

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY ENFORCEMENT REPORT
January 1, 2002 through March 31, 2002**

INTRODUCTION

This is the Food Safety and Inspection Service's (FSIS) Quarterly Enforcement Report. The report provides a summary of the enforcement actions FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. Although this report focuses on enforcement actions taken, it is important to recognize that this is only one aspect of the Agency's work. The Agency's main purpose is to protect public health by achieving compliance with laws and regulations.

FSIS inspects products produced in over 6,000 meat, poultry, and egg product plants. Since January 1998, meat and poultry plants have been operating HACCP Systems. Publication of this information is another step in the Agency's commitment to openness and transparency in its work to protect the public from adulterated or misbranded meat, poultry, and egg products.

The report is presented in sections that correspond with the category of action. Activities reported within the categories are either pending or experienced new activity during the reporting period. FSIS also coordinated administrative actions, where regulatory or other authorities were applied in inspected plants, and managed USDA participation in criminal cases pending in Federal courts. These actions, along with the thousands of inspections made each day in plants

throughout the country, form strong underpinnings for promoting compliance with food safety laws. Each section of this report is described and reported in more detail as follows:

FSIS ENFORCEMENT PROCESSES
NONCOMPLIANCE RECORDS AND APPEALS
PRODUCT CONTROL ACTIONS
LETTERS OF WARNING
ADMINISTRATIVE ACTIONS
CRIMINAL ACTIONS
CIVIL ACTIONS

FSIS ENFORCEMENT PROCESSES

USDA's Food Safety and Inspection Service (FSIS) is charged with ensuring that meat, poultry, and egg products are safe, wholesome, and properly labeled. FSIS, in cooperation with State counterparts, inspects, monitors, and verifies the proper processing, handling, and labeling of meat and poultry products from the delivery of animals to the slaughterhouse until the products reach consumers. FSIS, in cooperation with FDA and the states, provides similar coverage for egg products – the processed whole egg ingredients used in manufacturing other foods. (More information concerning egg products inspection and enforcement is provided in the FSIS publication "[Focus on Egg Products](#)" that can be accessed at:

<http://www.fsis.usda.gov/oa/pubs/eggprod.htm>. If FSIS detects problems with any products it regulates, the Agency takes product control and enforcement measures to protect consumers.

USDA conducts monitoring and verification activities at plants that slaughter food animals and process products to ensure that products at these establishments are produced in a sanitary environment and potential food safety hazards are identified and eliminated. These establishments must apply for a grant of inspection from FSIS and demonstrate the ability to meet certain requirements for producing safe, wholesome, and accurately labeled food products. Requirements include meeting sanitation, facility, and operational standards, and having preventive systems in place to ensure the production of safe and unadulterated food. Products from official establishments are labeled with the mark of inspection, indicating that they have been inspected and passed by USDA and can be sold in interstate commerce.

FSIS uses Compliance Officers throughout the chain of distribution to detect and detain potentially hazardous foods in commerce and to investigate violations of law. Even if products are produced under conditions that are safe and sanitary, abuse on the way to the consumer, for example, if transported in trucks that are too warm or if exposed to contamination, can result in product that can cause illness or injury.

FSIS also works closely with USDA's Office of Inspector General (OIG), which assists FSIS in pursuing complex criminal cases. In addition, many state and local jurisdictions have enforcement authorities that apply to USDA-regulated products. FSIS cooperates with these other jurisdictions in investigations and case presentations. FSIS also participates with OIG and the U.S. Department of Justice in monitoring conditions of probation orders and pretrial diversion agreements developed to resolve cases.

This report provides a summary of enforcement actions, including actions that address the Pathogen Reduction/HACCP regulatory requirements, FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. The Agency recognizes that this report is a snapshot in time of a dynamic process. Some information will be out-of-date by the time this report is published. For example, many matters shown as under appeal will have been resolved by the time this report is published. Other actions could be appealed or closed after this reporting period. This information will be updated on a quarterly basis and made available to the public through future reports.

NONCOMPLIANCE RECORDS AND APPEALS

FSIS inspection program personnel perform thousands of inspection procedures each day to determine whether or not inspected plants are in compliance with regulatory requirements. Each time inspection program personnel make a non-compliance determination they complete a report explaining the nature of the regulatory action. They notify plant managers of problems by a written Noncompliance Record (NR).

NRs document noncompliance determinations that occur in the plant's sanitation and other controls and notify the plant that it must take action to remedy a problem and prevent its recurrence. If this is done, the plant will continue to operate without interruption. Problems reported on NRs vary from minor labeling discrepancies to serious breakdowns in food safety controls. When noncompliance occurs repeatedly or when the plant fails to prevent adulterated product from being produced or shipped, FSIS takes action to control products and may take an action to withhold or suspend inspection.

During this quarterly reporting period, FSIS performed 1,397,177 HACCP verification procedures. **Table 1a** provides numbers of NRs issued by FSIS inspection personnel between January 1, 2002 to March 31, 2002. **Table 1b** shows the number of appeals and the dispositions of the appeals filed by plants during this reporting period.

Table 1a. Noncompliance Record Totals

NR Totals

NRs Issued (1/01/02 to 3/31/02): **30,949**

Table 1b. Appeals NRs (1/01/02 to 3/31/02)

Number of Plants Filing Appeals: 141

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total NRs Appealed
75	137	134	346

(Total exceeds 141 because some plants filed multiple appeals.)

PRODUCT CONTROL ACTIONS

FSIS takes product control actions to gain physical control over products when there is reason to believe they are adulterated or misbranded. The actions ensure that those products do not enter commerce or, if they are already in commerce, that they do not reach consumers.

In official establishments, FSIS inspectors may retain products whenever there is evidence of unwholesomeness, or if products are adulterated or mislabeled. FSIS inspectors condemn animals for disease, contamination, or adulteration to prevent their use as human food. Figures for condemnations of livestock for the reporting period are as follows: FSIS inspected 28,403,238 livestock carcasses, of which 68,337 carcasses were condemned. FSIS inspected 2,114,105,788 poultry carcasses of which 13,633,736 carcasses were condemned.

