Pride Corporation	9-Mar-23	9-Mar-23	<p>On 3/08/2023 at approximately 0655 hours, I visited the hallway where live birds are stunned and slaughtered before bleeding out and entering the scalding tank. I began assessing the efficiency of the slaughter system and verifying the regulatory slaughter of all live birds such that they do not enter the scalding tank while breathing or without sufficiently bleeding out as part of Good Commercial Practices review and observation. While assessing, I noticed that the backup killer was having to move downstream along the line to kill multiple birds that were not cut by the automatic knife. These missed birds often came in pairs or trios and, in one instance, a quartet. While calculating a percentage of the system's accuracy, I noticed one (1) live chicken neither stunned nor cut move beyond the backup killer's position. I waited to verify that the backup killer had not noticed this bird and saw that he was wiping water or blood from the vicinity of his eyes. The bird reached the point of a suspended steel plate beyond which it was unlikely to be caught, so I took Regulatory Control Action by stopping the line with the emergency stop button. I then pointed out the missed live bird to the backup killer and verified his successful kill before restarting the line. I counted about six hundred (600) birds and determined that 6-7% were needing intervention by the backup killer to be bled out before going into the pinning room. Additionally, several of these birds that were not stunned were only suspended by one hock in the shackle. I then walked to the live hang area to observe operations there and counted two (2) that entered the scalding tank with only one leg in the shackle. At this point, I spoke with Evisceration Supervisor REDACTED of the missed live bird. I then evaluated stunner efficacy and calculated 196/200 (2%) not stunned, and Mr. REDACTED soon conducted his own inspection and determined that the stunner trough was too low to affect some of the smaller birds.</p> <p>Once the shackled bird enters the bleeding area and pinning room, there is no further intervention for regulatory slaughter of live birds (i.e. there is no secondary backup killer) and any live bird would pass the expected point at which they are to begin bleeding. Although there is a neck puller placed prior to the scalding tank in the line, it is reasonable to conclude from these events that had I not been present to take RCA that the aforementioned chicken may have entered the scalding tank while still alive and breathing or would have entered without adequate time to breathe. 9 CFR 381.65(b) requires that all poultry species on an establishment's official premises be slaughtered by exsanguination, that they have time to sufficiently bleed before entering scalding water, and they not be breathing by the time of submersion. Live poultry killed under any circumstance not adhering to this regulation are classified as "cadavers" and are considered unwholesome and unfit for human consumption or the chain of commerce and must be condemned. Production of an amount of cadavers suggestive of a lack of process control would represent failure to uphold good commercial practices and documented with a Noncompliance Record citing 9 CFR 381.65(b).</p>

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Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

Establishment Number	Establishment Name	Inspection Date	MOI Date	MOI Description
P218	Pilgrim's Pride Corporation	24-Mar-23	24-Mar-23	<p>On March 24, 2023, at approximately 1944hrs. a bird was hung back for SCSi disposition by USDA CSI REDACTED on line 2 station 8. The bird had a dark red neck the skin had been removed from the neck prior to inspection. The carcass was red in color and the intestines were bloody as well as the inside of the carcass. The outer back skin of the bird and the muscle of the breast area was red in color. The bird was verified as a cadaver by USDA SCSi REDACTED and Evisceration superintendent REDACTED was shown the bird before it was properly tagged and retained with U.S. Retained tag #45175240. The plant chose to keep the carcass for further disposition. The bird found on the evisceration line had entered the scalding alive. 9CFR 381.65 (b) states "Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcass and ensure that breathing has stopped prior to scalding" and thus the establishment was not operating in accordance with Good Commercial Practices for Poultry.</p> <p>Plant Management is asked to consider these USDA concerns and prevent future occurrences.</p>
P6638	Pilgrim's Pride Corporation	11-Apr-23	11-Apr-23	<p>On Tuesday April 11th 2023 at approximately 1540 on picking line #1 at Pilgrims Pride P6638 Enterprise, AL, while performing the Good Commercial Practices Verification Task, I, SPHV REDACTED observed a live chicken, with no observed cuts to the neck, alert and lifting its head, entering the scalding. The bird was small in stature. Second shift manager REDACTED and Evisceration Supervisor REDACTED were notified of my observations. Mr. REDACTED was notified of the forthcoming issuance of a GCP MOI.</p>
P6638	Pilgrim's Pride Corporation	16-May-23	16-May-23	<p>While performing the routine Good Commercial Practice task, CSI REDACTED and I (SPHV Dr. REDACTED) observed the following mistreatment:</p> <p>At approximately 1134 as we were observing the establishment's cage dumping process, I observed a live bird below the cage dumper within a drain that is covered with a metal grate. CSI REDACTED and I confirmed the findings and noted that there was water freely flowing within the drain several inches high. The bird appeared alert to its surroundings and was able to freely move to various areas of the drain. I did note that there were several areas spanning the length of the drain where the drain cover was missing allowing substantial gaps. I immediately notified establishment personnel and at approximately 1145, the bird was removed from the drain. Upon removal, CSI REDACTED and I observed that one of the wings was broken.</p> <p>Shift Manager REDACTED was notified of today's observations and the forthcoming GCP MOI. The establishment immediately replaced all missing drain covers back onto the drain.</p>
P855	Pilgrim's Pride Corporation	17-May-23	17-May-23	<p>While performing my Good Commercial Practice task, I, Dr. REDACTED, observed the following unsafe conditions. The Live Hang Lead was walking under the cage dumper while it is running to retrieve live birds. Evisceration/Interim Live Hang Supervisor REDACTED and the cage dump employee were still running the cage dumper. When I walk to unloading Superintendent, REDACTED was driving the forklift and notice the issue before I was able to inform, and Mr. REDACTED immediately told the employees to stop the cage dump until the Lead was gone from under it.</p> <p>This is a major safety issue that was observed and should not be overlooked. The Live Hang Lead could have been injured doing this time and all employees should know that this is an issue and cannot happen again.</p>
P6638	Pilgrim's Pride Corporation	12-Jun-23	12-Jun-23	<p>On 06/12/2023 at approximately 1209 while performing the routine Good Commercial Practice task at the entrance to the scalding, I observed a single live bird enter the scalding on Line 2. The bird was bright, alert, and responsive to its surroundings. It was blinking its eyes, turning its head, and had steady rhythmic breathing at the point of entrance into the scalding. I immediately notified 1st Processing Superintendent REDACTED of my observations and of the forthcoming GCP MOI documentation.</p> <p>Mr. REDACTED stated maintenance personnel made adjustments to the kill machine and at approximately 1244, CSI REDACTED and I performed an additional GCP task on Line 2 to ensure that corrective actions were effective. No further deficiencies were observed.</p>
P855	Pilgrim's Pride Corporation	3-Jul-23	4-Jul-23	<p>Today, July 4, 2023, at approximately 0450 hours, an inspector on Evisceration Line #REDACTED alerted me that she had a cadaver. The bird had its head attached. The head was purple in color and swollen. There was a small nick at the top of its head but there was no incision in the jugular region. This is consistent with a bird that drowned in the scalding. I alerted REDACTED, Evisceration Supervisor. I decided to perform a Good Commercial Practices (GCP) verification Task. When observing the backup cutter on Line 2, he appeared to be distracted. This was not the usual backup cutter for Picking Line 2 side. I alerted REDACTED, Live Hang Supervisor. When I returned to Evisceration, there were two more carcasses with the heads attached at one inspection station on Line #REDACTED. The heads were swollen and purple and there was no sign of a jugular cut anywhere on either carcass. Right at the end of the shift, another inspector on Line #REDACTED encountered a carcass with its head attached. She said that the head was swollen and purple and there was no sign of a cut in the jugular area. She alerted management and showed them the carcass. There was a total of 4 birds that entered the scalding breathing on Line#REDACTED between 0450 and 0545 hours. REDACTED said he adjusted the blade to prevent further birds entering the scalding breathing. A copy of this MOI will go to REDACTED, FLS and the District Veterinary Medical Specialist.</p> <p>Respectfully,</p> <p>REDACTED, SPHV</p>
P6638	Pilgrim's Pride Corporation	27-Jul-23	27-Jul-23	<p>At approximately 0904 while performing the routine Good Commercial Practice Task in Live Hang, I observed the following events: The backup killer on Line 1 had a single bird (extremely small in appearance) laying in the blood trough in front of her within her hand. She moved the bird to the side of the blood trough and resumed her backup killing duties. Upon further investigation, I observed that the bird was alive and conscious with rhythmic breathing, blinking, and was looking around to its surroundings. I observed that one of the legs had been completely severed at the level of the hock and at the time of my observations, there was a steady stream of blood coming from the wound. I waited in the area for three minutes and did not observe anyone making any attempts to alleviate the bird's suffering or address the situation. At this time, I notified 1st Processing Superintendent REDACTED of my findings and of the forthcoming GCP MOI. The bird was immediately humanely euthanized by establishment personnel.</p>

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Excerpt of Poultry Good Commercial Practices Inspection Task (Archive)

EstablishmentNumber	Establishment Name	InspectionDate	MOIDate	MOIDescription
P218	Pilgrim's Pride Corporation	2-Aug-23	4-Aug-23	<p>On August 2, 2023 at approximately 1927 hours, while performing a Poultry Good Commercial Practices task USDA SCSI REDACTED observed a process out of control in the live hang area. Due to extreme temperatures here in the south the establishment has experienced a spike in the DOAs here at P-218. On this day I walked to the entrance door to observe the activity in the live hang area and found a process out of control. The process was out of control and management continued to hang chickens in the area with numerous DOAs and chicken heads scattered on the floor. There were so many DOAs it impeded my inspection, which made it difficult to get the attention of the superintendent so that I could take regulatory control and stop the hanging of the chickens. Plant night shift manager REDACTED came up shortly after I arrived and radioed the superintendent of the area to stop hanging the chickens due to team members working the small area and the number of DOAs on the floor of live hang. The birds were piled so high on both lines it was too many to count. The line closest to the entrance was piled with DOAs and feathers approximately 3 to 4 feet high if not higher. There were so many feathers commingled with the DOAs the team members were shifting through the feathers to get the DOAs to decapitate. Before Mr. REDACTED radioed the superintendent back dock continued to dump the birds onto the moving conveyor belt and live birds were being pressed through the black rubber finger at the end of the line with the DOAs falling onto the piles of other DOAs and feathers on the floor. I had to stop team members from stepping on the pile of DOAs and feathers while they were trying to get to the other side of the area.</p> <p>A similar incident has happened before back on June 13th of 2022 with extreme temperatures and a spike in DOAs. The establishment response to the incident and any similar future incidents is as followed: when having numerous DOAs the establishment will turn on the lights in the area, stop both lines from hanging, and have all employees of the area will help regain control of the process. At the time of my observation both lines were still hanging, and all employees were not helping to regain control of the process.</p> <p>The establishment is reminded it is important to treat poultry in a way that minimizes accidental injury to include proper sorting of live and dead birds at rehang as handling prior to euthanasia. In addition, employing humane methods of handling consistent with Good Commercial Practices can help produce an unadulterated product.</p> <p>Plant Management is asked to consider these USDA concerns and prevent future occurrences.</p> <p>Copies of this Memorandum of Interview (MOI) will be distributed to the establishment, inspection file and District Veterinary Medical Specialist per FSIS Directive 6100.3.</p>
P6638	Pilgrim's Pride Corporation	14-Aug-23	14-Aug-23	<p>While performing the routine Good Commercial Practices Verification Task at P6638 at approximately 2214 and observing conditions on the live hang back dock, I, SPHV Dr. REDACTED, observed a single live bird within the DOA vat. The bird was bright, alert, and responsive (turning its head) to its surroundings. I noted red denaturant had been applied to the back of the bird. During my observations, one of the live hang employees started running the DOA belt causing deceased birds to fall off the belt into the vat, burying the live bird underneath numerous DOAs. I immediately notified the Live Hang Supervisor who sorted through the pile of DOAs and retrieved the live bird. The bird was humanely euthanized by plant personnel.</p> <p>First Processing Superintendent REDACTED was notified of today's findings and the forthcoming GCP MOI. Mr. REDACTED stated that the supervisor and lead employee will verify all DOAs prior to exiting the Live Hang area.</p>

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This content is from the eCFR and is authoritative but unofficial.

Title 9 —Animals and Animal Products

Chapter III —Food Safety and Inspection Service, Department of Agriculture

Subchapter A —Agency Organization and Terminology; Mandatory Meat and Poultry Products Inspection and Voluntary Inspection and Certification

Part 313 Humane Slaughter of Livestock

- § 313.1 Livestock pens, driveways and ramps.
- § 313.2 Handling of livestock.
- § 313.5 Chemical; carbon dioxide.
- § 313.15 Mechanical; captive bolt.
- § 313.16 Mechanical; gunshot.
- § 313.30 Electrical; stunning or slaughtering with electric current.
- § 313.50 Tagging of equipment, alleyways, pens, or compartments to prevent inhumane slaughter or handling in connection with slaughter.

§ 313.90 [Reserved]

PART 313—HUMANE SLAUGHTER OF LIVESTOCK

Authority: 7 U.S.C. 1901-1906; 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

Source: 44 FR 68813, Nov. 30, 1979, unless otherwise noted.

§ 313.1 Livestock pens, driveways and ramps.

- (a) Livestock pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects which may, in the opinion of the inspector, cause injury or pain to the animals. Loose boards, splintered or broken planking, and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired.
- (b) Floors of livestock pens, ramps, and driveways shall be constructed and maintained so as to provide good footing for livestock. Slip resistant or waffled floor surfaces, cleated ramps and the use of sand, as appropriate, during winter months are examples of acceptable construction and maintenance.
- (c) U.S. Suspects (as defined in § 301.2(xxx)) and dying, diseased, and disabled livestock (as defined in § 301.2(y)) shall be provided with a covered pen sufficient, in the opinion of the inspector, to protect them from the adverse climatic conditions of the locale while awaiting disposition by the inspector.
- (d) Livestock pens and driveways shall be so arranged that sharp corners and direction reversal of driven animals are minimized.

[44 FR 68813, Nov. 30, 1979, as amended at 53 FR 49848, Dec. 12, 1988]

§ 313.2 Handling of livestock.

- (a) Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed.
- (b) Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited. Electrical prods attached to AC house current shall be reduced by a transformer to the lowest effective voltage not to exceed 50 volts AC.
- (c) Pipes, sharp or pointed objects, and other items which, in the opinion of the inspector, would cause injury or unnecessary pain to the animal shall not be used to drive livestock.
- (d) Disabled livestock and other animals unable to move.
 - (1) Disabled animals and other animals unable to move shall be separated from normal ambulatory animals and placed in the covered pen provided for in § 313.1(c).
 - (2) The dragging of disabled animals and other animals unable to move, while conscious, is prohibited. Stunned animals may, however, be dragged.
 - (3) Disabled animals and other animals unable to move may be moved, while conscious, on equipment suitable for such purposes; e.g., stone boats.
- (e) Animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed. There shall be sufficient room in the holding pen for animals held overnight to lie down.
- (f) Stunning methods approved in § 313.30 shall be effectively applied to animals prior to their being shackled, hoisted, thrown, cast, or cut.

§ 313.5 Chemical; carbon dioxide.

The slaughtering of sheep, calves and swine with the use of carbon dioxide gas and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the Act.

- (a) *Administration of gas, required effect; handling.*
 - (1) The carbon dioxide gas shall be administered in a chamber in accordance with this section so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the carbon dioxide gas in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals. In swine, carbon dioxide may be administered to induce death in the animals before they are shackled, hoisted, thrown, cast, or cut.
 - (2) The driving or conveying of the animals to the carbon dioxide chamber shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the anesthesia chamber is essential since the induction, or early phase, of anesthesia is less violent with docile animals. Among other things this requires that, in driving animals to the anesthesia chamber, electrical equipment be used as little as possible and with the lowest effective voltage.

- (3) On emerging from the carbon dioxide tunnel, the animals shall be in a state of surgical anesthesia and shall remain in this condition throughout shackling, sticking, and bleeding, except for swine in which death has been induced by the administration of carbon dioxide. Asphyxia or death from any cause shall not be produced in animals before bleeding, except for swine in which death has been induced by the administration of carbon dioxide.

(b) *Facilities and procedures –*

(1) *General requirements for gas chambers and auxiliary equipment; operator.*

- (i) The carbon dioxide gas shall be administered in a tunnel which is designed to permit the effective exposure of the animal. Two types of tunnels, based on the same principle, are in common use for carbon dioxide anesthesia. They are the “U” type tunnel and the “Straight Line” type tunnel, and are based on the principle that carbon dioxide gas has a higher specific gravity than air. The tunnels are open at both ends for entry and exit of animals and have a depressed central section. Anesthetizing, or, in the case of swine, death-inducing, carbon dioxide concentrations are maintained in the central sections of the tunnels. Effective anaesthetization is produced in these central sections. Animals are driven from holding pens through pathways constructed of large-diameter pipe or smooth metal and onto continuous conveyor devices that move the animals through the tunnels. The animals are either compartmentalized on the conveyors by mechanical impellers synchronized with the conveyor or they are otherwise prevented from crowding. While impellers are used to compartmentalize the animals, mechanically or manually operated gates are used to move the animals onto the conveyors. Surgically anaesthetized animals, or killed swine, are moved out of the tunnels by the same continuous conveyors that moved them into and through the carbon dioxide gas.
- (ii) Flow of animals into and through the carbon dioxide chamber is dependent on one operator. The operation or stoppage of the conveyor is entirely dependent upon this operator. It is necessary that he be skilled, attentive, and aware of his responsibility. Overdosages and death of animals can be brought about by carelessness of this individual.

- (2) *Special requirements for gas chamber and auxiliary equipment.* The ability of anesthetizing equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, gas chambers, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain-producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or well padded rigid material. Power activated gates designed for constant flow of animals to anesthetizing equipment shall be so fabricated that they will not cause injury. All equipment involved in anesthetizing animals shall be maintained in good repair.

- (3) **Gas.** Maintenance of a uniform carbon dioxide concentration and distribution in the anesthesia chamber is a vital aspect of producing surgical anesthesia. This may be assured by reasonably accurate instruments which sample and analyze carbon dioxide gas concentration within the chamber throughout anesthetizing operations. Gas concentration shall be maintained uniform so that the degree of anesthesia in exposed animals will be constant. Carbon dioxide gas supplied to anesthesia chambers may be from controlled reduction of solid carbon dioxide or from a controlled liquid source. In either case the carbon dioxide shall be supplied at a rate sufficient to anesthetize adequately and uniformly the number of animals passing through the chamber. Sampling of gas for

analysis shall be made from a representative place or places within the chamber and on a continuing basis. Gas concentrations and exposure time shall be graphically recorded throughout each day's operation. Neither carbon dioxide nor atmospheric air used in the anesthesia chambers shall contain noxious or irritating gases. Each day before equipment is used for anesthetizing animals, proper care shall be taken to mix adequately the gas and air within the chamber. All gas producing and control equipment shall be maintained in good repair and all indicators, instruments, and measuring devices must be available for inspection by Program inspectors during anesthetizing operations and at other times. An exhaust system must be provided so that, in case of equipment failure, non-uniform carbon dioxide concentrations in the gas tunnel or contamination of the ambient air of the establishment will be prevented.

[44 FR 68813, Nov. 30, 1979, as amended at 59 FR 21640, Apr. 26, 1994]

§ 313.15 Mechanical; captive bolt.

The slaughtering of sheep, swine, goats, calves, cattle, horses, mules, and other equines by using captive bolt stunners and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the Act.

(a) Application of stunners, required effect; handling.

- (1)** The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.
- (2)** The driving of the animals to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the stunning areas is essential since accurate placement of stunning equipment is difficult on nervous or injured animals. Among other things, this requires that, in driving animals to the stunning areas, electrical equipment be used as little as possible and with the lowest effective voltage.
- (3)** Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(b) Facilities and procedures —

(1) General requirements for stunning facilities; operator.

- (i)** Acceptable captive bolt stunning instruments may be either skull penetrating or nonpenetrating. The latter type is also described as a concussion or mushroom type stunner. Penetrating instruments on detonation deliver bolts of varying diameters and lengths through the skull and into the brain. Unconsciousness is produced immediately by physical brain destruction and a combination of changes in intracranial pressure and acceleration concussion. Nonpenetrating or mushroom stunners on detonation deliver a bolt with a flattened circular head against the external surface of the animal's head over the brain. Diameter of the striking surface of the stunner may vary as conditions require. Unconsciousness is produced immediately by a combination of acceleration concussion and changes in intracranial pressures. A combination instrument utilizing both penetrating and nonpenetrating principles is acceptable. Energizing of

instruments may be accomplished by detonation of measured charges of gunpowder or accurately controlled compressed air. Captive bolts shall be of such size and design that, when properly positioned and activated, immediate unconsciousness is produced.

- (ii) To assure uniform unconsciousness with every blow, compressed air devices must be equipped to deliver the necessary constant air pressure and must have accurate, constantly operating air pressure gauges. Gauges must be easily read and conveniently located for use by the stunning operator and the inspector. For purposes of protecting employees, inspectors, and others, it is desirable that any stunning device be equipped with safety features to prevent injuries from accidental discharge. Stunning instruments must be maintained in good repair.
- (iii) The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy. All chutes, alleys, gates and restraining mechanisms between and including holding pens and stunning areas shall be free from pain-producing features such as exposed bolt ends, loose boards, splintered or broken planking, and protruding sharp metal of any kind. There shall be no unnecessary holes or other openings where feet or legs of animals may be injured. Overhead drop gates shall be suitably covered on the bottom edge to prevent injury on contact with animals. Roughened or cleated cement shall be used as flooring in chutes leading to stunning areas to reduce falls of animals. Chutes, alleys, and stunning areas shall be so designed that they will comfortably accommodate the kinds of animals to be stunned.
- (iv) The stunning operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately place the stunning instrument to produce immediate unconsciousness. He must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.

(2) ***Special requirements and prohibitions.***

- (i) Choice of instrument and force required to produce immediate unconsciousness varies, depending on kind, breed, size, age, and sex of the animal. Young swine, lambs, and calves usually require less stunning force than mature animals of the same kind. Bulls, rams, and boars usually require skull penetration to produce immediate unconsciousness. Charges suitable for smaller kinds of livestock such as swine or for young animals are not acceptably interchanged for use on larger kinds or older livestock, respectively.
- (ii) Captive bolt stunners that deliberately inject compressed air into the cranium at the end of the penetration cycle shall not be used to stun cattle.

[44 FR 68813, Nov. 30, 1979, as amended at 69 FR 1891, Jan. 12, 2004]

§ 313.16 Mechanical; gunshot.

The slaughtering of cattle, calves, sheep, swine, goats, horses, mules, and other equines by shooting with firearms and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the Act.

- (a) ***Utilization of firearms, required effect; handling.***

- (1) The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animal shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.
- (2) The driving of the animals to the shooting areas shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the shooting area is essential since accurate placement of the bullet is difficult in case of nervous or injured animals. Among other things, this requires that, in driving animals to the shooting areas, electrical equipment be used as little as possible and with the lowest effective voltage.
- (3) Immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(b) ***Facilities and procedure –***

(1) ***General requirements for shooting facilities; operator.***

- (i) On discharge, acceptable firearms dispatch free projectiles or bullets of varying sizes and diameters through the skull and into the brain. Unconsciousness is produced immediately by a combination of physical brain destruction and changes in intracranial pressure. Caliber of firearms shall be such that when properly aimed and discharged, the projectile produces immediate unconsciousness.
 - (ii) To assure uniform unconsciousness of the animal with every discharge where small-bore firearms are employed, it is necessary to use one of the following type projectiles: Hollow pointed bullets; frangible iron plastic composition bullets; or powdered iron missiles. When powdered iron missiles are used, the firearms shall be in close proximity with the skull of the animal when fired. Firearms must be maintained in good repair. For purposes of protecting employees, inspectors and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.
 - (iii) The provisions contained in § 313.15(b)(1)(iii) with respect to the stunning area also apply to the shooting area.
 - (iv) The shooting operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately direct the projectile to produce immediate unconsciousness. He must use the correct caliber firearm, powder charge and type of ammunition to produce the desired results.
- (2) ***Special requirements.*** Choice of firearms and ammunition with respect to caliber and choice of powder charge required to produce immediate unconsciousness of the animal may vary depending on age and sex of the animal. In the case of bulls, rams, and boars, small bore firearms may be used provided they are able to produce immediate unconsciousness of the animals. Small bore firearms are usually effective for stunning other cattle, sheep, swine, and goats, and calves, horses, and mules.

§ 313.30 Electrical; stunning or slaughtering with electric current.

The slaughtering of swine, sheep, calves, cattle, and goats with the use of electric current and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the Act.

(a) **Administration of electric current, required effect; handling.**

- (1) The electric current shall be administered so as to produce, at a minimum, surgical anesthesia, i.e., a state where the animal feels no painful sensation. The animals shall be either stunned or killed before they are shackled, hoisted, thrown, cast, or cut. They shall be exposed to the electric current in a way that will accomplish the desired result quickly and effectively, with a minimum of excitement and discomfort.
- (2) The driving or conveying of the animals to the place of application of electric current shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the place of application is essential to ensure rapid and effective insensibility. Among other things, this requires that, in driving animals to the place of application, electrical equipment be used as little as possible and with the lowest effective voltage.
- (3) The quality and location of the electrical shock shall be such as to produce immediate insensibility to pain in the exposed animal.
- (4) The stunned animal shall remain in a state of surgical anesthesia through shackling, sticking, and bleeding.

(b) **Facilities and procedures; operator –**

- (1) **General requirements for operator.** It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his or her responsibility.
- (2) **Special requirements for electric current application equipment.** The ability of electric current equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, current applicators, and all other equipment used must be designed to properly accommodate the species of animals being anesthetized. Animals shall be free from pain-producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or padded material. Power activated gates designed for constant flow of animals shall be so fabricated that they will not cause injury. All equipment used to apply and control the electrical current shall be maintained in good repair, and all indicators, instruments, and measuring devices shall be available for inspection by Program inspectors during the operation and at other times.
- (3) **Electric current.** Each animal shall be given a sufficient application of electric current to ensure surgical anesthesia throughout the bleeding operation. Suitable timing, voltage and current control devices shall be used to ensure that each animal receives the necessary electrical charge to produce immediate unconsciousness. The current shall be applied so as to avoid the production of hemorrhages or other tissue changes which could interfere with inspection procedures.

[44 FR 68813, Nov. 30, 1979, as amended at 50 FR 25202, June 18, 1985]

§ 313.50 Tagging of equipment, alleyways, pens, or compartments to prevent inhumane slaughter or handling in connection with slaughter.

When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, he/she shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent a recurrence. If the establishment operator fails to take such action or fails to promptly provide the inspector with satisfactory assurances that such action will be taken, the inspector shall follow the procedures specified in paragraph (a), (b), or (c) of this section, as appropriate.

- (a) If the cause of inhumane treatment is the result of facility deficiencies, disrepair, or equipment breakdown, the inspector shall attach a "U.S. Rejected" tag thereto. No equipment, alleyway, pen or compartment so tagged shall be used until made acceptable to the inspector. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.
- (b) If the cause of inhumane treatment is the result of establishment employee actions in the handling or moving of livestock, the inspector shall attach a "U.S. Rejected" tag to the alleyways leading to the stunning area. After the tagging of the alleyway, no more livestock shall be moved to the stunning area until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to the tagging may be dressed, processed, or prepared under inspection.
- (c) If the cause of inhumane treatment is the result of improper stunning, the inspector shall attach a "U.S. Rejected" tag to the stunning area. Stunning procedures shall not be resumed until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.

§ 313.90 [Reserved]

This content is from the eCFR and is authoritative but unofficial.

Title 9 —Animals and Animal Products

Chapter III —Food Safety and Inspection Service, Department of Agriculture

Subchapter A —Agency Organization and Terminology; Mandatory Meat and Poultry Products

Inspection and Voluntary Inspection and Certification

Part 381 —Poultry Products Inspection Regulations

Subpart I —Operating Procedures

Authority: 7 U.S.C. 138f, 1633; 21 U.S.C. 451-472; 7 CFR 2.7, 2.18, 2.53.

Source: 37 FR 9706, May 16, 1972, unless otherwise noted.

§ 381.65 Operations and procedures, generally.

- (a) Operations and procedures involving the processing, other handling, or storing of any poultry product must be strictly in accord with clean and sanitary practices and must be conducted in a manner that will result in sanitary processing, proper inspection, and the production of poultry and poultry products that are not adulterated.
- (b) Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding. Blood from the killing operation must be confined to a relatively small area.
- (c) When thawing frozen ready-to-cook poultry in water, the establishment must use methods that prevent adulteration of, or net weight gain by, the poultry.
- (d) The water used in washing the poultry must be permitted to drain freely from the body cavity.
- (e) Detached ova may be collected for human food and handled only in accordance with 9 CFR 590.44 and may leave the establishment only to be moved to an official egg product processing plant for processing. Ova from condemned carcasses must be condemned and treated as required in § 381.95.
- (f) **Procedures for controlling visible fecal contamination.** Official poultry slaughter establishments must develop, implement, and maintain written procedures to ensure that poultry carcasses contaminated with visible fecal material do not enter the chiller. Establishments must incorporate these procedures into their HACCP plans, or sanitation SOPs, or other prerequisite programs.
- (g) **Procedures for controlling contamination throughout the slaughter and dressing operation.** Official poultry slaughter establishments must develop, implement, and maintain written procedures to prevent contamination of carcasses and parts by enteric pathogens and fecal contamination throughout the entire slaughter and dressing operation. Establishments must incorporate these procedures into their HACCP plans, or sanitation SOPs, or other prerequisite programs. At a minimum, these procedures must include sampling and analysis for microbial organisms in accordance with the sampling location and frequency requirements in paragraphs (g)(1) and (2) of this section to monitor their ability to maintain process control.
 - (1) **Sampling locations.** Establishments, except for very small establishments operating under Traditional Inspection or very low volume establishments operating under Traditional Inspection must collect and analyze samples for microbial organisms at the pre-chill and post-chill points in the

process. Very small establishments operating under Traditional Inspection and very low volume establishments operating under Traditional Inspection must collect and analyze samples for microbial organisms at the post-chill point in the process.

- (i) Very small establishments are establishments with fewer than 10 employees or annual sales of less than \$2.5 million.
- (ii) Very low volume establishments annually slaughter no more than 440,000 chickens, 60,000 turkeys, 60,000 ducks, 60,000 geese, 60,000 guineas, or 60,000 squabs.

(2) ***Sampling frequency.***

- (i) Establishments, except for very low volume establishments as defined in paragraph (g)(1)(ii) of this section, must, at a minimum, collect and analyze samples at a frequency proportional to the establishment's volume of production at the following rates:
 - (A) ***Chickens.*** Once per 22,000 carcasses, but a minimum of once during each week of operation.
 - (B) ***Turkeys, ducks, geese, guineas, and squabs.*** Once per 3,000 carcasses, but at a minimum once each week of operation.
- (ii) Very low volume establishments as defined in paragraph (g)(1)(ii) of this section must collect and analyze samples at least once during each week of operation starting June 1 of every year. If, after consecutively collecting 13 weekly samples, a very low volume establishment can demonstrate that it is effectively maintaining process control, it may modify its sampling plan.
- (iii) Establishments must sample at a frequency that is adequate to monitor their ability to maintain process control for enteric pathogens. Establishments must maintain accurate records of all test results and retain these records as provided in paragraph (h) of this section.

- (h) ***Recordkeeping requirements.*** Official poultry slaughter establishments must maintain daily records sufficient to document the implementation and monitoring of the procedures required under paragraph (g) of this section. Records required by this section may be maintained on computers if the establishment implements appropriate controls to ensure the integrity of the electronic data. Records required by this section must be maintained for at least one year and must be accessible to FSIS.

[66 FR 1771, Jan. 9, 2001; 66 FR 19714, Apr. 17, 2001, as amended at 79 FR 49634, Aug. 21, 2014]

ATTACHMENT 2

BEFORE THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION

THE HUMANE SOCIETY OF THE UNITED STATES,
Petitioner,

JBS USA and
PILGRIM'S PRIDE CORPORATION,
Proposed Respondents.

**COMPLAINT REQUESTING ACTION TO ENJOIN THE DISSEMINATION OF
FALSE OR MISLEADING STATEMENTS IN VIOLATION OF ANTIFRAUD
PROVISIONS OF THE FEDERAL SECURITIES LAWS**

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EXECUTIVE SUMMARY

The Humane Society of the United States submits this complaint to request that the Securities and Exchange Commission (“SEC”) investigate Pilgrim’s Pride Corporation’s (“Pilgrim’s”) and JBS USA’s (“JBS”) (together the “Companies”) false and misleading representations relating to the humane treatment of Pilgrim’s broiler chickens. As animal welfare is a significant interest to investors and inadequate welfare issues pose major investment risks, federal securities law must protect investors from being defrauded by companies making misleading welfare claims.

This complaint alleges that Pilgrim’s and JBS falsely market their chicken products as humanely produced. Specifically, for example, Pilgrim’s claims:

- Pilgrim’s strongly supports the humane treatment of animals [and] maintains a strict animal welfare program that utilizes guidelines established by the National Chicken Council.
- [National Chicken Council] guidelines ensure that birds are treated humanely and raised with care.
- [Pilgrim’s] strict and comprehensive Animal Welfare Program ensures that birds are humanely raised and handled through all phases of hatching, growth, transport and slaughter.
- [Pilgrim’s] chickens are raised in accordance with . . . practices that prevent or minimize fear, pain, stress and suffering throughout the production process.
- Ensuring the well-being of the chickens under our care is an uncompromising commitment at Pilgrim’s.
- It may be increasingly popular to leverage the inherent ethical obligation of proper animal husbandry as a marketing tool.

Also, until as recently as February 14, 2019, Pilgrim’s promoted its products by asserting on one or more of the company’s websites:

- [National Chicken Council] guidelines ensure that birds raised are taken care of with the highest standards starting at hatch.
- Pilgrim’s is helping to ensure that our birds are raised, transported and processed as humanely as possible.
- Pilgrim’s technicians work with each farm family . . . to assure the best possible growout conditions for our flocks.

JBS reiterates many of these claims, asserting:

- Pilgrim’s technicians also work with each farm family . . . to ensure the best possible conditions for our flocks.
- Ensuring the well-being of the . . . poultry under our care is an uncompromising commitment at JBS USA.
- Animal welfare . . . is addressed by every JBS operation in order to guarantee the five fundamental animal freedoms.
- The humane stunning of our . . . poultry is arguably the most critical aspect of our animal welfare efforts.
- We are committed to providing the animals under our care with a respectful and ethical death.
- We are proud to provide our customers and consumers with choices that meet their . . . ethical expectations.

This complaint then contrasts these statements with the industrialized practices Pilgrim’s likely employs throughout its production practices, as witnessed by HSUS investigators, Federal inspectors, and as provided for by the National Chicken Council guidelines that Pilgrim’s has adopted. These inherently cruel factory farm practices include, but are not limited to, using birds bred to grow unnaturally fast to an unnatural size leaving them unable to stand and at severe risk of injury or death, overcrowding birds in grow houses and during transport such that many are crushed or suffocated, and slaughtering chickens on a fast moving assembly line where some birds are ineffectively stunned, resulting in the scalding of some still-conscious animals.

As detailed in the complaint, these practices are starkly at odds with the humane representations JBS and Pilgrim’s prominently display on their webpages and advertisements, as well as the Companies’ written promises that Pilgrim’s chickens are from “family farms,” and that many of Pilgrim’s products are “100% Natural.” A large and growing number of stakeholders are keenly interested in avoiding investing in or purchasing products that are the result of inhumane treatment of animals. However, as several surveys bear out, no reasonable stakeholder can comport these industrialized

production practices with the Companies' statements above.

Further, it is virtually impossible for stakeholders to gauge for themselves whether a humane claim is accurate because stakeholders do not have access to the producer's facilities. As such, stakeholders must be able to rely on the company to provide accurate information. An informed consumer base is an essential condition for a free and fair marketplace and protects investors from risks related to misinformation, especially in deceptive advertising. Misleading stakeholders about the level of welfare a company provides creates enormous investment risk; when exposed, retailers, restaurants and individual consumers can seek alternative sources for products and/or alternative products and the company's stock can plummet. Thus, SEC oversight and enforcement are stakeholders' best hope for avoiding being misled about production practices that are cruel. As such, HSUS requests that the SEC investigate these claims and take appropriate action to enjoin Pilgrim's and JBS from continuing to make misleading claims pertaining to animal welfare.

I. INTRODUCTION

Complainant the Humane Society of the United States (“HSUS”) hereby requests the Securities and Exchange Commission (“SEC” or “Commission”) investigate and take action against JBS USA (“JBS”) and its subsidiary Pilgrim’s Pride Corporation (“Pilgrim’s Pride” or “Pilgrim’s”) (together the “Companies”) for disseminating false or deceptive information in violation of the Securities Exchange Act of 1934, 15 U.S.C. § 78a, et seq., and Commission Rule 10b-5, 17 C.F.R. § 240.10b-5.

As described below, JBS and Pilgrim’s Pride has issued, and/or are continuing to issue, unlawfully false and/or misleading representations about the treatment of animals in the production of its products. Representations the Companies make on their websites, in multi-media advertising, and on Pilgrim’s Pride Fresh product labels communicate to stakeholders that Pilgrim’s poultry products were produced under humane conditions. The Companies advertise Pilgrim’s Pride chicken products as humane, including by asserting Pilgrim’s adoption of standards set by the National Chicken Council (“NCC”), an industry trade group.¹ The Companies claim that Pilgrim’s adherence to NCC standards ensures humane conditions throughout the production process, including hatching, growth, transportation, and slaughter.² This is

¹ See *Our Chickens*, “Animal Welfare,” PILGRIM’S USA, <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019) (“Pilgrim’s has adopted the science-based guidelines for animal welfare issued by the National Chicken Council.”); *Overview*, NAT’L CHICKEN COUNCIL, <https://www.nationalchickencouncil.org/about-ncc/overview/> (last visited Apr. 22, 2019) (“The National Chicken Council (NCC) is the national, non-profit trade association whose primary purpose is to serve as the advocate and voice for the U.S. broiler chicken industry in Washington, D.C.”).

² See *Our Chickens*, “Animal Welfare,” PILGRIM’S USA, <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019) (“[National

patently untrue.

Contrary to these claims, as detailed below, Pilgrim's practices fall far below both the level of care represented and reasonable stakeholder expectations based on the Companies' claims. In particular, several practices employed by Pilgrim's Pride and acceptable under NCC standards are inherently cruel to broiler chickens.³ These include Pilgrim's use of electrical stun baths, scalders, and its use of chickens genetically enhanced for faster growth rates (*see infra* Part IV.B). Each of these practices cause significant pain and suffering to animals no matter how carefully employed, and no reasonable stakeholder would consider these practices to be humane under any standard. Many of Pilgrim's and JBS's stakeholders are thus misled by the Companies' deception.

Also, several undercover investigations—including one at a Pilgrim's Pride slaughterhouse in Mt. Pleasant, Texas, and one at a Pilgrim's Pride contract growing facility in Hull, Georgia—showed that products Pilgrim's advertises as “humane” came from conditions that were anything but. The investigations showed broiler chickens raised in unnatural and cruel conditions, cramped together, and treated horrifically in the process leading to their slaughter.

The processes employed by Pilgrim's Pride are starkly at odds with the humane representations the Companies prominently display on their webpages and advertisements, as well as the Companies' textual promises on their websites and

Chicken Council] guidelines are designed to promote the humane treatment and well-being of poultry throughout the production process.”); *see also infra* notes 24-27.

³ “Broiler chicken” refers to a chicken raised for meat consumption to be slaughtered before the age of 10–13 weeks. *See* 9 C.F.R. 381.170(a)(1)(ii).

reports that Pilgrim's chickens are from "family farms," and that many of Pilgrim's products are "100% Natural."⁴ Consequently, stakeholders investing in Pilgrim's Pride chicken are not getting what they expect in return: securities in companies that produce chicken from family farms raised under natural and humane conditions rather than from birds perpetually locked inside in intense confinement warehouses before being violently moved into cages and cruelly trucked to slaughter. In addition to being deceived about their investments in "humane" chicken products, stakeholders are not supporting companies that "ensure" its birds are "treated humanely" or that produce products that are more humane than competitors' products.⁵ Pilgrim's Pride is deceiving stakeholders concerned about the suffering of animals with false assurances of the animals' living conditions and treatment.

This deceptive conduct harms shareholders, consumers, and competitors alike, while compromising the market's responsiveness to the animal welfare concerns of stakeholders more broadly. Poor animal welfare practices are a serious investment risk.⁶ Negative publicity, undercover investigations, broader awareness of poor animal welfare, and exposure of deceptive advertising can trigger scandals that cause negative

⁴ See *Pilgrim's Chicken*, "Fresh - All Natural," PILGRIM'S USA, https://www.pilgrimsusa.com/product-line/fresh_all_natural/ (last visited May 7, 2019); *Featured Growers*, PILGRIM'S USA, <https://www.pilgrimsusa.com/featured-grower/> (last visited May 7, 2019); *Home Page*, PILGRIM'S, <https://www.pilgrims.com/> ("Who Makes Your Food") (last visited May 7, 2019).

⁵ See *infra* note 36.

