Without prejudice

13th April 2007

Rt. Hon. Stephen Harper
Prime Minister
Prime Minister’s Office
80 Wellington Street
Ottawa, ON K1A 0A2

Re: Pet Food Recall and Safety: The Creation of a Taskforce to Investigate the Pet Food Industry

“...My seven year old cat Oscar died very suddenly and very violently on Sunday ... Meesha is still on the decline despite all efforts to keep him going ... This tragedy is not just about the number of dead pets, it is also about the lives that have been affected ...”

Dear Prime Minister Harper,

I am writing to you on behalf of the millions of Canadians who share our views about the protection of their pets to ask for your help. For more than 40 years, our staff has worked here in Canada and in more than 100 countries helping people, animals and the environment. The observations and recommendations that follow are based upon that hard earned experience.

Our thoughts and prayers are with the millions of families and their pets who have been affected by the recent pet food recall. This tragedy is not just about the number of dead pets, it is also about the lives that have been affected.
We are writing to ask for your leadership in creating a taskforce to investigate the pet food industry which would have four primary objectives: 1) to conduct an investigation to determine if criminal animal cruelty charges should be brought before the court; 2) an investigation by securities regulators to determine if charges should be brought with respect to insider trading by shareholders in pet food companies; 3) public hearings into how to best regulate the pet food industry; and 4) the passage of laws to regulate the pet food industry that include a balanced system of enforcement, education and consumer awareness to prevent these widespread tragedies from taking place again.

We need hard answers about the names of key officials with Menu Foods and other pet food companies, what they knew about the problem, when they knew about it and if there were any delays in alerting the public and government agencies.

Canadians are a nation of animal lovers who consider each one of their pets another member of their family. Six out of ten households have a pet and there are more than 13 million cats and dogs living in Canadian homes. In the United States, another primary market for these pet food products manufactured by a Canadian company, 60% of Americans share their homes with more than 130 million dogs and cats.

Similarly, about 60% of European homes also have dogs and cats and the US Food and Drug Administration also indicates that some of the products in the recall were also shipped to the 27 member state European Union which has more than 487 million people and also to Mexico which has more than 108 million people – all of whom like Canadians regard their pets as a part of their family.

The international firestorm ignited over the pet food recall has revealed that at least tens of thousands of pets have become ill or have died; and the fear of harm being caused to their pets has affected millions of families. Yesterday afternoon, US Senator Dick Durbin chaired the first public hearing into the pet food recall and safety.

In the case of Menu Foods, the Food and Drug Administration in the United States has traced the source of the contaminated wheat gluten to a single supplier, Xuzhou Anying Biologic Technology of China and has banned further imports. Canada has not.

Published reports indicate that Ontario based Menu Foods alone has received more than 300,000 complaints and yet they continue to claim that there have been only 16 confirmed pet deaths related to their recall of more than 60 million containers of food covering more than 100 brand names. In a tremendous waste of food, paper, metal and
the fossil fuels needed in their manufacture and transport, all of this food will now wind up in landfill sites.

Other figures from independent veterinary sources suggest that numbers could be at least as high as 39,000 pet deaths in the United States alone. Although the initial recall was first announced on the 16th March 2007, there are published reports suggesting that the company was aware there could have been a problem as far back as December 2006; and further allegations that during the week of the 23rd to the 27th of February of this year, tests in one of the Canadian owned Menu Food's U.S. based labs killed 9 out of 25 cats tested.

Menu Foods has provided a list of products which have been recalled. A number of other pet food companies, including Del Monte, Hills Pet Nutrition, Nestle Purina, Royal Canin and Sunshine Mills have also issued product recalls. A full list of the products recalled is attached, and published reports indicate that in the United States alone, this represents at least 1% of that country's pet food supply.

While it is a US government agency, the Food and Drug Administration which has been responsible for uncovering the contaminants and has fielded more than 10,000 complaints, the company responsible for the manufacture of these products, Menu Foods, is based in Canada. The lack of action and the silence from all elected officials and government agencies here in Canada has been deafening.

Unlike the United States and the 27 member state European Union, for all intents and purposes, pet food companies in Canada are allowed to regulate themselves, with disastrous results. In a perfect world, everything would be voluntary. Regrettably, that is not the world we live in. We need a balanced system of enforcement, education and consumer awareness to prevent these widespread tragedies from taking place again.

In one of the largest consumer product recalls in North America, more than 60 million containers of pet food manufactured by Menu Foods alone have been recalled. At least fourteen class action lawsuits against pet food companies have been filed in Canada and the United States seeking hundreds of millions of dollars in damages which contain allegations not proven in court.