Detentions

After products are distributed from plants, FSIS Compliance Officers detain any that may be adulterated or misbranded. If product disposition cannot be made within 20 days, FSIS may request a federal court to seize the product (see Civil Actions). **Table 2** provides the number of detentions and the pounds of product involved in these actions for meat and poultry, reported in total and by FSIS District Offices, for this quarterly reporting period. Most detentions result in voluntary disposal of the product and do not require court seizures.

**Table 2. Detention Summary
(1/01/02 to 3/31/02)**

Detentions

Total number of detentions by FSIS	110
Total pounds of product detained	3,980,094

District	Detentions	Pounds Detained
ALAMEDA, CA	22	63,358
ALBANY, NY	10	131,026
ATLANTA, GA	5	7,931
BELTSVILLE, MD	9	35,659
BOULDER, CO	5	31,287
CHICAGO, IL	5	256,763
DALLAS, TX	11	13,183
DES MOINES, IA	4	3,165
JACKSON, MS	4	420,030
LAWRENCE, KS	1	2,121,589
MADISON, WI	3	33,490
MINNEAPOLIS, MN	3	3,650
PHILADELPHIA, PA	3	678,278
PICKERINGTON, OH	2	165,720
RALEIGH, NC	3	1,093
SALEM, OR	5	13,207
SPRINGDALE, AR	15	665
Totals	110	3,980,094

Recalls

A recall is a voluntary action by a firm to remove adulterated, misbranded, or suspect products from distribution. FSIS cannot require recalls but can recommend and monitor those that occur. Class I recalls involve a health hazard when there is a reasonable probability that the use of the product will cause serious adverse health consequences or death. Class II recalls involve a potential health hazard when there is a remote probability of adverse health consequences from use of the product. Class III recalls involve a situation in which use of the product is not likely to cause adverse health consequences. For current information on recalls, go to the FSIS recalls web page at: http://www.fsis.usda.gov/oa/recalls/rec_intr.htm.

Import Reinspections

FSIS maintains a comprehensive system of import controls to carry out the requirements of the Federal meat, poultry, and egg products inspection laws to ensure the wholesomeness of imported products. The system of import controls involves evaluation of the inspection system of each country seeking to export product to the United States and reinspection of imported products at the port of entry. FSIS conducts a rigorous review of an exporting country's inspection system to ensure it is equivalent to our inspection system prior to the country being permitted to export to the United States. After the country gains eligibility to export to the U.S., FSIS audits the foreign country inspection system at least annually. Reinspection of meat, poultry and egg products as they enter the United States is a further check on the performance of the foreign inspection system. This activity is referred to as reinspection because all imported products have been inspected and passed by a foreign inspection system equivalent to the U.S. system. All shipments must be presented to FSIS inspectors, who check documentation and general condition. FSIS also randomly selects shipments for more in-depth inspections, based on statistical sampling. A shipment that fails to meet U.S. requirements is refused entry into this country. The product must be re-exported, destroyed or, in some cases, converted to animal food. **Table 3** provides the total number of lots and pounds of imported meat, poultry, and egg products presented to FSIS; the number selected for in-depth reinspection; and the number refused entry during the reporting period.

**Table 3. Imported Meat, Poultry and Egg Products
(1/01/02 to 3/31/02)**

Presented, Reinspected, and Refused Entry

Meat and Poultry

Number of Presented		Number of Reinspected		Number of Refused Entry	
Lots	Pounds	Lots	Pounds	Lots	Pounds
43,372	923,756,633	7,358	166,930,958	2,883	2,701,236

Egg Products

Number of Presented		Number of Refused Entry	
Lots	Pounds	Lots	Pounds
341	3,872,021	4	43,100

LETTERS OF WARNING

FSIS issues letters of warning (LOW) for minor violations of law that are not referred to United States Attorneys for prosecution. FSIS may also issue these warnings when a United States Attorney declines to prosecute a case or bring action against a specific business or person. These letters warn that FSIS may seek criminal action based on continued violations. Letters of warning may be issued to any individual or business, including Federal plants, wholesalers, distributors, restaurants, retail stores and other entities that process, store, or distribute meat and poultry products. **Table 4** shows letters of warning issued by headquarters and by each of the FSIS District Offices during the reporting period.

**Table 4. Letters of Warning for Criminal Actions
(1/01/02 to 3/31/02)**

Letters of Warning for Criminal Violations

Total number of LOWs issued for violations: 354
Number issued by Headquarters: 9

District	Number of LOWs Issued by Districts
ALAMEDA, CA	28
ALBANY, NY	69
ATLANTA, GA	48
BELTSVILLE, MD	27
BOULDER, CO	2
CHICAGO, IL	16
DALLAS, TX	12
DES MOINES, IA	4
JACKSON, MS	12
LAWRENCE, KS	7
MADISON, WI	6
MINNEAPOLIS, MN	2
PHILADELPHIA, PA	49
PICKERINGTON, OH	5
RALEIGH, NC	3
SALEM, OR	44
SPRINGDALE, AR	11
Total number issued by Districts	345

ADMINISTRATIVE ACTIONS

FSIS inspects meat and poultry products and applies the marks of inspection when inspectors are able to determine that products are not adulterated. FSIS may temporarily withhold the marks of inspection from specific products, suspend inspection, or withdraw a grant of inspection if a plant is not meeting regulatory requirements.

Effective January 25, 2000, FSIS amended its Rules of Practice that apply to Agency enforcement actions. The Rules of Practice, which are located in 9 CFR Part 500, define each type of enforcement action FSIS can take, the conditions under which it is likely to take these actions, and the procedures FSIS will follow in doing so.

Withholding the Marks of Inspection

If a plant fails to prevent preparation and shipment of adulterated products or develops a pattern of noncompliance showing the plant's sanitation or process control systems have failed, FSIS may notify plant managers that the USDA mark of inspection is being withheld from some or all of the products in the plant. This action effectively shuts down affected operations, because it is illegal to sell products in interstate commerce that do not bear the USDA mark of inspection.

