

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

DENNIS ADKINS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:12CV2871
)	
NESTLE PURINA PETCARE)	
COMPANY, et al.,)	
)	
Defendants.)	

MOTION TO INTERVENE

COMES NOW Connie Curts (“Ms. Curts”), pursuant to Rule 24 of the Federal Rules of Civil Procedure, and moves to intervene in this matter for the limited purposes of opposing certification of the putative nationwide class and preliminary approval of the proposed settlement of that nationwide class.

Attached in support of the Motion to Intervene, and incorporated by reference, is a Memorandum of Points and Authorities, as well as supporting exhibits.

Respectfully submitted,

CONNIE CURTS,

By: /s/ John R. Schleiter
One of Her Attorneys

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CERTIFICATE OF SERVICE

I, John R. Schleiter, an attorney, hereby certify that on June 10, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record in this matter.

By: /s/ John R. Schleiter

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NESTLE PURINA PETCARE COMPANY, et al.,)	
)	
Defendants.)	

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE

COMES NOW Connie Curts (“Ms. Curts”), pursuant to Rule 24 of the Federal Rules of Civil Procedure, and for her Memorandum on Law in support of her Motion to Intervene, states as follows:

Introduction and Factual Background

Ms. Curts is the named plaintiff in a class action lawsuit currently pending in the Circuit Court of Jackson County, Missouri (the “Curts Lawsuit”). The defendants in the Curts Lawsuit are two of the defendants also sued in this case: Nestle Purina PetCare Company and Waggin’ Train, LLC (collectively, “Defendants”). The Curts Lawsuit asserts a single claim under the Missouri Merchandising Practices Act (“MMPA”), Mo. Rev. Stat. § 407.010 *et seq.*, alleging that Defendants falsely and deceptively marketed their Waggin’ Train brand and Canyon Creek Ranch brand dog treats (the “Dog Treat Products”) to Missouri consumers as “wholesome,” “healthy” and “high quality” products. Ms. Curts alleges that these representations of product quality and character were false because the Dog Treat Products actually were made in China with substandard, non-wholesome ingredients and were contaminated with potentially lethal

substances, including antibiotics that are banned from use in the United States. A copy of the First Amended Petition in the Curts Lawsuit is attached hereto as **EXHIBIT 1**.

On December 27, 2013, Ms. Curts moved for class certification in the Curts Lawsuit. After being fully briefed, the motion for class certification was argued to the Missouri trial court on April 11, 2014. Following oral argument, the matter was taken under advisement and the parties submitted proposed forms of order for the court's consideration. The motion for class certification is ready for ruling, and the court in Missouri is expected to decide the issue soon.

On May 30, 2014, the parties in this case filed a Joint Motion for Preliminary Approval of Class Action Settlement, Approval of Proposed Form of Notice, and Preliminary Certification of Settlement Class ("Motion for Preliminary Approval") (Doc. #158). As described in the parties' Stipulation of Class Action Settlement (the "Stipulation of Settlement") (Doc. #158-1) and their supporting Memorandum of Law (Doc. #160-1), the proposed settlement purports to encompass a nationwide class of all consumers who have ever purchased the Dog Treat Products – including Ms. Curts and the class of Missouri consumers that she seeks to represent in the Curts lawsuit. (See Doc. #158-1 at 10, § IMM; Doc. #160-1 at 4.) The proposed settlement also includes a broad release of any and all claims that "are currently pending . . . in any forum in the United States" against Defendants relating in any way to the Dog Treat Products – including Ms. Curts' claim under the MMPA that is unique to the Missouri forum and has not been asserted in this lawsuit. (See Doc. #158-1 at 29, § V.A; Doc. #160-1 at 10.) And though it is not requested in the parties' Motion for Preliminary Approval or mentioned in their Memorandum of Law, the Proposed Preliminary Approval Order includes a provision that would stay, bar and enjoin the further prosecution of all other lawsuits against Defendants – including the Curts Lawsuit currently pending in Missouri state court. (See Doc. #158-2 at 10-12, ¶¶ 22-23.)

The proposed nationwide settlement is objectionable in many respects that are discussed below and described in further detail in Ms. Curts' Initial Objections to Preliminary Approval of Class Settlement and Certification of Nationwide Class, which are filed contemporaneously with this Motion to Intervene. Most significantly, the settlement reflects a paltry net recovery (perhaps as little as no money at all) on the claims of hundreds of thousands of consumers with total damages of \$1 billion or more. The parties offer no reasoned justification why the Court should accept a settlement that compensates the class members for so little of their damages, making it all the more important that Ms. Curts be permitted to intervene to test the reasonableness of the proposed settlement. By this motion, Ms. Curts seeks to intervene in this case for purposes of: (1) opposing certification of the putative nationwide class, and (2) opposing preliminary approval of the proposed class action settlement. Intervention also will preserve Ms. Curts' ability to appeal the class certification and settlement approval rulings, if necessary.

Argument and Authorities

It is well recognized that "intervention is the proper mechanism for nonparties to protect interests that may be adversely affected by a trial court's judgment." In re Discovery Zone Sec. Litig., 181 F.R.D. 582, 589 (N.D. Ill. 1998) (citing Felzen v. Andreas, 134 F.3d 873, 874 (7th Cir. 1998)). This is especially true in the context of class action settlements, where motions to intervene "should be construed liberally in favor the proposed intervenors." Cullan & Cullan LLC v. M-Qube, Inc., No. 8:13CV172, 2014 WL 347034, at *4 (D. Neb. Jan. 30, 2014). Indeed, the Seventh Circuit has clearly stated that "it is vital that district courts freely allow the intervention of unnamed class members who object to proposed settlements and want an option to appeal an adverse decision." Crawford v. Equifax Payment Servs., Inc., 201 F.3d 877, 881 (7th Cir. 2000).

In Nicholas v. Conseco Life Insurance Co., No. 12 C 0845, 2012 WL 1831509 (N.D. Ill. May 17, 2012) (Gettleman, J.), this Court granted a motion to intervene filed by the named plaintiff in separate class action litigation who wished to oppose a proposed nationwide class action settlement that had been submitted to this Court for preliminary approval. Specifically, this Court found that intervention was warranted as a matter of right under Rule 24(a) because the intervening party had sought to intervene in a timely fashion to protect certain interests that stood to be impaired by the proposed nationwide settlement and may not have been adequately protected by the parties in the litigation. Id. at *2-3. The decision in Nicholas is instructive and supports Ms. Curts' intervention as a matter of right under Rule 24(a) to oppose certification of the putative nationwide class and preliminary approval of the proposed class action settlement in this case. In the alternative, Ms. Curts respectfully submits that she should be granted permissive intervention under Rule 24(b) for the same purposes.

I. Ms. Curts is Entitled to Intervene as a Matter of Right Under Rule 24(a)(2)

Federal Rule of Civil Procedure 24(a)(2) allows intervention as a matter of right, providing in pertinent part as follows:

On a timely motion, the court must permit anyone to intervene who . . . claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless the existing parties adequately represent that interest.

Fed. R. Civ. P. 24(a)(2). In the Seventh Circuit, intervention as a matter of right requires that the movant satisfy four criteria: "(1) timely application; (2) an interest relating to the subject matter of the action; (3) potential impairment, as a practical matter, of that interest by disposition of the action; and (4) lack of adequate representation of the interest by the existing parties to the action." Reich v. ABC/York-Estes Corp., 64 F.3d 316, 321 (7th Cir. 1995).

“Courts should construe Rule 24(a)(2) liberally and should resolve doubts in favor of allowing intervention.” Miami Tribe of Okla. v. Walden, 206 F.R.D. 238, 241 (S.D. Ill. 2001). In deciding a motion to intervene, the Court “must accept as true the non-conclusory allegations of the motion.” Reich, 64 F.3d at 321. Ultimately, a motion to intervene as a matter of right “should not be dismissed unless it appears to a certainty that the intervenor is not entitled to relief under any set of facts which could be proved under the complaint.” Id.

A. Ms. Curts’ Motion to Intervene is Timely

“The test for timeliness is essentially one of reasonableness,” and is determined “from the time the potential intervenors learn their interest might be impaired.” Id. When fairness of a proposed settlement is at issue, the clock does not begin to run until the terms of the settlement are finalized and made public because “[u]nnamed members of the class rarely will suspect a shortfall in the adequacy of representation before learning of the terms of a (potentially inadequate) settlement.” Crawford, 201 F.3d at 880-81. Here, Ms. Curts’ motion to intervene is filed less than two (2) weeks after the parties in this case filed their Motion for Preliminary Approval and the final terms of their proposed settlement became public. Under these circumstances, there should be no dispute that Ms. Curts has moved to intervene in timely fashion. See Nicholas, 2012 WL 1831509, at *2 (finding that motion to intervene for purposes of objecting to class settlement was timely because putative intervenor “would have no way to determine if her interests were being adequately represented until the parties . . . made their proposed settlement public”); see also Cullan & Cullan, 2014 WL 347034, at *8 (finding motion to intervene for purposes of objecting to class settlement was timely when the litigation had not progressed past the initial pleading stage and no discovery had been conducted).

The timeliness element also requires the Court to “consider the prejudice to the original parties if intervention is permitted and the prejudice to the intervenor if [her] motion is denied.” Reich, 64 F.3d at 321. In terms of prejudice to the original parties, it has been held that “the fact that intervention may inhibit, disrupt or destroy settlement negotiations or agreements does not demonstrate prejudice to the original parties sufficient to deny intervention.” In re Discovery Zone, 181 F.R.D. at 596. Although this case has been on file for more than two years, it is still in the early stages of litigation: there is no scheduling order in place, no trial date has been set, and the parties have not conducted any formal discovery or even exchanged initial disclosures.¹ Under these circumstances, there can be no prejudice to the original parties because Ms. Curt’s intervention will not threaten the timely and orderly progress of the case. To the contrary, “[i]ntervention is a Rule 23 action . . . is directly related to the importance of assuring that the class is adequately represented and of enabling class members on the outside of the litigation to function as effective watchdogs to make certain the action is fully and fairly conducted.” 7B Charles Alan Wright et al., Federal Practice and Procedure § 1799 (3d ed. 2005).

On the other hand, if Ms. Curts is denied the ability to intervene, she and the Missouri consumers that she seeks to represent will suffer substantial prejudice by being denied an opportunity to challenge a proposed settlement that, if consummated, would seriously affect their legal rights by extinguishing potential claims and the opportunity for substantial recovery against Defendants in the Curts Lawsuit. The interests of Ms. Curts and the putative Missouri class, and the impairment of those interests, are discussed in greater detail below. On balance, the relevant considerations of timing and prejudice weigh heavily in favor of permitting intervention.

¹ In contrast, the Curts lawsuit (which has been on file since February 2013) is much more developed: Ms. Curts has defeated a motion to dismiss, the parties have conducted extensive written discovery, Ms. Curts has been deposed, and the issue of class certification is now pending for decision after extensive legal briefing and oral argument.

B. Ms. Curts Has Significant Interests in This Action

“The ‘interest’ required by Rule 24(a)(2) has never been defined with particular precision,” but it must be a “direct, significant, legally protectable one.” In re Discovery Zone, 181 F.R.D. at 593 (quoting Security Ins. Co. of Hartford v. Schipporeit, Inc., 69 F.3d 1377, 1380-81 (7th Cir. 1995)). In ascertaining this interest, the Court should “focus on the issues to be resolved by the litigation and whether the potential intervenor has an interest in those issues.” Reich, 64 F.3d at 322. In the context of class action settlements, absent class members have a recognized interest in objecting to a proposed settlement that “provides insufficient value, an overbroad release, or deficient notice.” Cullan & Cullan, 2014 WL 347034, at *4; see also In re Discovery Zone, 181 F.R.D. at 596 (“Rule 24(a) protects precisely this ability to intervene in litigation to protect one’s interests” by objecting to a proposed settlement (quoting Buchet v. ITT Consumer Fin. Corp., 845 F. Supp. 684, 689 (D. Minn. 1994))).

In Nicholas, this Court held that an intervenor “obviously has an interest in the action” when she was both a putative class member in the case to be settled and the named plaintiff in a separate class action that would be barred from further prosecution by the proposed settlement. Nicholas, 2012 WL 1831509, at *2. This interest in the action arises even before a class in the separate lawsuit is certified. See id. (recognizing the intervenor’s interest in “prosecuting her motion . . . to certify a . . . class”). And this interest is not merely personal to Ms. Curts because, as the named plaintiff representing a putative class, she owes duties and responsibilities to those putative class members even before a class is certified. See Giovanniello v. ALM Media, LLC, 726 F.3d 106, 117 (2d Cir. 2013) (noting that “during the pendency of class certification . . . Rule 23 requires that named plaintiffs function as representatives of potential class members”); Alpern v. UtiliCorp United, Inc., 84 F.3d 1525, 1539 (8th Cir. 1996) (noting that named plaintiff

has “responsibilities to the putative class members”). It is clear in this case that Ms. Curts has a significant interest – both personally and as the named plaintiff representing a putative class of Missouri consumers in the Curts Lawsuit – in the issues and claims that stand to be resolved on less-than-favorable terms by the parties’ proposed nationwide class action settlement.

C. Ms. Curts’ Interests Will be Impaired by the Disposition of This Action

Rule 24(a)(2) does not require conclusive proof of an impaired interest, but merely states that the interest in question “may” be impaired or impeded “as a practical matter.” This language is designed “precisely to enable broader intervention in class action lawsuits by absent class members.” 3 William B. Rubenstein, Newberg on Class Actions § 9:34 (5th ed. 2013). This Court has noted that “[i]mpairment exists when the decision of a legal question . . . would, as a practical matter, foreclose the rights of the proposed intervenor in a subsequent proceeding.” Hanover Ins. Co. v. L & K Development, No. 12 C 6617, 2013 WL 1283823, at *2 (N.D. Ill. Mar. 25, 2013).

Here, it goes without saying that the interests of Ms. Curts and the putative class of Missouri consumers will be impaired by the proposed nationwide class action settlement. See Nicholas, 2012 WL 1831509, at *2 (noting that interests of named plaintiff in competing class action “will, of course, be impaired by a resolution of the instant action” on a motion for preliminary approval of class settlement). In particular, the proposed settlement seeks to release and discharge Ms. Curts’ claims and to enjoin her from any further prosecution of the Curts Lawsuit as a class action. It is also notable that even if Ms. Curts elects to opt out of the settlement, the parties’ Proposed Preliminary Approval Order includes a provision enjoining her even from *individually* continuing to prosecute her lawsuit until “final approval” is given the settlement – a process that is likely to take many months. (See Doc. #158-2 at 11, ¶ 23.) Under

any circumstance, the proposed settlement will impose significant restrictions on Ms. Curts that impair her rights as an individual litigant and as a named plaintiff representing a putative class of Missouri consumers.

In addition, “[t]he framers [of Rule 24(a)(2)] clearly intended that intervention would be available to assist absent class members in testing the adequacy of their proposed representatives in the class action court directly.” 3 Rubenstein, supra, § 9:34. In this regard, “an allegation of inadequate representation should be sufficient to meet the test that the intervenor show her interests will be *impaired* absent intervention.” Id. As discussed in the following section, there is ample evidence in this case to suggest that the parties to the proposed settlement are not adequate to represent Ms. Curts’ interests or the interests of the putative Missouri class. This inadequate representation is sufficient, by itself, to support a finding that Ms. Curts’ interests may be impaired as a practical matter if she is not permitted to intervene and lodge her objections against the proposed class action settlement.²

D. Ms. Curts’ Interests are Not Adequately Represented by the Parties in This Action

Ms. Curts’ burden to show that her interests are not adequately represented by the parties in the case is not onerous: “The proposed intervenor’s burden is minimal; it is sufficient to show that the representation *may be* inadequate.” Miami Tribe of Okla., 206 F.R.D. at 243; see also Cullan & Cullan, 2014 WL 347034, at *4 (“Typically, showing that interests are not adequately protected presents a minimal burden.”). In fact, the court in Miami Tribe of Oklahoma stated plainly that “the applicant [for intervention] should be treated as the best judge of whether the

² The ability to opt out of the proposed settlement is not sufficient to protect against this inadequacy of representation. See Eubank, --- F.3d ---, 2014 WL 2444388, at *12 (“All of this is academic, however, because opting out of a class action is very rare. Virtually no one who receives notice that he is a member of a class in a class action suit opts out. He doesn’t know what he could do as an opt-out.”).

existing parties adequately represent his or her interests, and any doubts regarding adequacy of representation should be resolved in favor of the proposed intervenors.” Miami Tribe of Okla., 206 F.R.D. at 243 (quoting 6 James Wm. Moore et al., Moore’s Federal Practice § 24.03(4)(a) (3d ed.) (internal ellipses omitted)). Here, Ms. Curts strongly believes that her interests and the interests of the Missouri class she seek to represent are not adequately represented by the parties in the case, and she submits that the evidence bears this out.

This Court found in Nicholas that an absent class member was not adequately represented by the parties to a class action settlement because “there is no party in the instant case to object to the proposed class certification, and no one to object to the terms of the settlement which [the absent claim member] claims is inadequate.” Nicholas, 2012 WL 1831509, at *2. The same is true in this case, where the parties are jointly presenting the proposed class action settlement to the court without a separate, objective point of view to challenge its reasonableness. Not only does Ms. Curts’ intervention give voice to her own concerns about the settlement, it also serves to protect the interests of *all* putative class members by re-establishing the adversarial nature of the litigation process that otherwise disappears when the parties reach a settlement agreement:

While the parties to a class action start out in an adversarial posture, once they reach the settlement stage, incentives have shifted and there is the danger of collusion. . . .

Intervenors counteract any inherent objectionable tendencies by reintroducing an adversarial relationship into the settlement process and thereby improving the chances that a claim will be settled for its fair value. Intervenors have the potential to play this important role even in the numerous valid class actions where each plaintiff is seeking to be compensated only by a few dollars.

Vollmer v. Selden, 350 F.3d 656, 660 (7th Cir. 2003); see also Reynolds v. Beneficial Nat’l Bank, 288 F.3d 277, 288 (7th Cir. 2002) (“It is desirable to have as broad a range of participants in the fairness hearing as possible”); Mirfasihi v. Fleet Mortg. Corp., No. 01 C 722, 2004

WL 2609184, at *3 (N.D. Ill. Nov. 17, 2004) (“The court is persuaded that intervention by Green and Perry is appropriate because the interest of the putative class will be served by their participation. . . . [A]s a practical matter evaluation of a consumer class settlement is a nearly impossible task for a judge because there is normally no one with sufficient incentive to raise any argument or fact in opposition to the settlement, nor is the court in a position to independently investigate and analyze the economics of the proposal.”).

Just last week, the Seventh Circuit once again stressed the significant role that intervenors play in the settlement approval process:

. . . American judges are accustomed to presiding over adversary proceedings. They expect the clash of the adversaries to generate the information that the judge needs to decide the case. And so when a judge is being urged by both adversaries to approve the class-action settlement that they’ve negotiated, he’s at a disadvantage in evaluating the fairness of the settlement to the class.

Enter the objectors. Members of the class who smell a rat can object to approval of the settlement. . . .

The case underscores the importance both of objectors (for they are the appellants in this case—without them there would have been no appellate challenge to the settlement) and of intense judicial scrutiny of proposed class action settlements.

Eubank v. Pella Corp., --- F.3d ----, 2014 WL 2444388, at *2-3 (7th Cir. June 2, 2014).

Neither the Court nor Ms. Curts should be expected to rely solely on the say-so of the parties and their attorneys as to the adequacy of their representation and the reasonableness of the proposed settlement. Permitting Ms. Curts to intervene is an essential element in fully and properly testing whether the proposed settlement should be given preliminary approval. Indeed, the concern of adequate representation of interests is especially acute in this case because the parties have proposed a sweeping *nationwide* settlement in which the interests of consumers from all 50 states are subject to the decision-making of individuals who hail only from only a select number of states (and none of them from Missouri).

In Smith v. Sprint Commc'ns Co., L.P., 387 F.3d 612 (7th Cir. 2004), the Seventh Circuit recognized the inherent tension in nationwide class settlements encompassing class members who reside in different states and have unique state law claims. Id. at 614. Plaintiffs candidly admit in their Memorandum of Law that they would face “significant hurdles” in certifying the proposed nationwide class for trial (see Doc. #160-1 at 12),³ and the Seventh Circuit in Smith explained that these hurdles cause Plaintiffs to enter settlement negotiations in “a ‘disarmed’ state, unable to ‘use the threat of litigation to press for a better offer,’” which is “not a good position from which to represent the interests of parties that do wield such a threat.” Id. (quoting Amchem Prods., Inc. v. Windsor, 521 U.S. 591, 620 (1997)).

In contrast to the “significant hurdles” faced by Plaintiffs in certifying a nationwide class for trial in this case, there is a robust body of case law in Missouri supporting the certification of Ms. Curts’ consumer fraud claims under the MMPA.⁴ Because she wields the realistic threat of certification of a Missouri class in Missouri state court, Ms. Curts is in a far superior bargaining position than the Plaintiffs in this case; a bargaining position that the Plaintiffs could not possibly

³ For example, state law consumer fraud claims generally are not appropriate for nationwide class treatment. See Mazza v. Am. Honda Motor Co., 666 F.3d 581, 589-96 (9th Cir. 2012); Holt v. Globalinx Pet LLC, No. SA CV 13-0041 DOC(JPRx), 2014 WL 347016, *4-8 (C.D. Cal. Jan. 30, 2014). It also is recognized that claims for bodily injury, like those asserted by Plaintiffs for injury to dogs, are not appropriate for class certification. See Patton v. Topps Meat Co., No. 07-CV-00654(S)(M), 2010 WL 9432381, at *1-2 (W.D.N.Y. May 27, 2010).

⁴ See Hope v. Nissan N. Am., Inc., 353 S.W.3d 68, 81-85 (Mo. Ct. App. 2011); Plubell v. Merck & Co., 289 S.W.3d 707, 711-16 (Mo. Ct. App. 2009); Craft v. Philip Morris Cos., 190 S.W.3d 368, 378-88 (Mo. Ct. App. 2005); see also In re Celexa & Lexapro Mktg. & Sales Practices Litig., MDL No. 09-02067-NMG, 2014 WL 108197, at *7-8 (D. Mass. Jan. 10, 2014); Janson v. LegalZoom.com, Inc., 271 F.R.D. 506, 509-13 (W.D. Mo. 2010); Hopkins v. Kan. Teachers Cmty. Credit Union, 265 F.R.D. 483, 486-90 (W.D. Mo. 2010); Glen v. Fairway Indep. Mortg. Corp., 265 F.R.D. 474, 477-82 (E.D. Mo. 2010); Roberts v. Source for Public Data, No. 2:08-cv-04167-NKL, 2009 WL 3837502, at *1-7 (W.D. Mo. Nov. 17, 2009). In fact, the MMPA specifically authorizes a representative consumer to prosecute a class action when the defendant’s allegedly unlawful conduct “has caused similar injury to numerous other persons.” Mo. Rev. Stat. § 407.025.2.

account for in their own settlement negotiations with Defendants. This difference in bargaining power highlights the fact that the Plaintiffs in this case cannot adequately represent the interests of Ms. Curts and the putative Missouri class. Rule 24(a)(2) is designed to permit intervention as a matter of right in this type of situation. See Fed. R. Civ. P. 24(a)(2) (cmt. to 1966 amendment) (“[A] member of a class should have the right to intervene in a class action if [s]he can show the inadequacy of the representation of [her] interest by the representative parties before the court.”). These issues of adequacy are discussed in further detail in Ms. Curts’ Initial Objections to Preliminary Approval of Class Settlement and Certification of Nationwide Class.

Because all elements for intervention as a matter of right are satisfied in this case, Ms. Curts respectfully requests that the Court grant this motion and allow her to intervene in this case for purposes of: (1) opposing certification of the putative nationwide class, and (2) opposing preliminary approval of the proposed class action settlement.

II. In the alternative, the Court Should Permit Ms. Curts to Intervene Under Rule 24(b)(1)(B)

In the event that Ms. Curts is not allowed to intervene as a matter of right, Federal Rule of Civil Procedure 24(b)(1)(B) allows the Court to grant her permissive intervention, providing in pertinent part that “[o]n timely motion, the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). This Rule “boils down to three requirements: (1) the applicant must share a common question of law or fact with a party, (2) its application must be timely, and (3) the court must have independent jurisdiction over its claims.” In re Discovery Zone, 181 F.R.D. at 589. Once these requirements for permissive intervention are satisfied, the decision on intervention “is entirely discretionary.” Id.

Here, the requirements for permissive intervention are easily satisfied. The parties in this case have requested that the Court certify a nationwide class including Ms. Curts and that the Court enjoin Ms. Curts from continuing to prosecute her own class action lawsuit in Missouri. By its very nature, this relief depends on commonality of legal and factual questions (required for class certification) and the Court's assumption of jurisdiction over Ms. Curts (required for an injunction to issue), which establishes the first and third elements for permissive intervention. As discussed above, the element of timeliness also is satisfied because Ms. Curts has filed this motion to intervene less than two (2) weeks after the parties filed their Motion for Preliminary Approval.

The rule of permissive intervention "has been interpreted to permit intervention more liberally than does [Rule 24(a)(2)]." In re Discovery Zone, 181 F.R.D. at 598 n.9. In Nicholas, this Court found that "even if [the intervenor objecting to preliminary approval of a class action settlement] did not have a right to intervene, the court would grant permissive intervention under Fed. R. Civ. P. 24(b)." Nicholas, 2012 WL 1831509, at *3 n.1. The same is true in this case: if intervention as a matter of right is somehow improper, the reasonable exercise of judicial discretion compels that Ms. Curts should nevertheless be permitted to intervene for purposes of testing the reasonableness of the proposed class action settlement. Again, Ms. Curts plays a vital role in the settlement approval process "by reintroducing an adversarial relationship into the settlement process and thereby improving the chances that a claim will be settled for its fair value." Vollmer, 350 F.3d at 660.

Conclusion

There is ample authority from this Court specifically and the Seventh Circuit in general holding that Ms. Curts should be allowed to intervene in this case for purposes of objecting to certification of a nationwide class and the proposed class action settlement. Accordingly, Ms. Curts respectfully requests that the Court grant this Motion to Intervene. Ms. Curts also requests that the court take into consideration her Initial Objections to Preliminary Approval of Class Settlement and Certification of Nationwide Class. If the Court so desires, Ms. Curts is prepared to address these issues further in additional briefing or oral argument.

Respectfully submitted,

CONNIE CURTS,

By: /s/ John R. Schleiter
One of Her Attorneys

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CERTIFICATE OF SERVICE

I, John R. Schleiter, an attorney, hereby certify that on June 10, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record in this matter.

By: /s/ John R. Schleiter

EXHIBIT 1

First Amended Class Action Petition in Curts Lawsuit

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI,
AT INDEPENDENCE**

Connie Curts, on behalf of herself and all others similarly situated,)	
)	Case No. 1316-CV02706-01
)	
Plaintiff,)	Division No. 13
)	
v.)	
)	TI
WAGGIN' TRAIN, LLC,)	
)	
and)	JURY TRIAL DEMANDED
)	
NESTLE PURINA PETCARE COMPANY,)	
)	
Defendants.)	

FIRST AMENDED CLASS ACTION PETITION

Plaintiff Connie Curts, on her own behalf and on behalf of all others similarly situated in the State of Missouri, for her Class Action Petition against Defendants Waggin' Train, LLC ("Waggin' Train") and Nestle Purina PetCare Company ("Nestle Purina") (collectively, "Defendants"), states and alleges as follows:

Nature of the Action

1. This lawsuit asserts that Waggin' Train and Nestle Purina, leading producers, marketers, and sellers of dog treats throughout the United States, have been falsely labeling and marketing their Waggin' Train and Canyon Creek Ranch brand dog treats (collectively, "Dog Treats") as "wholesome," "healthy & delicious," having "ingredients . . . of the highest quality," "[w]hat nature intended," among other representations, when the Dog Treats are in fact made with substandard, non-wholesome, and unnatural ingredients that are contaminated with poisonous antibiotics and other potentially lethal substances.

2. Dogs that are fed Defendants' Dog Treats may suffer from acute renal failure or other severe illness within hours or days after consuming the product, which in many instances can be fatal. Symptoms include excessive and uncontrollable urination, prolonged vomiting, bloody stools or diarrhea, alterations in mental state or mood, and an abnormal aversion to food by the dogs.

3. Defendants deceptively marketed their Dog Treats to appeal to consumers' preference for premium quality, healthy dog food products. Defendants' deceptive marketing of their Dog Treats occurred through at least January 9, 2013, when Defendants announced the withdrawal of their Dog Treats from the market due to immense pressure from the U.S. Food and Drug Administration ("FDA"), consumer and pet advocacy groups, and the New York State Department of Agriculture and Markets ("NYSDAM"). Despite this announcement, Defendants' Dog Treats continued to be sold in Missouri after the January 9, 2013 withdrawal.

4. Plaintiff Connie Curts purchased Defendants' Dog Treats for her dogs Holly, a mixed breed, Sammy, a half beagle, and Babie, a Chihuahua mix. Holly, Sammy, and Babie depended on Plaintiff Curts to purchase dog food products that are healthy and nutritious.

5. Due to Plaintiff Curts' belief in the premium quality and healthful nature of Defendants' Dog Treats, Plaintiff Curts not only purchased a dog food product that was hazardous to her dogs' health, but paid a premium price for the product.

6. After Plaintiff Curts' dog Holly consumed Defendants' Dog Treats, there was a noticeable reduction in Holly's physical activity and she became mentally withdrawn. In a matter of days, Holly began to suffer from diarrhea, excessive vomiting, and began to have violent seizures. After experiencing 39 seizures in a short time, Holly had to be euthanized.

7. Plaintiff Curts' dogs Sammy and Babie also became ill. Both dogs suffered from sustained aversion to food, prolonged vomiting, and diarrhea.

8. Plaintiff Curts is similarly situated to thousands of consumers throughout Missouri who paid a premium price for Defendants' Dog Treats despite the existence of hazardous contaminants and other potentially lethal chemicals that make the product unsuitable for canine consumption.

9. Plaintiff Curts seeks certification of a state-wide class of all consumers who, at any time from January 2003 to the present (the "Class Period"), purchased Defendants' Dog Treats within the State of Missouri and were citizens of the State of Missouri at the time the Class Action Petition was filed (the "Merchandising Practices Class"). Plaintiff Curts also seeks certification of a state-wide class of all consumers who, at any time from January 2003 to the present (the "Class Period"), purchased Defendants' Dog Treats within the State of Missouri, were citizens of the State of Missouri at the time the Class Action Petition was filed, and whose pet(s) died or were treated for symptoms or injuries related to consumption of the Dog treats (the "Product Liability Class").