In the meantime, however, except for the pet food companies which manufactured the products which killed their animals or caused them to become ill, families here in Canada have only The Humane Society of Canada to turn to for help. While we have taken the lead role in doing whatever we can to help, with our limited resources there is only so
much we can do. Attached is a copy of The Humane Society of Canada’s *Twelve Point Action Plan for Pet Food Safety.*

All of the ingredients found in pet food can also make their way into the human food supply system. In fact, pet food manufacturers routinely promote the fact that their products have the same high quality ingredients found in human food. We need to do everything in our power to prevent tragedies like this from ever taking place again.

Under the Criminal Code of Canada, cruelty to animals is a summary conviction offence. Those convicted receive a criminal record, can receive up to six months imprisonment, a CAD $2,000 fine, can be prohibited from owning or working with animals for up to two years along with other penalties and sanctions (copy enclosed). Attached is a copy of a letter we have written today to Acting Commissioner Beverly Busson making a formal request that the Royal Canadian Mounted Police conduct an investigation to determine if criminal animal cruelty charges should be brought before the court.

*However, we cannot emphasize enough that this is a highly time sensitive matter. Under the Criminal Code of Canada, charges must be laid within six months.*

We are also writing to the Federal Bureau of Investigation, the Mexican Federal Investigation Agency, Interpol and other law enforcement agencies asking them to give whatever assistance they can in this investigation.

Under Canadian law, Menu Foods is an income trust and manufactures more than 100 product lines for at least 52 well known pet food companies. In the wake of published reports that the Chief Financial Officer of Menu Foods sold about 45% of his shares several weeks before the pet food recall was announced, we have written today to Mr. David Wilson, Chair of the Ontario Securities Commission making a formal request that they conduct an investigation to determine if charges should be brought with respect to insider trading by shareholders in Menu Foods and other pet food companies.

We are also writing to other securities regulators in other countries where pet food companies are publicly listed on their stock exchanges. (The published reports indicate that on the 26th and 27th February of this year, more than two weeks before the public recall, Menu Foods Chief Financial Officer sold 14,000 units for CAD $102,900. As of 10th April 2007, those shares would be worth CAD $62,440. The Chief Financial Officer has described this as a “horrible coincidence”).*
Finally, we are sending a copy of this letter to all of the Premiers and Party Leaders asking them to give their full and unqualified support and participation in the establishment and the effective operation of a taskforce to investigate the pet food industry.

As we indicated because Ontario based Menu Foods and other pet food companies also market products abroad affecting the lives of hundreds of millions of people and their pets, we are also writing to Prime Minister Tony Blair and the heads of other European nations, President Angela Merkel of the European Union, President Felipe Calderon and President George W. Bush and US Senator Dick Durbin to ask for their assistance and participation in this regard.

Since the contaminated ingredient originated in China we are also writing to Premier Wenyi Jerboa to ask for his country’s full cooperation in such an investigation. Published reports and embassy sources indicate that there are currently no laws to protect dogs and cats in China.

The Humane Society of Canada is a registered charity which relies on donations to support our programs and does not invest in or receive any funds or corporate sponsorships from any pet food company

We are aware of your own personal concern for the protection of pets and look forward to sharing with the public and the international news media, the positive steps you are taking to resolve this serious issue of social concern.

Awaiting your reply, I remain, yours sincerely,

Michael O’Sullivan
Chairman & CEO
BACKGROUND

Samples of the food, specifically the wheat gluten, were tested and found to contain aminopterin, a chemical that was formerly used in cancer treatments, is used as a rodenticide in some countries. However, in the United States it is not legal for use as a rat poison, and only used in cancer research. Officials are still unclear how it entered the pet food and testing is ongoing.

Further testing by the US Federal Department of Agriculture (FDA) has also found melamine, a chemical used in the manufacturing of plastics in samples of food being tested. Melamine is also used as one of the components in fertilizer in Asia.

We have provided for you both a list of pet foods involved in the recall as well as timeline for this tragedy. Please see the attached pages.

Currently, in Canada, there is a voluntary pet certification program run by the Canadian Veterinary Medical Association (http://www.animalhealthcare.ca/sections4_petfoods.asp?category=CVMA+Pet+Food+C ertification+Program) and the costs are paid for by those pet food companies which decide to participate. An industry trade association called the Pet Food Association of Canada www.ppac.com also has voluntary standards for its members.