Other non-affected parts of the plant, if any, may still operate.

Suspension of Inspection

FSIS may suspend the assignment of inspectors if a plant fails to prevent preparation and shipment of adulterated products, fails to present a corrective action plan to bring the plant sanitation or process control systems into compliance, or for other reasons specified in the Rules of Practice. As with withholding actions, a suspension shuts down all or part of the plant's operations. USDA may place the suspension in abeyance if corrections are presented, put into effect, and effectively prevent additional problems. FSIS District Offices have established procedures to monitor and verify a plant's corrective and preventive actions.

Notification to Establishments of Intended Enforcement Actions

FSIS has an established procedure to notify establishments of intended enforcement actions related to certain types of noncompliance that have not resulted in actual shipment of adulterated products. Under this procedure, a notice is issued to an establishment when the Inspector-in-Charge determines that the establishment has experienced multiple, recurring noncompliances, or for other reasons, as specified in the Rules of Practice, the establishment has failed to implement

adequate corrective and preventive measures. The Notice informs the establishment of the nature and scope of the noncompliance, and that FSIS intends to withhold the marks of inspection or suspend the assignment of inspectors. The Notice explains the basis of and references documentation for the intended enforcement action, and provides the establishment three business days to contest the basis for the proposed enforcement action or to demonstrate how compliance has been or will be achieved. In appropriate situations, USDA may defer a decision based on corrections submitted by the establishment.

Withdrawal of Inspection

In some situations, FSIS may decide that it is necessary to withdraw inspection from a plant. In these cases, FSIS withdraws inspection from a Federal plant by filing a complaint with the USDA Hearing Clerk. The plant may request a hearing before an Administrative Law Judge. If the action is based on insanitation, the plant will remain closed while proceedings go forward. In other cases that do not involve a threat to public health, operations may continue. These actions may be resolved by FSIS and the plant entering into a consent decision, which allows the plant to operate under certain specified conditions. Once inspection is withdrawn, a closed plant must reapply to receive Federal inspection.

As specified in the Rules of Practice, USDA may initiate withholding, suspension, or withdrawal actions to limit a plant's slaughtering or processing, or prevent the plant from operating altogether, based on reasons related to the PR/HACCP regulations such as:

- failure to collect and analyze samples for the presence of generic *E. coli* and record test results,
- failure to develop or implement Sanitation Standard Operating Procedures, or
- failure to develop or implement a required HACCP plan.

In addition, USDA may initiate a withholding, suspension, or withdrawal action for other reasons such as:

- failure to meet “sanitation performance standards,”
- insanitary conditions,
- inhumane handling or slaughtering of livestock,
- failure to destroy condemned product, or
- interference with inspection personnel.

Tables 5, 6, and 7 list administrative actions (other than actions based on convictions) by establishment, initiated, pending, or closed, for the period, along with whether the action is based on an SSOP or HACCP Systems failure, or for some other reason, such as inhumane handling. In some plants, FSIS may find more than one basis for taking enforcement action or may take more than one action. For example, the plant has sanitation problems and is not conducting *E. coli* testing, or a sanitation problem occurs more than once. These tables list actions taken at large, small, and very small plants. The enforcement action can be for any of the identified reasons. During this period, activity is reported concerning 158 plants. Fifty-eight of the actions in these plants were initiated during this reporting period. Sixty-two actions were closed by letter of warnings or other means during this period.

Tables 5, 6, and 7 also identify those cases in which an appeal of the suspension action may have been made, along with whether the appeal was granted or the administrative action was sustained (appeal denied). When decisions on appeals have not been made during the period of this report, the appeal is shown as pending and will be reported in the next quarterly report. One appeal of suspension action was filed during this period.

**Table 5. Administrative Actions: Large HACCP Plants
(1/01/02 to 3/31/02)**

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]														
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
CONAGRA BROILER CO. 07016 P EL DORADO, AR	6/1/01			6/6/01	X	X								
			8/22/01	8/24/01	X	X								On 08/22/01, suspension was reinstated.
CONAGRA POULTRY CO 05787 M05787 P NATCHITOCHES, LA	7/9/01	7/12/01				X								
EXCEL CORP. 00086H M PLAINVIEW, TX	2/6/02		2/13/02	2/15/02	X									
FARMER'S PRIDE, INC. 01304 P FREDERICKSBURG, PA	11/28/01	12/20/01				X								
FARMLAND NATIONAL BEEF PK. CO. 00208A M LIBERAL, KS			2/4/02	2/5/02					X					
FOSTER POULTRY FARMS 00157 M LIVINGSTON, CA	11/5/01	11/28/01				X					3/22/02			
FRESH MARK, INC. 00092 M CANTON, OH	10/2/01	10/4/01				X					1/10/02			
IBP INC. 09268 M PASCO, WA	4/12/01	4/20/01				X								

ABBREVIATION KEY

SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
KOCH FOODS LLC 00308 P MORTON, MS			2/13/02	2/13/02	X	X							
LONGMONT FOODS, INC. 00552 P LONGMONT, CO	7/18/01			8/2/01		X						2/20/02	
NEW MARKET POULTRY PRODUCTS 04602A P NEW MARKET, VA	6/1/01	6/21/01				X					2/12/02		
SANDERSON FARMS INC. 07264 P HAMMOND, LA	10/3/01	10/9/01				X					2/19/02		
SWIFT-ECKRICH, INC. 07174 P HUNTSVILLE, AR	3/11/02	3/20/02			X	X							
TYSON FOODS INC. 00146 P GLENN ALLEN, VA	6/28/01	7/16/01	8/24/01	8/27/01	X	X						1/9/02	
TYSON FOODS, INC 00112 P GREEN FOREST, AR	8/3/01	8/9/01			X	X					2/12/02		
TYSON FOODS, INC 05842 P SPRINGDALE, AR	9/24/01	10/2/01			X						2/12/02		
TYSON'S FOODS, INC. 00477 P BUENA VISTA, GA			12/6/01	12/10/01	X							3/28/02	

