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Submitted via email

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Dear Dr. Bowman Blackwell, Dr. Tamassia, and Prosecutor Lenahan,

On behalf of Animal Outlook, I write to inform you of an incident that occurred at Bravo Packing, Inc. ("Bravo") in violation of both federal and state law. We respectfully request that the United States Department of Agriculture ("USDA"), the New Jersey Department of Agriculture ("NJDA"), and the Salem County Prosecutor's Office ("SCPO") investigate and enforce both federal and state laws to the fullest extent allowable.

The incident documented herein involves cruelty committed by two separate entities—Bravo and one of its animal haulers, J&S Barr, LLC ("Barr")—against a non-ambulatory cow Barr delivered to Bravo for slaughter.

- Bravo is located at 59 Golfwood Avenue, Carney’s Point,¹ New Jersey 08069, and is operated by its president, Amanda Lloyd, and its owner and secretary, Joseph Merola. The company slaughters cattle to produce and distribute dog food called Performance Dog Diet or Performance Dog (“PDD”) through its subsidiary, Tefco, located in Brooklyn, New York.² Bravo also slaughters horses at the same facility to produce food for exotic animals.³
- Barr is a live animal hauler located at 908 Valley Road, Quarryville, Pennsylvania 17566.⁴ The company appears to be owned by James Barr, Jr., and advertises its services as “[r]emoval of dead cows, horses, sheep, goats, and alpacas up to 40 miles of Quarryville, PA.”⁵

The evidence contained in this complaint and accompanying video is sufficient to sustain criminal charges against both Bravo and Barr, including their employees, owners, and the corporations themselves.⁶ Federal and state laws task the USDA, NJDA, and SCPO with safeguarding the welfare of animals used in agriculture against abuses such as those documented herein. We urge each agency to pursue criminal charges and punish Bravo and Barr to the fullest extent allowable for the criminal acts described below.

I. Bravo’s Egregious Acts of Cruelty Against a “Downed” Cow Represent Only the Latest in a Long, Sordid History of Animal Cruelty.

On June 1, 2021 an Animal Outlook investigator recorded video footage of a non-ambulatory or “downed” cow being delivered and cruelly slaughtered at Bravo in a manner that violated both federal and state law. The approximately 17-minute video of the incident can be viewed in its entirety here: .

A “downed” cow is one who is unable to stand or walk without assistance.⁷ Undeniably, “downed” cows are suffering from one or more serious medical conditions — including disease, joint or bone injuries, starvation, or birthing trauma — that have left them in a highly weakened and vulnerable state.⁸

¹ In some listings, Carney’s Point is replaced by Penns Grove.

² *Performance Dog Diet*, TEFCO RAW DOG FOOD, <http://www.rawdogfoodwholesale.com/performance-dog-diet/> (last visited Nov. 23, 2020).

³ *Home Page*, BRAVO PACKING, INC., <http://www.bravopacking.com/index.html> (last visited Nov. 23, 2020).

⁴ “J&S Barr, LLC,” DUN & BRADSTREET, https://www.dnb.com/business-directory/company-profiles.js_barr_llc.7b712cf5e3d135e8f1d8911ac0c46554.html (last visited June 15, 2021).

⁵ *Business Links*, MUDDY CREEK VETERINARY SERVICE, <https://www.muddycreekveterinary.com/business-links/> (last visited June 16, 2021).

⁶ The terms “Bravo” and “Barr” are used throughout this memorandum to include the employees, owners, and corporate entities.

⁷ *Nat’l Meat Ass’n v. Brown*, 599 F.3d 1093, 1096 (9th Cir. 2010).

⁸ *Down Cattle: Potential Problems for Cattle Producers*, VIRGINIA TECH UNIVERSITY-VIRGINIA COOPERATIVE EXTENSION, https://www.sites.ext.vt.edu/newsletter-archive/livestock/aps-08_02/aps-0204.html (last visited June 24, 2021); *Cattle*, NATIONAL ANIMAL DISEASE INFORMATION SERVICE, <https://www.nadis.org.uk/disease-a-z/cattle/downer-cow/> (last visited June 24, 2021); *Overview of Bovine Secondary Recumbency*, MERCK MANUAL, <https://www.merckvetmanual.com/musculoskeletal-system/bovine-secondary-recumbency/overview-of-bovine-secondary-recumbency> (last visited June 24, 2021).