⁶ A recent study on investment risks in factory farming notes that the "most obvious" risks (among many) are "the short-term risks such as the threat of a reputational or regulatory backlash against any investee company involved in factory farming and shown to have poor ESG [(environmental, social and governance)] (including animal welfare) standards." *Factory Farming: Assessing Investment Risks: 2016 Report 3*, FARM ANIMAL INVESTMENT RISK AND RETURN, *available* http://www.fairr.org/wp-content/uploads/FAIRR_Report_Factory_Farming_Assessing_Investment_Risks.pdf.

effects on demand and can cause stock prices to drop.⁷ As noted below, Pilgrim's stock has previously plummeted following the release of an investigation illuminating animal abuses.⁸

Unfortunately, this kind of misbranding is likely to persist in the broiler chicken industry unless regulators remain vigilant. On their own, stakeholders are unable to determine that they have been deceived about the level of animal care provided because stakeholders do not have access to the producer's facilities, and production practices are not readily apparent in the final product. Additionally, though animal welfare is indisputably important to a significant and growing number of stakeholders, the Companies mislead stakeholders by omitting material facts about their use of inherently cruel methods. While stakeholders want to invest in more humane choices, they generally lack technical knowledge of how companies can handle chickens more humanely throughout their lives. Pilgrim's Pride and JBS are taking advantage of this information asymmetry by omitting important facts about how birds are mistreated

⁷ A 2010 Purdue and Kansas State University study examined grocery store sales of beef, pork, and poultry before and after extensive news coverage of an animal welfare scandal. The authors concluded that "[a]s a whole, media attention to animal welfare has significant, negative effects on U.S. meat demand." Glynn T. Tonor and Nicole J. Olynyk, "U.S. Meat Demand: The Influence of Animal Welfare Media Coverage," *Kansas State University*, September 2010, 2, http://www.mercyforanimals.org/files/Kansas_State_Media.pdf. For more information, see also Glynn Tonsor, "Impacts of Animal Well-Being & Welfare Media Coverage on Meat Demand" (PowerPoint presentation, AMI Animal Care & Handling Conference, Kansas City, Missouri, Oct. 19, 2011), https://www.agmanager.info/sites/default/files/AMI_AnimalCareHandling_10-19-11.pdf; see also Factory Farming: Assessing Investment Risks: 2016 Report 24, Farm Animal Investment Risk and Return, available http://www.fairr.org/wp-content/uploads/FAIRR_Report_Factory_Farming_Assessing_Investment_Risks.pdf ("[c]ompanies implicated in poor animal welfare scandals may face severe reputational damage and consumer boycotts.").

⁸ See *infra* note 236 and accompanying text.

during life in confinement, transport to slaughter, and in the slaughter process itself. SEC intervention is needed to stop Pilgrim's Pride and JBS from continuing to deceptively exploit stakeholders' concern for animal welfare. Accordingly, HSUS respectfully requests that the Commission take prompt action to stop Pilgrim's Pride and JBS from deceiving stakeholders with false claims of humane animal care.

II. PARTIES

A. The Humane Society of the United States

HSUS is the nation's largest animal protection organization with millions of members and constituents. HSUS is based in Washington, DC, and works to protect all animals through education, investigation, litigation, legislation, advocacy, and field work. HSUS campaigns to eliminate the most egregious factory farming practices, including the intensive confinement of chickens so cramped that the conditions lead to injury, illness, severe stress, and other harms.

B. Pilgrim's Pride Corporation

Pilgrim's Pride Corporation is incorporated in Delaware with a principal executive office in Greeley, Colorado. Pilgrim's Pride produces, processes, markets, and distributes fresh, frozen, and value-added chicken products. Pilgrim's Pride offers several lines of pre-packaged chicken products. The company markets these products throughout the United States at retailers such as Walmart, Sam's Club, Safeway, and other major grocery outlets. Pilgrim's Pride headquarters are located at 1770 Promontory Circle, Greeley, Colorado 80634.

C. JBS USA

JBS USA is a wholly owned subsidiary of JBS USA Holdings, Inc. JBS USA

Holdings, Inc. holds a 78.5% controlling interest in Pilgrim's Pride Corporation. JBS USA Holdings, Inc. is an indirect wholly owned subsidiary of its ultimate parent JBS, S.A., a Brazilian corporation.

III. STANDARD OF REVIEW

Section 10(b) of the Securities Exchange Act of 1934 and Commission Rule 10b-5 prohibit, in connection with the purchase or sale of any security, the making of any untrue statement of a material fact or the omission of a material fact that would render statements made not misleading.⁹ Commission Rule 10b-5 makes it unlawful:

- (a) To employ any device, scheme, or artifice to defraud,
- (b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or
- (c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person,

in connection with the purchase or sale of any security.¹⁰

IV. FALSE OR MISLEADING CLAIMS

A. Representations at Issue

At issue in this complaint are representations on Pilgrim's Pride product labels and in advertisements on its and its parent companies' websites and other media, in the form of attention-grabbing text and depictions regarding the treatment of chickens. Pilgrim's Pride markets and advertises its chicken products throughout the U.S. and seeks to reach an extensive consumer base through its company websites.¹¹ JBS

⁹ Securities Exchange Act of 1934, (1934 Act), as amended, 15 U.S.C. § 78a *et seq.*

¹⁰ 17 CFR § 240.10b-5 (2011).

¹¹ "Where can I buy Pilgrim's chicken?," *Frequently Asked Questions*, PILGRIM'S USA, <https://www.pilgrimsusa.com/faqs/> (last visited May 7, 2019) ("Pilgrim's branded

propagates these claims in its own advertising on separate websites. These representations target stakeholders concerned with animal suffering and impart messages that Pilgrim's chickens are produced humanely. Such representations are unlawfully deceptive and cause injury to stakeholders. In reality, Pilgrim's Pride products come from chickens that suffer painful health conditions, are kept in inhumane conditions, and are cruelly transported to be killed by an inherently inhumane slaughter process.

Pilgrim's advertising makes clear that the company has complete control over the production of its chicken products. In a video titled, "Watch This Video to Learn More About Pilgrim's," the company's President and Chief Executive Officer Bill Lovette says, "In our chicken business, we use a vertical integrated supply chain so that we can assure the consumer that's buying our product that we've been in control of the process at every step of the way."¹² A whistleblowing Pilgrim's Pride contract farmer confirms that while contractors like himself raise the birds, they are "not allowed to do anything with the birds unless it's approved by the company."¹³ Indeed, Pilgrim's Broiler Production Agreements dictate that its contract growers must "follow . . . the

chicken is available in a wide variety of national supermarket chains, regional stores, and clubs."); *see also Pilgrims Pride Corp (PPC) Q4 2018 Earnings Conference Call Transcript*, Motley Fool (Feb. 14, 2019), <https://www.fool.com/earnings/call-transcripts/2019/02/14/pilgrims-pride-corp-ppc-q4-2018-earnings-conferenc.aspx> ("To improve our consumer awareness, . . . Pilgrims.com, pilgrimsusa.com were launched . . . to share our global and US storage, respectively, and amplify our presence in the marketplace with mobile optimized online presence.").

¹² *About us*, PILGRIM'S, <https://www.pilgrims.com/about-us/> (last visited May 7, 2019). (click "Pilgrim's 30 Second Video"). The video is also available on Vimeo as "Pilgrim's 30 Second Video," at <https://vimeo.com/107917405> (last visited May 7, 2019). According to Vimeo, the video was posted on October 3, 2014; *see also infra* note 211 and accompany text.

¹³ *Infra* note 204.

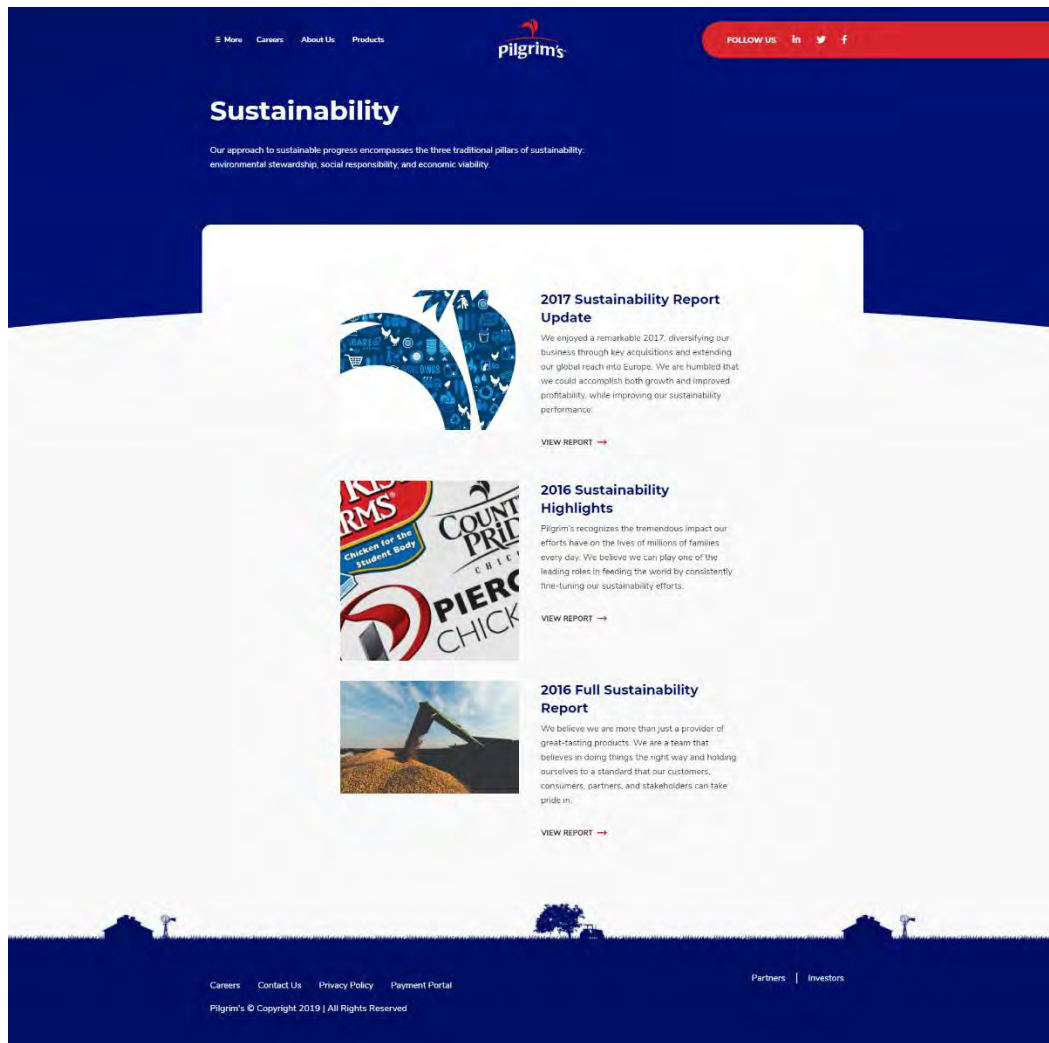
Company's written and verbal management recommendations, including, but not limited to, watering, feeding, brooding, sanitation, litter, vaccination, medication, house environment, lighting, pest control and biosecurity” and “comply with the Company and industry standards regarding animal welfare.”¹⁴

1. The Companies’ websites.

Misleading animal welfare representations are all over the Companies’ websites.¹⁵ Most conspicuously, Pilgrim’s Pride promotes its 2016 and 2017 Sustainability Reports on each of its websites. Below is a screenshot of the Pilgrim’s website (www.pilgrimsusa.com/sustainability/) showing the promotion of Sustainability Reports:

¹⁴ Pilgrim’s Pride Corporation Broiler Production Agreement at 2-3, appended as Exhibit A to Defendant’s Motion to Dismiss, *Triple R Ranch, LLC, and Eric Hedrick v. Pilgrim’s Pride Corp.*, No. 2:18-cv-00109 (N.D.W.V. Feb. 8, 2019).

¹⁵ See, e.g., *Sustainability*, PILGRIM’S USA, at <https://www.pilgrimsusa.com/sustainability/> (last visited May 7, 2019) (follow links to Pilgrim’s “2017 Sustainability Report Update” and Pilgrim’s “2016 Sustainability Report”); *Our Chickens*, “Raising Pilgrim’s Chickens,” PILGRIM’S USA, <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019); *Our Impact*, PILGRIM’S, <https://www.pilgrims.com/impact/> (last visited May 7, 2019); *Sustainability*, JBS USA, at <https://jbsusa.com/sustainability/> (last visited May 7, 2019).



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Stakeholders can click on a link to view and download the full 2016 Sustainability Report.¹⁷ Users can also view and download a shorter brochure regarding the Sustainability Report for both 2016 and 2017, which Pilgrim's Pride titled

¹⁶ *Sustainability*, PILGRIM'S USA, at <https://www.pilgrimsusa.com/sustainability/> (last visited May 7, 2019) (screenshot taken Jan. 15, 2019); see also *Sustainability*, PILGRIM'S, <https://www.pilgrims.com/sustainability/> (last visited May 7, 2019).

¹⁷ See *Sustainability*, PILGRIM'S USA, at <http://www.pilgrimsusa.com/sustainability/> (last visited May 7, 2019); see also *2016 Sustainability Report*, PILGRIM'S USA, at <https://www.pilgrimsusa.com/wp-content/uploads/2018/12/Pilgrims-2016-Full-Sustainability-Report.pdf> (hereinafter "Sustainability Report 2016") (Attachment A).

Sustainability Highlights.¹⁸ JBS publishes its own sustainability reports on its websites, in which JBS repeatedly links to Pilgrim’s 2016 Sustainability Report.¹⁹ These reports are promoted to stakeholders through JBS’s and Pilgrim’s online investor portal.²⁰ Indeed, on JBS’s investor portal the number one item listed under “Top 5 Most Read” is JBS’s Annual and Sustainability Report 2017.²¹ The report covers “five issues that are of significant importance for both global sustainability of its businesses and for its principal stakeholders.”²² JBS identifies “animal welfare” as one of its top five “global material issues.”²³

The Sustainability Reports and Highlights brochures make false and misleading marketing and advertising claims related to Pilgrim’s practices regarding animal

¹⁸ See 2016 Sustainability Highlights, PILGRIM’S USA, at <https://www.pilgrimsusa.com/wp-content/uploads/2018/11/Pilgrims-Sustainability-Report-Condensed-v3.pdf> (hereinafter “Sustainability Highlights 2016”) (Attachment B); 2017 Sustainability Highlights, PILGRIM’S USA, at https://www.pilgrimsusa.com/wp-content/uploads/2018/11/Pilgrims_SustainReport_2017_final.pdf (hereinafter “Sustainability Highlights 2017”) (Attachment C).

¹⁹ See Sustainability, JBS SA, <http://jbss.foinvest.com.br/static/enu/sustentabilidade.asp?idioma=enu> (last visited May 7, 2019); Annual and Sustainability Report 2017, JBS, <http://jbss.foinvest.com.br/enu/4588/JBS%20RA%20EN%20180427%20Final.pdf> (hereinafter “JBS Annual and Sustainability Report”) (Attachment D); Sustainability, JBS USA, <https://sustainability.jbssa.com/> (last visited May 7, 2019); see also JBS Sustainability Report 2017 at 104, available <https://sustainability.jbssa.com/JBS-USA-2017-SUSTAINABILITY-REPORT.pdf> (hereinafter “JBS Sustainability Report”) (Attachment E) (“To learn more about Pilgrim’s animal welfare goals and management approach, please visit our Pilgrim’s 2016 Sustainability Report”).

²⁰ Investor Relations, JBS, <http://jbss.foinvest.com.br/?idioma=enu> (last visited May 7, 2019); Investor Relations, PILGRIM’S, <http://ir.pilgrims.com/> (last visited May 7, 2019).

²¹ Investor Relations, JBS, <http://jbss.foinvest.com.br/?idioma=enu> (last visited May 7, 2019) (linking to JBS Annual and Sustainability Report).

²² *Id.* at 16.

²³ *Id.* at 16.

welfare. These advertisements and marketing tools make representations about how Pilgrim's Pride cares for the chickens it slaughters and sells. According to the 2016 Sustainability Report, "[Pilgrim's] strict and comprehensive Animal Welfare Program ensures that birds are humanely raised and handled through all phases of hatching, growth, transport and slaughter."²⁴ This is reiterated in the 2017 Sustainability Highlights, which lists "[a]nimal breeding and genetics, livestock husbandry, humane handling and transportation" under Pilgrim's sustainability program for its animal welfare priorities.²⁵ Pilgrim's commitment to humane treatment of birds during all stages of its process is again stated in JBS's Sustainability Report, in which JBS contends "[its] business begins with the well-being of our animals, and [it is] dedicated to ensuring the humane treatment, handling and slaughter of . . . poultry at all times."²⁶ And again in its Annual and Sustainability Report, where JBS states Pilgrim's Animal Welfare Program was developed "to ensure poultry wellbeing is respected at all stages of the process, including hatching, growth, transportation and slaughter."²⁷

Pilgrim's Pride and JBS also claim Pilgrim's adheres to the Five Freedoms. As Pilgrim's states in its 2016 Sustainability Report, its "chickens are raised in accordance with the 'Five Freedoms,'²⁸ including practices that prevent or minimize fear, pain,

²⁴ Sustainability Report 2016 at 122 (emphasis added).

²⁵ Sustainability Highlights 2017 at 8.

²⁶ JBS Sustainability Report at 103 (emphasis added).

²⁷ JBS Annual and Sustainability Report at 149 (emphasis added).

²⁸ The "Five Freedoms," which Pilgrim's claims to have adopted, include: "1. Freedom to express natural behavior; 2. Freedom from injury and disease; 3. Freedom from discomfort; 4 Freedom from thirst and hunger; [and] 5. Freedom from fear and distress." Sustainability Report 2016 at 122; *see also* JBS Sustainability Report at 103.

stress and suffering throughout the production process.”²⁹ JBS also claims that the animal welfare programs (said to be established by JBS USA) “mak[e] sure that [its] animals are raised and handled according to the Five Freedoms.”³⁰ JBS again claims that animal welfare is “addressed by every JBS operation in order to guarantee the five fundamental animal freedoms” in its top viewed Annual and Sustainability Report 2017.³¹ As explained below and as the undercover investigations show (*infra* Parts IV.B.1-2), these assertions are patently false, for likely each bird produced at Pilgrim’s Pride facilities due to the cruelties inherent in the practices used. Such cruelties are involved throughout the entire process from growth through slaughter.

The 2016 Sustainability Report also states, “Our family farm partners protect our chickens from weather, safeguard them from predators and disease and ensure their health and well-being through proper care and appropriate human interaction.”³² Similarly, both the 2016 and 2017 Sustainability Highlights brochures explain, under the large bolded heading “Our Chickens,” that: “Ensuring the well-being of the chickens under our care is an uncompromising commitment at Pilgrim’s;” and, “[a]t Pilgrim’s, our values dictate that we implement humane animal welfare practices for one simple reason: it is the right thing to do.”³³ JBS’s Sustainability Report also claims that “[e]nsuring the well-being of the . . . poultry under [its] care is an uncompromising commitment at JBS USA.”³⁴ Also according to JBS, “[t]he humane stunning of [its] . . .

²⁹ Sustainability Report 2016 at 122 (emphasis added).

³⁰ JBS Sustainability Report at 103.

³¹ JBS Annual and Sustainability Report at 148 (emphasis added).

³² Sustainability Report 2016 at 131 (emphasis added).

³³ Sustainability Highlights 2016 at 6; Sustainability Highlights 2017 at 22 (emphasis added).

³⁴ JBS Sustainability Report at 103 (emphasis added).

poultry is arguably the most critical aspect of [its] animal welfare efforts, and [it is] committed to providing the animals under [its] care with a respectful and ethical death.”³⁵

Several other pages within Pilgrim’s websites provide additional advertising claims related to the raising and treatment of the chickens that become Pilgrim’s Pride products. For example, Pilgrim’s Pride states on its Frequently Asked Questions webpage, in response to the question, “What is Pilgrim’s view on the humane treatment of animals?”:

Pilgrim’s strongly supports the humane treatment of animals [and] maintains a strict animal welfare program that utilizes guidelines established by the National Chicken Council. . . . These guidelines ensure that birds are treated humanely and raised with care. Humane treatment is practiced during the processing of the bird as well.³⁶

Up until recently, this statement read “[National Chicken Council] guidelines ensure that birds raised are taken care of with the highest standards starting at hatch.”³⁷ Stakeholders have been exposed to many representations claiming that Pilgrim’s utilizes the “best” or “highest” animal welfare standards “possible,” as these representations were previously prevalent on Pilgrim’s websites. These claims and

³⁵ *Id.* at 109 (emphasis added).

³⁶ *Frequently Asked Questions*, PILGRIM’S USA, at <https://www.pilgrimsusa.com/faqs/> (last visited May 7, 2019).

³⁷ *Frequently Asked Questions*, PILGRIM’S, at <http://pilgrims.com/contact-us/faq.aspx> (archived Dec. 11, 2018) (emphasis added); *see also* *Frequently Asked Questions*, PILGRIM’S PRIDE, at <http://www.pilgrimspride.com/contact-us/faq.aspx> (archived Feb. 12, 2019) (“Pilgrim’s strongly supports the humane treatment of animals [and] maintains a strict animal welfare program that utilizes guidelines established by the National Chicken Council.... These guidelines ensure that birds raised are taken care of with the highest standards starting at hatch. Humane treatment is practiced during the processing of the bird as well.”) (emphasis added).

misrepresentations were highlighted in a complaint HSUS submitted to the Federal Trade Commission (“FTC”) on December 12, 2018.³⁸ Following the submission of HSUS’ FTC complaint, Pilgrim’s modified its website,³⁹ making slight, but clearly intentional, tweaks to many of the challenged statements:

- Original language: “Pilgrim’s is helping to ensure that our birds are raised, transported and processed as humanely as possible.”
 - *This was changed to:* “Pilgrim’s works closely with our grower partners, customers, and other industry stakeholders to humanely raise and process the birds under our care in accordance with our values and consistent with the National Chicken Council’s Animal Welfare Guidelines.”⁴⁰
- Original language: “[National Chicken Council] guidelines ensure that birds raised are taken care of with the highest standards starting at hatch.”

³⁸ HSUS’s Complaint is available at <https://blog.humanesociety.org/wp-content/uploads/2018/12/2018-12-12-Pilgrims-Pride-FTC-Complaint.pdf>.

³⁹ Note that a third website, www.pilgrimspride.com, was also active and appeared to be a mirror image of the original www.pilgrims.com website. These websites housed the representations as they were reproduced in the attached FTC complaint until at least December 19, 2018 on www.pilgrims.com and February 14, 2019 on www.pilgrimspride.com. Interestingly, in the past when Pilgrim’s has modified its websites it put out press releases to promote the changes. *Pilgrim’s Unveils New Corporate Website*, Global News Wire (Apr. 2, 2015), <http://globenewswire.com/news-release/2015/04/02/721593/10127478/en/Pilgrim-s-Unveils-New-Corporate-Website.html>; *Pilgrim’s Pride Launches New Consumer-Friendly Website as Part of Rebranding Campaign*, PR NEWswire (Jan. 18, 2011), <https://www.prnewswire.com/news-releases/pilgrims-pride-launches-new-consumer-friendly-website-as-part-of-rebranding-campaign-114140419.html>. This time, Pilgrim’s changed its website almost silently—only mentioning it briefly, nearly two months after the fact, on its most recent quarter earnings call. *Pilgrims Pride Corp (PPC) Q4 2018 Earnings Conference Call Transcript*, Motley Fool (Feb. 14, 2019), <https://www.fool.com/earnings/call-transcripts/2019/02/14/pilgrims-pride-corp-ppc-q4-2018-earnings-conferenc.aspx> (“To improve our consumer awareness, while supporting our vision to be the best and most respected company in our industry, we successfully launched two brand-new websites that more accurately portray who we are as collective Pilgrim’s, a global organization. Pilgrims.com, pilgrimsusa.com were launched in mid-December, offering the platforms to share our global and US storage, respectively, and amplify our presence in the marketplace with mobile optimized online presence.”).

⁴⁰ *Our Chickens*, PILGRIM’S USA, at <https://www.pilgrimsusa.com/our-chickens> (last visited May 7, 2019).

- *This was changed to:* “These guidelines ensure that birds are treated humanely and raised with care.”⁴¹
- Original language: “Pilgrim’s technicians work with each farm family . . . to assure the best possible growout conditions for our flocks.”
 - *This was changed to:* “. . . to provide assistance and ensure adherence to our animal welfare standards.”⁴²

These changes suggest that Pilgrim’s acknowledges that its animal welfare standards are not the “highest” or “best.”

The modified language as quoted above and many remaining or added claims on its new websites are also problematic, as further discussed below (*see infra* Part IV). In addition to the above representations, Pilgrim’s website still proclaims, “[A]ll Pilgrim’s employees who handle live birds are required to complete animal-welfare training on an annual basis.”⁴³ The 2017 Sustainability Highlights brochure also states, “100% of our team members and family farm partners have been trained according to our animal welfare program.”⁴⁴ Indeed, JBS also proports that “[o]ne hundred percent of [its] team members who work with live animals are carefully trained on proper animal handling and delivery techniques.”⁴⁵ When discussing Pilgrim’s, JBS states:

Each poultry facility has an Animal Welfare Team that is comprised of Team Members from the live chicken growing operations, processing, quality assurance and human resources that ensure that the policies and procedures required by the

⁴¹ *Frequently Asked Questions*, PILGRIM’S USA, at <https://www.pilgrimsusa.com/faqs/> (last visited May 7, 2019); *compare to Frequently Asked Questions*, PILGRIM’S, at <http://pilgrims.com/contact-us/faq.aspx> (archived Dec. 11, 2018) (emphasis added); *see also Frequently Asked Questions*, PILGRIM’S PRIDE, at <http://www.pilgrimspride.com/contact-us/faq.aspx> (archived Feb. 12, 2019) (same).

⁴² *Our Chickens*, PILGRIM’S USA, at <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019).

⁴³ *Id.*

⁴⁴ Sustainability Highlights 2017 at 22 (emphasis added); *see also* Sustainability Highlights 2016 at 6 (“100% of our team members and family farm partners have been trained according to our Animal Welfare Program.”).

⁴⁵ JBS Sustainability Report at 108.

Animal Welfare Policy, including annual training of all employees, are being correctly implemented and followed at all times.⁴⁶

JBS also states, “JBS USA focuses on training programs and initiatives to guarantee that animals are treated humanely and ethically.”⁴⁷ Pilgrim’s explains that “Employees or growers who violate the Pilgrim’s animal welfare policy and associated procedures will be subject to disciplinary action,” and that “[a]ll of [its] complexes are audited on a regular basis to ensure full compliance with [National Chicken Council] humane treatment guidelines.”⁴⁸ According to Pilgrim’s Pride, “[t]hese guidelines are designed to promote the humane treatment and well-being of poultry throughout the production process.”⁴⁹

Pilgrim’s Pride bolsters its humane representations by using phrasing such as “natural” and “family farms” on its websites and in its reports to describe many of its products and their origin. As explained below, many of the product labels contain “100% Natural” representations, which also appear on the company’s websites.⁵⁰ In a video on its website and appearing under a statement that “Pilgrim’s technicians work with each farm family . . . to provide assistance and ensure adherence to our animal welfare standards”—this assistance was previously described on this website as helping to “assure the best possible growout conditions for our flocks”—a Pilgrim’s Service Tech

⁴⁶ *Chickens*, “Animal Care,” JBS, <https://jbssa.com/sustainability/social-responsibility/animal-care/chickens/> (last visited May 7, 2019) (emphasis added).

⁴⁷ JBS Annual and Sustainability Report at 151 (emphasis added).

⁴⁸ *Our Chickens*, “Animal Welfare,” PILGRIM’S USA, *at* <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019) (emphasis added).

⁴⁹ *Id.*; *see also* JBS Sustainability Report at 104.

⁵⁰ *Pilgrim’s Chicken*, “Fresh — All Natural,” PILGRIM’S USA, https://www.pilgrimsusa.com/product-line/fresh_all_natural/ (last visited May 7, 2019).

explains that Pilgrim's Pride birds are "100% Natural" and makes repeated references to the "happy" and "healthy" birds raised by Pilgrim's.⁵¹ JBS's Sustainability Report continues to state, as Pilgrim's website once did, "Pilgrim's technicians also work with each farm family . . . to ensure the best possible conditions for our flocks."⁵²

Pilgrim's Pride also heavily promotes its products as being from "family farms,"⁵³ likely because stakeholders expect family-run farms to be operated with care and see family farms as the antithesis of factory farms.⁵⁴ Indeed, Pilgrim's latest

⁵¹ *Our Chickens*, "Animal Welfare," PILGRIM'S USA, at <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019) (emphasis added); *Family Farms*, "Raising Pilgrim's Chickens," PILGRIM'S PRIDE, <http://www.pilgrimspride.com/family-farms/raising-pilgrims-chickens.aspx> (archived Feb. 12, 2019) (emphasis added).

⁵² JBS Sustainability Report at 121; *see also supra* note 42.

⁵³ *See Featured Growers*, PILGRIM'S USA, <https://www.pilgrimsusa.com/featured-grower/>; *see also Home Page*, PILGRIM'S, <https://www.pilgrims.com> ("Who Makes Your Food"). It is highly unlikely that reasonable stakeholders' impressions of what constitutes a family farm aligns with the practices of Pilgrim's Pride's producers. While USDA defines "family farm," its definition does not take acreage size, number of animals, or production methods into account and even includes operations where the family may not own the land, or even farm it. *See Family Farms*, USDA, NIFA, <https://nifa.usda.gov/family-farms> (last visited May 7, 2019). The definition is not meant to be a labeling standard, but instead USDA defines what a family farm is for a consistent technical term in research and policy, which includes farm subsidies. *See Family & Small Farm Program*, USDA, NIFA, <https://nifa.usda.gov/program/family-small-farm-program> (last visited May 7, 2019). It would not be appropriate for Pilgrim's Pride to rely on this definition as a standard in another context such as for communicating to stakeholders in advertisements or labeling. *See Friends of the Earth v. Sanderson Farms, Inc.*, No. 17-cv-03592-RS, 2018 WL 7197394, at *5 (N.D. Cal. Dec. 3, 2018). This would be the "kind of technical and esoteric message" no ordinary consumer would expect was intended by such label. *Federation of Homemakers v. Butz*, 466 F.2d 462, 466, 151 U.S.App.D.C. 291, 295 (C.A.D.C., 1972).

⁵⁴ In a study regarding perceptions of animal welfare in farming, "almost three-quarters (74%) believe the welfare of animals is better protected on family farms than on large, corporate farms." Rebecca J. Vogt et al., Center for Applied Rural Innovation, University of Nebraska, Lincoln, *Animal Welfare: Perceptions of Nonmetropolitan Nebraskans* i (July 2011), available at <http://govdocs.nebraska.gov/epubs/U2031/B075-2011.pdf>. As stated in an industry editorial, "[M]odern agriculture is not what stakeholders believe or what they want to believe. Most think family farms are small,

marketing campaign is designed to promote its contractors as family farmers and appeal to this consumer bias.⁵⁵ Pilgrim’s website hosts farmer spotlights highlighting a select few of Pilgrim’s contract growers making it seem that this sampling is representative of all its farming partners.⁵⁶ The website also links to promotional videos said to depict the chicken industry.⁵⁷ However, as described below, the industry

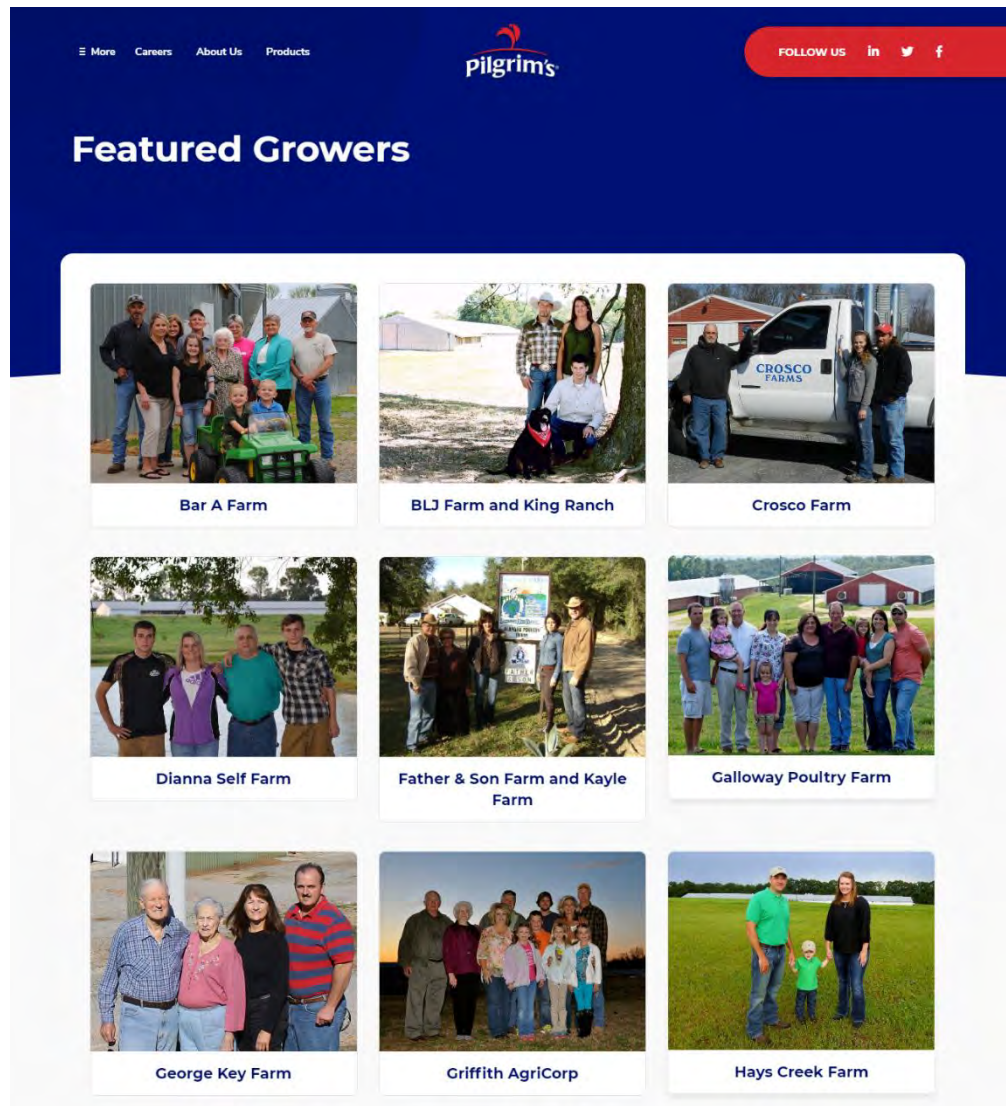
independent, diversified, and producing food for their local area . . . This is one of the reasons they are willing to pay more for organic food products, mistakenly believing these are produced by smaller, independent family farms.” Gary Truitt, *Closing The Gap Between Producers and Consumers*, HOOSIER AG TODAY (Mar. 3, 2013) <https://www.hoosieragtoday.com/closing-the-gap-between-producers-and-consumers/>. Indeed, this complaint is not based on these laws but on deception aimed at stakeholders.

⁵⁵ See *Pilgrim’s Pride to Promote Identity of Growers*, CHICK-NEWS (Aug. 23, 2018), http://www.chick-news.com/Share.aspx?Site_Copy_ID=74446 (“In an outreach to stakeholders, Pilgrim’s Pride will promote the identity of growers producing chicken under the Just Bare™ Brand. The campaign will launch across TV, online and audio to promote Just Bare™ chicken. Appropriate visual and audio will feature individual contract growers in an attempt to defuse the image of industrialized production by highlighting the contribution of family farms. Advertising agency Gravity developed the campaign in a response to their perception of consumers expressing an interest in the source of their chicken.”); see also USDA, NIFA, *Family Farm Forum*, p. 2 (2010) <http://www.ngfn.org/resources/networknews/may-2010/Family%20Farm%20Forum%20-%20Agriculture%20of%20the%20Middle.pdf> (“Consumer surveys indicate that a growing number of food buyers . . . prefer to purchase food that has been grown locally or regionally on family-scaled farms or ranches.”); Marcus Glassman, *Hungry for Information: Polling Americans on Their Trust in the Food System*, THE CHICAGO COUNCIL ON GLOBAL AFFAIRS (Oct. 2015) at 2, *available* <https://www.thechicagocouncil.org/sites/default/files/Science%20and%20Food%20Flash%20Poll%20Brief.pdf> (a consumer survey that found “When it comes to the food [stakeholders] buy,” “From a family farm” was deemed either “somewhat important” to “very important” by 60% of respondents.).

⁵⁶ *Featured Growers*, PILGRIM’S USA, <https://www.pilgrimsusa.com/featured-grower/> (last visited May 7, 2019).

⁵⁷ See *Our Chickens*, “Raising Pilgrim’s Chickens,” PILGRIM’S USA, <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019) (“To learn more about the chicken industry, please go to www.chickencheck.in.”).

standards employed by Pilgrim’s are far from the bucolic family farm care stakeholders would reasonably expect based on these representations (*see infra* Parts IV.B.1, V.B).



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JBS also highlights and promotes in its Sustainability Report “Pilgrim’s family farm partner[s]”⁵⁹ noting that “[a]t Pilgrim’s, we contract with more than 5,200 family farm

⁵⁸ *Featured Growers*, PILGRIM’S USA, <https://www.pilgrimsusa.com/featured-grower/> (last visited May 7, 2019).

⁵⁹ JBS Sustainability Report at 102, 110, 153.

partners who raise breeder hens and broiler chickens. From the farmers' barns to the Pilgrim's production facilities, we make sure our chickens receive proper care.”⁶⁰

In addition, Pilgrim's new home page hosts a link entitled “Who Makes Your Food[?]”⁶¹ This link takes users to the webpage of its “Just BARE” brand, a new acquisition that presents itself as a more humane alternative to more mass-market brands. The Just BARE brand webpage to which stakeholders are directed when they ask “Who Makes” Pilgrim's Pride chicken includes an image of a chicken product displayed with packaging that indicates that it is “natural” and “American Humane Certified.”⁶² On this page there are also farmer spotlights and phrases such as “All Natural,” “American Humane Certified” and “Family Farm Raised.” However, as discussed in more detail below, these statements are patently untrue or misleading when applied to chicken sold under the Pilgrim's Pride brand.

2. The product packaging.

On the front of the packaging of many Pilgrim's Pride products found for sale in grocery stores and online marketplaces, as well as on packaging depicted on Pilgrim's webpage, is a claim that the product is “100% Natural.”⁶³

⁶⁰ *Id.* at 118.

⁶¹ *Home Page*, PILGRIM'S, <https://www.pilgrims.com/> (last visited Apr. 22, 2019); *see also Our Impact*, PILGRIM'S, <https://www.pilgrims.com/impact/> (last visited May 7, 2019) (same).

⁶² “Who Makes Your Food?,” JUST BARE, <https://www.justbarechicken.com/who-makes-your-food> (last visited May 7, 2019).

⁶³ *Pilgrim's Chicken*, “Fresh – All Natural,” PILGRIM'S USA, https://www.pilgrimsusa.com/product-line/fresh_all_natural/ (last visited May 7, 2019).



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As discussed in more detail below (*see infra* Part V.B.2), the “100% Natural” claim on the package conveys to a reasonable stakeholder that chickens are raised outdoors in a natural environment by caring families and that the birds are raised and slaughtered in a humane and sanitary manner.⁶⁵ No words on the label contradict such reasonable expectations or attempt to correct this false depiction. As further described

⁶⁴ *Boneless Skinless Breast with Rib Meat*, PILGRIM’S USA, <https://www.pilgrimsusa.com/product/boneless-skinless-breast-with-rib-meat-2/> (last visited May 7, 2019).

⁶⁵ As with the term “family farm,” it is highly unlikely that shareholders’ impressions of what constitutes a “natural” chicken product aligns with the practices of Pilgrim’s Pride’s producers. While a FSIS policy book defines the term, neither FDA nor USDA formally define “natural.” *See* USDA, FSIS, *Meat and Poultry Labeling Terms*, <https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/meat-and-poultry-labeling-terms/meat-and-poultry-labeling-terms/> (last visited May 7, 2019) (“Natural: A product containing no artificial ingredient or added color and is only minimally processed. Minimal processing means that the product was processed in a manner that does not fundamentally alter the product. The label must include a statement explaining the meaning of the term natural (such as ‘no artificial ingredients; minimally processed’)”). Again, this would be the “kind of technical and esoteric message” no ordinary consumer would expect was intended by such label. *Federation of Homemakers v. Butz*, 466 F.2d 462, 466, 151 U.S.App.D.C. 291, 295 (C.A.D.C., 1972); *see also infra* Part V.B.2.

below (*infra* Part V.B.2), stakeholders are thus misled by the representations on the package to believe that Pilgrim's adheres to better animal welfare standards than it actually does.

The combined effect of the visual, video, and textual representations employed by Pilgrim's Pride and JBS in these advertisements, their webpages and reports, and Pilgrim's Fresh product labels, gives the consumer every reason to believe that the chicken products were produced by chickens living in humane conditions and a natural environment, and that those humane conditions existed during transport and slaughter as well.⁶⁶ It defies logic to suppose that a reasonable stakeholder would see these representations and believe that Pilgrim's chickens were produced in an environment not even remotely like the representations on the label or the Companies' websites.

B. Practices at Issue

Contrary to the "humane," "natural," and "family farm" representations on Pilgrim's products, websites, and other advertising, Pilgrim's Pride products very likely come from chickens inhumanely treated throughout the production process, including growth, transport, and slaughter. Because of Pilgrim's conduct and/or directives, its chickens, as a matter of standard business practices, appear to be treated in inherently unnatural, cruel, and inhumane manners throughout their entire lives. As detailed below, Pilgrim's practices related to animal welfare are contrary to how a reasonable stakeholder would understand its advertising claims regarding such issues.

⁶⁶ *Beneficial Corp. v. FTC*, 542 F.2d 611, 617 (3d Cir. 1976), *cert denied*, 430 U.S. 983 (1977); *accord Horizon Corp.*, 97 F.T.C. 464, 1981 WL 389410, at *269 (in determining whether a representation is deceptive, the Commission is not confined to analyzing "isolated words and phrases").

Additionally, undercover investigations spanning more than a decade and recent federal inspections have documented horrific abuse of chickens in the production of Pilgrim's Pride products. Undercover investigations in 2004, 2014, and 2017 at Pilgrim's Pride slaughterhouses and contract growing facilities, as well as whistleblower reports and inspections by the U.S. Department of Agriculture's ("USDA") Food Safety Inspection Service ("FSIS"), reveal a pattern of practices involving systemic animal cruelty, inhumane treatment, and abuse.

