

## IDENTIFICATION

### TAGS DIDN'T STOP A THEFT

Bob and Jill Jensen believe in traceability as a way for producers to stand behind their product. Every animal in their 220-head purebred Red Angus herd near Leader, Sask., carries a brand and tattoo in addition to the approved radio frequency identification (RFID) tag before it leaves the farm.

However, their faith in the traceabil-

ity system was undermined last year by what they view as the Canadian Food Inspection Agency's (CFIA) failure to stand by its product — Canada's animal identification regulations.

The issue dates back to the fall roundup of 2009 when two of their calves showed up at the auction market in Spiritwood 10 days after two pairs went missing from a custom grazing pasture northeast of North Battleford.

The local brand inspector noticed that the RFID tags in the calves didn't match up to Jensen's backward L1 brand carried on the left hip. Further investigation showed the tags had been replaced, illegally.

That's an offence under the federal Health of Animals Act and is punishable by penalties ranging from \$1,300 to \$10,000. At least, it would be if CFIA officials had decided to prosecute this case.

Fortunately the cattle were branded, and cattle theft is a crime so provincial crown prosecutor, Jennifer Robertson, whose family runs a 1,700-head cow-calf operation, successfully brought a charge of theft of a red bull calf and red heifer calf against Rick Omelchenko of the North Bat-

tleford district. He pled guilty on December 6, 2010 and was given a nine-month conditional discharge and ordered to pay \$500 restitution to the Jensens and \$500 to a local charity.

The keen-eyed local brand inspectors also traced the brands on Jensen's missing cows to two strays on two different farms that had been found wandering along a roadway.

Robertson says this case shows the importance of branding to proving ownership.

Jensen couldn't agree more. But he no longer has the same confidence in his Canadian Cattle Identification Agency (CCIA) tags and admits he is still "livid" that CFIA did not issue Omelchenko with a notice of violation under the Agriculture and Agri-Food Administrative Monetary Penalties Act for removing the RFID tags from his calves.

In a statement in response to an inquiry by CANADIAN CATTLEMEN, the CFIA says it did consult the Public Prosecution Service of Canada (PPSC) following its own investigation. "After its review, the PPSC indicated that the evidence in the case only supported

the fact that the owner's original tags had been replaced by new tags, leaving a reasonable doubt as to whether the tags were removed intentionally or had simply fallen out at an earlier stage of the animal's life.

"The CFIA agreed with PPSC's assessment that there was insufficient evidence either to support a criminal charge or to issue an Administrative Monetary Penalty in accordance with the Health of Animals Act and Regulations."

Jensen isn't buying it. "I sent 120 head up north and 118 came home with their original tags that year. Only the two stolen calves had new tags. It's cut and dried in my books and they let a known thief go," Jensen says. "Why should producers be expected to stand behind the program when the people in charge won't?"

Bruce Holmquist, vice-president of the Saskatchewan Cattlemen's Association, says the Jensens did the right thing by contacting him to make their concern known. He says this type of feedback eventually feeds into policy and regulatory discussions between cattle producer representatives and government agencies such as CFIA.

The CCIA does not enforce traceability regulations but Holmquist says it is looking for feedback from producers on tag retention or traceability issues and has an employee who deals with those matters.

More on the Health of Animals Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and

related regulations can be found at [www.justice.gc.ca](http://www.justice.gc.ca). Recent amendments to the regulations can be found at [www.gazette.gc.ca](http://www.gazette.gc.ca), (Volume 144 No. 22).