The video depicts Bravo and Barr inflicting a horrifying sequence of cruelty upon the vulnerable cow. First, Bravo enters the trailer where the cow presumably lies suffering and botches the first of many attempts to stun her with a handheld captive bolt (“HHCB”), a device intended to fracture a cow’s skull and cause trauma to the brain and surrounding blood vessels.⁹ Next, Bravo and/or Barr attaches a metal chain to the still-conscious cow and the two men use a winch or pulley to drag her off the trailer until she slips over the edge and slams with her full weight onto the concrete. There she lies writhing and suffering in pools of blood and piles of feces.

Over the course of the nearly 17-minute video, Bravo botches several more attempts to stun the cow, each time driving a hole in her skull and causing massive brain trauma, but failing to render her unconscious. Throughout the ordeal, she kicks and moans in distress until eventually Bravo succeeds in stunning her, though only after an extended period of unnecessary suffering. Then, Bravo shackles her, hoists her, and cuts her throat. A detailed, chronological analysis of the incident, compiled by veterinary expert Dr. [REDACTED]—who has experience analyzing hundreds of USDA inspection reports regarding the slaughter of animals—is included as Appendix A.

The following still images are taken from the investigation video. The image below depicts the cow—still conscious after Bravo and Barr dragged her from the trailer and repeatedly botched attempts to stun her—paddling her legs in obvious distress.



The following image depicts the cow after she was finally rendered unconscious and dragged to the slaughter room. In the foreground, Bravo sweeps blood and feces from the area where he originally dragged her from the trailer.

⁹ S. Atkinson, *Assessment of stun quality at commercial slaughter in cattle shot with captive bolt*, 22 *Animal Welfare*, 473 (2013).



The June 1, 2021 event is hardly the first time that Bravo has been accused of animal cruelty. In fact, Bravo has a long, sordid history of cruelty allegations spanning over a decade:

- In 2008, horse activist Amanda Sorvino investigated Bravo Packing and captured graphic video and still images of emaciated horses, a horse who had been smashed in the eye with a baseball bat, a horse with a severe bacterial infection of one leg, and a Bravo employee openly discussing skinning horses alive.¹⁰
- In 2009, Monty Merola, the son of owner Joseph Merola and an employee of Bravo, was charged with two counts of animal cruelty but died before any convictions could be obtained.¹¹
- In 2018, the operator of Poisoned Pets, a pet food blog, filed an animal cruelty complaint against Bravo with the NJDA, a portion of which is included here as Appendix B.¹² The complaint alleged that horses brought to Bravo were intentionally starved to produce “lean quality” meat for exotic animal food. The complaint also included pictures taken inside Bravo that showed severely emaciated horses and downed cows—some with injuries and open wounds—languishing on the filthy concrete floor beside dead cows, pools of blood, and body parts. In 2019, Poisoned Pets published these pictures and

¹⁰ *Bravo Packing: New Jersey Horse Slaughterhouse*, YOUTUBE, <https://www.youtube.com/watch?v=D9vbN2SMszw> (last visited June 15, 2021); *Bravo Packing Survivor, Buttercup in Debriding Surgery by Dr. Laurina Wessel*, YOUTUBE, <https://www.youtube.com/watch?v=LMJ7sHnSxbs> (last visited June 21, 2021).

¹¹ M. Hawthorne, *Bleating Hearts: The Hidden World of Animal Suffering*, CHANGEMAKER BOOKS, p.152 (2013).

¹² See Appendix B.

included a firsthand account from a whistleblower with direct access to Bravo.¹³ The whistleblower stated that sick and emaciated animals delivered to Bravo are kept in a barren pen, fed only moldy hay, and left to suffer for months before they are eventually slaughtered.

For over a decade, Bravo has abused and neglected countless cows and horses with impunity. While the federal Food and Drug Administration has imposed penalties and prompted recalls for a variety of food safety issues identified at Bravo in recent years—including in March 2021 after an Animal Outlook complaint¹⁴—no agency has taken meaningful action to punish Bravo for countless acts of animal cruelty. Despite years of allegations, including video, audio, and photographic evidence depicting abhorrent and unlawful mistreatment of cows and horses, Bravo has continued abusing animals without criminal consequence. This incident must serve as the catalyst for the USDA, NJDA, and SCPO to enforce federal and state laws and protect animals from Bravo’s ongoing abuse.

