



W E R T H E I M B E C K E R

A t t o r n e y s e s t . 1 9 0 4

MR ANGUS McINTOSH

PER EMAIL: AngusM@spier.co.za

1ST Floor, Oxford Manor
196 Oxford Road, Entrance on Chaplin Road
Illovo, Johannesburg, South Africa, 2196
P.O. Box 2277 Houghton 2041
Tel: +27 (11) 268-1130
Fax: +27 (11) 268-1140
Direct Fax: 0866067059
Docex 33, Johannesburg
E-mail: HackerK@wertheim-becker.co.za
Website: www.wertheimbecker.com

Our Ref: A Kika/jn/38554

Your Ref:

Date: 6 June 2012

Dear Sir

RE: FARMER ANGUS WEBSITE ARTICLE

1. We act for and on behalf of the South African Feedlot Association ("SAFA"). Our client has referred us to your website and more particularly, the posting of 28 March 2012, "*if only it was grain they fed to cattle*" referring to your previous blog, "*cattle are herbivores, not grainivores*" blog ("the postings").
2. SAFA is an association comprised of cattle and sheep feedlots in grain producing areas. It is an organization which supports good management practices, humane husbandry practices of animals and complies with the provision of the Animal Protection Act, 62 (Act 71 of 1962 as amended). The majority of the members operate their own abattoirs with the highest hygiene standards.
3. SAFA has a trademark, "SA Grain Fed Beef" which is a trademark registered for the sole use of the members of SAFA. The higher growth rate of the carcass results in much more tender meat than that of animals which follow a grass fed diet pattern. The reason being the meat tissue known to cause toughness is reduced



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Directors: - S. Gordon, K.H. Hacker, M.S. Hacker, R.L. Edmunds, B.B. Joffe, A.C. Kika, D Reece & J van der Westhuizen
Executive Consultant: I. Gordon

in animals with a faster gain. This was one of the facts that emerged from the National Beef Tenderness Conference held in Denver, USA in 1992.

4. SA Grain Fed Beef originates from specifically selected animals fed only a nutritious diet of the highest quality grain products for a specified period. These criteria include the age of animals, as well as the time they are cared for and other criteria which could otherwise have a negative impact on the consistency of the meat quality and safety. As a result of the foregoing, SA Grain Fed Beef, and our client and its members have developed a good reputation in the market place. SA Grain Fed Beef has become a household name.
5. In your aforementioned postings, you advise as follows:

"...What you, dear readers, have not really focused on is what that steak that you eat was eating, when it was still alive in the feedlot. A veritable smorgasboard of food waste, none of which they are designed to eat, is listed below. Unhappy reading

Same species meat (SSM), SSM is widely fed to animals. This is what led to mad cow disease, an event predicted by Rudolf Steiner in 1923. Despite that cattle can still get fed cow blood. Refer to my tweet of 26 March for more detail.

Chicken waste. 453 THOUSAND kilograms in the USA is fed to cattle per year. This is what comes out of the broiler houses where they keep 30,000 chickens in a house. Consists of their manure, sawdust, feathers and a few trampled mortalities. It is super high in nitrogen and that is apparently what the cattle need.

Chocolate past it's expiry date. Where do you think that chocolate ends up?

Chips past their expiry date as well as potato waste from processing potatoes. You know you are at the bottom of the food chain of the feedlot buyers when they deliver the chips to you in the normal 40gram packets. When you become a big buyer then you qualify for bulk bags.

Wet grain distillers, a by-product of making whiskey.

Pasta waste from pasta processing plants, this is mostly combined with chocolate. Cattle are fussy eaters. This mince will add an extra flavour to your spaghetti bolognese.

Bread. When bread reaches its sell by date on the retailer's shelf they don't compost or add it to the municipal dump. They send it off to the feedlot.

Fruit pulp. Where did you think the waste from making fruit juice goes to? To the neighbourhood composting site? No. Animal nutritionists know that feeding sugar to animals make them fat. This pulp is ideal for mixing with old, moldy straw.”.

