

April 2, 2007

Dr. Andrew von Eschenbach
Commissioner
Food and Drug Administration
5600 Fishers La.
Rockville, MD 20857

Dear Dr. von Eschenbach:

We are calling on you to resign as commissioner of the FDA on behalf of PETA's 1.6 million members and supporters, the 60 percent of Americans who share our lives with precious dogs and cats and who thought the FDA was ensuring that pet food was safe, and every American who wishes the government to do its job. Your complete failure to ensure that the FDA does its job, resulting in the deaths and suffering of dogs and cats, requires it.

Specifically:

- Although Menu Foods knew that its food was sickening animals as early as February 20 and killed more animals in a crude feeding test at the end of the month, at no point did the FDA recommend a recall of Menu Foods products or tell the American public that the company's pet foods might be harming and killing their animal companions.
- Although the FDA knew from numerous consumer complaints that *dry food* has been implicated in this tragedy, the FDA chose to protect those it is mandated to regulate and refused to recommend a recall or advise Americans about the fact that dry food may be contaminated as well until PETA did the FDA's job and issued a public alert on March 29.
- On Friday morning, after pressure from PETA, the FDA held a news conference, during which it admitted that a contaminated ingredient had been shipped to a dry-food manufacturer, but the FDA refused to name the company or advise consumers which foods to avoid in order to ensure that no more beloved animals would be killed by the FDA-approved food fed to them.
- Remarkably, the FDA appears to be covering up evidence that it is wrong in its most recent findings. Although the FDA says that melamine was found in pet food and that it may have been the ingredient that is making animals sick, at the FDA news conference on March 30, the agency did not report the fact that the New York Department of Agriculture and a top Canadian agricultural laboratory both dispute the FDA's finding. A spokesperson for the New York Department of Agriculture told *The New York Times*, "'We don't think this is the final conclusion. Melamine is not a known toxin. ... We are confident we found Aminopterin, and it makes sense with the pathology.' She also said another laboratory, Animal Health Laboratory at the University of Guelph in Canada, had confirmed the presence of Aminopterin in the samples."

There have now been more than 300,000 consumer calls to Menu Foods and more than 8,000 calls to the FDA, many of the latter from pet guardians who fed their animals only dry food. Although the FDA would like to continue to blame wheat gluten, which is almost exclusively in wet foods, the only explanation that makes any



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sense in light of the mounting number complaints about dry food is that the source of the poisoning must be from another ingredient. Yet the FDA continues to focus on wheat gluten and ignores evidence from reputable laboratories that it is completely wrong, perhaps allowing thousands more animals to die from an as yet unnamed ingredient.

Under your “leadership,” the FDA adopted a wait-and-see attitude while animals went into renal failure and households and children lost cherished members of their family. Your failure to act in a timely fashion, let alone speedily, to demand a recall showed that your interests lie in protecting the pet-food industry’s profit margin, not animals and those who love them. You seem to be hoping that not enough complainants will come forward or that confusion will reign for long enough to keep the companies afloat.

Your failings accentuate a far larger problem, one that the FDA has been lying to the media and the public about for the past few weeks: The FDA is totally ignoring its mandate with regard to safe pet food and has left “regulation” of the pet-food industry to the Association of American Feed Control Officials (AAFCO), a nongovernmental body with no power. Past analysis has shown that pet food advisory committees are largely made up of people with ties to the pet-food industry, as are the boards of directors. According to your agency, explaining the abdication of FDA responsibility in this area, “FDA has limited enforcement resources that are focused on human food safety issues.” That shows willful disregard for your legal mandate.

In a flagrant lie to the public and the media, Dr. Stephen Sundlof, director of the FDA’s Center for Veterinary Medicine, has been widely quoted as claiming “that the FDA has the same authority over pet food as it does over most of the human food supply. ‘There are really no differences in the regulation of animal food and the regulation of human food,’ he says. ‘The same people that inspect human food plants also inspect pet food plants’ ...”

The American people count on the FDA to ensure that pet food is safe, and the FDA has violated that trust, and the growing body count of dead dogs and cats bears witness to that. It is not asking too much of the FDA that the food that it approves not be lethal and that, when there is a concern, the FDA act in the best interests of consumers, rather than seeking to protect the multibillion-dollar pet-food industry.

Here are a few examples:

- Julie Liebetreu of Destin, Fla., shared her life with Allie, a 5-year-old healthy dog with no history of illness. After feeding Allie Iams Mini Chunks “dry” food, Ms. Liebetreu states: “Allie ate a good bit of the food and threw it up and defecated at the same time. I let her in the back yard for [a few] minutes while I cleaned it up. When I went out to get her, she was having a seizure. I tried to get help, and within minutes she stopped breathing, with my 8-year-old daughter watching hysterically.”
- Yvette Faulkner of Doylestown, Pa., shared her life with a gorgeous long-haired tabby named Sassafra, whom she called “the love of my life.” She writes, “Within days after I purchased a bag of dry Iams food, Sassafra became very ill—he was vomiting, he lost his appetite, and he drank excessively. He ate this Iams dry food exclusively. On March 5, I took him to the vet and was informed that he had lost several pounds because of kidney failure. On March 7, I took him to the vet for a follow-up visit to see if he had improved. He had not, and it was necessary to put him to sleep.”

The pet-food industry is rife with problems, from labeling to naming ingredients. Cherished animals are dying horrible deaths because of a fat, callous industry, and you have forfeited the public trust by siding with pet food manufacturers to the detriment of the public.

It is time for you to step down and for President Bush to appoint someone who will do the job properly and diligently.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ingrid Newkirk", with a stylized, flowing script.

Ingrid E. Newkirk
President