II. Bravo and Barr’s Dragging of an Ailing Cow off a Feces-Laden Trailer Down to a Blood-Soaked Concrete Floor and Repeated Botched Stun Attempts Violated the Humane Methods of Slaughter Act.

Congress expressly created the Humane Methods of Slaughter Act (“HMSA”) to prevent the “needless suffering” of animals being slaughtered,¹⁵ including those delivered to and slaughtered at Bravo. Bravo and Barr callously dragged an already-suffering, helpless cow with a metal chain across the length of a trailer and over the trailer’s edge where she slammed violently to concrete covered in blood and feces. Moreover, Bravo shot her through the head with a captive bolt gun repeatedly, failing to render her insensible to pain each time; maintained improper equipment; and disregarded signs of consciousness, seemingly content to let the cow suffer for an extended period of time. These acts constitute plain violations of the federal HMSA. The USDA must act swiftly to enforce that law and prevent such “needless suffering”¹⁶ in the future.

¹³ *Maggot Infested, Rotting Carcasses and Euthanized Animals Are Key Ingredients in U.S.’s Largest Pet Food Ingredient Company*, POISONED PETS, <https://www.poisonedpets.com/raw-pet-food-companys-dark-ties-to-university-of-pennsylvania-school-of-veterinary-medicine-and-darling-ingredients-fda-issues-alert/> (last visited June 15, 2021).

¹⁴ *Animal Outlook’s Complaint Prompts FDA Inspection and Recall of Bravo Packing, Inc. Pet Foods*, YAHOO FINANCE, (Mar. 4, 2021), <https://finance.yahoo.com/news/animal-outlooks-complaint-prompts-fda-171900417.html> (last visited June 24, 2021); *Bravo Packing, Inc. Expands Previously Announced Voluntary Recall of Pet Food Products Due to Potential Salmonella and Listeria monocytogenes Health Risks to Humans and Animals*, FOOD AND DRUG ADMINISTRATION, <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/bravo-packing-inc-expands-previously-announced-voluntary-recall-pet-food-products-due-potential> (last visited June 21, 2021); *Bravo Packing, Inc. Recalls Performance Dog Raw Pet Food Because of Possible Salmonella Health Risk to Humans and Animals*, FOOD AND DRUG ADMINISTRATION, <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/bravo-packing-inc-recalls-performance-dog-raw-pet-food-because-possible-salmonella-health-risk> (last visited June 21, 2021).

¹⁵ 7 U.S.C. § 1901.

¹⁶ *Ibid.*

A. Bravo's Repeated Botched Attempts to Stun the Suffering Cow Violated the HMSA.

The HMSA requires that cows “are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut.”¹⁷ The HMSA’s underlying regulations further state:

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*.¹⁸

In contravention of these requirements, Bravo clumsily attempted to stun the cow at least four times over a ten-minute period during which the cow suffered immensely. Bravo’s crude and unsuccessful attempts reflected a series of errors, as detailed in Dr. [REDACTED] statement.¹⁹

- First, Bravo improperly administered stuns that failed to produce “immediate unconsciousness” as required by the HMSA.²⁰ Dr. [REDACTED] described how the cow made “paddling type movements,” “grunting vocalizations,” “tremble[d],” displayed “rhythmic breathing,” and “bellow[ed] loudly” after the failed stun attempts, all signs of continued consciousness.²¹
- Second, Bravo had no backup for its faulty stunning equipment. When the attempts with the handheld captive bolt (“HHCB”) were unsuccessful, as they were repeatedly, Bravo cruelly, though only after long delays, tried again and again with the same device, causing massive brain trauma to the cow with each failed attempt.
- Third, Bravo “failed to act immediately when signs of consciousness were apparent,”²² wandering casually around the facility while the cow moaned and paddled her legs in obvious distress on the blood-soaked concrete.
- Fourth, Bravo ignored signs of consciousness and never squatted down to closely examine the cow.²³ For example, in one instance, Bravo bolted the cow but failed to stun her, then casually stood, returned to the slaughter area and proceeded to hose and spray two other carcasses hanging from hooks while the cow continued to demonstrate visible signs of consciousness. Eventually, Bravo returned, kicked the cow in the head and chest, and then eventually administered the final stun after several excruciating minutes had passed.

