





West Virginia law makes it a crime “to intentionally, knowingly or recklessly, (A) [m]istreat an animal in cruel manner; (B) [a]bandon an animal; (C) [w]ithhold; (i) [p]roper sustenance, including food or water; . . . [or] (iii) [m]edical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal; or (D) [a]bandon an animal to die.” W. Va. Code § 61-8-19(a)(1).

Other states have similar laws.

Despite West Virginia’s prohibition on cruelty, Legal Impact for Chickens has acquired **numerous** videos and images of chicks who apparently have died, or are dying, from dehydration or other preventable causes, at a West Virginia Rural King store.

By way of brief illustration, here is one of the many images we have received:





The videos and images we have received were taken at one of your stores in West Virginia, both in the public area and in the back area. The videos and images we received were taken on multiple different dates.

We received multiple videos that show live chicks standing and walking on top of, or huddling next to, dead chicks. We also received multiple videos that show chicks appearing to convulse, possibly due to complications resulting from dehydration.

Legal Impact for Chickens has also heard from multiple witnesses regarding your company's failure to properly care for chicks. We thus have reason to believe that the animal-cruelty violations shown in the videos we received may not be unique to one Rural King location, but rather, may be part of a broader pattern of cruelty to chicks at your stores.

Specifically, we are under the impression that Rural King is repeatedly failing to provide water to chicks, presumably for reasons including Rural King's repeated use of an inappropriate adult-chicken watering mechanism, which does not work properly for chicks. When Rural King uses the adult-chicken watering mechanism for a group of chicks, the chicks cannot access water because they are too young to use the only available watering mechanism.

We also have reason to believe that Rural King is failing to tend to chicks with sufficient frequency to keep all the chicks alive. For instance, we have received a video of a severely unwell chick buried underneath a feeder. It appears that your staff failed to rescue this bird in a timely manner such as to prevent significant suffering.

Based on the information we have received, it thus appears that Rural King is violating West Virginia's cruelty law. Specifically, the evidence indicates that Rural King is (A) "[m]istreat[ing]" chicks; (B) "[a]bandon[ing]" chicks; (C) "[w]ithhold[ing] . . . water [and] medical treatment, necessary to sustain normal health and fitness . . . of" chicks; and (D) "[a]bandon[ing]" chicks to die; all in



violation of section 61-8-19(a)(1).<sup>1</sup> To the extent Rural King carries out similar behavior in other states, other states' cruelty laws may be violated as well.

Sadly, Rural King's recent mistreatment of its chicks does not seem to be an isolated event. Rather, the cruelty seems to be part of a several-year-long, nationwide pattern of Rural King mistreating chicks, as evidenced by multiple news reports.

Legal Impact for Chickens demands that you immediately cease the extreme neglect of chicks in your care. Specifically, we demand that you immediately ensure that all the chicks in your care receive realistic, constant access to water. As part of achieving this, we demand that you immediately and permanently switch to a chick-appropriate watering mechanism, such as simply using shallow trays of water that chicks can reach.

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<sup>1</sup> Note that West Virginia's cruelty law does exempt "farm livestock [or] poultry . . . if kept and maintained according to usual and accepted standards of livestock [or] poultry . . . production and management." W. Va. Code. § 61-8-19(f). This exemption cannot shield Rural King, however, for two reasons. First, Rural King is a retailer, not a farm. Second, the exemption **does not** authorize the type of extreme misconduct described herein. The Supreme Court of Appeals of West Virginia recently made clear that West Virginia's cruelty law still protects farmed animals from improper treatment, even with this exemption. *See Beasley v. Sorsaia*, 2022, 880 S.E.2d 875, 878–79 (W. Va. 2022) (rejecting argument that exemption "unconditionally excludes livestock from protection" and "disagree[ing] with [the p]etitioner's position that subsection (f) provides a blanket exclusion for livestock, regardless of how they are kept"). The state Supreme Court ruled that West Virginia's cruelty statute excludes farmed animals **only** when they are kept and maintained according to usual and accepted standards of livestock production and management. *Id.* And such usual and accepted standards certainly include a requirement of "watering." *Id.* at 880; *see also* W. Va. Code R. 61-31-4(4.1.-4.2.c.) ("The responsible party shall provide its livestock with adequate [ ] water . . .").



Legal Impact for Chickens also demands that you immediately and permanently institute a policy of ensuring that a staff member checks on each chick with sufficient frequency to prevent injury, illness, or dehydration; and that a staff member intervenes when any chick appears to be in danger.

If Legal Impact for Chickens has not received an affirmative response from you by August 28, 2023 indicating that you have fully complied with the anti-cruelty law, we shall consider taking any and all legal action to rectify this situation.

Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Alene". The signature is fluid and cursive.

Alene Anello  
President  
**Legal Impact for Chickens**