1. Inherently cruel practices of broiler chicken raising and slaughter.

Broiler chicken production and slaughter activities can be divided into at least eight stages: (1) hatching and growing (2) catching at the contract growing facility, (3) transportation to the slaughterhouse, (4) pre-slaughter handling, (5) attempted stunning, (6) attempted neck cutting, (7) scalding then plucking, and (8) dismemberment. Contrary to Pilgrim's Pride and JBS advertising that the Companies "ensure[] that birds are humanely raised and handled through all phases of hatching, growth, transport, and slaughter,"⁶⁷ many of the standardized practices Pilgrim's Pride uses at each stage of production are inherently cruel and are likely to cause pain and suffering to each chicken produced.

Factory farming, as practiced by Pilgrim's Pride and its suppliers, involves crowding unnaturally fast-growing and extraordinarily large chickens into warehouses, where they never go outdoors (*see infra* Part IV.B.1.a). When these birds reach slaughter weight, after approximately six weeks, they are then roughly caught by the legs and shoved into tightly packed cages to be transported to slaughter (*see infra* Part

⁶⁷ *Supra* notes 24-27.

IV.B.1.b). Their journey is fundamentally cruel. The tightly caged birds suffer from injuries inflicted during catching, feed and water deprivation, and possible temperature extremes (*see infra* Part IV.B.1.b). Such exposure, coupled with the stress and physical injuries that may occur during catching and caging, frequently kill birds en route to slaughter (*see infra* Part IV.B.1.b). Chickens are slaughtered on an assembly line, where the goal is speed, not welfare, resulting in some still-conscious animals being scalded while still conscious, among other cruelties (*see infra* Part IV.B.1.c). As described below, these factory farm processes appear to be widely employed by Pilgrim's Pride. The company's use of these practices squarely contradicts its humane, natural, and family farm claims.

a. Growing birds too fast and too big, overcrowding them, and using unnatural light cycles are inherently cruel growing practices used by Pilgrim's Pride.

Pilgrim's Pride controls every aspect of how its birds are grown, from hatching to slaughter, including the systems of production it directs its contract growers to employ.⁶⁸ The company owns the newborn chicks it delivers to contract growing facilities and supplies all the feed.⁶⁹ For about six to seven weeks after delivery of the chicks, the birds remain and "grow" in the same "house" of the contract growing facility to which they were delivered. Broiler grow-out houses are generally large rectangular warehouse-like buildings with litter (a substance designed to absorb some wet feces) and covered dirt floors. They are usually windowless, and almost always lack outdoor

⁶⁸ *See supra* notes 12-13 and accompanying text.

⁶⁹ *Our Chickens*, PILGRIM'S USA, <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019).

access.⁷⁰ These long, crowded, and waste-filled housing structures are acceptable under NCC guidelines (the standards Pilgrim's Pride has adopted and which it claims assure humane treatment) and, as the investigations described below show (*see infra* Part IV.B.2.a), Pilgrim's Pride mandates confinement of chickens in grow-out houses of this type, never letting the birds outside.⁷¹

Obviously, providing outdoor access so that chickens are grown in a more natural environment would do more to “ensure that birds are treated humanely and raised with care” or “ensure the best possible conditions.”⁷² An outdoor environment or at least outdoor access is what stakeholders, including consumers, expect when the product is labeled “natural.”⁷³ Outdoor access is beneficial to the wellbeing of the birds because, among other things, it provides more space to move freely, which can reduce the stress of overcrowding and allows chickens to express natural behaviors like

⁷⁰ See discussions *infra* pp. 28-30, 55-57.

⁷¹ See *infra* Parts IV.B.1-2; see also *National Chicken Council Animal Welfare Guidelines and Audit Checklist For Broilers* 9-10 (Feb. 2017), available https://www.nationalchickencouncil.org/wp-content/uploads/2018/07/NCC-Animal-Welfare-Guidelines_Broilers_July2018.pdf (hereinafter “NCC Standards”) (Attachment F).

⁷² Compare *supra* notes 40, 52; see also Spain CV, Freund D, Mohan-Gibbons H, Meadow RG, Beacham L. (2018). *Are They Buying It? United States Stakeholders' Changing Attitudes toward More Humanely Raised Meat, Eggs, and Dairy* 2. *ANIMALS* (Basel). 8(8):128, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6116027/> (hereinafter “Spain, et al., *Are They Buying It?*”) (“The US National Chicken Council whose member corporations represent approximately 95% of broiler chickens raised (i.e., young chickens raised for meat) reports that these animals are all raised entirely indoors in ‘growout houses’ with no outdoor access”).

⁷³ See Spain, et al., *Are They Buying It?* (“a 2015 Consumer Reports study found that stakeholders believed that a natural label indicates that animals went outdoors when there are no such requirements for this label”); Consumer Reports National Research Center: *Natural Food Labels Survey*, CONSUMER REPORTS, available http://greenerchoices.org/wp-content/uploads/2016/08/CR_2015_Natural_Food_Labels_Survey.pdf; see also *infra* notes 303, 306 and accompany text.

foraging, scratching, and perching in fresh air and natural sunlight.⁷⁴ Such conditions are not required by NCC standards, but they are required by other humane guidelines such as those from Global Animal Partnership (“GAP”) Step 3 and Humane Farm Animal Care (“HFAC”) standards for free-range or pasture raised chickens.⁷⁵

1. Poor air quality and sanitation

Inside the grow-out houses, air quality, harsh from dust and ammonia pollution, can affect the health of the birds. Birds can be harmed by ammonia from the decomposing waste on which they are forced to spend their lives. These conditions can cause respiratory problems, stress, viral and bacterial infections, structural damage to the lungs, ocular abnormalities, eye lesions, and in severe cases, blindness.⁷⁶

⁷⁴ Anne Fanatico, *Alternative Poultry Production Systems and Outdoor Access*, ATTRA (2006), at 14 available <https://ucanr.edu/sites/placernevadasmallfarms/files/102336.pdf>.

⁷⁵ Compare NCC Standards 9-10, with *Global Animal Partnership’s 5-Step® Animal Welfare Rating Standards for Chickens Raised for Meat v3.1* 25-26, GLOBAL ANIMAL P’S HIP (Apr. 2018) <https://globalanimalpartnership.org/wp-content/uploads/2018/04/GAP-Standard-for-Meat-Chickens-v3.1-20180403.pdf> (hereinafter “GAP Standards”) and *Humane Farm Animal Care Animal Care Standards: Chickens* 10, CERTIFIED HUMANE (Aug. 2014), <https://certifiedhumane.org/wp-content/uploads/Std14.Chickens.2A-3.pdf> (hereinafter “HFAC Standards”).

⁷⁶ Casey W. Ritz, et al., *Litter Quality and Broiler Performance*, UGA Extension Bulletin 1267 (Aug. 2017), available https://secure.caes.uga.edu/extension/publications/files/pdf/B%201267_5.PDF; Miles DM, Miller WW, Branton SL, Maslin WR, and Lott BD. (2006). *Ocular responses to ammonia in broiler chickens*. AVIAN DISEASES 50(1):45-9, p. 47; Olanrewaju HA, Miller WW, Maslin WR, et al. (2007). *Interactive effects of ammonia and light intensity on ocular, fear and leg health in broiler chickens*. INT’L J. OF POULTRY SCI. 6(10):762-9, p. 767; Al-Mashhadani EH and Beck MM. (1985). *Effect of atmospheric ammonia on the surface ultrastructure of the lung and trachea of broiler chicks*. POULTRY SCI. 64:2056-61, pp. 2058-60; Berg CC. (1998). *Foot-pad dermatitis in broilers and turkeys: prevalence, risk factors and prevention*. Doctor’s dissertation. Department of Animal Environment and Health, SLU. Acta Universitatis agriculturae Sueciae. Veterinaria 36, p. 16; Wathes CM. (1998). *Aerial emissions from poultry production*. WORLD’S

The floors in these buildings are layered with litter, which deteriorates and is not often removed.⁷⁷ As noted below (*see infra* Part IV.B.2.b), a Pilgrim’s contract grower turned whistleblower explains that the birds live in grow houses where the floor is covered in feces and states “there’s bloody poop laying all over the floor. Stakeholders do not know anything about their food or they would be disgusted, and they wouldn’t eat chicken at all.”⁷⁸ Moreover, HSUS’ investigator reported that the birds living in the grow-out house at Plainview Farm were living in their own waste, and the buildings reeked of ammonia (*see discussion infra* p. 56).

The accumulation of moisture in the litter flooring can also cause hock and foot pad lesions.⁷⁹ These conditions can be deadly. Excessive ammonia levels in the litter and air can increase mortality levels.⁸⁰ Once a day, the typical contract grower walks through the house to remove dead birds and cull birds that are injured, non-ambulatory, or are otherwise ill. This, too, is a practice witnessed at Pilgrim’s Pride facilities by an HSUS investigator who was tasked with the walk-through and removal

POULTRY SCI. J. 54:241-51, pp. 248-49; Muirhead S. (1992). *Ammonia control essential to maintenance of poultry health*. FEEDSTUFFS, April 13, p. 11; Kristensen HH and Wathes CM. (2000). *Ammonia and poultry welfare: a review*. WORLD’S POULTRY SCI. J. 56:235-45, p. 241.

⁷⁷ See, e.g., *Transporting to Processing and Getting Ready For The Next Flock*, at 1:05, CHICKEN CHECK IN, <https://www.chickencheck.in/day-in-the-life/> (last visited May 7, 2019), also available <https://youtu.be/N34PBtqBj9k> (discussing conditioning the litter in the houses).

⁷⁸ CompassionUSA, *Factory Farmers Expose Diseased Chickens*, at 2:18, YOUTUBE (Apr. 16, 2016), <https://youtu.be/ZVfHcXUUn-s>.

⁷⁹ Mark W. Dunlop, et. al., (2016). *The multidimensional causal factors of ‘wet litter’ in chicken-meat production*, SCI. OF THE TOTAL ENVIRONMENT. 562:766–776, pp. 767, 773-74.

⁸⁰ Miles DM, Branton SL, and Lott BD. (2004). *Atmospheric ammonia is detrimental to the performance of modern commercial broilers*. POULTRY SCI. 83(10):1650-4, pp. 1651-52, 1654.

of dead, dying and injured birds at Pilgrim’s Plainview Farm contract grow house (*see* discussion *infra* p. 57).

These practices are far from the “best possible” and do little to ensure the birds are “treated humanely.”⁸¹ For instance, GAP standards require a “Litter Quality Assessment” to be conducted for each flock between 15-20 days of age litter.⁸² This helps to ensure the problems discussed above, like those associated with ammonia-soaked litter, do not occur or persist.⁸³ Cleaning the litter more often and letting chickens have more access to the outdoors would also help reduce these problems and as such would provide better conditions for the birds.

2. Overcrowding

Many birds die or are injured in these houses, partly as a result of overcrowding. The birds, including those at Pilgrim’s Pride facilities (*see* discussion *infra* pp. 55-57), are so tightly stocked in barns that each bird has roughly 100 square inches of space to maneuver.⁸⁴ A stocking density this high is inherently inhumane because it prevents birds from engaging in natural movement and affects their health and welfare as a whole.⁸⁵ Research shows this stocking density contributes to a “greater mortality [rate]

⁸¹ *See supra* notes 36, 52.

⁸² GAP Standards at 21, 49-50.

⁸³ *See* HFAC Standards at 6 (explaining that “Hock and foot pad burns are caused by contact with litter which is both wet and contains a high level of ammonia from feces.”)

⁸⁴ *See* NCC Standards 11-12 (standard D5 on “Flock Husbandry” allows for up to 9 lbs. (of live chickens) per square foot).

⁸⁵ Shields, S. and Greger, M. (2013). *Animal Welfare and Food Safety Aspects of Confining Broiler Chickens to Cages*, ANIMALS, pp. 389-90; *see also* Hall, A.L. (2001). *The effect of stocking density on the welfare and behaviour of broiler chickens reared commercially*. ANIMAL WELFARE, 10, 23–40, pp 34-37; S. Buijs, L. Keeling, S. Rettenbacher, E. Van Poucke, and F. A. M. Tuytens (2009). *Stocking density effects on broiler welfare: Identifying sensitive ranges for different indicators*, POULTRY SCI., Vol.

. . . , a higher incidence of leg problems, more contact dermatitis, increased carcass bruising, disrupted resting behaviour, and decreased locomotion and ground pecking.”⁸⁶ Overcrowding also causes stress, reduces immunity, and decreases the birds’ ability to fight infection and disease.⁸⁷

As discussed below, an HSUS investigator at a Pilgrim’s Pride contract grow house witnessed the horrors of overstocking. This investigator described the buildings as so overcrowded that the birds could barely move (*see discussion infra* pp. 55-57). Pilgrim’s Pride apparently only requires its contract growers to meet the NCC guidelines for stocking density. As such, the level of crowding Pilgrim’s appears to allow does not meet an acceptable animal welfare standard and is inconsistent with what stakeholders would reasonably consider “humane” treatment (*see discussion infra* pp. 70, 83-84). For instance, a contractor who raises chickens for Pilgrim’s packs 60,000 chickens per 66×600-foot chicken house, which means each bird is given less than 100 square inches of space.⁸⁸

The practice of stocking birds so tightly as to only provide them 100 square inches of space is far from ideal and is absolutely not the most humane option possible.

88, Issue 8, 1 August 2009, Pages 1536–1543, p. 1536, <https://doi.org/10.3382/ps.2009-00007>; *see also* Sanotra GS, Lawson LG, Vestergaard KS, and Thomsen MG. (2001). *Influence of stocking density on tonic immobility, lameness, and tibial dyschondroplasia in broilers*. J. OF APPLIED ANIMAL WELFARE SCI. 4(1):71-87, pp. 85-86.

⁸⁶ Shields, S. and Greger, M. (2013). *Animal Welfare and Food Safety Aspects of Confining Broiler Chickens to Cages*, ANIMALS, pp 389-90, p. 390.

⁸⁷ Gomes, A. V. S., Quinteiro-Filhoa, W. M., Ribeiro, A., Ferraz-de-Paulaa, V., Pinheiroa, M. L. Baskevillia, E., Akaminea, A. T., Astolfi-Ferreirab C. S., Ferreirab A. J. P. and J. Palermo-Netoa. (2014). *Overcrowding stress decreases macrophage activity and increases Salmonella Enteritidis invasion in broiler chickens*, AVIAN PATHOLOGY, 43(1):82-90.

⁸⁸ “Triple G Farm,” PILGRIM’S USA, <https://www.pilgrimsusa.com/featured-grower/triple-g-farm/> (last visited May 7, 2019).

For instance, when it comes to egg laying hens, California voters just passed an initiative that requires egg-laying hens to have at least one square foot of space, which is 44% more space than Pilgrim's NCC standards provide for broilers, which are typically bigger birds; and the people of Massachusetts passed an initiative that gave birds even more space: 1.5 square feet.⁸⁹ The same space requirements are also used by other humane standards for broilers, for instance even the lowest standards of GAP require a full square foot for birds that are 6.5 pounds; though, this standard will soon be capped at 6 pounds like the HFAC standards.⁹⁰

3. Rapid growth

Problems associated with the miserly amount of space each bird is allowed are exacerbated by the birds' unnaturally rapid weight gain. With few exceptions, nearly all commercially raised broiler chickens, including those that end up as Pilgrim's Pride products (as described below), have been selectively bred for rapid growth to market weight (*see, e.g.*, discussions *infra* pp. 57, 62). This growth rate is the outcome of decades of selective breeding in the meat chicken industry. An average broiler chicken in 1920

⁸⁹ California Attorney General, "Initiative 17-0026," (Aug. 29, 2017) *available* https://www.oag.ca.gov/system/files/initiatives/pdfs/17-0026%20%28Animal%20Cruelty%29_0.pdf; MA ST 129 App. § 1-5 ("Fully extending the animal's limbs' means . . . having access to at least 1.5 square feet of usable floor space per hen").

⁹⁰ *See* GAP Standards at 22; *see also* HFAC Standards at 16 ("Stocking density . . . allowance must not exceed 6 lbs./ft²"); *compare supra* note 84.

reached 2.2 pounds in 16 weeks.⁹¹ In 2017, the average market weight for Pilgrim's Pride chickens after 6-7 weeks was 5.72 pounds.⁹²

This unnaturally fast rate of growth causes severe welfare problems and is inherently cruel. Accordingly, using fast growing birds, as Pilgrim's Pride appears to do, is inherently cruel. So much so that a Pilgrim's Pride contract grower turned whistleblower explained that it would be the primary practice he would change. (*See infra* Part IV.B.2.b). He explained, "you're growing this bird so fast, its heart and its frame cannot sustain this bird . . . and then, ok, that bird dies."⁹³ The European Union's Scientific Committee on Animal Health and Animal Welfare ("SCAHAW") seems to agree that rapid growth is of paramount concern. SCAHAW "concluded, in their scientific report on the welfare of broilers, that fast growth was not only responsible for most of the welfare problems seen in broilers, but also for the most severe."⁹⁴

According to University of Bristol professor emeritus John Webster, fast-growing broiler chickens are the only farm animals that are in chronic pain for the last 20% of their lives because of this growth rate.⁹⁵ These chickens are plagued with health

⁹¹ Aho PW. 2002. Introduction to the US chicken meat industry. In: Bell DD and Weaver WD Jr (eds.), *Commercial Chicken Meat and Egg Production*, 5th Ed. (Norwell, MA: Kluwer Academic Publishers); *see also U.S. Broiler Performance*, NAT'L CHICKEN COUNCIL, <https://www.nationalchickencouncil.org/about-the-industry/statistics/u-s-broiler-performance/> (last visited May 7, 2019) (indicating the market weight for a bird in 1925 was 2.5 pounds at 112 days).

⁹² Watt Poultry USA (March 2018), p. 27 <http://www.wattpoultryusa-digital.com/201803/index.php#/34> (last visited May 7, 2019).

⁹³ CompassionUSA, *Factory Farmers Expose Diseased Chickens* at 3:05, YOUTUBE (Apr. 16, 2016), <https://youtu.be/ZVfHcXUUn-s>.

⁹⁴ Cooper MD and Wrathall JHM. (2010). *Assurance schemes as a tool to tackle genetic welfare problems in farm animals: broilers*. ANIMAL WELFARE, 19 (Supplement):51-6 at 52.

⁹⁵ Greger M. (2012). *The Welfare of Transgenic Farm Animals*, in *Biotechnology*, Sammour, R.H., INTECHOPEN, DOI: 10.5772/29260 *available*

problems. Faster growth causes leg disorders, cardiovascular problems, twisted and bowed bone deformities, ruptured tendons, lameness, and other painful conditions, particularly near the end of the growing cycle, when the birds are at their heaviest.⁹⁶ Other metabolic diseases include heart failure and ascites, a condition caused by insufficient heart and lung capacity.⁹⁷ Because of this abnormal growth rate that Pilgrim's chose to make a part of its business plan, its chickens suffer continuously, and, for many, the suffering worsens with each passing day.

Moreover, in the last few weeks of their lives, some birds are so injured or are in such chronic pain that they cannot even stand up and are thus forced to lie down on the feces covered floor of the windowless metal building they are crammed into. If not found and culled by the producer, these birds will die from lack of access to feed and water. Even the birds that are able to walk are still mostly sedentary because moving under

<https://www.intechopen.com/books/biotechnology-molecular-studies-and-novel-applications-for-improved-quality-of-human-life/the-welfare-of-transgenic-farm-animals>.

⁹⁶ See Boersma S. (2001). *Managing rapid growth rate in broilers*, WORLD POULTRY, 17(8):20-1; Julian RJ. (2004). *Evaluating the impact of metabolic disorders on the welfare of broilers*. In: Weeks CA and Butterworth A (eds.), *Measuring and Auditing Broiler Welfare* (Wallingford, U.K.: CABI Publishing, pp. 51-9); Havenstein GB, Ferket PR, Scheideler SE, and Larson BT. (1994). *Growth, livability, and feed conversion of 1957 vs 1991 broilers when fed "typical" 1957 and 1991 broiler diets*. POULTRY SCI., 73(12):1785-94; Bessei W. (2006). *Welfare of broilers: a review*. WORLD'S POULTRY SCI. J. 62(3):455-66; Rauw WM, Kanis E, Noordhuizen-Stassen EN, and Grommers FJ. (1998). *Undesirable side effects of selection for high production efficiency in farm animals: a review*. LIVESTOCK PRODUCTION SCI., 56(1):15-33; Li Z, Nestor KE, and Saif YM. (2001). *A summary of the effect of selection for increased body weight in turkeys on the immune system*. In: Eastridge ML (ed.), *Research and Reviews: Poultry* (Wooster, OH) The Ohio State University Agricultural Research and Development Center, pp. 21-8.

⁹⁷ Because it is regularly found during chicken slaughter an FSIS directive requires inspection for ascitic fluid, and condemnation of the birds it is found in (removal from the human food supply) and such condemnations must be recorded. See FSIS PHIS Directive 6100.3 (Apr. 11, 2011).

all the extra weight is difficult and probably painful.⁹⁸ Consequently, because Pilgrim's Pride appears to use broiler chicken genetic lines that are selectively bred for unnaturally fast growth (*see* discussions *infra* pp. 57, 62), the chickens that it raises spend a full fifth of their short lives in chronic pain—sometimes so severe that it effectively immobilizes them. (*See infra* Part IV.B.2.b). This genetic manipulation is thus far from natural. It is inherently and severely cruel and is directly contrary to the natural and humane claims Pilgrim's Pride and JBS make.

Fast growth is not the “highest standard” or the most humane system “possible,” as Pilgrim's had claimed nor is it a practice that, while allowable under NCC guidelines, “ensure[s] that the birds are treated humanely” as Pilgrim's continues to claim.⁹⁹ There exist slower growing strains of birds that exhibit far fewer animal welfare problems than their fast-growing counterparts.¹⁰⁰ And other humane standards, such as GAP's, limit the rate of growth to curb the health problems associated with rapid growth.¹⁰¹ The NCC standards do not even mention growth rate and thus cannot possibly ensure

⁹⁸ *See supra* note 95; *see also* Bizeray D, Leterrier C, Constantin, P, Picard M and Faure JM. (2000). *Early locomotor behaviour in genetic stocks of chickens with different growth rates*, APPLIED ANIMAL BEHAVIOUR SCI., 68:231-42; McGeown D, Danbury TC, Waterman-Pearson AE, and Kestin SC. (1999). *Effect of carprofen on lameness in broiler chickens*, THE VETERINARY RECORD, 144:668-71; Nääs IA, Paz ICLA, Baracho MS, et al., (2009). *Impact of lameness on broiler well-being*. J. OF APPLIED POULTRY RESEARCH, 18:432-9; Caplen G, Hothersall B, Murrell JC, Nicol CJ, Waterman-Pearson AE, et al. (2012). *Kinematic analysis quantifies gait abnormalities associated with lameness in broiler chickens and identifies evolutionary gait differences*. PLoS ONE 7(7): e40800.

⁹⁹ *See supra* notes 36, 37, 42.

¹⁰⁰ *See* Cooper MD and Wrathall JHM. (2010). *Assurance schemes as a tool to tackle genetic welfare problems in farm animals: broilers*. ANIMAL WELFARE, 19 (Supplement):51-6.

¹⁰¹ GAP Standards at 39-40; HFAC standards also acknowledge rapid growth causes health problems. *See* HFAC Standards at 2, 18, 36.

the best possible conditions for [Pilgrim's] flocks" or "ensure that birds are treated humanely and raised with care."¹⁰²

4. Unnatural light and dark cycles

Lighting practices, designed to keep the broilers awake, and eating longer, have further impacts on the health and welfare of the birds. Broiler chickens have enormous appetites and feed over 50 times in a 24-hour period, and they spend about 3% of their day drinking.¹⁰³ To promote more eating and thus enhance growth rates, lights may be kept on in facilities for 20 hours a day.¹⁰⁴ This unnatural light cycle is extremely detrimental to the birds' welfare. Chickens receiving only four hours of darkness do not rest long enough for the sleep needed to correct growth that would otherwise reduce bone abnormalities.¹⁰⁵ The practice of keeping the lights on for 20 hours a day also leads to higher mortality rates.¹⁰⁶ Moreover, this lighting practice is not the most humane

¹⁰² Compare *id.* with *supra* notes 36, 52.

¹⁰³ C.A. Weeks et al., (2000). *The behavior of broiler chickens and its modification by lameness*, APPLIED ANIMAL BEHAVIOUR SCI., 67: 111.

¹⁰⁴ NCC Standards 12 ("birds are provided with a minimum four hours of darkness every 24 hours. The four hours of darkness may be provided in increments of one, two, or four hours."); Gordon SH. (1994). *Effects of daylength and increasing daylength programmes on broiler welfare and performance*. WORLD'S POULTRY SCI. J., 50:269-82 ("Continuous or near continuous daylengths . . . allow uniform access to feed . . . for maximum feed intake and growth by exploiting the birds' feeding behaviour.").

¹⁰⁵ Malleau AE, Duncan IJH, Widowski TM, and Atkinson JL. (2007). *The importance of rest in young domestic fowl*. APPLIED ANIMAL BEHAVIOUR SCI., 106:52-69; Gordon SH. (1994). *Effects of daylength and increasing daylength programmes on broiler welfare and performance*. WORLD'S POULTRY SCI. J., 50:269-82; Moller AP, Sanotra GS, Vestergaard KS (1999). *Developmental instability and light regime in chickens*. APPLIED ANIMAL BEHAVIOUR SCI., 62: 57-71.

¹⁰⁶ Gordon SH and Tucker SA. (1995). *Effect of daylength on broiler welfare*. BRITISH POULTRY SCI., 36(5):844-5; Gordon SH and Tucker SA. (1997). *Effect of light programme on broiler mortality, leg health and performance*. BRITISH POULTRY SCI., 38 (Supplement): S6-7.

way “possible” to raise chickens as Pilgrim’s had claimed.¹⁰⁷ Humane standards other than those adopted by Pilgrim’s require longer, more natural periods of darkness. For instance, HFAC standards require “[a] minimum period of 6 continuous hours of darkness in every 24-hour cycle.”¹⁰⁸

5. *Lack of environmental enrichments*

Chickens in Pilgrim’s facilities are not provided environmental enrichments as evidenced by the investigations discussed below (*see infra* Part IV.B.2) and the lack of any mention of them in the NCC standards that Pilgrim’s Pride has adopted.¹⁰⁹ According to GAP standards, “[e]nvironmental enrichments are materials that are provided to chickens to add complexity to their environment and encourage the expression of natural behavior (such as pecking, scratching, exploration and play behavior).”¹¹⁰ Environmental enrichments are important to the birds’ health.¹¹¹ Not providing these enrichments is clearly in direct conflict with Pilgrim’s past claim that the birds are “raised . . . as humanely as possible” in accordance with the “highest standards” and is also in conflict with its current assurance “that birds are treated humanely and raised with care,” as well as JBS’s claim that its flocks have “the best

¹⁰⁷ Compare *supra* note 40.

¹⁰⁸ HFAC Standards at 6.

¹⁰⁹ See generally NCC Standards; see also *supra* note 1.

¹¹⁰ GAP Standards at 2, 53-69.

¹¹¹ See, e.g., Balog JM, Bayyari GR, Rath NC, Huff WE, and Anthony NB. (1997). *Effect of intermittent activity on broiler production parameters*. POULTRY SCI., 76:6-12; Ventura BA, Siewerdt F, and Estevez I. (2012). *Access to barrier perches improves behavior repertoire in broilers*. PLoS ONE 7(1):e29826. www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0029826.

possible conditions.”¹¹² Other animal welfare standards, such as GAP’s, require enrichments.¹¹³

The five growing practices just described are allowed by the NCC’s purported “humane” standards that Pilgrim’s Pride has adopted, and because Pilgrim’s has admittedly adopted these standards, they are likely used on each of their hundreds of millions of birds.¹¹⁴ As a result, it is likely that a very large percentage of Pilgrim’s Pride birds suffer additional discomfort from living in polluted and overcrowded conditions, having weakened skeletal structures and worsened leg problems from unnaturally fast growth,¹¹⁵ and lacking outdoor access and environmental enrichments (*see supra* Parts IV.B.1.a.1-5). Indeed, many of these practices have been witnessed by investigators or described by whistleblowers at Pilgrim’s Pride facilities (*see infra* Part IV.B.2). Thus, every bird produced in Pilgrim’s Pride facilities likely is exposed to and at risk of enduring the cruelties inherent in these practices.

b. Transport at Pilgrim’s Pride facilities involves catching birds and packing them into stacked, cramped cages—practices that cause the animals pain and stress.

1. Catching

Once Pilgrim’s Pride determines that the chickens have reached slaughter weight, it sends “catching crews” into the contract growing facility houses to grab the

¹¹² *Supra* notes 36, 40, 52.

¹¹³ *See supra* note 110.

¹¹⁴ *See supra* note 1; *see also, e.g., infra* note 154.

¹¹⁵ Knowles TG, Kestin SC, Haslam SM, et al. (2008). *Leg disorders in broiler chickens: prevalence, risk factors and prevention*. PLoS ONE 3(2):e1545. doi:10.1371/journal.pone.0001545, *available* www.plosone.org/article/info:doi/10.1371/journal.pone.0001545.

chickens, as many as five per hand, and load the birds into stacked cages, which are also called “drawers.” (*see infra* Part IV.B.2.a). Indeed, HSUS’ investigator noted catching crews arrived when the birds were 50 days old, and crew members were encouraged to catch as many birds by the legs as possible (*see infra* Part IV.B.2.a). Chickens are typically caught by the legs and held upside down as they are swung into cages (*see, e.g., infra* Part IV.B.2.). This is extremely stressful for the birds because “[h]anging upside down is a physiologically abnormal posture for chickens.”¹¹⁶ Injuries commonly occur during this process as the birds are quickly crammed into cages and caught in the closing drawers. Common injuries include wing and leg fractures, dislocated limbs, and detachment of the growth plates between bones.¹¹⁷

Pilgrim’s could turn to other welfare standards to find practices that would allow them to catch birds more humanely. For instance, HFAC standards require that a crew member “be made responsible for supervising, monitoring, and maintaining high Animal Care Standards throughout the [catching process] and loading of birds onto the transport vehicle” and explain that “[s]ufficient time must be made available to ensure birds are handled with care.”¹¹⁸ GAP standards limit the numbers of chickens that can be caught to two to four chickens depending on the level of certification, and the most animal-welfare-protective GAP level requires “[e]ach chicken [to] be caught by the body with both hands and carried upright.”¹¹⁹ Four chickens per hand is half the amount

¹¹⁶ Shields, Sara J. and Raj, A. B. M. (2010). *A Critical Review of Electrical Water-Bath Stun Systems for Poultry Slaughter and Recent Developments in Alternative Technologies*, J. OF APPLIED ANIMAL WELFARE SCI., 13: 4, at 283.

¹¹⁷ Käthe Elise Kittelsen, et al. (2018). *An Evaluation of Two Different Broiler Catching Methods*, ANIMALS, 8, 141.

¹¹⁸ HFAC Standards at 23.

¹¹⁹ GAP Standards at 28.

HSUS' investigator witnessed crew members catching at a Pilgrim's facility (*see* discussion *infra* p. 60) and less than the five to ten birds per hand allowed by NCC standards.¹²⁰ Moreover, Pilgrim's catching practices do not "ensure the birds are treated humanely" as the practices do not "prevent or minimize fear, pain [or] stress" and are nowhere near the "highest standards" as previously claimed, for example, GAP standards, which in some cases mandate that chickens are picked up individually and carried upright.¹²¹

2. Overcrowding

Once the cages are full, they are loaded onto trucks and stacked on top of each other. Trucks then transport the caged broiler chickens to the slaughterhouse. The company's website obscurely depicts this with a photo taken from a distance that precludes seeing conditions inside transport cages:



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¹²⁰ NCC Standards at 13.

¹²¹ Compare *supra* notes 29, 36.

¹²² *Our Chickens*, "Raising Pilgrim's Chickens," PILGRIM'S USA, <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019).

Pilgrim's Pride has described this mode of transport as "helping to ensure that our birds are . . . transported . . . as humanely as possible."¹²³ JBS contends that "[i]n all aspects of transport and handling, [it] require[s] that . . . poultry be treated humanely and kept as calm as possible."¹²⁴ Most stakeholders do not possess the knowledge to evaluate whether this practice keeps birds "as calm as possible" or determine how this method compares to other more humane methods. For instance, Animal Welfare Approved ("AWA") standards prohibit overcrowding during transport¹²⁵ and "[d]uring transport, all birds must be protected from harm and thermal stress."¹²⁶ Pilgrim's Pride materially omits information relevant to other transport options and the harms associated with its chosen method, including overcrowding. Most stakeholders would not expect a mode of transport that causes injuries to, and the death of, many birds due to very tight confinement to be the option that treats the birds "humanely" and "with care."¹²⁷ (See *infra* Part V.B).

Because it is so commonplace, FSIS has developed terminology to describe birds that die during transportation, "dead-on-arrivals," or "DOAs."¹²⁸ JBS even acknowledges that "chickens can die [during transport] prior to arrival at the production facility."¹²⁹ The Companies omit, however, that these birds often die from

¹²³ *Id.* (emphasis added).

¹²⁴ JBS Sustainability Report at 108.

¹²⁵ *Meat Chicken Standards* 13.0.7, A GREENER WORLD (2018), <https://agreenerworld.org/certifications/animal-welfare-approved/standards/meat-chicken-standards/> (last visited May 7, 2019) (hereinafter "AWA Standards").

¹²⁶ *Id.* at 13.0.10; see also GAP Standards at 29 ("All chickens must be able to sit on the floor of the container at the same time"), 30 ("vehicles must be managed to provide for the thermal comfort of chickens at all times").

¹²⁷ *Supra* note 36.

¹²⁸ 9 CFR § 381.71.

¹²⁹ JBS Sustainability Report at 108.

being crushed, suffocated, or from other injuries or disease.¹³⁰ These fatal outcomes are made more likely because the birds are stressed from the growing practices described in the previous section (*see supra* Part IV.B.1.a). Based on the photo above, news coverage, and investigator reports, it appears every bird Pilgrim's Pride produces is transported to slaughter in the same rough and cruel manner described above. This cannot be reconciled with the Companies' humane claims.

c. Slaughter practices such as shackling, stunning, and scalding are inherently inhumane and appear to be standard practices used by Pilgrim's Pride.

As confirmed by undercover investigations, whistleblowers, and USDA inspectors (*see infra* Part IV.B.2), as well as the NCC standards Pilgrim's claims to have adopted, Pilgrim's Pride slaughterhouses appear to use the following slaughter processes.

1. Live kill line and shackling

First, workers use a forklift, as depicted below, to remove the chickens and their cages from the transportation trucks and move them to a slaughter line, in what is commonly called a "live hang room."

¹³⁰ See Ritz CW, Webster AB, and Czarick M III. (2005). *Evaluation of hot weather thermal environment and incidence of mortality associated with broiler live haul*. J. OF APPLIED POULTRY RESEARCH, 14(3):594-602; Nijdam E, Zailan ARM, van Eck JHH, Decuyper E, and Stegeman JA. (2006). *Pathological features in dead on arrival broilers with special reference to heart disorders*. POULTRY SCI., 85:1303-8.



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Chickens are dumped onto a conveyor belt, which is painful for birds given, especially, their poor leg health (*see supra* Part IV.B.1.a), and workers segregate DOAs from live birds, tossing the DOAs into bins. After segregation, workers hang the birds in metal shackles attached to an overhead line, leaving the live birds to hang upside down by their legs while fully conscious as they are conveyed through processing facilities. As

¹³¹ Chattanooga Times Free Press, *John Murphy plans apartments next to Pilgrim's Pride in Chattanooga*, YOUTUBE (July 7, 2017), <https://www.youtube.com/watch?v=quuE3dgx-CM>; *see also Chattanooga's Pilgrim's Pride One Of Worst Poultry Slaughterhouses In State*, CHATTANOOGA TIMES FREE PRESS (Nov. 24, 2014), <https://www.timesfreepress.com/news/local/story/2014/nov/24/chattanoogas-pilgrims-pride-one-of-worst-poultry/275334/>; Ellis Smith, *Pilgrim's Pride Pushes Back On Planners*, CHATTANOOGA TIMES FREE PRESS (July 22, 2012), <https://www.timesfreepress.com/news/business/aroundregion/story/2012/jul/22/pilgrim-s-pride-pushes-back-on-planners/83075/>; Tom Wilemon, *Group: Tennessee Poultry Plants Racked Up Citations*, TENNESSEAN (Nov. 22, 2014), <https://www.tennessean.com/story/news/2014/11/22/group-tennessee-poultry-plants-racked-citations/19396657/>.

JBS explains, “chickens are picked up by their legs and placed into shackles by trained team members.”¹³² This hanging is painful for the birds due especially to their weakened or injured legs and the rough manner in which they are hung.¹³³

Additionally, during this live hang process, workers sometimes subject birds to additional abuses. For instance, a 2004 investigation showed so-called “trained team members” at a Pilgrim’s slaughterhouse “stomping on chickens, kicking them, [] violently slamming them against floors and walls, . . . rip[ping] the animals' beaks off, twist[ing] their heads off, sp[itting] tobacco into their eyes and mouths, spray-paint[ing] their faces, and squeez[ing] their bodies so hard that the birds expelled feces.”¹³⁴

A study published in the peer-reviewed journal *Neuroscience* indicates that upside-down leg shackling is painful for the chickens, and this pain is made worse by the fact that many broilers suffer from abnormalities of the leg joints or bones.¹³⁵ Moreover, as stated above, hanging upside-down is a physiologically abnormal posture for chickens, and multiple studies, published in the peer-reviewed journal *British Poultry Science*, have shown that inversion and shackling is traumatic and stressful.¹³⁶ These studies have also shown that approximately 90% of birds flap their wings

¹³² JBS Sustainability Report at 110-11.

¹³³ See text accompanying *infra* note 193.

¹³⁴ *Thousands of Chickens Tortured by KFC Supplier*, KENTUCKY FRIED CRUELTY, <http://www.kentuckyfriedcruelty.com/u-pilgrimspride.asp> (last visited May 7, 2019); see also text accompanying *infra* note 212.

¹³⁵ See Gentle, M. J., & Tilston, V. L. (2000). *Nociceptors in the legs of poultry: Implications for potential pain in pre-slaughter shackling*. ANIMAL WELFARE, 9, 227–236.

¹³⁶ See, e.g., Debut, M., Berri, C., Arnould, C., Guemené, D., Santé-Lhoutellier, V., Sellier, N., ... Le Bihan-Duval, E. (2005). *Behavioural and physiological responses of three chicken breeds to pre-slaughter shackling and acute heat stress*. BRITISH POULTRY SCI., 46, 527–535.

vigorously when forced into this position, which can lead to broken bones and dislocated joints.¹³⁷ As such, shackling birds in such a manner is inhumane. Because it was witnessed by an HSUS investigator and others at Pilgrim’s slaughterhouses, this is yet another cruelty Pilgrim’s Pride likely inflicts on every bird the company slaughters (*see infra* Part IV.B.2.). The practice of shackling birds in the manner just described is also far from the most “humane[] . . . possible” and does nothing to “ensure that birds are treated humanely.”¹³⁸ Other humane standards do much more to ensure humane treatment and have stricter requirements when it comes to shackling, including, but not limited to, requiring birds be hung without causing unnecessary pain and suffering, rendering birds unconscious via a Controlled Atmosphere Stunning (“CAS”) System prior to shackling,¹³⁹ limiting the time the birds are suspended, and restricting line speed (*see infra* Part IV.B.1.c.5).¹⁴⁰

2. Stun baths

Once shackled, the mechanized line drags each chicken through an electrified vat of water called a stun bath—this electrified bath is supposed to “stun” the birds, *i.e.*, render them unconscious. Almost all Pilgrim’s Pride chickens are electrically shocked by such electric “stunning,” as this practice has been witnessed by several slaughterhouse investigators (*see infra* Parts IV.B.2.a, c) and is allowed under the NCC

¹³⁷ Shields, Sara J. and Raj, A. B. M. (2010). *A Critical Review of Electrical Water-Bath Stun Systems for Poultry Slaughter and Recent Developments in Alternative Technologies*, J. OF APPLIED ANIMAL WELFARE SCI., 13: 4, at 283; Kannan, G., Heath, J. L., Wabeck, C. J., & Mench, J. A. (1997). *Shackling of broilers: Effects on stress responses and breast meat quality*. BRITISH POULTRY SCI., 38, 323–332.

¹³⁸ *Supra* notes 36, 40.

¹³⁹ *See infra* note 156 and accompanying text.

¹⁴⁰ *See, e.g.*, HFAC at 30; *compare* NCC Standards at 16-17.

guidelines Pilgrim's has adopted.¹⁴¹ As JBS explains, once the birds have been shackled "[t]hey are then stunned to make sure they are insensible to pain when processed."¹⁴² However, even when used correctly, the stun bath is fundamentally flawed in that it may never truly render birds insensible to pain.¹⁴³ The most obvious failure is that some birds miss the stun bath altogether and thus cannot possibly be stunned.¹⁴⁴ Of those that do make contact with the stun bath, scientific studies have shown that some birds experience painful electric shocks prior to being "stunned" due to wing-flapping at the entrance to the stunner.¹⁴⁵ Moreover, studies published in journals such as *Poultry Science* have shown that the birds may experience electrically-induced paralysis, seizures, and cardiac arrest while still conscious.¹⁴⁶

Many of these problems are likely a result of the use of low amperage during this process. Most U.S. slaughter facilities fail to use sufficient amperage in their stun baths and refuse to increase the voltage because low voltages "prevent meat damage."¹⁴⁷

¹⁴¹ NCC Standards 16-17.

¹⁴² JBS Sustainability Report at 111.

¹⁴³ See Pl. Mtn. for S.J., *Dr. Ellen Levine, et al., v. Mike Johanns*, 2007 WL 2887836 (N.D.Cal.), Declaration of Dr. Mohan Raj ("Raj Decl.") ¶¶ 19-24 (Exh. 1) (Attachment G).

¹⁴⁴ *AVMA Guidelines for the Humane Slaughter of Animals* 21, AMERICAN VETERINARY MED. ASS'N (2016), <https://www.avma.org/KB/Resources/Reference/AnimalWelfare/Documents/Humane-Slaughter-Guidelines.pdf> (hereinafter "AVMA Guidelines") ("One of the most common problems is birds missing the stunner water bath because they are extremely small or stunted and are mixed in with market-ready birds. These birds are too short to have direct contact with the water bath.").

