



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

TODD P. GRAVES

Contact Don Ledford, Public Affairs • (816) 426-4220 • 400 East Ninth Street, Room 5510 • Kansas City, MO 64106

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FOR IMMEDIATE RELEASE

DEFENDANTS CHARGED WITH SELLING WARBEX PLACED ON PRETRIAL DIVERSION

SPRINGFIELD, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced that a corporation and two of its employees in Barton County were placed on pretrial diversion today for their role in the illegal poisoning of large numbers of red-tailed hawks, owls, and other wildlife.

MFA Agri-Services, Inc., a Missouri corporation in Lamar, Mo.; and **Bert Phipps**, 24, and **Lynton Hickman**, 37, both of Lamar, Mo., were charged in a federal information with two counts of selling the animal drug Warbex to an individual after advising that individual on the use of the drug for the unapproved purpose of euthanizing birds.

Under the terms of the pretrial diversion, Graves explained, prosecution for those offenses shall be deferred for one year, provided the defendants abide by the conditions and requirements of the pretrial diversion program.

Among the conditions of those diversionary agreements: **MFA Agri-Services, Inc.**, will pay \$9,000 in restitution to Ducks Unlimited for habitat restoration and preservation. **Phipps** will perform 100 hours of community service on a conservation-related project. **Hickman** will perform 50 hours of community service on a conservation-related project.

Graves explained that Warbex, an animal drug used to treat grubs on cattle, is sometimes misused as a poison to kill “nuisance birds” such as sparrows or grackles. Although the practice is illegal, Graves said, farmers sometimes mix Warbex with grain or corn and put it out in a field to kill the birds. Unfortunately, those birds are often eaten by hawks, owls and even eagles, which then die as a result of the poison.

Famphur, the animal drug sold commercially by Schering Plough Animal Health Corporation under the trade name of Warbex, was approved by the Food and Drug

Administration as a pour-on treatment of cattle for cattle grubs and cattle lice. Any other use, Graves said, is a violation of federal law.

The case was investigated by the Food and Drug Administration and the U.S. Fish and Wildlife Service.

This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at
www.usdoj.gov/usao/mow