



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
10B Airline Drive, Albany, New York 12235
1-800-554-4501
www.agriculture.ny.gov

Office of the Counsel
(518) 457-1059

December 31, 2013

Via Email Only

To: susan@associationfortruthinpetfood.com

Dear Ms. Thixton:

This is in response to your Freedom of Information Law request for "correspondence provided to FDA regarding the NY Dep of Agriculture testing of Chinese jerky dog treats. Test results and all correspondence to FDA (fax, email, or other) relating to this testing during December 2012 and January 2013."

Transmitted herewith are the records responsive to your request.

You have the right to appeal this decision within thirty (30) days if you so desire. Your appeal should be addressed to Acting Commissioner James B. Bays at the above listed address.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Arnold".

Rick Arnold, Esq.
Records Access Officer

FOIL #13-404

From: Palo, Matthew [<mailto:Matthew.Palo@fda.hhs.gov>]
Sent: January 07, 2013 3:12 PM
To: Sawyer, Erin (AGR)
Cc: Pace, Ronald; Veitch, Robert J
Subject: RE: Chicken dog treats with antibiotics

Hi Erin,

I did get it, with the attachments. I'm looking over it now.

Matt

LT Matthew Palo, USPHS
District Emergency Response Coordinator
New York District
Office: 718-662-5552 | Fax: 718-662-5661
BB: 347-635-0488 | PIN: 32F8232A

From: Sawyer, Erin (AGR) [<mailto:Erin.Sawyer@agriculture.ny.gov>]
Sent: Monday, January 07, 2013 12:52 PM
To: Pace, Ronald; ORA HQ Recall NYK; Palo, Matthew; Veitch, Robert J
Cc: Dicesare, Donna (AGR); Stich, Stephen D (AGR); Luker, John (AGR); Rice, Daniel (AGR); Oglesby, Debra (AGR); Chico, David (AGR); Smith, David (AGR)
Subject: Chicken dog treats with antibiotics

NYS Food Inspection obtained a number of samples of various brands of chicken jerky style dog treats. The NYS Food Laboratory tested the products for the presence of antibiotics. Attached are the results. Each FL is a consumer sized package and each sub-sample is a single treat (a serving size for small dogs).

We have contacted the guarantor for each of the following brands: Milos (DelMonte); Waggin Train and Canyon Creek (Purina) and Cadet brand, in order to notify them of these results in order to proceed with a Class 2 recall of their chicken jerky type products. We continue to be in contact with these companies and anticipate additional contact with the companies today.

We would be happy to discuss further with you. Please let us know what time would be convenient for this conversation. Thanks.

Erin K. Sawyer
Director of Field Operations
NYS Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235
(518) 457-5380
fax (518) 457-8892

Sawyer, Erin (AGR)

From: Sawyer, Erin (AGR)
Sent: January 07, 2013 3:24 PM
To: 'Palo, Matthew'
Subject: RE: Chicken dog treats with antibiotics

It will be a few minutes later....

From: Palo, Matthew [<mailto:Matthew.Palo@fda.hhs.gov>]
Sent: January 07, 2013 3:20 PM
To: Sawyer, Erin (AGR)
Subject: RE: Chicken dog treats with antibiotics

Works for me. I'll be in the office until 6 today.

From: Sawyer, Erin (AGR) [<mailto:Erin.Sawyer@agriculture.ny.gov>]
Sent: Monday, January 07, 2013 3:18 PM
To: Palo, Matthew
Subject: RE: Chicken dog treats with antibiotics

Steve, Donna and I are going to call Purina and DelMonte again, but we should be available after that. We can call you-maybe 3:30 ish?

From: Palo, Matthew [<mailto:Matthew.Palo@fda.hhs.gov>]
Sent: January 07, 2013 3:17 PM
To: Sawyer, Erin (AGR)
Subject: RE: Chicken dog treats with antibiotics

Hi Erin,

Do you have time to talk this afternoon? I'm free for the rest of the day. If you want, you can call me at my office line.

Matt

LT Matthew Palo, USPHS
District Emergency Response Coordinator
New York District
Office: 718-662-5552 | Fax: 718-662-5661
BB: 347-635-0488 | PIN: 32F8232A

From: Sawyer, Erin (AGR) [<mailto:Erin.Sawyer@agriculture.ny.gov>]
Sent: Monday, January 07, 2013 3:15 PM
To: Palo, Matthew
Cc: Pace, Ronald; Veitch, Robert J
Subject: RE: Chicken dog treats with antibiotics

Thank you. I know some emails will send something like that to SPAM.

Stich, Stephen D (AGR)

From: Farrar, Jeff A. [Jeff.Farrar@fda.hhs.gov]
Sent: Friday, January 11, 2013 1:57 PM
To: Stich, Stephen D (AGR)
Cc: Reardon, Joseph
Subject: RE: Jerky Treats testing and recalls

I will join. Steve, please feel free to take the lead on this call and convey that this is a good opportunity to discuss how we can collectively improve our collaboration and coordination. Joe and I will chime in where needed. Thanks.