¹⁴⁵ Shields, Sara J. and Raj, A. B. M. (2010). *A Critical Review of Electrical Water-Bath Stun Systems for Poultry Slaughter and Recent Developments in Alternative Technologies*, J. OF APPLIED ANIMAL WELFARE SCI., 13: 4, at 284; AVMA Guidelines at 21.

¹⁴⁶ See Pl. Mot. for S.J., *Dr. Ellen Levine, et al., v. Mike Johanns*, 2007 WL 2887836 (N.D.Cal.), Declaration of Dr. Mohan Raj ("Raj Decl.") ¶ 21 (Exh. 1).

¹⁴⁷ AVMA Guidelines at 21.

In the European Union (“EU”), amperage must be high enough to render the birds unconscious.¹⁴⁸ Yet, in the United States there are no federal regulations that prescribe specific amperages for the electric stunning of poultry, and the NCC standards that Pilgrim’s has adopted do not set minimum or specific amperage requirements.¹⁴⁹ This is highly problematic because the birds may not receive an electrical shock sufficient to render them unconscious, and the low amperage can lead to a “rapid return to consciousness after stunning.”¹⁵⁰

This treatment, including the possibility that some birds will not be properly stunned, whether it be due to low amperage or failure to make contact with the bath, is contemplated by and permitted under the NCC Guidelines.¹⁵¹ In fact, NCC standards only set a goal of having 99% of the birds effectively stunned, and no corrective action is required until the percentage of effectively-stunned birds drops below 98%.¹⁵² Two percent of the total number of birds Pilgrim’s slaughters every week is well over a half a million birds.¹⁵³ This means every year Pilgrim’s could fail to stun roughly thirty one million birds, subjecting each one to horrific pain and torment, without risking even a

¹⁴⁸ OIE Terrestrial Animal Health Code, Chapter 7.5, Article 7.5.7, Stunning methods, 3. Electrical stunning.

¹⁴⁹ *See generally* NCC Standards.

¹⁵⁰ AVMA Guidelines at 21.

¹⁵¹ *See* NCC Standards at 17. (“The goal is to have at least 99% of the birds effectively stunned which renders the bird insensible to pain... Corrective action must be initiated if the percentage of effectively-stunned birds is below 98%”). One percent of the weekly slaughter count of Pilgrim’s Pride birds is still on average over 300,000 chickens, which does not trigger any corrective action under the NCC standards. *See id.*; Watt Poultry USA (March 2018), p. 30 <http://www.wattpoultryusa-digital.com/201803/index.php#/38> (1% of 30.28 million head is 302,800).

¹⁵² *Id.*

¹⁵³ *See id.*

corrective action under the NCC guidelines.¹⁵⁴ Consequently, stun baths inherently cause unnecessary pain and suffering to broiler chickens, and the use of these stun baths is another practice that appears to be uniformly employed by Pilgrim's Pride.¹⁵⁵

Moreover, as evidenced by the EU requirements, using higher amperage would be more humane. In fact, not using these faulty stun baths entirely would be the even more humane option. Pilgrim's Pride has even adopted a different, more humane process for some of its other brands known as a Controlled Atmosphere Stunning ("CAS") System.¹⁵⁶ The CAS system is a practice supported by animal welfare proponents because, among other reasons, it is 100% effective at rendering birds insensible, as opposed to the cruel stun baths that leave many birds conscious to suffer from kill blades and scalders (*see infra* Parts IV.B.1.c.3, 4). Consequently, Pilgrim's previous claims that its birds are "processed as humanely as possible" and that it meets the "highest standards" for welfare are knowingly false, and its claims to "ensure birds are treated humanely" and "humanely . . . process the birds under [its] care" are knowingly deceptive as well.¹⁵⁷

¹⁵⁴ See *id.* (600,000 birds per week (roughly 2% of Pilgrim's average weekly slaughter) multiplied by 52 weeks in a year equals 31,200,000 birds per year).

¹⁵⁵ See Pl. Mtn. for S.J., *Dr. Ellen Levine, et al., v. Mike Johanns*, 2007 WL 2887836 (N.D.Cal.), Declaration of Dr. Mohan Raj ("Raj Decl.") ¶¶ 15, 19, 27 (Exh. 1); *see also* Shields, Sara J. and Raj, A. B. M. (2010). *A Critical Review of Electrical Water-Bath Stun Systems for Poultry Slaughter and Recent Developments in Alternative Technologies*, J. of Applied Animal Welfare Sc., 13: 4, 281 - 299.

¹⁵⁶ *Cargill To Install Controlled Atmosphere Stunning System*, CHICK-NEWS (Apr. 2, 2018), http://www.chick-news.com/Share.aspx?Site_Copy_ID=43385.

¹⁵⁷ See *supra* notes 36, 37, 40.

3. *Kill blade*

As described below, Pilgrim's process involves the use of a kill blade just like those standardly used by industrialized chicken slaughter operations. (*see infra* Parts IV.B.2.a, c). Once stunning is attempted, the slaughter line continues on to "cutting," via the "kill blade." In cases when the kill blade misses the chickens, at least one "back-up killer" employee works the line to cut the necks of any missed chicken. Chickens are supposed to die from exsanguination, also called "bleeding out." But, again, NCC standards only suggest that companies aspire to effectively cut 99% of the birds and the standards only call for corrective action if that rate drops below 98%.¹⁵⁸ However, even FSIS regulations state that all birds must be properly bled out such that ineffective killing would be a violation of law.¹⁵⁹ No reasonable stakeholder would consider a practice humane if it violates federal law aimed at ensuring a quick death.

If the process up to this point and the kill blade all work correctly, the sharp blade will cut open the unconscious chickens' necks and blood will drain out. However, as noted (*see supra* Part IV.B.1.c.1, 2), the process leading up to this is seriously flawed. Because birds enter the stun bath conscious, many may be able to lift or otherwise move their heads and miss the stun bath entirely. As a result, when they reach the kill blade, they are still fully conscious and mobile, and able to move in such a way again so as to miss the blade. This happens with such frequency that poultry slaughterhouses employ

¹⁵⁸ See NCC Standards at 17 ("The goal is to have at least 99% of the birds effectively cut by the automatic knife to induce bleed-out. Corrective action must be initiated if the percentage of effectively cut birds is below 98%.")

¹⁵⁹ 9 C.F.R. § 381.65 ("Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding"); *see also* discussion *infra* pp. 65-7.

a position known as a “back-up killer” – a person who stands at the point in the process where the chickens emerge after the kill blade. The back-up killer then manually slices the neck of any bird that has managed to miss the blade.¹⁶⁰

Undercover investigators and federal inspectors have observed the use of kill blades in Pilgrim’s plants, including instances when the kill blades malfunctioned, causing the harms just described (*see infra* Parts IV.B.2.a, c). HFAC, AWA, and NCC standards require monitoring of the system, but NCC is the only standard that requires less than 100% of the birds be effectively cut.¹⁶¹ Further, unlike other standards, NCC requires no additional safeguards, such as minimizing the time between stunning and neck cutting.¹⁶² Thus, Pilgrim’s Pride’s prior claimed adherence to the “highest standard” and the most humane slaughter system “possible” are demonstrably false and the company’s practices do not “prevent or minimize fear, pain, stress and suffering” as it claims.¹⁶³

4. *Scalder*

Following the kill blade, the chickens proceed down the line to the “scalder,” a scalding hot tank of water used to loosen feathers from carcasses. Pilgrim’s use of scalders appears to be consistent with the norm for industrialized chicken slaughtering

¹⁶⁰ See NCC Standards at 17 (“There must be backup personnel after the automatic knife to induce bleed-out in any birds not effectively killed by the equipment”).

¹⁶¹ See *supra* note 158.

¹⁶² Compare HFAC Standards at 34-35, *Slaughter Guidelines for Poultry* 4.6, A GREENER WORLD, <https://agreenerworld.org/certifications/animal-welfare-approved/standards/slaughter-guidelines-for-poultry/> (last visited May 7, 2019); AWA Standards at 16.1.15 *with supra* note 158.

¹⁶³ *Supra* notes 24, 36, 40.

operations.¹⁶⁴ FSIS regulations require that slaughter “result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding.” 9 C.F.R. § 381.65(b). As just described, chickens regularly miss the electrified water of the stun bath or are under-stunned, and if they also miss the kill blade, they can enter the scald tank fully conscious and drown in scalding hot water.¹⁶⁵ Because this is so commonplace, the government has defined this problem in federal regulations and there is an industry shorthand for birds that die in this manner. The USDA calls these birds “cadavers.” 9 C.F.R. § 381.90. As FSIS explains, “[t]he evidence of bright red cadaver birds means that the birds will [sic] were breathing prior to entering the scald vat.”¹⁶⁶ In industry vernacular, they are “red birds.”¹⁶⁷

Pilgrim’s uses a scalding system that has been found to malfunction occasionally. For instance, on January 14, 2016 at a Pilgrim’s Pride slaughterhouse in Carrolton, Georgia, a federal inspector found dozens of cadavers and noted that the kill blade was not properly functioning, in violation of 9 CFR § 381.65(b). That regulation requires birds to be “be slaughtered . . . in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding.”¹⁶⁸

¹⁶⁴ FSIS Inspection, NR# ODA4621012414N-1 (Jan. 14, 2016); *see also* NCC Standards at 17.

¹⁶⁵ *See supra* notes 144, 150, 158.

¹⁶⁶ FSIS, *Poultry Postmortem Inspection 12-16-2014* at 6, available at https://www.fsis.usda.gov/wps/wcm/connect/6042f608-c881-4da8-98eb-ed943972151d/PSIT_PostMortem.pdf?MOD=AJPERES (last visited May 7, 2019).

¹⁶⁷ National Chicken Council, *National Chicken Council Animal Welfare Guidelines and Audit Checklist* (April 5, 2005) at 7, available at <http://www.uspoultry.org/positionpapers/docs/animalwelfare.pdf> (“All birds should be dead before entering the scald. An uncut ‘red bird’ after the picker is a sign of system malfunction.”).

¹⁶⁸ FSIS Inspection, NR# ODA4621012414N-1 (Jan. 14, 2016).

NCC standards state that all birds must be dead before entering the scalding,¹⁶⁹ but certain practices increase the likelihood that the birds will indeed be dead before reaching the scalding. For instance, the use of a CAS system would increase the likelihood that birds will be rendered unconscious and effectively killed before entering the scalding.¹⁷⁰ Also, proper monitoring supported by slower line speed, as discussed next, would reduce the instances of “red birds,” birds that are scalded alive.¹⁷¹ Pilgrim’s, however, does not use a CAS system for most of its brands and has been cited several times for birds entering the scalding alive. As such, Pilgrim’s did not and does not utilize the “highest standards” or process its chickens “as humanely as possible” as it previously claimed, nor can it “ensure [its] birds are treated humanely.”¹⁷²

5. Line speed

Problems along this slaughter process may be worsened as a result of the speed of the line. Slaughterhouses are generally subject to a maximum line speed limitation of 140 birds per minute, approximately two birds per second, 9 C.F.R. § 381.69(a), and some plants participating in a waiver program operate at 175 birds per minute (about three birds every second).¹⁷³ Five of the original plants operating with a line speed

¹⁶⁹ NCC Standards at 17.

¹⁷⁰ See discussion *supra* p. 46.

¹⁷¹ See *supra* note 167; Animal Welfare Institute, *The Welfare of Birds at Slaughter in the United States* 9 (2016), <https://awionline.org/sites/default/files/products/FA-Poultry-Slaughter-Report-2016.pdf> (“Large number of birds drowned in the scald tank as a result of the increased speed of the line to compensate for another line being down (Pilgrim’s Pride [P383], 4/8/2011)”).

¹⁷² See *supra* notes 36, 37, 40; see also *infra* Part IV.B.3.

¹⁷³ See *Modernization of Poultry Slaughter Inspection*, 79 Fed. Reg. 49566, 49570 (Aug. 21, 2016), available at <https://www.gpo.gov/fdsys/pkg/FR-2014-08-21/pdf/2014-18526.pdf>.

waiver are Pilgrim's facilities, including a Pilgrim's Pride plant in Moorefield, West Virginia.¹⁷⁴ The increased speed leads to handling errors along the slaughter line, causing injuries to workers and the birds,¹⁷⁵ as well as an inability to observe and correct instances where birds miss the stun bath and kill blade and continue to the scald tank still alive, a risk factor for fecal contamination.¹⁷⁶ This is because birds who enter the scald tank while still alive will expel waste, which then covers the carcasses

¹⁷⁴ See FSIS, *Poultry Line Speed Waivers*, available at https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/Waiver_Table.pdf?MOD=AJPERES (listing M810 P810, Pilgrim's Pride Corp.). There appear to be five other Pilgrim's Pride plants operating at increased line speed. *Id.* (listing P192, Pilgrim's Pride Corp.; P177, Pilgrim's Pride Corp.; P206, Pilgrim's Pride Corp.; P584, Pilgrim's Pride Corp.).

¹⁷⁵ See *Severe Injury Reports*, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, <https://www.osha.gov/severeinjury/index.html> (last visited May 7, 2019) (OSHA data show that Pilgrim's Moorefield, WV plant, which appears to have line speed waiver, had five severe injury reports in a three-year period); see also Animal Welfare Institute, *The Welfare of Birds at Slaughter in the United States* 12 (2016), available at <https://awionline.org/sites/default/files/products/FA-Poultry-Slaughter-Report-2016.pdf>; U.K. Department for Environment, Food and Rural Affairs (DEFRA), *The Welfare of Poultry at Slaughter or Killing* 30 (2007), available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/485659/pb13539-welfare-poultry-slaughter.pdf; Temple Grandin, *Improving Animal Welfare: A Practical Approach* 125 (Temple Grandin ed., 2010) ("The author has observed that rough shackling is a major cause of bruised drumsticks. The people doing the shackling squeeze the legs too hard when they put the birds on the shackles. An understaffed shackle line where people have to hurry is one cause of bruised legs.").

¹⁷⁶ See USDA FSIS, *Improvements for Poultry Slaughter Inspection Technical Report 7* (2008), available at https://www.fsis.usda.gov/wps/wcm/connect/86695053-e060-4a56-81cd-90e4aa5440fe/Poultry_Slaughter_Tech_Report.pdf?MOD=AJPERES0 ("[C]ross-contamination can also occur during scalding from microorganisms present on the external and internal surfaces of the carcass and in the scalding water."); Marc Linder, *I Gave My Employer a Chicken That Had No Bone: Joint Firm-State Responsibility for Line-Speed-Related Occupational Injuries*, 46 CASE WESTERN RESERVE L. REV. 33, 93 (1995) (describing incidences of live chickens entering the scalding tank expelling waste), available at <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=2088&context=caselrev>.

of other birds. It is thus not surprising that many of Pilgrim's Pride plants have exceeded the maximum allowable percent positive for salmonella in poultry products.¹⁷⁷

Despite the problems associated with increased line speed, NCC recently petitioned USDA asking the Department to completely remove the top-speed limit on poultry slaughter line speeds for establishments that received a waiver from FSIS.¹⁷⁸ USDA initially denied the petition.¹⁷⁹ However, recently, USDA decided to relax its waiver criteria and accept new applications to participate in an increased line speed program,¹⁸⁰ and a Pilgrim's Pride facility in Sanford, NC is among those that have been approved—a decision that was opposed by poultry workers and consumer safety advocates.¹⁸¹ Given the lax criteria adopted by USDA to receive a line speed waiver, it is likely that more Pilgrim's Pride plants will be given waivers to operate at an

¹⁷⁷ *Salmonella Categorization of Individual Establishments for Poultry Products*, FSIS (April 1, 2018-Mar. 30, 2019), <https://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/microbiology/salmonella-verification-testing-program/establishment-categories> (last visited May 7, 2019).

¹⁷⁸ NCC, Petition to Permit Waivers of the Maximum Line Speed Rates for Young Chicken Slaughter Establishments under the New Poultry Inspection System and Salmonella Initiative Program (Sept. 1, 2017), *available at* <https://www.fsis.usda.gov/wps/wcm/connect/7734f5cf-05d9-4f89-a7eb-6d85037ad2a7/17-05-Petition-National-Chicken-Council-09012017.pdf?MOD=AJPERES>.

¹⁷⁹ Letter to NCC from USDA (Jan. 29, 2018), *available at* <https://www.fsis.usda.gov/wps/wcm/connect/235092cf-e3c0-4285-9560-e60cf6956df8/17-05-FSIS-Response-Letter-01292018.pdf?MOD=AJPERES>.

¹⁸⁰ See Petition to Permit Waivers of Maximum Line Speeds for Young Chicken Establishments Operating Under the New Poultry Inspection System; Criteria for Consideration of Waiver Requests for Young Chicken Establishments to Operate at Line Speeds of Up to 175 Birds Per Minute, 83 Fed Reg. 49048 (Sept. 28, 2018), *available at* <https://www.gpo.gov/fdsys/granule/FR-2018-09-28/2018-21143>.

¹⁸¹ See *id.*; see also Letter to FSIS from A Better Balance, et al. (July 31, 2018), *available at* <https://s27147.pcdn.co/wp-content/uploads/Letter-to-FSIS-Opposing-Pilgrims-Pride-NC-Poultry-Line-Speed-Waiver-Request.pdf>; Salmonella Initiative Program (SIP) Participants, FSIS, *available at* https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/Waiver_Table.pdf?MOD=AJPERES.

increased line speed, in addition to the six plants now already operating at a line speed of up to 175 birds per minute.¹⁸² Animal welfare at such facilities will very likely suffer.¹⁸³ Moreover, this line speed falls far short of the “highest” or “best” animal welfare standard that Pilgrim’s claimed to be using.¹⁸⁴ Animal Welfare Approved standards, for instance, require that “[w]here shackle lines are used the line speed must not exceed 35 birds per minute.”¹⁸⁵

The slaughter practices discussed above cause pain and suffering to animals. Based on its adherence to the NCC standards, revelations of the investigations and whistleblower accounts, as well as USDA inspections (*see infra* Parts IV.B.2, 3), it appears that Pilgrim’s Pride very likely utilizes these methods in the slaughtering of all of its birds under the Pilgrim’s Pride brand. Therefore, if even just one of the practices just described is employed, it is likely that every single one of the birds at Pilgrim’s Pride slaughter facilities undergoes a process that most stakeholders would never describe as consistent with the Companies’ false and misleading humane claims (for which the Companies have no credible substantiation (*see infra* Part V.B)). Thus, Pilgrim’s claim to “humanely raise and process the birds under [its] care . . . consistent with” NCC’s guidelines is highly deceptive, as NCC’s standards do not actually require

¹⁸² See 83 Fed. Reg. 49048, 49050; *see also id.*

¹⁸³ See *supra* notes 175-176.

¹⁸⁴ See *supra* notes 36, 41-42, 52.

¹⁸⁵ *Slaughter Guidelines for Poultry* 3.1.9, A GREENER WORLD, <https://agreenerworld.org/certifications/animal-welfare-approved/standards/slaughter-guidelines-for-poultry/> (last visited May 7, 2019).

humane treatment. Moreover, these practices are far from the “best” or “as humane[] as possible,” as Pilgrim’s had claimed them to be.¹⁸⁶

2. Undercover investigations showing a pattern and practice of inhumane treatment.

a. HSUS Investigations.

HSUS performed investigations at a Pilgrim’s Pride slaughterhouse and at a Pilgrim’s Pride contract growing facility in 2017.¹⁸⁷ The investigations revealed that chickens raised and slaughtered for Pilgrim’s Pride food products suffer continuous abuse and cruelty. An HSUS undercover investigator worked at the Pilgrim’s Pride slaughterhouse in Mt. Pleasant, Texas in May 2017¹⁸⁸ in the live hang room where workers take live birds from a conveyor belt and hang them upside down in metal leg shackles attached to a fast-moving overhead slaughter line,¹⁸⁹ which, as discussed above, causes severe stress on the animals (*see supra* Part IV.B.1.c.1). Despite Pilgrim’s Pride’s and JBS’s claims that all “employees who handle live birds are required to complete animal-welfare training,”¹⁹⁰ the investigator received zero animal welfare

¹⁸⁶ See *Objective Superlative Claims*, BETTER BUSINESS BUREAU, https://www.bbb.org/code-of-advertising/#Objective_Superlative_Claims (last visited May 7, 2019); see also *F.T.C. v. Nat’l Urological Group, Inc.*, 645 F. Supp. 2d 1167, 1206 (N.D. Ga. 2008); see also *supra* notes 40-42, 52.

¹⁸⁷ See *Undercover at Pilgrim’s Pride: A Humane Society of the United States investigation*, HSUS (2017), available at <http://blog.humanesociety.org/wp-content/uploads/2017/06/HSUS-undercover-report-pilgrims-pride.pdf> (Attachment H).

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Supra* notes 43-47.

training during a full week of orientation.¹⁹¹ In fact, during the orientation, animal welfare was never mentioned.¹⁹²

While working on the live hang line, the investigator witnessed and contemporaneously documented with video:

birds being punched as they were immobilized in shackles, being violently slammed into shackles with unnecessary force, and being carelessly pitched into shackles from an inappropriate distance. The investigator also witnessed a worker repeatedly shackle and unshackle chickens—a violent act of cruelty that would cause extreme pain.¹⁹³

Shackling, as described above, is an inherently inhumane practice (*see supra* Part IV.B.1.c.1). The violent handling of these birds coupled with the repeated shackling and unshackling actions causes extreme pain.

In June 2017, an HSUS undercover investigator worked in Hull, Georgia at a Plainview Chicken Farm facility that was raising chickens under contract for Pilgrim's Pride.¹⁹⁴ The facility housed approximately 126,000 chickens in six large-scale

¹⁹¹ *Supra* note 187.

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.* Pilgrim's Pride reportedly terminated its contract with this facility, however, it is highly unlikely these abuses were isolated to this producer, as similar problems have been found in the other investigations and inspection reports, and because Pilgrim's claims to control virtually every aspect of its contract growers' operations. See Oscar Rousseau, *Pilgrim's Pride Ends Farmer Contract After Animal Cruelty Claim*, GLOBAL MEAT NEWS (June 28, 2017, 11:34 GMT), <https://www.globalmeatnews.com/Article/2017/06/28/Chicken-giant-ends-farmer-contract-after-animal-cruelty-claim>. Even if these are discrete instances of cruelty as the company has reportedly claimed, the inherent cruelties explained in Part IV.B.1 appear to be widespread among Pilgrim's Pride facilities such that this termination has done nothing to mitigate these inherent problems and match consumer expectations to company practices and representations. See Jessica Schladebeck, *Humane Society Investigation Uncovers Alleged Animal Cruelty at Pilgrim's Pride Chicken Farm, Slaughterhouse*, DAILY NEWS (June 28, 2017, 8:31 AM), <http://www.nydailynews.com/news/national/pilgrim-pride-accused-animal-cruelty->

industrial chicken growing “houses,” like those described above (*see supra* Part IV.B.1.a.2).¹⁹⁵ The investigator witnessed, and contemporaneously documented with video, chickens living in extremely cramped conditions.¹⁹⁶ The practice of overcrowding birds is inhumane (*see supra* Part IV.B.1.a.2) but, as shown below, it appears to be a standard practice at Pilgrim’s Pride grow houses. Chickens at this facility were packed in densely populated windowless warehouse-like growing sheds. These 40 feet by 500 feet structures housed as many as 24,000 birds. That afforded each bird less than one square foot of space. The buildings were so overcrowded that the birds could barely move. The birds lived in their own waste, and the buildings reeked of ammonia, a toxin that can cause severe suffering and at high levels can kill birds (*see supra* Part IV.B.1.a.1).¹⁹⁷



slaughterhouse-farm-article-1.3281617 (“Ensuring the well-being of the chickens under our care is an uncompromising commitment at Pilgrim’s. This isolated incident of unacceptable behavior does not reflect our approach to animal welfare or the approach of the more than 4,000 family farm partners who interact with our chickens daily.”).

¹⁹⁵ *See supra* note 187.

¹⁹⁶ *Id.*

¹⁹⁷ *See* Casey W. Ritz, *et al.*, *Litter Quality and Broiler Performance*, UGA Extension Bulletin 1267 at 2 (2017), https://secure.caes.uga.edu/extension/publications/files/pdf/B%201267_5.PDF.

In addition to this extreme overcrowding, the investigator observed lame, limping, injured, and dead birds. Part of the investigator's job involved walking through the barns and removing dead chickens; these chickens were then thrown into a large hole. As discussed above, such overcrowding of birds is a common cause of suffering (*see supra* Part IV.B.1.a.2).

Injury also occurs because of the fast-growing genetics for which Pilgrim's suppliers have bred. As described above (*see supra* Part IV.B.1.a.3), birds raised for Pilgrim's Pride products grow extremely large very quickly—so fast that they reach slaughter weight at only 50 days old. Indeed, the investigator at Plainview Farm was told the birds are grown for seven weeks and caught at 50 days, and HSUS' investigator worked during this period and observed that the birds were 50 days old at the time of catching. As explained above, this means the birds' growth rate was extremely unnatural and caused the birds severe suffering and increased risk of injury, disease, and death (*see supra* Part IV.B.1.a.3). Again, because Pilgrim's Pride appears to uniformly use an unnatural, genetically altered strain of chicken where the emphasis is on rapid growth and weight gain, many chickens that become the company's chicken products physically suffer.¹⁹⁸ Some of the birds at Pilgrim's Plainview Farm suffered from crippling leg deformities so severe that the animals were unable to walk and could not reach their food or water. As noted above, leg deformities from extreme weight gain are common ailments associated with Pilgrim's companywide practice of using fast growth genetic lines (*see supra* Part IV.B.1.a.3). As depicted in the still frame from the

¹⁹⁸ *See, e.g.,* CompassionUSA, *Factory Farmers Expose Diseased Chickens*, YOUTUBE (Apr. 16, 2016), <https://youtu.be/ZVfHcXUUn-s>.

HSUS investigation below, some of these birds suffer from “Sudden Death Syndrome” or “flip-over disease,” which is exacerbated by rapid growth.¹⁹⁹



The investigator witnessed the owner of the facility, a Pilgrim’s contract grower, bludgeoning chickens with a metal rod to cause debilitating physical harm, making the birds easier to catch and kill. The owner also grabbed chickens by the neck and swung them in a circular manner in a crude attempt to kill them. This method, called “wind-milling,” is not an effective euthanasia method because it does not cause enough physiological damage to the brain stem to lead to rapid unconsciousness. The chickens swung by their necks in a circle likely endured prolonged suffering prior to death. Birds were also subject to violent handling by the owner who, as shown in the below still frame, grabbed chickens by the neck and threw them across the chicken house.²⁰⁰

¹⁹⁹ Siddiqui, M. F. M. F., Patil, M.S., Khan, K.M., and Khan, L.A., (2009). *Sudden Death Syndrome – An Overview*. VETERINARY WORLD, 2(11):444-447 available at <http://www.veterinaryworld.org/Vol.2/November/Sudden%20Death%20Syndrome%20%E2%80%93%20An%20Overview.pdf>.

²⁰⁰ See *supra* note 187.



While the investigator was removing plastic tubing in the chicken houses, he observed three dead chickens fall out. The owner stated that sometimes when the birds are younger and smaller, they get stuck inside the plastic tubing. A water leak also soaked litter in a crowded barn, creating unhealthy living conditions for the birds. Proper litter management is a key component of good animal husbandry, and litter quality affects poultry health and comfort. For example, too much moisture in the litter can increase skin irritation, including increased incidences of blisters, burns, and scabby areas (*see supra* Part IV.B.1.a.1).²⁰¹

Pilgrim’s Pride manually catches its birds. When birds reach slaughter weight, again at the age of only 50 days, contract “catching crews” arrive to catch the birds and transfer them into transport cages to be loaded onto a truck and hauled to the slaughterhouse. The seven-person catching crew at this Hull, Georgia Pilgrim’s Pride contract growing facility cleared four barns—each designed to house 24,000 birds—in a single day. Because of the sheer number of animals that need to be caught within a

²⁰¹ See Casey W. Ritz, et al., *Litter Quality and Broiler Performance*, UGA Extension Bulletin 1267 at 1 (2017), available at https://secure.caes.uga.edu/extension/publications/files/pdf/B%201267_5.PDF.

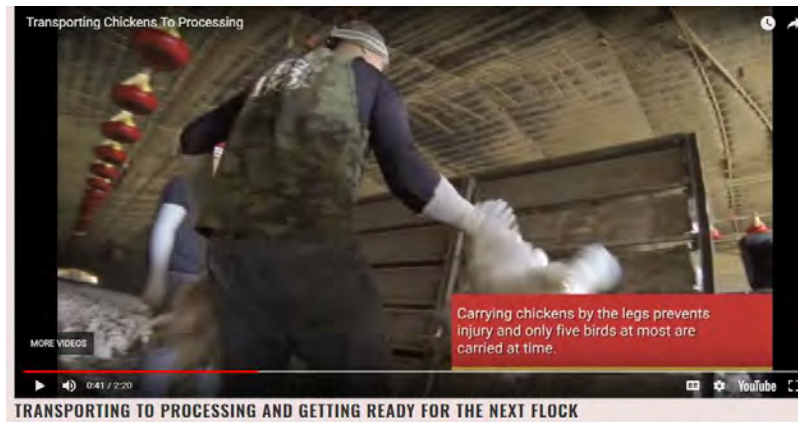
short time period, the catching crew subjected the chickens to violent and aggressive catching and handling. Manual catching often seriously compromises welfare, and yet it appears to be a prevalent practice at Pilgrim's Pride facilities. As explained above, birds caught in this manner experience stress and fear, and can suffer from bruises, broken bones, dislocated joints, and other injuries (*see supra* Part IV.B.1.b.1). At this growing facility, each crew member was expected to grab, in each hand, as many chickens by the legs as possible and transfer them into transport cages. As shown below, crew members violently grabbed birds and shoved or threw them all at once into metal transport cages, without regard for the birds' fear, distress, or suffering.



The investigator noted that each crewmember is generally expected to pick up around eight birds at a time. However, even NCC suggests this is too many to safely catch at one time. In a recent video linked on Pilgrim's website, NCC shows how it believes proper catching should be done and states that "only five birds at most are carried at [a] time" during this process.²⁰² Yet, despite this, it seems catchers at

²⁰² *Transporting Chickens to Processing*, CHICKEN CHECK IN, <https://www.chickencheck.in/day-in-the-life/chicken-transport-processing/> (last visited May 7, 2019) (Chicken Check In is run by NCC) *compare* NCC Standards at 13; *see also* *Our Chickens*, "Raising Pilgrim's Chickens," PILGRIM'S USA,

Pilgrim's Pride are expected to pick up more birds to expedite the process. Moreover, contrary to NCC's other claim in the video that "[c]arrying chickens by the legs prevents injury," many birds are injured in this process, as explained in detail above (*see supra* Part IV.B.1.b.1).²⁰³



b. Whistleblower accounts.

In 2016, the year prior to HSUS' investigations, farmers contracted by Pilgrim's Pride blew the whistle about the practices employed at their farms, which mirror those discussed above.²⁰⁴ In a video posted on YouTube, Eric Hedrick, a contract grower for Pilgrim's Pride, explains that he is "not allowed to do anything with the birds unless it's approved by the company."²⁰⁵ He also explains how some of the birds grow so fast that they just cannot move much, and their legs sprawl out because their legs cannot

<https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019) ("To learn more about the chicken industry, please go to www.chickencheck.in").

²⁰³ *Transporting Chickens to Processing*, CHICKEN CHECK IN, <https://www.chickencheck.in/day-in-the-life/chicken-transport-processing/> (last visited May 7, 2019).

²⁰⁴ CompassionUSA, *Factory Farmers Expose Diseased Chickens*, YOUTUBE (Apr. 16, 2016), <https://youtu.be/ZVfHcXUUn-s>.

²⁰⁵ *Id.* at 1:41.

support their weight.²⁰⁶ He explains, “you’re growing this bird so fast, its heart and its frame cannot sustain this bird . . . and then, ok, that bird dies.”²⁰⁷ Because of this, the primary concern that Mike Weaver, also a whistleblowing Pilgrim’s Pride contract farmer, would address to help the birds is their genetics.²⁰⁸

Another Pilgrim’s Pride contract farmer who also appears in the video, Rachel Hedrick, shows how her birds live in grow houses where the floor is covered in feces and states “there’s bloody poop laying all over the floor. Stakeholders do not know anything about their food or they would be disgusted. They wouldn’t eat chicken at all.”²⁰⁹ As discussed above, these filthy conditions are most likely a result of overcrowding and immobility—birds are packed together and are so unnaturally large there is little opportunity or even ability to move away from excrement (*see supra* Part IV.B.1.a.2, 3). This is a welfare concern for the animals and also a health concern for workers and consumers.

Recently, Eric Hedrick sued Pilgrim’s Pride for fraud and breach of contract, among other claims.²¹⁰ The lawsuit alleges Pilgrim’s Pride controls at least 98% of the grow house operation including “the type and condition of the houses required on a grower’s farm,” “the genetics of the birds,” “the lighting of the poultry houses the birds

²⁰⁶ *Id.* at 2:40.

²⁰⁷ *Id.* at 3:05; *see also* discussion *supra* Part IV.B.1.a.3.

²⁰⁸ CompassionUSA, *Factory Farmers Expose Diseased Chickens* at 3:44, YOUTUBE (Apr. 16, 2016), <https://youtu.be/ZVfHcXUUn-s>.

²⁰⁹ *Id.* at 2:16.

²¹⁰ *See Triple R Ranch, LLC, and Eric Hedrick v. Pilgrim’s Pride Corp.*, No. 2:18-cv-00109 (N.D.W.V. Oct. 25, 2018).

are grown in,” “the ‘catch crew’ which picks up the birds for processing,” and “the transporting of the birds to the processing plant.”²¹¹

c. Other investigations.

These are not the first instances of documented cruelty at Pilgrim’s Pride facilities. In July 2004, People for the Ethical Treatment of Animals released the results of an undercover investigation into a Pilgrim’s Pride slaughterhouse in Moorefield, West Virginia. Video footage taken at the slaughterhouse shows Pilgrim’s Pride workers jumping up and down on live chickens causing the birds to explode, drop-kicking birds, punting birds as if they were footballs, and violently slamming live chickens against a wall. Workers also ripped chickens’ beaks off, twisted their heads off, sprayed paint into their faces and squeezed birds so hard that their bodies expelled feces.²¹²

Ten years later, in early 2014, Compassion Over Killing conducted an undercover investigation at a Pilgrim’s Pride contract growing facility in Harnett County, North Carolina. The investigation found systemic cruel treatment of chickens. Abusive practices documented included: birds suffering from painful leg deformities so severe they were unable to walk; sick and injured birds being thrown; unwanted birds stuffed into buckets while still alive, surrounded by dead and decaying corpses; and

²¹¹ Complaint at 5-6, *Triple R Ranch, LLC, and Eric Hedrick v. Pilgrim’s Pride Corp.*, No. 2:18-cv-00109 (N.D.W.V. Oct. 25, 2018).

²¹² See Donald G. McNeil, Jr., *KFC Supplier Accused of Animal Cruelty*, N.Y. TIMES (July 20, 2004), <https://www.nytimes.com/2004/07/20/business/kfc-supplier-accused-of-animal-cruelty.html>; see also, *Thousands of Chickens Tortured by KFC Supplier*, KENTUCKY FRIED CRUELTY, <http://www.kentuckyfriedcruelty.com/u-pilgrimspride.asp> (last visited May 7, 2019).

unwanted birds buried alive in outdoor pits with dead and decaying corpses, where they were left to suffer and die from starvation, dehydration, or possibly suffocation.²¹³ A screenshot from the investigation is below.



After release of the Compassion Over Killing investigation, in June 2014, Pilgrim's Pride majority shareholder JBS USA issued a statement saying it was looking into the "startling images of birds being mistreated[.]"²¹⁴ The statement continued, "[t]he actions in the video are unacceptable," and "[t]he proper treatment of animals, whether under our direct care or under the care of our contract growers, is one of our core beliefs. We will not tolerate the abuse of animals."²¹⁵ Notwithstanding this verbal condemnation of animal cruelty, the assurances about Pilgrim's Pride's commitment to "the proper treatment of animals" now ring hollow, especially following revelations of animal cruelty again in 2017, in addition to claims made in 2016 by whistleblower

²¹³ See *Buried Alive: COK Investigation Uncovers Shocking Cruelty to Chickens at NC Factory Farm*, COMPASSION OVER KILLING, <http://cok.net/inv/pilgrims/> (last visited May 7, 2019).

²¹⁴ Steve Lynn, *Pilgrim's Pride Investigating Alleged Chicken Abuse*, BIZWEST (June 30, 2014), <https://bizwest.com/pilgrims-pride-investigating-alleged-chicken-abuse-2/>.

²¹⁵ *Id.*

farmers contracted by Pilgrim's Pride.²¹⁶ Moreover, Pilgrim's Pride appears to have done nothing to address the far more widespread, systemic cruelties (fast growing birds, un-natural light and dark cycles, and cruel transport and slaughter methods) that seem to be intrinsic to its standardized production and slaughter practices (*see supra* Part IV.B.1). In short, not only does the company "tolerate the abuse of animals," it mandates it by operating in a fashion that it knows to be seriously damaging to the welfare of each one of the hundreds of millions of birds it controls from hatching through killing.

3. Federal inspections showing a pattern and practice of inhumane treatment.

In addition to the undercover investigations and whistleblower accounts, federal inspections during the past several years have identified cruel and abusive practices at many Pilgrim's Pride slaughter plants.

FSIS instructs that its inspectors "are to issue an NR,"—*i.e.*, a Noncompliance Record—"when an ongoing pattern or trend develops where birds are not being slaughtered in a manner that results in thorough bleeding of the carcasses, that results in birds entering the scalding before their breathing has stopped, or that otherwise

²¹⁶ Pilgrim's may have taken steps after these investigations to "suspend the delivery of birds to the farm and provide proper notice of contract termination to the grower" and "to reinforce [its] commitment to animal welfare throughout [its] supply chain and in [its] production processes,"—a response similar to the one that was issued in past years. Tiffany McCall, *Undercover Video Shows Alleged Abuse at Local Chicken Farm*, 11 ALIVE (July 6, 2017, 5:56 AM EDT), <https://www.11alive.com/article/news/local/undercover-video-shows-alleged-abuse-at-local-chicken-farm/85-454342073>. But, as seen from the aftermath of the 2014 response, including the subsequent revelations of abuses continuing at Pilgrim's Pride facilities, this is a meaningless response and Pilgrim's promises and responsive actions do not result in lasting change. Furthermore, these actions do nothing to address the systemic animal welfare problems inherent to Pilgrim's production and slaughter practices (*see supra* Part IV.B.1).

involves their being handled in a way that results in their dying otherwise than by slaughter.” FSIS Notice 44-16, at 1 (June 27, 2016). In addition, mistreatment MOIs—*i.e.*, a Memoranda of Interviews—“are primarily issued when, based on findings by the [inspector], the establishment is mistreating birds before or during shackling or elsewhere in the slaughter operation, up until the kill step, but the mistreatment does not demonstrate that the establishment’s process is out of control.” *Id.* at 3.

Transportation and unloading of the chickens caused immense pain and suffering several times at Pilgrim’s Pride slaughterhouses, including:

- On March 22, 2016, at the Hickory, North Carolina slaughterhouse, an inspector found four chickens crushed and trapped beneath three different trailer tires, and a fifth bird crushed and flattened further underneath a truck over a grate. The inspector noted in a MOI, “The issue of loose birds and poor cage status has been documented and addressed in weekly meeting minutes with the establishment on previous occasions.”

Upon the chickens’ arrival at the slaughterhouses, inspectors have found Pilgrim’s Pride inhumanely suffocating birds in DOA piles several times, including:

- On April 26, 2016, at the Sumter, South Carolina slaughterhouse, an inspector saw three live birds under the DOA pile of approximately 50 to 60 birds.

Inspectors have also observed numerous instances of inhumane handling and operation of the slaughterhouse machinery, including:

- On May 13, 2016, at the Live Oak, Florida slaughterhouse, inspectors noticed “multiple birds coming with broken legs and bruises.” At least four birds “had broken legs with fresh blood running all the way down to the back.” The MOI stated that the most likely cause of the broken legs was how the employees were shackling the birds.

Inspectors have observed chickens at Pilgrim’s Pride slaughterhouses dying from drowning or electrocution in the stun baths at Pilgrim’s Pride slaughterhouses. For example:

- FSIS issued an NR to Pilgrim’s Pride concerning an inspection of the Lufkin, Texas slaughterhouse on January 6, 2016. That day, an inspector observed that a slaughter line “had been down in excess of 5 minutes, however the stunner had not been emptied or lowered to allow the birds the ability to breathe.” After employees restarted the line to get the birds out of the water, the chickens “were examined and noticed as having no signs of life.” According to the inspector, in late December 2015, FSIS had written the Lufkin establishment an NR for leaving a bird in the stunner too long, thus drowning the bird.

Birds also likely experience prolonged and possibly painful electrical shock while left drowning in the stunner, given the low current setting used in most U.S. slaughter facilities.²¹⁷ This situation is completely at odds with the humane claims Pilgrim’s Pride makes and could not reasonably be considered representative of the birds being “humanely . . . process[ed].”²¹⁸

Inspectors also observed—and issued both MOIs and NRs for—violations in which chickens entered the scald tanks alive and conscious, becoming “cadavers.” During this six-month period in 2016, inspectors noted over a dozen instances of chickens entering the scalders alive—a rate of more than twice per month. The inspectors’ observations include:

- On April 28, 2016, at the Marshville, North Carolina slaughterhouse, an inspector saw “a live bird enter the scalders” that “was fully alert, had its head up, was looking around and vocalizing, and breathing in a normal rhythmic manner as it entered the scald tank.”

V. ANALYSIS OF REPRESENTATIONS UNDER ANTIFRAUD PROVISIONS OF FEDERAL SECURITIES LAW

It is a violation of the antifraud provisions of the federal securities laws “to make any untrue statement of a material fact or to omit to state a material fact necessary in

²¹⁷ See *supra* Part IV.B.1.c.2.