¹⁷ 7 U.S.C. § 1902(a).

¹⁸ 9 C.F.R. § 313.15(a)(1) (emphasis added).

¹⁹ See Appendix A, p.3-4.

²⁰ 9 C.F.R. § 313.15(a)(1).

²¹ See Appendix A, p.1-3.

²² *Ibid.*

²³ *Ibid.*

As a result of this callous indifference the cow “struggled helplessly for nearly ten minutes between the first and final stun attempts”²⁴ and suffered unnecessarily for that agonizing period of time. According to Food Safety and Inspection Service’s (“FSIS”) guidance, these incidents not only violate the HMSA, they exemplify the most severe form of animal mistreatment: “egregious inhumane treatment.”²⁵

On at least three occasions, Bravo violated the HMSA’s requirement that cows “are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut.”²⁶ Accordingly, the USDA must punish Bravo for these egregious acts and enforce the HMSA to the fullest extent allowable.

B. Bravo and Barr’s Cruel Dragging of the Disabled Cow with a Metal Chain Violated the HMSA and Warrants Punishment.

The HMSA’s underlying regulations clearly prohibit “[t]he dragging of disabled animals and other animals unable to move, while conscious.”²⁷ As with the botched stunning discussed above, the FSIS has classified such cruel dragging as “egregious inhumane treatment.”²⁸ Bravo and Barr blatantly violated this regulation and the USDA should act to enforce the HMSA.

Dr. ██████ observed that the cow was already suffering before Bravo and Barr dragged her, noting that she was non-ambulatory “upon arrival to the facility based on her heavily soiled condition and the lack of the sound of (her) falling following the presumptive first stun attempt.”²⁹ Yet instead of euthanizing the suffering cow inside the trailer, as would have been the most humane course of action,³⁰ Bravo and Barr attached a metal chain to drag her, fully conscious, from the trailer.

Based on the duration of time the chain can be seen cranking in the video, it appears the cow was originally positioned near the front of the trailer (closer to the cab) and thus, Bravo and Barr dragged her a considerable distance before reaching the end of the trailer. Without pause or any effort to cushion the cow’s landing, Bravo and Barr continued cranking the chain and dragged the cow off the lip of the trailer, where she fell from a distance of approximately one to one and one and a half feet, violently slamming into the concrete and splattering blood and feces as she landed.

²⁴ *Id.* at p.4.

²⁵ *Humane Handling and Slaughter of Livestock* (6900.2 Revision 3), UNITED STATE DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE (2020) https://www.fsis.usda.gov/sites/default/files/media_file/2021-03/6900.2.pdf (last visited June 21, 2021).

²⁶ 7 U.S.C. §1902(a).

²⁷ 9 C.F.R. § 313.2.

²⁸ *Humane Handling and Slaughter of Livestock* (6900.2 Revision 3), UNITED STATE DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE (2020) https://www.fsis.usda.gov/sites/default/files/media_file/2021-03/6900.2.pdf (last visited June 21, 2021).

²⁹ *See* Appendix A, p.3.

³⁰ *Ibid.*

Scant legal analysis is necessary to demonstrate that Bravo and Barr’s dragging of this already-suffering, “downed” cow violated the HMSA. Bravo and Barr plainly attached the chain to the cow and dragged her across the trailer until she slammed onto the concrete floor below. The cow is clearly conscious while Bravo and Barr dragged her “because she can be heard to vocalize within 3 seconds of landing on the concrete.”³¹ After the cow slams to the concrete, she moans heavily and paddles her legs. Dr. ██████ remarked that these “limb movements likely are expressions of pain and distress in an animal too debilitated to rise.”³²

Instead of euthanizing the suffering cow on the trailer where she lay, Bravo and Barr elected to cruelly drag her with a metal chain until she slammed to the concrete floor where she writhed and struggled for agonizing minutes in pools of blood and piles of feces. This act plainly violated the HMSA’s prohibition on dragging disabled animals and the USDA must act to punish Bravo and Barr for inflicting such “needless suffering.”³³

C. The HMSA Protects Animals Slaughtered for Animal Food and the USDA Should Enforce the Act’s Steep Penalties Against Bravo and Barr.