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

**Table 6. Administrative Actions: Small HACCP Plants
(1/01/02 to 3/31/02)**

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
A. M. BRIGGS INC. 01858 M WASHINGTON, DC	11/15/01	12/17/01				X						1/23/02	
ABBYLAND PORK PACK 15896 M CURTISS, WI			9/10/01	9/10/01				X					
AMY FOOD COMPANY 13174A M13174A P HOUSTON, TX			10/10/01	10/25/01		X						3/4/02	
ATLANTIC MEATS CO., INC. 06543 M SAVANNAH, GA	11/16/01	12/14/01			X	X							
BAR-S FOODS CO. 00471 M00471 P CLINTON, OK	3/26/01			7/9/01	X	X						2/13/02	
BOB EVANS FARMS INC. 00952 M HILLSDALE, MI			1/29/02	1/31/02				X					
BOOKER PACKING COMPANY 07162 M BOOKER, TX			1/11/02	1/11/02					X			1/31/02	
	2/7/02	2/11/02						X					
BROCCO FOODS INC. 18838 M18838 P NEW YORK MILLS, NY	8/25/00			9/7/00		X							

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
BROCCO FOODS INC. 18838 M18838 P NEW YORK MILLS, NY	2/22/01			3/2/01	X								
	12/28/01		1/14/02		X	X							
BUNGE FOODS CORP. 01886 M BRADLEY, IL	2/19/02	3/1/02			X	X							
CITY FOODS, INC. 01896 M19689 P CHICAGO, IL			2/19/02	3/11/02		X							
			3/19/02	3/25/02			X						
CLAUSEN MEAT PACKING INC. 00325 M TURLOCK, CA	12/4/01	12/31/01			X								
COLLEGE HILL POULTRY 00533 M FREDERICKSBURG, PA	10/12/01	1/16/02			X	X							
CONAGRA POULTRY CO. INC. 05671 M05671 P LUFKIN, TX	7/20/01	8/7/01			X						2/4/02		
CORFU FOODS, INC. 01614 M15820 P BENSENVILLE, IL			5/21/01	6/18/01	X						2/4/02		
	5/29/01	6/19/01				X							
D&D POULTRY, LLC 04177 M04177 P CITY OF INDUSTRY, CA	2/5/02					X					2/19/02		

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INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
EVERSHINE FOOD CORPORATION 13509 M GARLAND, TX			12/10/01	12/14/01	X							2/20/02	
FARMERS LIVESTOCK COOP. 06208 M WAIPAHUI, HI			12/3/01	12/3/01		X							
FELLER'S PRE COOKED MEATS 01550 M01550 P NORTH SALT LAKE, UT			9/27/01	10/4/01	X	X							
			10/15/01	10/19/01	X	X							On 10/15/01, suspension was reinstated.
	1/15/02		1/30/02	2/1/02	X	X							
HENNINGSSEN FOODS, INC. 05808 M05808 P RAVENNA, NE	3/9/01			4/4/01		X						2/5/02	
HOUSE OF RAEFORD FARMS 19865 P ARCADIA, LA	5/31/01			6/5/01	X	X							
			7/31/01	8/2/01	X	X							On 07/31/01, suspension was reinstated.
			12/13/01	12/21/01	X	X							On 12/13/01, suspension was reinstated.
HOUSE OF RAEFORD FARMS INC. 01234 M01234 P ATHENS, MI			1/28/00	2/7/00		X							On 01/28/00, a withholding action was taken. On 02/11/00, plant appealed the suspension. On 02/29/00, plant's appeal was denied. On 03/03/00, plant appealed to a higher FSIS official. Appeal decision is pending.

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Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
INDUSTRIAS AVICOLAS DE P.R. 06658 M COAMO, PR	2/4/02	2/20/02			X	X							
ISC, INC 01542 M01542 P SEATTLE, WA			10/23/01	10/25/01		X							On 10/23/01, a withholding action was taken.
	12/4/01			12/6/01		X							
J.C. POTTER ACQUISITION CORP. 00961 M DURANT, OK	12/6/01	12/21/01			X	X				X			Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
JOHN F. MARTIN & SONS 08888 M08888 P STEVENS, PA	12/4/01	1/25/02			X	X							
KEENER'S INC. 02823 M02823 P RENTON, WA	3/6/02	3/27/02				X							
KORTE & CO., INC. 09364 M09364 P EASTON, PA			11/10/01	11/14/01		X				X			Plant produced and shipped ground product that tested positive for E. coli 0157:H7.
LA BELLA SAUSAGE INC. 18726 M18726 P BROOKSVILLE, FL	2/12/02	2/20/02				X							
LOVETT & SON'S INC. 13143 M HASTINGS, NE			12/14/01	12/21/01		X							
LOWELL KOCH'S TURKEY FARM 08437 M TAMAQUA, PA	10/5/01	11/5/01				X							
MARY'S RANCH, INC. 18911 M MIAMI, FL	1/14/02			2/1/02	X	X							

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Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
MAS FOOD, INC. 09211 M09211 P VERNON, CA				3/1/01	X							1/18/02	On 02/27/01, a withholding action was taken.
MILLARD REFRIGERATED SERVICES 03338 M IOWA CITY, IA	6/4/01					X							Interim response issued on 08/07/01. Decision pending.
MOTZ POULTRY COMPANY 02045 P BATAVIA, OH	9/24/01	10/3/01			X						1/2/02		
MRS. WHEATS FABULOUS FOODS 13180 M NEW ORLEANS, LA	3/28/02				X	X							
NEW HORIZONS MEATS & DISTRIB. 00142 M19069 P CINCINNATI, OH	8/6/01	8/17/01	9/4/01	9/7/01		X						2/1/02	
			11/1/01	11/8/01		X						2/1/02	On 11/1/01, suspension was reinstated.
	1/4/02	1/16/02			X	X				X	3/28/02		Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
NEW ON SANG POULTRY CO INC. 09885 P SAN FRANCISCO, CA	10/11/01	10/25/01	1/7/02	1/8/02						X			Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
	11/19/01	12/5/01	12/6/01	12/8/01		X							
			3/25/02			X							
NICHOLAS PACKING CO. 04465 M LOGANTON, PA	10/12/01		11/8/01	11/14/01	X	X							

