

My information:

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What rule, regulation, or law do you believe to have been violated?

Mismanagement, waste, misappropriation of government funds.

Approximately when did the incident(s) occur?

This issue has been going on for years.

What federal agency is involved?

Food and Drug Administration, Center for Veterinary Medicine

The details of the incident:

We bring this formal notice to the Government Accountability Office to evidence the FDA Center for Veterinary Medicine (CVM) is engaged in programmatic mismanagement, misallocating its congressional funding. The agency has a regulatory history of selectively targeting some pet food manufacturers/some pet food ingredients and targeting enforcement activities only with some federal laws, failing to consistently enforce all federal laws across all pet food manufacturers. Public confidence in the agency (regarding the regulation of pet food) is low due to known incompetencies.

We provide just some of the FDA CVM's operational failures below. We start with one recent FDA CVM action as comparison to lack of FDA action in numerous other pet food manufacturing areas.

In August 2026, the Department of Justice on behalf of FDA Center for Veterinary Medicine, filed court documents to permanently enjoin Darwin's Pet Food. From the complaint: *"In total, from 2016 through January 2026, FDA received 49 consumer complaints involving pets sickened after eating Darwin's raw pet food. Within these complaints, 34 dogs were reported sick, including five reported to have died, and 35 cats were reported sick, including four reported to have died."*

To clarify, **over ten years** the FDA stated **the agency received a total of 69 adverse event reports** from consumers regarding Darwin's Pet Food that **included 9 potential pet deaths** linked to the pet food.

As comparison, per FDA Adverse Event Reports provided through a FOIA request, within just the first six months of 2024 the FDA received 1,705 adverse event reports of sick pets linked to Purina pet food products, with 206 pet death reports.

To clarify, **in a six month time period, the FDA received 1,705 adverse event reports regarding Purina Pet Foods that included 206 potential pet deaths.** There was no Warning Letter issued, a public alert was issued 7 months later disclosing only 8% of adverse event reports the agency received were investigated.

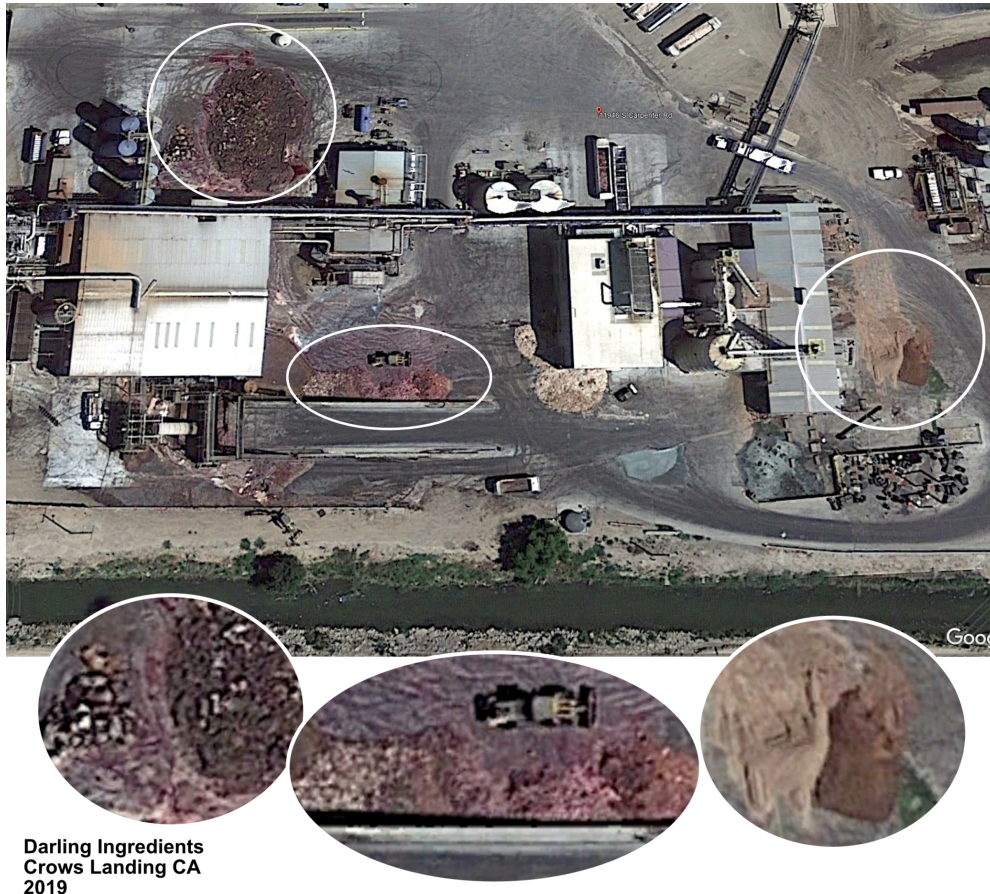
With FDA CVM's recent action, court documents state FDA tested samples of Darwin's Pet Food (in conjunction with inspections) in 2024, 2023, 2022, 2018-2019, and 2017-2018.

