

December 1, 2004

Dr. Elsa A. Murano  
Under Secretary for Food Safety  
U.S. Department of Agriculture  
1400 Independence Ave. S.W., Rm. 227-E  
Washington, DC 20250

**2 pp. via facsimile: 202-690-0820**

Re: Amendment to Complaint Dated November 29, 2004, Alleging  
Violations of the Humane Methods of Livestock Slaughter Act at  
AgriProcessors, Inc., Postville, Iowa

Dear Under Secretary Murano:

PETA hereby amends the above-referenced complaint to request that the U.S. Department of Agriculture's investigation into violations of the Humane Methods of Livestock Slaughter Act (HMSA) at AgriProcessors, Inc., include an investigation into the role of the Orthodox Union ("OU") in these violations.<sup>1</sup> The OU is a kosher certification organization that supervises all stages of the production of meat at AgriProcessors, Inc., for compliance with the laws of *kashrut* and thus, in effect, compliance with the HMSA.

OU personnel are often present in the facility as an integral step in the certification service provided to, and paid for by, AgriProcessors.<sup>2</sup> The OU is responsible, as is AgriProcessors, for ensuring that all procedures—from handling to slaughtering to processing to packaging—are conducted in accordance with the laws of *kashrut*.<sup>3</sup> This responsibility would include the inspection of shechitah, the kosher slaughter method recognized as humane by the HMSA but implemented improperly at AgriProcessors as demonstrated in the above-referenced complaint.

For its part, AgriProcessors has released a statement that assigns blame to the OU for violations of the HMSA: "Agriprocessors does not control anything that happens in the kosher ritual processes. We adhere strictly to the instructions given to us by the rabbinic authorities and will continue to do so."<sup>4</sup>

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<sup>1</sup>Orthodox Union, 11 Broadway, 14<sup>th</sup> Fl., New York, NY 10004; 212-613-8241.

<sup>2</sup>See, e.g., Orthodox Union, "Kosher Brochure: The Complete Guide to Making a Product Kosher, How the OU Kosher Staff Is Structured"  
<<http://www.ou.org/kosher/corporate/pdf.htm>>.

<sup>3</sup>Orthodox Union.

<sup>4</sup>Peter Ephross, "Dispute Over Kosher Meat Plant Raises Alarms Among Jews," Jewish Telegraphic Agency Global News Service to the Jewish People, 30 Nov. 2004  
<[http://www.jta.org/page\\_view\\_story.asp?strwebhead=Dispute+over+kosher+slaughter&intcategoryid=4&SearchOptimize=Jewish+News](http://www.jta.org/page_view_story.asp?strwebhead=Dispute+over+kosher+slaughter&intcategoryid=4&SearchOptimize=Jewish+News)>. Please note that this statement does not exonerate AgriProcessors, which must comply with federal law regardless of directions given by rabbinic authorities. However, it clearly implicates the OU as culpable with regard to the continuous violations of the HMSA at AgriProcessors.



**PETA**

PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS

501 FRONT ST.  
NORFOLK, VA 23510  
757-622-PETA  
757-622-0457 (FAX)

PETA.org  
Info@peta.org

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ORGANIZATION DEDICATED  
TO PROTECTING  
THE RIGHTS OF ALL ANIMALS

Rabbi Menachem Genack, rabbinic administrator of the OU, has viewed the video supplied by PETA and, as of the date of this letter, insists that the animals depicted in the video—animals whose tracheas and esophagi have been ripped from their bodies and who are vocalizing and standing *minutes* later—are both slaughtered in accordance with the requirements of shechitah and are *unconscious*.<sup>5</sup> Rabbi Yisroel Belsky, another prominent expert at the OU, insists that the movements of the animals depicted in the video are “involuntary.”<sup>6</sup>

The former position has been discounted by independent experts in shechitah as set forth in the above-referenced complaint and more recently by a spokesperson for Shechita UK, who declared, “I don’t know what that is, but it’s not shechita.”<sup>7</sup> The latter position—that the animals are unconscious—is contrary to common sense and to all expert opinions on this issue received by PETA and set forth in the above-referenced complaint. It is also contrary to Food Safety and Inspection Service Directive 6900.2.<sup>8</sup>

Rabbis Genack and Belsky’s untenable position, i.e., their refusal to acknowledge both the improper shechitah and the conscious state of the animals after slaughter, and thus the obvious violations of both the laws of kashrut and the HMSA at this facility, raises a suspicion of complicity with AgriProcessors and a possible intent to defraud and thus warrants an investigation of the OU pursuant to 21 U.S.C. §§ 610(b) and 676(a).

Sincerely,



Lori E. Kettler  
Counsel  
Research & Investigations Department

cc: William C. Smith  
Assistant Administrator, Office of Field Operations  
Food Safety and Inspection Service, USDA

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<sup>5</sup>Donald G. McNeil, “Videotapes Show Grisly Scenes at Kosher Slaughterhouse,” *The New York Times*, 30 Nov. 2004; see also, Ephross, *supra*, n. 4.

<sup>6</sup>McNeil.

<sup>7</sup>McNeil.

<sup>8</sup>Rabbi Genack has also stated that he has “discussed the issue with USDA officials, and is confident that government guidelines are being followed satisfactorily.” See Ephross, *supra*, n. 4. Since reporters for *The New York Times* and the Jewish Telegraphic Agency were unable to elicit comment from the USDA, we do wonder with whom he spoke.