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
NICK'S FAMOUS BAR-B-Q 17863 M NASHVILLE, TN	1/30/02	2/8/02			X	X							
PALACE MEAT COMPANY 09880 M FRESNO, CA	2/13/01	7/23/01				X				X			Action taken for other pathogen reduction issues.
PHILADELPHIA FOODS INC. 17561 M17561 P WESTVILLE, NJ			3/22/99	3/28/99	X	X			X				On 03/29/02, suspension case closed by voluntary withdrawal.
RAYBERN FOODS INC. 06209 M HAYWARD, CA	11/7/01	11/28/01				X					1/22/02		
	8/31/01	10/2/01				X					1/23/02		
REDI-SERVE FOODS LTD. 01300A M05615 P FORT ATKINSON, WI	3/12/02					X							
ROMANCE FOODS CORP. 04785 M KENOSHA, WI	1/16/02		3/5/02	3/22/02	X	X							
ROMANUCCI'S ENTERPRISES 20152 M20152 P CICERO, IL			8/20/01	8/31/01	X							2/4/02	
RUDOLPH FOODS COMPANY, INC. 01055 M LIMA, OH	10/12/01	10/18/01			X						1/10/02		
RYMER MEAT INC. 06972 M06972 P CHICAGO, IL	6/21/01	7/10/01	10/17/01	10/26/01		X							On 02/19/02, suspension case closed by voluntarily withdrawal.
			10/4/01	10/17/01	X								On 02/19/02, suspension case closed by voluntarily withdrawal.

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Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
RYMER MEAT INC. 06972 M06972 P CHICAGO, IL			1/4/02	1/9/02	X								On 02/19/02, suspension case closed by voluntarily withdrawal. On 01/04/02, suspension was reinstated.
S WALLACE EDWARDS & SONS 01636 M SURRY, VA	5/3/01			5/21/01	X	X						1/15/02	
			6/14/01	6/27/01	X	X						1/15/02	On 06/14/01, suspension was reinstated.
SCHNUCK MARKETS, INC. 13562 M13562 P O'FALLON, MO	11/28/01					X						2/22/02	
SCHWAB AND COMPANY, INC. 02078 M02078 P OKLAHOMA CITY, OK			11/15/01	12/7/01	X	X	X						
			12/11/01	2/13/02	X	X	X						On 12/11/01, suspension was reinstated.
SHAMROCK FOODS COMPANY 06239 M06239 P PHOENIX, AZ	10/5/01	12/4/01			X	X	X						
SIERRA MADRE FOODS 06009 M MONTEREY PARK, CA	2/13/02					X						3/11/02	
SIG INTERNATIONAL IOWA, INC. 20748 M BOYDEN, IA	12/27/01	1/16/02				X					X		Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
SOPAKCO TEXAS 01290 M SAN ANTONIO, TX			3/27/02		X	X							
WALTHAM BEEF CO. 02727 M02727 P BOSTON, MA	12/26/01	1/16/02			X	X					X		Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).

ABBREVIATION KEY

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Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
WEI-CHUAN, USA INC. 09034 M09034 P BELL GARDENS, CA	3/12/02	3/28/02				X							
WHITE PACKING COMPANY INC. 01246 M01246 P WILLIAMSTON, NC	6/1/00		6/23/00	12/27/00		X						2/25/02	On 12/27/00, FSIS notified plant that it could resume limited operations provided certain conditions were met. Previously, on 08/10/00, firm requested that FSIS delay proceedings to withdraw inspection. On 08/15/00, based on the plant's commitment to develop and implement revised food safety controls, FSIS granted the plant's request.
WOTIZ MEAT CORP., INC. 02165 M02165 P PASSAIC, NJ			3/18/02			X						3/22/02	
ZARTIC INC. 00703A M07489 P CEDARTOWN, GA	12/5/01	12/20/01			X	X							

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LOI	Letter of Information
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**Table 7. Administrative Actions: Very Small HACCP Plants
(1/01/02 to 3/31/02)**

Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
A. J. PEACHEY & SONS, INC. 08628 M BELLEVILLE, PA	2/8/02	2/22/02			X	X							
A. SAUGY, INC. 09363 M PROVIDENCE, RI			8/1/01	8/14/01	X								On 3/13/02, suspension case closed by voluntary withdrawal.
ABBOTSFORD PRODUCE 01632G M ABBOTSFORD, WI			12/12/01	1/2/02						X			Plant failed to meet regulatory requirements concerning egg product salmonella samples.
ACADEMY PACKING CO. INC. 02559 M02559 P DEARBORN, MI			7/19/01	7/30/01		X							
ALL AMERICAN MEATS INC. 20420 M OMAHA, NE	10/10/01		10/17/01	11/29/01		X					X		Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
ALPINE SAUSAGE CO. 06224 M DENVER, CO			12/13/01	12/20/01					X				
AMERICAN KITCHEN DELIGHTS, INC. 17439 M17439 P HARVEY, IL	3/21/02					X							
AMERICAN KOSHER PRODUCTS 00980 M MATTAPAN, MA	11/30/01	1/16/02			X								
APALACHIN MEATS INC. 04392 M04392 P APALACHIN, NY	10/24/00			11/27/00	X								
			3/19/02			X							