10. Plaintiff Curts alleges on behalf of herself and members of the Merchandising Practices Class that Defendants' deceptive advertising, misrepresentations, omissions, concealment, and course of conduct in connection with the sale and marketing of their Dog Treats violated the Missouri Merchandising Practices Act. Mo. Rev. Stat. §§ 407.010 *et seq.* Plaintiff Curts asserts on behalf of herself and the Product Liability Class claims of strict liability product design or manufacturing defect, strict liability failure to warn, and negligent design defect, manufacturing defect, and/or failure to warn.

11. On behalf of herself and members of the Merchandising Practices Class and the Product Liability Class (the “Classes”), Plaintiff seeks, among other things, actual and statutory damages, pre-judgment and post-judgment interest, reasonable attorneys’ fees and litigation costs, and punitive damages in an amount that is fair and reasonable, yet will serve to deter Defendants from similar conduct in the future.

The Parties

12. Plaintiff Connie Curts is a citizen of the State of Missouri and resides in Lee’s Summit, Missouri. Plaintiff first purchased Defendants’ Dog Treats in the fall of 2008 for the purpose of feeding them to her dogs – a personal, family, or household purpose. From the fall of 2008 until 2012, Plaintiff purchased approximately two bags of the Dog Treats per month, including Waggin’ Train Wholesome Chicken Jerky Tenders, Waggin’ Train Wholesome Duck Jerky Tenders, and Canyon Creek Ranch Natural Chicken Tenders, from Target, Walmart, and Petsmart in Lee’s Summit, Missouri and Independence, Missouri to feed to her dogs. Plaintiff would not have purchased Defendants’ Dog Treats had she known that, rather than a “wholesome treat that is both healthy and delicious” and “nothing but the best,” as marketed by Defendants, she was purchasing a substandard product that put her dogs’ health and well-being at risk.

13. Defendant Waggin’ Train is a Delaware limited liability company with its principal place of business in St. Louis, Missouri. Defendant Waggin’ Train manufactured, marketed, and sold the Dog Treats nationwide. On information and belief, Waggin’ Train is a wholly-owned subsidiary of Nestle Purina.

14. Defendant Nestle Purina is a Missouri corporation with its principal place of business in St. Louis, Missouri. On information and belief, Nestle Purina is the sole member and manager of Waggin' Train. On information and belief, Nestle Purina has complete control and authority over the conduct of Waggin' Train and, therefore, is liable for the unlawful conduct of Waggin' Train.

Jurisdiction and Venue

15. Defendants are registered with the Missouri Secretary of State to transact business in the State of Missouri, and both entities maintain their principal place of business in the State of Missouri. Defendants maintain a registered agent for service of process in the State of Missouri. Personal jurisdiction is proper in this Court pursuant to Missouri Supreme Court Rule 54.13.

16. Venue is proper in this Court pursuant to Mo. Rev. Stat. § 508.010 because Plaintiff Connie Curts was first injured by the wrongful acts and conduct of Defendants in Lee's Summit, Jackson County, Missouri. Venue also is proper in this Court pursuant to MO. REV. STAT. § 407.025.1 because Plaintiff purchased Defendants' Dog Treats in Lee's Summit, Jackson County, Missouri.

Factual Allegations

17. Defendants are the manufacturers, importers, marketers, and sellers of the Dog Treats.

18. Plaintiff Curts first purchased Defendants' Dog Treats and began feeding them to her dogs Holly, a mixed breed, Sammy, a half beagle, and Babie, a Chihuahua mix in the Fall of

2008. Prior to adding the Dog Treats to her dogs' diets, Plaintiff Curts' dogs appeared to be in good health.

19. Less than a year after first introducing the Dog Treats to her dogs' diets, Plaintiff Curts noticed that Holly, Sammy and Babie began to have health problems, including abnormally low energy, inappetence, and chronic diarrhea. Failing to associate the health problems to her dogs' consumption of the Dog Treats, Plaintiff Curts continued to feed the Dog Treats to her dogs.

20. There were no material changes to the diets of Holly, Sammy, and Babie, other than the addition of the Dog Treats, nor did Plaintiff Curts feed Holly, Sammy, and Babie an undue number of the Dog Treats.

21. In January of 2012, Holly became mentally withdrawn and there was a noticeable reduction in her physical activity. Holly recently had consumed Dog Treats from a newly purchased bag of Dog Treats. In a matter of days, Holly began to suffer from diarrhea, excessive vomiting, and began to have violent seizures.

22. Despite treatment from a veterinary clinic, Holly continued to have worsening seizures every three hours. After a total of 39 seizures, Holly had to be euthanized.

23. Sammy and Babie also became ill within a matter days after consuming the Dog Treats in January of 2012. Both dogs suffered from sustained aversion to food, prolonged vomiting, and diarrhea.

24. Plaintiff Curts did not identify the Dog Treats as the cause of Holly's death and Sammy and Babie's illnesses until two months after Holly's death. In March of 2012, Sammy and Babie appeared to have fully recovered from their illnesses in January, and Plaintiff Curts

once again began to feed them the Dog Treats. Two days later, Sammie and Babie again began to vomit and have diarrhea. Shortly thereafter, Plaintiff Curts discovered the thousands of consumer and veterinary complaints describing illnesses and deaths caused by the Dog Treats.

25. Plaintiff Curts immediately stopped purchasing and feeding her dogs the Dog Treats, after which Sammy and Babie fully recovered and remain in good health.

26. Plaintiff Curts has incurred approximately \$10,000.00 in expenses associated with her dogs' illnesses caused by the Dog Treats, including but not limited to veterinarian bills, special medications, and other expenses.

27. Due to Plaintiff Curts' belief in the premium quality and healthful nature of Defendants' Dog Treats as represented by Defendants, Plaintiff Curts not only purchased a dog food product that was hazardous to her dogs' health, but paid a premium price for the product.

28. Plaintiff Curts' belief in the premium quality and healthful nature of the Dog Treats, including the failure to discover the hazards associated with feeding the Dog Treats to her dogs, is a direct result of Defendants' design or manufacturing of the Dog Treats, their marketing and promotion of the Dog Treats, and their failure to warn about the dangers associated with the product.

29. Defendants market the Waggin' Train brand dog treats as a "wholesome," "healthy," and "natural" dog food product.

30. As shown in Exhibit A, the packages for Defendants' Dog Treats contain numerous representations as to the premium quality of the products, including:

- (a) "Wholesome chicken";
- (b) "All Natural";

- (c) “Real Ingredients”;
- (d) “What Nature Intended”;
- (e) “Simple, wholesome ingredients”;
- (f) “Formulated to be both healthy & delicious”;
- (g) “All Waggin’ Train ingredients are of the highest quality”;
- (h) “Simple. Wholesome. Delicious”;
- (i) “Feel confident that you are giving your dog a wholesome treat that is both healthy and delicious. Dogs know the difference”;
- (j) “We looked everywhere to find a treat that was better for our dogs. Just wholesome goodness”;
- (k) “We founded Waggin’ Train to give our own dogs the treats they deserve – nothing but the best”;
- (l) “It means a lot to us to help you treat your dog right”; and
- (m) “Natural chicken breast.”

31. Because it is not feasible for a reasonable consumer, such as Plaintiff Curts, to test or independently determine the accuracy or quality of a dog food product at the point of sale, consumers must rely on the information and representations on dog food product packaging to determine whether to buy a packaged dog food product. Defendants’ exploited consumers’ dependence on product packaging and marketing by stating that consumers should “[f]eel confident that you are giving your dog a wholesome treat that is both healthy and delicious” when using Defendants’ Dog Treats. 31.1. Contrary to Defendants’ packaging and marketing of the Dog Treats as a premium quality, wholesome, and natural dog food product, Defendants’

Dog Treats actually contain substandard, non-wholesome, and unnatural ingredients that are imported from China. More egregiously, the Dog Treats are contaminated with poisonous antibiotics and other potentially lethal chemicals that make the product unsuitable for canine consumption.

A. The FDA's Initial Warnings and Investigation into the Dog Treats.

32. On September 26, 2007, the FDA issued a cautionary warning regarding the quality and known hazards of chicken jerky products such as Defendants' Dog Treats. The FDA stated that it was "cautioning consumers of a potential association between development of illness in dogs and the consumption of chicken jerky products also described as chicken tenders, strips or treats." See FDA, *FDA Cautions Consumers about Chicken Jerky Products for Dogs* (Sept. 26, 2007), <http://www.fda.gov/AnimalVeterinary/NewsEvents/CVMUpdates/ucm048029.htm>, attached hereto as Exhibit B.

33. On November 18, 2011, the FDA released another cautionary warning suggesting that chicken dog treats imported from China were causing severe illness in dogs. The FDA release stated, in pertinent part:

In the last 12 months, FDA has seen an increase in the number of complaints it received of dog illnesses associated with consumption of chicken jerky products imported from China. These complaints have been reported to FDA by dog owners and veterinarians.

. . .

FDA is advising consumers who choose to feed their dogs chicken jerky products to watch their dogs closely for any or all of the following signs that may occur within hours to days of feeding the products: decreased appetite; decreased activity; vomiting; diarrhea, sometimes with blood; increased water consumption and/or increased urination. . . . Owners should consult their veterinarian if signs are severe or persist for more than 24 hours. Blood tests may indicate kidney failure (increased urea nitrogen and creatinine). Urine tests may indicate Fanconi syndrome (increased glucose). Although most dogs appear to recover, some reports to the FDA have involved dogs that have died.

FDA, *FDA Continues to Caution Consumers about Chicken Jerky Products for Dogs* (Nov. 18, 2011), <http://www.fda.gov/AnimalVeterinary/NewsEvents/CVMUpdates/ucm280586.htm>, attached hereto as Exhibit C.

34. In 2012, the FDA expanded its investigation to include duck and sweet potato jerky treats, such as the Dog Treats marketed and sold by Defendants, due to consumer complaints regarding those products. FDA, *Questions and Answers Regarding Jerky Pet Treats*, (October 22, 2013), <http://www.fda.gov/AnimalVeterinary/SafetyHealth/ProductSafetyInformation/ucm295445.htm>, attached hereto as Exhibit D.

35. From 2010 to December 2012, the FDA received 2,674 reports of dog illnesses and 501 reports of dog deaths by consumers who fed their dogs jerky dog treats imported from China. The reports were identified in a published list of complaints received by the FDA District Consumer Compliance Coordinators. Many such complaints specifically identify Defendants' Dog Treats as the consumed dog treat product. See FDA, *FDA CVM Update on Jerky Treats* (Jan. 9, 2013), <http://www.fda.gov/animalveterinary/newsevents/cvmupdates/ucm334944.htm>, attached hereto as Exhibit E.

36. A dog food product that requires the consumer to watch his or her dog closely after consumption for signs of vomiting, bloody diarrhea, decreased appetite, and decreased activity is not a "wholesome" and "healthy" product made with "ingredients . . . of the highest quality."

37. Despite Defendants' knowledge of the substandard, non-wholesome, and unnatural qualities of their Chinese-made Dog Treats and the clear connection between their

products and the illness and death of numerous dogs, Defendants did not warn Plaintiff Curts or members of the Classes of the hazards associated with their product. To the contrary, Defendants promoted their Dog Treats with patently false representations as to the wholesomeness and premium quality of the product.

B. The NYSDAM's Discovery of Illegal Contaminants in the Dog Treats and Subsequent Withdrawal of the Dog Treats from the Market.

38. On January 7, 2013, the NYSDAM informed the FDA that it had detected chemical contaminants in Defendants' Dog Treats. The NYSDAM performed a series of liquid chromatography-tandem mass spectrometry ("HPLC-MS") tests, which revealed four antibiotics not approved for use in United States poultry and one that, while approved for use in the United States, is restricted to nearly undetectable levels in the final product. The five chemical contaminants identified by the HPLC-MS tests in Defendants' Dog Treats are sulfaclozine, sulfaquinoxaline, enrofloxacin, tilmicosin, and trimethoprim:

- (a) **Sulfaclozine** is a synthetic sulfonamide antimicrobial substance. Sulfaclozine is known to cause crystalluria, hematuria, and blocking of kidney tubules, as well as inappetence, diarrhea, fever, urticarial, and hypothyroidism in dogs.
- (b) **Sulfaquinoxaline** is an antibacterial sulfonamide. According to data from the FDA's CVM Cumulative List from 1987 to 2007, sulfaquinoxaline is associated with "depression/lethargy, respiratory distress, pallor, swelling at multiple sites, [and] death" in dogs. *Veterinary Pharmacovigilance: Adverse Reactions to Veterinary Medicinal Products* 141 (K.N. Woodward ed., 1st ed. 2009).
- (c) **Enrofloxacin** is a fluoroquinolone antimicrobial compound. Enrofloxacin has been shown to cause chondrotoxicity in juvenile animals, which results in "fluid-

filled vesicles that project about the articular surfaces, chondrocytes with shrunken cytoplasm, mitochondrial swelling and enlargement of cytoplasmic vacuoles in immature animals including rats, dogs, horses and poultry.” *Id.* at 728.

- (d) **Tilmicosin** is a macrolide antibiotic agent used to treat bovine respiratory disease. Tilmicosin is associated with “death [and] pain” in dogs. *Id.* at 142. It reportedly caused the death of two farmers in North America who were accidentally exposed to the substance. *Id.* at 5.
- (e) **Trimethoprim** is a sulfonamide antibiotic approved by the FDA for use in horses, a non-food animal. Trimethoprim is associated with “depression/lethargy, anorexia, fever, anaemia, death, [and] vomiting” in dogs. *Id.* at 141.

39. A product that contains sulfaclozine, sulfaquinoxaline, enrofloxacin, tilmicosin, and trimethoprim, such as Defendants’ Dog Treats, is not an “all natural” product or “what nature intended.”

40. The existence of even trace amounts of antibiotics, particularly sulfonamides such as sulfaclozine and sulfaquinoxaline, can have a severe adverse effect on dogs, which have a recognized hypersensitivity to antimicrobial agents and sulfonamides. Adverse effects of sulfonamides in dogs are typically associated with idiosyncratic sulfonamide toxicosis resulting from a T-cell-mediated response to proteins that have been haptenated by oxidative sulfonamide metabolites. Acute renal failure, including interstitial nephritis or tubule-interstitial nephritis, is commonly associated with the nephrotoxic qualities of sulfonamides. Dogs that consume sulfonamides may also suffer from anaphylaxis, a severe, life-threatening allergic reaction.

41. Due to intense pressure from the NYSDAM, the FDA, and consumer and pet advocacy groups, Defendants announced a nationwide withdrawal of their Dog Treats on January 9, 2013, after at least six years of selling their Chinese-made products despite numerous complaints and extensive reports and investigations into dog illness and death caused by their Chinese-made Dog Treats.

42. Defendant Waggin' Train issued a press release on January 9, 2013, stating that it was going to withdraw its Dog Treats from retailer shelves in the United States because the identified antibiotics "are not among those approved in the U.S." It further stated that, "due to regulatory inconsistencies among countries, the presence of antibiotic residue is technically considered an adulteration in the United States." Accordingly, "because of the differences in U.S. and Chinese regulations, Nestlé Purina decided to conduct a nationwide voluntary withdrawal." *See A Message from the President of Waggin' Train, Nestle Purina PetCare Company to voluntarily withdraw Waggin' Train and Canyon Creek Ranch brand dog treat products* (January 9, 2013), <http://waggintrainbrand.com/index.html>, attached hereto as Exhibit F.

43. Defendants view the existence of a "technical" regulatory inconsistency among different countries' regulations as a sufficient cause for them to withdraw sales of their Dog Treats, but not thousands of complaints from dog owners spanning numerous years regarding the severe illness and death caused to their dogs by Defendants' Dog Treats.

C. The FDA's Intensified Investigation and Implication of the Dog Treats.

44. On October 22, 2013, the FDA released "an update on its investigation into pet illnesses and deaths associated with jerky pet treats from China." The FDA's update provides

that, “[a]s of September 24, 2013, FDA has received more than 3000 complaints of illness related to consumption of chicken, duck, or sweet potato jerky treats, nearly all of which are imported from China. The reports involve more than 3600 dogs, 10 cats and include more than 580 deaths.” The update also included “a description of the extent of the agency’s testing and current findings, as well as a ‘Dear Veterinarian’ letter and Fact Sheet for pet owners.” The FDA noted that the “rate of complaints associated with jerky pet treats dropped sharply after several well-known brands were removed from the market in January 2013[.]” *See* FDA, *FDA Releases Progress Report on Jerky Pet Treat Investigation*, (Oct. 22, 2013), www.fda.gov/AnimalVeterinary/NewsEvents/CVMUpdates/ucm371450.htm, attached hereto as Exhibit G.

45. In the “Dear Veterinarian” Letter, the FDA asked veterinarians to submit various samples, urine and tissue tests, and other important information to the FDA for analysis. The Letter also requested that veterinarians warn consumers about the jerky dog treats by “[p]osting, handing out or otherwise making available to your clients the enclosed Fact Sheet on jerky pet treat products.” *See* FDA, *Jerky Pet Treats – Veterinarians*, (October 22, 2013), www.fda.gov/AnimalVeterinary/SafetyHealth/ProductSafetyInformation/ucm371453.htm, attached hereto as Exhibit H.

46. The FDA’s “Fact Sheet” recommends that pet owners avoid feeding the jerky treats to their pet(s) and, if the jerky treats are in fact consumed by their pet(s), what symptoms need to be monitored. The FDA’s “Fact Sheet” provides the following warnings to consumers who feed jerky treats to their pets:

Watch your pet closely. Signs that occur within hours to days of feeding the products are decreased appetite, decreased activity, vomiting, diarrhea (sometimes with blood or mucus), increased water consumption and/or increased urination.

Severe cases are diagnosed with pancreatitis, gastrointestinal bleeding, and kidney failure or the resemblance of rare kidney related illness called Fanconi syndrome.

The FDA advised that “[p]et treats are not a necessary part of a fully balanced diet, so eliminating them [from their diet] will not harm pets.” *See FDA FDA Facts: Jerky Pet Treats* (October 2013), attached hereto as Exhibit I.

47. The FDA also released other material in conjunction with the update, including an article titled, “Why are Jerky Treats Making Pets Sick?” In the article, the FDA states that it has “conducted more than 1,200 tests, visited jerky pet treat manufacturers in China and collaborated with colleagues in academia, industry, state labs and foreign governments. Yet the exact cause of the illnesses remains elusive.” The FDA again “urge[d] pet owners to be cautious about providing jerky treats” while it determined the “root cause of this problem[.]” *See FDA, Why Are Jerky Treats Making Pets Sick?*, (Oct. 23, 2013), www.fda.gov/ForConsumers/ConsumerUpdates/ucm371413.htm, attached hereto as Exhibit J.

48. The Associate Commissioner for FDA’s Office of Foods and Veterinary Medicine authored a similar article titled “Help Us Find Out Why Jerky Treats Are Making Pets Sick.” *See FDA Voice, Help Us Find Out Why Jerky Treats Are Making Pets Sick*, (October 23, 2013), blogs.fda.gov/fdavoices/index.php/2013/10/help-us-find-out-why-jerky-treats-are-making-pets-sick/, attached hereto as Exhibit K.

49. Recent complaints received by the FDA from veterinarians and consumers once again identified Defendants’ Dog Treats, including both Waggin’ Train and Canyon Creek brand dog treats, as the dog treat products consumed prior to the illness or death of numerous pets. *See FDA, February 2013-September 2013 Jerky Complaints*, <http://www.fda.gov/downloads/AboutFDA/>

CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/UCM371578.pdf, attached hereto as Exhibit L.

50. While the FDA has not been able to identify the “exact cause of the illnesses” and the “root cause of this problem,” one thing is clear: consumption of the Dog Treats has made pets severely ill and may result in death. Furthermore, it is not clear how many illnesses and deaths have yet to be reported to the FDA. The FDA itself recognizes that, despite the publically announced recall and media announcements, “we know there are still pet owners who are unaware of this issue.” *See Help Us Find Out Why Jerky Treats Are Making Pets Sick, supra.*

51. Indeed, an NBC News Health article dated November 4, 2013 reports that an additional 1,500 complaints were submitted to the FDA in the week following the FDA’s updates on October 22, 2013 regarding the jerky dog treats. The article also states that Defendants imported 64,530 pounds of the Dog Treats on October 15, 2013, “the first in eight months.” *See JoNel Aleccia, NBC News, Vets, pet owners demand to know: Why can’t FDA solve jerky treat mystery?, www.nbcnews.com/health/vet-pet-owers-demand-know-why-cant-fda-solve-jerky-8C11512049, attached hereto as Exhibit M.*

D. Peer-Reviewed Materials Also Implicate the Dog Treats.

52. The scientific community also has implicated similar jerky treats imported from China in the illness and death of hundreds of pets. The Australian Veterinary Journal (“AVJ”) recently published a peer-reviewed article in September 2013 titled, “Acquired proximal renal tubulopathy in dogs exposed to a common dried chicken treat: retrospective study of 108 cases (2007-2009).” In the article, a group of veterinarians and pathologists analyzed 108 cases of dog illness that occurred in Australia after consuming chicken jerky dog treats made in China,

branded as KraMar Supa Naturals Chicken Breast Strips. See MF Thompson, LM Fleeman, AE Kessell, LA Steenhard, and SF Foster, *Acquired proximal renal tubulopathy in dogs exposed to a common dried chicken treat: retrospective study of 108 cases (2007-2009)*, 91 Australian Veterinary J. 368 (Sept. 2013), attached hereto as Exhibit N.

53. The KraMar Pet Company Pty Ltd. is a wholly-owned subsidiary of Nestle Purina PetCare Australia, the Australian counterpart to Defendant Nestle Purina.

54. The authors of the AVJ article concluded that, based on the pathology of the illnesses, “[t]he treats likely contained a toxin targeting the proximal renal tubules.” *Id.* The AVJ article reported that, of the dogs that actually survived the illnesses, “8 showed improvement within 2 weeks or less following cessation of the treats, but others were not considered clinically normal until 6 months later[.]” *Id.* at 370. The authors also offered their insight into a larger issue:

This outbreak highlights a larger issue of widespread intoxication caused by the globalization of food systems. There are economic benefits of outsourcing raw materials, manufacturing and distribution processes, but this is accompanied by increased risk that contaminated raw materials produced in a poorly regulated market may cross national boundaries and be used in manufacturing processes for numerous products. Toxicoses might involve complex interactions or require repeated exposures and are typically identified only when large numbers of people or animals are affected.

Id. at 373 (internal citations omitted).

55. The AVJ article followed a peer-reviewed article published in 2011 by the Journal of the American Animal Hospital Association (“JAAHA”) titled, “Fanconi Syndrome in Four Non-Basenji Dogs Exposed to Chicken Jerky Treats.” See Ashley N. Hooper & Brian K. Roberts, *Fanconi Syndrome in Four Non-Basenji Dogs Exposed to Chicken Jerky Treats*, 47:6 J. Am. Animal Hosp. Ass’n 178 (Nov.-Dec. 2011). At the time, the authors concluded that,

“[b]ecause Fanconi syndrome is extremely rare in nonbasenji dogs, the occurrence of several cases in small and toy breeds within a short period prompted suspicion of a possible common etiology. A common factor among the four cases described here was consumption of chicken jerky treats.” *Id.* at 184.

E. Defendants Profited Greatly by Continuing to Sell and Deceptively Market their Dog Treats to the Detriment of Plaintiff Curts and Members of the Classes.

56. Defendants profited greatly from the sale and deceptive marketing of their Dog Treats. On information and belief, Defendants’ Dog Treats sales generated annual revenues of millions of dollars in the State of Missouri and hundreds of millions of dollars nationwide.

57. Defendants’ Dog Treats do not, and at all times relevant hereto, did not have a reasonable commercial value because they are a hazardous and potentially lethal dog food product that is unsuitable for canine consumption.

58. As a direct and proximate result of Defendants’ deceptive acts and unfair practices, Plaintiff Curts and members of the Classes paid a premium price for Defendants’ Dog Treats.

59. Had Plaintiff Curts and members of the Classes known the true nature of Defendants’ Dog Treats, they would not have purchased Defendants’ Dog Treats and certainly would not have paid a premium price for such products.

60. On behalf of herself and members of the Classes, Plaintiff Curts seeks, among other things, actual and statutory damages, pre-judgment and post-judgment interest, reasonable attorneys’ fees and litigation costs, and punitive damages in an amount that is fair and reasonable, yet will serve to deter Defendants from similar conduct in the future.

61. Punitive damages are appropriate because Defendants' conduct involves a high degree of moral culpability and was wanton, willful, outrageous, and/or made with reckless disregard for the consequences to Plaintiff and members of the Classes.

Tolling or Non-Accrual of Statute of Limitations

62. Defendants were and are under a continuing duty to disclose the substandard, non-wholesome, and hazardous nature of their Dog Treats to Plaintiff Curts and members of the Classes. Defendants were and are also under a continuing duty not to conceal facts relating to the substandard, non-wholesome, and hazardous nature of their Dog Treats from Plaintiff Curts and members of the Classes.

63. Any applicable statutes of limitations have been tolled or have not run because of Defendants' knowing and active concealment of essential facts and denial of the facts alleged in this First Amended Class Action Petition. Plaintiff and members of the Classes did not discover the facts alleged in this First Amended Class Action Petition until a date within the applicable limitations period. The failure to discover Defendants' wrongful conduct earlier was not due to any fault or lack of diligence on the part of Plaintiff or members of the Classes. Furthermore, Plaintiff and members of the Classes did not have actual, constructive, or presumptive knowledge of Defendants' conduct such as to put them on inquiry notice prior to a date within the applicable limitations period. The extent of the claims asserted by Plaintiff and members of the Classes, therefore, accrued within the applicable limitations period or the statute of limitations was tolled.

64. Because of Defendants' active concealment and failure to disclose facts that they had a duty to disclose, Defendants are estopped from relying on any statute of limitations defense.

Class Action Allegations

65. Plaintiff Curts brings this class action pursuant to Rule 52.08 of the Missouri Rules of Civil Procedure and Mo. Rev. Stat. §§ 407.010 *et seq.*, on behalf of two classes of consumers:

(a) **The "Merchandising Practices Class"**

All persons who, at any time from January 2003 to the present (the "Class Period"), purchased Defendants' Dog Treats within the State of Missouri and were citizens of the State of Missouri at the time the Class Action Petition was filed. Excluded from the Class are Defendants; subsidiaries and affiliates of Defendants; directors and officers of Defendants and members of their immediate families; federal, state, and local governmental entities; any judicial officers presiding over this action and members of their immediate family and judicial staff; and any juror assigned to this action.

(b) **The "Product Liability Class"**

All persons who, at any time from January 2003 to the present (the "Class Period"), purchased Defendants' Dog Treats within the State of Missouri, were citizens of the State of Missouri at the time the Class Action Petition was filed, and whose pet(s) died or were treated for symptoms or injuries related to consumption of the Dog Treats after consuming any of the Dog Treats. Excluded from the Class are Defendants; subsidiaries and affiliates of Defendants; directors and officers of Defendants and members of their immediate families; federal, state, and local governmental entities; any judicial officers presiding over this action and members of their immediate family and judicial staff; and any juror assigned to this action.

66. Members of the Classes are so numerous that their individual joinder herein is impracticable. On information and belief, thousands of individuals purchased the Dog Treats throughout the State of Missouri, many of whom have had their pets become ill and/or die. The

precise number of members in each of the Classes is not known at this time, but can be determined through discovery.

67. Common questions of law and fact exist as to all members of the Merchandising Practices Class and predominate over questions affecting only individual members of the Merchandising Practices Class. Common legal and factual questions include, but are not limited to:

- (a) whether Defendants' Dog Treats failed to conform to the representations, advertisements, and other marketing published and presented to Plaintiff Curts and members of the Merchandising Practices Class;
- (b) whether Defendants knew or became aware that their Dog Treats were substandard and hazardous, yet nonetheless continued to distribute, market, and sell the Dog Treats without warning of the hazards or removing the representations that falsely promote the wholesomeness, premium quality, and natural aspects of the product;
- (c) whether Defendants concealed from Plaintiff and members of the Merchandising Practices Class that Defendants' Dog Treats did not conform to their stated representations;
- (d) whether Defendants engaged in a pattern and practice of deceiving and defrauding the Merchandising Practices Class with respect to the substandard and hazardous nature of the Dog Treats and other unfair or unlawful business practices regarding the sale, marketing, and advertisement of the Dog Treats;

- (e) whether Defendants' aforementioned conduct violated the Missouri Merchandising Practices Act;
- (f) whether Plaintiff Curts and members of the Merchandising Practices Class are entitled to monetary relief, injunctive relief, or punitive damages, and the amount and nature of such relief; and
- (g) whether Plaintiff and members of the Merchandising Practices Class are entitled to an award of reasonable attorneys' fees, pre-judgment and post-judgment interest, and costs of suit.

68. Common questions of law and fact exist as to all members of the Product Liability Class and predominate over questions affecting only individual members of the Product Liability Class. Common legal and factual questions include, but are not limited to:

- (a) whether the Dog Treats produced and/or sold by Defendants were materially defective and unreasonably dangerous in design or formulation;
- (b) whether the Dog Treats produced and/or sold by Defendants were contaminated and unfit for consumption by dogs;
- (c) whether Defendants failed to exercise ordinary care in designing, manufacturing, distributing, testing, or selling the Dog Treats; and
- (d) whether Defendants failed to adequately warn of the risk of harm from the Dog Treats; and
- (e) whether Defendants failed to provide appropriate instructions to consumers about the Dog Treats.

69. Plaintiff Curts' claims are typical of the claims of the members of the Classes, as all members of the Classes are similarly affected by Defendants' unlawful conduct. Plaintiff has no interests that are antagonistic to the interests of the other members of the Classes. Plaintiff and all members of the Classes have sustained economic injury arising out of the unlawful conduct for which Defendants are liable.

70. Plaintiff Curts is a fair and adequate representative of the Classes because her interests do not conflict with the interests of members of the Classes she seeks to represent, she has retained counsel competent and experienced in such matters, and she intends to prosecute this action vigorously. The interests of members of the Classes will be fairly and adequately protected by Plaintiff Curts and her counsel.

71. The class mechanism is superior to any other available means for the fair and efficient adjudication of the claim asserted by Plaintiff Curts and members of the Classes.

72. The prosecution of separate actions by individual members of the Classes would create a risk of inconsistent or varying adjudications with respect to individual members of the classes that would, as a practical matter, be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

73. Defendants have acted or refused to act on grounds generally applicable to all members of the Classes, thereby making final judgment appropriate with respect to the Classes as a whole.