The HMSA provides that violations such as those committed by Bravo and Barr are punishable by imprisonment up to one year and a fine of up to \$1,000 or both imprisonment and fine.³⁴ The egregious nature of the cruelty that Bravo and Barr inflicted on this helpless cow requires the USDA to vigorously pursue these penalties against all individuals and entities involved.

Any argument by Bravo and Barr that the HMSA applies only to establishments that slaughter animals for human consumption is refuted by the plain text of the statute. The HMSA applies to *all establishments that slaughter animals*, regardless of whether the slaughtered animal is ultimately used for human or animal food.

The HMSA is incorporated by reference into the Federal Meat Inspection Act (“FMIA”),³⁵ and while the FMIA requires federal inspectors only at facilities producing food for human consumption,³⁶ it does not limit the application of the HMSA to only those establishments. Specifically, 21 U.S.C. § 610(b) of the FMIA states broadly that *any slaughter* must be compliant with the HMSA and makes no effort to narrow this provision only to the slaughter of animals for human consumption:

³¹ See Appendix A, p.2.

³² *Ibid.*

³³ 7 U.S.C. § 1901.

³⁴ 21 U.S.C. § 676 states that “Any person, firm, or corporation who violates any provision of this chapter *for which no other criminal penalty is provided by this chapter* shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both such imprisonment and fine.” While the FMIA includes considerable penalties for facilities slaughtering animals for use as human food, including provisions in 9 C.F.R. § 500 et seq., including allowing the FSIS to suspend providing inspectors for a facility, it appears to contain no penalty provision for acts committed at an establishment slaughtering animals for non-human food and thus, the “catch all” provision of 21 U.S.C. § 676 should apply.

³⁵ 21 U.S.C. § 603(b).

³⁶ See 21 U.S.C. § 641 (“Inspection shall not be provided . . . at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines, or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food”).

No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals . . . slaughter or handle in connection with slaughter any such animals in any manner not in accordance with the (Humane Methods of Slaughter Act).³⁷

In contrast, elsewhere in the very same subsection, the FMIA specifically declares that it (and *not* the HMSA) applies only to products capable of use as human food:

No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals . . . slaughter any such animals or prepare any such articles *which are capable of use as human food* at any establishment preparing any such articles for commerce, except in compliance with the requirements of (the FMIA).³⁸

Thus, while the FMIA and its attendant FSIS inspection requirements apply only to establishments producing articles capable of use as human food, the HMSA applies to *all* establishments slaughtering animals for any purpose. Accordingly, the HMSA applies to the cruel acts Bravo and Barr inflicted on the cow and the USDA should enforce the law to the fullest extent allowable.

III. Bravo and Barr’s Egregious Abuse of a “Downed” Cow Violated New Jersey’s Humane Treatment of Domestic Livestock Regulations.

In addition to violating federal law, Bravo and Barr’s dragging of the helpless cow, repeated infliction of trauma to her skull and brain through botched stun attempts, and protracted failure to render her insensible to pain violated New Jersey’s comprehensive Humane Treatment of Domestic Livestock regulations (“HTDL”). In light of the horrific nature of this incident and Bravo’s unpunished, decade-long history of animal mistreatment, the NJDA must enforce the HTDL against Bravo and Barr and pursue the maximum penalties allowable.

The HTDL prohibits both the botched stun attempts and the dragging documented in the investigation video. Under the HTDL, “[s]ick or injured cattle shall be promptly treated or humanely euthanized.”³⁹ Moreover, the HTDL states that non-ambulatory disabled cattle:

- Shall not be dragged while conscious, except when necessary to provide life-saving treatment; and
- Shall be handled humanely at all times even if they are to be slaughtered or euthanized, so as not to cause unnecessary pain and injury, and disposed of properly.⁴⁰

³⁷ 21 U.S.C. § 610(b).

³⁸ 21 U.S.C. § 610(a).