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LOI	Letter of Information
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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
AVIAN RESEARCH CENTER, INC. 20538 P PITTSBORO, NC	11/1/01	11/29/01				X							
B. BARKS & SONS, INC. 00183 I PHILADELPHIA, PA			9/13/01	9/17/01	X							2/15/02	
BAJA FOODS, LLC 01132 M05605 P CHICAGO, IL			2/8/02	3/6/02	X		X						
BALL PACKING INC. AND COLD STOR. 19593 M19593 P IDAHO FALLS, ID				7/18/00		X							
BASKIN BROWN'S MEAT LOCKER, INC. 07055 M STRATFORD, TX			3/27/02	3/28/02					X				
BELLE CUSTOM MEATS 21400 M BELLE FOURCHE, SD	8/17/01		9/5/01			X							On 01/02/02, case closed. Firm has sold business.
BERRY & SON'S ISLAMIC SLGHT HSE 10252 M DETROIT, MI	1/24/02	2/8/02				X				X			Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
BEST TOP QUALITY CORP. 21082 M JERSEY CITY, NJ			12/15/00	4/11/01		X							
BIERLY'S MEAT MARKET 09380 M SPRING MILLS, PA	10/17/01	11/1/01				X							
BLACK RIVER CUSTOM PACKERS 04419 M WATERTOWN, NY			12/6/01	12/12/01				X					
			3/12/02	3/22/02				X					

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
BRAKEBUSH BROTHERS INC. 00161 P WESTFIELD, WI	2/12/02		2/21/02	3/13/02		X								
BRISTOL BEEF 05998 M BRISTOL, CT	7/13/00			8/15/00							X	1/10/02	Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).	
CAJUN STUFF 20047 M20047 P HOUSTON, TX			11/22/99	11/14/00	X							1/25/02		
CALMECO, INC. 04902 M POMONA, CA			9/12/01	9/18/01				X						
			10/25/01	10/29/01				X					On 10/25/01, suspension was reinstated.	
			11/6/01	11/7/01	X									
	1/17/02	2/4/02	3/13/02	3/25/02	X	X								
CLOVERLEAF COLD STORAGE 17202B M NAPOLEON, OH	12/20/01	12/28/01			X							3/28/02		
COUSINS FOODS, LTD. 02539 M02539 P CHICAGO, IL	2/1/02	3/13/02			X	X								
DEL MONTE MEATS 11022 M11022 P OCATELLO, ID			11/23/01			X								
EMERICK'S MEAT & PACKING CO. 04607 M04607 P HYNDMAN, PA	3/21/02				X	X					X		Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).	

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
GAISER'S EUROPEAN STYLE PROV. 05385 M05385 P UNION, NJ			9/25/01			X							
GLOBAL FOOD MANAGEMENT GROUP 19913 M19913 P COLTON, CA			5/23/01	7/3/01		X							
GORDITO'S MEATS 20017 M OGDEN, UT			9/14/01	9/18/01					X			1/29/02	
GREEN VALLEY MEATS 06170 M06170 P AUBURN, WA			3/1/02			X							
HAPANOWICZ BROTHERS MARKET 04274 M04274 P NEW YORK MILLS, NY	12/20/01	1/18/02				X							
HARVEST HOUSE FARMS 21285 M21285 P JOHNSON CITY, TX			11/6/01	11/8/01					X			1/25/02	
HEARTLAND PREMIUM MEATS 21025 M LA VISTA, NE	3/13/02					X							
HEID MEAT SERVICE 18218 M KAUKAUNA, WI	3/26/02					X							
HOCKENBERRY PROCESSING 19397 M FORT LOUDON, PA	10/24/01	12/3/01		12/4/01	X	X							
HOLIDAY FOODS INC. 18074 M18074 P HOLLYWOOD, FL	12/17/01	1/17/02			X	X							
HOP SANG COMPANY 04978 M SAN FRANCISCO, CA	9/21/00		11/28/01	12/4/01		X							

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
HSIN-CHIH ENTERPRISES INC. 09936 M09936 P COLLEGE POINT, NY			5/10/00	4/25/01		X								
			10/5/01	11/30/01		X								On 10/05/01, suspension was reinstated.
ISLAMIC MEAT & POULTRY 04928 M04928 P STOCKTON, CA	2/19/02	3/12/02			X	X					X			Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
J DURANDO & SONS INC. 04459 M04459 P NEW YORK, NY			3/23/01	4/4/01	X							2/22/02		
J&M MEATS INC. 00501 M08116 P EUREKA, MT	8/29/01	9/21/01	12/26/01	2/8/02	X	X					X			Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
JAM-TEX, INC. 21416 M TOMBALL, TX	8/16/01	8/23/01									X	2/28/02		Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
KINGS CHOICE CUSTOM MEAT CO. 04878 M LOS ANGELES, CA	12/7/01	12/19/01				X								
KWALITY MEAT CENTER INC. 19348 M19348 P LAKEWOOD, NJ			7/19/00	8/16/00	X									On 01/29/02, suspension case closed by voluntary withdrawal.
			7/27/00	8/16/00		X								On 01/29/02, suspension case closed by voluntary withdrawal.
LAKE COUNTRY MEATS, INC. 07796 M07796 P CARLOS, MN	11/14/01		11/29/01								X			Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
LET'S DO LUNCH, INC. 19056 M GARDENA, CA	12/27/01	1/3/02	1/17/02	1/30/02		X								

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
LIEB BROTHERS PACKING CO. 01991 M01991 P PITTSTON, PA	8/3/00		8/18/00	10/25/00			X					2/21/02	
			3/16/01	7/10/01			X					2/21/02	On 03/16/01, suspension was reinstated.
MADISON MEATS, INC. 18924 M MEDLEY, FL	2/6/02	2/20/02			X	X							
MALONE'S FINE SAUSAGE INC. 15702 M MILWAUKEE, WI	1/29/02	2/14/02			X	X							
MANUEL'S HOT TAMALES INC. 07121 M NEW ORLEANS, LA			3/28/02		X	X							
MARK ZURO & SONS, INC. 02553 M CHICAGO, IL			1/10/02	1/17/02					X				
			1/18/02	1/24/02					X				
MEDITERRANEAN FOODS, INC. 18977 M UPPER DARBY, PA	7/7/00			8/22/00		X							
			7/20/01			X							On 07/20/01, suspension was reinstated. On 02/25/02, firm appealed the suspension. The appeal is pending.
METRO PACKING COMPANY 10278 M10278 P DETROIT, MI			8/6/01	8/10/01	X								
MONDO & SONS, INC. 09328 M09328 P SEATTLE, WA	9/7/01			9/21/01		X							