To the contrary, with the 1,705 sick pet reports and 206 potential pet deaths linked to Purina Pet Foods, the FDA performed **one** *"Preventive Controls Surveillance"* inspection, not a *"for-cause"* inspection at **one** Purina manufacturing plant (Purina has more than 20 manufacturing plants in the US). A 'for cause' inspection would have been warranted due to the high number of reported illnesses and deaths within a short timeframe. Due to the type of inspection (preventive controls inspection) the agency took no samples of products or ingredients. The agency basically performed a walk-through inspection ignoring the 1,705

sick pet reports and 206 potential pet death reports. During inspection, there were only 24 consumer complaints in total discussed with Purina, 9 of which were unrelated complaints dating back to 2007.

The recent DOJ/FDA complaint quotes as foundation for the injunction action the pet food company's (Darwin's Pet Food) repeated violations of federal law stating: *"Food is adulterated if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health. 21 U.S.C. § 342(a)(4)."*

We provide as evidence to FDA CVM's operational failures to consistently enforce 21 U.S.C. § 342(a)(4) across all pet food the following Google Earth images of pet food ingredient rendering facilities. Please note that material is dumped onto the ground, and not held under refrigeration.



In the above image, the left and center magnified sections are raw materials, the right magnified section is finished product (pet food ingredient). All material is dumped onto the ground, no prevention of contamination from filth.



**Darling Ingredients
Des Moines IA**



Raw material stored in unrefrigerated trailers, uncovered.



**Baker Commodities
Kerman CA**



These commonly used pet food ingredients are clearly *“held under unsanitary conditions”* becoming *“contaminated with filth”*. Pet food ingredient rendering facilities have operated in this manner for decades, however the FDA CVM has never taken any action against any pet food that contains this inferior/illegal quality of ingredient. The FDA CVM is blatantly ignoring 21 U.S.C. § 342(a)(4) with pet foods that contain rendered ingredients allowing some ingredients to be held under unsanitary conditions and allowing some pet food ingredients to be contaminated with filth.

Further, in the same section of federal law Adulterated Food 21 U.S.C. § 342(a) - item (5) states a food is adulterated: *“(5) if it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter.”*

However, in public record the agency has admitted it exercises *“enforcement discretion”* specifically ignoring this law with some pet food ingredients. In response to Citizen Petition (FDA-2016-P-3578) the FDA stated (April 2019): *“we do not believe that the use of diseased animals or animals that died otherwise than by slaughter to make animal food poses a safety concern and we intend to continue to exercise enforcement discretion.”* In federal record (response to Citizen Petition), the FDA CVM openly stated they did not believe illegal ingredients posed a concern; a blatant operational failure.

In 2016, we filed a Freedom of Information Act request with FDA CVM requesting the science the agency bases their ‘belief’ that the use of diseased animals or animals that died otherwise than by slaughter to make animal food is safe. Control Number: 2016-4226. The agency responded: *“After searching our files, we did not find the requested records.”* **In other words, the FDA CVM does not have scientific evidence these ingredients (illegal ingredients) are safe for pets to consume.**

We provide this graphic image of Darling Ingredients, Denver, Colorado - taken by a pet owner - evidencing *“animals that died otherwise than by slaughter”* included in pet food with no enforcement action taken by FDA. Graphically clear operational failure.



The DOJ/FDA complaint against Darwin's Pet Food is partially based on an accusation the company is a 'repeat offender'. Quoting the complaint:

"Based on the facts and violations of law alleged in this Complaint, the United States has reason to believe that, unless restrained by the Court, Defendants will continue to violate:

- a. 21 U.S.C. § 331(a), by introducing or causing to be introduced, or delivering or causing to be delivered for introduction, into interstate commerce, articles of pet food that are adulterated within the meaning of 21 U.S.C. § 342(a)(1);*
- b. 21 U.S.C. § 331(a), by introducing or causing to be introduced, or delivering or causing to be delivered for introduction, into interstate commerce, articles of pet food that are adulterated within the meaning of 21 U.S.C. § 342(a)(4);"*

As evidenced by recalls, pet food manufacturer Sunshine Mills issued 13 dog and cat food recalls between 2018 through 2021. These 13 recalls involved more than 2.9 million pounds of pet food.

The JM Smucker pet food company issued six recalls from 2017 through 2020 involving more than 91 million pounds of pet food.

Mars Petcare has issued five recalls from 2012 through 2026 all for foreign material (plastic or metal pieces) in the pet foods. These recalls involved more than 1.7 million pounds of pet food.

Despite Sunshine Mills, JM Smucker, and Mars Petcare being proven 'repeat offenders', the FDA has not taken any similar actions (enjoinment based on being a repeat offender) against these companies as it has against Darwin's Pet Food.