Count I

(Violation of the Missouri Merchandising Practices Act)

74. Plaintiff Curts incorporates by reference the allegations in all paragraphs of this Petition as though fully set forth in this paragraph.

75. Plaintiff Curts brings this claim individually and on behalf of the members of the Merchandising Practices Class.

76. Defendants represented that their Dog Treats were “wholesome,” “healthy & delicious,” “ingredients . . . of the highest quality,” “[w]hat nature intended,” among other representations, when the dog food product is in fact a Chinese-made product containing substandard, non-wholesome, and unnatural ingredients that are hazardous and not suitable for canine consumption.

77. Defendants’ misrepresentations or omissions constitute a “deception, fraud . . . false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact,” in violation of the Missouri Merchandising Practices Act. Mo. Rev. Stat. § 407.020.

78. As a direct and proximate result of the unlawful conduct of Defendants, Plaintiff Curts and members of the Merchandising Practices Class purchased the Dog Treats and suffered an ascertainable loss by paying more for the Dog Treats than they would have had Defendants not engaged in a deception, fraud, false promise, misrepresentation, and unfair practice and concealed, suppressed, or omitted material facts concerning the product despite having a duty to disclose such information.

79. Punitive damages are appropriate because Defendants' conduct involves a high degree of moral culpability and was wanton, willful, outrageous, and/or made with reckless disregard for the consequences to Plaintiff and members of the Merchandising Practices Class.

Count II

(Strict Liability – Defective Design or Manufacture)

80. Plaintiff Curts incorporates by reference the allegations in all paragraphs of this Petition as though fully set forth in this paragraph.

81. Plaintiff Curts brings this claim individually and on behalf of the members of the Product Liability Class pursuant to Mo. Rev. Stat. § 537.760.

82. Defendants, in the course of their business, are the manufacturers, producers, distributors, marketers, and sellers of the Dog Treats purchased by Plaintiff Curts and members of the Product Liability Class.

83. Defendants marketed the Dog Treats as safe, wholesome, and healthy dog treats that are fit for consumption by dogs.

84. The Dog Treats sold by Defendants to Plaintiff Curts and members of the Product Liability Class were in a defective condition and were unreasonably dangerous because they caused illness or death, including vomiting, diarrhea (sometimes with blood or mucus), pancreatitis, gastrointestinal bleeding, and kidney failure or the resemblance of rare kidney related illness called Fanconi syndrome in dogs who consumed the Dog Treats.

85. Plaintiff Curts and members of the Product Liability Class used the Dog Treats in a reasonably anticipated manner when they fed the Dog Treats to their dogs because the Dog Treats are marketed and sold for the purpose of canine consumption.

86. As a direct and proximate result of the unreasonably dangerous and defective condition of the Dog Treats at the time they were sold, Plaintiff Curts and members of the Product Liability Class sustained injuries, including sickness or loss of their pets, costs of diagnostic screening, testing, and veterinarian treatment, increased risk of health problems with their pets in the future, and other losses.

Count III

(Strict Liability – Failure to Warn)

87. Plaintiff Curts incorporates by reference the allegations in all paragraphs of this Petition as though fully set forth in this paragraph.

88. Plaintiff Curts brings this claim individually and on behalf of the members of the Product Liability Class pursuant to Mo. Rev. Stat. § 537.760.

89. Defendants, in the course of their business, are the manufacturers, producers, distributors, marketers, and sellers of the Dog Treats purchased by Plaintiff Curts and members of the Product Liability Class.

90. The Dog Treats sold by Defendants to Plaintiff Curts and members of the Product Liability Class were in a defective condition and were unreasonably dangerous because they caused illness or death, including vomiting, diarrhea (sometimes with blood or mucus), pancreatitis, gastrointestinal bleeding, and kidney failure or the resemblance of rare kidney related illness called Fanconi syndrome in dogs who consumed the Dog Treats.

91. Defendants knew or should have known that the Dog Treats were in a defective condition and were unreasonably dangerous for consumption by dogs at the time of their sale because of the FDA's cautionary warnings beginning in September 26, 2007.

92. Plaintiff Curts and members of the Product Liability Class used the Dog Treats in a reasonably anticipated manner when they fed the Dog Treats to their dogs because the Dog Treats are marketed and sold for the purpose of canine consumption.

93. Plaintiffs and members of the Product Liability Class did not know of the defective condition and unreasonably dangerous nature of the Dog Treats at the time they fed their dogs the Dog Treats. Had Plaintiffs and members of the Product Liability Class known that the Dog Treats would cause illness or death, including vomiting, diarrhea (sometimes with blood or mucus), pancreatitis, gastrointestinal bleeding, and kidney failure or the resemblance of rare kidney related illness called Fanconi syndrome in their dogs, they would not have fed their dogs the Dog Treats.

94. Defendants failed to adequately warn on the product packaging, or in any other way that is reasonably calculated to give fair warning to Plaintiff Curts and members of the Product Liability Class, of the unreasonably dangerous nature of the Dog Treats.

95. As a direct and proximate result of Defendants' failure to adequately warn of the unreasonably dangerous nature of the Dog Treats at the time of sale, Plaintiff Curts and members of the Product Liability Class sustained injuries, including sickness or loss of their pets, costs of diagnostic screening, testing, and veterinarian treatment, increased risk of health problems with their pets in the future, and other losses.

Count IV

(Negligence – Design Manufacturing Defect, and Failure to Warn)

96. Plaintiff Curts incorporates by reference the allegations in all paragraphs of this Petition as though fully set forth in this paragraph.

97. Plaintiff Curts brings this claim individually and on behalf of the members of the Product Liability Class.

98. Defendants manufactured, designed, or supplied the Dog Treats purchased by Plaintiff Curts and members of the Product Liability Class.

99. The Dog Treats sold by Defendants to Plaintiff Curts and members of the Product Liability Class were in a defective condition and were unreasonably dangerous because they caused illness or death, including vomiting, diarrhea (sometimes with blood or mucus), pancreatitis, gastrointestinal bleeding, and kidney failure or the resemblance of rare kidney related illness called Fanconi syndrome in dogs who consumed the Dog Treats.

100. Plaintiff Curts and members of the Product Liability Class used the Dog Treats in a reasonably anticipated manner when they fed the Dog Treats to their dogs because the Dog Treats are marketed and sold for the purpose of canine consumption.

101. Defendants had a duty to exercise reasonable care in the design, manufacture, sale, and/or distribution of the Jerky Treats, including ensuring that the Dog Treats were free from contaminants, ingredients, or substance that may make dogs sick after consumption. Defendants also had a duty to warn of any dangers posed by the defective Dog Treats.

102. Defendants failed to use ordinary care to manufacture or design the product to be reasonably safe, and failed to warn of the risk of harm from the hidden defect and hazards, in that Defendants failed to properly design the product, failed to conduct adequate quality control and testing of the Dog Treats to prevent contamination with harmful ingredients or substances, and failed to provide adequate warning to consumers about the dangers associated with the Dog Treats, including the risk of severe illness and death for dogs that consume the Dog Treats.

103. As a direct and proximate result of Defendants' negligent manufacture, design, and/or failure to warn, Plaintiff Curts and members of the Product Liability Class sustained injuries, including sickness or loss of their pets, costs of diagnostic screening, testing, and veterinarian treatment, increased risk of health problems with their pets in the future, and other losses.

Prayer for Relief

WHEREFORE, Plaintiff Curts prays for judgment against Defendants Waggin' Train, LLC and Nestle Purina PetCare Company and in favor of Plaintiff and members of the Class for actual damages, pre-judgment and post-judgment interest, reasonable attorneys' fees and costs of suit, punitive damages in an amount that is fair and reasonable, and such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Curts hereby demands a trial by jury on all claims so triable.

Respectfully submitted,

SHANK & HAMILTON, P.C.

/s Christopher S. Shank

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Attorneys for Plaintiff Connie Curts

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on this 15th day of November, 2013, a true and accurate copy of the foregoing document was served via the Court's eFiling system upon the following counsel of record:

Counsel for Defendants

Robert M. Thompson
James T. Wicks
Christopher C. Grenz
BRYAN CAVE LLP
One Kansas City Place
1200 Main Street, Suite 3500
Kansas City, Missouri 64105

and

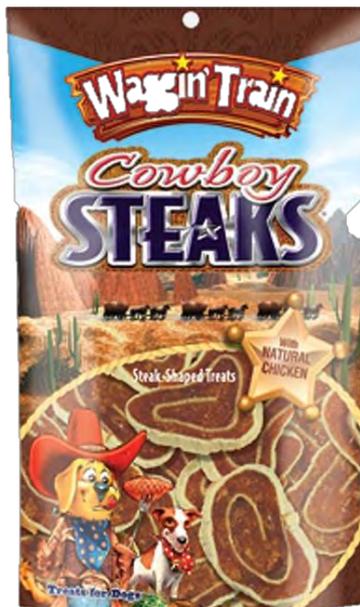
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Washington, DC 20004

s/ Christopher S. Shank
Attorney for Plaintiff

Exhibit A

Packaging and Labeling for the Dog Treats









STAY FRESH POUCH

TEAR HERE
Use within 30 days of opening.



Canyon Creek Ranch

CHICKEN TENDERS



Official Taster

Just like you we love our dogs and want what's best for them. Our pets trust us to take care of them, and we take that job very seriously. They look after us too, whether helping us work the ranch or just reminding us that sometimes everyone needs a nap in the sun. It's this bond between dog and owner that led us to create Canyon Creek Ranch® Dog Treats, honoring those special moments we share with our dogs. To provide the wholesome, healthy treats they deserve, we use only the highest quality ingredients in our treats and chews.

The Canyon Creek Ranch Gang

For Your Dog

- Simple, wholesome ingredients
- Formulated to be both healthy & delicious
- Quality source of protein

Guaranteed Analysis:

Crude Protein (Min)	65.0%
Crude Fat (Min)	1.0%
Crude Fat (Max)	5.0%
Crude Fiber (Max)	1.0%
Moisture (Max)	16.0%

Ingredients:

Chicken breast, vegetable glycerin.

**DAILY MAXIMUM NUMBER OF PIECE(S)
BASED ON YOUR DOG'S WEIGHT**

Small Dogs	5 - 10 lbs (2.3 - 4.5 kg)	1 Treat
Small - Medium Dogs	11 - 25 lbs (5.0 - 11.3 kg)	2 Treats
Medium Dogs	26 - 50 lbs (11.8 - 22.7 kg)	3 Treats
Large Dogs	Over 50 lbs (22.7+ kg)	4 Treats

This product is intended for use as a dog treat and not a replacement for dog food. Always keep an eye on your dog when feeding treats or chews. Provide your dog with plenty of fresh, clean water daily. In addition to a nutritionally balanced diet, daily exercise is important. Senior dogs have different feeding needs based on weight and age. Ask your veterinarian what is best for your dog.

www.canyoncreektreats.com

Canyon Creek Ranch
Manufactured for & Distributed by:
Canyon Creek Ranch, LLC
P.O. Box 63102
Cottonwood, AZ
www.canyoncreektreats.com
Contact: 928-376-8101
Monday - Friday 7am - 7pm (S)



Treated by irradiation
for Freshness & Health

B-340





Exhibit B

**FDA's Sept. 26, 2007
Cautionary Warning about the Dog Treats**



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Animal & Veterinary

FDA Cautions Consumers about Chicken Jerky Products for Dogs

September 26, 2007

The Food and Drug Administration is cautioning consumers of a potential association between development of illness in dogs and the consumption of chicken jerky products also described as chicken tenders, strips or treats. FDA has received more than 70 complaints involving more than 95 dogs that experienced illness that their owners associated with consumption of chicken jerky products.

To date, FDA has not been able to determine a definitive cause for the reported illnesses. FDA has conducted extensive chemical and microbial testing but has not identified any contaminant. Many of the illnesses reported may be the result of causes other than eating chicken jerky.

FDA has also received preliminary information from Banfield, The Pet Hospital which suggests an association between exposure to the chicken jerky products and signs of gastrointestinal illness (vomiting, diarrhea and bloody diarrhea).

Dogs that have become ill, typically show the following signs: decreased food consumption, although some may continue to consume the treats to the exclusion of other foods; decreased activity or lethargy; vomiting; diarrhea, sometimes with blood; and increased water consumption and/or increased urination. Some or all of these signs may be present in any individual. Blood tests may indicate kidney failure (increased urea nitrogen and creatinine). Urine tests may indicate Fanconi syndrome (increased glucose). Although most dogs appear to recover, some reports to the FDA have involved dogs that have died.

FDA is advising consumers who choose to feed their dogs chicken jerky products to watch the dogs closely for any signs of decreased appetite, decreased activity, increased water consumption, increased urination, vomiting and/or diarrhea; and, if the dog shows any of these signs, to discontinue feeding the chicken jerky product. The signs of illness may occur within hours to days of feeding the product. Owners should consult their veterinarian if signs are severe or persist for more than 24 hours.

Chicken treat products should not be substituted for a balanced diet and are intended to be used occasionally in small quantities.

The FDA continues to actively investigate the problem. Consumers who wish to report animal illness, please see below for the contact information on the FDA complaint coordinator in their state.

Additional Information

- [Consumer Complaint Coordinators](#)¹

Contact FDA

240-276-9300

240-276-9115 FAX

Issued by: FDA, Center for Veterinary Medicine

Communications Staff, HFV-12

7519 Standish Place

Rockville, MD 20855

Page Last Updated: 07/17/2013

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U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993
Ph. 1-888-INFO-FDA (1-888-463-6332)
[Email FDA](#)



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Links on this page:

1. </Safety/ReportaProblem/ConsumerComplaintCoordinators/default.htm>

Exhibit C

FDA's Nov. 18, 2011 Cautionary Warning about the Dog Treats



U.S. Food and Drug Administration
Protecting and Promoting Your Health

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Animal & Veterinary

FDA Continues to Caution Dog Owners About Chicken Jerky Products

November 18, 2011

The Food and Drug Administration (FDA) is again cautioning consumers that chicken jerky products for dogs (also sold as chicken tenders, strips or treats) may be associated with illness in dogs. In the last 12 months, FDA has seen an increase in the number of complaints it received of dog illnesses associated with consumption of chicken jerky products imported from China. These complaints have been reported to FDA by dog owners and veterinarians.

FDA issued a cautionary warning regarding chicken jerky products to consumers in September 2007 and a Preliminary Animal Health Notification in December of 2008. After seeing the number of complaints received drop off during the latter part of 2009 and most of 2010, the FDA is once again seeing the number of complaints rise to the levels of concern that prompted release of our earlier warnings.

Chicken jerky products should not be substituted for a balanced diet and are intended to be fed occasionally in small quantities.

FDA is advising consumers who choose to feed their dogs chicken jerky products to watch their dogs closely for any or all of the following signs that may occur within hours to days of feeding the products: decreased appetite; decreased activity; vomiting; diarrhea, sometimes with blood; increased water consumption and/or increased urination. If the dog shows any of these signs, stop feeding the chicken jerky product. Owners should consult their veterinarian if signs are severe or persist for more than 24 hours. Blood tests may indicate kidney failure (increased urea nitrogen and creatinine). Urine tests may indicate Fanconi syndrome (increased glucose). Although most dogs appear to recover, some reports to the FDA have involved dogs that have died.

FDA, in addition to several animal health diagnostic laboratories in the U.S., is working to determine why these products are associated with illness in dogs. FDA's Veterinary Laboratory Response Network (VLRN) is now available to support these animal health diagnostic laboratories. To date, scientists have not been able to determine a definitive cause for the reported illnesses. FDA continues extensive chemical and microbial testing but has not identified a contaminant.

The FDA continues to actively investigate the problem and its origin. Many of the illnesses reported may be the result of causes other than eating chicken jerky. Veterinarians and consumers alike should report cases of animal illness associated with pet foods to the FDA Consumer Complaint Coordinator in their state or go to <http://www.fda.gov/petfoodcomplaints>¹.

Additional Information

- [FDA Cautions Consumers about Chicken Jerky Products for Dogs](#)² [ARCHIVED]
- [Preliminary Animal Health Notification - Chicken Jerky Products for Dogs](#)³ [ARCHIVED]
- [Caution to Dog Owners About Chicken Jerky Products](#)⁴
- [Questions and Answers Regarding Jerky Pet Treats](#)⁵
- [FDA Investigates Animal Illnesses Linked to Jerky Pet Treats](#)⁶

Contact FDA

240-276-9300

240-276-9115 FAX

Issued by: FDA, Center for Veterinary Medicine

Communications Staff, HFV-12

7519 Standish Place

Rockville, MD 20855

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U.S. Department of **Health & Human Services**

Links on this page:

1. <http://www.fda.gov/petfoodcomplaints>
2. </AnimalVeterinary/NewsEvents/CVMUpdates/ucm048029.htm>
3. </AnimalVeterinary/NewsEvents/CVMUpdates/ucm054448.htm>
4. </ForConsumers/ConsumerUpdates/ucm092802.htm>
5. </AnimalVeterinary/SafetyHealth/ProductSafetyInformation/ucm295445.htm>
6. </AnimalVeterinary/SafetyHealth/ProductSafetyInformation/ucm319463.htm>

Exhibit D

FDA's Q&A on the Jerky Treats



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Animal & Veterinary

Questions and Answers Regarding Jerky Pet Treats

Updated October 22, 2013

[What is the issue?](#)

[Types of Jerky Pet Treat Products](#)

[Testing of Jerky Pet Treat Products](#)

[Advice to Pet Owners and Consumers](#)

[Submitting Complaints](#)

[Inspections](#)

[Additional Information](#)

[What is the issue?](#)

Since 2007, FDA has become aware of an increasing number of illnesses in pets associated with the consumption of jerky pet treats. As of September 24, 2013, FDA has received approximately 3000 reports of pet illnesses which may be related to consumption of the jerky treats. Most of the reports involve jerky products sourced from China. The majority of the complaints involve dogs, but cats also have been affected. The reports involve more than 3600 dogs, 10 cats and include more than 580 deaths. There does not appear to be a geographic pattern to the case reports.

FDA has received adverse event reports for many sizes and ages of dogs, and for multiple breeds. About 60 percent of the reports are for gastrointestinal illness (with or without elevated liver enzymes) and about 30 percent relate to kidney or urinary signs. The remaining 10% of cases involve a variety of other signs, including convulsions, tremors, hives, and skin irritation.

FDA continues to investigate these illnesses in conjunction with [Vet-LIRN](#)¹ laboratories and State partners. FDA has also worked with colleagues in academia and industry, and met with the Chinese regulatory agency responsible for pet food to ensure that they are aware of U.S. requirements for pet food safety and to develop collaboration on sharing information to support FDA's investigation. FDA plans to host Chinese scientists at our veterinary research facility to further our scientific cooperation.

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[Types of Jerky Pet Treat Products](#)

What are the products involved?

The majority of complaints involve chicken jerky (treats, tenders, and strips), but others include duck, sweet potato, and treats where chicken or duck jerky is wrapped around dried fruits, sweet potatoes, or yams.

Are there specific brands we should be concerned about?

The illnesses have been linked to many brands of jerky treats. The one common factor the cases share is consumption of a chicken or duck jerky treat or jerky-wrapped treat, mostly imported from China. Pet owners should be aware that manufacturers do not need to list the country of origin for each ingredient used in their products, so packages that do not state on the label that they are made in another country may still contain ingredients sourced from China or other countries that export to the U.S.

Why aren't these products being taken off the market?

Some of these products were removed from the market in January 2013, after the New York State Department of Agriculture and Marketing (NYSDAM) Food Laboratory reported finding six unapproved antibiotic drugs in certain jerky pet treats manufactured in China. Since that time, complaints of illnesses associated with jerky pet treats have dropped significantly. However, FDA does still continue to receive reports, and we believe that the decline in reports is because the majority of jerky treat products are not currently available as a result of the removal from the market of those products found to contain unapproved antibiotics.

There is nothing preventing a company from conducting a voluntary recall. This is an ongoing investigation and FDA will notify the public if a recall is initiated. Currently, FDA continues to urge pet owners to use caution with regard to jerky pet treat products.

Where can I see the complaints associated with jerky pet treats?

Complaints come into the FDA through two pathways: through regional consumer complaint coordinators in each of FDA's district offices and through the Safety Reporting Portal.

- [Reports from the Safety Reporting Portal \(SRP\)](#)
 - [2010 Reports](#)²
 - [2011 Reports](#)³
 - [2012 Reports \(through January 2013\)](#)⁴
 - [February-September 2013 Reports](#)⁵
- [Reports from FDA's Regional Consumer Complaint Coordinators \(RCCC\)](#)⁶
 [Note: The RCCC spreadsheet lists a "country of origin" (C.O.O.) column. A few entries list the United States as the C.O.O. This is not correct. The distributor is located in the U.S. but the manufacturer is located in China. In addition, one entry lists, "Afghanistan," as the C.O.O. It should indicate, "China," in the C.O.O. column. Freedom of Information laws require records to be released "as is" regardless of any perceived errors (either manual or human).]

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Testing of Jerky Pet Treat Products

What is FDA testing for?

FDA's ongoing scientific investigation includes testing samples of products for multiple chemical and microbiological contaminants. These tests have been conducted by FDA laboratories, by the Veterinary Laboratory Response Network (Vet-LIRN), and by other animal health diagnostic laboratories in the United States.

To date, product samples have been tested for contaminants known to cause the symptoms and illnesses reported in pets including Salmonella, metals, furans, pesticides, antibiotics, mycotoxins, rodenticides, nephrotoxins (such as aristolochic acid, maleic acid, paraquat, ethylene glycol, diethylene glycol, toxic hydrocarbons, melamine, and related triazines) and were screened for other chemicals and poisonous compounds. DNA verification was conducted on these samples to confirm the presence of poultry in the treats. The FDA's testing of jerky treat product samples for toxic metals including tests for heavy metals have been negative.

Samples were also submitted for nutritional composition, including fatty acids, crude fiber, glycerol, protein, ash and moisture and other excess nutrients. The purpose of nutritional composition testing is to verify the presence of ingredients listed on the label.

To view the latest report on FDA's jerky pet treat testing program, please see [Jerky Pet Treat Investigational Rationale and Results](#)⁷

Has there been any indication that metal contamination in jerky pet treats may be the cause of illness in dogs?

FDA's testing of jerky pet treat samples to date has not revealed toxic levels of metals. In addition, results from March 2012 toxic metal analyses, which included tests for heavy metals, have again shown samples of jerky pet treats to be negative for toxic metals.

Is FDA contracting with private labs to conduct some of the testing of jerky pet treats?

Yes, FDA issued a solicitation in March 2012 for private diagnostic laboratories to submit quotes on conducting analyses of the nutritional composition of 30 chicken jerky pet treat samples. That document is available at [Analysis of Nutritional Composition of 30 Animal Food Products \(Chicken Jerky Treats\)](#).⁸ Additionally, FDA works in conjunction with the [Veterinary Laboratory Investigation and Response Network \(Vet-LIRN\)](#)⁹ to investigate and test jerky pet treats for several different contaminants.

Testing may include one or more of the following analyses:

- Salmonella
- Metals/Elements (such as arsenic, cadmium and lead, etc.)
- Markers of irradiation level (such as acyclobutanones).
- Pesticides
- Antibiotics (including both approved and unapproved sulfanomides and tetracyclines)
- Mold and mycotoxins (toxins from mold)
- Rodenticides
- Nephrotoxins (such as aristolochic acid, maleic acid, paraquat, ethylene glycol, diethylene glycol, toxic hydrocarbons, melamine, and related triazines)
- other chemicals and poisonous compounds (such as endotoxins)

Hiring private laboratories to conduct these analyses allows FDA to focus its efforts on other aspects of the investigation.

Why is FDA testing the nutritional composition of jerky pet treats?

We are testing jerky pet treat samples for their nutritional composition, in part, to determine the concentration of glycerin in the various products. Moisture content is needed to calculate concentration on a dry weight basis. FDA is evaluating the ratios of the various components in the sample treats.

What some might describe as "routine" analysis can often provide FDA with important leads. It is important to understand the composition of a product and its ingredients to determine where there might be a potential for problems to occur. For example, during a prior investigation involving contaminated pet food, FDA looked carefully at all the ingredients and it was later discovered that melamine was being used to raise the level of the protein in the products. Without a clear understanding of all the ingredients in a product, FDA cannot conduct a thorough analysis or investigation.

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Advice to Pet Owners and Consumers

Should I stop feeding jerky pet treats to my dog?

Jerky pet treats should not be substituted for a balanced diet and are intended to be fed only occasionally and in small quantities.

FDA is advising consumers who choose to feed their dogs jerky pet treats to watch their dogs closely for any or all of the following signs that may occur within hours to days of feeding the products:

- decreased appetite;
- decreased activity;
- vomiting;
- diarrhea, sometimes with blood;
- increased water consumption; and/or
- increased urination.

If the dog shows any of these signs, consumer should immediately stop feeding the jerky pet treat. In addition, owners should consult their veterinarian if signs are severe or persist for more than 24 hours. Blood tests may indicate kidney failure (increased urea nitrogen and creatinine). Urine tests may indicate Fanconi-like syndrome (increased glucose).

What are the signs of illness that are being reported?

The signs of illness that may be associated with jerky pet treat products include decreased appetite; decreased activity; vomiting; diarrhea, sometimes with blood; increased water consumption and/or increased urination. These signs may occur within hours to days of feeding the products.

Laboratory tests may indicate kidney problems, including Fanconi-like syndrome. Although many dogs appear to recover, some reports to the FDA have involved dogs that have died.

FDA continues to investigate the problem and its origin. Some of the illnesses reported may be the result of causes other than eating jerky pet treat products.

What should I do if my dog shows signs of illness after eating pet jerky treat products?

If your dog shows any of the signs listed above, stop feeding the jerky pet treat product and consider contacting your veterinarian. FDA also asks that owners save the pet treat product for possible testing later on. When possible, this should be done by placing the jerky pet treat product, including its original packaging or container, in a larger sealable bag.

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Submitting Complaints

How can I submit a complaint associated with jerky pet treat products?

Veterinarians and consumers alike should report cases of animal illness associated with pet foods to the [FDA Consumer Complaint Coordinator](#)¹⁰ in their state, or electronically through the [Safety Reporting Portal](#)¹¹.

More information regarding How to Report a Pet Food Complaint can be found at <http://www.fda.gov/petfoodcomplaints>¹².

What should I do with the remainder of the jerky pet treat product that may have made my dog sick?

If your pet has experienced signs of illness, please retain the opened package and remaining pieces of the jerky pet treat product that are in the original packaging. When possible, you should place the jerky pet treat product, including its original packaging or container, in a larger sealable bag both to preserve the contents and ensure that no further contamination takes place. It is possible that your samples will be collected for testing. If your product samples are collected, please be sure to provide the FDA official with all of the samples that you have. The extensive testing that is being conducted may require multiple pieces from the package. It is also possible that a toxicant may be present in some of the samples in the package, but not all, since it is not unusual for bags of jerky treats to contain strips from several different birds. We may be able to get better or more accurate testing results with a larger sample size.

After you have reported the problem to FDA, we will determine what type of follow-up is necessary and whether your particular sample will be collected for analysis.

I've already submitted a complaint to FDA, when will I get a response?

Every report is important to FDA. In each case, the information the consumer furnishes is evaluated to determine how serious the problem is and what follow-up is needed.

Once a consumer has filed a report with their local FDA Consumer Complaint Coordinator, or electronically through our safety reporting portal, FDA will determine whether there is a need to conduct a follow-up phone call or obtain a sample of the jerky pet treat product in question. While FDA does not necessarily respond to every individual complaint submitted, each report becomes part of the body of knowledge that helps to inform FDA on the situation or incident.

Additional information on what happens when a problem is reported can be found at the following link:

<http://www.fda.gov/Safety/ReportaProblem/QuestionsandAnswersProblemReporting/ucm056069.htm>¹³.

I reported a complaint to the FDA, but my sample of jerky pet treat was never tested - could I get my sample tested by a private lab?

Even though your particular sample may not be tested, your report to FDA is important. While in some cases, a sample of the product may be collected directly from the consumer, in many cases, product samples from the same lot and code will be collected from retailers, wholesalers or the manufacturer for laboratory analysis.

FDA is working with various animal health diagnostic laboratories across the U.S. to determine why these products are associated with illness in dogs. You may have your treat tested by a private laboratory if you wish; however, it may be costly to have numerous tests conducted on your sample. Please be assured that FDA continues to devote time, energy and resources at multiple levels of the agency to determine the root cause of the reported illnesses. We are hopeful that our diligent investigation and scientific collaboration will help us understand the source of the pet illnesses.

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Inspections

Has FDA conducted any inspections of facilities in China?

Yes. During April 2012, FDA conducted inspections of several facilities in China that manufacture jerky pet treats for export to the U.S.

How did FDA determine which facilities to inspect in China?

FDA selected these firms for inspection because the jerky products they manufacture have been associated with some of the highest numbers of pet illness reports in the U.S.

What did the FDA learn from the inspections?

FDA's inspections of several facilities in China provided valuable information on these firms' jerky pet treat manufacturing operations, including ingredients and raw materials used in manufacturing, manufacturing equipment, the heat treating of products, packaging, quality control, sanitation, and product testing. Although these inspections helped to identify additional areas that we may investigate, FDA found no evidence indicating that these firms' jerky pet treats are associated with pet illnesses in the United States.

Are the Establishment Inspection Reports (EIRs) available?

Yes, the EIRs relating to FDA's inspection of the Chinese manufacturing facilities are publicly available. Please see the Compliance & Enforcement box at

<http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm>¹⁴. Additional information on EIR conclusions and decisions can be found at:

<http://www.fda.gov/downloads/ICECI/Inspections/FieldManagementDirectives/UCM320617.doc>¹⁵.

Were there any concerns with the recordkeeping practices of the firms?

Yes. The FDA identified concerns about the record keeping practices of several of the inspected Chinese firms. In particular, one firm falsified receiving documents for glycerin, which is a common ingredient in jerky pet treats.

As a result of the inspection, the Chinese authority, the Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), informed FDA that it had seized products at that firm and suspended exports of the firm's products to the U.S. FDA is further investigating glycerin as a potential source of the reported illnesses in pets.

What is FDA doing in addition to inspecting Chinese manufacturing facilities?