At a federal level, Industry Canada, under the auspices of the Competition Bureau (http://www.competitionbureau.gc.ca/internet/index.cfm?itemID=1229&1g=) is responsible for monitoring the labels on pet food, the Canadian Food Inspection Agency (http://www.inspection.gc.ca/english/fsa/fssa.shtml) works to address any concerns that food might contain ingredients contaminated by mad cow disease (bovine spongiform encelopathy or BSE) and Health Canada (http://www.hc-sc.gc.ca/index_e.html) examines any pet food making claims about health benefits for pets.

A search of Hansards for the provinces and territories along with websites operated by all federal parties and government agencies turns up no reference to the pet food safety issue; a search of Hansards for the House of Commons shows a single exchange.

In our opinion, law enforcement agents need to conduct a thorough investigation, and if there is evidence both sufficient and admissible that results in allegations of wrongdoing, then the matter needs to be brought to trial and anyone found guilty should be punished to the fullest extent of the law. In Canada animals are protected by the federal Criminal Code while in the United States the laws vary state to state with some federal involvement and in Mexico there is a fabric of federal and state laws. Published reports and embassy sources indicate that there are currently no laws to protect dogs and cats in China.
As cruelty to animals is covered under the Canadian Criminal Code, we have attached the relevant section. Please see attached. There are also a wide range of other laws, both civil and criminal, which may also apply.

In the meantime, however, except for the pet food companies which manufactured the products which killed their animals or caused them to become ill, families here in Canada have only The Humane Society of Canada to turn to for help. While we have taken the lead role in doing whatever we can to help, with our limited resources there is only so much we can do. Attached is a copy of The Humane Society of Canada’s *Twelve Point Action Plan for Pet Food Safety.*
Dog Food Recalls

- Americas Choice, Preferred Pets
- ALPO Prime Cuts in Gravy
- Authority
- Award Last Updated: April 5, 2007
- Best Choice
- Big Belt
- Big Red
- Bloom
- Cadillac
- Companion Last Updated: April 5, 2007
- Demoulas Market Basket
- Eukanuba Last Updated: April 5, 2007
- Food Lion
- Giant Companion Last Updated: April 5, 2007
- Great Choice Last Updated: April 5, 2007
- Hannaford
- Happy Tails Meaty Cuts with Beef in Gravy
- Hill Country Fare Last Updated: April 5, 2007
- Hy-Vee
- Iams Last Updated: April 5, 2007
- Laura Lynn
- Loving Meals
- Meijer's Main Choice
- Mighty Dog Pouch
- Mixables Last Updated: April 5, 2007
- Nutriplan
- Nutro Max Last Updated: April 10, 2007
- Nutro Natural Choice Last Updated: April 10, 2007
- Nutro Ultra Last Updated: April 10, 2007
- Nutro Last Updated: April 10, 2007
- O'Roy Canada Last Updated: April 5, 2007
- O'Roy US Last Updated: April 5, 2007
- Paws
- Pet Essentials
- Pet Pride - Good n Meaty Last Updated: April 5, 2007

Cat Food Recalls

- Americas Choice,Preferred Pets Last Updated: April 10, 2007
- Authority Last Updated: April 5, 2007
- Best Choice Last Updated: April 5, 2007
- Companion Last Updated: April 10, 2007
- Compliments Last Updated: April 5, 2007
- Demoulas Market Basket
- Eukanuba Last Updated: April 5, 2007
- Fine Feline Cat
- Food Lion
- Foodtown
- Giant Companion Last Updated: April 5, 2007
- Hannaford
- Hill Country Fare Last Updated: April 5, 2007
- Hy-Vee
- Iams Last Updated: April 5, 2007
- J.E. Monrou Last Updated: April 10, 2007
- Laura Lynn Last Updated: April 10, 2007
- Li'l Red Loving Meals
- Medi-Cal Last Updated: April 10, 2007
- Meijer's Main Choice Nutriplan Last Updated: April 10, 2007
- Nutro Max Gourmet Classics Last Updated: April 10, 2007
- Nutro Natural Choice Last Updated: April 10, 2007
- Nutro Products Last Updated: April 10, 2007
Dog Treat Recalls

- Champion Breed
- Companion's Best Multi Flavor Biscuit
- Dollar General—Updated April 11, 2007
- Gravy Train Beef Sticks
- Dog Snacks
- Happy Tails—Updated April 11, 2007
- Jerky Treats Beef Flavor
- Dog Snacks—Updated April 11, 2007
- Lassie Lamb and Rice Biscuit
- Nuture
- Ol' Roy: Del Monte and Sunshine Mills—Updated

Cat Treat Recalls

- Pounce Meaty Morsels
- Moist Chicken Flavor
- Cat Treats
April 11, 2007
Perfect Pals Large Biscuit
Pet Life
Steter Brothers
TIMELINE: Pet Food Recall of 2007

As new events unfold involving the Menu Foods pet food recalls, the sequence of reported recall news in retrospect becomes very interesting. I am providing this pet food recall timeline for information purposes only. My readers can gather their own conclusions.