²¹⁸ *Supra* note 40.

order to make the statements made, in the light of the circumstances under which they were made, not misleading.”²¹⁹ As described below, Pilgrim’s and JBS’s representations about the chickens that it sells are both material and untrue or misleading. Further, the facts surrounding the Companies’ practices and their continued propagation of misleading humane claims suggest a strong inference that the Companies do so knowingly or recklessly.

A. Pilgrim’s Pride and JBS Representations Are Material

The Companies’ representations are “material because there [is] a substantial likelihood that a reasonable s[tak]eholder would consider [them] important in deciding how to [act].”²²⁰ It is beyond dispute that stakeholders care deeply about the welfare of animals raised for food, and that stakeholders rely on humane representations, like those made by Pilgrim’s Pride and JBS, to identify companies they would want to invest in and support. Indeed, this issue is of particular interest to both stakeholders concerned about the treatment of animals and to those concerned about the financial damage to the business should it be revealed that animals were being treated less than humanely.²²¹ As noted below, stock prices are susceptible to fall if/when the truth about a company’s cruel practices is exposed.²²² When animal welfare issues are exposed,

²¹⁹ 17 C.F.R. § 240.10b-5(b).

²²⁰ *Martin v. GNC Holdings, Inc.*, 2018 WL 6505927, at *1 (C.A.3 (Pa.), 2018) (internal quotations and citations omitted).

²²¹ See “Animal Welfare Emerging Issue Among Investors,” FINANCIAL ADVISOR MAG. (Feb. 3, 2017), <https://www.fa-mag.com/news/animal-welfare-becoming-important-to-investors-31237.html>; “Customers Want It: The Business Case for Higher Animal Welfare,” FOOD SERVICE FOOTPRINT (Jan. 30, 2018), <https://www.foodservicefootprint.com/customers-want-business-case-higher-animal-welfare/>.

²²² See *infra* note 236 and accompanying text; see also *Factory Farming: Assessing*

there is a negative impact on demand and consumers tend to “purchase less meat rather than reallocate expenditures across competing meats.”²²³ Even the Companies themselves have firmly recognized that social issues, including the treatment of animals, are of significant concern to stakeholders and have an important bearing on investments and purchasing decisions.²²⁴

There is no reasonable dispute that many stakeholders are concerned enough about animal welfare to alter their decision and/or investing habits on the basis of representations such as those made by JBS and Pilgrim’s here. Indeed, “[c]orporate approaches to farm animal welfare are seen increasingly by investors as an indicator of how companies respond to shifting social attitudes and consumer

Investment Risks: 2016 Report 47, Farm Animal Investment Risk and Return, *available* http://www.fairr.org/wp-content/uploads/FAIRR_Report_Factory_Farming_Assessing_Investment_Risks.pdf (“CASE STUDY 11: SHARE PRICE TANKS AFTER ANIMAL WELFARE REVELATIONS”).

²²³ Glynn T. Tonor and Nicole J. Olynyk, “U.S. Meat Demand: The Influence of Animal Welfare Media Coverage,” *Kansas State University*, September 2010, 2, http://www.mercyforanimals.org/files/Kansas_State_Media.pdf; *see also* Glynn Tonsor, “Impacts of Animal Well-Being & Welfare Media Coverage on Meat Demand” (PowerPoint presentation, AMI Animal Care & Handling Conference, Kansas City, Missouri, October, 19, 2011), https://www.agmanager.info/sites/default/files/AMI_AnimalCareHandling_10-19-11.pdf.

²²⁴ JBS Annual and Sustainability Report at 8 (“We have focused on understanding consumer trends and demands. For example, we are the world’s largest producer of natural, organic chicken”); JBS Sustainability Report at 59 (“We are proud to provide our customers and consumers with choices that meet their . . . ethical expectations”); *see also* Context Mktg., *Ethical Food: A Research Report on the Ethical Claims That Matter Most to Food Shoppers and How Ethical Concerns Influence Food Purchases* 4, 6 (2010) (sixty-nine percent of consumers will pay more for “food produced to higher ethical standards,” and 91 percent of consumers include animal welfare in their criteria for whether something is ethically produced), *available* at <https://web.archive.org/web/20130928195843/http://contextmarketing.com/sources/feb28-2010/ethicalfoodreport.pdf>.

preferences, and can also reveal how well they are positioned to manage risks embedded within their supply chains.”²²⁵ Stakeholders know many consumers are willing to pay more for products that they believe come from humanely treated animals, as several consumer studies have documented, such that a company producing these products would be better positioned to charge more and meet this consumer demand.²²⁶ As observed by the International Finance Corporation, “[i]n the case of animal welfare, failure to keep pace with changing consumer expectations and market opportunities could put companies and their investors at a competitive disadvantage in an increasingly global marketplace.”²²⁷

Consumer expectations of animal welfare are well known. For example, a consumer survey conducted in June 2018 by NCC noted that “[c]onsumers are significantly more concerned this year about chicken purchase considerations than in any other year” and “how chickens are raised” is among those considerations.²²⁸ Another recent consumer survey found that nearly 95% of consumers are very concerned about farm animals.²²⁹ That same survey found that about 76% of consumers

²²⁵ *Factory Farming: Assessing Investment Risks: 2016 Report* 24, FARM ANIMAL INVESTMENT RISK AND RETURN, available http://www.fairr.org/wp-content/uploads/FAIRR_Report_Factory_Farming_Assessing_Investment_Risks.pdf.

²²⁶ See Animal Welfare Institute, *Consumer Perceptions of Farm Animal Welfare* 9-10, available at https://awionline.org/sites/default/files/uploads/documents/fa-consumer_perceptionsoffarmwelfare_-112511.pdf.

²²⁷ *Supra* note 225 at 27.

²²⁸ *US Chicken Consumption Report*, NATIONAL CHICKEN COUNCIL 6, 17 (July 2018), accessible at *National Chicken Council Forges New Ground in Food Transparency with Launch of Immersive Virtual Reality Experience*, PR NEWswire (July 25, 2018), <https://www.prnewswire.com/news-releases/national-chicken-council-forges-new-ground-in-food-transparency-with-launch-of-immersive-virtual-reality-experience-300686019.html> (view “*Survey Methodology” section, click “here” where it says “Click here to access a full copy of the report”).

²²⁹ American Humane Certified, *2014 Humane Heartland Farm Animal Welfare Survey*

were very willing to pay more for humanely raised animal food products.²³⁰ Likewise, a 2010 survey found that 57% of consumers were willing to pay more “for food that promises to be produced according to higher ethical standards.”²³¹ Conversely, consumers avoid buying or would pay less for products that are produced in ways they believe are inhumane. Welfare representations are, therefore, material to many stakeholders.

Additionally, a 2015 Consumer Reports National Research Center survey of about 1,000 U.S. food shoppers found that 62% purchase “natural” products and that 87% of those “natural” purchasers are willing to pay more for “natural” products that meet the purchasers’ expectations as to what “natural” means.²³² “For the overwhelming majority of food shoppers, [a] key objective[] [is] . . . providing better living conditions for animals (84%).”²³³ When it comes to animals’ living conditions, half of respondents thought the “natural” label meant that the animals went outdoors while nearly 70% thought that the “natural” label *should* mean this.²³⁴ The 2016 Consumer Reports survey found the number of stakeholders who purchase “natural” products to be as high as 73%.²³⁵ The term “natural” is, therefore, also material to stakeholders.

3, (2014), *available at* <https://www.americanhumane.org/app/uploads/2016/08/2014-humane-heartland-farm-survey.pdf>.

²³⁰ *Id.*

²³¹ See Animal Welfare Institute, *Consumer Perceptions of Farm Animal Welfare* 10, *available at* https://awionline.org/sites/default/files/uploads/documents/fa-consumer_perceptionsoffarmwelfare_-112511.pdf.

²³² Consumer Reports National Research Center, *Natural Food Labels Survey: 2015 Nationally-Representative Phone Survey* 7 (2015), *available at* <https://foodpolitics.com/wp-content/uploads/Consumer-Reports-Natural-Food-Labels-Survey-Report.pdf>.

²³³ *Id.* at 2.

²³⁴ *Id.* at 4.

²³⁵ Consumer Reports National Research Center, *Food Labels Survey: 2016 Nationally-*

Pilgrim's Pride acknowledges consumer desires for products derived from chickens living in high-welfare conditions and raised naturally and responsibly. The company has been aware for over a decade that animal welfare is a material concern to stakeholders. In response to the 2004 investigation by PETA, the market responded to the horrific acts revealed in the investigation. Pilgrim's Pride shares fell by 10.4%. Food Quality News reported, "This can be seen as proof that both customers and consumers have been so horrified by the allegations of cruelty—which centre around a video taken by an undercover animal rights activist—that they are choosing to purchase products elsewhere."²³⁶

To alleviate consumer concerns, Pilgrim's Pride president at the time, O.B. Goolsby, said the company was making changes to ensure that such abuses did not happen again. Goolsby stated that the company had ordered managers at each of its slaughterhouses to take time out to educate workers about the company's animal welfare policies, and employees who handled live birds would have to sign a document acknowledging the company's "zero-tolerance" policy for animal cruelty.²³⁷ However,

Representative Phone Survey 2 (2016), available at https://www.ftc.gov/system/files/documents/public_events/975753/cr_intro_and_2016_food_survey.pdf.

²³⁶ Anthony Fletcher, *Pilgrim's Pride Pays Price for Poultry Plant Scandal*, FOOD QUALITY NEWS (Jul. 20, 2004, 14:44 GMT), <http://www.foodqualitynews.com/Industry-news/Pilgrim-s-Pride-pays-price-for-poultry-plant-scandal>.

²³⁷ See Associated Press, *KFC Supplier Suspends Worker After Video*, FOX NEWS (Jul. 21, 2004, last updated July 14, 2015), <http://www.foxnews.com/story/2004/07/21/kfc-supplier-suspends-worker-after-video.html>; see also *Frequently Asked Questions, "Animal Care & Welfare," JUST BARE CHICKEN*, <https://www.justbarechicken.com/frequently-asked-questions> (last visited May 7, 2019) ("Pilgrim's, the company behind the Just BARE brand, recognizes our ethical obligation to the health and humane care of our chickens—and we take that responsibility very seriously . . . Pilgrim's has zero tolerance for any deliberate abuse or mistreatment of our chickens."); see also *supra* notes 43-44.

this policy was clearly an empty gesture given the subsequent acts of cruelty and lack of welfare training (*see* discussion *supra* p. 54-55 (noting “the [HSUS] investigator received zero animal welfare training”)), and also given the inherent cruelties built into Pilgrim’s business model, from genetics, through raising, transport, and inherently cruel slaughter practices (*see supra* Part IV.B.1). Thus, given its president’s statements after PETA’s 2004 investigation, it is clear that Pilgrim’s Pride and JBS understand that animal welfare is a material concern to their stakeholders.

This is at least as true now as it was back in 2004. As stated in Pilgrim’s Pride 2016 Sustainability Report, “We endeavor to meet changing consumer expectations while maintaining our high standards for food safety, animal welfare, environmental stewardship, social responsibility, and economic viability. Consumer expectations continue to evolve, including increased interest in antibiotic-free and free-range poultry production systems.”²³⁸ The 2016 Sustainability Report also observes, “it may be increasingly popular to leverage the inherent ethical obligation of proper animal husbandry as a marketing tool.”²³⁹ JBS claims “to provide [its] customers and consumers with choices that meet their . . . ethical expectations.”²⁴⁰ JBS also continues to tout a “zero-tolerance” policy for animal cruelty or abuse stating it has “a zero-tolerance policy for abuse of any kind.”²⁴¹

Indeed, likely to accommodate these expectations and concerns, Pilgrim’s Pride

²³⁸ 2016 Sustainability Report at 70.

²³⁹ *Id.* at 121.

²⁴⁰ JBS Sustainability Report at 59.

²⁴¹ JBS Sustainability Report at 104. *Id.* at 105 (“We have a zero-tolerance policy for abuse of any kind, and all team members are required to report any violations anonymously or directly to management”).

recently acquired new brands, Just BARE and Gold'n Plump (together "GNP"), to expand its organic and humane product options to provide for the growing consumer demand for these products.²⁴² The acquisition of these brands comes at a time when consumer demand for more humanely raised, all natural chicken is growing.²⁴³ As JBS notes:

Higher-quality animal welfare practices have allowed JBS to expand its organic and premium offerings. In 2017, through the efforts of Pilgrim's Pride, it became the top global producer of organic chicken. This was achieved via [Pilgrim]'s 2017 acquisitions of GNP Company, which specializes in producing premium chicken products made with organic, antibiotic-free raw materials²⁴⁴

These brands help to meet this growing demand for humanely raised chicken because contractors for these brands supposedly use practices that have "higher-quality" animal welfare benefits than the inherently cruel practices employed by Pilgrim's in the production of its other brands (*see supra* Part IV.B.1). For instance, as JBS explains, "[GNP] pioneered the use of high technology chicken production

²⁴² *Pilgrim's Pride Strengthens Branded Portfolio with Agreement to Purchase GNP Company*, GLOBE NEWSWIRE (Nov. 29, 2016), https://www.sec.gov/Archives/edgar/data/802481/000080248116000081/gnp_pressrelease.htm, also available <http://ir.pilgrims.com/news-releases/news-release-details/pilgrims-pride-strengthens-branded-portfolio-agreement-purchase> (last visited Apr. 22, 2019) ("The addition of the GNP Company's portfolio of Just BARE® Certified Organic and Natural/American Humane Certified™/No-Antibiotics-Ever (NAE) product lines to Pilgrim's existing NAE and organic production capabilities, further positions Pilgrim's as a leading provider of high quality products in the fastest growing chicken segments.").

²⁴³ *Gold'n Plump® Launches New Attributes For All Natural Line And Tool To Help Define New Label Claims*, GOLD'N PLUMP (July 12, 2016), <https://www.goldnplump.com/news-room/goldn-plump-launches-new-attributes-all-natural-line-and-tool-help-define-new-label-claims> (discussing consumer survey results of Gold'n Plump Chicken Labels Insights Study, conducted online by Qualtrics March-April 2016).

²⁴⁴ JBS Annual and Sustainability Report at 162.

techniques, with processes that include gas-based stunning and automated deboning, among others. All GNP products carry the American Humane Certified seal, which certifies the animals were bred humanely.”²⁴⁵ Significantly, GNP is reportedly an early adopter of a Controlled Atmosphere Stunning (“CAS”) System, a more humane way of rendering birds insensible.²⁴⁶ Consequently, as explained above (*see* discussion *supra* p. 46), not only does Pilgrim’s know that the CAS system is more humane, it also knows that its past statements that all of the company’s birds are “processed as humanely as possible” and that the company meets the “highest standards” for welfare with respect to all of its products were false and that its current statements regarding humane treatment are at least misleading.²⁴⁷ Furthermore, Pilgrim’s Pride understands that animal welfare representations are material to stakeholders, and it appears to be actively deceiving humane-conscientious stakeholders.

B. Pilgrim’s Pride and JBS Representations Are Likely to Mislead

Many stakeholders will find Pilgrim’s words and representations misleading if the facts of Pilgrim’s processes are illuminated. Here, Pilgrim’s Pride labeling and the Companies’ advertising representations target stakeholders most likely to be misled: stakeholders who are concerned about the welfare of farm animals and who look to product labels to identify goods that are produced more humanely. Many such stakeholders, and the general public more broadly, will reasonably interpret Pilgrim’s Pride representations as saying just that.

²⁴⁵ *Id.*

²⁴⁶ *Cargill To Install Controlled Atmosphere Stunning System*, CHICK-NEWS (Apr. 2, 2018), http://www.chick-news.com/Share.aspx?Site_Copy_ID=43385.

²⁴⁷ *See supra* notes 36, 37, 40.

As a threshold matter, the Commission has made clear that “antifraud provisions of the federal securities laws apply to company statements made on the Internet in the same way they would apply to any other statement made by, or attributable to, a company.”²⁴⁸ As the online community grows and technology advances, web sites become an even more significant source for the fast and widespread release of information. In its latest interpretive release paper on website guidance, the Commission stated it believes “that a company’s web site can be a valuable channel of distribution for information about a company, its business, financial condition and operations.”²⁴⁹ All the websites on which Pilgrim’s or JBS have published or are publishing representations have been or are freely open to the public, including stakeholders, and are at times specifically directed at shareholders through open online investor portals. The Commission has noted generally that a “fundamental principle

²⁴⁸ *Commission Guidance on the Use of Company Web Sites*, Release No. 34-58288, at Section II.B (Aug. 7, 2008) [73 FR 45862]. *See, e.g., Use of Electronic Media for Delivery Purposes*, Release No. 33-7233, at n. 11 (Oct. 6, 1995) [60 FR 53458], (“The liability provisions of the federal securities laws apply equally to electronic and paper-based media. For instance, the antifraud provisions of the federal securities laws as set forth in Section 10(b) of the Exchange Act [15 U.S.C. 78j(b)] and Rule 10b-5 [17 CFR 240.10b-5] thereunder would apply to any information delivered electronically, as it does to information delivered in paper.”); *Use of Electronic Media by Broker-Dealers, Transfer Agents, and Investment Advisers for Delivery of Information; Additional Examples Under the Securities Act of 1933, Securities Exchange Act of 1934, and Investment Company Act of 1940*, Release No. 33-7288, at Section I, n. 4 (May 9, 1996) [61 FR 24644] (“The substantive requirements and liability provisions of the federal securities laws apply equally to electronic and paper-based media. For example, the antifraud provisions of the Exchange Act and Rule 10b-5 thereunder . . . apply to information delivered and communications transmitted electronically, to the same extent as they apply to information delivered in paper form.”); *Use of Electronic Media*, Release No. 33-7856, at Section II.B (Apr. 28, 2000) [65 FR 25843] (“It is important for issuers . . . to keep in mind that the federal securities laws apply in the same manner to the content of their web sites as to any other statements made by or attributable to them.”).

²⁴⁹ *Commission Guidance on the Use of Company Web Sites*, Release No. 34-58288, at Section II.A (Aug. 7, 2008) [73 FR 45862].

underlying these interpretations and rules is that, where access is freely available to all, use of electronic media is at least equal to other methods of delivering information or making it available to investors and the market.”²⁵⁰

1. Deceptive advertisements and website representations.

Pilgrim’s Pride’s and JBS’s websites are rife with misleading content. For instance, Pilgrim’s Pride claims on its website that its industry-approved and self-produced animal welfare guidelines “ensure that birds are treated humanely and raised with care.”²⁵¹ The website also claims that “Pilgrim’s works closely with [its] . . . stakeholders to humanely raise and process the birds under [its] care in accordance with” those guidelines.”²⁵² These guidelines were previously touted by Pilgrim’s to “ensure that birds raised are taken care of with the highest standards starting at hatch.”²⁵³ The websites also host the Companies’ Sustainability Reports, which say that Pilgrim’s Pride produces chicken raised on “family farms” following a “strict and comprehensive Animal Welfare Program.”²⁵⁴

Pilgrim’s home page also hosts a link entitled “Who Makes Your Food[?]” that takes users to the webpage of its purportedly more humane “Just BARE” brand.²⁵⁵ This connection is very misleading. The Just BARE brand webpage to which stakeholders

²⁵⁰ *Id.* at Section I.B.

²⁵¹ *Frequently Asked Questions*, PILGRIM’S USA, <https://www.pilgrimsusa.com/faqs/> (under “What is Pilgrims view on the humane treatment of animals?”) (last visited May 7, 2019).

²⁵² *Our Chickens*, PILGRIM’S USA, <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019).

²⁵³ *Supra* note 37.

²⁵⁴ *Supra* note 24 and text accompanying.

²⁵⁵ PILGRIM’S, <https://www.pilgrims.com/> (last visited May 7, 2019); *see also Our Impact*, PILGRIM’S, <https://www.pilgrims.com/impact/> (last visited May 7, 2019); *supra* Part IV.B.1.c.2.

are directed when they ask “Who Makes” Pilgrim’s Pride chicken includes an image of a chicken product displayed with packaging that indicates the product is “natural” and “American Humane Certified.”²⁵⁶ On this page there are also farmer spotlights and phrases such as “All Natural,” “American Humane Certified” and “Family Farm Raised.”²⁵⁷ However, these statements are patently untrue or misleading when applied to chicken sold under the Pilgrim’s Pride brand (*see supra* Part IV.B). Indeed, not all Pilgrim’s products are “American Humane Certified” as its Just BARE brand products are. Although, the American Humane certificate standards are themselves subpar,²⁵⁸ the display of this certification on a webpage linked from Pilgrim’s website could lead reasonable stakeholders to believe that all Pilgrim’s products have been certified humane or produced using more humane methods than those actually employed. This is obviously misleading, confusing, and deceptive for stakeholders.

This deceptive connection is no accident—it appears to be part of a concerted effort by Pilgrim’s to mislead stakeholders concerned about humane treatment of farm animals (a growing market) into believing that all Pilgrim’s Pride brands treat animals humanely. Pilgrim’s admitted as much in touting the acquisition of GNP, including Just BARE, to its investors. Pilgrim’s explained to its investors that the acquisition of the Just BARE brand strengthens its branded portfolio by adding “Natural/American

²⁵⁶ *Who Makes Your Food?*, JUST BARE, <https://www.justbarechicken.com/who-makes-your-food> (last visited May 7, 2019).

²⁵⁷ *Id.*

²⁵⁸ *See, e.g.*, Citizen’s Complaint Seeking Action Against American Humane Assoc. and Butterball, LLC for Deceptive Acts and Practices, Including Deceptive Advertising, PETA to FTC (Nov. 12, 2014), *available at* <https://www.mediapeta.com/peta/pdf/PETA-FTC-Complaint-AHA-and-Butterball-Labeling.pdf>; Foster Poultry Farms, Inc., FTC File No. 152-3244; *American Humane Scam*, MERCY FOR ANIMALS, <http://www.americanhumanescam.com/> (last visited May 7, 2019).

Humane Certified . . . product lines” produced with “innovative technologies, including gas stunning,” which is more humane as it effectively renders the bird unconscious before slaughter.²⁵⁹ Pilgrim’s boasted that the acquisition “enhance[s] both [Pilgrim’s] portfolio of value-added products and [its] ability to provide key customers with the high quality products demanded by consumers,” which—according to surveys—include more humanely-produced products.²⁶⁰ Of course, not all of Pilgrim’s chickens are processed using gas stunning. In fact—as explained above (*see supra* Part IV.B.1.c.2)—most of Pilgrim’s chickens are stunned in insufficiently electrified water baths, resulting in conscious birds being cut and scalded.²⁶¹ Thus, in answering the question “Who Makes Your Food?” by linking to Just BARE, Pilgrim’s Pride is attempting to misleadingly place an undeserved humane halo around its whole portfolio, thereby creating further confusion and deception among stakeholders in a manner that deceptively portrays all of Pilgrim’s products as humane.

The statements on Pilgrim’s and JBS’s websites and in their reports along with their unqualified claims that the Companies have “zero tolerance for any deliberate abuse or mistreatment” are especially concerning as they completely conflict with the inherently cruel practices Pilgrim’s uses from hatching through neck-cutting, and the cruel actions seen time and time again in undercover investigations and USDA inspections (*see supra* Parts IV.B.1-2).²⁶² Pilgrim’s comprehensive welfare and family

²⁵⁹ “Pilgrim's Pride Strengthens Branded Portfolio with Agreement to Purchase GNP Company,” *Investor Relations*, PILGRIM’S (Nov. 29, 2016), <http://ir.pilgrims.com/news-releases/news-release-details/pilgrims-pride-strengthens-branded-portfolio-agreement-purchase>; *see also* discussion *supra* at 45.

²⁶⁰ *Id.*

²⁶¹ *See* discussion *supra* pp. 43-46.

²⁶² *See id.*; *supra* note 237, *Frequently Asked Questions*, JUST BARE CHICKEN.

farm promises mislead stakeholders because stakeholders expect family-run farms to operate with the level of care equivalent to what Pilgrim's Pride advertises as ensuring comprehensive welfare practices, and that such family-run farms are the antithesis of factory farms.²⁶³ Pilgrim's facilities, however, utilize factory farm practices and employ practices that do nothing to promote welfare (*see supra* Part IV.B.1). As such, Pilgrim's Pride's and JBS's humane animal welfare and family farm claims are deceptive.²⁶⁴

No reasonable stakeholder reading Pilgrim's humane claims, such that its "strict and comprehensive Animal Welfare Program ensures that birds are humanely raised and handled through all phases of hatching, growth, transport and slaughter," would assume the company, from all appearances, uniformly uses inherently cruel practices in its growing and slaughter of chickens.²⁶⁵ Nor would any reasonable stakeholder assume that the vast majority of Pilgrim's products, having been represented as

²⁶³ *Supra* note 51. In a study regarding perceptions of animal welfare in farming, "almost three-quarters (74%) believe the welfare of animals is better protected on family farms than on large, corporate farms." Rebecca J. Vogt et al., Center for Applied Rural Innovation, University of Nebraska, Lincoln, *Animal Welfare: Perceptions of Nonmetropolitan Nebraskans* i (Jul 2011), available at <http://govdocs.nebraska.gov/epubs/U2031/B075-2011.pdf>. As stated in an industry editorial, "[M]odern agriculture is not what stakeholders believe or what they want to believe. Most think family farms are small, independent, diversified, and producing food for their local area. . . . This is one of the reasons they are willing to pay more for organic food products, mistakenly believing these are produced by smaller, independent family farms." Gary Truitt, *Closing The Gap Between Producers and Consumers*, HOOSIER AG TODAY (Mar. 3, 2013) <https://www.hoosieragtoday.com/closing-the-gap-between-producers-and-consumers/>.

²⁶⁴ *See generally* FTC, Policy Statement on Deception, *appended to Cliffdale Assocs., Inc.*, 103 FTC 110, 174 at 1 (1984), available at https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf (hereinafter "FTC Policy Statement on Deception") (a claim is deceptive if it is important to a consumer's purchasing decision to and is likely to mislead stakeholders acting reasonably under the circumstances); *see* 15 U.S.C. § 45.

²⁶⁵ Sustainability Report 2016 at 122 (emphasis added); *compare supra* Parts IV.A.1, 2.

produced “as humanely as possible,” are no better (and in many cases are worse) from a welfare perspective than other available chicken products.²⁶⁶

As discussed above (*see supra* Part IV.B.1), these unquestionably inhumane practices include, but are not limited to: (1) using birds bred to grow unnaturally fast to an unnatural size, sometimes leaving them unable to stand and often at severe risk of injury or death; (2) overcrowding birds in grow houses and during transport such that many are crushed to death or suffocated; and (3) failing to render chickens unconscious thus causing chickens to be cut or scalded while still conscious. No reasonable stakeholder would find that these practices comport with Pilgrim’s statements that its “practices . . . prevent or minimize fear, pain, stress and suffering throughout the production process” and that it has an “uncompromising commitment” to “[e]nsuring the well-being of the chickens under [Pilgrim’s] care.”²⁶⁷ Shackling birds upside-down by their legs (*see supra* Part IV.B.1.c.1) and scalding fully conscious chickens (*see supra* Part IV.B.1.c.4) are just a few of Pilgrim’s practices that cause birds the fear, pain, stress, and suffering that Pilgrim’s disclaims, and demonstrate the humane treatment of animals in its care is compromised (*see supra* Parts IV.B.2, 3). By mandating cruel practices in lieu of more humane alternatives (about which Pilgrim’s is well aware) and then claiming to operate in a way that ensures humane treatment, the Companies are deceiving stakeholders.

Also on Pilgrim’s website are overtly misleading claims that the NCC guidelines it employs “are designed to promote the humane treatment and well-being of poultry

²⁶⁶ *Supra* note 40.

²⁶⁷ Sustainability Report 2016 at 121-22 (emphasis added); Sustainability Highlights 2017 at 22 (emphasis added); *see also* JBS Sustainability Report at 103.

throughout the production process.”²⁶⁸ Pilgrim’s Pride relies on the NCC for its welfare guidelines, even though the NCC is an industry trade group, not an animal welfare organization. The NCC exists to promote and protect the interests of the chicken industry. The NCC’s standards merely codify industry standards for factory farming and do not meet stakeholder expectations for “humane” treatment of animals. Indeed, NCC explains that it “is a non-profit trade association headquartered in Washington, D.C. that represents chicken producer-processors, the companies that produce and process chickens raised for meat,” and “[m]ember companies of the council account for more than 95 percent of the chicken sold in the United States.”²⁶⁹ With over 95 percent of the market, the humane standards that Pilgrim’s advertises are meaningless differentiators and should not be used in product marketing to suggest that a product benefit is being conferred.²⁷⁰

NCC is also the group that recently petitioned FSIS to remove all line speed limits on poultry slaughter—which, had the petition been granted, would have allowed an already incredibly fast and cruel process to get even worse. NCC’s apparent complete disregard for animal welfare and food and worker safety does not inspire confidence in

²⁶⁸ *Supra* note 2, *see also supra* note 49.

²⁶⁹ *National Chicken Council Forges New Ground in Food Transparency with Launch of Immersive Virtual Reality Experience*, PR NEWswire (July 25, 2018, 6:00 PM ET), <https://www.prnewswire.com/news-releases/national-chicken-council-forges-new-ground-in-food-transparency-with-launch-of-immersive-virtual-reality-experience-300686019.html>.

²⁷⁰ *See* Petition from Tyson Foods, Inc. to USDA (Mar. 18, 2011) (complaining about its competitor, Perdue, for “tout[ing] its raising practices as though they are unique from and superior to the practices of its competitors” even though “Perdue raises broiler chickens in the same manner as its competitors”), *available at* https://www.fsis.usda.gov/wps/wcm/connect/0291205f-8e6e-4f23-a2a2-713708afcb16/Petition_Tyson_031811.pdf?MOD=AJPERES.

the organization’s so-called “humane” standards that Pilgrim’s Pride has claimed “ensure that birds raised are taken care of with the highest standards starting at hatch” and continues to claim “ensure that birds are treated humanely and raised with care.”²⁷¹ Pilgrim’s reliance on these standards to support its humane claims is thus unfair and deceptive.²⁷²

It is further deceptive because NCC guidelines mandate and explicitly allow for practices that no reasonable stakeholder would consider “humane.” As explained in detail above, NCC standards are severely deficient for protecting animal welfare. For instance, NCC standards allow the use of stun baths,²⁷³ beak-trimming,²⁷⁴ maceration of live chicks,²⁷⁵ cramped conditions,²⁷⁶ and other inhumane practices, such as genetically manipulating the growth rate of the birds to grow unnaturally and rapidly large,²⁷⁷ keeping birds awake for 20 hours a day,²⁷⁸ and scalding conscious birds to defeather them.²⁷⁹ Pilgrim’s Pride fails to explain that the NCC “Animal Welfare” standards, on their face, allow inhumane treatment—a material omission.²⁸⁰ Because of the inherent problems associated with practices permitted under the NCC standards, Pilgrim’s chickens have been subjected to inhumane handling in grow houses, on trucks, and by being shackled in ways that can break bones and dislocate joints (*see supra* Part IV.B.1).

²⁷¹ *See supra* text accompany notes 36, 37, 178-83; *see also supra* Part IV.B.1.c.5.

²⁷² *See, e.g., supra* notes 1, 75, 84, 90, 109, 120, 141, 149, 158 and accompanying text.

²⁷³ *See* NCC Standard at 16-17.

²⁷⁴ *Id.* at 7-8.

²⁷⁵ *Id.* at 7-8.

²⁷⁶ *Id.* at 12; *see also supra* Part IV.B.1.a.2.

²⁷⁷ *See supra* note 102 and accompanying text.

²⁷⁸ NCC Standard at 12.

²⁷⁹ *See id.* at 17.

²⁸⁰ *See generally* NCC Standards; FTC Policy Statement on Deception, *supra* note 264.

Stakeholders do not find these practices humane, as further explained herein. What stakeholders expect humane to mean may vary, but unquestionably no reasonable stakeholder would see the way in which Pilgrim's Pride raises and slaughters chickens to be consistent with its "humane" claims. For instance, no reasonable stakeholder would expect the practices explained above (*see supra* Part IV.B.1) to comport with Pilgrim's claim that its "chickens are raised in accordance with . . . practices that prevent or minimize fear, pain, stress and suffering throughout the production process."²⁸¹

As recent surveys confirm, overwhelming majorities of American consumers are very concerned about the treatment of the farm animals that become food. For instance, in a consumer survey, 80% of consumers said they would either "definitely not" or "probably not" consider chickens to be "Humanely Raised" if the chickens were bred for extremely fast growth, causing the chickens to have chronic health problems.²⁸² As explained above, Pilgrim's Pride does just that yet still advertises its chicken as being humanely produced. In the same survey, 84% of consumers surveyed would either "definitely not" or "probably not" consider chickens to be "Humanely Raised" if a company kept its chickens in barns and subjected them to near continuous lighting, preventing natural rest and sleep behaviors.²⁸³ Again, as explained above, the NCC standards only require 4 hours of darkness in a 24-hour period and Pilgrim's Pride very likely follows this standard across the board.²⁸⁴ 84% of respondents in a more recent

²⁸¹ Sustainability Report 2016 at 122 (emphasis added).

²⁸² Thomas J. Maronick, DBA, JD, *Harvestland Label Survey* (2012) (on file with HSUS).

²⁸³ *Id.*

²⁸⁴ *See supra* Part IV.B.1.a.4; NCC Standards at 12.

survey believe farms should raise animals with sufficient space and not confine animals so tightly that they can barely move.²⁸⁵ Also, 81% of consumers surveyed would either “definitely not” or “probably not” consider chickens to be “Humanely Raised” if, prior to being slaughtered, a company shocked shackled chickens in vats of electrified water, which as described above are practices standard in Pilgrim’s Pride production process (see *supra* Parts IV.B.1.c.1, 2).²⁸⁶

As if these standards were not already lax, NCC’s producer-friendly enforcement system allows producers to commit a number of egregious violations without the risk of censure. Under the NCC certification program, “growout operations” need only meet 86% of an audit to receive certification.²⁸⁷ Consequently, a facility that grows chickens can completely fail *all* of its “Nutrition and Feeding” obligations—including ensuring that “all feeding and drinking systems are in proper operation and easily accessible by all birds”—and still pass its audit to receive NCC certification. Thus, because Pilgrim’s asserts it has adopted NCC standards, its claim that it is certified according to the “strict” guidelines of a “comprehensive Animal Welfare Program” is misleading.²⁸⁸ No reasonable stakeholder believes that 20,000 chickens packed in a windowless warehouse with no working feed and drink dispensers is being cared for under “guidelines” that “ensure that birds are treated humanely and raised with care.”²⁸⁹

²⁸⁵ Spain, et al., *Are They Buying It?*

²⁸⁶ *Supra* note 282.

²⁸⁷ NCC Standards at 19.

²⁸⁸ *Supra* notes 1, 24, 36.

²⁸⁹ *Frequently Asked Questions*, PILGRIM’S USA, <https://www.pilgrimsusa.com/faq> (last visited May 7, 2019) (under “What is Pilgrims view on the humane treatment of animals?”) (emphasis added).

Additionally, stakeholders find it “important to know that animal-welfare assessments are conducted by an independent third party or the federal government (and not only the industry producer).”²⁹⁰ This is likely why the company leads stakeholders to believe that its chicken has been endorsed or certified by an independent third party, NCC and the Professional Animal Auditor Certification Organization (“PAACO”).²⁹¹ Indeed, as noted above, Pilgrim’s Pride advertises, “[a]ll of our complexes are audited on a regular basis to ensure full compliance with [National Chicken Council] humane treatment guidelines.”²⁹² Yet, Pilgrim’s Pride does not conspicuously explain that the NCC is an industry trade group, representing the vast majority of factory farming poultry producers, or that PAACO is associated with NCC and trains in-house company auditors rather than providing its own independent audits.²⁹³ In fact, it appears PAACO trains and appoints Pilgrim’s Pride employees to

²⁹⁰ Spain, et al., *Are They Buying It?*

²⁹¹ See *Our Chickens*, “Raising Pilgrim’s Chickens,” PILGRIM’S USA, <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019) (“All of our complexes are audited on a regular basis to ensure full compliance with these humane treatment guidelines.”); see also 2017 Sustainability Highlights at 22 (“In the U.S., animal welfare audits are conducted at all Pilgrim’s production facilities and a sub-set of family farms at least once a year by third-party auditors who are part of the Professional Animal Auditor Certification Organization (PAACO)”).

²⁹² *Our Chickens*, “Raising Pilgrim’s Chickens,” PILGRIM’S USA, <https://www.pilgrimsusa.com/our-chickens/> (last visited May 7, 2019).

²⁹³ See *Overview*, NAT’L CHICKEN COUNCIL, <https://www.nationalchickencouncil.org/about-ncc/overview> (last visited May 7, 2019) (“The National Chicken Council (NCC) is the national, non-profit trade association whose primary purpose is to serve as the advocate and voice for the U.S. broiler chicken industry in Washington, D.C.”); *Animal Welfare for Broiler Chickens*, NAT’L CHICKEN COUNCIL, <https://www.nationalchickencouncil.org/industry-issues/animal-welfare-for-broiler-chickens/> (last visited May 7, 2019) (“The Professional Animal Auditor Certification Organization (PAACO) trains auditors to the NCC program, and use of PAACO-trained auditors is recommended.”); *America’s Largest Chicken Association Rolls Out Industry-Wide Standards for Broiler Chicken Welfare*, NAT’L CHICKEN COUNCIL (Sept. 6, 2017), <https://www.nationalchickencouncil.org/americas-largest->

be auditors of the PAACO certified NCC standards.²⁹⁴ JBS notes in its sustainability report that “Pilgrim’s has 6 certified PAACO Animal Welfare Auditors that are strategically located throughout the U.S. to assist all of [its] facilities.”²⁹⁵ As such, this appears to be a self-auditing scheme, even though stakeholders would reasonably view the NCC program as an independent one based on Pilgrim’s representations about the program.²⁹⁶ Although these facts are material to stakeholders, as noted above (*see supra* Part V.A), Pilgrim’s does not disclose them prominently as required under FTC guidelines.²⁹⁷

Pilgrim’s Pride further fails to adequately disclose its close, controlling ties to the NCC standards and its welfare audits. For instance, “Pilgrim’s was selected by the National Chicken Council as a key leader in the formation of the U.S. Roundtable for Sustainable Poultry and Eggs,” showing that the company, along with other poultry producers, has significant influence, if not total control over establishing NCC

chicken-association-rolls-industry-wide-standards-broiler-chicken-welfare/.

²⁹⁴ *Certified Auditors*, PAACO, <https://www.animalauditor.org/Auditors/Find> (last visited Apr. 23, 2019) (identifying several people affiliated with Pilgrim’s in PAACO’s Certified Auditor’s Directory); *National Chicken Council Animal Care Guidelines Certified by Independent Audit Certification Organization*, NAT’L CHICKEN COUNCIL (July 10, 2018), <https://www.nationalchickencouncil.org/national-chicken-council-animal-care-guidelines-certified-by-independent-audit-certification-organization/> (“the National Chicken Council’s (NCC) broiler and broiler breeder welfare guidelines have been certified by the Professional Animal Auditor Certification Organization (PAACO)”).

²⁹⁵ *Chickens*, JBS, <https://jbssa.com/sustainability/social-responsibility/animal-care/chickens/> (last visited May 7, 2019).

²⁹⁶ *See, e.g.*, 16 CFR Part 255 (Guides Concerning the Use of Endorsements and Testimonials in Advertising), <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides-governing-endorsements-testimonials/091005revisedendorsementguides.pdf>.

²⁹⁷ *Id.*

standards.²⁹⁸ Additionally, Pilgrim's new President and CEO serves on the board and executive committee of this trade group.²⁹⁹ Thus, NCC is not as impartial as Pilgrim's Pride leads stakeholders to believe in its promotion of its use of NCC animal welfare standards. This self-regulating framework is a material connection that Pilgrim's should conspicuously disclose to stakeholders in advertisements and on its websites and reports.³⁰⁰ Pilgrim's Pride's failure to do so is deceptive.

2. Misleading "100% Natural" label representations.

Each of the statements described above contributes to the false impression that Pilgrim's Pride chickens come from sources that protect animal welfare and public health, or at least from producers who exceed the industry baseline for animal treatment. This is particularly true when the website is viewed in conjunction with the company's "100% Natural" claim that appears on Pilgrim's packaging and on its website.³⁰¹ Pilgrim's Pride product labels claiming the product is "100% Natural" are

²⁹⁸ JBS Sustainability Report at 16; *see also* JBS Annual and Sustainability Report at 149 ("Pilgrim's Pride Corporation has its own Animal Welfare Program. Developed by a Corporate Committee focusing specifically on this issue, the program is revised annually to ensure poultry wellbeing is respected at all stages of the process, including hatching, growth, transportation and slaughter. The practices adopted in the US reflect guidelines published by the National Chicken Council (NCC)."); Petition from Tyson Foods, Inc. to USDA (Mar. 18, 2011) ("Tyson, and most of Perdue's competitors [which would include Pilgrim's Pride], are members of NCC, were involved in formulating and also adhere to NCC's Animal Welfare Guidelines.").

²⁹⁹ "Jayson Penn to Succeed Bill Lovette as Global CEO of Pilgrim's Pride," *Investor Relations*, PILGRIM'S (Mar. 22, 2019), <http://ir.pilgrims.com/news-releases/news-release-details/jayson-penn-succeed-bill-lovette-global-ceo-pilgrims-pride-0>.

³⁰⁰ *See Moonlight Slumber, LLC*, No. C-4634 at 5-6 (FTC Dec. 11, 2017); *see also* 16 C.F.R. § 255.5; FTC, Enforcement Policy Statement on Deceptively Formatted Advertisements, at 9, available at https://www.ftc.gov/system/files/documents/public_statements/896923/151222deceptiv eenforcement.pdf.