In follow-up to these inspections, FDA sent a delegation to China in April 2012 to express to AQSIQ our concerns about the complaints we continue to receive concerning jerky pet treat products imported from that country. As a result, FDA and AQSIQ agreed to expand the investigation of jerky pet treats. In addition to sharing our epidemiological findings with AQSIQ, we initiated a scientific collaboration, and we have taken other steps to attempt to identify the root cause of the illness complaints. FDA and AQSIQ are meeting regularly to share findings and discuss further investigational approaches.

Has FDA reached out to any U.S. pet food firms?

FDA has also reached out to U.S. pet food firms to enlist their help in this public health investigation and is seeking further collaboration on scientific issues and data sharing.

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Additional Information

Have there been reports similar to this in other countries?

We have reached out to relevant competent authorities in other countries to request intelligence on increased reports of illness in dogs associated with consumption of chicken jerky treats in those countries, any investigations or analyses they may have conducted on suspect products, etc. We have received some feedback regarding our questions and some suggested collaboration and sharing of information.

Where can I go to get more information?

- [Jerky Pet Treat page](#)¹⁶
- [How to Report a Pet Food Complaint](#)¹⁷
- [Illness Possibly Linked to Chicken Jerky Treat Consumption \(AVMA\)](#)¹⁸  ¹⁹

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11. <http://www.safetyreporting.hhs.gov>
12. <http://www.fda.gov/petfoodcomplaints>

13. <http://www.fda.gov/Safety/ReportaProblem/QuestionsandAnswersProblemReporting/ucm056069.htm>
14. <http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm>
15. <http://www.fda.gov/downloads/ICECI/Inspections/FieldManagementDirectives/UCM320617.doc>
16. </AnimalVeterinary/SafetyHealth/ProductSafetyInformation/ucm360951.htm>
17. </AnimalVeterinary/SafetyHealth/ReportaProblem/ucm182403.htm>
18. <http://atwork.avma.org/2011/07/18/illness-possibly-linked-to-chicken-jerky-treat-consumption/>
19. <http://www.fda.gov/AboutFDA/AboutThisWebsite/WebsitePolicies/Disclaimers/default.htm>

Exhibit E

FDA CVM Update on Jerky Treats



U.S. Food and Drug Administration
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Animal & Veterinary

FDA CVM Update on Jerky Treats

January 9, 2013

The U.S. Food and Drug Administration's Center for Veterinary Medicine (CVM) released today a progress report on its investigation into reports of illnesses and deaths associated with jerky pet treats from China. The report includes a summary of adverse event reports received by FDA through August 2012, Establishment Inspection Reports from FDA's inspection of two chicken jerky manufacturing plants in China, and details about FDA's ongoing investigation.

FDA is in communication with the New York State Department of Agriculture and Markets (NYSDAM) regarding its finding of antibiotic residues in chicken jerky treats from China. Correspondingly, Del Monte, the company that makes Milo's Kitchen Chicken Jerky Treats and Chicken Grillers, and Nestle-Purina, the makers of Waggin' Train and Canyon Creek Ranch dog treats have both initiated a nationwide removal of these products from the market.

Based on the FDA's review of the NYSDAM results, there is no evidence that raises health concerns, and these results are highly unlikely to be related to the reports of illnesses FDA has received related to jerky pet treats. FDA commends Del Monte and Nestle-Purina for withdrawing these products from the market in response to this product quality issue. FDA also welcomes additional information about NYSDAM's testing methodology, which is different and reportedly more sensitive than currently validated and approved regulatory methods.

FDA reminds pet owners that jerky pet treats are not necessary for pets to have a fully balanced diet, so eliminating them will not harm pets. Commercially produced pet food, which is very safe, contains all of the nutrients that pets need.

For more information:

- [FDA investigates animal illnesses linked to jerky pet treats](#)¹
- [Information on reports of illnesses and the ongoing investigation into jerky pet treats](#)²
- Summary of reports received up to August 2012
 - [2010 Reports](#)³
 - [2011 Reports](#)⁴
 - [January - April 2012 Reports](#)⁵
 - [April - August 2012 Reports](#)⁶
- [Yantai Aska Establishment Inspection Report](#)⁷
- [Acidchem International; Sdm. Bhd. Establishment Inspection Report](#)⁸
- [Milo's Kitchen notice](#)⁹
- [Nestle-Purina notice](#)¹⁰ ¹¹
- [IMS Trading Corp to voluntarily withdraw Cadet Brand Chicken Jerky Treat Products](#)¹² ¹³

Contact FDA

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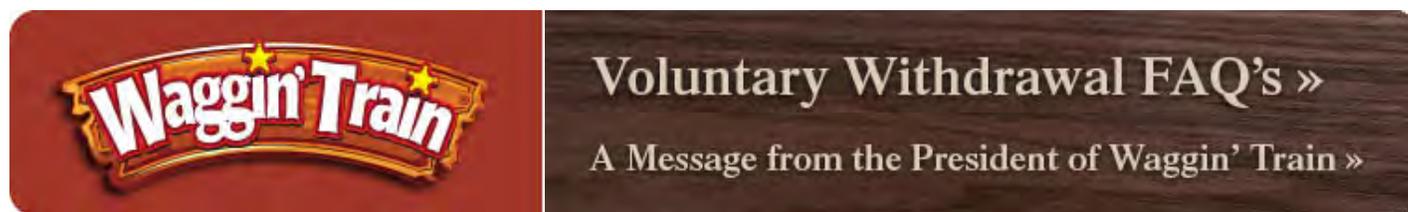
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8. </downloads/AnimalVeterinary/SafetyHealth/ProductSafetyInformation/UCM334937.pdf>
9. </Safety/Recalls/ucm335621.htm>
10. <http://waggintrainbrand.com/index.html>
11. <http://www.fda.gov/AboutFDA/AboutThisWebsite/WebsitePolicies/Disclaimers/default.htm>
12. <http://www.imspect.com/recallchickentreats.htm>
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Exhibit F

Press Release by Defendants



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Nestlé Purina PetCare Company to voluntarily withdraw Waggin' Train® and Canyon Creek Ranch® brand dog treat products

St. Louis, Missouri, January 9, 2013 . . . Nestlé Purina PetCare Company and its wholly owned subsidiary Waggin' Train, LLC today announced it is voluntarily withdrawing its Waggin' Train and Canyon Creek Ranch brand dog treats sold in the United States until further notice.

The Company is taking this action after learning this week that the New York State Department of Agriculture & Markets (NYSDAM) found trace amounts of antibiotic residue in samples of Waggin' Train and Canyon Creek Ranch chicken jerky products. These antibiotics are approved for use in poultry in China and other major countries, including European Union member states, but are not among those approved in the U.S. Antibiotics are commonly used globally, including in the United States, when raising animals fit for human consumption. Waggin' Train and Canyon Creek Ranch products are safe to feed as directed. However, due to regulatory inconsistencies among countries, the presence of antibiotic residue is technically considered an adulteration in the United States. This finding does not pose a safety risk to pets.

New York State authorities initially requested that the Company remove Waggin' Train and Canyon Creek Ranch chicken jerky treats from retail locations in the state of New York, which we have agreed to do. In addition, because of the differences in U.S. and Chinese regulations, Nestlé Purina decided to conduct a nationwide voluntary withdrawal.

"All of us at Waggin' Train care deeply about pets and their owners, and the quality of our products is of the utmost importance," said Nina Leigh Krueger, President, Waggin' Train LLC. "Waggin' Train has served millions of pets and their owners very well. In the final analysis, our Company and our loyal consumers must have total confidence in the products we sell and feed our pets. Once we understand and determine how to comply with the technicalities of different regulatory frameworks, we will work with all appropriate parties to define the best way to supply the market."

Nestlé Purina contacted the U.S. Food and Drug Administration (FDA) regarding NYSDAM's findings. There is no indication that the trace amounts of antibiotic residue are linked to the FDA's ongoing investigation of chicken jerky products. The trace amounts of antibiotic residue (in the parts-per-billion range) do not pose a health or pet safety risk.

No other Purina treats or pet food products are affected by this withdrawal. In addition, Canyon Creek Ranch dog and cat foods, which are manufactured in the United States, are not included in this withdrawal.

For product refund or more information call our Office of Consumer Affairs at 1-800-982-0704 or go to www.waggintrainbrand.com.



Exhibit G

FDA Progress Report on Jerky Treat Investigation



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Animal & Veterinary

FDA Releases Progress Report on Jerky Pet Treat Investigation

October 22, 2013

The U.S. Food and Drug Administration released today an update on its investigation into pet illnesses and deaths associated with jerky pet treats from China. The update includes a description of the extent of the agency's testing and current findings, as well as a "Dear Veterinarian" letter and Fact Sheet for pet owners.

The "Dear Veterinarian" letter to veterinary professionals explains how they can provide valuable assistance to the agency's investigation, requests that veterinarians report to FDA any cases of jerky pet treat-related illness that come to their attention and when requested, that they also provide samples for diagnostic testing by the [Veterinary Laboratory Investigation and Response Network \(Vet-LIRN\)](#)¹, a network of veterinary laboratories affiliated with FDA. The Fact Sheet for pet owners lists steps they can take to prevent or detect illness related to the treats.

As of September 24, 2013, FDA has received more than 3000 complaints of illness related to consumption of chicken, duck, or sweet potato jerky treats, nearly all of which are imported from China. The reports involve more than 3600 dogs, 10 cats and include more than 580 deaths.

FDA continues to caution pet owners that jerky pet treats are not required for a balanced diet. The agency encourages pet owners to consult with their veterinarian prior to feeding treats and if they notice symptoms in their pets.

The rate of complaints associated with jerky pet treats dropped sharply after several well-known brands were removed from the market in January 2013, when a study conducted by the New York State Department of Agriculture and Marketing (NYSDAM) detected low levels of antibiotic residues in those products. FDA believes that the drop in complaints is linked to a decrease in the availability of jerky pet treats rather than the low levels of antibiotics found in January, which FDA believes are unlikely to be the cause of the illnesses. However, FDA is performing an evaluation to determine the possibility for low levels of the antibiotics to cause illness in dogs when fed over a length of time. This process involves review of the scientific literature, as well as any adverse event reports and consumer complaints sent to the FDA in connection with dogs and sulfonamide drugs, and may take many months to complete. In the meantime, our investigation continues to evaluate all potential causes for illness from the jerky pet treats.

While FDA has not yet identified a cause for the reported illnesses, the agency, together with our Vet-LIRN partners, continue to perform testing to help identify cases and examine both animal tissue and product samples associated with the cases. FDA also continues to work with the manufacturers and distributors of the treats and China's Administration of Quality Supervision, Inspection and Quarantine to investigate potential sources of contamination or causes of illness in pets.

Additional Information

- [Jerky Pet Treats](#)²
- [FDA Progress Report on Ongoing Investigation into Jerky Pet Treats](#)³
- [Consumer Update - Why Are Jerky Treats Making Pets Sick?](#)⁴
- [Fact Sheet for Pet Owners: Jerky Pet Treats \(PDF - 216KB\)](#)⁵
- [Questions and Answers Regarding Jerky Pet Treats](#)⁶
- [Jerky Pet Treat Investigation Rationale and Results \(PDF - 345KB\)](#)⁷
- [Dear Veterinarian Letter - Jerky Pet Treats](#)⁸

Summaries of Complaints

- [Pet Jerky Consumer Complaints Received by ORA District Consumer Complaint Coordinators \(January 1, 2007 - July 2, 2012\)](#)⁹
- [2010 Jerky Complaints \(PDF - 242KB\)](#)¹⁰
- [2011 Jerky Complaints \(PDF - 4.9MB\)](#)¹¹
- [2012-January 2013 Jerky Complaints \(PDF - 42.2MB\)](#)¹²
- [February 2013-September 2013 Jerky Complaints \(PDF - 1MB\)](#)¹³

Contact FDA

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Exhibit H

FDA's Letter to Veterinarians



U.S. Food and Drug Administration
Protecting and Promoting Your Health

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Animal & Veterinary

Jerky Pet Treats - Veterinarians

October 22, 2013

Dear Veterinarian,

For the last few years, the Food and Drug Administration (FDA) has been actively investigating the cause of reported pet illnesses associated with jerky pet treat products, most of which come from China. As of September 24, 2013, FDA has received approximately 3000 reports of illness, involving more than 3600 dogs, 10 cats, and including more than 580 deaths.

Today, we are reaching out to ask for your assistance in FDA's ongoing investigation in three ways:

- Providing samples and information on potential jerky pet treat-related illnesses to our Veterinary Laboratory Investigation and Response Network (Vet-LIRN), an extensive network of diagnostic laboratories developed by FDA's Center for Veterinary Medicine.
- Posting, handing out or otherwise making available to your clients the enclosed Fact Sheet on jerky pet treat products.
- Reporting pet illnesses associated with jerky pet treat products through the FDA Safety Reporting Portal, selecting the pet food reporting pathway.

Vet-LIRN is a coordinated network of facilities, equipment, and professional expertise of government and veterinary diagnostic laboratories across the country and Canada that is actively involved in the jerky pet treats investigation. Currently, the Vet-LIRN program is testing jerky pet treat samples and diagnostic samples submitted by veterinarians and/or pet owners whose pets have experienced adverse effects following ingestion of these products.

Vet-LIRN will be provided information from the FDA Safety Reporting Portal that is reported concerning jerky pet treat-related illnesses. In investigating individual incidents, Vet-LIRN then can plan and organize testing of treats collected from the consumer in cases where this is indicated. Testing is performed by FDA laboratories and other animal health diagnostic laboratories in the Vet-LIRN network. Vet-LIRN also coordinates collection and testing of diagnostic material, such as urine and tissues, from affected animals. Our collaboration with experts from government and veterinary diagnostic laboratories across the country will provide a high level of professional expertise to provide greater insight into the reported jerky pet treat-related illnesses.

Information Needed from Referring Veterinarians

We are asking you to help FDA by reporting suspected jerky pet treat-related illnesses to the FDA Safety Reporting Portal: <https://www.safetyreporting.hhs.gov>¹. After clicking on the link, you can either establish an account or report as a guest. You may then click on "create a new report." The portal will ask you to identify yourself and you may click on "a veterinarian or veterinary staff member who is submitting a product problem and/or adverse event report involving pet food." The site will then ask you a series of questions, beginning with the type of report you are submitting. You should click on "adverse event." When you reach the "problem summary" tab, the site will ask you to "describe what happened." In this box, you should include any relevant information from the pet's medical history such as bloodwork values for liver and kidney and urinalysis results. When you reach the "products" tab, the site will ask you to "describe how the product was used or administered." In this box, you should include a history that describes what the animal has been eating (all treats, human food, and pet food), including how much is given daily of all items. In particular, include:

- How long have they given the treats to their pet?
- How did they give the treat or food to their pet – entire piece or broken?

In addition to submitting the report we also recommend you:

- Request a urine sample if jerky pet treat-related illness is suspected (even if the animal presents with just GI signs).
- Freeze a subsample of the urine (10 ml if possible) and conduct routine urinalysis on the rest of the sample.

- Obtain routine blood work for liver and kidney injury.

If FDA initiates follow up, Vet-LIRN will provide shipping materials for a urine Fanconi profile and will report the findings back to the referring veterinarian. Follow up samples may be requested if the animal is positive so we can see how long the Fanconi profile remains altered.

Vet-LIRN (usually through FDA District Offices) may request samples of the product for testing (individual product test results are not reported back to the referring veterinarian or the owner). The owner (or veterinarian) should keep the sample in its original bag – and preferably place that bag into a second lockable plastic bag for a minimum of 60 days in case we decide to collect the sample.

Communication with Pet Owners

After initiating follow up, the Vet-LIRN coordinator usually contacts the pet owner to request permission and assistance. Although the investigation is focused on determining if an FDA-regulated product is the cause of the animal's illness, the diagnostic testing requested by Vet-LIRN may not provide a definitive diagnosis. Vet-LIRN will provide testing results to the veterinarian to ensure that owners are counseled on the interpretation of the test results and appropriate medical care follow-up.

For additional information on FDA's testing to date and other aspects of our investigation please see our [Jerky Pet Treats webpage](#)².

We wish to thank you in advance for your cooperation and collaboration with FDA as we work together to determine the cause of pet illness or death related to consuming jerky products.

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U.S. Department of **Health & Human Services**

Links on this page:

1. <https://www.safetyreporting.hhs.gov>
2. </AnimalVeterinary/SafetyHealth/ProductSafetyInformation/ucm360951.htm>

Exhibit I

FDA Fact Sheet



FDA Facts: Jerky Pet Treats

FDA has been actively investigating consumer complaints about jerky pet treats causing illness in dogs and in some cats. As of Sept. 24, 2013, over 3,600 dogs and 10 cats have reportedly become ill from eating jerky pet treats.

The treats are sold as jerky tenders or strips and are made with chicken, duck, sweet potato, dried fruit, and in combinations of these ingredients.

Product samples have been tested for contaminants known to cause the symptoms and illnesses reported in pets including *Salmonella*, metals, pesticides, and antibiotics, and were screened for other chemicals and poisonous compounds. Nutritional composition analyses have been conducted including fatty acids, crude fiber, glycerol, protein, ash and moisture, and other excess nutrients. The purpose of nutritional composition testing is to verify the presence of ingredients listed on the label. To date, none of the tests have revealed the cause of the illnesses.

Treats Are a Treat

Pet treats are not a necessary part of a fully balanced diet, so eliminating them will not harm pets. All the nutrients your pet needs can be found in commercially produced pet food.

What to Look Out For

Watch your pet closely. Signs that may occur within hours to days of feeding the products are decreased appetite, decreased activity, vomiting, diarrhea (sometimes with blood or mucus), increased water consumption and/or increased urination. Severe cases are diagnosed with pancreatitis, gastrointestinal bleeding, and kidney failure or the resemblance of a rare kidney related illness called Fanconi syndrome. Although FDA has reports of more than 580 deaths, many pets have recovered.

Testing Samples

FDA is testing samples of jerky pet treats. FDA is working with the Veterinary Laboratory Investigation Response Network

(Vet-LIRN) to test samples of jerky pet treats. FDA laboratories and the other animal health diagnostic laboratories in the Vet-LIRN™ network obtain samples of treats directly from the source for testing. In some instances, after obtaining medical histories of pets that have been seen by a veterinarian, FDA may plan and organize testing of treats collected from consumers based on the case profiles. FDA recommends that pet owners whose pet becomes sick after eating jerky pet treats should hold on to any unused portion of the product in its original container for at least 60 days, in case FDA calls to request samples for testing. Owners should place the container inside a sealable plastic bag, if possible.

Contacts

You can help FDA's investigation by reporting your complaints through the Safety Reporting Portal (www.safetyreporting.hhs.gov) or your local FDA Consumer Complaint Coordinator (www.fda.gov/Safety/ReportaProblem/ConsumerComplaintCoordinators/default.htm).

You can also contact the pet food/treats company (see packaging for contact information) and alert them about your pet's illness.

If you require the use of a Relay Service, please call the Federal Relay Services toll-free from a TTY device (1-800-877-8339).

For More Information

FDA Center for Veterinary Medicine:
www.fda.gov/AnimalVeterinary/default.htm

Report pet food complaints:
www.fda.gov/AnimalVeterinary/SafetyHealth/ReportaProblem/ucm182403.htm

Questions & Answers about jerky treats:
www.fda.gov/AnimalVeterinary/SafetyHealth/ProductSafetyInformation/ucm295445.htm

Created: October 2013

Exhibit J

FDA, Why Are Jerky Treats Making Pets Sick?



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For Consumers

Why Are Jerky Treats Making Pets Sick?



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If you have a dog or cat that became ill after eating jerky pet treats, the Food and Drug Administration (FDA) would like to hear from you or your veterinarian.

The agency has repeatedly issued alerts to consumers about reports it has received concerning jerky pet treat-related illnesses involving 3,600 dogs and 10 cats in the U.S. since 2007. Approximately 580 of those pets have died.

To date, FDA's Center for Veterinary Medicine (CVM) has conducted more than 1,200 tests, visited jerky pet treat manufacturers in China and collaborated with colleagues in academia, industry, state labs and foreign governments. Yet the exact cause of the illnesses remains elusive.

To gather even more information, FDA is reaching out to licensed veterinarians and pet owners across the country. "This is one of the most elusive and mysterious outbreaks we've encountered," says CVM Director Bernadette Dunham, DVM, Ph.D. "Our beloved four-legged companions deserve our best effort, and we are giving it."

In a letter addressing U.S. licensed veterinarians, FDA lists what information is needed for labs testing treats and investigating illness and death associated with the treats. In some cases, veterinarians will be asked to provide blood, urine and tissue samples from their patients for further analysis. FDA will request written permission from pet owners and will cover the costs, including shipping, of any tests it requests.

Meanwhile, [a consumer fact sheet](#)⁶ will accompany the letter to veterinarians so they can alert consumers to the problem and remind them that treats are not essential to a balanced diet. [The fact sheet](#)⁷ also explains to consumers how they can help FDA's investigation by reporting potential jerky pet treat-related illnesses online or by calling the FDA Consumer Complaint Coordinator for their state.

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What to Look Out For

Within hours of eating treats sold as jerky tenders or strips made of chicken, duck, sweet potatoes and/or dried fruit, some pets have exhibited decreased appetite, decreased activity, vomiting, diarrhea (sometimes with blood or mucus), increased water consumption, and/or increased urination.

Severe cases have involved kidney failure, gastrointestinal bleeding, and a rare kidney disorder. About 60 percent of cases involved gastrointestinal illness, and about 30 percent involved kidney and urinary systems.

The remaining cases reported various symptoms, such as collapse, convulsions or skin issues.

Most of the jerky treats implicated have been made in China. Manufacturers of pet foods are not required by U.S. law to state the country of origin for each ingredient in their products.

A number of jerky pet treat products were removed from the market in January 2013 after a New York State lab reported finding evidence of up to six drugs in certain jerky pet treats made in China. While the levels of these drugs were very low and it's unlikely that they caused the illnesses, FDA noted a decrease in reports of jerky-suspected illnesses after the products were removed from the market. FDA believes that the number of reports may have declined simply because fewer jerky treats were available.

Meanwhile, the agency urges pet owners to be cautious about providing jerky treats. If you do provide them and your pet becomes sick, stop the treats immediately, consider seeing your veterinarian, and save any remaining treats and the packaging for possible testing.

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What FDA Is Doing

More than 1,200 jerky pet treat samples have been tested since 2011 for a variety of chemical and microbiological contaminants, from antibiotics to metals, pesticides and Salmonella. DNA testing has also been conducted, along with tests for nutritional composition.

In addition to continuing to test jerky pet treat samples within FDA labs, the agency is working with the Veterinary Laboratory Investigation and Response Network (Vet-LIRN), an FDA-coordinated network of government and veterinary diagnostic laboratories across the U.S. and Canada. (A summary of the tests is available on [Vet-LIRN's webpage](#)⁸.)

Inspections of the facilities in China that manufacture jerky products associated with some of the highest numbers of pet illness reports did not identify the cause of illness. However, they did identify additional paths of investigation, such as the supply chain of some ingredients in the treats. Although FDA inspectors have found no evidence identifying the cause of the spate of illnesses, they did find that one firm used falsified receiving documents for glycerin, a jerky ingredient. Chinese authorities informed FDA that they had seized products at the firm and suspended its exports.

To identify the root cause of this problem, FDA is meeting regularly with regulators in China to share findings. The agency also plans to host Chinese scientists at its veterinary research facility to increase scientific cooperation.

FDA has also reached out to U.S. pet food firms seeking further collaboration on scientific issues and data sharing, and has contracted with diagnostic labs.

"Our fervent hope as animal lovers," says Dunham, "is that we will soon find the cause of—and put a stop to—these illnesses."

This article appears on [FDA's Consumer Updates page](#)⁹, which features the latest on all FDA-regulated products.

Oct. 22, 2013

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Related Consumer Updates

- [Caution to Dog Owners About Chicken Jerky Products](#)¹⁷
- [Dog Treats May Present Health Hazard](#)¹⁸ [ARCHIVED]
- [No Bones About It: Bones Are Unsafe for Your Dog](#)¹⁹

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Exhibit K

**FDA Voice: Help Us Find Out Why Jerky
Treats Are Making Pets Sick**

Help Us Find Out Why Jerky Treats Are Making Pets Sick

Posted on [October 22, 2013](#) by [FDA Voice](#)

By: Linda Tollefson, D.V.M.

As a veterinarian and lover of animals, I find that working at FDA is a dream job in many ways. In the Foods and Veterinary Medicine program, there are veterinarians in many different jobs that all have to do with keeping both people and animals safe.



Within the program, [FDA's Center for Veterinary Medicine \(CVM\)](#) is a working testimonial to animals and their companion people. Desks and office doors are covered with photos of pets — dogs and cats of course, horses for sure, and even our favorite reptiles, birds, cows, pigs, sheep and a few great goats. Water cooler conversations are full of stories about the antics of our friends and family members (with and without fur, fins or feathers) and the challenges of caring for an aging animal.

That's why it means so much to us when we are able to target what is making an animal sick, and why it hurts, both personally and professionally, when the cause of illness eludes us despite global efforts to track it down.

[How to Report a Complaint about Jerky Pet Treats](#)

As of September 24, 2013, over 3,600 dogs and 10 cats have reportedly become ill from eating jerky pet treats, nearly all of which were imported from China. While most pets have fully recovered, approximately 580 of these pets have died. The mystery that CVM is trying to solve is this: What is causing the reported illnesses and deaths in dogs (and some cats) that have eaten jerky pet treats made in China?

The Center has been investigating these illnesses and deaths since 2007, working with experts in academia, industry, foreign governments and state labs. CVM's Office of Research has been working with the Veterinary Laboratory Investigation and Response Network (Vet-LIRN), a consortium of animal health labs nationwide, to examine both animal diagnostic and tissue samples from pets that have become ill and the jerky pet treats themselves.

Researchers in CVM labs, working together with other labs across the country, have tested jerky pet treats for microbiological contaminants, heavy metals and elements, pesticides, rodenticides, molds, antibiotics and other compounds. We've also analyzed hundreds of medical records and lab results, including examining and testing fluids and tissues of sickened pets. FDA inspection teams have visited manufacturing plants and suppliers in China and met with representatives from the Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), the Chinese regulatory agency responsible for pet food, to discuss U.S. requirements for pet food safety. Jerky pet treats from pet owner's homes have been tested and compared with store samples. We've even made our own jerky to try to duplicate the commercial process.

So why don't we know what exactly is causing these illnesses? We're not sure, but we know that we need more information about the pets that are getting sick. In order to get that information, we need the help of pet owners and veterinarians. To that end, we have issued a "Dear Veterinarian" letter asking veterinary practitioners who treat animals they suspect may have been sickened by eating jerky treats to report these cases to CVM through the [FDA Safety Reporting Portal](#) right away so that we can suggest certain tests (and cover the cost of these tests in many cases) when appropriate. We are working with our partners in Vet-LIRN labs across the country to test urine, blood and tissue samples from ill pets that may have been sickened by jerky treats. This collaboration helps leverage our resources and pool scientific expertise for the greatest effect.

Despite extensive media coverage of the illnesses associated with these products and our own outreach efforts including through the [CVM web site](#), we know there are still pet owners who are unaware of this issue. In response, FDA has developed a [Fact Sheet](#) for pet owners that can be made available at veterinary hospitals, pet supply stores, other stores selling pet food, and anywhere pet owners visit. The Fact Sheet explains what symptoms to look for, how to contact your local FDA office, and the status of our jerky pet treat investigation so far. We hope that these tools will help prevent more pets from becoming sick and will provide us with the clues we need to crack the case.

What we do know is that our pets bring joy to our lives. It's our mission, both as public servants and animal lovers, to find – and eliminate – the cause of these illnesses.

Linda Tollefson is Associate Commissioner for FDA's Office of Foods and Veterinary Medicine



This entry was posted in [Animal & Veterinary](#), [Food](#) and tagged [FDA's Center for Veterinary Medicine \(CVM\)](#), [jerky pet treats](#) by [FDA Voice](#). Bookmark the [permalink](#) [<http://blogs.fda.gov/fdavoice/index.php/2013/10/help-us-find-out-why-jerky-treats-are-making-pets-sick/>].

