



# Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

September 13, 2021

Stephen Lindee, Watonwan County Attorney  
Watonwan County Courthouse  
710 Second Ave. S  
St. James, MN 56081

**Via USPS and email**

**Re: Request for investigation and potential prosecution of Butterfield Foods Co. and employees for cruelty to animals in your jurisdiction**

Dear Mr. Lindee,

I write on behalf of the Animal Welfare Institute (AWI) to request that your office investigate and consider for prosecution or refer to local law enforcement the following repeated instances of animal cruelty:

On June 9, 2021, an incident involving cruelty to birds occurred at Butterfield Foods Company (“Butterfield”), located at 225 Hubbard Avenue, Butterfield, Minnesota. Because of Butterfield and its staff’s deliberate neglect, 2,552 birds—43% of the shipment—died from exposure to temperatures in excess of 90 degrees in a trailer that was abandoned overnight with no heat abatement (i.e., fans, shelter). Attachment 1. According to Minn. Stat. § 343.21, it is unlawful to deprive any animal of necessary food, water, and shelter. It is also unlawful to neglect or abandon any animal, or to keep any animal in an enclosure without providing change of air.

Butterfield and its employees have apparently failed to comply with Minnesota law on at least four other occasions in the past three and a half years:

- In August 2020, Butterfield allowed over 9,500 birds to suffer and die from exposure by forcing them to sit overnight in transport trailers during hot weather with no heat abatement. Attachment 2.
- In February 2020, Butterfield allowed more than 9,000 hens to freeze to death in trailers parked outside an unloading shed when wind chill fell to minus 32 degrees. In this incident, hens were found frozen solid and stuck to the cages. Attachment 3.
- In March 2018, Butterfield failed to provide shelter to chickens confined on a transport truck during freezing weather. This resulted in the death of at least 330 birds, many of which had large unfeathered areas indicating that the birds had experienced prolonged exposure to extreme temperatures. At least a dozen of the birds were “hard and non-flexible” and there was an excess of eggs and waste on the bed of the truck indicating a long, cold journey. Attachment 4.
- In February 2018, Butterfield allowed hens on a transport truck to be exposed to subfreezing temperatures (2–18 degrees) for 22–28 hours, resulting in the death of approximately half the birds. Attachment 5.


AWI was established in 1951 to reduce the suffering caused by humans to animals, including farm animals subject to transport and slaughter. AWI monitors transport and holding conditions faced by animals sent to slaughter facilities and engages in advocacy to help reduce the suffering experienced by these animals to the greatest extent possible. It is our opinion that the incident described above is particularly egregious, especially given the pattern of repeat offenses.

AWI obtained this information from U.S. Department of Agriculture inspection records. Although pursuant to the Poultry Products Inspection Act (21 U.S.C. §§ 451–472) the slaughter, sanitation, and inspection practices at poultry processing facilities are regulated by the USDA Food Safety and Inspection Service (“FSIS”), the department does *not* regulate the treatment of poultry waiting for slaughter in transport trailers. The FSIS acknowledges the authority of state officials in the treatment of birds at federal slaughterhouses and that, in some situations, incidents may violate a state’s animal cruelty code.<sup>1</sup>

The documented incidents appear to constitute cruelty to birds under Minn. Stat. § 343.21. Prosecution should be strongly considered to avoid future incidents of this nature and to ensure those who engage in this kind of behavior are held responsible to the fullest extent of the law.

Thank you for your consideration. If you have any questions or would like to arrange a meeting, please contact me via email at [erin@awionline.org](mailto:erin@awionline.org) or by phone at 202-446-2147.

Sincerely,

  
Erin Sutherland  
Staff Attorney  
Farm Animal Program

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<sup>1</sup> FOOD SAFETY AND INSPECTION SERVICE, *Directive 6910.1: District Veterinary Medical Specialist (DVMS) – Work Methods*, 19–20 (2009) [https://www.fsis.usda.gov/sites/default/files/media\\_file/2020-07/6910.1.pdf](https://www.fsis.usda.gov/sites/default/files/media_file/2020-07/6910.1.pdf).