



# Department of Justice

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## **MICHIGAN DAIRY FARM ENJOINED FROM UNLAWFUL DRUG USE**

### ***Court Prohibits Scenic View Dairy, L.L.C. from Selling Cows for Slaughter Until Farm Achieves Compliance with Federal Law and Court Order***

GRAND RAPIDS, MICHIGAN — On November 1, 2011, the U.S. District Court for the Western District of Michigan enjoined Scenic View Dairy, L.L.C., and its owner, Michael D. Geerlings of Hamilton, Michigan, from selling cows for slaughter until the U.S. Food and Drug Administration (“FDA”) certifies that Scenic View Dairy is in compliance with federal law and the requirements of the court’s injunction. Even after achieving compliance, Scenic View Dairy must maintain record-keeping systems and take other measures to ensure that the farm does not continue to sell cows with illegal drug residues for human consumption. FDA may order Scenic View Dairy to, among other things, cease the sale of cows if it fails to comply with the court’s order and federal law, violations which could also result in civil or criminal penalties.

The injunction follows a September 1, 2011 ruling by U.S. District Judge Gordon J. Quist that Scenic View Dairy, Geerlings, and two of Scenic View Dairy’s farm managers, Mark A. Lucas and Michael J. Van Dam, violated the Federal Food, Drug, and Cosmetic Act by: (1) introducing adulterated food into interstate commerce; (2) adulterating drugs held for sale after shipment in interstate commerce; and (3) failing to comply with the legal requirements for extra-label drug use. Significantly, the ruling states that the defendants’ failure to maintain adequate controls for their administration of animal drugs constitutes “insanitary conditions” that may render food produced by Scenic View Dairy harmful to health. Judge Quist acknowledged that “the nature of the products being sold by Scenic View, if insanitary for example, have the potential of creating disaster for individuals and even loss of confidence in the nation’s food supply.”

U.S. Attorney Donald A. Davis said, “The sale of adulterated food and the unlawful administration of drugs to food-producing animals will not be tolerated. The U.S. Attorney’s Office is committed to working with FDA and other federal and state agencies to protect the public health.”

FDA Associate Commissioner for Regulatory Affairs Dara A. Corrigan said, “Scenic View Dairy did not implement the necessary controls to ensure the food produced from the cows they were raising was safe, and the court found that Scenic View Dairy’s extra-label use of animal drugs is unlawful. By taking this action, the FDA is demonstrating its commitment to protecting the public health from the dangers of adulterated food products and insanitary conditions.”

The case was handled by Adam B. Townshend, Assistant U.S. Attorney, and Thomas J. Cosgrove, FDA Associate Chief Counsel, with the assistance of FDA's Detroit District Office and FDA's Center for Veterinary Medicine.

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