³⁹ N.J.A.C. § 2:8-2.6(a)(ii) and (v).

⁴⁰ N.J.A.C. § 2:8-2.6(a)(2).

Instead of providing “prompt” treatment or the “humane” handling and euthanasia mandated by the HTDL, Bravo and Barr used a metal chain to drag an ailing cow across the bottom of a long trailer until she slid over the edge, slamming her full weight into the concrete below. Then, over the course of eight agonizing minutes, Bravo repeatedly botched attempts to stun her, driving a steel bolt into her skull and brain over and over and over again, but failing to render her unconscious. Instead of ending her suffering, Bravo left her to languish in a pool of blood and feces while she paddled her legs and bellowed in distress until he finally returned, kicked her in the head and chest to test her consciousness, and ultimately delivered a final, successful stun. This conduct plainly violated the HTDL’s clear prohibitions on dragging and inhumane treatment.

The HTDL provides for significant punishment for acts like these. A person committing a “severe violation” of the HTDL shall be subject to the same penalties laid out in the state’s general animal cruelty law, N.J.S.A. § 4:22-15 et seq.⁴¹ As defined in the HTDL, “severe violations” include:

[A]ny intentionally cruel or inhumane acts as well as actions due to neglect or substandard practices which place an animal's life in imminent peril or which cause protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a limb or bodily organ.⁴²

By dragging an ailing cow with a metal chain over the edge of a trailer and allowing her to languish in obvious misery for a protracted period of time, Bravo and Barr’s employees committed “intentionally cruel” and “inhumane” acts. The FSIS’s classification of these acts as “egregious inhumane treatment,” as stated in Section II above, eliminates any doubt that these acts constitute “severe violations” under the HTDL.

New Jersey’s animal cruelty law, applicable for “severe violations” such as these allows for both criminal and civil penalties. Under the criminal penalty provision, cruelty is a disorderly persons offense and warrants a fine of between \$250 and \$1,000 or imprisonment for a term of not more than six months, or both, in the discretion of the court.⁴³ Under the civil penalty provision, the prosecuting municipality may recover civil penalties between \$500 and \$2,000.⁴⁴

Finally, the HTDL creates liability not only for the persons committing the acts, but for persons or entities who own or control facilities where the acts occur:

Any owner or person who owns or controls a facility or property that houses domestic livestock, or who has custody of, direction over or authority to control domestic livestock, who fails to provide care for or to treat such domestic livestock in a manner that meets the standards for the humane keeping, care, treatment, marketing and sale of domestic livestock . . . shall be deemed to be cruel and inhumane in the care of these

⁴¹ N.J.A.C. § 2:8-8.7(b)(1).

⁴² N.J.A.C. § 2:8-1.2.

⁴³ N.J.S.A. § 4:22-17(b)(1).

⁴⁴ N.J.S.A. § 4:22-26.

animals, except when experiencing extraordinary or catastrophic conditions, or as otherwise provided by these rules.⁴⁵

In sum, the HTDL affords an array of criminal punishments for the egregious conduct committed by Bravo and Barr. The NJDA should pursue the maximum criminal and civil monetary penalties against all individuals and entities involved, including both employees from Bravo and Barr, as well as the owners and entities themselves. The NJDA should also pursue the maximum terms of imprisonment against all individuals and entity owners from Bravo and Barr.

IV. Bravo and Barr’s Dragging of a Helpless Cow, Repeated Botched Attempts to Stun Her, and Indifference to Her Prolonged Suffering Constitutes Cruelty Under New Jersey’s Animal Cruelty Law and Warrants Prosecution by the SCPO.

Bravo and Barr also violated New Jersey’s animal cruelty law by dragging and abusing the “downed” cow as documented in the investigation video. As the SCPO is statutorily obligated to “promote the interests of . . . and protect and care for animals within the county,”⁴⁶ it should independently pursue criminal charges for animal cruelty.⁴⁷

New Jersey’s animal cruelty law protects cows⁴⁸ like the one Bravo and Barr abused and mistreated. In relevant part, the law provides that “[i]t shall be unlawful to . . . [i]nflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means.”⁴⁹

Bravo and Barr undeniably “inflicted unnecessary cruelty” upon the cow. Dr. [REDACTED] highlights several instances⁵⁰ of less cruel alternatives available to Bravo and Barr, demonstrating the “unnecessary” nature of their actions, including:

- Euthanizing the cow on the trailer instead of dragging her off with a chain and enabling her prolonged suffering.
- Using “sleds, harnesses, and skid steers with modified buckets” to move the cow versus dragging her. In fact, the video plainly shows a yellow skid steer sitting idle in the bay where the cow was delivered for slaughter.
- Administering one proper stun that renders her insensible to pain instead of repeatedly and ineffectively driving a steel bolt into her skull.
- Maintaining and promptly using a backup stunning device.