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
MONDO & SONS, INC. 09328 M09328 P SEATTLE, WA			12/3/01			X							
MONTANA QUALITY FOODS & PROCG 07679 M MILES CITY, MT	2/26/02		3/5/02	3/12/02		X							
MYERS BROTHERS 09469 M SPRING MILLS, PA	8/23/01	8/31/01	9/27/01		X	X							
NEW SPECIALTY PRODUCTS, INC. 18931 M18931 P CHICAGO, IL			1/29/02	2/1/02	X		X						
NEW WILMINGTON SLAUGHTER HOUSE 08609 M NEW WILMINGTON, PA	8/2/01		8/10/01	8/21/01	X							2/7/02	
			12/13/01		X							2/7/02	On 12/13/01, suspension was reinstated.
OSCAR'S HICKORY HOUSE, INC. 04257 M04257 P WARRENSBURG, NY			3/27/02			X							
PACFOODS, U.S.A. 09889 M HAYWARD, CA	1/8/02	2/20/02			X	X							
PAN-AM MICHELS LTD 07847 M07847 P LINDEN, NJ			9/28/01	10/24/01		X						1/28/02	
PASSANANTE BROTHERS, INC. 05221 M05221 P BRISTOL, PA	6/13/01		6/28/01	7/3/01	X							3/1/02	
			9/6/01	9/11/01	X							1/8/02	On 09/06/01, suspension was reinstated.

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
PHUC HUONG 21607 M SAN JOSE, CA			1/28/02	3/20/02	X								
PRIZE STEAK PRODUCTS, INC. 05725 M MILWAUKEE, WI	3/12/02	3/29/02			X	X							
PUDLINER PACKING CO. 04999 M04999 P JOHNSTOWN, PA	3/15/02				X	X							
RIVIERA RAVIOLI, INC. 08847 M08847 P BRONX, NY			11/7/01	12/12/01	X							3/19/02	
ROBERT WINNER SONS, INC. 21572 M OSGOOD, OH	2/5/02	2/12/02				X						3/28/02	
RUSSO'S ITALIAN SPECIALTIES 19186 M ROCKFORD, MI	11/22/00			12/13/00		X							
SAAD WHOLESALE, INC. 10153 M10153 P DETROIT, MI				5/18/01			X						On 05/11/01, a withholding action was taken.
SAM'S BAKERY 18900 M ROHNERT PARK, CA	3/19/02				X	X							
SCHUMACHER WHOLESALE MEATS 02419 M GOLDEN VALLEY, MN	11/9/01	11/15/01				X						2/12/02	
SHARON PACKING CO., INC. 08550 M SHARON, PA			10/16/01	10/22/01		X				X		2/8/02	Plant produced and shipped ground product that tested positive for E. coli 0157:H7.
SMOKEHOUSE OF THE CATSKILLS 04585 M04585 P SAUGERTIES, NY	9/19/01				X	X							

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
STEWART'S PROCESSING CORP. 20087 M20087 P SARATOGA SPRINGS, NY	5/7/01	6/7/01				X							
STOVER'S KITCHENS, INC. 20552 M SEATTLE, WA	10/29/01			11/6/01		X							
TALISMAN FOODS, INC. 06265 M06265 P SALT LAKE CITY, UT	8/14/01		8/23/01	9/4/01		X						2/19/02	
			9/10/01	9/19/01		X						2/19/02	On 09/10/01, suspension was reinstated.
TAN DINH FOOD PRODUCTS CORP. 13367 M HOUSTON, TX			11/23/01	1/16/02	X							3/18/02	
TROUTMAN'S & SONS 08543 M MIDDLEBURG, PA	10/1/01		11/5/01	11/7/01	X	X							
USA PORK PACKERS, INC. 20760 M20760 P HAZELTON, PA	9/20/01	10/19/01			X	X	X						
WARD'S, INC. 21119 M21119 P JERSEYVILLE, IL			1/16/02					X					
WARD'S, INC. 21119 M21119 P JERSEYVILLE, IL	1/22/02		1/30/02	3/30/02	X	X				X			Plant failed to meet regulatory requirements for escherichia coli Biotype 1 (E. coli).
WILLI'S SAUSAGE COMPANY 17661 M VASSAR, MI	1/24/02	2/12/02			X	X							

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Withdrawal for Unfitness

Under the statutes it administers, FSIS also can move to withdraw inspection, after opportunity for a hearing, based on the unfitness of an applicant for, or a recipient of inspection, because of a felony conviction or more than one violation involving food. **Table 8** identifies actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period.

**Table 8. Withdrawal for Unfitness
(1/01/02 to 3/31/02)**

Administrative Actions Pending or Taken for Unfitness [includes actions initiated in prior quarters]

Establishment	Location	Complaint to Deny/Withdraw Inspection	Consent Decision	Actions
GREENVILLE PACKING CO 09956 M 09956 P	GREENVILLE, NY	7/27/98		On September 17, 2001, the company appealed a Decision and Order issued by a U.S. District Judge on September 4, 2001, which concurred with the USDA Judicial Officer's decision. On July 5, 2000, the company appealed the USDA decision to withdraw to the U.S. District Court. On June 1, 2000, the USDA Judicial Officer concurred with the Administrative Law Judge (ALJ) decision. On March 13, 2000, a USDA ALJ issued a Decision and Order declaring that Inspection services would be indefinitely withdrawn 35 days after service of the Order. The decision to withdraw inspection is based on the firm's felony conviction of bribery of an FSIS employee.
PHOENIX POULTRY CORP. AND GEORGE D. OPPENHEIMER 18031 P	WEST SPRINGFIELD, MA	3/1/01		On January 29, 2002, attorneys for USDA filed a motion for hearing, which is tentatively scheduled for August 28, 2002. Complaint to withdraw inspection based on the General Manager's felony conviction of offering for sale uninspected poultry products with intent to defraud, and subscribing a false employers quarterly federal tax return. George Oppenheimer and firm answered complaint on March 18, 2001, and March 19, 2001, respectively.
SALEM PACKING CO., INC. ANTHONY BONACCURSO SAMUEL BONACCURSO 05425 M	SALEM, NJ	1/25/02		The complaint to withdraw inspection was based on firm and manager's state convictions for unlawful discharging of pollutants in waterways. Action also based on company president's State drug conviction. Attorney for firm and individuals filed answer to complaint on February 13, 2002.

