

Deadline nears to join pet jerky class action

Owners have until April 1 to submit claims

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For The VIN News Service Owners whose dogs became ill after consuming pet jerky marketed by Nestlé Purina PetCare Co. or its Waggin' Train subsidiary may be entitled to reimbursement for the treats, veterinary care and post-death expenses if those treats were made in or contained ingredients from China.

The potential payout is part of a [\\$6.5 million class-action settlement](#) fund created last spring that allows Nestlé Purina and Waggin' Train to “move forward” without admitting guilt in an eight-year mystery about why the jerky seems to be sickening pets.

Owners who purchased products made by [Waggin' Train or the Nestlé Purina brand Canyon Creek Ranch](#) have until April 1 to [submit a claim](#). Illinois federal Judge Robert W. Gettleman is expected on June 23 to consider the class action's merits.

“The judge wanted the claims to come in first,” explained Bruce Newman, a attorney with one of three law firms representing the class action. “The \$6.5 million fund has been set up to pay these claims after expenses and attorneys' fees. The goal is that people can finally get recovery.”

Three plaintiffs — pet owners Dennis Atkins, Faris Martin and Rosalinda Gandara — each will receive \$5,000 from the fund for leading the case. Newman would not say how many owners have submitted claims thus far but noted the population is in the “thousands.” The nationwide class action incorporates at least five lawsuits from across the country.

“If it's approved, people will get payments on their claim forms, pro rata for their damages,” Newman said. “But if it's not approved, the action will be further litigated.”

One potential hitch stems from the fact that no one, the U.S. Food and Drug Administration included, has a clear explanation for why pet jerky treats seemingly have sickened thousands of pets in several countries, despite exhaustive testing.

“Obviously that's an issue,” Newman said. “I understand the FDA has not found a definitive, causative agent as of yet, and there's an ongoing investigation.”

Officials with the FDA's Center for Veterinary Medicine have warned consumers since 2007 about growing reports of illness in animals that ate chicken and other jerky treat products, mostly from China. Nestlé Purina has been one of the largest makers of pet jerky treats, but its brands aren't the only ones implicated.

To date, the FDA has received more than [5,800 adverse event reports](#), most involving gastrointestinal or liver problems, skin troubles and neurological issues in dogs. A few cats and humans who consumed pet jerky are included in the agency's tally. More than 1,000 dogs have died, and some have exhibited a rare kidney condition that mimics Fanconi syndrome, which is characterized by increased thirst, urination, and glucose in the urine in the absence of high blood sugar.

Without knowing what's causing the illnesses, companies have not recalled pet jerky except in cases where the investigation has detected illegal antibiotic and antiviral contaminants — drug residues that are prohibited but are not believed to be linked to the illnesses. There also have been recalls pertaining to *Salmonella* contamination.

Nevertheless, public pressure has pushed marketers to move production out of China, and many stores have phased out Chinese-made pet treats while stocking shelves with those labeled “Made in the USA.”

Regulators warn that “Made in the USA” [doesn't mean all ingredients are sourced in America](#). “Pet owners should be aware that manufacturers do not need to list the country of origin for each ingredient used in their products, and thus may still contain ingredients sourced from China or other countries that export to the U.S.,” the [FDA said in February](#).

The FDA noted that [numbers of jerky-related complaints have since slowed](#), though not necessarily due to the trend to move away from Chinese production and ingredients.

Dr. Kendal Harr, a veterinary clinical pathologist who's investigated the jerky puzzle for years for the Veterinary Information Network, an online community for veterinarians and parent of the VIN News Service, encourages colleagues to share the April 1 deadline with clients.

"It's a bit frustrating that we don't know *the* compound" that's sickening dogs, she said. "But the likelihood in this case is that we have a contaminated food source, and finding the smoking gun is nearly impossible."

For that reason, she said, a negotiated settlement is "the best that we can really expect, unfortunately."

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