6. In your posting of 6 March 2012, you advise as follows -

“Cattle are designed to eat grasses, legumes and herbs. They are not designed to eat genetically modified grains. A typical feedlot, in the US it is called a CAFO (Concentrated Animal Feeding Operation) is the area where the cattle are fed grain and looks like this”. [referring to a pasture of a Cattle Holding Facility near Huron, Fresno County, Central Valley, California].

99% of the beef in this country is grain fed beef out of a feedlot. The typical scenario is that the weaner goes into the feedlot and through a combination of drugs and grain puts on weight very quickly and is ready for slaughter 84 days later.

Unless your menu states specifically that the beef is grass fed, it comes from a feedlot.

Standard drugs used are antibiotics, growth hormones, enzymes to digest the grain and beta-agonists. Later blogs will go into more detail on each of these.

In contrast to this totally unnatural environment, our cattle graze pastures as you can see from the photo below.”



7.

- 7.1. Your aforesaid postings refer specifically to grain fed beef and our clients' members. In fact, you positioned a link on these postings which specifically links directly to our client and its executive committee members.
- 7.2. In these postings you accuse our clients' members of unlawful conduct by accusing them of feeding same species meat to their livestock which is unlawful in South Africa as is the feeding of poultry litter.
- 7.3. In the posting, "*Cattle are herbivores, not grainivores*" published on 28 March, you refer to a position which prevails in the United States. You further utilise photographs and data which pertain to the USA when referring to the South Africa situation, as if the same occurs in South Africa.
- 7.4. You discount the quality and established superiority of our client's foundation without justification and merit.

8. By manipulating facts or utilising them selectively, you have intentionally misrepresented the position insofar as our client and its members are concerned. In that –

- 8.1. you have not utilised facts capable of substantiation;
- 8.2. you have not utilised facts that are objectively determinable and verifiable;
- 8.3. your claims are misleading and confusing to the reader
- 8.4. you make disparaging remarks concerning our client's members and their products
- 8.5. you attempt to draw customers not through the merit of your own product but through demonizing the members of our client and their product.



- 8.6. you abuse the trust of the consumer and exploit his lack of experience or knowledge;
 - 8.7. you make these statements in the postings without any substantiation or documentary evidence to support your claims, that emanate from an entity approved by or acceptable to the South African Market Research Association and which is an independent and credible as an expert in the particular field.
9. Not only are these postings unjustifiable, they are defamatory of South African Feedlots in that they impute that South African Feedlots are operating using illegal methods of animal husbandry and rear livestock in inhumane conditions. You further impute the use of unconventional and inappropriate methods to our client and its members.
10. In the circumstances, our client makes the following non-negotiable demands:
- 10.1. you immediately remove all reference to feedlots and grain fed products in the aforementioned postings;
 - 10.2. you undertake to desist from making the aforementioned unlawful, and defamatory statements without proper fact or foundation;
 - 10.3. you desist in making any derogatory representation of or concerning our clients members or their products without proper fact and foundation.
11. Should you fail to comply with every one of the above demands by close of business on **21 June 2012**, we have been instructed to take the following steps immediately without further notice to you:
- 11.1. to apply for the immediate take down of your website; and
 - 11.2. to approach the High Court for relief against you in the form of amongst other things:



11.2.1. an interdict against you for further repeated unlawful acts;

11.2.2. an award of damages and a special cost order against you in light of your aforesaid conduct; and

11.2.3. to report your unlawful conduct to the National Consumer Commission for further investigation and sanction;

11.2.4. to report your unlawful conduct to the Advertising Standards Authority of South Africa for further investigation and sanction.

12. Our clients wish to state that, in light of your conduct in this matter, absolutely nothing short of complete compliance with every one of the abovementioned demands, to our clients' absolute satisfaction, will be regarded as sufficient to prevent these consequences from being set into motion. We urge you to comply.

13. Naturally these submissions and contentions hereincontained are not exhaustive of our clients' submissions and contentions.

14. All of our clients' rights remain strictly reserved and we look forward to hearing from you as a matter of urgency.

Yours faithfully

WERTHEIM BECKER INC


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