UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

CASE NO.
TN10078-AC

VIOLATOR
James Falkner

ADDRESS *(Street, City, State, Zip Code)*
James Falkner
1142 Wall Hill Road
Byhalia, MS 38611-8516

OFFICIAL WARNING
VIOLATION OF FEDERAL REGULATIONS

The Department of Agriculture has evidence that on or about August 28, 2009, you or your organization committed the following violation of Federal Regulations:

Entered, for the purpose of showing or exhibiting, the horse "Bacall," at the Tennessee Walking Horse Celebration which tested positive for Sulfur, Camphor, and Benzocaine.

The Horse Protection Act prohibits the following conduct:

15 U.S.C. § 1824(7) – Unlawful Acts
The showing or exhibiting at a horse show or horse exhibition; the selling or auctioning at a horse sale or auction; the allowing to be shown, exhibited, or sold at a horse show, horse exhibition, or horse sale or auction; the entering for the purpose of showing or exhibiting in any horse show or horse exhibition; or offering for sale at a horse sale or auction, any horse which is wearing or bearing any equipment, device, paraphernalia, or substance which the Secretary by regulation under Section 1828 of this title prohibits to prevent the soring of horses.

*** *See Continuation Page* ***

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL *(Name, Title)*
Bernadette Juarez, Deputy Director
Investigative and Enforcement Services

OFFICE ADDRESS:
4700 River Road, Unit 85
Riverdale, MD 20737

SIGNATURE: IM

DATE ISSUED: 5/17/10

TELEPHONE NO.
301-734-8684

FOR PERSONAL SERVICE - RECEIVED BY: *(Name and signature)*

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

The Horse Protection Regulations restrict foreign substances as follows:

9 C.F.R. § 11.2(c) Prohibition concerning exhibitors – *Substances*

c) Substances. All substances are prohibited on the extremities above the hoof of any Tennessee Walking Horse or racking horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, or horse sale or auction, except lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof: Provided, that:

(1) The horse show, horse exhibition, or horse sale or auction management agrees to furnish all such lubricants and to maintain control over them when used at the horse show, horse exhibition, or horse sale or auction.

(2) Any such lubricants shall be applied only after the horse has been inspected by management or by a DQP and shall only be applied under the supervision of the horse show, horse exhibition, or horse sale, or auction management.

(3) Horse show, horse exhibition, or horse sale or auction management makes such lubricants available to Department personnel for inspection and sampling as they deem necessary.