³⁰¹ *See, e.g., supra* note 63.

misleading. This claim is deceptive because no reasonable stakeholder would consider the practices described above, such as growing birds at unnatural growth rates, overcrowding, and using irregular light and dark frequencies, as in concert with the “100% Natural” representations of Pilgrim’s Pride.³⁰²

The “100% Natural” label implies that chickens at suppliers for Pilgrim’s Pride products are humanely and naturally raised. Surely, no reasonable stakeholder would see the “100% Natural” claims and think of a complex of factory farms owned by Pilgrim’s Pride, one of the largest and most geographically widespread poultry-producing corporations in the nation, where chickens are confined in cramped, filthy warehouses and never see the light of day.³⁰³ In fact, most consumers believe that a “natural” representation should mean the animal was raised in a natural environment with access to the outdoors and was treated humanely.³⁰⁴ And yet, no words on the label

³⁰² Animal Welfare Institute, *Consumer Perceptions of Farm Animal Welfare* 7-8, available at https://awionline.org/sites/default/files/uploads/documents/fa-consumer_perceptionsoffarmwelfare_-112511.pdf (last visited May 7, 2019) (“When asked to identify their top three reasons for purchasing ‘natural’ or ‘organic’ meat, 38% of respondents to an online poll conducted by the American Meat Institute and the Food Marketing Institute chose ‘better health and treatment of the animal.’”) (citing *Top 3 Reasons for Purchasing Natural or Organic Meat, Beyond the Farm Gate*, WHOLE FOODS MARKET, Issue 4, June 2010); see generally FTC Policy Statement on Deception, *supra* note 264, at 2 (a claim is deceptive if it is important to a consumer's purchasing decision to and is likely to mislead stakeholders acting reasonably under the circumstances).

³⁰³ See Spain, et al., *Are They Buying It?* (“a 2015 Consumer Reports study found that stakeholders believed that a natural label indicates that animals went outdoors when there are no such requirements for this label”); Consumer Reports National Research Center, *Natural Food Labels Survey: 2015 Nationally-Representative Phone Survey* 4 (2015), available at <https://foodpolitics.com/wp-content/uploads/Consumer-Reports-Natural-Food-Labels-Survey-Report.pdf> (“While half think that the natural label on meat and poultry currently means that the animals went outdoors, nearly 7 out of 10 think that this label should mean this.”).

³⁰⁴ Consumer Reports National Research Center, *Food Labeling Poll 2008* 15 (Nov. 11, 2008), available at <http://4bgr3aepis44c9bxt1ulxsyq.wpengine.netdna-cdn.com/wp->

contradict these reasonable expectations or attempt to correct this false depiction. Pilgrim's Pride materially omits the fact that the chickens it labels as "100% Natural" live their entire life indoors and that their growth rate is unnaturally genetically enhanced, causing pain and discomfort.³⁰⁵

Contrary to Pilgrim's claim that these chicken products are "100% Natural," Pilgrim's Pride uses an unnatural, genetically altered strain of chicken to promote rapid growth and weight gain, such that many chickens that become the company's chicken products suffer physically. As explained above, this practice is far from natural (*see supra* Part IV.B.1.a.3); it is inherently cruel and goes against reasonable stakeholders' expectations of what "natural" and "humane" represent. Thus, Pilgrim's label is misleading.

Indeed, in a case brought by consumer advocates challenging the "100% Natural" claims of Sanderson Farms, another large poultry producer, as false and misleading under California consumer protection laws, the U.S District Court of Northern California recently found:

With regard to the raising and treatment of chickens, Plaintiffs rely on surveys indicating that at least half of consumers understand "natural" to mean the animal roamed outdoors. Therefore, since Sanderson's chickens allegedly are kept indoors, and none of the advertisements bearing the "100% Natural" slogan disclaim the fact that the chickens never go outside, Plaintiffs have sufficiently plead [sic] that Sanderson actually raises its chickens in conditions that are contrary to what Sanderson leads consumers to believe. Defendant's argument that it never depicts its chickens going outdoors and therefore cannot mislead is underwhelming. Plaintiffs have sufficiently plead [sic] that a reasonable consumer understands the use of "natural" to mean a host of expectations, including the fair inference that the animal was allowed to move outdoors. When Sanderson employs such terminology, its silence

content/uploads/2015/02/foodpoll2008.pdf (examining a "Naturally Raised" meat label).

³⁰⁵ *See supra* Parts IV.B.1.a.2-3, IV.B.2.

does not foreclose the claim of potential consumer confusion. Again, Plaintiffs have alleged with requisite particularity that Sanderson's actions are different from what it leads consumers to believe.³⁰⁶

It would have been easy for Pilgrim's Pride to select a label that more accurately represents the conditions on its production facilities—or at least one that does not address the conditions at all. Instead, knowing that reasonable stakeholders may rely on its label's claims, Pilgrim's Pride made the "100% Natural" representation a focal point of its label, a representation that imparts a materially false impression of the company's standards regarding the treatment of animals.

C. Lack of Market Restraints on Deception Regarding Production Methods and Conditions

In terms of deception, where a product or service is easily evaluated by stakeholders, the likelihood of deception is low because companies want to encourage repeat business and investment.³⁰⁷ Here, in contrast, the method of producing broiler chickens, rather than the final product of the poultry itself, is the subject of controversy. And, that method of production is nearly impossible for stakeholders to directly evaluate. Thus, in order to take advantage of preferences for a method of production that stakeholders cannot determine on their own, and to ensure repeat purchasers or investors, a poultry seller is likely to be *more* deceptive about its manufacturing methods.³⁰⁸

³⁰⁶ *Friends of the Earth v. Sanderson Farms, Inc.*, No. 17-cv-03592-RS, 2018 WL 7197394, at *5 (N.D. Cal. Dec. 3, 2018) at 8-9 (internal citations omitted).

³⁰⁷ See, e.g., FTC Policy Statement on Deception, *supra* note 264 at 5.

³⁰⁸ See, e.g., Muris, Chairman, FTC, *Aspen Summit: Cyberspace and the American Dream, Remarks at the Progress & Freedom Found*, 2003 WL 21979851, at *3 (Aug. 19, 2003) ("Sometimes robust competition alone will not punish or deter seller dishonesty or reneging. For products called 'credence goods,' stakeholders cannot readily use their own experiences to assess whether the seller's quality claims are true. Typical

Just as, for example, a company that produces apparel under sweatshop conditions would want to hide its method of production from its stakeholders, so too does Pilgrim's Pride have strong incentives to cover up the actual conditions under which its chickens are kept. In neither case can the stakeholder examine the production process simply by examining the product purchased. The sweatshop company, then, would have strong incentives, were it able to get away with it, to disseminate advertisements featuring a state-of-the-art facility with "happy" workers in lush surroundings to hide its darker reality and avoid dissuading stakeholders from repeat purchases or investments.³⁰⁹ Similarly, the reality of broiler chickens under Pilgrim's control is one of intensive confinement, unnatural surroundings, and a lifetime of cruelty by commission and omission. As such, there are strong incentives for chicken producers and sellers such as Pilgrim's Pride to mislead stakeholders about these

stakeholders know whether a food product 'tastes great,' they cannot judge whether consuming the same product reduces the risk of cancer or whether the cost of a car repair included items not necessary to restore the vehicle to its full capacity. . . . For credence goods, the market may not identify and discipline a deceptive seller because the product's qualities are so difficult to measure. Moreover, a product market with special attributes - consumers cannot determine quality before purchase, higher quality products cost more to produce than lower quality products, and firms cannot credibly guarantee quality - may become a 'lemons market' in which only low-quality products are sold."); Azcuenaga, Commissioner, FTC, *Advertising Regulation and the Free Market, Remarks at the Int'l Cong. of Adver. & Free Market*, 1995 WL 307748, at *8 (May 11, 1995) ("Because of their lack of susceptibility to consumer assessment, [credence goods] are subject to more intense scrutiny by the FTC").

³⁰⁹ See Jens Hainmueller et al., *Consumer Demand for the Fair Trade: Evidence from a Multistore Field Experiment*, 97 REV. ECON. & STAT. 242, 243 n.6 (2015), available at <https://web.stanford.edu/~jhain/Paper/REST2015.pdf> (explaining that stakeholders are willing to pay more for garments certified as not being made in a sweatshop); see David J. Doorey, *Who Made That?: Influencing Foreign Labour Practices Through Reflexive Domestic Disclosure Regulation*, 43 OSGOODE HALL L. J. 353, 372-76 (2005), available <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1325&context=ohlj> (discussing corporate costs of vague disclosure versus the marketplace benefits of concrete disclosure).

conditions in order to prevent potential investors or repeat purchasers from being dissuaded from engaging in transactions with Pilgrim's.

There are virtually no market restraints on the likelihood of deception in this instance because stakeholders are unable to tell upon receiving and consuming the product that they have been deceived. Production practices are not readily apparent in the final product. The result is that repeat purchasers may continue to be deceived if Pilgrim's Pride continues to deceive them as described above.

The choice of Pilgrim's Pride to remain silent about the miserable lives of the chickens that it uses for its products is questionable, but its affirmative and unqualified misrepresentations about the conditions of the chickens is unethical, deceptive, and unlawful.

VI. RELIEF REQUESTED

The actions described above constitute violations of the antifraud provisions of the federal securities laws. Accordingly, HSUS respectfully requests that the Commission investigate the issues discussed above and take prompt action to enjoin Pilgrim's Pride and JBS from continuing to deceive stakeholders by issuing misleading claims pertaining to animal welfare.

Respectfully submitted May 9, 2019,

/s/ Laura J. Fox

Laura J. Fox
D.C. Bar No. 155225
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D.C. Bar No. 982936

THE HUMANE SOCIETY OF THE UNITED STATES
1255 23rd St. NW, Ste. 450
Washington, DC 20037

ATTACHMENT 3

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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	:
THE PEOPLE OF THE STATE OF NEW YORK,	:
by LETITIA JAMES,	:
Attorney General of the State of New York,	: <u>SUMMONS</u>
	:
Plaintiff,	: Index No.
	:
-against-	:
	:
JBS USA FOOD COMPANY and JBS USA FOOD	:
COMPANY HOLDINGS,	:
	:
Defendants.	:
	:
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TO JBS USA FOOD COMPANY:

YOU ARE HEREBY SUMMONED to answer the attached complaint in this action and to serve a copy of your answer on the plaintiff's attorney within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York). In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates New York County as the venue for this action pursuant to C.P.L.R. 503(a).

Dated: New York, New York
February 28, 2024

LETITIA JAMES
Attorney General
State of New York

By:



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Ashley M. Gregor
Assistant Attorneys General
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*Attorneys for Plaintiff
The People of the State of New York*

Of Counsel:
Lemuel Srolovic
Bureau Chief
Environmental Protection Bureau
Division of Social Justice

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TO JBS USA FOOD COMPANY HOLDINGS:

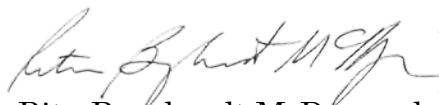
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1. Plaintiff, the People of the State of New York, by Letitia James, Attorney General of the State of New York (“the State”), upon information and belief, alleges the following against defendants JBS USA Food Company and JBS USA Food Company Holdings (together “JBS USA”).

NATURE OF THE ACTION

2. For years, JBS USA, and its direct and indirect parents, subsidiaries, and affiliates (collectively, “the JBS Group”), the largest producer of beef products in the world, have repeatedly assured the public and their consumers that they are taking substantial and definitive actions to reduce their greenhouse gas emissions and mitigate the impacts of their industrial agricultural practices on the environment.

3. As public concern about climate change and environmental sustainability continues to grow, consumers increasingly are seeking products with

greater environmental benefits and fewer environmental harms. One study found that consumers are willing to pay more—up to 30 percent more—for products with net-zero greenhouse gas emissions. Consumers also report that sustainability is an important consideration when purchasing food and beverages in a grocery store or restaurant.

4. Industrial animal agriculture, however, has a substantial environmental footprint. Beef has the highest total greenhouse gas emissions of any major food commodity, and beef production is linked to large-scale deforestation, especially in the Amazon rainforest, which further drives climate change by releasing greenhouse gases and eliminating trees and plants that absorb and store carbon dioxide (referred to as “carbon sinks”).

5. As the global leader in beef production, the JBS Group knows that if consumers perceive its products as unsustainable, it could reduce consumer demand for beef and harm the JBS Group’s share of the U.S. beef market. In public statements, the JBS Group has recognized that sustainability claims can, in effect, provide environmentally conscious consumers with a “license” to eat beef.

6. Across its marketing materials, the JBS Group has made sweeping representations to consumers about its commitment to reducing its greenhouse gas emissions, claiming that it will be “Net Zero by 2040.”

7. The JBS Group, however, has had no viable plan to meet its commitment to be “Net Zero by 2040.”

8. Indeed, the JBS Group has admitted that it made its “Net Zero by 2040” commitment without having calculated the vast majority of greenhouse gas emissions from its supply chain. Those supply chain emissions include emissions from deforestation in the Amazon and the resulting inability of that biomass to absorb and store greenhouse gases from the atmosphere.

9. Even if it had developed a plan to be “Net Zero by 2040,” the JBS Group could not feasibly meet its pledge because there are no proven agricultural practices to reduce its greenhouse gas emissions to net zero at the JBS Group’s current scale, and offsetting those emissions would be a costly undertaking of an unprecedented degree. As of 2021, the JBS Group’s estimated annual greenhouse gases were more than those of the entire country of Ireland, and the JBS Group plans to substantially increase its meat production over the coming years.

10. In a recent proceeding defended by the JBS Group, the National Advertising Division (“NAD”) of the Better Business Bureau determined that the JBS Group’s “Net Zero by 2040” marketing claim is unsubstantiated and misleading to consumers and recommended that the JBS Group stop making that claim. The National Advertising Review Board (“the Review Board”), NAD’s appellate body, upheld that decision.

11. Despite these industry admonishments, the JBS Group has continued to make the same or similar claims to consumers, all the while emitting massive amounts of greenhouse gases to the atmosphere and continuing supply chain

practices with outsized climate impacts, further contributing to climate change harms.

12. The JBS Group has repeatedly and persistently made unsubstantiated and misleading environmental marketing claims to New York consumers, even after NAD and the Review Board found such claims to be unsubstantiated and recommended that the JBS Group stop making them.

13. The JBS Group has profited from its fraudulent and illegal business activities across New York State.

14. The State therefore brings this action pursuant to Executive Law § 63(12) to stop these fraudulent and illegal environmental marketing practices and to enjoin JBS USA from violating New York's consumer protection statutes, General Business Law §§ 349 and 350.

15. The State also seeks an order awarding civil penalties for JBS USA's statutory violations; disgorgement of all profits and ill-gotten gains realized from JBS USA's violations of New York's consumer protection statutes; a third-party audit of JBS USA's compliance with New York's consumer protection statutes; and such other relief as the Court deems just and proper.

PARTIES

16. The State brings this action by Attorney General Letitia James, the chief law enforcement officer of the State who is charged by law with protecting consumers who reside or transact business in the State. The Attorney General is

authorized to bring this action and to assert the causes of action set forth below pursuant to General Business Law §§ 349 and 350 and Executive Law § 63(12).

17. Defendants JBS USA Food Company and JBS USA Food Company Holdings are wholly owned indirect subsidiaries of their ultimate parent, JBS S.A. Both JBS USA defendants are Delaware corporations with their principal places of business in Greeley, Colorado.

The JBS Group's Company Background

18. The JBS Group is a multinational food company that conducts business in over 20 countries across five continents.

19. JBS S.A. is the ultimate parent of the global corporate structure referred to in this complaint as “the JBS Group,” and it has its principal place of business in São Paulo, Brazil. The JBS Group, for purposes of this complaint, consists of JBS S.A. and its consolidated subsidiaries, including JBS USA. JBS S.A. is the controlling parent company for all consolidated subsidiaries within the JBS Group.

20. The JBS Group's operations span a variety of industries and products, most of which are related to the processing, distribution, and sale of animal-based products worldwide. Other business activities include prepared foods, transportation, fertilizers, and the sale of leather, collagen, and biodiesel.

21. The JBS Group claims to be “the largest protein company and the largest food company in the world in terms of net revenue for the year ended December 31, 2022.” The JBS Group states that its net revenue in 2022 was USD

\$72.6 billion. It also claims to be the global leader in beef and poultry production capacity and the second largest global pork producer.

22. The JBS Group primarily relies on direct and indirect suppliers to breed and raise the cattle it slaughters in its processing facilities worldwide.

23. Cattle raised in Brazil and purchased by the JBS Group are exported to the United States and are part of JBS USA's supply chain. In January 2022 alone, Brazil exported almost 100 million pounds of beef to the United States.

24. As of the first quarter of 2023, the JBS Group's U.S. market accounted for 49 percent of its total revenue.

25. Defendant JBS USA Food Company conducts the JBS Group's operations in the United States.

26. Defendant JBS USA Food Company Holdings, along with its subsidiaries and affiliates, has maintained a website for those collective business units at "www.jbsfoodsgroup.com."

27. The JBS Group has used the trademark "JBS" in its marketing for its operations in the United States, Canada, Mexico, Australia, Europe, and the United Kingdom.

28. Within the JBS Group's global organizational structure, the Chief Executive Officer ("CEO") of JBS USA reports to the CEO of JBS S.A.

29. JBS S.A.'s Board of Directors, the CEO, and global management team define the global business policies and guidelines for the companies within the JBS Group.

30. JBS S.A. sets a global environmental policy that applies to all businesses within the JBS Group, including JBS USA.

31. Speaking to market analysts in 2020, the then-CEO of JBS USA explained that the environmental policies set by JBS S.A. applied equally to the U.S. businesses: “[I]t’s absolutely the same, the company has a global policy related to ESG [environmental, social, and governance issues] and the companies publish this in [sic] a global basis. The companies have a sustainability program, so it’s absolutely the same and we all follow the same guidance, and we all publish the same information.”

32. The businesses within JBS USA also share a common Chief Sustainability Officer and Chief Ethics and Compliance Officer with JBS S.A.

33. JBS S.A. publishes Sustainability Reports regarding the environmental performance of the JBS Group businesses worldwide. Those Sustainability Reports and other related materials are accessible to consumers and are published in English. The global Sustainability Reports contain data regarding the environmental performance and efforts of the combined JBS Group businesses worldwide, including JBS USA.

34. JBS USA also publishes its own Sustainability Reports that adopt and repeat representations made by JBS S.A. about the JBS Group’s environmental commitments.

35. JBS USA’s “Sustainability” webpage has directed consumers to a JBS Foods webpage, which has informed consumers of the JBS Group’s global “pledge to

achieve net-zero greenhouse gas (GHG) emissions by 2040” and to eliminate deforestation across its global supply chain by 2035.

36. JBS USA’s website also has directed consumers to JBS S.A.’s compliance department for questions pertaining to their websites: “All other feedback, comments, requests for technical support and other communications relating to the Website should be directed to: jbs.compliance@jbssa.com.”

The JBS Group’s Connections to New York

37. JBS USA regularly conducts business within New York State and with New York consumers. JBS USA markets and sells its products in New York State under different brand names including “Swift,” “Certified Angus Beef,” and “Grass Run Farms.”

38. Each of those brands maintains websites through which they directly market their products to New York consumers. Consumers who access the brand’s website can purchase the brand’s products online through retailers such as Instacart or Amazon, or they are directed to New York retailers who stock the brand’s products in their stores. Consumers can also purchase those products directly from retail outlets in New York, including Costco, Hannaford, Weis, Wegmans, ShopRite, and Stop & Shop.

39. The JBS Group’s “Net Zero by 2040” and other representations relating to its sustainability claims have been directed to New York consumers through its websites, Sustainability Reports, and marketing, including but not limited to, an April 25, 2021 full-page advertisement in *The New York Times*.

40. On September 21, 2023, the JBS Group's CEO attended a public Climate Week event in New York City entitled *Climate Forward* that was sponsored by *The New York Times*. At that event, the CEO reiterated the JBS Group's "Net Zero by 2040" pledge and made additional representations about how the JBS Group would achieve that commitment.

41. The JBS Group has also availed itself of the U.S. capital markets, including those in New York. JBS S.A.'s American Depositary Shares currently trade in the U.S. over-the-counter securities market. In 2021, JBS USA, along with other wholly owned JBS subsidiaries, offered bonds to U.S. investors, including investors in New York. Investors in the JBS Group's securities include at least one New York public pension plan.

42. In July 2023, the JBS Group announced a corporate restructuring and filed a Form F-4 and Prospectus with the Securities and Exchange Commission through which the JBS Group seeks to list its securities on the New York Stock Exchange for sale to U.S. investors, including investors in New York.

43. The JBS Group has additional business contacts in New York, including but not limited to the following:

- a. JBS Carriers, a subsidiary of JBS USA, has provided transportation throughout the United States for refrigerated and non-refrigerated freight, both to JBS Group companies and other customers. JBS Carriers has recruited truck drivers from New York State.

- b. Principe America LLC, a JBS Group subsidiary, is a Delaware corporation that is registered to do business in New York and maintains or had maintained a place of business in Brooklyn, New York.
- c. Wild Fork Foods, a subsidiary of JBS USA, is registered under the name “Food Ventures North America, Inc.” as a foreign business corporation pursuant to New York Business Corporation Law § 1304. In 2023, it leased three places of business in New York. Wild Fork Foods also maintains a processing center in Long Island City, New York, and has recruited employees to work in that center and other Long Island locations.

JURISDICTION AND VENUE

44. This Court has jurisdiction over the subject matter of this action, personal jurisdiction over JBS USA, and authority to grant the relief requested pursuant to General Business Law §§ 349 and 350 and Executive Law § 63(12).

45. Pursuant to C.P.L.R. 503, venue is proper in New York County because the State maintains an office at 28 Liberty Street in New York County, and JBS USA transacts business in New York County.

LEGAL BACKGROUND

46. Section 349 of the General Business Law prohibits deceptive acts and practices in the conduct of any business, trade, or commerce in the State of New York.

47. Section 350 of the General Business Law prohibits false advertising in the conduct of any business, trade, or commerce or in the furnishing of any service in the State of New York.

48. Claims and advertising may constitute deceptive acts and practices if they are untrue, omit information relevant to the consumer, create a false impression, or are subject to more than one meaning.

49. The General Business Law prohibits marketers from making unfair, deceptive, or unsubstantiated claims or advertisements about their products, which include the environmental benefits of their products.

50. Pursuant to the General Business Law, environmental marketing claims must be truthful and supported by a reasonable basis. Marketers must also consider how a reasonable consumer would interpret an environmental marketing claim and ensure that the claim does not create a false impression to consumers.

51. Section 63(12) of the Executive Law empowers the New York Attorney General to bring a civil action against persons who “engage in repeated fraudulent or illegal acts or otherwise demonstrate persistent fraud or illegality in the carrying on, conducting or transaction of business.”

52. “Fraud” under section 63(12) of the Executive Law expressly includes “any device, scheme or artifice to defraud and any deception, misrepresentation, concealment, suppression, false pretense, false promise or unconscionable contract provisions.”

53. Representations and claims are fraudulent if they create a false impression or atmosphere of fraud, or are likely to deceive.

54. Advertisements and claims that are technically true are nevertheless deceptive if they create a false impression or are subject to more than one interpretation, one of which is false.

55. Violations of sections 349 and 350 of the General Business Law constitute “illegality” within the meaning of Executive Law § 63(12).

FACTUAL BACKGROUND

I. Climate Change Impacts and Environmental Sustainability Are Important Considerations for Consumers.

56. There is significant consumer demand for products with environmental benefits and with less environmental harms.

57. According to a recent study, two-thirds of American adults are willing to pay more for environmentally sustainable products. Increasingly, consumers report feeling a responsibility to change their purchasing habits to reduce their impact on the environment.

58. In a 2019 survey of 750 American consumers, 80 percent of respondents reported that sustainability is an important consideration when deciding what food or beverage to purchase in a grocery store or at a restaurant. In that survey, consumers cited climate change as a top concern.

59. Because of concerns about climate change, consumers are prepared to pay up to 30 percent more for net-zero products. Likewise, studies have shown that

consumers prefer and may be willing to pay more for food products that have a lower carbon footprint.

60. In addition to considering a product's environmental impact, consumers often consider the overall environmental sustainability of a corporation's operations when making purchases.

61. A recent study found that 63 percent of Americans are influenced by a corporation's environmental reputation when making purchasing decisions. That same study found that 48 percent of Americans "have either chosen one product over another or stopped purchasing a product based on the environmental record" of the product's manufacturer.

62. In response to consumer demand, corporations regularly make environmental marketing claims touting the environmental benefits of their products and their corporate sustainability goals. Corporations also advertise their climate-related actions and initiatives, such as developing "carbon neutral" products and setting emission reduction or net-zero targets.

63. Corporations make such claims on product packaging, in advertising campaigns, and on their websites, among other places.

64. For the average consumer, it is extremely difficult to verify the truth and accuracy of environmental marketing claims when making purchases. Thus, consumers who want to buy carbon neutral, sustainable, or net-zero products generally must trust the marketing claims made by corporations.

65. When environmental marketing claims are not supported by actual environmental benefits, it harms consumers who want to make informed decisions about what products to buy and what corporations to support.

II. Beef Production Is a Major Driver of Global Climate Change.

66. Beef production contributes significantly to climate change both through the emission of massive amounts of greenhouse gases and through land-use changes, such as deforestation, that dramatically reduce or eliminate carbon sinks that store carbon absorbed from the atmosphere.

67. Carbon dioxide, methane, and nitrous oxide, among other well-mixed greenhouse gases, endanger the public health and welfare by contributing to climate change.

68. Global agriculture, along with forestry and other land uses, account for nearly half of anthropogenic methane emissions, 81 percent of nitrous oxide emissions, and around 13 percent of carbon dioxide emissions. Animal agriculture, in particular, is responsible for at least 14.5 percent of global anthropogenic greenhouse gas emissions annually.

69. Agriculture's contribution to climate change is expected to grow over the coming decades. The production of meat, milk, and major grains is expected to increase by up to 80 percent by 2050 compared to today's levels, and meat consumption is expected to grow by 70 percent. Such growth would result in an increase in agriculture-related emissions of 38 percent from 2020 levels.

70. Similarly, because existing pastures and grasslands are already heavily used for livestock production, greater demand for meat will likely result in increased deforestation and the associated loss of carbon sinks.

71. Already, nearly 40 percent of all habitable land across the globe is used for meat and dairy production.

72. Animal agriculture is the largest source of anthropogenic methane emissions globally, contributing around 32 percent of total emissions each year. Methane is a potent greenhouse gas that traps more than 100 times more heat than carbon dioxide.

73. Cattle produce most of these methane emissions. Ninety percent of methane emissions from animal agriculture result from enteric fermentation, a digestive process in cattle and other ruminants that breaks down coarse plant material so that it can be absorbed and metabolized by the animal. Enteric fermentation produces methane, which the animal then releases into the atmosphere through belching and exhalation.

74. A single cow produces between 154 to 264 pounds of methane per year through enteric fermentation.

75. Largely due to these methane emissions, beef has the highest total greenhouse gas emissions of any major food commodity.

76. Beef is also one of the world's most emissions-intensive foods. Beef requires over 20 times more land and produces over 20 times more greenhouse gas emissions than beans and lentils per gram of protein.

77. In addition, animal agriculture, including beef production, is responsible for significant nitrous oxide emissions, largely from manure management and nitrogen fertilizers used on feed crops. Nitrous oxide can trap over 250 times more heat than carbon dioxide.

78. Because of animal agriculture's substantial methane and nitrous oxide emissions, it will be exceedingly difficult for the sector to achieve net-zero greenhouse gas emissions. According to the Intergovernmental Panel on Climate Change, "[s]ome non-CO₂ [carbon dioxide] emissions, such as CH₄ [methane] and N₂O [nitrous oxide] from agriculture cannot be fully eliminated using existing or anticipated technical measures."

79. Beef production is also responsible for vast amounts of carbon dioxide emissions, primarily through land-use changes such as the conversion of forests and grasslands to pasture and cropland.

80. Deforestation and other land use changes not only have the immediate effects of releasing carbon previously stored in biomass, but they also have enduring effects because the destroyed biomass can no longer pull and sequester carbon from the atmosphere.

81. Because of these effects, beef produced on newly deforested land has a substantially larger carbon footprint than beef produced on established pastures.

82. Beef production is the top driver of deforestation in the world's tropical forests, more than double that of soy, palm oil, and wood products combined. Cattle

ranching in Brazil is responsible for almost one-quarter of global tropical deforestation each year.

83. Seventeen percent of the Amazon rainforest—one of the Earth’s most important carbon sinks, pulling billions of tons of carbon dioxide from the air and storing it in biomass—has been converted to cropland or pasture for animal agriculture.

84. Deforestation in the Amazon rainforest is driven by both cattle grazing and industrial soybean plantations that produce legumes for animal feed.

85. The JBS Group is the largest purchaser of cattle raised in the Amazon rainforest.

86. Cattle from deforested areas of the Amazon are part of the JBS Group’s supply chain.

87. In December 2023, Brazilian authorities sued JBS S.A., alleging that the company purchased cattle illegally raised in protected areas of the Amazon rainforest.

88. In total, the world’s top five meat and dairy corporations combined are responsible for more annual greenhouse gas emissions than ExxonMobil, Shell, or BP, individually. Of these five meat and dairy corporations, the JBS Group is the top contributor.

89. In 2021, the JBS Group reported total global greenhouse gas emissions of over 71 million tons, more than the total emissions from the country of Ireland during the same year.

90. Moreover, its actual total emissions are significantly higher because the JBS Group did not account for all of its greenhouse gas emissions attributable to livestock production in its supply chain, which reportedly constitute approximately 90 percent of its overall emissions.

91. These supply chain emissions, also known as Scope 3 emissions, include emissions from livestock (e.g., enteric fermentation); manure; farm machinery fuel; animal feed production; nitrogen fertilizers and other animal feed inputs; deforestation from the expansion of livestock grazing and feed production; and other land use changes.

ALLEGATIONS AGAINST JBS USA

I. JBS USA Knows that Its Consumers Are Concerned About Sustainability.

92. JBS USA knows that demand for its meat products will likely decrease if consumers believe the products are unsustainable or harm the environment.

93. As the JBS Group stated in its July 2023 U.S. Securities and Exchange Commission filing:

Consumer interest in plant-based proteins, particularly among millennial and younger generations, has been driven in part by a growing perception of the adverse health and environmental impacts of animal-based meat consumption. Consumers have access to unprecedented levels of information disseminated via the internet and social media channels, and global awareness of these issues may grow and could potentially have a negative impact on consumer demand for our animal-based meat products.

94. The JBS Group acknowledged in its July 2023 filing that “growing attention on the environmental and climate change impact of beef production, in

particular, could lead ... to changes in customer preferences and overall demand for beef that would materially affect consumption of our products.”

95. JBS USA has recognized that consumers pay attention to how the products they purchase are produced. According to JBS USA’s Head of Corporate Affairs, speaking at an industry presentation in 2015: “If consumers continue on this trend of wanting products that are not produced the way we produce them today, that are anti-conventional agriculture, they will win. Right? They have the purchasing power.”

96. JBS USA has also understood that younger consumers—the “millennial market,” in particular—look to align their purchases with their values and beliefs. At a 2015 industry conference, JBS USA’s Head of Corporate Affairs stated about these consumers:

They are powerful. They are armed with information. Eighty percent of the time, they don’t know what the hell they’re talking about, alright. But this is our new consumer. They have beliefs and causes that they are passionate about, right. More than 50 percent of them make an effort to buy a product from a company that they like, that supports a cause they care about. Okay. What does that mean? That means we have to make sure our business is emoting the right types of beliefs and values that align with this need.

97. JBS USA has publicly acknowledged that claims of sustainability can yield greater market share in the beef industry. According to JBS USA’s Head of Corporate Affairs in 2015: “Increasingly, you see [organic or grass-fed ‘niche markets’] making claims that their systems are sustainable and the rest of ours are not, alright. That their systems are better for the environment, better for the planet, better for your health, but conventional agriculture or big agriculture is not.

And consumers listen to that. They believe that. And you see the market share of certain companies like a Whole Foods or a Chipotle increase tremendously.”

98. JBS USA also has recognized that marketing its products as “sustainable” may give consumers a “license” to eat beef. As its Corporate Head of Affairs stated in 2015: “They really just want a license for products they already love, right? And so we need to give it to them. And sustainability is a way to give it to them.”

99. JBS USA’s definition of “sustainable,” however, has focused heavily on economic viability as opposed to environmental benefits. According to JBS USA’s Head of Corporate Affairs in 2015: “So when you deal with sustainability, always remember it’s about cash. If it doesn’t make cents, if it doesn’t make dollars, it ain’t sustainable.”

II. JBS USA Has Repeatedly Represented to Consumers that It Will Be “Net Zero by 2040.”

100. On March 21, 2021, the JBS Group made a sweeping commitment to consumers and the public that the global company would be “Net Zero by 2040.” It announced: “JBS, one of the world’s leading food companies, today announced a commitment to achieve net-zero greenhouse gas (GHG) emissions by 2040. The commitment spans the company’s global operations, ... as well as its diverse value chain of agricultural producer partners, suppliers and customers in their efforts to reduce emissions across the value chain.”

101. The JBS Group's "Net Zero by 2040" commitment has appeared on the websites and advertisements of JBS USA and its various brands including Swift and Grass Run Farms, which market their products to consumers in New York.

102. The JBS Group's "Net Zero by 2040" pledge has extended to all of its enterprise greenhouse gas emissions: "JBS will achieve net zero greenhouse gas emissions, reducing its direct and indirect (scopes 1, 2 and 3) emissions and offsetting all residual emissions."

103. Scope 1 emissions are direct emissions from company-owned facilities, including emissions from company-owned farms, processing plants, and machinery. Scope 2 emissions are emissions associated with the purchase of electricity, heat, or cooling. Scope 3 emissions consist of upstream and downstream supply chain emissions and constitute up to 90 percent of the greenhouse gas emissions in the meat and dairy sector.

104. On April 25, 2021, JBS USA ran a full-page advertisement in *The New York Times*, claiming: "Agriculture can be part of the climate solution. Bacon, chicken wings and steak with net-zero emissions. It's possible."

105. That advertisement also represented:

- a. "We are the first major global company in our industry to commit to net zero by 2040. Can it actually be done? We think so and we're taking real actions to achieve our goal."
- b. "We're setting time-bound, science-based targets and backing them up with \$1 billion in capital over the next decade."
- c. "We will cut our own emissions by 30% by 2030 and eliminate Amazon deforestation from our supply chain within five years."

106. In its global 2021 Sustainability Report, the JBS Group reiterated that it “undertook a global commitment to be Net Zero by 2040.” The JBS Group asserted that it had committed to “reducing [its] direct and indirect emissions to the extent possible, and offsetting any residual emissions.”

107. Since 2021, the JBS Group, JBS USA, and their subsidiaries and brands have repeated these promises on their consumer-facing websites. For instance, until recently, JBS USA had represented on its “Sustainability” webpage: “JBS was also the first major global protein company to set a net-zero GHG emissions by 2040 target, covering our scope 1, scope 2 and scope 3 emissions.”

108. As of February 2024, JBS USA’s website continues to promote itself as “the first global meat and poultry company to pledge to achieve net-zero greenhouse gas emissions by 2040.”

109. Swift, a JBS USA brand, has also touted its commitment to reaching net zero greenhouse gas emissions by 2040 on its website. Swift recently softened its language, stating that the company has an “ambition to achieve net zero greenhouse gas emissions across our global supply chain.” But Swift’s website has continued to prompt consumers to view its “Round the Table” video, which represents that Swift is committed to “the reduction of their greenhouse gases to net zero by 2040,” that it is “moving forward towards that goal,” and that it is “seeing success already.”

110. Pilgrim’s Pride, a JBS Group subsidiary, ran a banner on its sustainability website claiming that it would be “Reaching Net Zero by 2040,”

followed by the representation that “Pilgrim’s is the first major global protein company to pledge a net-zero GHG emissions by 2040 target, covering scope 1, scope 2 and scope 3 emissions.” Pilgrim’s Pride’s customers were then directed to “learn more” by clicking on a link to a JBS USA website, which likewise promoted the JBS Group’s “Net-Zero Commitment.”

111. As of February 2024, Pilgrim’s Pride’s website continues to tout its “pledge to achieve net-zero greenhouse gas emissions by 2040 throughout our global operations and in partnership with our producers, suppliers and customers.”

112. Grass Run Farms, a JBS USA brand which offers consumers “100% grass fed beef,” has repeated JBS USA’s “Net Zero by 2040” commitment on its “Sustainability” webpage: “JBS Foods, which includes Grass Run Farms, was the first global meat and poultry company to pledge to achieve net-zero GHG (greenhouse gas) emissions by 2040.” Grass Run Farms has directed its consumers to “learn more” by accessing a link to JBS USA’s Sustainability webpage which, in turn, has repeated the JBS USA’s net-zero pledge.

113. Most recently, in its 2022 Sustainability Report, released on August 31, 2023, the JBS Group reiterated its “pledge to achieve net-zero greenhouse gas (GHG) emissions by 2040” and that it intended to “achieve these reductions in our absolute scope 1, 2, and 3 emissions.”

114. Likewise, the JBS Group’s CEO, speaking at a September 21, 2023 public Climate Week forum in New York City, told the audience that the JBS Group

“pledged to be net zero in 2040 and not 2050” and that it planned to do so by lowering its emissions, not by purchasing carbon credits to offset its emissions.

A. Self-Regulating Advertising Industry Groups Have Found the JBS Group’s “Net Zero By 2040” Claims to Be Misleading to Consumers.

115. The JBS Group’s representations that its global enterprise will be “Net Zero by 2040” reasonably create an impression to consumers that the JBS Group has a systematic and comprehensive plan to achieve its pledge, and that the company has determined that the pledge is achievable.

116. But, as the JBS Group’s CEO admitted at the September 2023 Climate Week event, the JBS Group would not begin to develop an “action plan” for achieving its “Net Zero by 2040” goal until the company identified all of its Scope 3 emissions, which it had not yet done as of that date.

117. Likewise, the JBS Group’s 2022 Sustainability Report, published in August 2023, indicates that the JBS Group did not yet have a concrete plan to achieve its net zero commitment: “In 2023, we are working to develop a robust Net Zero Roadmap that outlines our priorities and guides our actions over the next 17 years.”

118. Without a defined plan to meet its net zero commitment, the JBS Group did not have a reasonable basis for its claim that its global greenhouse gas emissions will be net zero by 2040, as an advertising industry panel recently determined.

119. In June 2022, the non-profit group Institute for Agriculture & Trade Policy (“IATP”) filed a complaint with NAD of the Better Business Bureau claiming

that the JBS Group’s “Net Zero by 2040” advertising claims misled consumers into believing that the company had a concrete plan for implementing that goal, which it did not.

120. NAD and the Review Board, which hears appeals from NAD decisions, are entities established by the advertising industry “as an independent system of self-regulation designed to build consumer trust in advertising.” NAD and the Review Board are comprised of advertising and marketing professionals, among others in the advertising industry.

121. In response to the NAD complaint, JBS USA, through its then-parent, JBS USA Holdings, Inc., presented evidence to NAD purporting to refute IATP’s claims. JBS USA argued, among other things, that its claims were merely aspirational.

122. In its investigation, NAD analyzed the following representations made by JBS USA:

- a. “JBS is committing to be net zero by 2040.”
- b. “Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040.”
- c. “the SBTi [Science Based Targets initiative] recognized the Net Zero Commitment of JBS.”
- d. “Bacon, chicken wings and steak with net zero emissions. It’s possible.”
- e. “Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option.”
- f. “JBS will achieve Net Zero greenhouse gas emissions, reducing its direct and indirect (scopes 1, 2 and 3) emissions.”

123. In analyzing the claims, NAD evaluated whether JBS USA had a reasonable basis for making them. NAD stated that environmental marketing should not use “broad or unspecified claims about environmental product benefits” and should permit qualified environmental claims only where the qualifications are clear to consumers.

124. In February 2023, after completing its investigation, NAD issued a report finding that JBS USA’s claims that it will achieve net zero greenhouse gas emissions by 2040 were unsubstantiated and confusing to consumers.

125. Specifically, NAD determined that “JBS’s ‘net zero’ claims reasonably create[] consumer expectations that [JBS]’s efforts are providing environmental benefits, specifically ‘net zero’ carbon emissions by a specified date, a measurable outcome.” NAD further determined that JBS USA’s “evidence did not support the broad message conveyed by the challenged advertising that JBS is on a path towards net zero, which would include a plan with specific objectives and measurable outcomes likely to be achieved.”

126. NAD made similar findings on all of the challenged claims and ruled that JBS USA should discontinue the disputed representations in its advertising.

127. JBS USA subsequently appealed NAD’s findings to the Review Board. The Review Board panel upheld NAD’s findings, concluding that “JBS has failed to support the feasibility of reaching the announced goal with credible evidence of the steps that would be considered necessary to achieve the goal.” The Review Board determined that JBS USA’s representations create consumer expectations that JBS

USA has developed and validated a plan for achieving “net zero” by 2040, which it had not.

128. JBS USA later announced that it would take down the disputed representations, and has begun editing its website. For example, on its website, it has changed the term “commitment to achieve” net zero emissions by 2040, to “ambition to achieve” net zero emissions by 2040.

129. To date, however, on the JBS Foods website, consumers can still access the JBS Group’s March 2021 announcement of its net zero pledge as well as the April 2021 *New York Times* advertisement that was the subject of the NAD investigation. Likewise, the JBS Group’s website and its 2022 Sustainability Report, published in August 2023, repeatedly advertise the company’s “pledge to be Net Zero by 2040.”

130. In fact, on September 21, 2023, the JBS Group’s CEO repeated the company’s “Net Zero by 2040” pledge at a public Climate Week forum sponsored by *The New York Times*. At that event, the JBS Group’s CEO was asked why the company was still making its “Net Zero by 2040” claims despite having agreed to remove those claims from its advertising following the decisions by NAD and the Review Board. The CEO responded that the company had not discontinued making the claims because the JBS Group “was not exactly stop[ped]” from making them.

131. Thus, even after the NAD and Review Board decisions, the JBS Group has continued to make unsubstantiated and misleading “Net Zero by 2040” claims to New York consumers.

B. The JBS Group's Greenhouse Gas Emissions Calculations Have Been Incomplete and Have Not Accounted for Emissions Resulting from Deforestation in the Amazon.