February 20, 2007
Date Menu Foods notifies FDA of having received first reports of sick and dead cats. (Anecdotal data puts first reports back as far as December, 2006.)

February 27, 2007
Menu Foods starts testing reported tainted food on cats and dogs.

March 16, 2007
Menu Foods announces first recall after deaths of 16 tested animals.

March 17, 2007

Tainted wheat gluten identified as source of pet food contamination.

March 23, 2007
New York State Department of Agriculture and Cornell University scientists find aminopterin, a rat poison, in tainted food samples.

March 24, 2007
Menu Foods extends recalled products to all dates of manufacture.

March 26, 2007
Menu Foods clarifies PR of March 24th, stating no new foods had been added to list.

March 26, 2007
The FDA announces that melamine, a chemical used in plastics, fertilizers, and industrial foam, has been found in tainted pet foods.

March 30, 2007
Menu Foods Menu Foods clears for sale recalled food products manufactured outside the original reported dates.

March 30, 2007
Hills voluntarily recalls Science Diet Prescription Diet M/D Dry Food.

March 31, 2007
Eight in One, Inc., recalls all lots of Dingo CHICK‘N JERKY treats from retailers, along with certain cats treats. Salmonella contamination is named as the reason for the recall.

March 31, 2007
Del Monte voluntarily recalls Pounce Meaty Morsels Moist Chicken Flavor Cat Treats.

April 3, 2007
The manufacturer (Xuzhou Anying Biologic Technology Development Company Ltd., China) of the tainted wheat gluten and the U.S. Distributer (ChemNutra Inc., of Las Vegas, Nevada) of that product are revealed.

April 5, 2007
Menu Foods announces the expansion of its recalled pet food list.

April 5, 2007
Sunshine Mills announces the voluntary recall of dog biscuits for melamine contamination.

April 5, 2007
According to CNN, the FDA is exploring the theory of intentional contamination of wheat gluten for profit.

April 10, 2007
Menu Foods announces the recall of 36 additional canned cat food products.
April 10, 2007  
Toronto Globe and Mail reports that Menu Foods CFO Mark Wiens sold 45% of his Menu Foods stock for $102,900 on Feb. 26 and Feb. 27. Wiens was quoted as saying, "It's a horrible coincidence, yes..."

April 12, 2007  
Senate hearings are held to investigate the ongoing pet food recall and government regulations over the pet food industry. Topics covered are the investigation timeline, source of the contamination, and the FDA's regulatory and inspection responsibilities.

Back to List of Recalled Cat Food

From Franny Suyky,  
Your Guide to Cats.  
FREE Newsletter. Sign Up Now!
CATTLE AND OTHER ANIMALS

Injuring or endangering cattle

444. Every one who wilfully

(a) kills, maims, wounds, poisons or injures cattle, or

(b) places poison in such a position that it may easily be consumed by cattle,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

R.S., c. C-34, s. 400.

Injuring or endangering other animals

445. Every one who wilfully and without lawful excuse

(a) kills, maims, wounds, poisons or injures dogs, birds or animals that are not cattle and are kept for a lawful purpose, or

(b) places poison in such a position that it may easily be consumed by dogs, birds or animals that are not cattle and are kept for a lawful purpose,

is guilty of an offence punishable on summary conviction.

R.S., c. C-34, s. 401.

CRUELTY TO ANIMALS

Causing unnecessary suffering

446. (1) Every one commits an offence who

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird;

(b) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed;

(c) being the owner or the person having the custody or control of a domestic animal or a bird or an animal or a bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it;

(d) in any manner encourages, aids or assists at the fighting or baiting of animals or birds;

(e) wilfully, without reasonable excuse, administers a poisonous or an injurious drug or substance to a domestic animal or bird or an animal or a bird wild by nature that is kept in captivity or, being the owner of such an animal or a bird, wilfully permits a poisonous or an injurious drug or substance to be administered to it;
(f) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated; or

(g) being the owner, occupier or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (f).

Punishment

(2) Every one who commits an offence under subsection (1) is guilty of an offence punishable on summary conviction.

Failure to exercise reasonable care as evidence

(3) For the purposes of proceedings under paragraph (1)(a) or (b), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it pain, suffering, damage or injury is, in the absence of any evidence to the contrary, proof that the pain, suffering, damage or injury was caused or was permitted to be caused wilfully or was caused by wilful neglect, as the case may be.

