



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

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FOR IMMEDIATE RELEASE

GREENE COUNTY MAN SENTENCED FOR KILLING MIGRATORY BIRDS

SPRINGFIELD, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced that a Greene County man was sentenced in federal court today for causing the deaths of 10 migratory birds by illegally using Warbex as a poison.

Donald E. Smith, 54, of Greene County, Mo., was sentenced by U.S. Magistrate Judge James C. England this morning to one year of probation. The court also ordered **Smith** to pay a \$2,000 fine.

On Nov. 26, 2002, **Smith** pleaded guilty to a federal information charging him with killing 10 migratory birds. **Smith** admitted that he killed the following migratory birds: seven red-tailed hawks, one Cooper's hawk, one northern cardinal, and one white-crowned sparrow. Graves explained that the birds' deaths were caused by **Smith's** illegal use of Warbex.

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.

On Jan. 23, 2003, a corporation and two of its employees in Barton County were ordered to make a monetary contribution and to perform community service, in a separate but related case, 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., will pay \$9,000 in

restitution to Ducks Unlimited for habitat restoration and preservation. **Bert Phipps**, 24, of Lamar, Mo., will perform 100 hours of community service on a conservation-related project. **Lynton Hickman**, 37, of Lamar, Mo. will perform 50 hours of community service on a conservation-related project.

MFA Agri-Services, Inc., Phipps, and Hickman 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 their 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.

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