132. The JBS Group has not had a reasonable basis for claiming that its global greenhouse gas emissions will be “Net Zero by 2040” because its Scope 3 emissions calculations have been incomplete and have not accounted for emissions resulting from Amazon deforestation and other land use changes in its supply chain.

133. In its response to the Carbon Disclosure Project's 2020 Climate Change Questionnaire, the JBS Group acknowledged that its Scope 3 emissions were relevant to informing consumers of the environmental impact of its operations, but admitted that it had not calculated its Scope 3 emissions because the company deemed its business supply chain too complex: “Due to the complexity and many stages of the business supply chain, JBS did not yet found [sic] a consensus about [sic] efficient and feasible methodology to calculate it.”

134. The JBS Group admitted in its 2022 Sustainability Report that “the majority of [its] footprint is made up of indirect scope 3 emissions,” but the 2022 Sustainability Report does not even attempt to report Scope 3 emissions.

135. More recently, in September 2023, the JBS Group's CEO admitted that the company's Scope 3 emissions had been “something we d[id] not know how to calculate,” and that the company would not develop its “action plan” until those Scope 3 emissions were identified and calculated.

136. If the JBS Group had not known how to calculate or identify its Scope 3 emissions, it could not possibly have known its total enterprise emissions or have made a viable plan to be “Net Zero by 2040.”

137. Even when the JBS Group has reported its total enterprise emissions, the company has failed to account for the massive contribution of Amazonian deforestation and other land use changes to its Scope 3 emissions.

138. Deforestation for cattle operations contributes to the JBS Group’s Scope 3 emissions not only through the immediate release of greenhouse gases from destroyed biomass, but also through the resulting inability of that biomass to subsequently absorb and store greenhouse gases from the atmosphere.

139. In its 2021 Sustainability Report, the JBS Group attempted to calculate its Scope 3 emissions, but expressly excluded “changes in land use for cattle” which would include emissions from deforestation.

140. The JBS Group further asserted that it would include emissions from land use changes in its 2022 Sustainability Report, but it failed to do so.

141. Given the JBS Group’s failure to calculate its total Scope 3 emissions, including those from deforestation and other land use changes, the JBS Group lacked a reasonable basis to know whether it could achieve its “Net Zero by 2040” commitment.

142. The JBS Group’s “Net Zero by 2040” commitment is therefore unsubstantiated and misleading to consumers.

C. The JBS Group's Net Zero by 2040 Commitment Is Not Feasible with Its Current Business Plan or Its Plan to Increase Beef Production.

143. The JBS Group's "Net Zero by 2040" commitment is also misleading because it is not feasible given the JBS Group's current levels of livestock production and the company's plans to grow global demand for its products.

144. The 2023 Assessment Report from the United Nation's Intergovernmental Panel on Climate Change found that methane and nitrous oxide emitted by agricultural practices, which include beef production, cannot be eliminated through existing or anticipated technology. Instead, scientists point to the need to reduce production of and demand for ruminant meat, including beef, to reduce these emissions.

145. The JBS Group plans to do the opposite. The JBS Group forecasts increased demand for its products over the coming decades, and it intends to meet that demand.

146. At an August 2023 investor meeting, the JBS Group's global CEO stated: "[W]e need to focus on the demand for protein. We need to produce [by] 2050 70% more protein." These growth predictions were echoed by the JBS Group's Chief Financial Officer: "Let me just put some color. When I joined JBS almost five years ago, the per capita consumption per year of beef in China was 4 kilos per person. Today [it] is 7.8."

147. Despite the JBS Group's plans to substantially grow its meat production, the JBS Group's CEO has represented that the JBS Group will be able

to reach net zero by 2040 solely by cutting its emissions, and not by purchasing carbon offset credits.

148. During his September 2023 Climate Week interview, the JBS Group's CEO was specifically asked how the JBS Group would achieve net zero emissions by 2040. In his response, the JBS Group's CEO first emphasized that the JBS Group would achieve net zero emissions by 2040 without the need to purchase carbon credits. Carbon credits are instruments that represent the avoidance, reduction, or removal of one metric ton of greenhouse gas emissions from the atmosphere.

Companies often buy carbon credits to offset their own greenhouse gas emissions.

149. The JBS Group's CEO also responded in the Climate Week interview that the JBS Group would use regenerative agricultural techniques to meet its "Net Zero by 2040" goal. The term "regenerative agriculture," while largely undefined, has been used to describe "practices aimed at promoting soil health by restoring soil's organic carbon" and sequestering that carbon within the soil.

150. Although regenerative agricultural techniques can improve soil health and provide other environmental benefits, a recent scientific review of regenerative agricultural practices found that "[c]arbon sequestration in agricultural soils, even with best management practices, is only likely to offer a small net storage of carbon." Scientists have further determined that any "claim that ruminant systems can have a negative annual [greenhouse gas] balance via soil [carbon] sequestration is overly optimistic and could be misleading."

151. Moreover, there is no known way to replace the lost carbon sequestration capacity of all the land cleared for cattle grazing and feed crops.

152. In its 2022 Sustainability Report, the JBS Group has also claimed to be exploring alternative production techniques and technologies to reduce methane emissions from its cattle, including alternative animal feeds.

153. However, the effectiveness, safety, and economic feasibility of those methods have not been scientifically established. In fact, existing methane reduction methods for grazed cattle have not been found to reduce enteric methane by more than 24 percent.

154. Moreover, even if those mitigation strategies were safe and cost-effective, methane mitigation strategies alone would not be sufficient to achieve net zero greenhouse gas emissions from livestock production.

155. The JBS Group cannot feasibly reach its “Net Zero by 2040” goal through regenerative agricultural techniques or methane mitigation strategies without the purchase of carbon credits.

156. Even if, contrary to its CEO’s representations, the JBS Group resorted to the use of carbon credits, it is unclear whether sufficient credits would be available or could feasibly be afforded by the JBS Group given the volume of the JBS Group’s reported emissions and forecasted growth plans.

157. The JBS Group’s “Net-Zero by 2040” commitment is misleading because it is not compatible with either its current business practices or its plan to substantially increase beef production.

CAUSES OF ACTION

First Claim

Violation of General Business Law § 349 **(Deceptive Acts or Practices)**

158. The State realleges and incorporates by reference paragraphs 1 through 157.

159. General Business Law Article 22-A, § 349 prohibits deceptive acts or practices in the conduct of any business, trade, or commerce in the State of New York. As set forth in paragraphs 1 through 157, JBS USA has repeatedly violated General Business Law § 349 by engaging in deceptive acts or practices including but not limited to making misrepresentations either expressly or by implication, including that it would achieve net zero greenhouse gas emissions by 2040.

160. JBS USA has engaged in repeated and persistent illegal conduct in violation of General Business Law Article 22-A, § 349.

Second Claim

Violation of General Business Law § 350 **(False Advertising)**

161. The State realleges and incorporates by reference paragraphs 1 through 157.

162. General Business Law Article 22-A, § 350 prohibits false advertising in the conduct of any business, trade, or commerce or in the furnishing of any service in the State of New York.

163. As set forth in paragraphs 1 through 157, JBS USA has repeatedly violated General Business Law § 350 by engaging in deceptive acts or practices

including but not limited to making misrepresentations in its advertisements, websites and online publications, either expressly or by implication, including that it would achieve net zero greenhouse gas emissions by 2040.

164. JBS USA has engaged in repeated and persistent illegal conduct in violation of General Business Law Article 22-A, § 350.

Third Claim
Violation of Executive Law § 63(12)
(General Business Law § 349 Violation)

165. The State realleges and incorporates by reference paragraphs 1 through 157.

166. Executive Law § 63(12) authorizes the State to seek injunctive and other relief when any person engages in repeated or persistent fraudulent or illegal conduct.

167. General Business Law Article 22-A, § 349 prohibits deceptive acts and practices in the conduct of any business, trade, or commerce in the State of New York.

168. As set forth in paragraphs 1 through 157, JBS USA has repeatedly violated General Business Law § 349 by engaging in deceptive acts or practices including but not limited to making misrepresentations either expressly or by implication, including that it would achieve net zero greenhouse gas emissions by 2040.

169. JBS USA has engaged in repeated and persistent fraudulent and illegal conduct in violation of Executive Law § 63(12).

Fourth Claim
Violation of Executive Law § 63(12)
(General Business Law § 350 Violation)

170. The State realleges and incorporates by reference paragraphs 1 through 157.

171. Executive Law § 63(12) authorizes the State to seek injunctive and other relief when any person engages in repeated or persistent fraudulent or illegal conduct.

172. General Business Law Article 22-A, § 350 prohibits false advertising in the conduct of any business, trade or commerce or in the furnishing of any service in the State of New York.

173. As set forth in paragraphs 1 through 157, JBS USA has repeatedly violated General Business Law § 350 by engaging in deceptive acts or practices including but not limited to making misrepresentations in its advertisements, websites and online publications, either expressly or by implication, including that it would achieve net zero greenhouse gas emissions by 2040.

174. JBS USA has engaged in repeated and persistent fraudulent and illegal conduct in violation of Executive Law § 63(12).

Fifth Claim
Violation of Executive Law § 63(12)

175. The State realleges and incorporates by reference paragraphs 1 through 157.

176. Executive Law § 63(12) authorizes the State to seek injunctive and other relief when any person engages in repeated or persistent fraudulent or illegal conduct.

177. Executive Law § 63(12) defines “fraud” or “fraudulent” to “include any device, scheme or artifice to defraud and any deception, misrepresentation, concealment, suppression, false pretense, false promise or unconscionable contractual provisions.”

178. As set forth in paragraphs 1 through 157, JBS USA has repeatedly engaged in fraudulent conduct including but not limited to making misrepresentations either expressly or by implication, including that it would achieve net zero greenhouse gas emissions by 2040.

179. JBS USA has engaged in repeated and persistent fraudulent and illegal conduct in violation of Executive Law § 63(12).

180. Pursuant to Executive Law § 63(12), the State is entitled to injunctive relief preventing further violation of New York law.

181. Pursuant to Executive Law § 63(12), the State is entitled to disgorgement of all ill-gotten profits, funds, and assets traceable to JBS USA’s fraudulent, deceptive, or illegal acts or practices and such other equitable relief as may be necessary to redress defendants’ violations of New York law.

DEMAND FOR RELIEF

Wherefore, the State respectfully requests an order and judgment:

182. Enjoining JBS USA from violating Executive Law § 63(12) and General Business Law Article 22-A, §§ 349 and 350, and from engaging in the fraudulent, deceptive, and illegal acts or practices alleged in the Complaint;

183. Ordering JBS USA to disgorge all ill-gotten profits, funds, and assets traceable to its fraudulent, deceptive, or illegal acts or practices;

184. Directing such other equitable relief as may be necessary to redress JBS USA's violations of New York law;

185. Granting the State civil penalties of \$5,000 per violation of General Business Law Article 22-A pursuant to General Business Law § 350-d;

186. Granting the State civil penalties of \$1,000 per violation of General Business Law § 349-d pursuant to General Business Law § 349-d(9);

187. Ordering JBS USA to perform and provide to the State six-month and twelve-month independent audits of all consumer-facing publications to ensure compliance with General Business Law Article 22-A, §§ 349–350;

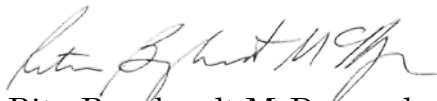
188. Ordering JBS USA to pay the State's costs and reasonable attorney's fees; and

189. Granting such additional relief as the Court may deem just and proper.

Dated: New York, New York
February 28, 2024

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ATTACHMENT 4

Case #7135 (02/01/2023)
JBS USA Holdings, Inc.
Net Zero 2040
Challenger: *Institute for Agriculture & Trade Policy*
Product Type: *Food / Beverage*
Issues: *Environmental Claims*
Disposition: *Modified / Discontinued*

BBB NATIONAL PROGRAMS

NATIONAL ADVERTISING DIVISION

INSTITUTE FOR AGRICULTURE & TRADE
POLICY,

Challenger,

JBS USA HOLDINGS, INC.,
Advertiser.

Case No. 7135
Closed (02/01/2023)

FINAL DECISION

- An aspirational “net zero” emissions claim reasonably creates high expectations on the part of consumers and requires significant evidence that the advertiser’s efforts are providing environmental benefits with a very specific measurable outcome.

A. Basis of Inquiry

The advertising industry established the National Advertising Division (“NAD”) and the National Advertising Review Board (“NARB”) in 1971 as an independent system of self-regulation designed to build consumer trust in advertising. NAD reviews national advertising in all media in response to third-party challenges or through inquiries opened on its own initiative. Its decisions set consistent standards for advertising truth and accuracy, delivering meaningful protection to consumers and leveling the playing field for business. Challenger Institute for Agriculture & Trade Policy, (“IATP” or “Challenger”) challenged express and implied claims made by Advertiser JBS USA Holdings, Inc. (“JBS” or “Advertiser”) for its Net Zero 2040 claims. The following are representative of the claims that served as the basis for this inquiry:

A. Express Claims

- “JBS is committing to be net zero by 2040”
- “Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040.”
- “the SBTi recognized the Net Zero Commitment of JBS.”
- “Bacon, chicken wings and steak with net zero emissions. It’s possible.”
- “Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option.”
- “JBS will achieve Net Zero greenhouse gas emissions, reducing its direct and indirect (scopes 1,2 and 3) emissions”

B. Evidence Presented

The Challenger provided:

- Information from the United Nations about the Paris Agreement, climate change and global food agriculture¹
- Reports from the Intergovernmental Panel on Climate Change²
- United States Environmental Protection Agency (“EPA”) information about greenhouse gas emissions³
- information about the Science Based Targets Initiative (“SBTi”)⁴
- JBS Institutional Presentation 2Q22⁵
- 2020 JBS Sustainability Report⁶
- 2019 JBS Annual and Sustainability Report⁷

¹ *The Paris Agreement*, United Nations: Climate Change, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> ;

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² *Special Report: Global Warming of 1.5°C: Summary for Policy Makers*, Intergovernmental Panel on Climate Change (IPCC) (2018), <https://www.ipcc.ch/sr15/chapter/spm>;

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³ *GHG Inventory Development Process & Guidance; Scope 1,2, &3 Inventory Guidance*, EPA Center for Corporate Climate Leadership, <https://www.epa.gov/climateleadership/ghg-inventory-development-process-and-guidance>;

EPA, *Overview of Greenhouse Gases*, <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>.

⁴ *The Net-Zero Standard, Science Based Targets*, <https://sciencebasedtargets.org/net-zero>;

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Science Based Targets Initiative Commitment Letter, SBTi, (Nov. 2021), <https://sciencebasedtargets.org/resources/files/SBT-Commitment-Letter.pdf>;

⁵ *Institutional Presentation 2Q22*, JBS, at 9, <https://api.mziq.com/mzfilemanager/v2/d/043a77e1-0127-4502-bc5b-21427b991b22/48d5ab4b-7b04-7b53-66b9-8b1f7ce8f5e7?origin=1>

⁶ *2020 Sustainability Report*, JBS USA, <https://sustainability.jbsfoodsgroup.com/>

⁷ *Annual and Sustainability Report 2019*, JBS, <https://jbs.com.br/wp-content/uploads/2020/05/ras-jbs-2019-eng-final.pdf>

- Information from JBS's websites⁸
- several peer reviewed articles on agricultural sustainability issues⁹
- Several peer reviewed articles on the United States meat and poultry industry¹⁰

⁸ *Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040*, JBS Food Group (March 23, 2021), <https://jbsfoodsgroup.com/articles/jbs-makes-global-commitment-to-achieve-net-zero-greenhouse-gas-emissions-by-2040> ;

JBS Net Zero 2040, JBS, <https://jbs.com.br/netzero/en/net-zero-2040/>;

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⁹ Matthew N. Hayek & Scot M. Miller, *Underestimates of methane from intensively raised animals could undermine goals of sustainable development*, 16 Env. Res. Letters (2021) at 2, <https://iopscience.iop.org/article/10.1088/1748-9326/ac02ef/pdf>;

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Sonja J. Vermeulen et al., *Climate Change and Food Systems*. Annual Review of Environment and Resources, 37 Ann. Rev. Env't & Res. 195 (2012);

¹⁰ M. Shahbandandeh, *Leading meat and poultry processing companies in the United States in 2021, based on sales*, Statista (Sept. 29, 2021), <https://www.statista.com/statistics/264898/major-us-meat-and-poultry-companies-based-on-sales/>;

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- News articles about agriculture¹¹
- Several articles about JBS¹²
- IATP published articles about greenhouse gas emissions,
- IATP published articles about JBS and its global operations.¹³

Matthew Hayek et al., *The Carbon Opportunity Cost of Animal-Sourced Food Production on Land*, 4 *Nature Sustainability* 21 (2021);

Lucy Koch, *Sustainability Is Factoring into 2019 Holiday Purchases*, eMarketer (Oct. 14, 2019), <https://www.emarketer.com/content/sustainability-is-factoring-into-2019-holiday-purchases? ga=2.170357734.731468461.1617378067-462530432.1615825431>

Report shows a third of consumers prefer sustainable brands, Unilever (May 1, 2017) <https://www.unilever.com/news/press-releases/2017/report-shows-a-third-of-consumers-prefer-sustainable-brands.html>

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¹¹ Charlie Mitchell & Austin Frerick, *The Hog Barons*, Vox (Apr. 19, 2021), <https://www.vox.com/the-highlight/22344953/iowa-select-jeff-hansen-pork-farming>;

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Henry Fountain, *Amazon Is Less Able to Recover From Droughts and Logging, Study Finds*, *The New York Times* (Mar. 7, 2022), <https://www.nytimes.com/2022/03/07/climate/amazon-rainforest-climate-change-deforestation.html>;

¹² Marion Nestle, *Least credible food industry ad of the week: JBS and climate change*, *Food Politics* (Apr. 26, 2021);

Jaydee Hanson & Julie Ranney, *JBS is destroying the Amazon*, *The Ecologist* (Mar. 30, 2020), <https://theecologist.org/2020/mar/30/jbs-destroying-amazon>;

Aurora Sola, *JBS Promises to Stop Destroying the Environment—in 14 Years*, *Sentient Media* (Apr. 13, 2021), <https://sentientmedia.org/jbs-promises-to-stop-destroying-the-environment-in-14-years/>;

Katie Nelson, *JBS extends immunity to forest criminals to feed its supply chain until at least 2035 in surreal 'global commitment'* *Greenpeace* (Mar. 25, 2021), <https://www.greenpeace.org/usa/news/jbs-extends-immunity-to-forest-criminals-to-feed-its-supply-chain-until-at-least-2035-in-surreal-global-commitment/>.

¹³ Shefali Sharma, *The great climate greenwash: Global meat giant JBS' emissions leap by 51% in five years*, *The Institute for Agriculture & Trade Policy* (Apr. 20, 2022), <https://www.iatp.org/jbs-emissions-rising-despite-net-zero-pledge> ;

Shefali Sharma & Ben Lilliston, *From Net Zero to Greenwash—Global Meat and Dairy Companies*, *Institute for Agriculture & Trade Policy* (Oct. 4, 2021), <https://www.iatp.org/net-zero-greenwash-global-meat-and-dairy-companies>

The Advertiser provided:

- Copies of research commitments JBS has made with the University of Minnesota and Colorado State University
- Information about JBS USA and its global operations¹⁴
- information from its websites¹⁵
- 2021 JBS Sustainability Update¹⁶
- JBS Acquisitions Timeline
- JBS NZO Background Internal Presentation
- Verified Emission Reductions Purchase and Sale Agreement
- Confirmation and Business Ambition Document from Science Based Target initiative (“SBTi”)
- SBTi Commitment Letter
- Provided to NAD on a confidential basis information about its scope of work with the Carbon Trust (U.K.)
- Nebraska Today article

C. Background

A. Climate Change

Since 2015 the global community has attempted to address environmental impacts via the Paris Agreements.¹⁷ The Paris Agreements acknowledge that people contribute to climate change by releasing excess greenhouse gases into the atmosphere from activities such as burning fossil fuels for energy, cultivating crops, raising livestock, and clearing forests.

¹⁴ *Our Brands*, JBS Foods, <https://jbsfoodsgroup.com/our-brands>

¹⁵ *Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040*, JBS Food Group (March 23, 2021), <https://jbsfoodsgroup.com/articles/jbs-makes-global-commitment-to-achieve-net-zero-greenhouse-gas-emissions-by-2040>;

JBS Net Zero 2040, JBS, <https://jbs.com.br/netzero/en/net-zero-2040/>;

JBS is committing to be net zero by 2040, JBS, <https://jbs.com.br/netzero/en/>

¹⁶ <https://sustainability.jbsfoodsgroup.com/>

¹⁷ The Paris Agreements attempt to reduce the risks and impacts of climate change by limiting the increase in the global average temperature to well below 2°C above pre-industrial levels by pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels.

The Paris Agreement also encourages countries to develop climate resilience strategies which address the current changes and foster low greenhouse gas emissions development, in a manner that does not threaten food production. More specifically, the Paris Agreement and Intergovernmental Panel on Climate Change (“IPCC”) reports note that achieving the collective goal of limiting global warming requires drastic, rapid, and sustained reduction in GHG emissions by 2050 or sooner.

See, *The Paris Agreement*, United Nations: Climate Change, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

Increasingly consumers choose products based in part on the environmental benefits touted by advertisers. Consumers eager to reduce their impact on the environment can be misled by advertisers due to the complex nature of environmental benefit claims, ambiguous terms, and less than expert environmental knowledge.

B. Parties

The Challenger, IATP is a not-for-profit organization founded in 1986 with the mission of fostering sustainable rural communities and regions. IATP conducts research and advocacy that promotes sustainable food, farm, and trade systems. IATP's mission is to work locally and globally at the intersection of policy and practice to ensure fair and sustainable food, farm and trade systems. Some of IATP's work includes advocating for credible and transparent corporate disclosure of greenhouse gas emissions at the Securities and Exchange Commission and at international bodies, including the Science Based Target Initiative ("SBTi").

The Advertiser, JBS, is the second-largest food company and the largest animal protein producer in the world. With a global platform diversified by geography and products, JBS has a workforce of more than 245,000 and offers an extensive portfolio of brands, including Swift, Pilgrim's Pride, Seara, MoyPark, Friboi, Primo, and Just Bare, that can be purchased by consumers in more than 190 countries around the world. The Advertiser's products include boxed beef, ground beef, fresh pork, bacon, poultry, lamb, seafood, meat-based snack foods, and plant-based protein. JBS is also engaged in leather tanning, aluminum can production, industrial waste management, soap, glycerin, and biodiesel production, and transportation.

D. Decision

A. Standard of Review

Advertisers must possess a "reasonable basis" for claims disseminated in advertising whether they intended those messages or not.¹⁸ What constitutes a "reasonable basis" depends on several factors, including the type of product, the type of claim, the consumer benefit from a truthful claim, the ease of developing substantiation for the claim, the consequences of a false claim, and the amount of substantiation experts in the field believe is reasonable.

Advertising plays an important role in raising consciousness about sustainability and informing consumers of a company's environmental activities and commitments. However, images and terms suggesting sustainability give rise to different meanings and consumer expectations making such advertising claims difficult to substantiate.¹⁹ When analyzing sustainability and other environmental benefits claims, NAD relies on guidance set forth by the appropriate regulatory authorities. The Federal Trade Commission's ("FTC") Guides for the Use of Environmental Marketing Claims (the

¹⁸ *Guardian Technologies, LLC (GermGuardian and PureGuardian Air Purifiers and Replacement Filters)*, Report #6319, NAD/CARU Case Reports (November 2019).

¹⁹ *Georgia-Pacific Consumer Products LP (Quilted Northern Ultra Soft & Strong Bathroom Tissue)*, Report #7018, NAD/CARU Case Reports (September 2021).

“Green Guides”)²⁰ caution against the use of broad or unspecified claims about environmental product benefits. Specifically, the Green Guides provide:

“Unqualified general environmental benefit claims are difficult to interpret and likely convey a wide range of meanings. In many cases, such claims likely convey that the product, package, or service has specific and far-reaching environmental benefits and may convey that the item or service has no negative environmental impact. Because it is highly unlikely that marketers can substantiate all reasonable interpretations of these claims, marketers should not make unqualified general environmental benefit claims.”²¹

Qualified general environmental benefit claims are permissible as they can “prevent deception about the nature of the environmental benefit being asserted” by using “clear and prominent qualifying language that limits the claim to a specific benefit or benefits.”²²

B. The Challenged “Net Zero” Claims

During the pendency of this proceeding, the Advertiser informed NAD that it would voluntarily permanently discontinue the claim, “JBS will achieve Net Zero greenhouse gas emissions, reducing its direct and indirect (scopes 1,2 and 3) emissions.” The voluntarily discontinued claim will be treated, for compliance purposes, as though NAD recommended its discontinuance and the Advertiser agreed to comply.

The remaining challenged claims each relate to JBS’s goal of achieving “net zero” emissions. Most broadly, JBS claims that it is “committing to be net zero by 2040.” Other variations of the “net zero” focus on greenhouse gas emissions specifically (“Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040”), “net zero” meat production (“Bacon, chicken wings and steak with net zero emissions. It’s possible.”), JBS’s aspiration to be an industry leader in moving towards “net zero” emissions, (Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option.”), and third-party recognition of its “net zero” goal (“the SBTi recognized the Net Zero Commitment of JBS.”).

The claims appear on multiple national advertising platforms, including websites, social media, newspapers, YouTube, and publicly accessible corporate reports. Many of the advertisements feature the JBS or JBS brands logo and direct consumers to their respective websites for more information. The express claims are often accompanied by bucolic images of pristine farmland, smiling families and groups of people enjoying meals which include various animal products.

The Challenger argued that the express claims are misleading because they convey a message that JBS has an operational plan in place to achieve its net zero goals and is implementing such a plan.

JBS argued that the challenged claims are aspirational in nature and are intended to communicate the message JBS has set a goal to achieve net zero emissions by 2040 and are not intended to convey a

²⁰ 16 CFR Part 260.

²¹ 16 CFR 260.1, *et seq.*

²² *Id.*

present-tense message that the aspirational future benefits from JBS are presently available to consumers.

In analyzing the messages conveyed by an advertisement, NAD reviews the net impression created by the advertisement as a whole, not merely words or phrases standing alone. As neither party presented consumer perception evidence for the reasonably conveyed messages, NAD relied on its expertise to determine the messages reasonably conveyed.

Aspirational environmental benefit claims may reasonably convey different messages to consumers, messages that require substantiation.²³ As NAD noted in a prior decision, “consumers...understand that there is no certainty that one’s aspirations will ultimately be realized...[T]he question comes down to what, if any, particular expectations are created.”²⁴ In the context of aspirational environmental benefit claims, NAD has stated that “[E]ven if the advertisement’s message of sustainability is merely aspirational, the advertising claim is nevertheless one that requires substantiation. It is incumbent on the advertiser to demonstrate that its goals and aspirations are not merely illusory and to provide evidence of its commitments.”²⁵

In *Chipotle*, NAD reviewed several environmental benefit claims and found that some conveyed an aspirational message, while others conveyed a more specific message regarding current activities. NAD reviewed Chipotle’s claims that its suppliers would be “more organic” and “less carbon emitting.” NAD determined that one of the messages reasonably conveyed in the context of the television commercial in which the claims appeared was a forward-looking aspirational message that Chipotle was in fact engaged in genuine efforts that “could make our farmers . . . more organic . . . less carbon emitting” and that this message required substantiation.

With this background, NAD addressed each of the remaining “net zero” claims.

(1) “JBS is committing to be net zero by 2040”

NAD first reviewed the Advertiser’s broad and unqualified claim that “JBS is committing to be net zero by 2040” which appears prominently as the title page on the JBS website dedicated to its sustainability efforts.

IATP argued the claim is definitive and that JBS’s broad assertions create a net impression that it is actively reducing its emissions and building more sustainable operations. JBS argued that the claim was aspirational.

As noted above, aspirational claims which create reasonable expectations on the part of consumers require substantiation. NAD has found that when aspirational claims are tied to measurable outcomes an advertiser must be able to demonstrate that its goals and aspirations are not merely illusory and to provide evidence of the steps it is taking to reach its stated goal. For example, In *Georgia-Pacific*

²³ *Chipotle Mexican Grill (Advertising by Chipotle Mexican Grill)*, Report #7020, NAD/CARU Case Reports (February 2022).

²⁴ *T-Mobile USA, Inc. (Post-Merger 5G Service)*, Report #6422, NAD/CARU Case Reports (October 2020).

²⁵ *Chipotle Mexican Grill (Chipotle Restaurants)*, Report #5450, NAD/CARU Case Reports (April 2012).

Consumer Products LP,²⁶ NAD examined several environmental benefit claims made by the advertiser on its website and product packaging and determined that the paper manufacturer had a reasonable basis for its aspirational tree planting claim (a claim that its goal was to plant two million trees by the end of 2021) because it provided evidence of contemporaneous application of operational plans which substantiated the Advertiser's environmental claims.

In *Chipotle*, with respect to Chipotle's aspirational claims regarding making its suppliers more organic and less carbon emitting, NAD found that evidence demonstrating specific actions and significant actions that Chipotle had taken toward each goal, including evidence that it was purchasing organic ingredients on a large scale and that it was sourcing a significant portion of the beef it uses from grass-fed, grass-finished animals, was sufficient to support those claims. NAD noted that these efforts were "growing and evolving" and there was no dispute that the efforts were consistent with making its suppliers more organic and less carbon emitting. In *Chipotle*, the aspirational claim at issue created a reasonable expectation of relative change, i.e., "more organic" and "less carbon emitting."

JBS's "net zero" claims reasonably creates consumer expectations that the advertiser's efforts are providing environmental benefits, specifically "net zero" carbon emissions by a specified date, a measurable outcome. The JBS website where the challenged claim appears that "JBS is committing to be net zero by 2040" includes multiple specific targets with measurable outcomes. Notably the "How will JBS achieve net zero by 2040" each section of the website explains that in order reach its net zero 2040 goal it will achieve a "30% reduction of scopes 1 and 2 emissions by 2030, against base year 2019." JBS also explains that its beef cattle supply chain will be free of illegal deforestation in the Amazon and the other Brazilian biomes by 2025, including the suppliers of our suppliers.

Net-Zero is a recognized standard that guides companies in defining and establishing short and long-term science-based greenhouse gas emissions reductions goals which align with the Paris Agreement.²⁷ JBS's website detailed list of specific strategies and targeted outcomes contributes to the

²⁶ *Georgia-Pacific Consumer Products LP (Quilted Northern Ultra Soft & Strong Bathroom Tissue)*, Report #7018, NAD/CARU Reports (September 2021).

²⁷ See: *The Net-Zero Standard*, SBTi, <https://sciencebasedtargets.org/net-zero>; and *What We Do*, SBTi, [https://sciencebasedtargets.org/about-us#:~:text=The%20Science%20Based%20Targets%20initiative%20\(SBTi\)%3A,with%20the%20latest%20climate%20science](https://sciencebasedtargets.org/about-us#:~:text=The%20Science%20Based%20Targets%20initiative%20(SBTi)%3A,with%20the%20latest%20climate%20science).

Reproduced, in part:

SBTi launched the world's first Corporate Net-Zero Standard (also referred to as the Net-Zero Standard), to ensure that companies' net-zero targets translate into action that is consistent with achieving a net-zero world by no later than 2050.

SBTi is a partnership between Carbon Disclosure Project ("CDP"), the United Nations Global Compact, World Resources Institute ("WRI") and the World Wide Fund for Nature ("WWF"). SBTi is a global body enabling businesses to set greenhouse gas emissions ("GHG") reductions targets in line with the latest climate science. SBTi defines and promotes best practice in science-based target setting, offers resources and guidance to reduce barriers to adoption, and independently assesses and approves companies' targets. GHG emissions reduction targets are considered science-based if they are aligned with the goals of the 2015 Paris Agreement.

SBTi's Corporate Net-Zero Standard provides guidance, criteria, and recommendations to support companies in setting net-zero targets through the SBTi. The main objective of this standard is to provide

message reasonably conveyed that JBS is acting toward specific objectives and measurable outcomes that will enable its operations to have net-zero impact on the environment by 2040.

NAD examined the support offered to support the claim. JBS explained that in December 2021, it signed a contract with Carbon Trust Advisory Limited to provide a detailed “Global Footprinting and Net Zero” plan for JBS. The Carbon Trust Advisory Limited proposal, agreed to by both parties, details the steps that the parties will take together to set targets in line with SBTi inclusive of Scope 1, 2 and 3 emissions across the entirety of JBS’s operations. JBS explained that it issued a \$1 billion Sustainability-Linked Bond, linked to its net zero climate goals. In addition, JBS explained that it has partnered with experts to help it reach its net-zero by 2040 goal and provided information about its research projects with the University of Minnesota and Colorado State University. JBS argued that its efforts demonstrate that it is taking concrete steps to be net-zero by 2040.

NAD reviewed the supporting materials and determined that the Advertiser has demonstrated that it is taking certain steps which may be helpful towards achieving net-zero by 2040. However, the evidence did not support the broad message conveyed by the challenged advertising that JBS is on a path towards net zero, which would include a plan with specific objectives and measurable outcomes likely to be achieved. The record shows JBS has undertaken steps to begin learning how to address the operational and scientific challenges it will face achieving net zero impact on the environment by 2040 including partnering with sustainability experts to establish feasible goals. These steps may enable the company to work toward its net zero goal in the near future after science-based targets are established and implemented.

While the record provides evidence of a significant preliminary investment JBS has made toward reducing emissions by 2040, it does not support the message conveyed by the claim that JBS has a plan

a standardized approach for companies to set net-zero targets that are aligned with climate science because the definition of net-zero itself, as well as the path to get there, has been interpreted in different, and often inconsistent ways. The Net-Zero Standard addresses this problem by providing a clear, science-based definition of net-zero.

Companies adopting the Net-Zero Standard commit to the following requirements:

Companies adopting the Net-Zero Standard will implement rapid, deep cuts to value-chain emissions in order to limit global temperature rise to 1.5°C. The reductions must cover a company’s entire value chain emissions, including those produced by their own processes (scope 1), purchased electricity and heat (scope 2), and generated by suppliers and end-users (scope 3).

Companies adopting the Net-Zero Standard are required to set both near-term (2030) and long-term science-based targets.

Companies adopting the Net-Zero standard must refrain from making any net-zero claims until long-term targets are met because a company is only considered to have reached net-zero when it has achieved its long-term science-based target.

SBTi recommends Companies make investments outside their science-based targets to help mitigate climate change elsewhere.

it is implementing today to achieve net zero operational impact by 2040. Based on the foregoing, NAD recommended that the Advertiser discontinue the claim that “JBS is committing to be net zero by 2040.” Nothing in this decision precludes the Advertiser from making narrower truthful and not misleading claims regarding its efforts at researching potential methods for reducing emissions and any efforts it is undertaking to reduce emissions.

(2) *“Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040*

Next, NAD reviewed a version of the Advertiser’s “net zero” claim, which references greenhouse gas emissions. The claim “Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040” appears in numerous social media posts, corporate communications and prominently as the title of JBS’ website dedicated to explaining the organization’s environmental sustainability plans to achieve net-zero greenhouse gas emissions by 2040.

IATP argued that the claim conveys the message that JBS’s net zero commitment is comprehensive and that it will reduce emissions across its entire supply chain – meaning it will reduce its scope 1, 2, and 3 emissions. IATP argued that JBS’s representations that it is reducing these emissions is misleading because JBS net zero plans do not count its scope 3 emissions, which likely account for 90-97% of its total emissions. IATP argued that by failing to account for the “vast majority of its greenhouse emissions,” any claim of reaching net zero is thus meaningless and not in line with how that term is understood by reasonable consumers.

NAD reviewed the challenged claim and found that it reasonably conveys the message that JBS has committed to achieving net-zero greenhouse gas emissions by 2040 because the claim is broad and unqualified. By including language that it will achieve net-zero greenhouse gas emissions by 2040, the advertising conveys the message that JBS has a plan that will result in the achievement of the goal.

JBS argued that this aspirational claim is supported and explained that it has taken numerous steps to establish baseline greenhouse gas emissions which include Scope 3 emissions and has taken steps toward Scope 3 reductions. JBS explained that it recognizes that in order to achieve its net-zero 2040 goal it must address Scope 3 emissions and that while its 2021 Sustainability Report addresses the challenges associated with accurately calculating and addressing Scope 3 emissions it also presents a path forward. Specifically, JBS noted that since announcing the 2040 net-zero committed in 2021, it has invested in research or commissioned studies with:

- The Foundation for Food and Agriculture;
- The University of Minnesota to create a model for assessing “JBS’s animal and feedstock supply chains as well as their associated GHG [greenhouse gas] impacts;”
- The Ecosystem Services Market Consortium (“ESMC”) to fund a pilot program focused on the sale of “credits and assets for greenhouse gas reduction, water quality and quantity and biodiversity” in the United States;
- Colorado State University for “collaborating with the supply chain to demonstrate how beef producers can reduce their impact on climate and achieve climate neutrality;

- University of Nebraska to support its Feedlot Innovation center dedicated to “science-driven innovation in the development of resilient systems for food animal production;”²⁸
- The Institute of Animal Science (IZ), linked to the São Paulo State Department of Agriculture and Food Supply, and Silvateam, a world-leading producer of plant-based extracts used in animal feed.

In addition, JBS explained that it has partnered with science-based companies and research centers to develop and expand the use of feed additives to help reduce methane emissions in the beef value chain and signed an agreement with Royal DSM to use Bovaer® in its beef chain, which is a feed additive for cows that will reduce methane emissions. In addition, JBS noted that it has committed funds to the Partnerships for Climate-Smart Commodities proposal submitted by the Iowa Soybean Association in partnership with the Soil and Water Outcomes Fund, signed an agreement to purchase verified emission reductions and committed to creating targets in line with the SBTi Forest, Land and Agriculture project.

NAD carefully considered the evidence JBS provided to support its global commitment to greenhouse gas emissions by 2040. NAD found that JBS’s research and financial investments demonstrate steps towards the stated commitment to net zero greenhouse gas emissions. However, NAD found that the evidence did not support the message that JBS’s efforts are part of an operational plan that will result in net-zero greenhouse gas emissions by 2040. Therefore, NAD recommended that the Advertiser discontinue the claim “Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040.”

(3) *“Bacon, chicken wings and steak with net zero emissions”*

Another version of JBS’s “net zero” advertising references “net zero” meat production, stating “Bacon, chicken wings and steak with net zero emissions. It’s possible.” This claim appeared prominently as a full-page advertisement in the *New York Times* under the main title of the advertisement titled, “Agriculture Can Be Part of the Climate Solution.” The advertisement included the logo of JBS brand Pilgrim’s.

IATP argued that the advertising conveys the message that JBS has a concrete plan to achieve net zero emissions animal proteins and is executing on the plan. JBS maintained that the advertisement is aspirational and does not convey an objective message that JBS will achieve net zero emissions for these animal proteins by 2040.

While the word “possible” can be used to indicate some uncertainty, here the word underscores that net zero emissions can be achieved in JBS’s meat production, by stating “It’s possible” and under a headline attesting that “Agriculture Can Be Part of the Climate Solution.” Thus, one message reasonably conveyed by this claim is the same broad message as JBS’s other “net zero” claims. Namely, that JBS has developed a plan for “net zero” meat production and is implementing such a plan.

JBS provided no support for specific emissions reduction action taken related to these animal proteins, and instead explained that the evidence of JBS’s investment in research related to its net-zero 2040

²⁸ JBS USA supports new Feedlot Innovation Center with \$700,000 gift, Nebraska Today, April 12, 2022, <https://news.unl.edu/newsrooms/today/article/jbs-usa-supports-new-feedlot-innovation-center-with-700000-gift/>

goal is inclusive of bacon, chicken wings and steak to the extent the research will yield results which will enable JBS to produce the animal proteins with net zero climate impact. NAD noted the research is ongoing but has not yet produced any results that would satisfy consumers' reasonable expectations that JBS has successfully demonstrated an approach to meat production which would result in "net zero" emissions. Accordingly, NAD recommended that the Advertiser discontinue the claim that "Bacon, chicken wings and steak with net zero emissions. It's possible."

(4) *"Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option"*

NAD next reviewed the claim "Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option" which appeared in the same April on a full-page advertisement in the *New York Times* in April 2021.

IATP argued that the message conveyed by this claim is that JBS, as a leader in the food industry, has a concrete plan to achieve net-zero and is executing on the plan. JBS argued that the claim is truthful because it is the largest animal protein producer in the world and that it has in fact committed to leading change in the industry.

NAD examined the challenged claim and found that the first part of the claim conveyed the message that JBS is committed to leading change in the industry and that such a claim is supported by its public commitment and financial investments in research. However, NAD found, that the "anything less is not an option" portion of the claim conveys the unsupported message that JBS is engaged in concrete efforts to achieve its goal. As discussed more fully above, the evidence in the record does not support such a claim. NAD therefore recommended that JBS discontinue the claim, "Anything less is not an option" claim when combined with the claim, "Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge."

(5) *"The SBTi recognized the Net Zero Commitment of JBS"*

Lastly, NAD reviewed a claim relating to SBTi's recognition of JBS's "net zero" goal. The claim that "SBTi recognized the Net Zero Commitment of JBS" appears on JBS's "Net Zero 2040" website. IATP argued that JBS's reliance on the SBTi commitment letter is misleading because signing a letter of commitment is not the same as having developed or implemented science-based targets to achieve net zero impact on the environment.

JBS explained that "SBTi maintains publicly-accessible dashboard which displays several categories of companies and the stage of their respective commitments such as companies with targets or commitments. Companies with "Targets" have produced clearly-defined pathways . . . to reduce greenhouse gas ("GHG") emissions, which have been validated by SBTi. Companies with "Commitments" have demonstrated their intention to develop targets and submit these for validation within 24 months. JBS acknowledged that it has made a commitment, which is the first step in setting a science-based target.