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April 9, 2013

By: Bernadette Dunham, DVM, PhD, and Carmen Stamper, DVM Holidays and chocolate seem to go together. For birthdays, anniversaries, Mother's Day and many other holidays — chocolate is everywhere. But, there is someplace chocolate should never be, and that's in ... [Continue reading](#) →



Exhibit L

Jerky Complaints to the FDA February 2013 to September 2013



Product Name	Species	Breed	Age	Age UOM	Gender	Weight	Weight	Description
Diamond Maintenance for Adult Cats, EverPet Chicken Jerky Biscuit Wraps	Dog	Chihuahua	5	Years	Female	10	Pound	The subject exhibited symptoms of Salmonella infection to include lethargic behavior and has diarrhea and bloody diarrhea, abnormally low body temperature, and vomiting. The only food she consumes is the cat food, manufactured by Diamond (Maintenance for Adult cats) and the treats she has been given is manufactured by EverPet, (Chicken Jerky Biscuit Wraps) as well as Real Chicken Chicken Chips, both manufactured in China. These products by EverPet we found have been recalled several times and is still on the shelves at the Dollar General store we shop at in Alvord, Texas. We informed them of the situation, and they have since removed the product. The dog is still, as of this writing, under the veterinarian's care with little improvement.
Vitalife Duck & Sweet Potato Recipe Twists	Dog	Bulldog	2	Years	Male	60	Pound	(b) (6) vomited and had bloody diarrhea within hours after having one Vitalife dog treat.
Vitalife Duck & Sweet Potato Recipe Twists	Dog	Bulldog	2	Years	Female	66	Pound	(b) (6) vomited and had bloody diarrhea within hours of given one Vitalife dog treat.
Vitalife Duck & Sweet Potato Recipe Twists	Dog	Bulldog	5	Years	Female	50	Pound	(b) (6) was given one dog treat before bed. Within hours she vomited and had bloody diarrhea.
Vitalife Duck & Sweet Potato Recipe Twists	Dog	Bulldog	5	Years	Female	61	Pound	After feeding (b) (6) one Vitalife treat, she vomited and bloody diarrhea within hours
Vitalife Duck & Sweet Potato Recipe Twists	Dog	Bulldog	2	Years	Female	60	Pound	(b) (6) fed (b) (6) one VitaLife Duck & Sweet Potato Recipe Twist every other day for approximately 5 months. She didn't display obvious signs of illness until 2/3 days before her death. When taken to the Vet, the Vet said the tests revealed she had kidney failure. Despite attempts to save her life, the Vet had to euthanize (b) (6). She had gone into renal kidney failure. The Vet asked if (b) (6) had been fed these treats. Although the Vet didn't have the means to determine that the treats were the cause of the kidney failure, it was highly suspected.
Cadet Gourmet Duck Breast	Dog	Mixed (Dog)	2	Years	Female	50	Pound	Within 3 to 4 hours after giving my dog 2 pieces of Cadet Duck Breast jerky she became very lethargic, would not eat her normal food and would not even take a dog biscuit. She remained in this condition for about 36 hours. During that time she would only drink water. She is normally a very active and playful dog but she would only get up to be let out to relieve herself. After about 36 hours, she began to be more active and after a total of 4 days, she began to be herself again. I have kept the package of dog treats but have not given her any more since this happened.
Beefeaters Piggy Twist Roll 3pk	Dog	Pinscher - Miniature	14	Years	Female	11.6	Pound	was given a Beefeater (brand) Piggy Twist Roll--ate most at ~9 pm. the following am, dog was unable to coordinate her legs and when finally did, couldn't see, bumped into walls for the entire day. she was disoriented, panting, wobbly and nervous. the symptoms took two days to subside fully. this has happened one other time (they rarely get these to chew on).
CANYON CREEK RANCH CHICKEN TENDERS	Dog	Terrier - Yorkshire	9	Years	Male	4	Pound	(b) (6) presented on 5/9/13 for evaluation of foul breath and difficulty chewing. She had lost 2lbs since her last exam in June, 2011 (8.2lbs- 6). There was serious dental tartar and gingivitis. Aside from that her exam was unremarkable. Screening anesthetic bloodwork indicated that she was in kidney failure. The other dog in household presented on same day with malaise and loss of appetite. His bloodwork also indicated that he was in kidney failure. We discussed with the owners at length any possible toxins or exposure to anything that would cause this. The only questionable substance was regular ingestion of Canyon Creek Chicken Tenders treats. We have followed up with a consultation with Cornell, regular outpatient fluid therapy, labwork rechecks and medications.
Full Moon Kitchen Crafted Dog Treats Authur Pet Products Chicken Jerky	Dog	Shepherd Dog - German	9	Years	Female	88	Pound	bloody explosive diarrhea
Jerky Treats Tender Strips: Del Monte Foods (Lamb made in USA)	Dog	Retriever (unspecified)	15	Years	Female	45	Pound	started vomiting prior to receiving 2 treats daily. stopped treats after a week and vomiting stopped immediately
Milo's Kitchen Chicken Jerky Waggin' Train Jerky Tenders	Dog	Pinscher - Miniature	3	Years	Female	15	Pound	I took my Min-Pin to the vet to get her teeth cleaned and upon doing bloodwork before the procedure, discovered she had high levels associated with kidney disease. A week and a half later, I had to put her down due to a rapid decline of health despite efforts to correct the problem. It was speculated that her cause of death was a more than likely a result of the chicken treats from China that have been removed from the market. I am greatly saddened and heartbroken of her loss and at the same time furious to find out that no one is being held liable for this.
Dogswell Happy Hips Chicken Breast (with glucosamine and chondroitin	Dog	Chihuahua	6	Years	Female	7.93	Pound	Routine annual comprehensive bloodwork screen identified azotemia. O, in retrospect, reported that Bebe (and the other 2 dogs) have been polydipsic recently.

American Kennel Club Chicken Jerky	Dog	Terrier - Yorkshire	7	Years	Female	12	Pound	(b) (6) was given Chicken jerky for approx 2-3 weeks, started having a few episodes of vomiting on 5/9/13 and then progressively became worse that weekend and was not holding down any solid food. Was taken to the vet on Monday 5/13/13 and given Subcutaneous fluids and an anti emetic shot for the Nausea and vomiting. That night (b) (6) started excessive thirst and urination and was still vomiting. (b) (6) was taken back to the vet on Tues and recommended to go to the emergency vet clinic in (b) (6) for further assessment. (b) (6) spent the night at the emergency vet and released to regular vet that next day. (b) (6) was not improving, only becoming worse. Both of these vets thought she had gastritis. On Wed 5/15/13, (b) (6) spent the day at the vets office for IV hydration and medication. On Thursday Thursday 5/16/13, it was advised that (b) (6) be evaluated at a specialty vet office in (b) (6). We drove our Yorkie-Poo there and they suspected she was developing Fanconi syndrome from eating the chicken jerky that was produced in China. Urine was sent to the University of Pennsylvania and confirmed on 5/22/13 that (b) (6) did develop Fanconi Syndrome from the Chicken jerky that was consumed. (b) (6) passed away on 5/20/13 before we knew the results of the urine tests. From the time (b) (6) started showing signs of becoming ill until she passed away, we spend approx \$5500 in vet bills and still lost our precious family member.
Dentley's Natural Flavor Rawhide Chew Chips	Dog	Retriever - Labrador	2	Years	Male	130	Pound	Have purchased Dentley's Natural Flavor Rawhide Chew Chips for 2 years with no problems. However, I bought a new bag within the last month and have given my dog a chew 3 separate times on 3 separate days from this bag. Within less than 10 minutes of consuming each chew, he has vomited. Vomiting is extremely rare for him, so by the third incident, I was very suspicious. I checked the bag for country of origin and discovered that it has been changed to MADE IN CHINA. This made me very angry because I avoid any food or treats from China for this exact reason. This product had been made in a South American country up until this point. My dog is not quite himself but has not vomited anymore, so I hope he will be ok. The product does seem to have more of an odor than usual, but I am not positive about that.
Dogswell Vitality chicken breast with flaxseed and vitamins made in China	Dog	Retriever - Labrador	9	Years	Female	54.2	Pound	projectile vomiting, unquenchable thirst leading up to listlessness.
Waggin Train	Dog	Retriever - Golden	6	Years	Male	75	Pound	Gave Waggin Train treats to two dogs (mine & neighbor dog) approximately two weeks ago. Started noticing my dog losing weight, had constant diarrhea and vomited on occasion. When he did drink water it was excessive and sometimes would vomit afterwards. Became lethargic at times and then refused to eat. He has dropped approximately 20 pounds in few weeks since eating treats. Took him to the vet three times and last time they kept him in overnight on IV antibiotics. They wanted to keep him longer but we thought taking him home might help with his appetite and recovery. We were able to take stool sample in as of today so will wait results of that as he still has major diarrhea. He is finally eating but we are still giving him antibiotics and other meds. We have spent over \$1000. in vet bills this past week and still have no answers as to the cause of his illness. The vet has taken x-rays x 2, blood tests x 2 with no definitive answers yet. I am positive it is these treats that caused him to regress and I will be taking action to have the responsible parties pay for any suffering or damage this may have caused in our beloved pet. The vet also mentioned it was like he had pancreatitis.
Dogswell Happy Hips Chicken Breast	Dog	Lhasa Apso	14	Years	Female	11	Pound	I gave my dog approximately 6 chicken jerky treats over 3 days around the end of February 2013 until she began vomiting and having diarrhea. I discontinued giving her the chicken jerky at that time. However she has been in slow decline over the past 2 1/2 months resulting in a diagnosis of renal failure on 5/8/2013. On that day she began expensive treatment for renal failure and I now prepare the only food she is given - boiled chicken, white rice and vegetables - and she is given distilled water to drink. She is on medication as well as receives sub Q fluids all of which I administer. I have high hopes that her condition will improve but more than likely, the damage has been done. I have been advised by her veterinarian that her condition is not reversible and our efforts are purely to make her comfortable in her last stages of life.
Milo's Kitchen Homestyle Dog Treats Chicken Jerky in addition to UPC and lot number owner provided this label information: #P504680E 1	Dog	Terrier - Fox (unspecified)	4	Years	Male	5	Pound	This is being transcribed and submitted on behalf of the pet owner who provided information to FDA via mail. The dog was fed treats for the first time on 12/26/12. The dog was sick that night and died the next day. On 12/27/12, animal presented to veterinary clinic no breathing and with no heart beat.
Waggin Train Treats - Chicken products and Dingo Dog Treats Chicken. Jerky Treats	Dog	Terrier - Yorkshire	3	Years	Female	10	Pound	At the end of 2012 and beginning of 2013 (Dec-January) owner fed Jerky treats shortly after using these treats patient began to lose weight and on January 25 she was diagnosed with renal failure, glomerulonephritis with proteinuria. Despite hospitalized treatment she declined and developed hypertension as well. She succumbed to the disease process January 31st 2013. Due to severe decompensation she was euthanized Jan 31, 2013.
Waggin Train Chicken jerky Treats	Dog	Corgi - Welsh Pembroke	7	Years	Male	40	Pound	(b) (6) had eaten a Waggin Train chicken jerky treat. About an hour later he started vomiting and then became very lethargic. By evening, he became very thirsty and was drinking a lot of water. Later, he began panting excessively. By morning, he couldn't walk. My son picked him up and held him in the car and we took him to the vet. After checking him and giving him pain medication, he was xrayed. The vet said he had total renal failure and there was nothing that could be done. They asked what we fed him and when I mentioned the chicken jerky treats. They said there were many dogs who had died from eating these treats and my vet had treated many sick animals. (b) (6) passed away that night in the care of the vet. They posted warnings about theses treats all over their office and exam rooms.

Dogswell Happy Hips Duck Breast, Dogswell Veggie Life Vitality	Dog	Schnauzer - Miniature	7	Years	Female	18	Pound	Presented for limp on right rear leg. Routine bloodwork was taken for annual exam and revealed elevated liver enzymes consistent with history (ALT 239 (N= 12-118); ALKP 632 (N= 5-131), moderate macrocytic normochromic non-regenerative anemia (HCT 28 (N=36-60); RBC 3.2 (N= 4.8-9.3); MCV 90 (N=58-79), azotemia (BUN 54 (N= 6-31); Creatinine 2.2 (N= 0.5-1.6) and glucosuria 3+. Blood glucose was within normal limits (96 (N=10-138). The owner states that the patient had been receiving treats known to be manufactured in China: Dogswell Happy Hips Dogswell Veggie Life Vitality
Beef Eaters Chicken Fillets	Dog	Terrier - Bull	3	Years	Female	47	Pound	On Saturday May 11,2013 I purchased a bag of Beef eaters chicken fillets and on Sunday May 12,2013 my dog started vomiting and just laying around.by Monday May 13,2013 she would not eat.Tuesday and Wednesday the same thing no eating just a little rice on Wednesday and still just lying around.
Dogswell shape up chicken breast L-carnitine weight management	Dog	Poodle - Miniature	6	Years	Female	13	Pound	Presented for inappetance but was always a picky eater. Had been eating dogswell chicken jerky even though we had recommended she stop feeding the chicken jerky. Blood showed phos-1.8(2.6-67), glucose 69 (70-138). Urine showed glucose 3+. protein 1+ ph- 6.5, usg- 1.015. Animal became Pu/Pd and was urinating in the house. Blood gas ph- 7.36 (7.31-7.42), bcarb- 19.3 (20-29), BE= -4, tco2- 20.4, pO2- 92, k- 3.5 (3.5-5.8). Started on tumil k, osteoform, and sodium bicarb. Fanconi panel sent to upenn and is pending.
Vitalife Chicken Tenders And Vitalife Sweet Potato and Duck Twisters	Dog	Bulldog	2	Years	Female	22	Kilogram	Presented for weakness and vomiting. Severe anemia and renal failure was diagnosed through laboratory work.
Petsmart "Simply Nourish" Chicken and rice Adult Dog food, Authority Experts in Nutrition Chewy Dog Treats Chicken Jerky	Dog	Saint Bernard Dog	5	Years	Male			Dog has experienced watery, uncontrolled diarrhea for two days, but has not been exposed to typical triggers, such as a community water bowl. Has only consumed Authority Chewy dog treats (chicken Jerky) and PetSmart "Simply Nourish" Chicken and brown rice dog food, both were new packages before the onset of symptoms.
Chicken Nibbles	Dog	Terrier - Yorkshire	9	Years	Female	6.6	Pound	Has been feeding PCI brand Chicken Nibbles for years. Recently purchased a new container and within a few days of feeding treats, (b) (6) became lethargic and stopped eating and not acting like herself. No other changes to food or treats were made. She is not on any medication other than monthly heartworm preventative which was given weeks before. Evaluated by another veterinarian on May 6, 2013, at our practice who submitted bloodwork and a urinalysis. Blood work was within normal limits, but her UA showed a USG 1.023, with proteinuria and glucosuria. She is currently hospitalized on supportive care.
Wagon Train Chicken Jerky Treats	Dog	Havanese	6	Years	Female	7	Pound	After feeding my dog Wagon Trains chicken jerky treats for approximately 1 year, I read warnings about chicken treats from China about 3 months ago and I stopped giving them. In April 2013, my dog became sick and vet discovered her kidneys were failing. One week later she was euthanized due to elevated numbers in kidney and her condition continued to deteriorate. There are numerous chicken treats available for sale in California all made in China and these need to be stopped.
Beefeaters Chicken Wraps w/ sweet potato	Dog	Chihuahua	3	Years	Male	10	Pound	gastroenteritis
Cadet Gourmet Duck Breast, Kingdom Pets Chicken Jerky	Dog	Retriever - Labrador	10	Years	Female	62	Pound	Dog became seriously ill for unknown reasons. NO appetite. Listless. 106 degree temperature. Vet prescribed antibiotics for 10 days and special bland diet (x-rays showed inflammation but no other diagnosis). Dog regained appetite after a few days and energy was returning. After 9 days, fed chicken and duck jerky as a treat since the dog seemed healthy again (had been provided before the illness also). Dog became ill within a few hours. Looked up jerky snacks on internet since the dog had been progressing up until consuming the jerky treats. Waiting for improvement - tossed jerky treats.
Waggin Train Chicken Jerky Treats	Dog	Retriever - Labrador	5	Years	Female	50	Pound	Without warning, my 5 year old dog went into kidney failure. She was dead within 3 weeks. I just learned about the recall of Waggin Train chicken jerky treats. This was her favorite treat. She ate a couple of them everyday for many years. I am now very sad, and feel certain that it is very likely that this is what caused her premature death. I had no idea that there was anything wrong with them.
PCI Brand "Chicken Breast Tenders"	Dog	Chihuahua	6	Years	Female	26	Pound	(b) (6) is a mixed breed, part Chihuahua, from her appearance. She has been eating Chicken treats for some time with no noted negative effect. A couple of weeks ago, we bought a new container of chicken breast fillets. She did not seem to eat these treats with her usual gusto, sometimes leaving them uneaten. My wife and I both noted this. My wife first noted that (b) (6) was taking longer to urinate than usual, perhaps a week and a half ago. She wondered if (b) (6) was developing a bladder infection at that time. (b) (6) became lethargic, began drinking remarkable amounts of water and urinated with much greater frequency over the next couple of days. Most remarkably, she stopped eating. (b) (6) loves food, so this was very unusual. We took her to the vet and told them that we suspected a UTI. They gave (b) (6) an antibiotic shot, took urine for analysis and sent us home with oral antibiotics. The urine came back quite dilute, with no bacteria found, but with trace glucose. The vet then suspected diabetes and tested her blood, but the blood glucose was normal. A second urinalysis found a greater amount of glucose than the first test. They then tested for Addison's and that came back negative. Then they asked if (b) (6) has been eating chicken treats, as they suspected that this was Fanconi syndrome (b) (6) eats a lot of these treats, so the vet suspects that this is what we are dealing with. Over the next several days, we force fed (b) (6) but she's been rebounding. She's still drinking and urinating more than usual, but she will willingly eating baby food, so her appetite is definitely better. I suspect that she will make a full recovery, but I wanted to add our case to the body of evidence suggesting that these dog treats are a hazard.

Dogswell Mellow Mut Chicken Breast Jerky	Dog	Coonhound - Treeing Walker	4 Months	Male	35 Ounce	Purchased jerky on a Wed evening. Gave each dog 1 treat that night & 1 again the next morning before leaving for work. By Thurs afternoon after work, the 4 month old dog was listless, vomiting & had diarrhea. The 2 1/2 yr old dog had mild diarrhea. Since I work in natural health field, I administered activated charcoal & coconut water to hydrate puppy. He slept several hours, not responding to any attempts to feed him. I even had to carry him outside, since he did not have enough strength to go through the doggy door. By Friday morning, he showed significant improvement, but not 100% yet. Friday afternoon he only made it 2 blocks on their walk before having been brought home to rest. He had another jerky treat night. Saturday morning he was once again listless and barely moving. He felt warm and was back to vomiting and diarrhea. Again, I administered the charcoal & coconut water solution, giving him an extra ounce to absorb all the toxins. My husband noticed that the jerky was still in the stools & not digesting. So, we discontinued the jerky treats. By Saturday evening, he was once again back to moving around and playing. By Sunday, he seemed fine. It is now Tuesday, April 30, 2013 and both dogs are perfectly fine and back to normal behavior. After doing some research on the treats, I discovered several sites that showed other pet owners complaining of similar symptoms...some even worse--death of the dog. I immediately returned the jerky treats to the store.
Kingdom Pets Chicken Jerky	Dog	Shepherd Dog - German	3 Years	Female	80 Pound	<p>April 26, 2013</p> <p>I sent the following email to KingdomPets regarding their Chicken Jerky product:</p> <p>"I am a former Animal Health Technician (Vet Tech) and have recently discovered Kingdom Pets Chicken Jerky dog treats are making my three dogs ill. Although your testing may show they are safe, and it may even show there are no antibiotics, there is "something" in them that make my dogs either have runny stool and diarrhea or they vomit, and I have photos. There is no doubt from the photos exactly what is in the vomit.</p> <p>I have tested my dogs myself, giving them the jerky once each night only to discover their horrible looking stool a couple of days later, then I stopped giving them the treats while feeding them the exact same food for three days straight and their stool returned to normal. I then again began feeding all three dogs the Kingdom Pets Chicken Jerky and the nasty stool and diarrhea showed up again. Last night, April 22, 2013, one of my German Shepherds couldn't take it anymore and she's the one who threw up the chicken jerky all over the bed. Many people have warned you about this, even as far back as 2007 from what I just found in an online forum, so hopefully you'll soon begin to take this seriously.</p> <p>Maybe it isn't life-threatening, I don't know, but I do believe, given my medical background in Animal Health, that your chicken jerky could possibly kill a smaller breed dog than my own. I have large German Shepherd Dogs and an Australian Shepherd who can tolerate ingesting tainted food better than smaller dogs since the ratio of what I give them (one chicken treat per day) compared to their body weight is relatively large. If a smaller breed dog eats one of your chicken jerky pieces per day, that could possibly do him in.</p> <p>PLEASE stop ignoring this problem. I have alerted Amazon.com where I recently purchased your Chicken Jerky and they have refunded my purchase price so I'm not asking for any money back. I do still have one of the two bags left if you want to send a return prepaid label so you can test it, please let me know. I hope Amazon listens to what I and many others are telling you and they no longer sell Kingdom Pets Chicken Jerky. I know of several people who are going to contact their local media as well.</p> <p>Thank you for your time."</p>
Happy Hips Duck Breast						Cut open the bag of treats and it was filled with ants. Threw the bag in the sink and drowned the ants in hot water. Threw the treats away. Bought the bag the day before and it was unopened.
Dingo Chip Mix	Dog	Retriever - Labrador	2 Years	Female	74 Pound	We purchased a bag of Dingo Chip mix at Wal-Mart. It has rawhide chips and chunks of chicken from China in it. We gave her one and several hours later another. (b) (6) went completely off her food. She started consuming large quantities of grass and throwing up. She became lethargic. We took her immediately to the vet who x-rayed her stomach to see if she had a blockage. She did not. He did a complete blood workup including a CBC, electrolyte panel, and vet chem 17. Everything came back normal. He gave up Cerenia tablets for nausea. (b) (6) didn't eat at all the next day, but the day after that, she started eating again. We were at a loss as to the cause of her stomach problems. I looked to see if her dog food, Buffalo Blue, might have been recalled. It was not. The only thing that was changed in her diet was the Dingo Chip Mix. I did read the recall and warning on chicken from China in pet food. I checked the package of the Dingo Chip mix and saw it was from China. I can only assume the chicken was the culprit. Get this: the package came with a warning which read, "Caution: Feed as a treat or reward once per day. For supervised consumption only. Select a chew slightly larger than your pets mouth. Discard chunks or fragments. Always provide plenty of fresh drinking water and visit your veterinarian regularly. Wash hands thoroughly after handling." Why would I have to wash my hands after handling unless it was tainted? I am very mad that you have let this problem go on since 2007. I had no idea that chicken from China could make my dog sick. If this was a human problem, it would have been banned as soon as possible. You are putting pets at risk of serious illness or death by letting this be imported from China.
Sweet Potato Snacks for Dogs	Dog	Chihuahua	8 Years	Male	8 Pound	Dogs were given treats from China and developed PU/PD. Fanconi Syndrome was diagnosed in one dog. The other dog was not seen due to financial constraints.
Cadet Gourmet Duck Breast	Dog	Retriever - Labrador	6 Years	Female	75 Pound	After a minor leg injury at the beginning of March, (b) (6) started losing her appetite and was very lethargic. Was on Rimadyl for injury, but we thought it was upsetting her stomach. Quit, and took Tramadol instead. Chalked up lethargy and loss of appetite to injury and inactivity. She then proceeded to drink large quantities of water, and urinated a lot. Continued to not eat. Had diarrhea and vomiting up mostly water. Animal hospital did not feel that the meds had anything to do with her illness, she had been off of them for a while before these symptoms all showed up. Injury on leg healed in meantime. Took her to Banfield, their test results indicated she had glucose in urine, but not blood. Liver and kidney values quite high. Liver function test normal. They couldn't see anything abnormal in ultra sound. Treated with antibiotic in case of infection. Urinary tract infection test negative. (b) (6) stopped eating the duck breast when her appetite diminished, so hasn't eaten any for about 4 weeks, and have finally seen an improvement in her overall health starting April 14, 2013.
WAGON TRAIN CHICKEN JERKY TREATS CANYON CREEK JERKEY TREATS	Dog	Hound (unspecified)	10 Years	Female	86 Pound	I noticed growths coming under her fur . Also the dog started acting very strange , confused. I read about the chicken jerky treats that were recalled from China which I was giving her. Her condition has worsened she now has a mass in her stomach and possible mass in her brain. My dog had no previous problems except hip Dysplasia which she was born with. There is blood behind her retinas and the dr. said that there is nothing they can do for her

True Chews Chicken Jerky Fillets 100% Natural	Dog	Poodle - Medium size	9	Years	Female	24	Pound	On April 6, 2013, I purchased a bag of True Chews Chicken Jerky Fillets for my dog that claim they are made in America on the bag. At the time I gave her one treat on April 7, she was healthy and not ill at all. The following day, April 8, 2013, she began vomiting, had diarrhea with BLOOD and would not eat. She had a BRIGHT RED BLOOD on her rectem after defecating which I wiped off with tissues. She was sick and listless for two days. She refused all food for almost two days and only ate her dog food the night of the second day. I am aware of the issue with the chicken jerky made in China. My dog had similar reaction as I stated above after eating the Wagon Train and Milo Brands jerky. I was told by my Vet not to feed her anything from China. So I specifically avoided them and looked for American made jerky. I have given her other American made brands with no sickness. Then I found the True Chews Brand and decided to try it. Apparently, there is a problem with this American made product as my dog had a similar illness but with more intense reactions that she had when she ate the Chinese manufactured brands. This American made product needs to be looked at as they are an health risk for dogs and are being touted by the company as "100% natural and made in America" giving the dog owners a false sense of security that their dog will not become sick because they are not made in China. They are also charging a significantly higher price for their "natural" product which also gives the consumer a false sense that you are getting a better, safe product. I paid \$11.99 for a 12 ounce bag. This bag was purchased at the Petsupermarket store located on 1938 State Road 44, #40, New Smyrna Beach, FL 32168. The stamped number on the bag is 0523IND0703, Best by 07/2014. UPC code is 031400038126. Thank you
Waggin Train or Canyon Creek Ranch chicken strips	Dog	Terrier - Jack Russell	10	Years	Male	15	Pound	became lethargic, had sickness and diarrhea. Kidney failure
FULL MOON CHICKEN BACON *KITCHEN-CRAFTED NATURAL DOG TREATS*								On Friday, 04/12/2013 @ 21:18:22, I purchased two packages of "FULL MOON CHICKEN BACON" (Arthur Pet Products) from Wal-Mart in Jacksonville. RECEIPT says: "ST# 0024; OP@ 00000017; TE# 09; TR# 04078" Packaged states the following on the Back of the Package: "BEST IF USED BY 12/20/2014 2355-CH88 As soon as I arrived home, I opened the package. As I started to reach in to package, I noticed that the color was odd. I did NOT touch inside the package. As I looked closer, I realized that I was look at green and other colors that appear to be a bacteria or fungus growing in the previously sealed package. I opened my second package, but it did not look contaminated. It has the same Lot # on the back, although the package labeling appears to be from a different machine.
Dentley's Wrapped Rawhide Sticks with Real Chicken	Dog	Maltese	2	Years	Female	18	Pound	(b) (6) was chewing rawhide bones wrapped with Chicken Jerkey made in China and distributed in USA by both Dentleys and Smokehouse. (b) (6) started to become very lethargic and then started skipping meals. Within 2 weeks she stopped eating all together. She will consume no food at all and just sleeps all day. I took her to the vet and they ran tests on her. They found sugar in her urine but she does not have diabetes. She was hospitalized for 2 days and then released to my care. She is on 8 pills per day and has suffered severe kidney damage. She is still not eating but 3 or 4 bites of food per day and still sleeps all the time. She was a houstrained dog prior to giving her these bones but now she cannot hold her urine and will urinate wherever she is in the house with no warning. She is extremely sick at this time and it has cost me over 1400.00 so far with more bills to come.
Waggin Train Wholesome Chicken Jerky Tenders	Dog	Retriever - Labrador	12	Years	Male	84	Pound	Opened a 40oz bag of Waggin Train wholesome chicken jerky tenders and feed two jerky treats to the dog at 7pm, by 9 pm the dog was throwing up and by 10 pm was very weak and would not get up. He would not take food or water or get up for nearly two days. When he did finely get up to go out side he appeared very weak. This occurred on a Friday nite and by Monday morning he was up and moving around albeit slowly, his appetite did not return until the following day (Tuesday). The vet was out of town. I live in a rural area.
Canyon creek sweet potatoes	Dog	Terrier - Yorkshire	4	Years	Female	10	Pound	vomiting,runny bloody mucousy stools, constant drinking and urinating all over the house, dehydrated (had to have IV's), very weak, didn't eat, bloodwork showed elevated red blood count so did xrays and ultrasounds thinking she had cancer (shaved her fur), thought she had diabetes cause of bloodwork showings,symptoms of fanconi disease. We spent almost \$4,000.00 on her right before Christmas 2012. Now shows some signs of allergies with itching and licking constantly.
Milo's Kitchen Chicken Grillers	Dog	Collie - Border	14	Years	Female	45	Pound	After a couple of months of giving her Milo's Kitchen Chicken Grillers treats she became lethargic, began drinking water excessively and urinating excessively. When she began vomiting and suffering from diarrhea we took her to the vet. Blood work and urinalysis showed kidneys failing.
Canyon Creek Apple Wrapped with Duck, Canyon Creek Ranch Duck Tenderrs	Dog	Shih Tzu	7	Years	Male	16	Pound	On 1/6/2013 (b) (6) suddenly got very ill...lethargic...couldn't walk etc... And was taken to the (b) (6) hospital where he was admitted with a fever of 105 and low white blood cell count. He stayed for two nights and was given antibiotics and fluids. They could not figure out what could have caused his symptoms. We were worried he might not make it. Just recently while in a PetCo store looking for Duck Tenders (which (b) (6) has been given approx 1 to 2 a day as a favorite treat since he was a pup) I was told about the recall on certain brands. I pulled out the receipt and realized the ones I had purchased and given to (b) (6) were purchased on 12/5 - the day before he was admitted to the hospital. I had purchased two kinds of Canyon Creek duck tender treats. In addition after (b) (6) recovered I recalled that I had to go buy another brand of duck breast treats because (b) (6) would not touch the ones that I had purchased before he was hospitalized. It just doesn't seem like a coincidence after reading the reports etcand finding out that the brand in question had been recalled.
Dingo Twist Sticks Chicken in the Middle!	Dog	Chihuahua	16	Months	Female	8	Pound	(b) (6) was given a Dingo Twists Stick (chicken in the middle) on Friday evening (3/29/2013). On Saturday the 30th, she became lethargic and then began vomiting. She continued to be lethargic, not eating, barely drinking water on Sunday and Monday. Tuesday, she was so sick my son took her to the veterinary hospital, where she had to be put to sleep as she was in renal failure.