After the deadly 2007 pet food recall, in September 2007 Congress passed Ensuring the Safety of Pet Food requiring the FDA (in part) to update pet food labeling to include *"nutritional and ingredient information."* Congress required the FDA complete this task within two years (September 2009). **To this day - 17 years past the congressional deadline - the FDA CVM has not updated pet food labeling requirements.**

Probably the biggest issue of concern with FDA CVM's operational failures, lack of consistent enforcement of law, and mismanagement of congressional funding is that US pet food consumers are not informed of what they are purchasing in pet food products. The FDA CVM allows (as example) condemned chicken or chicken that died other than by slaughter to be identified on the pet food label as *"chicken"* - the identical name (common or usual name) of USDA inspected and passed chicken. The agency even allows label marketing claims such as 'Made with Real Chicken' and images of human edible roasted or grilled chicken when actually the pet food product contains condemned or non-slaughtered chicken; allowing US pet food consumers to be deceived.

Title 21, Chapter 1, Subchapter E, Part 502 COMMON OR USUAL NAMES FOR NONSTANDARDIZED ANIMAL FOODS states: *"The common or usual name of a food, which may be a coined term, shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients. **The name shall be uniform among all identical or similar products and may not be confusingly similar to the name of any other food that is not reasonably encompassed within the same name.** Each class or subclass of food shall be given its own common or usual name that states, in clear terms, what it is in a way that distinguishes it from different foods."*

Title 21, Chapter 1, 501.3 Identity labeling of animal food in package form. *"Under the provisions of section 403(c) of the Federal Food, Drug, and Cosmetic Act, a food shall be deemed to be misbranded if it is an imitation of another food unless its label bears, in type of uniform size and prominence, the word imitation and, immediately thereafter, the name of the food imitated."*

Title 21, Chapter 1, Subchapter E Part 501, Identity Labeling of Animal Food in Packaged Form states: *"(1) A food shall be deemed to be an imitation and thus subject to the requirements of section 403(c) of the act if it is a substitute for and resembles another food but is nutritionally inferior to that food."*

Using our previous example, condemned chicken and/or chicken that died otherwise than by slaughter is with certainty nutritionally inferior to USDA inspected and passed chicken, thus federal law requires it to have a unique name 'that states in clear terms what it is in a way that distinguishes it from' USDA inspected and passed chicken.

We submitted a Citizen Petition (FDA-2022-P-1643-0001) to FDA CVM evidencing their legal responsibility to disclose to US pet food consumers what they are purchasing in their pet foods. The FDA took 1,333 days to respond, stating “no” - they will not require label disclosure (informing the public to what they are purchasing) of pet food ingredients sourced from condemned ingredients or ingredients sourced from animals that died otherwise than by slaughter. The agency stated in their response **“we have no reason to think that there is such a difference”** in reference to the nutritional difference between USDA inspected and passed meats and meats sourced from condemned animals or animals that died otherwise than by slaughter. Please strongly consider the shocking fact that the FDA CVM stated in public record (response to Citizen Petition) the agency does not believe there is a nutritional difference between condemned meats and inspected and passed meats.

By the simple fact another federal agency (USDA) has officially condemned this material is confirmation that condemned chicken should NOT be labeled with the same name as USDA inspected and passed meats. By the simple fact that diseased animals and animals that have died otherwise than by slaughter are a direct violation of federal law (adulterated) in any food should confirm meats sourced from this material should not be labeled with the same name as USDA inspected and passed meats.

To provide the GAO an idea of how big this pet food problem is, USDA Quarterly Enforcement Report, Livestock and Poultry Carcass Inspections and Condemnations from October 1, 2025 through March 31, 2026 - 82,382 livestock (cattle, hog) carcasses were condemned and 2,309,344 poultry (chicken, turkey) carcasses were condemned. The FDA CVM allows all of this material (an estimated 51 million pounds of condemned animal carcasses within six months) to be processed into pet food with no disclosure to the pet food consumer. These startling numbers are only condemned carcasses, they do not include the potential millions of pounds of animals that died otherwise than by slaughter.

In essence, congressional funding allocated to FDA CVM is directly supporting a (secret to consumers) waste disposal system via pet food; a secret disposal system 100% facilitated by FDA CVM.

Several years ago the USDA offered a voluntary pet food manufacturer certification program. The program ended due to lack of participation. The USDA required pet foods to contain only USDA inspected and passed meats (and/or organs sourced from inspected and passed carcasses). Remarkably, the USDA certified pet food program was almost directly opposite of what the FDA currently allows into pet food (USDA pet food = edible meats, FDA pet food = edible, condemned or non-slaughtered meat). One has to wonder why these two federal agencies have such a dramatic difference in opinion about the quality of ingredients that should be allowed into pet food.

In the DOJ press release regarding the injunction action against Darwin's Pet Food, FDA Center for Veterinary Medicine director Dr. Timothy Schell stated: *“Every American pet owner deserves confidence that the food they feed their animals is safe and will not pose health risks to their families.”* We agree with Dr. Schell's sentiment, however as we have evidenced - US pet owners do not have that confidence due to FDA CVM's serious failures to fully and consistently oversee the pet food industry.

The FDA CVM is failing US pet food consumers, misallocating congressional funding picking and choosing which laws they enforce, when they want to enforce them, and which manufacturer they want to hold accountable. If trust in FDA CVM is ever to be achieved, the agency must provide evidence to the public that the agency is uniformly enforcing all applicable federal food safety laws in pet food.