From: Stich, Stephen D (AGR) [mailto:Stephen.Stich@agriculture.ny.gov]
Sent: Friday, January 11, 2013 1:54 PM
To: McChesney, Daniel G
Cc: Farrar, Jeff A.; Reardon, Joseph
Subject: RE: Jerky Treats testing and recalls

2pm dial in # - 866-394-2346
Conf code - 9531107049

Steve Stich
Director
NY State Dept Agriculture & Markets
Food Safety and Inspection
10B Airline Drive Albany, NY 12235
PH (518) 457-4492, Fax (518) 485-8986
stephen.stich@agriculture.ny.gov

From: Stich, Stephen D (AGR)
Sent: Friday, January 11, 2013 1:47 PM
To: 'McChesney, Daniel G'
Cc: Farrar, Jeff A.; Reardon, Joseph
Subject: RE: Jerky Treats testing and recalls

2 works, I'll get back in a few minutes with a call in #

From: McChesney, Daniel G [mailto:Daniel.McChesney@fda.hhs.gov]
Sent: Friday, January 11, 2013 1:20 PM
To: Stich, Stephen D (AGR)
Cc: Farrar, Jeff A.; Reardon, Joseph
Subject: RE: Jerky Treats testing and recalls
Importance: High

Steve

2 would be better for us. Joe, Jeff, Tracey, Siobhan (our press person), and myself are all available at 2

Dan

From: Stich, Stephen D (AGR) [mailto:Stephen.Stich@agriculture.ny.gov]
Sent: Friday, January 11, 2013 12:38 PM

To: McChesney, Daniel G
Cc: Farrar, Jeff A.; Reardon, Joseph
Subject: Jerky Treats testing and recalls

Good afternoon Dan,

Would it be possible for us to get together this afternoon to discuss this CVM Update posted on your website (link below) and distributed on the list serve yesterday? I have included Jeff and Joe as we work closely on federal/state issues. I thought if they were free they might be able to join us. I'm open this afternoon, if you could provide with a time I can arrange a call-in conference line here. Thank you

<http://www.fda.gov/AnimalVeterinary/NewsEvents/CVMUpdates/ucm334944.htm>

Steve Stich
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NY State Dept Agriculture & Markets
Food Safety and Inspection
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stephen.stich@agriculture.ny.gov

From: Feed Regulatory Officials Network [<mailto:FEED-REGULATORY@LIST.NIH.GOV>] **On Behalf Of** Benz, Sharon A
Sent: Thursday, January 10, 2013 7:41 AM
To: FEED-REGULATORY@LIST.NIH.GOV
Subject: Jerky Treats testing and recalls

<http://www.fda.gov/AnimalVeterinary/NewsEvents/CVMUpdates/ucm334944.htm?source=govdelivery>

Hi, CVM posted a update on more recalls of jerky treat products. I have attached the link above. Here is the text from the update. On the internet page above, there is also the inspection reports.

The U.S. Food and Drug Administration's Center for Veterinary Medicine (FDA/CVM) released today a progress report on its investigation into reports of illnesses and deaths associated with jerky pet treats from China. The report includes a summary of adverse event reports received by FDA through August 2012, Establishment Inspection reports from FDA's inspection of two chicken jerky manufacturing plants in China, and details about FDA/CVM's ongoing investigation.

In a separate move, FDA/CVM is also working with the New York State Department of Agriculture and Markets (NYSDAM) on that agency's finding of antibiotic residues in chicken jerky treats from China. Correspondingly, Del Monte, the company that makes Milo's Kitchen Chicken Jerky Treats and Chicken Grillers, and Nestle-Purina, the makers of Waggin' Train and Canyon Creek Ranch dog treats have both initiated a nationwide removal of these products from the market.

While FDA/CVM is confident that the NYSDAM results do not raise health concerns, and are highly unlikely to be related to the reports of illness FDA has received related to jerky pet treats, the agency commends Del Monte and Nestle-Purina for withdrawing these products from the market in response to this product quality issue. FDA/CVM also welcomes the new information gained by NYSDAM's testing, which uses a new,

reportedly more sensitive method than current validated and approved regulatory methods. CVM looks forward to a further exchange of information with NYSDAM about this new method.

FDA/CVM reminds pet owners that jerky pet treats are not necessary for pets to have a fully balanced diet, so eliminating them will not harm pets. Commercially produced pet food, which is very safe, contains all of the nutrients that pets need.

To unsubscribe from the FEED-REGULATORY list, click the following link:

<http://list.nih.gov/cgi-bin/wa.exe?SUBED1=FEED-REGULATORY&A=1>