Waggin Train Wholesome Chicken Jerky Tenders	Dog	Schnauzer - Miniature	11	Years	Female	27	Pound	I had been giving Truffle Waggin Train chicken jerky tenders for a long time. She became lethargic and didn't seem herself in January. I took her to the vet who did a blood test. It found her creatinine level was highly elevated and she had kidney damage. I found out that these chicken jerky treats had been recalled and I immediately discontinued them. Over the last month since discontinuing the treats, she is feeling better and is more of her bouncy self. However, she will have to be on special food the rest of her life.
Chewmaster Hips & Joints Chicken Breast with Glucosamine & Chondroitin	Dog	Poodle - Medium size	15	Years	Male	18	Kilogram	Increased urination, and increased thirst,
Canyon Creek Ranch Duck Tenders	Dog	Dachshund - Miniature	9	Years	Female	17	Pound	Not sure if tied to jerky treats, but a few weeks ago (b) (6) became ill- vomiting with diarrhea. Within 24 hours she had hemorrhagic gasenteritis and her diarrhea was nearly purely blood. She died at the vet's office after passing a huge amount of blood. This all happened within a little over 24 hours. We had been feeding all of our dogs Canyon Creek jerky treats (chicken and duck) almost daily since Christmas (we received a few large bags as gifts). My other three dachshunds became ill (a few weeks earlier) as well with same symptoms only much milder. They survived. I just happened to notice the recall today and wonder now if they had built up a toxic level of something from the jerky??? The date I listed for when the problem started refers to (b) (6) only. The other dogs were ill prior to this.
Doctors Foster and Smith All Natural Chicken Fillets Dog Treats	Dog	Terrier - Bull - Staffordshire	5	Years	Female	62	Pound	She started having diarrhea that lasted a couple of days, I did not feed her for 24 hours, then started on a boiled ground beef and rice diet for 24 hours then gradually reintroduced her regular kibble. Her diarrhea slightly improved, then got worse to the extent of going in the house and/or not making it outside. I took her to the vet, who asked about the details and questioned me about anything new added to her diet. The only thing I fed her aside from her regular meals was some Drs. Foster and Smith Chicken Fillet Dog Treats (item # 9N-37721). The doctor then told me to stop feeding the treats immediately and check the manufacturing information immediately to see if the treats were manufactured in China. I checked the treats and acknowledged the fact that they were made in china. I proceeded to throw them into the trash.
bil-jac americas vet dogs dog treats, waggin train big blast chicken wrapped pork skins	Dog	Retriever - Labrador	6	Years	Male	88	Pound	severe diarrhea, vomiting, no appetite, lethargic
Dogswell Vitality Chicken Breast with Flaxseed and Vitamins	Dog	Terrier (unspecified)	11	Years	Female	40	Pound	Animal was a 11 year-old terrier mix, named (b) (6) We first noticed that the dog had some sort of issue when she lost interest in eating, and appeared lethargic, sometime in early- to mid-February, 2013. First saw vet Friday, 2/22/2013. At that time, our vet suggested that her diet be changed in an attempt to correct the problem. We next saw our vet on Tuesday, 2/26/2013, when a complete exam including blood chemistry and urine tests were performed. Blood chemistry (partial results) revealed a BUN of 136, and a CREA value of 8.9. Urine test (partial results) showed diluted urine. X-rays and ultrasound performed, but offered little help. After results came in the next morning (2/27/2013), the dog was admitted to their vet clinic and placed on IV fluids, with what was felt was a poor to guarded prognosis. Also, at that time, first noticed that the dog's blood pressure was significantly elevated. Vet suspected chronic renal failure. Also discussed was whether dog's condition COULD have been made worse by consumption (sometime in January) of Dogswell Brand Vitality Chicken Breasts with Flaxseed and Vitamins. However, vet felt treatment would not differ significantly between treating for chronic and / or acute kidney failure, or a combination of both.) After vet detected a heart murmur when fluids were being given, we agreed to have dog transferred to 24/7 vet hospital Friday, 3/1/2013, so as to be able to consult with a doggie cardiologist, and to continue with IV fluids with vet oversight during the weekend. Good news: Blood pressure was reduced using drug therapy, but, bad news -- dog continued not to eat. Discharged to owner Monday, 3/4/2013, after referral to doggie internal medicine. Dog continued to go downhill during week, not eating, and blood taken Friday, 3/8/2013, showed "all parameters worsening and renal failure progressing." Euthanasia performed Saturday, 3/9/2013, due to "edema, anorexia, and renal failure." As FYI, vet records reflect a history of having eaten at least one Chinese-processed chicken treat that owners believe may have had added an acute stressor on already compromised kidneys. NOTE #1: The purpose of this filing is to provide FDA with a detailed case history and to offer FDA one (opened) treat package and one (unopened) treat package from the same lot, for laboratory testing, so as to possibly detect / confirm any toxins or other chemicals that may have contributed to our dog's kidney failure. Our assessment is that without a lab analysis of the subject dog treats, it is impossible to directly or indirectly link their consumption to what happened to our dog, other to say that they may have added an acute stress component to an already compromised kidney function. NOTE #2: After completing this web-based form, it's unclear whether we are giving (or not giving permission) for FDA to review all applicable / pertinent vet records. Our intent to assist FDA by full disclosure, so feel free to contact all vets listed. However, the web-based listing we provided allows us to list only three vets, and is incomplete, as we also saw three other vets at (b) (6). NOTE #3: The exact date that the adverse problem started is hard to pin-point with certainty, along with the date that the subject treats were given / consumed. The vet records for July, 2012, include a blood test panel that was normal. Perhaps kidney failure started subsequent to that date, but unbeknown to us, did not manifest symptoms until February, 2013. Also, we can not state with any confidence the precise number of treats consumed by our dog, but it was at least one treat, and perhaps more. (No more than two.) Also, the precise date consumed also can not be established except to say that it was sometime after Christmas, most likely during early- to mid-January, 2013.
Veggie Life Happy Hips Sweet Potato Chews Dog Treats By Dogswell	Dog	Retriever - Chesapeake Bay	14	Years	Female	65	Pound	Frequent urination, 3 or 4 times at least a night. Lack of control of bladder. Several accidents in the house that were very upsetting to her. Breathing heavy and panting all the time. Drinking more water. We also during this time period purchases some poor quality products (3 bags) from the Pet Warehouse and contacted Dogswell by email regarding them. See attachment.

Kingdom Pets Chicken Jerky	Dog	Poodle - Miniature	5.5	Years	Male	15	Pound	unaware of the recall, I purchased Kingdom Pets Jerky treats from CostCo in Indianapolis IN in the fall of 2012. I did not give the dogs any until November of 2012. after feeding them the treats, my miniature poodle became ill with vomiting, excessive thirst, frequent urination, loss of appetite, and lay very still. His condition grew progressively worse and in 3 weeks, he died. I had him to vet several times during that period. He treated my dog as best he could. When I asked him what the problem was, he told me that my dog had eaten something that shut the digestive system down.
Smokehouse Duck and Sweet Potato Combo	Dog	Retriever - Golden	1.5	Years	Female	24.6	Kilogram	Vomiting all day about 2-3 hours after eating.
Waggin' Train Duck Jerkey (Nestle-Purina)	Dog	Chihuahua	6	Years	Male	6	Pound	All of the pets in the household have become ill one after the other recently. (b) (6) started vomiting and feeling nauseous about 3 -4 days prior to presentation. The day prior to presentation they noticed PU/PD type symptoms and thta he was shaking. Throughout the veterinary treatment we discovered that he became acidotic, had glucose and ketones in his urine. All pets also had some degree of shaking during their illness. Symptoms were suspicious for Fanconi's syndrome for all three affected pets in the household. The only food in common for all of the affected pets were the Duck Jerkey treats.
Waggin Tails Duck Jerky (Nestle-Purina)	Dog	Chihuahua						Pet became polyuric, polydipsic recently and started vomiting not long after. This pet started clinical signs similar to two other dogs in the household who both became very sick. (b) (6) also started having diarrhea today and is not interested in eating. All of the dogs also had various degrees of shaking during their illness. After multiple days and visits the dogs were diagnosed with Fanconi's Syndrome and had acid/base imbalances and glucosuria with a normal blood glucose and hematuria with a secondary bacterial infection.
Milo's Kitchen Chicken Grillers	Dog	Papillon - Spaniel - Continental Toy (with erect ears or with dropped ears (Phaléne))	4	Years	Female	6.9	Pound	I had been feeding (b) (6) Milo's kitchen chicken grillers for 6 months prior to her death. She had consumed almost 2 full large bags before she got sick. In the beginning of October she began vomiting more frequently. I also noticed she had been urinating more frequently. On October 17th, in the evening, (b) (6) squatted to pee and nothing came out. She then began squatting over and over again and nothing came out. I took her to the vet first thing in the morning. The vet diagnosed her with a UTI and put her on an antibiotic October 18th. By the evening friday, (b) (6) was very lethargic, she would not eat/drink anything, and she was clearly uncomfortable. Saturday morning I woke up at 7am and she was hiding under my bed shaking and her breathing was labored. I rushed her to the vet. The vet took blood and informed me that she was in renal failure and the toxins were building up in her body and that the kindest thing for me to do at that point was to put her to sleep because she was reaching a level of toxicity that would begin seizures and brain damage. I had to put her to sleep that morning, October 20th, 2012.
Canyon Creek Ranch Natural Chicken Tenders	Dog	Mixed (Dog)	3	Years	Male	16	Pound	9/8/12 Dog had vomiting and diarrhea, was lethagic. Treated with Metronidazole, FortiFlora, Purina K9EN. Recovered and returned to normal diet of cooked chicken and rice, lam's Premium Protection dry food, and Canyon Creek Chicken Tenders. 10/9/12: Dog developed terrible itching problem and tore his fur out. Treated with Betagen topical spray. Dog continued to have chronic and intermittent diarrhea over the next several months which I treated with Immodium. I kept him on his normal diet. 1/17/13 Dog had continuous diarrhea for 5 days previous, was eating grass, and reached a point where his bowel movements were mucous and grass. Treated with Metronidazole, Panacur Oral Suspension and Purina K-9EN for approximately 25 days. Dog has now been transitioned to Science Diet Canned Food, continues with lam's product and Pupperoni for treats. Both of my dogs the one reported in this case, and a mixed breed, 7 year old, 29 pound dog suffered the same gastrointestinal events during the time periods and were treated similarly. On this last adverse event, the older dog recovered when treated with Immodium, but was also switched to the identical diet on 1/17/13. I contacted Purina and was told to destroy the product, even after I requested that they allow me to send it back for further testing. I retained the product until their 3rd party claims administrator from Sedgwick CMS also told me that no testing would be done. I discarded 18 bags of the product on 2/13/2013. I was told today by Sedgwick that (b) (6) medical records have been provided to the FDA for review and that they reported chronic, intermittent diarrhea. I am submitting this report to ensure that you have accurate information.
Waggin Train Ducky Jerky Filets	Dog	Chihuahua	5	Years	Female	3	Pound	(b) (6) was a very healthy Small Chihuahua. Vaccinations up to date. Only fed fresh boiled chicken breast cooked daily & these Jerky Treats. Over one year ago she had a GI Bleed of unknown origin. She received IV Fluids & medications for one day due to dehydration. This was her first non well adverse event.
Dingo Wagn' Wraps Meat in the Middle	Dog	Mixed (Dog)	8	Years	Female	50	Pound	On March 4 around 21:00 EST we gave our dog a Dingo Wag'n Wrap. From 23:00 est she started crying to go outside - about every 2 hours through the night. We let her out of our house without a leash and did not know she was sick. On March 5 we went to work and when I arrived home at 18:00 est my dog had vomitted and had diarrhea in every room of our house. At last count there were at least 15 'messes'. (Some piles were difficult to determine if it was vomit or diarrhea). Our vet advised to take away all food and water through the night, which we did. The diarrhea continued throughout the night and next morning. We took her to the vet on March 6 and she was given the following medications: Metronidazole 250 mg Diphenoxylate/atropine (1/0.1) mg/1.5ml Endurosyn Canine As of the time of this report, our dog is still recovering. She continues to have diarrhea but it has slowed down and is slowly starting back on small amounts of food and water.

Kingdom pets chicken jerky	Dog	Cesky Terrier	9	Days	Female	18	Pound	Bloody diarrhea ,throwing up,crying, stop eating, shaking
Cadet Real Meat Choice Chews	Dog	Poodle - Medium size	2	Years	Male	20	Pound	(b) (6) and another dog (b) (6) were given a bully stick as a treat on Fri. Mar 1. (b) (6) became ill on Sat. with vomiting and diarrhea. (b) (6) became ill on Sunday with the same symptoms. (b) (6) was with (b) (6) on Friday when they ate the bully sticks, but was elsewhere for the rest of the weekend, so they did not eat the same food or treats after Friday. Both dogs
Cadet Real Meat Snack Gourmet Premium Choice Chews	Dog	Poodle - Standard	3	Years	Female	45	Pound	(b) (6) was given a bully stick on Friday, March 1 and became sick on Saturday. She vomited Saturday morning and had diarrhea. Her stomach made loud grumbling sounds all day. She was somewhat more lethargic than usual. By Sunday she was feeling better.
Milos kitchen	Dog	Poodle - Miniature	9	Years	Male	21	Pound	While feeding (b) (6) Milo's Ktchen Treats since 2011 before product (b) (6) was taken off shelf. (b) (6) was experiencing bloating vomiting, and increased water consumption, decreased appetite, I had to take him to the vet..Thought he had a condition called cushings disease, but no positive tests..had to return because of same conditions..including diarrhea..started treating for enlarged liver , heart complications, and coughing
Dogswell Veggie Life Happy Hips with Chicken & Sweet Potato, Dogswell Veggie Life Vitality with Chicken and Apple	Dog	Chihuahua	2	Years	Female	10.5	Pound	My dog consumed a Dogswell Veggie Life Vitality treat with chicken and apple at approx. 7:45pm on 2-18-2013. At approx. 9pm my dog vomited up this treat and went into shock losing all bodily functions just minutes later. She was treated barely concious with only a faint pulse by an Emergency animal clinic at 9:30 pm the same day. (b) (6) started internally bleeding and was given plasma early the next morning to rescue her from bleeding to death. She spent the next two days at an animal hospital and returned home on2-20-2013 in the afternoon recovering and doing much better.
Full Moon Chicken Jerky								Purchased Full Moon Chicken Jerky at a Walmart in Brownwood,TX on Feb 23,2013. When I opened the package on 2/27/2013 I noticed that there seemed to be a film on the jerky. After taking jerky out of package it was very apparent that there was green fuzzy mould growing on the jerky. The date on the package was best by 07/2015. I did return the product to the store for a refund.
dogswell veggie life happy hips with glucosamine and chondroitin, Chicken & Biscuits Tasty & Rewarding Treats, Authority Chewy Dog Treats Chicken Jerky	Dog	Maltese	7	Years	Male	9	Pound	Patient presented for routine health check-up. Bloodwork and U/A were done as a health screen. The patient had asotemia, glucosuria without an elevation in blood glucose. Urine was sent to UPenn for the Fanconi syndrome test. This patient tested positive. Bloodwork one year ago also had asotemia with normal U/A. Upon further investigation to the owner, this patient has recieved multiple jerky treats over the past year. She gave me 4 of the current bags of treats she was feeding. These were not the only ones the patient had recieved over the past year. Dogswell Veggie Life Happy Hips chicken and apple xt122108a4 to4o 37oopfo1o a01/185 I cannot tell between 0 and o sorry PCI mini chicken and biscuits exp/lot 050115a and 060515b authority chicken jerky bb140702nt 4120701 She has stopped feeding any treat from china and we plan to recheck the fanconi's test in 2-3 months.
Boots and Barkley beef rawhide beef jerky strips	Dog	Dachshund - Miniature	3	Years	Male			My dog had recently went in for a check up with the vet. He was in perfect health. A coupel weeks later, he got sick. Diarreah, vomiting, and eventually just mucousy blood coming out of his rear, and slight fever. He is finally eating normal food, and off medications.
Waggin' Train Chicken Jerky Tenders	Dog	Greyhound	9	Years	Female	73	Pound	Opened a new bag of Waggin' Train Chicken Jerky on Jan. 13, 2013. Gave 2 treats/day. On 1/15 she stopped eating. On 1/16 she had diarrhea & vomiting. Took her to our vet on 1/17. Told me the treats made in China have been reported to kill hundreds of dogs, and make others very ill. Gave her fluids, blood work, an injection to help settle her stomach and asked that we bring her back on 1/19 for further treatment. Blood work came back that her kidney function levels were at an extremely high level (27). On 1/18, (b) (6) could not eat, drink or walk. I am oxygen dependent, it was late in the afternoon, and I am unable to carry our greyhound from the house to the car. I did call our vet to report this problem. Luckily..by late that evening, she was able to walk a little. She received 300ml of fluids at the vet on 1/19. I reported the problem & filed a claim. I believe that Purina should be responsible for paying the vet bill of \$228.00. If not for those treats, she would not have gotten so violently ill.
Canyon Creek Ranch	Dog	Terrier - Rat	13	Years	Female	19	Pound	I need to change the name of the treats on my initial reopr. Case ID number is 16102. The name is Canyon Creek Ranch.

Cadet Gourmet Duck Brest	Dog	Chihuahua	3	Years	Female	6	Pound	(b) (6) had the Cadet Duck Jerky Treats we had recently purchased from Costco on Thursday, and one more on Friday. Saturday morning, she immediately had diarrhea, and it had continued through the day. Through the night it got worse, and (b) (6) had then started to vomit frequently as well. Sunday and Monday this both continued, with tar-ish like stool with blood present, as well as persistent vomiting. We have a vet appointment for her tomorrow, but (b) (6) has never had an issue with food or anything ever, so to watch this is completely heartbreaking. Our Rhodesian Ridgeback mix (80 lbs Male Neutered 5 years old) also had diarrhea Friday night, and loose stools Saturday Morning, which no table food or alternate food was given to either one of them. (b) (6) has still not recovered and is very ill.
Nature's Deli Chicken Jerky Treats	Dog	Siberian Husky	2	Years	Female	66	Pound	I purchased 2 bags of the Nature's Delli Chicken Jerky Dog Treats from your Sams Club approx 1-11-21. My 2 Siberian Husky rescues became sick within days with severe diarrhea and vomitting. I took the bag of jerky treats to my vet along with my 2 dogs on 1-25-13 as my dogs still had diarrhea and this was the only thing different food or treat wise my dogs had. After paying for tests, medicine and vet bills, I went to my Sams Club and returned the one bag I did not give my dogs and filed a written complaint. I was supposed to be contacted with a follow up call. I have not received that phone call but again while at the Sams Club 2-24-13 I noticed this product that made my 2 beautiful dogs so ill was still on the shelves. I informed several customers myself of what my experience had been. I recieved a letter today dated 2-19-13 from Frank Yiannas Vice President of Sams Club Food Safety that the product had been recalled 2-19-13 but yet I still recived no call after registering my complaint and the products were still on the shelf 2-25-13 at the West Broad Street location in Richmond, VA. (b) (6)
Wagon Train	Dog	Terrier - Rat	13	Years		19	Pound	I bought Wagon Train Treats at PETCO. I started noticing that my pet started throwing up and having diarrhea. She would not eat and was sad and moping around. So I took her to the vet and they asked me an arsenal of questions. Then it got to the part of the treats. The vet asked me what kind I was giving her and I told her Wagon Train. She said some them treats had a recall (b) (6)
Waggin Train Chicken Jerky Tenders	Dog	Dachshund - Standard Smooth-haired	12	Years	Female	18	Pound	We started giving our dogs (which are like kids to us) Waggin Train Chicken Jerky as treats in October 2009. In October 2011, we traveled with (b) (6) as which time she got sick and vomitted in the vehicle. I dismissed it as car sickness (which she never had car sickness before) but...as the weekend went on she became very unattentive, sleep alot, drank alot and was still vomitting. As we got ready to leave, (b) (6) fell down the step of the porch and was very lethargic, getting sick again on the way home. I took her to the vet the next morning where she was admitted to the doggy hospital, placed on IVs for 4 days. The vet diagnosed her with diabetes. We started her on insulin shots 2 times a day and a very strict diet but we still gave her the chicken jerky treats as a reward for doing good at taking her shots. Unaware of the recall, we purchased our last package in September 2011, which (b) (6) continued to receive on a daily basis, sometimes 2 a day. We had trouble getting her sugar level regulated and decided to stop all treats as of January 2012 that were processed & I started cooking all of (b) (6) food to include treats. At which time her sugar level seemed to be leveling out, then in November 2012, she became worse, wouldn't eat, drank lots, sleep lots, very loose stool, and seizures started. Everytime she would vomit or go potty she would have a mini-seizure then while at the vets office she had a very bad seizure, I didn't think she was going to pull out of this bad one but she did. The vet checked her kidney function and other levels and told us "she is a very sick girl, that her kidneys were shutting down which was causing the seizures and that the most humane thing we could do for her was to put her to sleep". This was the hardest decision I have ever had to make. It broke my heart. I believe that (b) (6) may have been diagnosed with diabetes when in fact it was Fanconi Syndrome cause by the chicken jerkey treats. I miss sweet (b) (6) everyday.
Boots and Barkley Colorado Naturals Nature's Deli milos kitchen waggin train natures variety honest kitchen mwelness dog food dogs well								The pet store in my town of Warwick, NY (address: Hometown Pet Supplies - 48 Ronald Reagan Blvd. Warwick, NY 10990) continues to sell several chicken jerky teats and dog/cat foods, that have been recalled by the FDA, at a discounted price. I have even brought this up to the employees and nothing has changed. I want the products removed and disposed of properly so no more pets are harmed! Please help sooner than later, this is a very urgent matter. Thank you.
Colorado naturals salmon jerky dog treats	Dog	Retriever - Labrador	3	Years	Female	45	Pound	Was given Colorado naturals salmon jerky throughout a weekend agility trial, Thursday-Sunday . Monday she developed diarrhea-large, frequent, loose stools with mucous
Bixbi hip and joint chicken breast jerky	Dog	Crossbred Canine/dog	7	Years	Female	50	Pound	I gave my dog (b) (6) hip and joint checken breast jerky. She started to have diarrhea and seemed to be warm (temp?). She still had an appetite, but it started after she got a full strip of "treat". I have since cut back on the amount thinking it was too strong. When opening the bag this morning to give her a small amount the bag smelled like rancid oil. I have taken it back to the store I bought it at.
Canyon Creek	Dog	Spaniel - Cocker English	7	Years	Female	28	Pound	I do not want to place blame on her current health issue, but I wanted to report it just in case it could be pertinent to the investigation. Because (b) (6) battled an anemia problem, I made sure to get her the healthiest food and treats possible. Thus, I thought chicken or duck treats in sweet potatoes would be perfect. Now it turns out that these treats are linked to kidney failure. In late November of 2012, she was diagnosed with advanced kidney failure. Again, she had many other health issues, but I wanted to report the possible correlation between her eating the treats (usually from Canyon Creek, which is now on a recall list) and her kidney failure.

Electronically Filed - Jackson - Independence - November 15, 2013 - 05:29 PM GMT+00:00

Smokehouse Brand Pet Products - Chix Mix	Dog	Terrier - West Highland White	4	Years	Male	17	Pound	The only new food we introduced to our dogs diet in the week leading up to the illness was 'Smokehouse Brand Pet Products Chix Mix.' He was not fed more than one treat per day over the course of maybe three days. This morning he had diarrhea. After the diarrhea episode he had blood around his bottom and down his legs. Shortly after he through up a bloody mixture of stomach acid and blood. This happened twice before we took him to the vet. While at the vet through up blood in front of the vet and she was VERY concerned. After a day spent at the vet and \$500 we have him home recovering.
Dingo® Dental Bones For Total Care	Dog	Terrier - Rat	9	Years	Male	12	Pound	My dog began vomiting at around 7:00pm on Monday, February 4, 2013. He continued to vomit throughout the night, at least once per hour. He became very lethargic and would cry out in pain if touched. I took him to the vet the next morning when he had not improved. He was on IV fluids all day and put out < 2cc of urine, and that urine was mostly blood. The blood tests revealed that he was in complete renal failure. The veterinarian told me that he would die within 24 hours due to his complete loss of kidney function, and that my best option was to have him euthanized because he was in pain and would continue to get worse as death grew closer. Prior to this, he was a happy and healthy indoor dog. He was playful and loving, and I took care of him as if he were my child. He was on a diet of Blue Buffalo Brown Rice and Lamb formula, and he was not allowed any table scraps or other foods. I recently began feeding him "Dingo Dental Bones For Total Care Minis" at a rate of about one bone per day or every other day. This is the only product out of the ordinary that he came into contact with.
Jerky Time Treats - Chick Jerky	Dog	Schnauzer - Miniature	3	Years	Female	20	Pound	Did not eat for 6-7 days, vomited twice, depression. Took her to the vet twice and vet diagnosed with possible pancreatitis which is common in the breed. We treated this in that way with reduction of fat content which I repeatedly told the vet was not right to begin with. Nikki has recovered, Thank God, but I am not totally convinced it was pancreatitis. It may have been this chicken jerky recall from China, I was giving this to my dogs in the evening. The other two dogs did not get sick so it may not have been the jerky, no way to know, and only time will tell if it is a recurrent problem with pancreatitis. Hope this helps.
Nature's Deli chicken jerky treats	Dog	Terrier - Boston	4	Years	Female	12	Pound	I came home from Sam's, with a new bag of the Nature's Deli chicken jerky treats. In a few hours, (b) (6) was crawling on the floor in short paces, to my feet. She was crying and had a dry nose. I stayed up with her all night. Now, she refuses those treats. She has NEVER done that. Always strong and healthy. I received a recall for the treats in my email this morning, from Sam's. But, the number and date was not the same on the recall, as on the bag. Now, hers says best by 1/21/14. But, I know I gave her one when I got home, the same day she was ill. 47263 80021 5 is the upc number on this sack. She's never sick...until then. So, I'm wondering if the recall should be expanded. I read she can now carry salmonella..and it is transferable. I had a eye problem, 3 days ago. I'm not sure what to do. I say she recovered completely. But, is she a carrier now??
Waggin' Train wholesome chicken Jerky Tenders chicken Dog Treats	Dog	Chihuahua						dog ate dog treat (waggin' trails chicken jerky) everyday for 1-3 years and died of renal failure at age 8
Canyon Creek Ranch Homestyle Ham, Canyon Creek Ranch Brand Wrap overs	Dog	Mixed (Dog)	14	Years	Female	42	Pound	(b) (6) was only given treats that had no or limited ingredients. After trial and error over the past two years, we found the Canyon Creek Ranch treats were tolerated with the exception of natural treats prepared at home. I normally purchased my treats the first week of the month as it was a drive to petsmart in Henrietta, NY. My pet, (b) (6) was given several treats through out the day as reward for good behavior. She never had a problem tolerating this practice. The last purchase, my daughter and I noticed (b) (6) vomited. We withheld food for the remainder of the day, the resumed her diet including the treats the following day. Through out the weekend the vomiting persisted followed by diarrhea. Her stomach had high pitched bowel sounds audible enough that I recorded it for my Vet. I put her on pedal yet and pepto bismol for the duration of the weekend along with some broth. She was seen by the Vet and put on Reglan, Pro-Pectalin, and an oral electrolyte. She had lab tests and a fecal sample. Nothing was found to cause her illness and we proceeded to treat. By Saturday she became worse so she was seen at Cornell University Animal hospital. They repeated some tests and included some radiologic films. They also were unable to find the cause. She was given an injection and sent home. She improved within a few days and we resumed her diet including the treats. Within a day, she began vomiting and diarrhea but to such a severity that the vet was unable to determine cause and we lost our pet. She had suffered for 3 weeks.
Kingdom Pets Duck and Sweet Potato Premium Dog Treats	Dog	Mountain Dog - Bernese	8	Years	Male	80	Pound	Dog ate treat and an hour after started vomiting white foam, then vomiting white foam and drool in large piles. Dog is very lethargic and can not keep water down. Has not eaten. Symptoms ongoing last 12 hours with some yelping.
Wagon Train Chicken Jerky	Dog	Maltese	3	Years	Male	11	Pound	We got (b) (6) a bag of chicken jerky for Christmas. We did not know about the investigation so we continue to give him one every day in January I took him to the vet because he was vomiting, seemed off balance and over all did not feel well. He seemed very tired and just not himself. The vet could not seem to find out what was going on. Our dog liked the chicken chews so much we bought him another bag in February. On Saturday February 15 our dog became very ill again vomiting, watery stools, off balance. I again took him to the vet they gave him a shot to stop the vomiting but he still seems to be mooping around the house and not himself today. I wish I would have known about this sooner. I feel bad for him and feel bad I gave them to him.

Waggin' Train Chicken Jerky	Dog	Cattle Dog - Australian (blue heeler, red heeler, Queensland cattledog)	9	Years	Male	62	Pound	At presentation, the dog had a several week history of inappetance, lethargy, and some vomiting. He had been taken to another vet clinic approximately 2 weeks prior; some elevated blood values were found and a toxin suspected. The dog was given medication and improved briefly. The owner was unsure of further details of this visit and the clinic was closed at the time, so we were unable to access those records. At presentation to us, (b) (6) was overall weak and uncomfortable during examination, obese with a BCS of 4.5/5.0, and had severe dental disease. The remainder of physical exam was WNL. CBC results indicated dehydration, and chemistry panel revealed advanced kidney failure (BUN >130, Cr >12.5, Phos >16.1), as well as elevated Amylase (1821) and Lipase (1890). (b) (6) was treated on an outpatient basis with SQ fluids and Cerenia that day at the owner's request; the owner returned the next morning and requested inpatient care. (b) (6) was given IV LRS and treated with Cerenia then Famotidine throughout the next two days. (b) (6) remained inappetent and lethargic. On the first day, a urinalysis revealed protein and RBCs, and on the second day trace glucose was noted in the urine. On the third day BUN was still >130 and Cr >13.6. The owners were advised of a poor prognosis, but elected to take (b) (6) home. We were notified that (b) (6) passed away one week later. During treatment the owner advised us that (b) (6) had been eating Waggin' Train Chicken Jerky treats, starting about the time the symptoms began.
Vitalife chicken treats	Dog	Mixed (Dog)	3.5	Years	Female	96	Pound	My Dog 1st started eating Vitalife Chicken Jerky Treats in september 2011 in mid December 2011, she started becoming less active, started to not eat her food, drinking excessive amounts of water.... On Jan 8th 2012 we went for a walk and she was really active, when we arrived she peed in the back yard and her pee was a caramel color, I thought it was a urinary tract infection, our vet was only back from vacation on January 10th, he did blood work and x-rays, and told us that her liver enzymes were VERY high, and the Bilirubin in her Urine was at the maximum level, her platelets were way below normal!! We were shocked!!! By Friday she was in ICU at the Ste.Hyacinthe Veterinary Hospital the best in Quebec!!! we did liver biopsies, more blood work, Ultrasounds, we did everything to try and save her.... She developped Chronic Active Hepatitis, her vets were convinced in was something she ingested!!!! She only ate Orijen Adult Chicken formula, one of the only 6**** human grade dog food, and Vitalife Chicken Jerky strips. She died on Jan 27th 2012
Waggin' Train Chicken Jerky	Dog	Terrier - Manchester	7	Years	Male	10	Pound	We fed (b) (6) one or two Waggin Train chicken jerky treats on a daily basis for years. In April 2012, he had a normal examination at his Vet. Then he began to lose his appetite and lose weight. We watched him until it became obvious he was continuing to be sick. In early June 2012 I brought him to the vet and he was found to be in renal failure with a BUN that was very high. He was hospitalized for three days receiving intravenous fluids. Subsequently he has continued to have proteinuria and hematuria and low weight. His BUN and phosphorous have been elevated since June 2012. He is emaciated.
Beggin Strips, Canyon Creek Chicken Jerky and Duck Jerky	Dog	Shih Tzu	4	Years	Female	12	Pound	I was giving her Beggin Strips and chicken and duck jerky strips, 3-4 per day. She got severe bloody diarrhea. I took her to the vet, who put her on antibiotics. I threw out the treats. I recently started giving her some chicken and duck jerky treats again, and she has been throwing up every few days. Yesterday she threw up twice so I just threw the new jerky treats out too. I was reading the recall information and noticed that I had the ones that were recalled, but that they really weren't bad for them to eat. Well, antibiotic residue or whatever, my dog gets sick from them. She loves to eat them though. I am now going to make some chicken jerky treats for her on my own. How can you continue to say these are ok for our dogs?????
Chicken treats for dogs/ made in China	Dog	Terrier - Airedale	5	Years	Female	50	Pound	acute onset kidney disease
Waggin Train Wholesome Chicken Jerky Tenders	Dog	Chihuahua	10	Years	Female	10	Pound	(b) (6) got sick with vomitting and diarherrra from eating Waggin Train chicken jerky treats
Waggin Train Chicken Jerky Treats	Dog	Terrier - Yorkshire	14	Months	Female	2.5	Pound	On April 11, 2012, my dog (b) (6) was taken to my vet on a Monday morning and was in complete renal failure with a BUN of 400. She was immediately put on dialysis but unfortunately died a few weeks later when it was discovered upon removing her from dialysis that her kidneys had completely shut down. I have another Yorkshire Terrier, the sister of (b) (6) that had elevated BUN of 67 and another one that had abnormal pancreas enzymes on her bloodwork while being fed these products. I have since completely stopped feeding my pets commercial foods and treats. What happened was a living nightmare for (b) (6) and almost cost the lives of my other two dogs. I am completely convinced the the anitbiotic adulterations are what cost my dog her life and I am so angry that these companies have been allowed to use chickens and hogs that have been fed these antibiotics which are not even legal in this country and am also extremely upset that three of these companies that are manufacturing foods and treats are in violation of the bioterrorism laws instituted to product our country. I am not sure whether or not I filed a complaint when this first started with my dog, but am filing now, just in case I didn't. You will certainly have to understand that when (b) (6) first got sick, filing a complaint was not my priority. We spent 24/7 for nearly a month trying to keep her alive and there are vets that were involved with (b) (6) care, Dr. (b) (6) for one, that feel that there is a definite link between the antibiotic residues and the death and sickening of my pets and to find out that the FDA has allowed these companies to import these products to the USA is just infuriating to me. None of us are safe if you cannot do your job. I have kept the remaining treats in frozen storage since the death of (b) (6) for further studies and also have a blood and plasma samples frozen for future studies.
Waggin Train Jerky Tenders	Dog	Retriever (unspecified)	15	Years	Male	62	Pound	After feeding Waggin Train chicken jerky treats, his red blood cells decreased to abnormally low levels, he is still sick and has increased thirst and urination. His arthritis has become much more painful. He had developed more fatty cysts that have grown exponentially since ingestion of this product.

