

**04/08/2003 Entry: "MONTANA ATTORNEY GENERAL
UNDERTAKES INVESTIGATION OF SWIFT & CO. AND IBP
LETTERS"**

****Please Note:** The Kansas Cattlemen's Association has requested that Kansas Attorney General Phill Kline perform an investigation into this matter as well.⁸⁸

Montana Cattlemen's Association (MCA) on March 25, 2003, requested Mike McGrath, Montana Attorney General, to investigate the letters of intimidation sent to Montana cattle producers by IBP and Swift & Co. MCA alleged that the letters contained false and misleading statements relative to the implementation of COOL. Specifically, MCA alleged these letters circulated unfair and deceptive information about market conditions and the sale of livestock in Montana. The letters suggest that without third party verification that a calf meets the required definition of born, raised, fed and processed in the U.S., the calf will not be saleable within the U.S. MCA alleges this false, unfair, and deceptive claim is without any basis and may have contributed to falling calf and feeder prices experienced by Montana producers during March of this year. Future prices on the commodity exchange may have also been pressured lower.

The Swift & Co. letter also states that the packer will "perform random producer audits verifying that an accurate audit trail is in place that will comply with Country of Origin, and that it has been approved by a USDA certified third-party." There is no foundation or authority for this misleading statement under the COOL guidelines and it is a clear attempt to intimidate Montana cattle producers. MCA states that this effort of intimidation is unacceptable within the borders of Montana.

On April 7, 2003, the Montana Attorney General's office notified MCA that they have received the complaint and are taking the matter very seriously. MCA's complaint has been assigned to a senior attorney within the Attorney General's office and an investigation will ensue. A preliminary decision from Mike McGrath's office may issue within ten days to two weeks.