NAD found that the message conveyed by the claim is that SBTi has reviewed and approved JBS's net zero goals and objectives underpinning its commitment to have net zero impact on the environment by 2040. JBS has demonstrated that it has begun the process to become SBTi certified. NAD determined, however, that while it is literally true that SBTi has recognized JBS' submission of the

SBTi Commitment Letter, it does not substantiate the message that SBTi has certified approved JBS' strategy to achieve net-zero climate impact by 2040 based on science-based targets.²⁹ Further, JBS acknowledged that it engaged Carbon Trust Advisory Limited to help provide a greenhouse gas footprint and Science Based Targets, both aligned with SBTi criteria, and that these efforts are underway, but not yet complete. Specifically, both the greenhouse gas footprint and corresponding targets include Scope 3 efforts that will likely be available in the near future.³⁰ The record established demonstrates JBS's notable, but preliminary efforts to establish SBTi approved science-based greenhouse gas emission targets, but not an approved strategy to allow it to achieve net-zero climate impact by 2040.

Based on the foregoing, NAD recommended that the Advertiser discontinue the claim that "the SBTi recognized the Net Zero Commitment of JBS." Nothing in this decision precludes JBS from making narrower truthful and not misleading claims regarding the steps it is taking to align its activities with SBTi criteria and its engagement with the SBTi process.

E. Conclusion

The Advertiser voluntarily permanently discontinued the claim that "JBS will achieve Net Zero greenhouse gas emissions, reducing its direct and indirect (scopes 1,2 and 3) emissions." The voluntarily discontinued claim will be treated, for compliance purposes, as though NAD recommended its discontinuance and the Advertiser agreed to comply.

NAD recommended that JBS discontinue each of the challenged "net zero" claims, including the claims that:

- "JBS is committing to be net zero by 2040";
- "Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040.";

²⁹ *Butterball, LLC (Butterball Turkey Products)*, Report #6930, NAD/CARU Case Reports (August 2021).

In, *Butterball, LLC* NAD examined multiple environmental claims including several that were aspirational in nature. NAD determined that the aspiration claims that were made in close proximity to the American Humane Certified seal communicated a narrower message that Butterball complies with a specific set of independent standards. Butterball provided evidence that the practices required by the AH seal are set by a scientific advisory committee comprised of veterinarians and scientific experts in the relevant field and are consistent with their standards for humane treatment. NAD observed that those claims spoke to the advertiser's "recognition" of its "responsibility" and "commitment" to environmental stewardship, without expressly stating objective measures by which it has, does, or will put that recognition into action.

Moreover, in *Butterball*, NAD provided guidance on the use of certifications in supporting claims without misleading consumers. NAD explained that claims tied to a clear and conspicuous third-party certification—a certification that is independent and based on scientific standards, enforced and audited by the certifier, with the origins of the seal clearly identified—reasonably convey the message that the advertiser's practices are consistent with the certification even if consumers do not necessarily know the specific standards that certification requires. When an advertiser makes claims in close proximity to a claim about or description of a specific certification consumers would understand that the advertiser's practices are consistent with the reputable, third-party standards represented by the seal.

³⁰ See, *Set a Target*, SBTi: <https://sciencebasedtargets.org/set-a-target>.

- “Bacon, chicken wings and steak with net zero emissions. It’s possible.,” and
- “Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option.” and
- “the SBTi recognized the Net Zero Commitment of JBS.”

Nothing in this decision precludes the Advertiser from making narrower truthful and not misleading claims regarding its efforts at researching potential methods for reducing emissions and any efforts it is undertaking to reduce emissions. Nothing in this decision precludes JBS from making narrower truthful and not misleading claims regarding the steps it is taking to align its activities with SBTi criteria and its engagement with the SBTi process.

F. Advertiser’s Statement

JBS will appeal NAD’s decision to the National Advertising Review Board.

JBS appreciates NAD’s recognition of its “significant preliminary investment . . . toward reducing emissions by 2040” as well as NAD’s acknowledgment that JBS can advertise those specific efforts. JBS disagrees that the challenged aspirational claims communicate a message that it has a detailed plan in place today to achieve net-zero by 2040—17 years from now. We continue to believe that the express messaging in the challenged claims, and our entire net-zero by 2040 campaign, truthfully communicates our intent to achieve net-zero emissions by 2040. The foundational work we have done to date substantiates those communications. In addition, JBS’s claim that its net-zero commitment has been recognized by SBTi is literally true and employs the exact language provided by SBTi. JBS disagrees with NAD that its literally true claim communicates a much more specific and detailed message that SBTi has reviewed and approved JBS’s science based targets. **(#7135 WF, 02/01/2023)**

ATTACHMENT 5

NARB PANEL #313 – May 26, 2023

**Appeal of NAD's Final Decision #7135 Regarding Claims for
JBS USA Holdings Inc., Net Zero 2040**

Panel Members

Alice Kendrick (Chair)

Professor of Advertising
Southern Methodist University
SMU Temerlin Advertising Institute

Amy Bytell

Digital Marketing, Communications Sr. Manager
Cox Automotive

Bob Morrison

Founder & Chairman
Morrison Agency

Erin Silver

Director, Social Media and Growth Marketing
Exclusive Resorts

Representing the National Advertising Review Board

Kenneth A. Plevan, Chair
Saveeta Dhanai, NARB Coordinator

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REPORT OF NARB PANEL 313

Decision Issued: May 26, 2023

Appeal of NAD’s Final Decision #7135 Regarding Claims for JBS USA Holdings Inc., Net Zero 2040

JBS USA Holdings, Inc. (“JBS”) is the second-largest food company and the largest animal protein producer in the world. Its numerous retail brands include Swift, Pilgrim’s Pride, and Seara.

JBS has been promoting itself with environmental “net zero,” or carbon neutral, advertising, including, for example, the claim that “JBS is committed to be net zero by 2040.” This claim and five others were challenged at the National Advertising Division (“NAD”) by the Institute for Agriculture & Trade Policy (“IATP”), a non-profit organization whose mission includes fostering sustainable rural communities and regions. See NAD Case #7135 (Feb. 1, 2023).¹

The challenged advertising claims have appeared in multiple national platforms, including websites, social media, newspapers, YouTube, and publicly accessible corporate reports. See NAD Decision at 8. After the challenge, JBS withdrew one of the six challenged claims (acknowledging that the claim might be ambiguous)² and defended the remaining five as properly supported by JBS’s efforts to establish and pursue the goal of achieving net zero status in its worldwide business no later than 2040.³ NAD, however, concluded that JBS’s substantiation fell short of supporting the messages NAD determined were communicated by the challenged statements to reasonable consumers.

NAD recommended that the five express claims it reviewed be withdrawn, while at the same time clarifying that JBS was free to promote its efforts to develop and implement successful strategies to reduce greenhouse gas emissions with narrower claims. JBS appealed NAD’s findings and recommendations to the National Advertising Review Board (“NARB”). There is no cross-appeal.

A. NAD’s Analysis of the Issues

NAD began its analysis of the challenged claims with a discussion of the general standards for

¹ IATP describes itself as “a non-profit public interest organization that works to ensure fair and sustainable food, farm, and trade systems.”

² The withdrawn claim was as follows: “JBS will achieve net zero greenhouse gas emissions, reducing its direct and indirect (scopes 1, 2 and 3) emissions.” On its appeal, JBS distinguished this claim from the other challenged claims on the basis that the use of “will” could have communicated a promise or a guarantee to reach a net zero status, whereas, according to JBS, the remaining challenged claims did not communicate a promise or a guarantee.

³ On its appeal, JBS refers to the challenged advertising as “Net Zero Commitment Claims.”

evaluating environmental claims. See NAD Decision at 7. NAD quoted the following from the Federal Trade Commission’s Guides for the Use of Environmental Marketing Claims (“Green Guides”): “Unqualified general environmental claims are difficult to interpret and likely convey a wide range of meanings.” See NAD Decision at 7. NAD reported that the FTC has expressed its preference for qualified environmental claims, noting that qualified claims are less likely to convey misleading messages that overstate the environmental benefits of actions taken by the advertiser.

With respect to each of the five claims, NAD first assessed the consumer message and then evaluated the support offered by JBS in light of the consumer message. NAD’s discussion of JBS’s net zero claims includes several references to “SBTi” and Scope 1, 2, and 3 emissions. “SBTi” refers to the Science Based Targets Initiative. See NAD Decision at 2, 6 (defining term). Scope 1 covers emissions generated across an entity’s entire value chain, including emissions produced by its own processes. See NAD Decision at 11, n. 27. Scope 2 refers to emissions that are a by-product of an entity’s purchased electricity and heat. Scope 3 refers to emissions associated with suppliers and end-users.

NAD’s findings and recommendations on each of the five claims are briefly summarized below.

1. “JBS is committed to be net zero by 2040.”

JBS argued that its “net zero by 2040” claim is “aspirational,” and would be understood by consumers as such. JBS argued that consumers understand that there is no certainty that one’s aspirations will ultimately be realized. The advertiser argued that as an aspirational claim, it is supported by the substantial preliminary efforts JBS has undertaken to plan and prepare for its net zero program, including its issuance of a \$1 billion Sustainability-Linked Bond and signing a contract with the Carbon Trust Advisory Limited to provide a detailed “Global Footprinting and Net Zero” plan for JBS. See NAD Decision at 11.

On the issue of what JBS has accomplished to date, JBS emphasized in its arguments to NAD that 2040 is 17 years into the future, giving JBS ample opportunity to first formulate and then implement a definitive plan. JBS at the same time acknowledged that it did not yet have all the answers.

The advertiser further argued that it is in the initial stages of its pursuit of the announced goal, and has committed to providing a workable plan to SBTi later in 2023. In response, IATP argued at NAD that the challenged claims were more than “aspirational,” but even if considered aspirational the challenger argued that the advertiser did not meet the requirements to support such claims.

The parties also debated what reasonable consumers understood “net zero” to mean, with the advertiser arguing that it did not require that a business entity eliminate all greenhouse gas

emissions associated with its business because after reductions were implemented, remaining emissions could be matched with “offsets.”⁴

NAD concluded that “net-zero is a recognized standard that guides companies in defining and establishing short and long-term science-based greenhouse gas emissions reduction goals which align with the Paris Agreement.” NAD Decision at 10.⁵ In addressing the consumer message, and the advertiser’s position that the net zero 2040 claim is aspirational, NAD noted that aspirational claims that create reasonable expectations on the part of consumers require substantiation. NAD observed further that an advertiser must (i) be able to demonstrate that its goals and aspirations are not merely illusory, and (ii) provide evidence of the steps it is taking to reach its stated goals. NAD Decision at 8-9.

NAD concluded that the advertiser’s “net zero by 2040” claim conveys to reasonable consumers that JBS is already acting toward specific objectives and measurable outcomes that would enable its operations to have net zero impact on the environment by 2040. It further concluded that JBS’s evidence “did not support the broad message conveyed by the challenged advertising that JBS is on a path toward net zero.” NAD Decision at 11-12.

Stated another way, NAD found that JBS has not yet formulated and begun implementing a credible plan to reach net zero by 2040. Rather, according NAD, JBS is in the planning phase, which in time “may enable the company to work towards its net zero goal in the near future after science-based targets are established and implemented.” NAD Decision at 12.

2. “Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040”

NAD’s analysis of this “global commitment” claim and JBS’s support for the claim is similar to NAD’s analysis described above for the net zero by 2040 claim. NAD noted first that the challenger argued that JBS had failed to account for how Scope 3 emissions would be addressed. In response, JBS pointed to its having “invested in or commissioned studies with” a number of universities and foundations to develop Scope 3 strategies. See NAD Decision at 13. JBS also documented that it has invested in efforts to develop and expand the use of feed additives to help reduce methane emissions in the beef value chain.

NAD, however, concluded that JBS’s efforts to date did not support the message that the efforts it

⁴ At the hearing, JBS’s representative stated that JBS was not relying on carbon offsets in its net zero 2040 planning. However, in its second submission to NAD, dated October 14, 2022, under the heading “**JBS is Not Relying Exclusively on Carbon Offsets to Achieve Net Zero by 2040,**” the advertiser stated that “JBS is appropriately relying on carbon offsets for long-term residual emissions.”

⁵ The Paris Agreement is described briefly in the NAD Decision at 5, n. 17.

cited were part of an “operational plan.” Id.

3. “Bacon, chicken wings and steak with net zero Emissions. It’s Possible”

Addressing the “bacon/chicken wings” claim quoted above, NAD acknowledged that the phrase “it’s possible” could convey a degree of “uncertainty.” In addition, however, NAD pointed out that the claim appeared under the headline “Agriculture Can Be Part of the Climate Solution.” See NAD Decision at 14. NAD concluded that the claim conveyed messages similar to the two claims discussed above, namely, that JBS has a developed environmental plan that it is already implementing, when, according to NAD, no such plan has been formulated and agreed upon.⁶

4. “Leading change across the industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option.”

NAD reported that this industry-leader claim appeared in a full-page New York Times advertisement in April 2021. JBS contended that the claim was properly supported because, it argued, it is in fact the world’s largest animal protein producer and it has committed to leading change in the industry.

NAD found the first sentence in the claim conveyed the message that JBS is committed to leading change in the industry, and further that this assertion was supported by the advertiser’s investments and efforts to date to address greenhouse gas emissions. However, NAD concluded that the statement “anything less is not an option” conveyed the unsupported message that JBS was already engaged in concrete efforts to achieve its goals. See NAD Decision at 14-15.⁷

5. “The SBTi recognized the net zero commitment of JBS”

JBS argued to NAD that SBTi maintains a publicly-accessible dashboard that reports on various stages of company commitments, and that JBS’s letter to SBTi set forth the advertiser’s “commitment” to proceed forward to develop targets and submit them within 24 months. As the JBS letter was posted by SBTi, the advertiser argued that the claim was literally true. NAD, however, concluded that the claim conveyed the message that SBTi “had reviewed and approved JBS’s net zero goals and objectives underpinning its commitment to have net zero impact on the environment by 2040.” See NAD Decision at 13.

⁶ At the hearing, the challenger argued that “it’s possible” communicates that the feasibility of reaching net zero has been confirmed, while also arguing that JBS had not shown that its net zero goal is feasible.

⁷ JBS pointed out to NARB that its appeal does not encompass the first sentence of this two-sentence claim inasmuch as NAD found the first sentence, if standing alone, would be supported.

B. Issues Raised by JBS on Appeal

Addressing the advertising claims that are the subject of its appeal, JBS, as noted, refers to them as the “Net Zero Commitment Claims” and defends them as a unit, nor individually.⁸

JBS argues that NAD “got it wrong” because NAD interpreted commitment “to mean something akin to ‘guarantee’ or ‘promise.’” It contends that, given that the disclosed target date (2040) is 17 years in the future, consumers will not expect JBS to have made more progress toward achieving that goal than it has documented as its progress to date. According to JBS, announced goals targeted for one month or one year in the future would trigger different, more demanding, consumer expectations.

JBS argues that there is “no dispute” that the net zero advertising is “aspirational in nature.” JBS defends its progress toward its announced goal to date and the incremental steps it is undertaking as in step with well-accepted industry-wide guidance.

That JBS is in fact actively pursuing the net zero 2040 goal, according to the advertiser, is well documented. This includes millions of dollars already spent, more than \$1 billion committed, efforts underway to define its emissions baseline, and near-term target date (later in 2023) to submit a detailed roadmap to SBTi for its review/audit. JBS argues that what it has undertaken, and accomplished, to date in fact represents an “operational plan,” notwithstanding NAD’s finding that no such plan had already been established.

C. The Challenger’s NARB Opposition

Briefly summarized, the challenger makes the following arguments, among others:

- “Net zero” is a concept that stems from the Paris Agreements and requires rapid, deep emissions cuts across a company’s entire value chain.
- The emissions cuts must include cuts in a company’s Scope 1, 2, and 3 emissions. According to the challenger, JBS largely ignores Scope 3 emissions (those attributable to upstream suppliers and downstream purchasers/end-users), even though Scope 3 likely represents as much as 90% of the overall emissions the advertiser’s business is responsible for.
- JBS’s argument that consumers will discount the expectations generated by its net zero 2040 claim because JBS has 17 years to meet the goal is not credible. This is because, according to IATP, the challenge JBS faces in trying to achieve its net zero goal is

⁸ The fifth claim identified above, that SBTi has “recognized” the JBS commitment, was not specifically addressed in JBS’s brief to the panel or in the advertiser’s oral presentation.

formidable, given the scope of JBS's business as the world's largest animal protein producer. In this regard, the challenger argues that the record evidence shows that JBS itself emits more greenhouse gases than entire nation states such as Spain. It further argues that JBS has not shown that its net zero 2040 goal is feasible.

- The challenger argues that certain of the challenged claims are sufficiently concrete to be considered more than merely aspirational. But even if merely aspirational, it argues, the claims still generate consumer expectations that, as NAD found, a credible plan to achieve net zero emissions by 2040 has already been formulated, vetted with independent third-parties, and adopted. Because JBS is far from meeting this standard, its claimed "commitment" to the goal promoted in the challenged advertising is illusory.
- While JBS points to its financial commitment to date, the challenger argues that the commitment is in fact trivial given the magnitude of the challenge. With \$65 billion in annual sales, the JBS financial 10-year commitment, according to the challenger, represents less than .01% of the advertiser's sales.
- IATP argues that while JBS makes much of its efforts to "set baselines and targets," JBS should have already set those targets before launching a net zero advertising campaign.

D. Discussion

The panel has carefully considered the arguments of the parties and has concluded that NAD reached the correct result in determining that the challenged claims communicate misleading messages. As an initial matter, the panel agrees with NAD's having cited to the concern of the FTC, set forth in the Green Guides, that broad, unqualified environmental claims can convey ambiguous messages that overstate environmental benefits.

The panel agrees with NAD that the challenged claims communicate that JBS is already in the process of implementing a documented plan that has been evaluated and found to have a reasonable expectation of achieving "net zero" by the year 2040. JBS, however, has no such formulated and vetted plan at present. Rather, the advertiser is in the exploratory stage of its effort directed toward the net zero 2040 goal.

The panel further notes that both parties agree that reaching net zero by 2040 for a company with a business the nature, size, and scope of JBS's worldwide business is an enormously complicated and complex undertaking. The panel is concerned, as argued by the challenger, that JBS does not currently have sufficient scientific support to show that its goal is feasible. This is particularly true given the challenges posed by Scope 3 emissions, which may account for 90% of all emissions attributable to the JBS business. The panel concludes that JBS is in the early stages of attempting to plan for how it can address Scope 3 emissions.

JBS argues, as noted, that given that its target date for net zero is 17 years in the future, consumers will have reduced levels of expectation for JBS's efforts and progress to date in moving toward its goals. However, the panel views the issue of the 17-year lead time as more of a question related to substantiation and not one of consumer expectation. The panel concludes that consumers are unlikely to understand what is involved in a business enterprise reaching net zero. Consumers are, however, likely to interpret the challenged advertising as communicating that the goal is a feasible one, and a feasible plan is being implemented. The panel concludes that JBS has failed to support the feasibility of reaching the announced goal with credible evidence of the steps that would be considered necessary to achieve the goal.

At the hearing, JBS argued that consumers of its brands are not the target audience for the challenged advertising, but rather the claims are part of a "B to B" campaign. The panel concludes, first, that even experienced business executives are unlikely to understand the full complexity of the challenges inherent in JBS's net zero 2040 undertaking. In addition, the panel notes that prominent net zero 2040 presentations appear on both JBS and Pilgrim websites, and these websites are readily available to consumers interested in supporting sustainability.⁹

E. Conclusions and Recommendations

The panel recommends that JBS discontinue each of the challenged "net zero" claims, including the claims that:

- "JBS is committing to be net zero by 2040";
- "Global Commitment to Achieve Net-Zero Greenhouse Emissions by 2040";
- "Bacon, chicken wings and steak with net zero emissions. It's possible"; and
- "Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option";
- "The SBTi recognized the net zero commitment of JBS."

Nothing in this decision precludes the advertiser from making narrower truthful and not misleading claims regarding its efforts at researching potential methods for reducing emissions and any efforts it is undertaking to reduce emissions.

Nothing in this decision precludes JBS from making narrower truthful and not misleading claims regarding the steps it is taking to align its activities with SBTi criteria and its engagement with the

⁹ As noted, it is unclear the extent to which JBS will be relying on "offsets" to meet its net zero targets. However, the panel accepts the challenger's argument that offsets are not likely to make a material contribution to JBS's net zero efforts.

SBTi process.

JBS is not precluded by this decision from making the claim “Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge” when the claim is presented by itself.

The panel thanks JBS and IATP for participating in industry self-regulation in the interest of promoting truth in advertising.

F. Advertiser’s Statement

JBS disagrees with the NAD and NARB’s interpretation of how consumers perceive the challenged claims as well as NARB’s conclusion about the record evidence, but JBS will comply with NARB’s recommendation in published statements and advertising claims going forward.

In the record before the NARB Panel, NAD recognized that JBS had taken “steps towards the stated commitment to net zero greenhouse gas emissions” and that “the record provides evidence of a significant preliminary investment . . . toward reducing emissions by 2040.” JBS firmly believes these actions substantiate the challenged claims and shows that JBS has truthfully and accurately communicated its intent to achieve net-zero emissions by 2040. Nonetheless, the record considered by NAD and NARB only includes pre-challenge substantiation and expressly excludes significant advancements made by JBS over the last year toward its net zero goal. In addition to \$100 million already invested and \$1 billion more committed toward meeting this goal by 2040 that are in the record, JBS has continued to make progress and JBS will continue sharing its net zero by 2040 commitment publicly with appropriate disclosures where necessary. As to the remaining challenged claims, two ran in a print ad more than a year ago and are no longer in circulation. JBS appreciates NAD’s finding and NARB’s confirmation that its claim “leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge” was substantiated and it will continue making that claim without the “anything less is not an option” language. JBS appreciates the opportunity to engage in the self-regulatory process and will continue the important work of pursuing a more sustainable food chain.

ATTACHMENT 6

Case #7135_313C (11/03/2023)

JBS USA Holdings, Inc.

Net Zero 2040

Compliance Proceeding from NAD Case Report #7135

Challenger: *Institute for Agriculture & Trade Policy*

Product Type: *Food / Beverage*

Issues: *Environmental Claims*

Disposition: *No Further Action Required*

BBB NATIONAL PROGRAMS

NATIONAL ADVERTISING DIVISION

INSTITUTE FOR AGRICULTURE & TRADE
POLICY,

Challenger,

JBS USA HOLDINGS, INC.,

Advertiser.

Case No. 7135; NARB #313C

Closed 11/03/2023

COMPLIANCE PROCEEDING

In the above-noted matter, the National Advertising Review Board (“NARB”) initiated a compliance review following receipt of an inquiry from NAD and NARB’s own review of the website of JBS USA Holdings, Inc. for (“JBS” or “the advertiser”) for its Net Zero 2040 product.¹

In its decision based on a challenge by Institute for Agriculture & Trade Policy (“IATP” or “the challenger”), Case No. 7135, dated February 1, 2023, NAD recommended that JBS discontinue each of the challenged “net zero” claims, including but not limited to “JBS is committing to be net zero by 2040” and “Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option.” Nothing in the decision precluded the advertiser from making narrower truthful and not misleading claims regarding its efforts at researching potential methods for reducing emissions and any efforts it is undertaking to reduce emissions.

The advertiser appealed these recommendations to the NARB. In its decision dated May 26, 2023, NARB Panel 313 affirmed NAD’s decision except for the claim “Leading change across the food industry and achieving our goal of net zero by 2040 will be a challenge” which it determined could be made when the claim is presented by itself. The advertiser agreed to comply with the recommendations in the Panel 313 Decision.

I. Compliance Inquiry

¹ Net Zero 2040: Our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers, and customers. Upon clicking on the “Learn more” hyperlink, this claim is repeated on another webpage -- <https://jbsfoodsgroup.com/our-purpose/net-zero> -- along with details about initiatives being undertaken.

By email dated October 2, 2023, NARB opened a compliance inquiry pursuant to Section 8.1-B (4) of the NAD/NARB Policies and Procedures, revised effective February 1, 2023 (“Procedures”). NARB requested that the advertiser describe its efforts to comply with the Panel 313 Decision. By letter dated October 17, 2023, the advertiser argued that it has discontinued the claims NARB recommended be discontinued including: (1) JBS is committing to be net zero by 2040; (2) Global Commitment to Achieve Net-Zero Greenhouse Emissions by 2040; (3) Bacon, chicken wings and steak with net zero emissions. It’s possible; (4) Leading change across the industry and achieving our goal of net zero by 2040 will be a challenge. Anything less is not an option; (5) The SBTi recognized the net zero commitment of JBS. The advertiser argues that NARB identifies a new claim that does not comply with the Panel 313 decision but that it is unclear which portion of this claim NARB finds problematic. According to JBS, the new claim identified by NARB’s October 2 letter constitutes an effort by JBS to soften its language to make clear this is JBS’s goal or “ambition” to achieve net-zero emissions and to provide more detail to the particular efforts JBS is taking to pursue its ambition—something expressly allowed by both NAD and NARB. The advertiser requested additional information concerning NARB’s concerns.

II. Standards

As set forth in Section 8.1-B (4) of the Procedures, when a compliance issue relates to compliance with an NARB decision, NAD forwards the compliance file to the NARB Chair, along with NAD’s recommendations.

The NARB Chair must first determine whether the claim identified in the compliance inquiry falls within the scope of the NARB panel recommendations. If so, the Chair must then determine whether the advertiser has or has not complied with those recommendations. If there has been noncompliance, the Chair must determine whether the advertiser has made a “bona fide attempt to bring its advertising into compliance,” also characterized in the Procedures as a “reasonable attempt to comply.”

In addressing a compliance issue, the Chair seeks to apply the NARB panel recommendations to post-decision advertising claims, whether or not the claims were first introduced before or after the date of the NARB decision. The Chair can review the discussion of the relevant issues and analyses in the NARB panel decision, as well as the pre-appeal NAD decision, for context that might help illuminate the compliance analysis.

III. Discussion

I note at the outset of the analysis that the compliance issues are properly before the NARB, as the issues raised by NAD and NARB relate to matters addressed in the Panel 313 Decision.

NARB raised concerns about “Net Zero 2040” claims that it believed did not comport with the Panel 313 Decision. At the start of the compliance inquiry, the JBS homepage nearly halfway down the page stated as follows:

Net Zero 2040

Our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers, and customers.²

A “Learn more” hyperlink link appears in conjunction after these claims. The same claim and explanation appear upon clicking on the hyperlink as well as upon clicking on the “sustainability” tab on the JBS “our purpose” webpage JBS describes the five initial steps it is taking to meet its Net Zero goal.

The JBS website has been modified since the initiation of this compliance inquiry. The home page now states “Our Net Zero Pledge” as the headline instead of “Net Zero 2040” with the same explanatory text (“Our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers, and customers.”) Upon clicking on the Learn More hyperlink, it leads to another page where the headline states “Our Pledge to Become Net Zero” with the aforementioned text and the five steps it is taking to meet its goal. The aforementioned “Net Zero 2040” claim appears upon clicking on the “sustainability” tab on the JBS “our purpose” webpage. The headline which then appears is “Our Pledge to Become Net Zero” and the aforementioned explanation (“Our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers, and customers”) and the “[f]ive initial steps to achieve net zero.”³

I find that the advertiser has made good faith efforts to comply with Panel 313 Decision by discontinuing or modifying certain iterations of the net zero claims. I find that the now revised claim “[f]ive initial steps to achieve net zero” is a new claim that is not appropriate for review in this proceeding. However, the “Net Zero 2040” claim, and the substantially similar claims “Our Pledge to Become Net Zero” and “Our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers, and customers” do not comply with the Panel 313 Decision.

The Panel 313 Decision affirmed NAD’s findings that the claims “Net Zero 2040” and “JBS is committing to be net zero by 2040” be discontinued, not qualified. The NAD and Panel 313 decisions stated that “Nothing in the decision precluded the Advertiser from making narrower truthful and not misleading claims regarding its efforts at researching potential methods for reducing emissions and any efforts it is undertaking to reduce emissions.”

The claim “Net Zero 2040” that was modified to “Our Pledge to Become Net Zero” appears above “Our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers, and customers.” “Net Zero 2040” and “Our Pledge to Become Net Zero” are substantially similar to claims NAD and the Panel 313 decision recommended be discontinued, namely “Net Zero 2040” and “JBS is committing to be net zero by 2040.” A pledge is in essence a commitment and, in this case, to be net zero by 2040. This modified claim is synonymous with the claim Panel 313 recommended be discontinued.

² <https://jbsfoodsgroup.com/>.

³ <https://jbsfoodsgroup.com/our-purpose/net-zero>.

Both the NAD and Panel 313 decisions referenced permissible narrower claims “regarding JBS efforts to research potential methods to reduce emissions and other efforts it is undertaking to reduce emissions.” Here, the modified claim that “Our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers, and customers” neither speaks to efforts at researching potential method for reducing emissions nor to efforts JBS is undertaking to reduce emissions. Rather, the claim restates JBS’ commitment to reduce its greenhouse gas emissions to zero by 2040.

Further, although the “learn more” hyperlink appears next to this claim, the hyperlink is not sufficient to limit the claim as the qualifying information is not viewable when JBS states its ambitions to reach net zero carbon emissions by 2040. The information contained in the hyperlink, the five steps JBS is undertaking to achieve net zero, is integral to limit the claim. Disclosures that are an integral part of a claim or inseparable from it should not be communicated through a hyperlink. Instead, they should be placed on the same page and immediately next to the claim, and be sufficiently prominent so that the claim and the disclosure are read at the same time, without referring the consumer somewhere else to obtain this important information.⁴

Consequently, I recommend the following:

- (1) the claim “Net Zero by 2040” be discontinued;
- (2) the claims “Our Pledge to Become Net Zero” and “Our ambition is to achieve net-zero greenhouse gas emissions by 2040 across our global operations and diverse supply chain including agricultural producer partners, suppliers, and customers” be discontinued or modified to accord with the Panel 313 Decision, namely to speak to efforts at researching potential method for reducing emissions and efforts it is undertaking to reduce emissions. I further recommend that the aforementioned five initial steps to achieve net zero be included with the revised claim.

IV. Conclusion

In view of the foregoing, the Chair concluded that the advertiser has only partially complied with the Panel 313 Decision and full compliance is subject to JBS agreeing to make the additional modifications to its website.

In accordance with Section 8.1-B (4)(c) of the Procedures, this compliance report was forwarded to JBS requesting that within five business days, JBS submit to NARB a statement that it is modifying its advertising as recommended herein.

JBS agreed to comply with NARB’s recommendations. Based on the representations by JBS, this compliance inquiry is closed as no further action is warranted at this time. **(NARB #313C AMU, closed 11/03/2023)**

⁴ *Id.* at 10.

APPENDIX B – EXAMPLES OF REPORTED ACTIONS AGAINST THE COMPANIES RELATING TO CORPORATE MISCONDUCT

1. Corruption and Bribery

- In 2017, China, Mexico, Chile, Japan, the EU, and Hong Kong took measures to ban imports of Brazilian meat following the JBS 2017 bribery scandal, as bribed Brazilian health inspectors had certified rotten meat or meat tainted with salmonella.⁵⁶⁹
- In October 2019, two senators called on the Treasury Department to open a Committee on Foreign Investment in the United States (“CFIUS”) investigation into potential Foreign Corrupt Practices Act (“FCPA”) violations by JBS and its main holding company, J&F Investimentos over bribing Brazilian and Venezuelan officials to obtain government funds.⁵⁷⁰ Following this investigation, in 2020, J&F Investimentos paid \$256 million in fines for violating the FCPA.⁵⁷¹
- In 2020, JBS and the Batista brothers paid \$27 million in FCPA fines to the SEC for a “bribery scheme in part to facilitate” JBS’s acquisition of Pilgrim’s in 2009, with the SEC finding that JBS was “Engaging in bribery to finance their expansion into the U.S. markets” with the Batistas continuing to engage in bribery while on the board of Pilgrim’s.⁵⁷²

2. Antitrust

- JBS, along with Cargill, Tyson Foods, and others, including agricultural information company Agri Stats, have been under investigation by federal and state officials, including the Department of Justice (“DOJ”) about price fixing in the beef industry.⁵⁷³ In

⁵⁶⁹ Patrick Gillespie et al., *Brazil's spoiled meat scandal widens worldwide* (Mar. 22, 2017), <https://money.cnn.com/2017/03/22/news/economy/brazil-meat-scandal/>.

⁵⁷⁰ Letter from Robert Menendez & Marco Rubio, U.S. Sens., to Steven T. Mnuchin, Treas. Sec., re: JBS. S.A. investigation (Oct. 8, 2019), <https://www.foreign.senate.gov/imo/media/doc/10-08-19%20RM%20Rubio%20letter%20Brazil%20CFIUS.pdf>.

⁵⁷¹ Sylvan Lane, *Owners of meatpacker JBS to pay \$280M fine over foreign bribery charges*, The Hill (Oct. 14, 2020), <https://thehill.com/policy/finance/521070-owners-of-meatpacker-jbs-to-pay-280m-fine-over-foreign-bribery-charges>.

⁵⁷² SEC, *SEC Charges Brazilian Meat Producers With FCPA Violation* (Oct. 14, 2020), <https://www.sec.gov/newsroom/press-releases/2020-254>.

⁵⁷³ See, e.g., Noah Wicks, *Documents confirm DOJ investigation into beef processors*, AgriPulse (Aug. 10, 2022), <https://www.agri-pulse.com/articles/18094-documents-confirm-doj-investigation-into-beef-processors>.

2020, two Senators also called on the Federal Trade Commission (“FTC”) to launch an investigation into consolidation in meat production by JBS, Smithfield, Tyson and Cargill.⁵⁷⁴

- Private party actions against JBS and other actors over price fixing antitrust violations have been filed as well, with JBS settling one such lawsuit in 2020 for \$24.5 million over pork price fixing;⁵⁷⁵ and settling two more lawsuits in 2022 and 2023 relating to beef price fixing.⁵⁷⁶
- In 2021, following a plea deal, Pilgrim’s Pride paid the DOJ \$110.5 million in criminal fines relating to a conspiracy to fix poultry prices and rig bids for broiler chicken.⁵⁷⁷
- In 2024, JBS and Tyson settled a class action brought by meat plant workers alleging that the company conspired with other meat suppliers to fix and depress wages paid to employees at their beef and pork processing plants, in violation of antitrust laws, with JBS paying \$55 million.⁵⁷⁸

3. Safety & Worker’s Rights

- In 2016, Pilgrim’s Pride received a \$122,000 OSHA fine for failing to use proper safety procedures, resulting in the release of the dangerous chemical anhydrous ammonia, endangering workers.⁵⁷⁹

⁵⁷⁴ Letter from Josh Hawley & Tammy Baldwin, U.S. Sens., to Comm’rs, Fed. Trade Comm’n, re: Concentration in the meatpacking and processing industry (Apr. 29, 2020), <https://www.baldwin.senate.gov/imo/media/doc/FTC-Letter-Meatpacking-6b-Study.pdf>.

⁵⁷⁵ Erica Shaffer, *JBS settles antitrust lawsuit*, Food Bus. News (Nov. 6, 2020), <https://www.foodbusinessnews.net/articles/17235-jbs-announces-settlement-in-pork-antitrust-lawsuit>; Jennifer Shike, *JBS Pork Antitrust Lawsuit Plaintiffs Seek \$24.5 Million Settlement*, Pork Bus. (Dec. 3, 2020), <https://www.porkbusiness.com/news/industry/jbs-pork-antitrust-lawsuit-plaintiffs-seek-24-5-million-settlement>.

⁵⁷⁶ Mike Scarcella, *JBS to pay \$25 mln in latest beef price-fixing settlement in US court*, Reuters (Apr. 17, 2023), <https://www.reuters.com/legal/litigation/jbs-pay-25-mln-latest-beef-price-fixing-settlement-us-court-2023-04-17/>.

⁵⁷⁷ DOJ, Off. Pub. Aff., *One of the Nation’s Largest Chicken Producers Pleads Guilty to Price Fixing and is Sentenced to a \$107 Million Criminal Fine* (last updated Feb. 23, 2021), <https://www.justice.gov/opa/pr/one-nation-s-largest-chicken-producers-pleads-guilty-price-fixing-and-sentenced-107-million>.

⁵⁷⁸ Mike Scarcella, *Tyson, JBS to pay \$127 million to resolve workers’ wage-fixing lawsuit*, Reuters (Mar. 11, 2024), <https://www.reuters.com/legal/litigation/tyson-jbs-pay-127-million-resolve-workers-wage-fixing-lawsuit-2024-03-11/>.

⁵⁷⁹ OSHA, *News Release: OSHA fines nation’s largest chicken producer \$122K for failures in dangerous ammonia release at Waco plant* (Mar. 30, 2016), <https://www.osha.gov/news/newsreleases/region6/03302016>.

- In 2020, an administrative Complaint filed by food worker organizations with the USDA alleged JBS and Pilgrim's violated Title VI by requiring workers to work through the pandemic, causing illness and death among workers who were mostly minorities.⁵⁸⁰
- Following a lawsuit by the Brazilian labor prosecutor, a court ordered JBS in 2021 to reinstate and pay damages to indigenous workers who claimed they were discriminated against.⁵⁸¹
- In 2021, JBS USA settled a lawsuit brought by the Equal Employment Opportunity Commission (EEOC) for \$5.5 million. The lawsuit charged race, national origin, and religious discrimination against Black, Somali and Muslim workers at JBS's Greeley, Colorado plant.⁵⁸² A similar charge, at the same plant, relating to alleged discrimination against and poor treatment of Haitian employees was filed in October 2024 and remains unresolved.⁵⁸³
- In 2022, JBS was assessed a penalty of \$14,500 and agreed to hire experts to develop and implement an infectious disease preparedness plan, after many of its workers got sick with COVID and several died.⁵⁸⁴
- In 2023, a Brazilian labor union filed a lawsuit on behalf of 76 workers, including some indigenous workers, claiming they worked in conditions "analogous to slavery" such as long work shifts, insufficient rest time, not being fully paid, and not receiving hazard pay.⁵⁸⁵

⁵⁸⁰ Compl. Under Title VI, *Food Chain Workers Alliance et al. v. Tyson Foods et al.* (USDA AMS, filed July 8, 2020), available at <https://farmstand.org/case/food-chain-workers-alliance-v-tyson-foods-title-vi-complaint/>.

⁵⁸¹ Ana Mano, *Court confirms Brazil's JBS must reinstate indigenous workers, pay damages*, Reuters (Oct. 6, 2021), <https://www.reuters.com/business/sustainable-business/court-confirms-brazils-jbs-must-reinstate-indigenous-workers-pay-damages-2021-10-06/>.

⁵⁸² EEOC, *JBS Swift to Pay up to \$5.5 Million to Settle EEOC Race and Religious Discrimination Claim at Greeley Plant* (June 9, 2021), <https://www.eeoc.gov/newsroom/jbs-swift-pay-55-million-settle-eeoc-race-and-religious-discrimination-claim-greeley-plant>.

⁵⁸³ Sam Tabachnik, *JBS targets its Haitian workers in Greeley with grueling work conditions, employee alleges in EEOC complaint*, Denver Post (last updated Oct. 14, 2024), <https://www.denverpost.com/2024/10/11/jbs-greeley-meatpacking-eeoc-charge/>; JBS B.V. Form F-4, *supra* note 3, at 61.

⁵⁸⁴ OSHA, *National News Release: JBS Foods USA reaches settlement with OSHA to develop, implement infectious disease preparedness plan at seven meat processing plants* (May 27, 2022), <https://www.osha.gov/news/newsreleases/national/05272022>.

⁵⁸⁵ Ana Mano, *Brazilian union sues JBS over alleged exploitation of chicken workers*, Reuters (July 14, 2023), <https://www.reuters.com/business/retail-consumer/brazilian-union-sues-jbs-over-alleged-exploitation-chicken-workers-2023-07-14/>.

- In 2023, OSHA proposed \$227,000 in fines over repeat and serious violations of safety standards at JBS's Green Bay plant, including one incident which led to an amputation of a worker's fingers.⁵⁸⁶

4. Underpayment of Suppliers

- In 2019, USDA fined JBS \$79,000, alleging it underpaid family farmers and ranchers by claiming cattle weighed less than they did; cattle owners said they lost millions of dollars.⁵⁸⁷

⁵⁸⁶ OSHA, *News Release: Federal investigators find JBS Foods failed to protect Green Bay plant worker from amputations by ignoring required safety standards* (June 20, 2023), <https://www.osha.gov/news/newsreleases/region5/06202023>.

⁵⁸⁷ Kimberly Kindy, *This foreign meat company got U.S. tax money. Now it wants to conquer America.*, Wash. Post (Nov. 7, 2019), https://www.washingtonpost.com/politics/this-foreign-meat-company-got-us-tax-money-now-it-wants-to-conquer-america/2019/11/04/854836ae-eae5-11e9-9306-47cb0324fd44_story.html.

APPENDIX C – 2019 FTC LETTER REGARDING PILGRIM’S PRIDE



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Division of Advertising Practices

April 1, 2019

Barry A. Pupkin, Esq.
Christopher H. Gordon, Esq.
Squire Patton Boggs
2550 M Street, NW
Washington, DC 20037

Re: Complaint against Pilgrim's Pride Corporation

Dear Messrs. Pupkin and Gordon:

As you know, on December 12, 2018, the Humane Society of the United States (the "HSUS") filed a Complaint with the Federal Trade Commission requesting that the Commission take action against your client, Pilgrim's Pride Corporation ("Pilgrim's"), for allegedly deceptive claims regarding its poultry handling practices. Among other things, the HSUS alleged that Pilgrim's made false or unsubstantiated representations, including superlative humane treatment claims that the company treats its chickens "as humanely as possible," "with the highest standards starting at hatch," and with "the best possible growout conditions for [its] flocks."

At our Mar. 14, 2019 meeting with you and your client's in-house counsel, Kimberly Pryor, you stated that as of mid-Dec. 2018, Pilgrim's removed the claims at issue from all of its websites. You further stated that Pilgrim's has permanently discontinued the claims at issue from all of its advertising. We remind you that your client's advertising claims must be true, not misleading, and adequately substantiated.

After carefully considering this matter, we have decided not to take formal action on HSUS's complaint at this time. However, we will continue to monitor Pilgrim's advertising going forward. The Commission reserves the right to take any further action as the public interest may require.

Very truly yours,

Carolyn L. Hann
Chief of Staff for Advertising Practices

✓ cc: Laura J. Fox, Esq., The Humane Society of the United States