Removing Custom Exempt Privilege

The meat and poultry laws exempt certain operations from inspection. Custom exempt businesses slaughter animals or process meat for owners of the animals or products. When insanitary conditions create health hazards, FSIS may remove custom exempt privileges and require the plant to cease operations until sanitary conditions are restored. FSIS can also take action when custom facilities fail to properly label product as "Not for Sale." These businesses have the opportunity to correct violations prior to such actions. Only new activities would be reflected in this report. There were no actions this reporting period.

CRIMINAL ACTIONS

If evidence is found that a person or business has engaged in violations of the Federal Meat Inspection Act, Poultry Products Inspection Act, or Egg Products Inspection Act, USDA may refer the case to the appropriate United States Attorney to pursue criminal prosecution.

Conviction for a criminal offense can result in a fine, imprisonment, or both. **Table 9** lists criminal actions and criminal cases in categories according to the status of the case, which may be indictment or information issued; pleas, convictions, or acquittals, and sentences rendered during this reporting period.

**Table 9. Criminal Actions
(1/01/02 to 3/31/02)**

Criminal Actions

Name	Location	Indictment	Information	Plea	Sentencing	Actions
CLAUSEN MEATS BRIAN CLAUSEN, OWNER	LOS OLIVOS, CA			10/15/01	2/11/02	On February 11, 2002, the owner was sentenced on two (2) felony counts for violating the FMIA for the sale and transportation of adulterated and misbanded meat products. He was placed on a 5-year probation, ordered to perform 1,500 hours of community service, pay a special assessment fee of \$200.00, and restitution to two restaurants.
HOP KEE INC. THOMAS LAM, PRES.	CHICAGO, IL			9/26/01	3/14/02	On March 14, 2002, the firm was sentenced on two (2) misdemeanor counts for storing adulterated poultry products and Food and Drug Administration (FDA) regulated products after transportation in commerce. The firm was also sentenced on one (1) felony count for selling adulterated poultry products in commerce. Mr. Thomas M. Lam, owner and CEO of the firm, was sentenced on two (2) misdemeanor counts for storing adulterated poultry products and FDA regulated products after transportation in commerce. The firm was fined \$300,000, \$650 special assessment, and four (4) years probation. Mr. Thomas Lam, president, was fined \$2,928, \$50 special assessment, one (1) year probation, and ordered to perform 100 hours of community service.
NASH FINCH CO.	LUMBERTON, NC			10/10/01	3/13/02	On March 13, 2002, the firm was sentenced on one (1) Misdemeanor count for sale in commerce of adulterated meat and poultry products. The firm was fined \$100,000, \$125 special assessment, and five (5) years probation.

PRE-TRIAL DIVERSION AGREEMENTS

In certain situations, United States Attorneys may enter into Pre-Trial Diversion (PTD) agreements. Under these agreements, the government agrees not to proceed with criminal prosecution if the alleged violator meets certain terms and conditions. The terms and conditions of a PTD are tailored to fit each individual case. FSIS frequently monitors these agreements so that we can assist the U. S. Attorneys in determining whether prosecution should be re-instituted. If the divertee successfully completes the program, no criminal charges are filed. If, on the other hand, the divertee does not successfully complete the program, criminal charges may be reinstated. There was one pre-trial diversion agreement this quarter. This case involved a distributor of meat and poultry product in the southeastern United States that caused a quantity of meat and poultry product to become adulterated. The firm entered into an 18-month pre-trial diversion agreement.

CIVIL ACTIONS

FSIS also has authority to seek a variety of civil actions in Federal Court.

Seizures

When FSIS has reason to believe distributed products are adulterated or misbranded, the Agency will, through the U.S. Attorney, institute a seizure action against the product. The product is held pending an adjudication of its status. If the court finds that the product is adulterated or misbranded, it will condemn the product. Condemned product cannot be further processed to be used for human food. There are no seizure actions reported for this period.

Injunctions

FSIS, through the U.S. Attorney, may request a U.S. District Court to enjoin repetitive violators of the FMIA, PPIA, or EPIA. The Agency seeks injunctions to stop uninspected retail stores from processing products without required inspection for wholesale business or to prevent or restrain other violations of law. There was one new injunction reported for the period.

**Table 10. Civil Actions
(01/01/02 to 03/31/02)**

Name	Location	Complaint	Injunction	Action
ASIAN AMERICAN MARKET, INC. PHU L. NHAN- PRES. CAROL YAN NHAN, VICE PRES.	ATLANTIC CITY, NJ	3/13/02	3/18/02	On March 18, 2002, firm and principals were permanently enjoined from violating the Federal Meat Inspection Act (FMIA). Firm and principals violated the FMIA by repeatedly and regularly transporting in commerce, selling, and holding for sale non-federally inspected and misbranded meat food products in the designated State of New Jersey.

False Claims Act Violations

The Department of Justice Affirmative Civil Enforcement (ACE) program is used by U.S. Attorneys to recover damages when a violation of law involves fraud against the Federal government. Under the False Claims Act, the government may recover three times its estimated losses. FSIS typically seeks action under this program for cases involving products, not in compliance, sold to the military, to public schools engaged in the school lunch program, or to other Federal institutions. There are no ACE program actions reported for this period.

FOR MORE INFORMATION:

Media Inquiries: (202) 720-9113
Freedom of Information Act Requests: (202) 720-2109
Congressional Inquiries: (202) 720-3897
Constituent Inquiries: (202) 720-8594

Consumer Inquiries: Call USDA's Meat and Poultry Hotline at
1-800-535-4555, 10 a.m. to 4 p.m., Eastern Time
In the Washington, DC area, call (202) 720-3333.

FSIS Web site: www.fsis.usda.gov