Waggin Train Jerky Treats	Dog	Shih Tzu	4	Years	Male	12.5	Pound	We started to give our dog these treats after reading the ingrediants on the package that contained Chicken, vegetable Glycerin and Duck vegetable Glycerin listed as the only two ingrediants. We were looking for a healthy treat without all of the additives. This was the only change to our (b) (6) diet as we are very specific as to what he receives. He was 1st ill in November with diarrhea and vomiting. At that time we did not associate the treats as we thought this could be a virus? He was taken to the vet and treated with medication, fluids and sent home with a diagnosis of pancreatitis. The vet alerted us at that time it was important that we caught it so early. We watched him closely and eased him back in to the normal routine. Again giving him the treats and within 1-2 weeks he was so sick again, same symptoms but this time the diagnosis was worse and hit him much harder. He was hospitalized and was touch and go for a while. He did recover, but the vet said that was due to him being in such good health prior the exposure. As soon as I took the treats in and showed them to our vet, she knew it was the cause of the issue. She said she saw the med recall on those the day(s) before.
Milo's Kitchen Chicken Jerky / Chicken Grillers	Dog	Chihuahua	2	Years	Male	3	Pound	Pet got sick from these treats that I have been feeding to him for over a yr. I took the dog to the Vet 2x and showed signs of kidney trouble with blood test showing high in ALT / GGT results. My pet was vomiting and shows signs of increased urination along with decreased appetite. Not knowing that this product had something to do with it I kept feeding my poor little dog these treats that he loved so much, trusting in the name. This company had complaints since 2007 and there should of been something posted in regards to the treat so consumers could make up their own minds to purchase or not. Shame on this company!
Waggin TRAILS Chicken Jerky Strips	Dog	Retriever - Labrador	8	Years	Male	75	Ounce	(b) (6) was given Waggin Trails chicken jerky strips by Nestle Purina at Christmas a a present. in just 4 weeks he was completely ill and went to the vet to find he had kidney failure. He lasted only 10 more days till he died.
Milo's Kitchen Chicken Grillers	Dog	Poodle - Standard	6	Years	Male	39	Pound	My dog has become gravely ill--he originally weighed 55 lbs, has lost 15 lbs. in a month --he has chronic diarrhea, no appetite, intestinal cramping, dehydration. We have spent a month and \$4000 trying to diagnose and treat, and then I realized he had been eating the Waggin Trails Chicken Jerky and Milo's Kitchen Chicken Grillers as his regular treat prior to getting sick. There is no place on the package where it indicates the chicken came from China or I would not have purchased it. I have not received a recall notice from either Costco or Kroger regarding this, and only became aware of the problem when seeing a pet owner with similar problems interviewed on local news. I hope with all my heart that my dog survives --it is breaking my heart to look at the poor guy. I hope these companies will be held responsible for what they have done to these animals and the suffering they have inflicted on the dogs and their owners.
Waggin Train wWholesome Chicken Jerky Tenders	Dog	Spaniel - Cocker American	5	Years	Male	30	Pound	(b) (6) is having trouble controlling his urination. He is vomiting and having terrible diarrhea. I fed him several of these treats two days ago.
Healthy Promise Hip & Joint with Glucosamine HCl & Chondroitin Waggin Train Dog Treats	Dog	Terrier - Cairn	12	Years	Male	18.4	Pound	Patient presented for acute vomiting and diarrhea following administration of chicken jerky treats by owner. Patient was treated symptomatically treated with anti emetics, antibiotic and antacids. Further diagnostics were performed when the patient's symptoms continued to wax and wane. Blood work revealed severe azotemia. Bloodwork from 8 months prior had WNL BUN and creatinine. A free catch urine sample was submitted for culture and sensitivity. The patient was referred to an internal medicine specialist for more rigorous treatment. The kidney failure was managed for the next year until it was decided to euthanize due to poor quality of life.
Milo's Kitchen home-style dog treats Chicken Jerky	Dog	Lhasa Apso	3	Years	Female	13	Pound	Because of (b) (6) special diet I had to be very careful with treats that we gave her. I purchased Milos Kitchen Chicken Jerky because they had very limited ingredients and was basically just a dried chicken breast. They were given to her very sparingly. However in December she started getting lethargic, having accidents when anxious, drank water non stop, peed more often and wouldn't eat her normal food. I had to trick or coax her to eat and gave her more treats and soft dog food because it was all she would eat. We took her to the vet and they put her on an antibiotic thinking she may have a bladder infection. The antibiotics didnt help and her symptoms became worse. She would no longer eat anything and I had to force feed her but she continued to drink alot of water. She was getting weaker and weaker and more lethargic. We took her back to the vet for blood work and they didn't see anything they felt should make her feel that poorly and gave her pain pills. When that didn't help either and she only got weaker yet and lost so much weight we had to Euthanize her.



Product Name	Species	Breed	Age	Age UOM	Gender	Weight	Weight UC	Description
Chicken Jerky Premium chicken dog treats	Dog	Pekingese	11	Years	Male	13	Pound	Vomiting and bloody diarrhea
Kingdom pets chicken jerky	Dog	Mixed (Dog)	10	Years	Female	35	Pound	I fed Kingdom pets chicken jerky to my dogs, after about 10 days both dogs drank very large quantities of water. Dog #1 no longer ate, within weeks she could not stand then died. Dog #2 became disoriented, could not stand, diarrhea & went blind.
Petshoppe duck jerky premium dog treats	Dog	Poodle - Miniature	3	Years	Male	3.15	Kilogram	Dog presented with acute kidney injury and Fanconi-like syndrome. Repeated urinalyses revealed profound glycosuria and ketonuria. The dog ultimately became hypoglycemic (no other obvious cause found). Upon presentation, there was profound hyponatremia (resolved after several days of supportive care) and the dog became hypokalemic after discharge (despite IV supplementation & nutritional support with feeding tube).
chicken jerky								Bough Kingdom Pets chicken jerky treats for dogs about 3 weeks ago. Now they are covered in nasty white mold. Expiration date is 11/2014. Item#169728 (Bar code: 84713 00020). From Costco. Made in China. 48oz bag.
Nature's Deli Chicken Jerky Dog Treats	Dog	Other Canine/dog	11	Years	Female	9	Pound	(b) (6) is and has been a typically very healthy dog. In Aug 2012, she developed had diarrhea that was mostly blood, dehydration, stopped eating/drinking, lethargy - required treatment by vet/meds/fluid injection, etc, and long time until return of some semblance of normal GI function. She'd been eating Nature's Deli chicken jerky treats.
Good 'n' Tasty Triple Flavor Chews	Dog	Retriever - Labrador	8	Years	Female	90	Pound	Presented within 24 hours of ingesting chews with severe gastric hemorrhage. Unable to stabilize medically. Patient required seven units of packed red blood cells, plasma, emergency surgery to remove chews. No ulcers seen to support aspirin as primary cause of bleeding. Patient stabilized after chews removed.
Dogswell Vitality Chicken Breast with Flaxseed & Vitamins	Dog	Greyhound - Italian	3	Years	Male	25	Pound	3-4 day hx of lethargy, decreased appetite progressing to anorexia, vomiting multiple times each day. Labwork- azotemia (BUN 103, Crea 2.8,)K 2.9, proteinuria and glucosuria
Chicken Breast Tenders	Dog	Maltese	2	Years	Female	5.8	Ounce	She started to refuse to eat after having the jerky treats. She loved the taste of them but she wouldn't eat anything else. She would vomit and now she won't eat anything. She has excessive thirst and is definitely not well. I am not sure whether there is an obstruction but the only thing she has wanted to consume in the last few days are the treats and now she is more ill than ever.

Waggin' Train Chicken Jerky							7.5yo FN Maltese, no previous significant medical history. Eats homecooked food including chicken etc. Lives with another Maltese who has been well. 2w ago owners bought a bag of Chicken Jerky (Waggin' Train) from a shop, not realising it was supposed to have been recalled until she went to CVS to buy another bag and the cashier informed her it was recalled. The other dog also ate some with no signs of illness. No scavenging or other treats. No ethylene glycol, grapes / raisons, medications or other potential nephrotoxin exposure. For 2 weeks she began to see a bit "off", and then developed 4 days of severe PUPD before she was presented to the rDVM and subsequently referred to us after a day (8/24). Fanconi Syndrome diagnosed based on glycosuria with normoglycaemia and mild ketonuria, with low USG 1.015, mild azotaemia (presumed pre-renal), and hyponatraemia, hypokalaemia, hypochlorideamia, and severe metabolic acidosis with low HCO3. Current still in hospital on aggressive supportive therapy to compensate for the massive HCO3 and electrolyte loss in urine.	
PCI Brand Chicken Breast Tenders 100% Chicken Breast Fillets	Dog	Chihuahua	9	Years	Female	15	Pound	glucose in urine, no significant clinical signs
PCI Brand Chicken Breast Tenders 100% Chicken Breast Fillets	Dog	Chihuahua	10	Years	Male	9.5	Pound	Persistent glucose in urine picked up in wellness urine testing, persisting one month later. No obvious clinical signs or symptoms
PCI Brand Chicken Nibbles, PCI Brand Chicken Breast Tenders	Dog	Mixed (Dog)	7	Years	Female	13	Pound	Renal failure, Acquired Fanconi **Instructed by Vet-LIRN to submit report.
Authority Chicken Jerky Chewy Dog Treats	Dog	Poodle - Miniature	5	Months	Female	5.5	Pound	On first and second days after opening pouch, puppy had no adverse reaction. Two days later, puppy vomited heavily, including clear liquids and wholly intact pieces of Authority chicken jerky. Days later, tried a different piece in the package but very small with same reaction. I checked to make sure that the pouch included a preservation packet, and it did.
Nature's Balance treats Duck and Potato	Dog	Shepherd Dog - Australian	2	Years	Female	42	Pound	After eating Nature's Balance Duck and Potato treats, (b) (6) began vomiting and diarrhea. Diagnostic tests showed elevated liver enzymes and glucose in urine.
Hartz Oinkies Original	Dog	Shepherd Dog - German	6	Months	Male	45	Pound	Within a couple of hours after eating a Hartz oinkies, both my 6-month-old german shepherd and my 4-year-old powderpuff chinese crested had a lot of yellow diarrhea and were sick.
Priority Total Pet Care Chicken Breast Jerky, Canine Prime Duck Jerky	Dog	Shih Tzu	7	Years	Male	23	Pound	(b) (6) a 7 year old neutered male Shih Tzu mix, presented on 8/5/13 for a two week history of anorexia and lethargy. Serum chemistry showed elevated creatinine, mild hypokalemia, hypercholesterolemia, normal blood glucose. Urinalysis showed glucosuria, proteinuria, normal urine specific gravity. (b) (6) has received both chicken and duck jerky products made in China. Differential Diagnosis - Fanconi like syndrome.

Waggin' Trail Wholesome Chicken Jerky Tenders , Waggin' Train Yam Good wholesome yams wrapped with chicken treats	Dog	Spitz - German Pomeranian	12	Years	Male	11.8	Pound	Beginning in late Summer 2012, I started buying Waggin' Train yam good treats and wholesome chicken jerky tenders for my 12 year old Pomeranian. We would consume 1-2 of these jerkies per day. In September/October 2012, we went for his check up at the vet, and found out he was leaking blood protein into his urine; the vet thought it was a UTI or bladder infection. He was put on medication. Throughout this time, he continued to consume these jerky treats. In late January 2013, I noticed that my dog was not eating, so we went to the vet. From that time until early April 2013, his kidneys started to deteriorate, he had a heart murmur, he was losing weight, his appetite drastically declined, and we were going to the vet's 3-5 times a week for subcutaneous IV fluids. He would have good day and bad days, but he became progressively worse as his kidneys starts to shut down. On 8 April 2013, (b) (6) died. I did a lot of research on what could have caused his kidney failure, and linked it to the treats. I stopped giving him the jerky treats in late January/early February 2013, but it appears that the damage was already done. My dog was healthy before consuming these jerkies, and he never had any problems.
Happy Hips Duck Breast w/ Glucosamine and Chrondroitin	Dog	Collie - Border	3	Years	Female	42	Pound	Our dog generally eats duck treats by another manufacturer. We purchased Happy Hips and her frst reaction was nausea and diahrrea. We ruled out ofher food and treats for a week or so; we gave her Happy Hips last night and today she vomitted several times and has diahrrea and malaise.
Hillside Farms Chicken Jerky	Dog	Chihuahua	7	Years	Female	5	Pound	My friend picked up some Hillside Farms Jerky Treats at the 99 cent store in (b) (6) CA yesterday Jul. 24th, 2013 for me. She brought them to me unopened. Upon entering my home, she opened the package and gave my Chihuahua one whole chicken jerky treat. Not long afterwards my dog began showing signs of lethargy (as if she wasn't feeling well.) She refused her daily walk opting instead to walk to the end of our sidewalk, and immediately return to the house and her bed. Not long after, she began licking the blanket, then the carpet and twice went outside to relief herself and eat grass. She vomited the first round of grass, and after approx. an hour woke up and began licking the blanket, carpet, kitchen floor, and returning to the backyard for more grass eating. She has since made noises and opened her mouth as if to vomit, but has not vomited since her first round. She did consume about 1/2 her bowl of water. Coughed a few times, returned to her bed and is currently exhibiting signs of a restless sleep (like a child that is ill). If this behavior continues for longer than twelve more hours, I will be seeking veterinary aid.
Shep Chicken Jerky Tender Fillet, Happy Hips Duck Breast	Dog	Chow Chow	14	Years	Female	34.7	Pound	The owners left (b) (6) at the pet sitters while out of town. it was the first time she had any chicken jerky treats, she was fed 21 brands
Dogswell Vitality Chicken Breast with Flaxseed and Vitamins	Dog	Terrier - Scottish	6	Years	Male	22	Pound	(b) (6) suffered acute renal failure. His condition deteriorated over about 3 weeks. He was hospitalized twice, for multiple days each time. We spent thousands upon thousands of dollars on treatment. In the end, he stopped responding to treatment and we had to euthanize him.

Bingo Munchy Sticks Chicken	Dog	Sheepdog - Shetland	6	Years	Female	24	Pound	Dog presented on Friday, (b) (6) with vomiting and diarrhea. Not eating. Bloodwork indicated compromised kidney function (BUN = 50). Tentative diagnosis of kidney failure and started IV fluids and supportive therapy. After 24 hours of fluids, on Saturday, July 6, BUN had actually increased instead of decreased - BUN = 140. Owners elected to continue flushing with fluids through weekend and retest. Monday, July 8, BUN had only decrease to 117. Informed owner of extremely poor prognosis and recommended euthanasia. Owners wanted to consult their homeopathic veterinarian but dog passed away on (b) (6) before the dog was transferred. Submitted to Arkansas Livestock and Poultry Diagnostic Lab for Necropsy.
Chicken Nibbles PCI Brand, Quackers 100% Natural Breast of Duck PCI Brand	Dog	Poodle - Toy	10	Years	Female	8	Pound	This report pertains to two dogs, both 10 years old. The silky terrier, (b) (6) developed severe gastrointestinal issues with much blood in her stool. She lost 2 lbs on an 11 lb body and was very sick for about a week. The poodle became sick in this same time period. She lost control of her bladder and was lethargic. She also lost 1.5 lbs on an 8 lbs frame. Her symptoms match many of the symptoms I found on the internet.....she had sugar in her urine but it was not attributed to diabetes, but her kidney's inability to function properly. They were both treated by my veterinarian who suggested we stop all treats and he put them on special digestive dog food (in addition to medication, etc). We were pretty much only giving our dogs the treats I'm reporting on. Since stopping these treats, both dogs have basically recovered. I am not sure if there is long term damage to the kidneys as they are still under observation.
Waggin' Train Wholesome Duck Jerky Tenders Duck Dog Treats	Dog	Pit Bull	5	Years	Male	85	Pound	Gave him the treat, then soon after he acted like he didn't feel well. He was lethargic and seemed like he had a stomach ache. Gave him a treat on another day....same thing happened. I decided not to give him anymore. Then yesterday I saw an article about problems with the brand. I still have the rest of the bag....let me know if you would like me to send it in for testing.
Kingdom Pets Chicken Jerky	Dog	Pug	4.5	Years	Male	20	Pound	I started giving Kingdom Pets Chicken Jerky treats purchased at Costco to my dogs starting Jan 2012 or so. After a few months of giving the dogs the treats about every other day I noticed that I would find vomit in the morning upon awakening but did not know what dog it came from. I never thought it could be the treats. About June of 2012 I started not just noticing vomit but diarrhea as well that appeared to be coming from one dog and not every night. I work and have a very busy schedule. The dogs had a vet visit and they appeared healthy and eating so I just thought my pug and/or my bichon had sensitive stomachs. About October of 2012 I witnessed all three of my dogs would vomit during the day, mostly outside when I was with them. They would eat grass. By October my kids were giving the treats to my dogs daily. All three dogs vomited but my pug was worse. I took him to the vet in October and he treated him for a bacterial infection of the stomach and we thought he would get better. I changed their food thinking it could be that but did not think it could be the treats. I did not put two and two together. They loved the treats and they perked up when they were given to them so I didn't think it could be the treats. In November my Pug started losing weight & not eating well. I took him back to the vet and he ran blood work. His kidney functions were very bad. He was treated from that point to they day we had to put down with special dog food, medication and i.v.'s. We did all that was available to save him but could not. It wasn't until I got the diagnosis of kidney failure that I started researching on the internet about kidney failure in dogs and several sites gave information regarding the connection to chicken jerky treats made in china and kidney failure in dogs. Immediately when my pug was diagnosed in November (Nov. 16) I found the info. about the treats and discontinued them. My other two dogs quit vomiting and recovered. My pug did not it was too late. I am just now submitting this report because the grief has been so bad I have been unable to submit it. I still am having a hard time reliving this while I type.

Cadet Gourmet Duck Breast	Dog	Mixed (Dog)	9	Years	Male	20	Pound	I gave my dog Cadet Duck Breast (made in China) and after a few weeks of giving him the treat, he wanted more than just 1 to 2 treats for his weight. I gave them to him and he had the following symptoms (all which are noted in your reviews on chicken jerky from china): excessive thirst, frequent urination, and most recently multiple bloody loose stools in 1 day and vomiting. He is still active. I went on line to read up on duck jerky and saw the warnings your site has. I have stopped giving them to him as of today. I do not have an outcome as of yet. I am hoping he bounces back to his old self (no bloody stools or vomiting).
Louisiana Alligator Jerky	Dog	Cattle Dog - Flanders (Bouvier)	6	Months	Female	80	Pound	Not long after giving the dogs these treats they all developed diarrhea, vomiting and one with blood in her stool.

Exhibit M

**NBC News Article
by JoNel Aleccia**

JERKY-TREATS
Vets, pet owners demand to know: Why can't FDA solve jerky treat mystery?

Vets, pet owners demand to know: Why can't FDA solve jerky treat mystery?

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JoNel Aleccia, NBC News
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Identical twins share breast cancer, rare surgery



Josh Ritchie / Getty Images for NBC News

Ron Barnhard cuddles Zoe, his 3-year-old pit bull mix dog at his home in Parkland, Fla. Zoe was treated recently for Fanconi syndrome, a rare and often fatal illness that has been linked to pet jerky treats made in China.

When Zoe, a 3-year-old pit bull mix, showed up sick last week at a Coral Springs, Fla., animal hospital, veterinarian Sofia Morales said there was no mystery about what was wrong with the dog.

The first clue was that Zoe had all the signs of Fanconi syndrome, a rare and often fatal illness that arises from kidney problems. The second was that she'd been eating jerky pet treats made in China, which have been linked to the disorder.

"Fanconi is so rare, that when you see it, your mind goes, 'boom,' the treats," said Morales, who has treated three dogs with the problem in the past year, far more than one vet should expect.

"I have never seen so much Fanconi in my life. The only common denominator among these dogs is jerky treats," she said.

Morales is among thousands of frustrated animal experts and pet owners nationwide who say that if problems with Chinese-made jerky treats are obvious to them, they should be obvious to the Food and Drug Administration, the agency that oversees pet treats, too.

"I tell every dog owner I meet: Do not feed these treats," she said.

She and others are wondering why, after five years of testing, reports of nearly 600 animals dead and more than 3,600 sickened



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after eating the treats, according to a recent [FDA update](#), the agency still hasn't solved the puzzle that has spurred multiple warnings — but no industry-wide recall — since 2007.

"The FDA pulls drugs as soon as there's a reported increase in reactions," she said. "I'm not sure why they can't pull something that's more benign."

But FDA officials and veterinary experts who've been tracking the problem say it's just not that easy. The FDA can't force product recalls without a reason, said Martine Hartogensis, a deputy director at the FDA's Center for Veterinary Medicine. And so far, the FDA and a network of veterinary labs have failed to find a specific problem.

"To date, testing for contaminants in jerky treats has not revealed a cause for the illnesses," Hartogensis told NBC News.

It's not for lack of trying, said Lisa Murphy, an assistant professor of toxicology at the University of Pennsylvania's School of Veterinary Medicine, one of nearly a dozen labs nationwide assisting the FDA. Since 2007, but especially in the past two years, the Veterinary Laboratory Investigation and Response Network, [Vet-LIRN](#), has been riveted on the issue, she said.

"It's extremely frustrating for everybody involved," Murphy said. "A lot of really smart people with a lot of expertise are looking at this. I can tell you a lot of things that this is probably not, but to the general public, that's not a very satisfying answer."

Experts have tested hundreds of treats for dozens of substances, from bacteria and heavy metals to rat poison, melamine and mold. They've looked into the effects of irradiation, and into whether the glycerin used to make the treats is dangerous. They've asked veterinary hospitals to investigate whether there's a genetic glitch in the pets that get sick.

So far, nothing.

Part of the problem is that millions of pets in the U.S. eat jerky treats every year, but only a fraction of those that consume the products actually get sick, Murphy said. That's in contrast to melamine-tainted pet food in 2007, which sickened a high proportion of animals that ate it. When pets are affected by jerky treats, the symptoms — gastrointestinal problems, kidney issues — can be vague and explained by other ailments.

And part of the problem is the treats themselves, Hartogensis said. Whether they're made of chicken, duck or sweet potatoes, the nuggets, jerky and tenders are hard and stiff and difficult to break down in solvents for chemical analysis.

Another issue is that there are few validated tests sensitive enough to detect some contaminants. In January, New York state agriculture officials used tests that found trace amounts of unapproved antibiotics in the treats, a discovery that [forced the biggest makers of jerky treats](#), Nestle Purina Pet Care Corp. and Del Monte Corp., to issue voluntary recalls that pulled the bulk of the products off store shelves nationwide.

Reports of illnesses and deaths in pets plummeted, but, 10 months

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later, FDA officials still say the agency hasn't validated its own tests to detect antibiotic adulterants — a move that could keep more treats away from pets.

"It takes a while to develop the method and to demonstrate that you can repeat it," Hartogensis said. Because FDA tests are used as the basis for regulatory or enforcement actions, they have to meet higher standards before they're put in place, agency officials added.

But to some food safety advocates for pet and human health — and to many pet owners who just want the problem fixed — such explanations ring hollow.

"To me, there's a causal connection there and they should have taken action a long time ago," said Tony Corbo, a lobbyist for the advocacy group Food & Water Watch who has been following the issue.

The FDA had the chance to ban jerky pet treats from the U.S. market last year, when officials at five Chinese plants that make jerky treats wouldn't let American inspectors collect samples of the products. U.S. regulations allow the agency to refuse entry to products if they're not allowed to inspect them.

"I think you could probably make the case that not allowing sampling was not allowing inspection," Dan McChesney, director of the FDA's surveillance arm of CVM, told NBC News in a recent interview. "At the time, we thought that was probably not the best way to continue to research and identify the issues."

Wrong decision, said Corbo, who points to the sharp drop in reports of pet illnesses and deaths after the recalls got treats off the market.

"When it comes to poisoning, whether it's an animal or a human, the FDA should use every tool in their arsenal," Corbo said.

That's an opinion shared by Zoe's owner, Ron Barnhard, 65, of Parkland, Fla., who is semi-retired after heart surgery and relies on his dog for comfort and companionship.

He says that he's outraged at the costs — both financial and emotional — of treating Zoe for a life-threatening condition that the FDA may have prevented if treats weren't on the market.

"I had heard about it, but I didn't consider what I was feeding her as jerky," he said, referring to Zoe's favorite chicken breast tenders. "I love this dog."

The FDA's Hartogensis said officials know that pet owners are upset. Nearly 1,500 reports of new illnesses were logged at the FDA's [pet safety portal](#) in the week since the agency announced its latest update.

"There are folks all across the agency that are working on this," she said. "I think it's a pretty high priority. There's a core group in CVM working not to leave any stone unturned."

But if U.S. import records are any indication, FDA officials may need to work harder. Records obtained Monday by NBC News showed that Nestle Purina PetCare Corp. imported three 21,510-pound

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shipments of Waggin' Train chicken jerky treats on Oct. 15, the first in eight months. By Friday, the online records had been altered to reflect not the brand name but generic descriptions of dog treats and chews.

Bill Salzman, a Nestle Purina spokesman, wouldn't comment on whether the company has solved the issue of unapproved antibiotics and intends to resume nationwide sales of jerky treats soon.

"We are not currently selling jerky treats in the U.S," he wrote in an email, adding: "Thanks for your question, but we don't comment on our future business strategies."

JoNel Aleccia is a senior health reporter at NBC News. Follow her on Twitter at @JoNel_Aleccia or [send her an email](#).

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Exhibit N

AVJ Peer-Reviewed Article



Acquired proximal renal tubulopathy in dogs exposed to a common dried chicken treat: retrospective study of 108 cases (2007–2009)

MF Thompson,^{a*} LM Fleeman,^a AE Kessell,^b LA Steenhard^c and SF Foster^d

Background Proximal renal tubulopathy was reported in Australian dogs with markedly increased frequency from September 2007.

Methods Two veterinarian-completed surveys were launched in response to an increased incidence of acquired proximal renal tubulopathy in dogs. The selection criterion for inclusion was glucosuria with blood glucose <10 mmol/L. Data collected included signalment, presenting signs, history of feeding treats, results of urinalysis and blood tests, treatment and time to resolution of clinical signs.

Results A total of 108 affected dogs were studied. All had been fed the same brand of dried chicken treats, made in China, for a median of 12 weeks (range, 0.3–78 weeks). Small breeds (<10 kg) accounted for 88% of cases. Common presenting signs included polyuria/polydipsia (76%), lethargy (73%), inappetence (65%) and vomiting (54%). Common biochemical findings included euglycaemia (74%; 71/96), hypoglycaemia (23%; 22/96), acidosis (77%; 20/26), hypokalaemia (45%; 38/84), hypophosphataemia (37%; 28/75) and azotaemia (27%; 23/85). In addition to discontinuation of treats, 64 dogs received medical treatment, including intravenous fluids (52%) and oral electrolyte, amino acid or vitamin supplements. Six dogs died or were euthanased. Two dogs were necropsied. Histopathological findings consisted of proximal tubular necrosis accompanied by regeneration. Time to resolution of clinical signs in 35 survivors available for follow-up was <2 weeks (n = 8), 2–4 weeks (n = 2), 5–7 weeks (n = 5) and 2–6 months (n = 10).

Conclusion Of the 108 dogs with acquired proximal renal tubulopathy contemporaneous with chicken treat consumption, most survived but many required aggressive supportive care. The treats likely contained a toxin targeting the proximal renal tubules. Diet history and urinalysis were vital for diagnosis.

Keywords chicken jerky; dogs; Fanconi syndrome; glucosuria; nutrition; renal tubulopathy

Abbreviations ALT, alanine transaminase; USG, urine specific gravity

Aust Vet J 2013;91:368–373

doi: 10.1111/avj.12100

Acquired proximal renal tubulopathy is rarely recognised in dogs and few case reports have been published. Toxic injury to the proximal renal tubules has been associated with ethylene glycol ingestion¹ and therapy with streptozotocin,² gentamicin³

or amoxicillin.⁴ Acquired proximal renal tubulopathy has also been reported in dogs with primary hypoparathyroidism,⁵ hepatic copper toxicoses,^{6,7} hereditary renal disease,^{8,9} leptospirosis¹⁰ and more recently, chicken jerky treats.¹¹ Glucosuria in the absence of hyperglycaemia is a distinct feature of proximal renal tubulopathy, so the condition is readily identified by urine and blood tests.