⁴⁵ N.J.A.C. § 2:8-8.2(b).

⁴⁶ N.J.S.A. § 4:22-14.7(a).

⁴⁷ New Jersey’s animal cruelty law is separate and independent from the HTDL (*See* N.J.S.A. § 4:22-16).

⁴⁸ N.J.S.A. § 4:22-15 (The term “animal” includes “the whole brute creation.”).

⁴⁹ N.J.S.A. § 4:22-17(a)(3).

⁵⁰ *See* Appendix A, p.3-4.

- Checking the cow more closely for signs of consciousness instead of wandering away or lazily kicking her from a standing position.

By inflicting such unnecessary cruelty on the “downer” cow, Bravo and Barr committed animal cruelty under New Jersey law and should be punished. As discussed above, New Jersey’s animal cruelty laws allow for both criminal and civil penalties. The law provides for criminal fines between \$250 and \$1,000, imprisonment for a term of not more than six months, or both, in the discretion of the court.⁵¹ In addition, the law allows the prosecuting municipality to recover civil penalties, ranging from \$500 to \$2,000.⁵² In addition, New Jersey’s animal cruelty law creates criminal liability for the owner and corporation,⁵³ similar to the HTDL.

Bravo and Barr’s egregious abuse of a “downed” cow constitutes animal cruelty under New Jersey law. By specifically carving out the role of animal cruelty prosecutor,⁵⁴ the New Jersey Legislature declared such prosecutions a priority. The SCPO should exercise this statutory obligation and prosecute Bravo and Barr, including all employees and entities, to the fullest extent allowable, including pursuing monetary penalties and imprisonment.

V. The USDA, NJDA, and SCPO Must Act to Punish Bravo and Barr for Grievous Cruelty Inflicted on a Vulnerable Cow and End Bravo’s Decade-Long History of Animal Abuse.

Over the span of 17 agonizing minutes, Bravo and Barr committed repeated acts of cruelty against an already-suffering, “downed” cow and in turn, violated a myriad of federal and state laws intended to prohibit exactly that type of conduct. From the moment Bravo and Barr attached a metal chain to her trembling body in the trailer, they elected to disregard these laws and treat her as an inanimate, unfeeling object.

After she was brutally dragged from the trailer, Bravo callously disregarded her distressed bellowing and paddling as she lay on the hard concrete in pools of blood and piles of feces. Instead of mercifully ending her suffering, Bravo proceeded to repeatedly and casually botch attempts to stun her, violating federal and state law over and over again. The evidence documented herein plainly depicts numerous criminal violations and we respectfully request the USDA, NJDA, and SCPO to prosecute Bravo and Barr to the fullest extent allowable.

Animal Outlook is available and willing to assist with prosecution. If you have any questions regarding this complaint, please contact me at (804) 307-4102 or wlowrey@animaloutlook.org. We look forward to your response.

⁵¹ N.J.S.A. § 4:22-17(b)(1).

⁵² N.J.S.A. § 4:22-26.

⁵³ N.J.S.A. § 4:22-15 (“‘Owner’ or ‘person’ includes a corporation, and the knowledge and acts of an agent or employee of a corporation in regard to animals transported, owned, employed, or in the custody of the corporation shall be imputed to the corporation.”).

⁵⁴ N.J.S.A. § 4:22-14.7(a).

Sincerely,

A handwritten signature in black ink that reads "Will Lowrey". The signature is written in a cursive style with a long, sweeping tail on the "y".

Will Lowrey
Counsel
Animal Outlook

cc:

William Brennan, First Assistant Prosecutor
Salem County Prosecutor's Office
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