



United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Investigative and Enforcement Services

Reference Number: TN120035-AC  
& TN120041-AC  
Issuance Date: June 20, 2012  
Version: Final

VIA: USPS Certified Mail  
Shipping Event: 1st

June 20, 2012

Tony Mercer  
665 Highway 82 E  
Bell Buckle, TN 37020

**OFFICIAL WARNING**

Re: Reference number TN120035-AC & TN120041-AC

Dear Sir or Madam:

We believe that you violated the Horse Protection Act (15 U.S.C. § 1821 et seq.) (HPA), as described in the attached Official Warning. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the HPA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$2,200, or other sanctions, for each violation described in this Official Warning. Although we generally pursue penalties for this type of violation(s), we have decided not to pursue penalties in this instance so long as you comply, in the future, with laws that APHIS enforces.

*What happens if I do not comply in the future?*

If you violate laws that APHIS enforces in the future, we may pursue criminal penalties, or we may pursue civil penalties for the violations described in this Official Warning, in addition to any penalties we may pursue for any future violations.

*What should I do if I have questions?*

If you have any questions concerning this Official Warning, contact Edmund Grant at (301) 851-2752 or call our main office number at (301) 851-2948.

Sincerely,

Robert J. Huttenlocker  
Director  
Investigative and Enforcement Services

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



**OFFICIAL WARNING**  
**VIOLATION OF FEDERAL REGULATIONS**

**CASE NUMBER:**

TN120035-AC & TN120041-AC

**VIOLATOR:**

Tony Mercer

**ADDRESS (Street, City, State, ZIP Code):**

665 Highway 82 E  
Bell Buckle, TN 37020

The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following violation(s) of Federal Regulations:

**Date of Violation: May 26, 2011**

**15 U.S.C. § 1824(7) Unlawful Acts.** The showing or exhibiting at a horse show or horse exhibition; the selling or auctioning at a horse sale or auction; the allowing to be shown, exhibited, or sold at a horse show, horse exhibition, or horse sale or auction; the entering for the purpose of showing or exhibiting in any horse show or horse exhibition; or offering for sale at a horse sale or auction, any horse which is wearing or bearing any equipment, device, paraphernalia, or substance which the Secretary by regulation under Section 1828 of this title prohibits to prevent the soring of horses.

9 C.F.R. § 11.2(c) All substances are prohibited on the extremities above the hoof of any Tennessee Walking Horse or racking horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, or horse sale or auction, except lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof: Provided . . .

You entered, for the purpose of showing or exhibiting, the horse "Jazz Twenty Four Seven," at the 41st Annual Spring Fun Show which tested positive for Decamethylcyclopentasiloxane and hydrocarbons.

**Date of Violation: May 27, 2011**

**15 U.S.C. § 1824(7) Unlawful Acts.** The showing or exhibiting at a horse show or horse exhibition; the selling or auctioning at a horse sale or auction; the allowing to be shown, exhibited, or sold at a horse show, horse exhibition, or horse sale or auction; the entering for the purpose of showing or exhibiting in any horse show or horse exhibition; or offering for sale at a horse sale or auction, any horse which is wearing or bearing any equipment, device, paraphernalia, or substance which the Secretary by regulation under Section 1828 of this title prohibits to prevent the soring of horses.

9 C.F.R. § 11.2(c) All substances are prohibited on the extremities above the hoof of any Tennessee Walking Horse or racking horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, or horse sale or auction, except lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof: Provided . . .

You entered, for the purpose of showing or exhibiting, the horse "Power of Poetry," at the 41st Annual Spring Fun Show which tested positive for Sulfur, Hydrocarbons, and phthalate.

Continued on next page.

<p>The Animal and Plant Health Inspection Service (APHIS) created federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the violation(s) described above. Any further violation of these federal regulations may result in the assessment of a civil penalty, criminal prosecution, or other sanctions. If you have any questions concerning this Official Warning or violation(s), please contact the APHIS official listed in this notice.</p>				
<b>APHIS OFFICIAL (Name):</b> Robert J. Huttenlocker		<b>OFFICE ADDRESS:</b> 4700 River Road, Unit 85 Riverdale, MD 20737		
<b>APHIS OFFICIAL (Title):</b> Director, Investigative and Enforcement Services		<table border="1"><tr><td><b>DATE ISSUED:</b> 6/20/2012</td><td><b>TELEPHONE NUMBER:</b> (301) 851-2948</td></tr></table>	<b>DATE ISSUED:</b> 6/20/2012	<b>TELEPHONE NUMBER:</b> (301) 851-2948
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Author: Edmund Grant at (301) 851-2752

Approver: Robert J. Huttenlocker

CC to IES Regional Directors  
and Area Managers:

- ☒ Eastern Regional Director, IES
- ☒ Eastern Deputy Regional Director, IES
- ☐ Western Regional Director, IES
- ☐ Western Deputy Regional Director, IES
- ☐ Northeast Area Manager, IES, ER
- ☐ Caribbean Area Manager, IES, ER
- ☐ Southeast Area Manager, IES, ER
- ☐ North Central Area Manager, IES, ER
- ☐ Mid-Atlantic Area Manager, IES, ER
- ☐ South Central Area Manager, IES, WR
- ☐ Pacific Area Manager, IES, WR
- ☐ Northwest Area Manager, IES, WR
- ☐ Mountain Area Manager, IES, WR
- ☐ Great Plains Area Manager, IES, WR

CC to Others: R. Cezar, AC HP  
C. Jones, AC HP

Final Processing: Edmund Grant

Production Notes: **[Production Notes]**

T02A Warning Letter (6-12)

Tony Mercer  
665 Highway 82 E  
Bell Buckle, TN 37020