



# NEWS RELEASE

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## **NMA DISAPPOINTED WITH NINTH CIRCUIT DECISION AGAINST INJUNCTION**

OAKLAND, CA – The U.S. Court of Appeals for the Ninth Circuit released its opinion today in the appeal of the preliminary injunction against section 599f of California law (case of *NMA v. Brown*). Although the court determined that NMA was likely to succeed in at least part of its claims against the California law which bans downer livestock of all species from slaughter, the court also said that NMA isn't likely to succeed on its preemption claims against other provisions of Section 599f. The injunction was vacated and the entire matter was remanded to the lower court for further proceedings, which may include additional requests for injunctive relief.

NMA is disappointed at the decision by the Ninth Circuit. The court has, for the first time, characterized nonambulatory swine as a "kind of animal" and therefore not subject to USDA inspection regulations at a USDA-inspected slaughter facility if a state requires immediate euthanasia. Further, the decision fails to address the huge distinction between animals – in this case swine in particular – that are fatigued by travel and are therefore at rest, from animals that are physically unable to stand up and move.

"NMA will discuss options with its associates and legal counsel," said NMA CEO Barry Carpenter. "This California law fails to distinguish between livestock at rest and livestock that have no independent mobility and that is a critical and potentially illegal failing for a state law that applies to animals on the premises of a USDA-inspected plant and under the jurisdiction of the Federal Meat Inspection Act."

National Meat Association is a non-profit trade association. Since 1946, NMA has represented meat packers and processors, equipment manufacturers and food suppliers who provide services to the meat industry. The association has members throughout the United States, as well as in Canada, Australia and Mexico.