Proximal renal tubulopathy in Australian dogs was being reported with increased frequency from September 2007. All dogs had been fed KraMar Supa Naturals Chicken Breast Strips, made in China, introduced to the Australian market approximately 2 weeks prior to the first case identification on 18 September 2007. A similar treat, Walmart's Bestro Chicken Jerky Strips, had been implicated in the emergence of proximal renal tubulopathy in the USA in the same month.¹² Last year, the Canadian Veterinary Medical Association communicated that they had received reports that mirrored the 2007 cases and the American Veterinary Medical Association issued another alert on 17 June 2011.

Materials and methods

Following a nationwide call in the *Australian Veterinary Journal*,¹³ cases were identified by direct communication with veterinarians (survey 1). The selection criterion was glucosuria with concurrent blood glucose <10 mmol/L. Veterinarians completed a questionnaire detailing signalment, presenting signs, history of feeding treats, results of urinalysis and blood tests, treatment and time to resolution of clinical signs. Date of presentation, duration of signs prior to diagnosis, body weight and geographic location were also recorded. Presence or absence of lethargy, inappetence, vomiting, polydipsia/polyuria, weight loss, dehydration and weakness and any additional clinical signs were recorded. Clinicopathological data included presence of ketonuria, urine specific gravity (USG), fractional excretion studies (assessed against a published reference range)¹⁴ and urinary amino acid profiles. Urine was classified by USG as hyposthenuric (1.000–1.007), isosthenuric (1.008–1.012), minimally concentrated (1.013–1.034) or concentrated (>1.035). Animals confirmed or suspected to have received parenteral fluid therapy prior to the measurement of USG were excluded from the USG analysis. Blood glucose concentration (mmol/L) and serum or plasma sodium, chloride, potassium, phosphate, calcium and bicarbonate concentrations (mmol/L) were recorded. Values were deemed to be abnormal based on the reference ranges for the analysers used to perform the assays. Venous blood gas results were recorded if available and the presence of azotaemia was noted. Treatments administered, including provision of intravenous fluid and electrolyte therapy, intravenous bicarbonate and/or glucose therapy and oral electrolyte, amino acid or vitamin supplementation, were recorded. Outcome data included duration of therapy, time to resolution of clinical signs and survival or

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death. A necropsy was performed for two dogs that had been euthanased because of severe clinical signs (one dog included in the survey and an additional case submitted later to our group).

In July 2009, a second questionnaire (survey 2) was sent to previously participating veterinarians. The case selection was identical to that for survey 1, but survey 2 sought details not previously collected regarding urinalysis (proteinuria, haematuria, haemoglobinuria, urine pH, urine sediment cytology) and urine culture. Serum albumin concentration and serum activities of fructosamine, alanine transaminase (ALT) and alkaline phosphatase were requested. Data on resolution of glucosuria, azotaemia and increased serum ALT activity were also collected.

Results

Survey 1

Signalment. The first survey examined 102 cases submitted by 84 veterinarians. Cases were diagnosed between September 2007 and June 2009, with many (58%) identified in October, November and December 2008 following the nationwide call for cases.

Breed was recorded for 101 dogs. The majority were toy and small breeds and their crosses. Body weight (n = 94) ranged from 1.0 to 51.0 kg; 83 dogs (88%) weighed ≤ 10 kg. Age ranged from 0.25 to 15 years (mean 5.3 years). There were 58 neutered females, 29 neutered males, 8 intact males and 5 intact females. Sex and neutering status was not provided for 2 dogs.

When known, the period of time that treats were fed prior to clinical signs (n = 73) ranged from 0.3 to 78 weeks (mean 18.3 weeks, median 12 weeks).

Presenting signs. The most common presenting signs were polyuria and/or polydipsia and lethargy (Table 1). Inappetence, vomiting and weight loss were also frequently reported. Dehydration and weakness were less common. Other abnormalities included abdominal discomfort, diarrhoea, melaena, cystitis, urinary incontinence and muscle fasciculation. Duration of signs prior to diagnosis (n = 73) ranged from 2 days to 11 months (mean 4.5 weeks, median 2 weeks).

Table 1. Common presenting signs in 102 dogs (survey 1) with acquired proximal renal tubulopathy associated with consumption of dried chicken treats

Presenting sign	Affected n	Unaffected n	Unknown n	Incidence n (%)
Polyuria/polydipsia	71	23	8	71/94 (76)
Lethargy	73	27	2	73/100 (73)
Inappetence	64	35	3	64/99 (65)
Vomiting	52	45	5	52/97 (54)
Weight loss	51	43	12	51/94 (54)
Dehydration	39	51	12	39/90 (43)
Weakness	35	48	19	35/83 (42)

Urinalysis. Glucosuria was documented in all of the 102 dogs and ketonuria in 24 of 96 dogs (25%). The first recorded USG was provided for most (90/102) of the dogs. The USG ranged from 1.004 to 1.058 (median 1.027); 5 dogs (6%) were hyposthenuric and 9 (10%) were isosthenuric. The majority of dogs (46/90; 51%) had minimally concentrated urine; 30 dogs (33%) had concentrated urine.

Urinary fractional excretion studies including sodium, potassium, chloride and in one case, phosphorus, were performed during initial investigation in four dogs. In two dogs, the study was performed prior to the withdrawal of treats and both had an increased fractional excretion of potassium (23.6% and 25.7%; normal dogs $<20\%$).¹⁴ One of these dogs was hypokalaemic and serum potassium concentration was not recorded in the other. Two dogs had assays performed approximately 1 week after withdrawal of treats; one had increased fractional excretion of sodium (3.7%; normal dogs $<1\%$)¹⁴, potassium (28.9%; normal dogs $<20\%$)¹⁴, and phosphorus (57.7%; normal dogs $<39\%$)¹⁴ and the other had a normal result.

A urine amino acid profile was performed for one dog while it was still being fed treats and for four dogs at 1–2 weeks, 4 weeks (2 dogs) and 6 weeks after treat cessation. Two of these dogs had also had abnormal urinary fractional excretion of electrolytes. All profiles showed significant generalised amino acid loss into the urine.

Clinical biochemistry. Reference ranges for serum biochemical analytes varied among the cases. Blood glucose concentration (n = 91) ranged from 0.6 to 8.6 mmol/L (mean 4.5 mmol/L). Of 96 dogs, 22 (23%) were classified as hypoglycaemic, 71 (74%) as normoglycaemic and 3 (3%) as mildly hyperglycaemic.

The most common serum biochemical abnormalities were hypokalaemia (38/84; 45%), hypophosphataemia (28/75; 37%), hyponatraemia (11/80; 14%) and hyperchloraemia (8/70; 11%). Venous blood gas analysis was performed in 26 dogs: 20 (77%) were acidotic, with bicarbonate concentration ranging from 7.1 to 23.3 mmol/L (mean 16.9 mmol/L, median 17.8 mmol/L).

Information was available on the presence or absence of azotaemia in 85 dogs: 23 (27%) were classified as azotaemic and 2 had increased urea concentration with normal creatinine concentration and gastrointestinal bleeding was suspected by the veterinarian. Of the 20 azotaemic dogs for which the USG was available, 2 were hyposthenuric, 3 were isosthenuric, 10 had minimally concentrated urine and 5 had concentrated urine; thus, renal azotaemia was present in 13/20 dogs.

Survey 2

Additional urinalysis and clinical biochemistry results. In response to the second questionnaire, 20 replies describing 28 dogs (23 of which were also included in the previous survey and 5 additional dogs) were received. The method of urine collection was rarely documented. Moderate to marked glucosuria (3+ or 4+ on dipstick) was reported in 16/25 (64%) dogs. Proteinuria ($\geq 1+$) was documented in 11/13 (87%) of dogs. A positive dipstick result for blood was reported in 10/13 (77%) cases. Urine pH on presentation varied widely from 5.0 to 8.5, with 7/14 (50%) of dogs having a pH in the range of 6.5–7.5.

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Table 2. Treatments administered to 94* dogs (survey 1) with acquired proximal renal tubulopathy associated with consumption of dried chicken treats

Treatment	No. of dogs	% of total
Withdrawal of treats only	30	32
Medical treatment	64	68
Intravenous fluid therapy	49	52
Parenteral therapy		
Intravenous glucose	13	14
Intravenous sodium bicarbonate	4	4
Oral therapy		
Potassium chloride	22	23
Sodium bicarbonate	18	19
Multivitamins	13	14
Electrolyte solution	4	4
Calcium phosphate	4	4
Antimicrobials	5	5

*Includes dog that received medical treatment without treat withdrawal.

Bacteria were noted in the sediment of 9/22 (41%) of dogs and three of four samples submitted for culture returned positive results. Granular and/or fatty renal casts were documented in 6/22 (27%) of samples.

The most common serum biochemical abnormalities, apart from the previously described electrolyte aberrations, were decreased fructosamine (6/8 dogs, 75%) and increased ALT (11/21 dogs, 52%) activities.

Treatment

A treatment regimen was submitted for 94 of the 102 dogs included in survey 1 (Table 2). In 30 dogs (32%), withdrawal of treats was the only intervention and 63 dogs (67%) received medical treatment in addition to removal of treats. The remaining dog received some of the supplementary treatments, but treats were not withdrawn. In another dog (not included in the group of 94 treated dogs), no treatment was given and treats were not removed until more than 12 months after commencement of clinical signs because of a lack of awareness of the association with illness. Five dogs were treated with antimicrobials, mostly for concurrent urinary tract infection (confirmed by bacterial culture in three cases). Several dogs additionally received enteral feeding (e.g. via oesophagostomy tube), because anorexia was prolonged, persisting despite rehydration and treat cessation. A number of dogs were discharged but re-hospitalised one to several times because of an inability to maintain hydration and electrolyte balance in the home environment.

Outcome

In total, 6 of the 102 (6%) dogs included in the original survey died or were euthanased as a result of their illness (Table 3). Severely affected dogs (severe electrolyte derangements, complete anorexia) required intensive supportive care (>2 weeks for at least 2 dogs). Duration of treatment was difficult to document because many veterinarians

Table 3. Outcomes for dogs with acquired proximal renal tubulopathy associated with consumption of dried chicken treats, showing numbers of dogs for which the information was available

Outcome	n
Death	6
Oral supplementation	21
2–4 weeks	7
5–7 weeks	4
2–6 months	8
>6 months	2
Resolution of clinical signs	35
<2 weeks	8
2–4 weeks	12
5–7 weeks	5
2–6 months	10
Resolution of glucosuria	8
<2 weeks	1
2–4 weeks	3
5–7 weeks	3
2–6 months	1
Resolution of increased serum creatinine concentration	3
<2 weeks	1
2–4 weeks	1
5–7 weeks	0
2–6 months	1

noted that treatment was ongoing. For the 21 dogs on oral supplements for which a defined treatment period was provided, duration ranged from 2 weeks to 10 months (Table 3). One severely hypophosphataemic dog (serum phosphate concentration 0.24 mmol/L at presentation) received high-dose oral phosphate supplementation for 8 months before normalisation of serum phosphate concentration, and at the time of writing (49 months since presentation) supplementation is still required to maintain normal serum phosphate concentration. For the 35 dogs that had resolution of clinical signs, 8 showed improvement within 2 weeks or less following cessation of treats, but others were not considered clinically normal until 6 months later (Table 3).

Long-term urinalysis and clinical biochemical follow-up (survey 2)

Follow-up information for 28 dogs was available for analysis. Negative glucosuria was documented during follow-up in 12 (43%) dogs. Time to resolution of glucosuria (8 dogs) ranged from 12 days to 3 months (Table 3). Four dogs initially had both increased serum urea and creatinine concentrations; the creatinine normalised in three dogs and urea in two dogs. A further dog had increased serum creatinine concentration alone and it also resolved. The time period for resolution of increased serum creatinine concentration (3 dogs) ranged from 12 days to 3 months (Table 3). Increased serum ALT activity resolved in three dogs, but persisted in two dogs. Trends in USG values recorded over time were not identified.

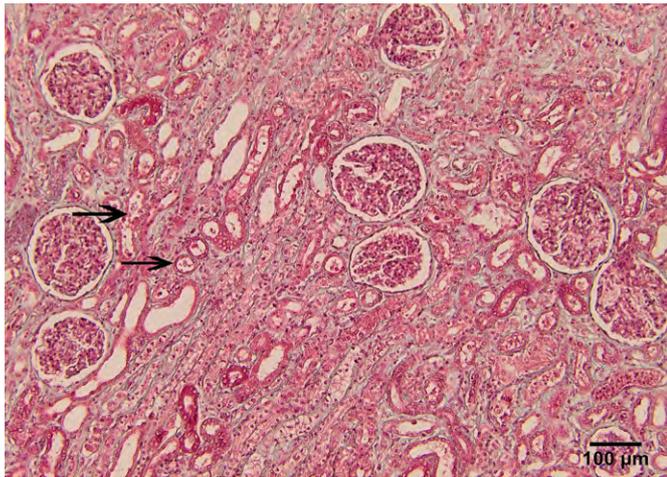


Figure 1. Dog A. Section of kidney showing small numbers of dilated tubules, some containing debris (arrows). Note also the fine interstitial fibroplasia (fine green material between the tubules). Periodic acid-Schiff stain.

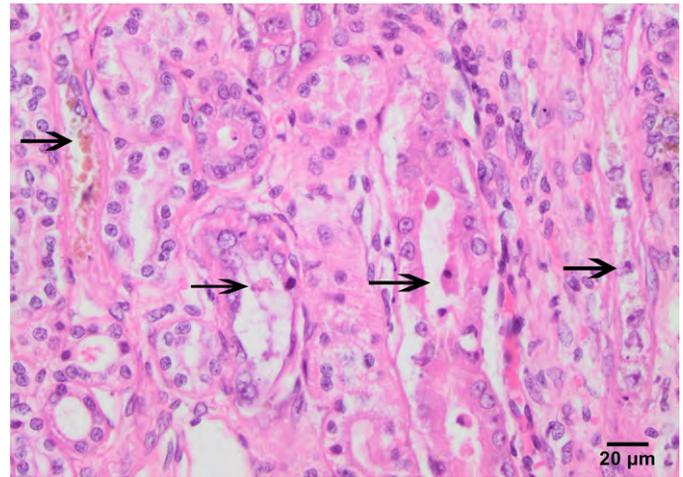


Figure 2. Dog A. Section of kidney showing several tubules containing sloughed necrotic epithelial cells (arrows); the tubule on the left-hand side contains epithelial cells with intracytoplasmic brown pigment. In the tubule located second from the left, there is a mitotic figure within a lining tubular cell adjacent to the luminal, sloughed necrotic cell. Haematoxylin-eosin stain.

Necropsy findings

Two dogs were available for a complete necropsy examination. In each case they were submitted within 2 h of euthanasia and a thorough gross necropsy was immediately performed. In both cases, a wide range of tissues were placed in 10% formalin, including brain, and subsequently examined microscopically. Abnormal gross and microscopic findings only are detailed.

The first necropsied animal (dog A: 7.2-kg 6-year-old male neutered Fox Terrier) was not included in the aforementioned survey analysis. The dog had been fed the dried chicken treats almost exclusively for 3–4 weeks prior to presentation. The dog presented with lethargy and anorexia of 4 days duration, glucosuria (2+), proteinuria (1+), USG 1.010, euglycaemia and hyperalbuminemia. Two days after presentation, vomiting developed and the dog was hospitalised. Despite intravenous fluid therapy, persistent moderate azotaemia developed and the dog was euthanased.

The only significant gross postmortem findings were moderate pancreatic atrophy and a lack of ingesta within the gastrointestinal tract; grossly, the kidneys appeared normal. Microscopic examination of the renal tissue revealed mild to moderate dilation of moderate numbers of cortical tubules; mild to moderate, patchy interstitial fibroplasia that was restricted to the outer two-thirds of the cortical tissue; and mild to moderate multifocal renal tubular necrosis and regeneration (Figure 1). Significant numbers of individual shrunken, necrotic epithelial cells, containing hypereosinophilic cytoplasm and pyknotic nuclei, had sloughed into the lumen of primarily the proximal convoluted tubules (Figure 2). Resident intact tubular lining cells were either flattened and attenuated or swollen with hydropic degeneration of the cytoplasm.

Enlarged cells often also contained enlarged vesicular nuclei with prominent nucleoli, and mitotic figures were common (Figure 2). The cytoplasm of some of these intact, shed cells contained a granular

to globular, light-tan to khaki pigment (Figure 2). Special staining for lipofuscin, ceroid, bilirubin and haemosiderin was negative. Rare eosinophilic granular casts were present in cortical and medullary tubules. Glomeruli generally had normal morphology, although occasionally there was individual glomerular tuft atrophy and shrinkage accompanied by mild fibrous replacement (affected glomeruli were adjudged to be less than 1 in 20).

Other significant histopathological findings were a chronic, severe, multifocal interstitial pancreatic fibrosis with moderate pancreatic exocrine atrophy (many islets of Langerhans were present, however) and a moderate, diffuse, periacinar hepatocyte vacuolation and degeneration. There were no lesions in other tissues that would be attributable to uraemia.

The second necropsied dog (dog B: 2.3-kg 7-year-old male neutered Chihuahua) had been fed the dried chicken treats for 32 weeks prior to presentation. The dog was lethargic, anorexic, polyuric and weak. Vomiting, weight loss and dehydration were noted, as were azotaemia and ketonuria. The dog was euthanased 3 days after presentation, because of intractable hypernatraemia and neurological deterioration.

Grossly, there were no significant findings. Histopathological examination revealed a mild proximal tubular necrosis with regeneration (as described for dog A), mild proximal tubular proteinosis, mild dilation of Bowman's capsule and a mild lymphocytic interstitial nephritis. No pigment was found in the proximal tubular epithelial cells nor was there any significant interstitial fibroplasia. Other significant findings included marked diffuse hepatic microvesicular to macrovesicular fatty change, severe acute pulmonary oedema with mild emphysema and mild, multifocal central nervous system white matter spongiosis with an accompanying mild mononuclear encephalitis and gliosis.

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Discussion

Acquired proximal renal tubulopathy was reported in Australian dogs coincident with the availability of a popular brand of dried chicken jerky treats, the KraMar Supa Naturals Chicken Breast Strips, made in China. Following a nationwide call for cases, there was media exposure and a voluntary recall of the product by the company (http://www.kramer.com.au/voluntary_product_withdrawal.pdf).

The majority of affected dogs (88%) were small (<10 kg), most likely because of a larger ratio of treat to body weight and possibly to an increased inclination of owners of small dogs to feed this type of treat.

The period of time over which the treats were fed to dogs prior to development of clinical signs varied (0.3–78 weeks), which may reflect individual vulnerability, differences in amounts fed, variability in the potential for certain batches to cause clinical signs and/or differences in owner recognition of clinical disease. Non-specific lethargy (71%), polyuria and polydipsia (70%) and anorexia (64%) were commonly reported. It is most likely that the polyuria and polydipsia resulted from loss of water, glucose and electrolytes in urine because of proximal tubule dysfunction. The cause of the anorexia and vomiting was not determined, but the most feasible explanation is indirect systemic effects of the unknown toxin and/or direct effects on the gastrointestinal mucosa. The fact that melaena was reported in several dogs adds credence to the latter theory. However, increased serum ALT activity was noted in 11/21 (51%) of dogs in the second survey and significant hepatic changes, possibly related to toxic hepatopathy, were noted in the first of the necropsied dogs (the hepatic fatty change in the second necropsied dog is thought more likely to reflect fat mobilisation related to anorexia). It is possible that hepatopathy may have contributed to the anorexia, vomiting and melaena.

The majority of affected dogs had moderate to marked glucosuria, but the significance of this is unknown. The magnitude of glucosuria in Basenjis with Fanconi-like syndrome has not been shown to correlate with the severity of sodium and phosphorus loss or with reduction in renal function.¹⁵ Ketonuria was detected in 25% of affected dogs and may have been caused by anorexia-induced fat metabolism and increased filtered load of ketones¹⁶ or to reduced ability of the proximal tubular transporters to effect re-uptake of filtered ketones.¹⁷ Only 33% of dogs had concentrated urine, despite dehydration being reported in 39% of dogs and lethargy, anorexia and vomiting reported in the majority; it can be deduced that the proximal tubular loss of fluid and electrolytes prevented concentration of urine.¹⁵ Of 85 dogs, 23 (27%) were azotaemic and only 5/20 (25%) of dogs for which USG was available had appropriately concentrated urine. It is assumed that this azotaemia reflected more extensive tubular damage in some patients, although the possibility of pre-existing azotaemia at the time of toxicity could not be discounted.

Fractional excretion of electrolytes and urine amino acid assays were abnormal in almost all cases in which they were performed and provided additional support for a Fanconi-like syndrome.

Most of the dogs were euglycaemic, but 23% were hypoglycaemic, most likely because of urinary glucose loss,¹⁵ prolonged anorexia and, possibly, small body size. The mildly increased blood glucose

concentration in three dogs was not persistent and likely stress-related. In each case, the increase was too mild to account for glucosuria.

Hypokalaemia (45%) and hypophosphataemia (37%) were the most common electrolyte abnormalities and both were likely related to anorexia and increased urinary excretion. Venous blood gas analysis was performed in only 26 dogs, but the majority (77%) of these dogs were confirmed to have a metabolic acidosis, the expected change with proximal renal tubulopathy.¹⁵ Most of these known acidotic dogs (16/20; 80%) were reported to be non-azotaemic and thus unlikely to have a titration acidosis; however, as information such as urine pH and anion gap was not necessarily provided, it was not possible to state with certainty whether the acidosis was a titration acidosis (organic anion excess) or a secretion acidosis, the latter being a potential outcome of proximal renal tubulopathy.

The most important approach to treatment of acquired proximal renal tubulopathy is to identify and remove any underlying cause. The treatment regimen for most of the dogs was provided by respondents and 32% of dogs had resolution of clinical signs with cessation only of feeding the dried chicken treats, lending support to the contention that the treats caused the illness. The remainder were treated primarily with intravenous crystalloids and oral or intravenous supplements aimed at countering metabolic derangements. The majority recovered with time; however, the most severely affected dogs required multiple hospitalisations and prolonged enteral feeding via oesophagostomy tubes. The outcome data demonstrated the prolonged nature of the illness in many of the affected dogs; glucosuria took 3 months to resolve in some dogs and the course of clinical illness was up to 6 months in several, with oral electrolyte supplementation considered necessary in at least two dogs for more than 2 years post-presentation. Permanent renal damage appears to be present in a small number of the dogs, likely secondary to the toxicity or resultant acute intrinsic renal failure.

In both of the animals that were necropsied there was a variably severe necrosis and sloughing of individual lining cells in the proximal convoluted epithelium, accompanied by regeneration. It was more severe in dog A, in which there was an accompanying mild tubular dilation and interstitial fibroplasia. It is likely that the tubular dilation was secondary to both distal blockage of tubules with sloughed necrotic epithelial cells and the interstitial fibroplasia, which in some areas constricted the tubular lumen. It is interesting to note that there were few significant glomerular changes in this animal (within the expected range for a 7-year-old dog) and that fibroplasia was restricted to the anatomical location of tubular necrosis. These two observations, coupled with the degree of fibroplasia, suggest that the initiating lesion within the kidneys of dog A was tubular necrosis that may have been responsible for the renal failure observed in this dog.

The identity of the pigment seen in dog A could not be determined, but it was not present in dog B. Ideally, the pigment would be examined via techniques other than special stains, such as electron microscopy, but this was not available at the time.

The offending toxin has not been identified to date. A steadily declining number of new cases of proximal renal tubulopathy related to additional brands of treats continue to be diagnosed in Australian

dogs since the data reported here were compiled. Examination of potential causative factors is ongoing. Under investigation currently are degraded tetracyclines, which have been implicated as a cause of reversible Fanconi syndrome in humans.^{18,19}

This outbreak highlights a larger issue of widespread intoxication caused by the globalisation of food systems.²⁰ There are economic benefits of outsourcing raw materials, manufacturing and distribution processes, but this is accompanied by increased risk that contaminated raw material produced in a poorly regulated market may cross national boundaries and be used in manufacturing processes for numerous products.²⁰ Toxicoses might involve complex interactions or require repeated exposures and are typically identified only when large numbers of people or animals are affected. Even in well-regulated markets, smaller outbreaks and contamination resulting in clinically mild disease might not be recognised. Pets may act as sentinel populations for identification of ingredients toxic to humans, because individual foods tend to comprise a greater proportion of the diets of dogs and cats than is typical for human diets.

Numerous pet food-associated diseases have been reported worldwide, including proximal renal tubulopathy, aflatoxicosis, ionophore toxicity and melamine-cyanuric acid toxicity. Some of these have affected large numbers of pets. For example, in the 1990s in the Netherlands, more than 800 cats were paralysed by ionophore-contaminated cat food.²¹ That number was relatively insignificant when compared with the number of dogs and cats that developed pet food-associated renal failure from melamine and cyanuric acid: more than 6000 dogs and cats in Asia in 2004 and an estimated 39,000 dogs and cats in North America in 2007.²² The same toxicity was ultimately responsible for considerable human mortality in Asia, particularly China.²³

Veterinary clinicians and pathologists must remain alert to the possibility of outbreaks of toxicosis in dogs and cats associated with pet foods and report suspected cases to regulatory authorities.²⁰ In Australia, there is a new surveillance system (Pet Food Adverse event System of Tracking – PetFAST: <http://www.ava.com.au/petfast>), which enables more rapid identification of outbreaks of adverse events in dogs or cats when there is reasonable suspicion of a pet food, treat or pet meat product contributing to the cause. It is a joint initiative of the Australian Veterinary Association and the Pet food Industry Association of Australia and aims to provide an alert system that will minimise the occurrence of cases in the future.

Conclusion

Of the 108 dogs with proximal renal tubulopathy documented in Australia over a 17-month period, most survived but many required aggressive supportive care. The treats likely contained a toxin targeting the proximal renal tubules. The importance of taking a careful dietary history (including treats) and performing a urinalysis in sick dogs cannot be over-emphasised, because the diagnosis in this particular outbreak could not have been made in the absence of this information.

Acknowledgments

Aitor Arteaga, The University of Sydney, Camperdown, New South Wales, Australia (study design and data collection) and Ann Thompson (Veterinary Specialist Services, Underwood, Queensland, Australia (study design and data collection).

References

1. Settles EL, Schmidt D. Fanconi Syndrome in a Labrador Retriever. *J Vet Intern Med* 1994;8:390–393.
2. Meyer DJ. Temporary remission of hypoglycaemia in a dog with an insulinoma after treatment with streptozotocin. *Am J Vet Res* 1977;38:1201–1204.
3. Brown SA, Rakich PM, Barsanti JA et al. Fanconi syndrome and acute renal failure associated with gentamicin therapy in a dog. *J Am Anim Hosp Assoc* 1986;22:635–640.
4. Bark H, Perk R. Fanconi syndrome associated with amoxicillin therapy in the dog. *Canine Pract* 1995;20:19–22.
5. Freeman LM, Breitschwerdt EB, Keene BW et al. Fanconi's syndrome in a dog with primary hypoparathyroidism. *J Vet Intern Med* 1994;8:349–354.
6. Hill TL, Breischwerdt EB, Cecere T et al. Concurrent hepatic toxicosis and Fanconi's syndrome in a dog. *J Vet Intern Med* 2008;22:219–222.
7. Appleman EH, Cianciolo R, Mosenco AS et al. Transient acquired Fanconi syndrome associated with copper storage hepatopathy in 3 dogs. *J Vet Intern Med* 2008;22:1038–1042.
8. Finco DR. Familial renal disease in Norwegian Elkhound dogs: physiologic and biochemical examinations. *Am J Vet Res* 1976;37:87–91.
9. Thoreson SI, Bredal WP. Serum fructosamine measurement: a new diagnostic approach to renal glucosuria in dogs. *Res Vet Sci* 1999;67:267–271.
10. Greene CE, Sykes JE, Brown CA et al. Leptospirosis. In: Greene CE, editor. *Infectious diseases of the dog and cat*. 3rd edn. Saunders Elsevier, St Louis, 2006; 402–417.
11. Hooper AN, Roberts BK. Fanconi syndrome in four non-Basenji dogs exposed to chicken jerky treats. *J Am Anim Hosp Assoc* 2011;47:e178–e187.
12. JAVMA NEWS. Jerky treats from China could be causing illness in pets. *J Am Vet Med Assoc* 2007;231:1183.
13. Arteaga A, Fleeman L, Thompson A et al. Transient acquired Fanconi-like syndrome in Australian dogs: request for cases. *Aust Vet J* 2008;86:N24.
14. DiBartola SP. Clinical approach and laboratory evaluation of renal disease. In: Ettinger SJ, Feldman EC, editors. *Textbook of veterinary internal medicine: diseases of the dog and the cat*. 7th edn. Saunders Elsevier, St Louis, 2010;1955–1968.
15. Bovee KC, Joyce T, Blazer-Yost B et al. Characterization of renal defects in dogs with a syndrome similar to the Fanconi syndrome in man. *J Am Vet Med Assoc* 1979;174:1094–1099.
16. Schwab L, Lotspeich WD. Renal tubular absorption of acetoacetate in the dogs. *Am J Physiol* 1954;176:195–200.
17. Xu EY, Perlina A, Vu H et al. Integrated pathway analysis of rat urine metabolic profiles and kidney transcriptomic profiles to elucidate the systems toxicology of model nephrotoxicants. *Chem Res Toxicol* 2008;21:1548–1561.
18. Frimpter GW, Timpanelli AE, Eisenmenger WJ et al. Reversible "Fanconi Syndrome" caused by degraded tetracycline. *J Am Med Assoc* 1963;184:111–113.
19. Montoliu J, Carrera M, Darnell A et al. Lactic acidosis and Fanconi's syndrome due to degraded tetracycline. *BMJ* 1981;283:1576–1577.
20. Brown CA, Brown SA. Food and pharmaceuticals: lessons learned from the global contamination with melamine/cyanuric acid and diethylene glycol. *Vet Pathol* 2010;47:45–52.
21. van der Linde-Sipman JS, van den Ingh TS, van Nes JJ et al. Salinomycin-induced polyneuropathy in cats: morphologic and epidemiologic data. *Vet Pathol* 1999;36:152–156.
22. Osbourne CA, Lulich JP, Ulrich LK et al. Melamine and cyanuric acid-induced crystalluria, uroliths, and nephrotoxicity in dogs and cats. *Vet Clin North Am Small Anim Pract* 2009;39:1–14.
23. Wei Y, Liu D. Review of melamine scandal: still a long way ahead. *Toxicol Indust Health* 2012;28:579–582.

(Accepted for publication 26 March 2013)