Presence at baiting as evidence

(4) For the purpose of proceedings under paragraph (1)(d), evidence that an accused was present at the fighting or baiting of animals or birds is, in the absence of any evidence to the contrary, proof that he encouraged, aided or assisted at the fighting or baiting.

Order of prohibition

(5) Where an accused is convicted of an offence under subsection (1), the court may, in addition to any other sentence that may be imposed for the offence, make an order prohibiting the accused from owning or having the custody or control of an animal or a bird during any period not exceeding two years.

Breach of order

(6) Every one who owns or has the custody or control of an animal or a bird while he is prohibited from doing so by reason of an order made under subsection (5) is guilty of an offence punishable on summary conviction.

R.S., c. C-34, s. 402; 1974-75-76, c. 93, s. 35.

Keeping cockpit

447. (1) Every one who builds, makes, maintains or keeps a cockpit on premises that he owns or occupies, or allows a cockpit to be built, made, maintained or kept on such premises is guilty of an offence punishable on summary conviction.

Confiscation

(2) A peace officer who finds cocks in a cockpit or on premises where a cockpit is located shall seize them and take them before a justice who shall order them to be destroyed.

R.S., c. C-34, s. 403.
Humane Society of Canada's Twelve Point Action Plan for Pet Food Safety

In the meantime, however, except for the pet food companies which manufactured the products which killed their animals or caused them to become ill, families here in Canada have only The Humane Society of Canada to turn to for help. “While we have taken the lead role in doing whatever we can to help, with our limited resources there is only so much we can do,” says O’Sullivan. Below is The Humane Society of Canada’s Twelve Point Action Plan for Pet Food Safety to help protect your pets:

1. If you have any of these products stop feeding your pet immediately. Do not as suggested by pet food companies return the food to the store where you purchased the product. Instead save the food and can/bag as evidence (record the brand name, lot number and UPC code stenciled on the can/can lid/bag which usually consists of a series of letters and numbers);

2. If your pet displays any signs of unusual behavior, illness or sickness then take him/her immediately to your veterinarian. Symptoms could include, but are not limited to: a lack of appetite, lethargy, increased thirst, discolored urine, increased urination, vomiting, diarrhea or fever. If your pet has died, also contact your veterinarian and ask to arrange for a necropsy (animal autopsy) before your pet is buried or cremated;

3. Due to the animal health related nature of this crisis and the fact that we cannot endorse any pet foods please contact your veterinarian for advice on what you should be feeding your pet;

4. If you do not already have a veterinarian search for one here;

5. If you are concerned and would like to have any food samples tested contact the veterinary college in Canada nearest you which can be found here and express your wishes that whatever testing methods are used they do not involve the use of animals. In the United States, contact the Food and Drug Administration here;

6. If you believe your pet has become ill or died as a result of eating pet foods, send all of your information such as veterinary reports to The Humane Society of Canada here which will be forwarded on to Prime Minister Stephen Harper as part of our call for a taskforce to investigate the pet food recall and safety. A second copy of your information should be sent to the website set up by the pet food manufacturers here. Make certain you keep all of the original copies of this information at home for safekeeping;

7. Please write to Prime Minister Stephen Harper here to support our call for the creation of a taskforce to investigate the pet food recall and safety and to demand stronger laws to regulate the pet food industry. A copy of our letter to the Prime Minister can be found here;

8. A number of law firms in Canada and the United States found here have filed class action lawsuits against pet food companies seeking hundreds of millions of dollars in damages which contain allegations not proven in court (any law firms wishing to be added to this alphabetical listing should send us their details here);

9. Urge all local supermarkets and stores to voluntarily remove pet food products from their shelves which have been listed on the recall and put up public notices in their store;

10. Contact The Humane Society of Canada here for assistance with pet loss counselling and to include your pet and tell his/her story in our Book of Remembrances here. There is no charge for these services;

11. Urge local humane societies, SPCAs, rescue groups and animal shelters to publicly disclose and review their existing investments in pet food companies as well as any corporate sponsorships or monies they receive from pet food companies (NOTE: The Humane Society of Canada is a registered charity which relies on donations to support our programs and does not invest in or receive any funds or corporate sponsorships from any pet food company);

12. Before you buy pet foods or treats write to the pet food company and ask if they conduct laboratory experiments on animals. If they do demand that they stop them immediately and replace the tests with alternatives to the use of animals. Published reports indicate that tests in one of the Canadian owned Menu Foods U.S. based labs killed 9 out of 25 cats tested. Also demand that the pet food company conduct rigorous independent testing of all ingredients included in their products.