

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY REGULATORY AND ENFORCEMENT REPORT
April 1, 2000 through June 30, 2000**

EXECUTIVE SUMMARY

This is the Food Safety and Inspection Service's (FSIS) Quarterly Regulatory and Enforcement Report. The report provides a summary of the regulatory and enforcement actions, including those under the Pathogen Reduction/HACCP regulations, FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. Although this report focuses on regulatory and 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.

The report provides a summary of the regulatory and enforcement actions, including those under the Pathogen Reduction/HACCP regulations, FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. FSIS inspects products produced in over 6,000 meat, poultry, and egg product plants. Since January 1998, approximately 300 large plants (those employing 500 or more employees) have been operating HACCP Systems with FSIS regulatory oversight. On January 25, 1999, approximately 2,300 small plants (those employing 10 or more, but fewer than 500 employees) began HACCP implementation. On January 25, 2000, approximately 3,400 very small plants (those employing fewer than 10 employees or with annual sales of less than \$2.5 million) began HACCP implementation.

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. For example, during this quarter, FSIS detained over 13 million pounds of product and issued 473 warning letters for violations of law. 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 REPORTS 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 to when 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" which can be accessed at:

<http://www.fsis.usda.gov/OA/pubs/eggprod.htm>). This regulatory oversight generally reflects compliance by the large majority of businesses. However, if FSIS detects problems at any step along the way, it can use a number of product control and enforcement measures to protect consumers.

USDA has traditionally focused much of its effort on the plants that slaughter food animals and process products. USDA ensures that products at these establishments are produced in a sanitary environment in which inspectors or plant employees identify and eliminate potential food safety hazards. 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, through new requirements now being implemented, 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 to prevent their consumption 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 has recognized a need to spend increasing amounts of its energy on activities to promote safe transporting, warehousing, and retailing of meat, poultry, and egg products, and is moving forward on these efforts.

FSIS also works closely with USDA's Office of Inspector General, 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.

In January 1997, FSIS began implementing new requirements in plants that produce meat and poultry. New regulations, entitled "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems," require that federally inspected meat and poultry plants: (1) develop

and implement a preventive HACCP plan; (2) develop and implement Sanitation Standard Operating Procedures (SSOP's); (3) collect and analyze samples for the presence of generic *E. coli*, and record results; and (4) meet *Salmonella* performance standard requirements. These new requirements are designed to help target and reduce foodborne pathogens.

This report provides a summary of the regulatory and 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 REPORTS AND APPEALS

FSIS inspection program personnel perform thousands of inspection tasks and 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 Report (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 deficiencies occur repeatedly or when the plant fails to prevent adulterated product from being shipped, FSIS takes action to control products and may take an action to withhold or suspend inspection.

Table 1a provides numbers of NRs issued by FSIS inspection personnel. The NR's referenced in **Table 1a** were issued between April 1, 2000 to June 30, 2000. During this period, FSIS performed 1,516,993 inspection tasks at HACCP plants. **Table 1b** shows the number of appeals and the dispositions of the appeals filed at HACCP plants, from April 1, 2000 to June 30, 2000.

Table 1a. Noncompliance Report Totals

NR Totals

NRs Issued (4/1/00-6/30/00) 35,369

Table 1b. Appeals NRs (4/1/0 – 6/30/00)

Number of Plants Filing Appeals 106

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total NRs Appealed
60	144	65	269

(Total exceeds 106 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 for livestock for the reporting period are as follows: FSIS inspected 28,369,087 livestock carcasses, of which 64,257 carcasses were condemned. FSIS inspected 2,153,749,338 poultry carcasses of which 17,504,538 carcasses were condemned.

Detentions

After products are distributed from plants, FSIS Compliance Officers detain any that may be adulterated or misbranded. FSIS then has 20 days to 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 Office, for this quarterly reporting period. Most detentions result in voluntary disposal of the product and do not require court seizures.

**Table 2. Detention Summary
(4/1/00 – 6/30/00)**

Detentions

Total number of detentions by FSIS 185
 Total pounds of product detained 13,141,475

District	Detentions	Pounds Detained
ALAMEDA, CA	21	94,915
ALBANY, NY	16	85,051
ATLANTA, GA	16	35,863
BELTSVILLE, MD	10	2,388,096
BOULDER, CO	6	1,913
CHICAGO, IL	11	118,550
DALLAS, TX	11	166,038
DES MOINES, IA	19	27,968
JACKSON, MS	9	1,730,234
LAWRENCE, KS	4	200,030
MADISON, WI	7	60,612
MINNEAPOLIS, MN	3	230
PHILADELPHIA, PA	3	2,344
PICKERINGTON, OH	6	87,507
RALEIGH, NC	11	7,544,720
SALEM, OR	16	41,141
SPRINGDALE, AR	<u>16</u>	<u>636,263</u>
Totals	185	13,141,475

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 possibility that the use of the product will cause serious adverse health consequences or death. Class II recalls involve a health hazard when there is a remote probability of adverse health consequences from use of the

product. Class III recalls involves 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/news/xrecalls.htm>

Import Inspections

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 two major components: oversight and reinspection. FSIS conducts a rigorous review of an exporting country's controls to ensure they are equivalent to those of the United States, prior to the country's eligibility to export to the United States. Reinspection of meat, poultry and egg products that enter the U.S. is based on statistical sampling and verifies the country's inspection system is working. A product 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 presented lots and pounds of imported meat and poultry products presented, reinspected, and refused entry during the period from April 1, 2000 to June 30, 2000.

**Table 3. Imported Meat, Poultry and Egg Products
(4/1/00 – 6/30/00)**

Presented, Reinspected, and Refused Entry

Meat and Poultry

Number of Presented		Number of Reinspected		Number of Refused Entry	
Lots	Pounds	Lots	Pounds	Lots	Pounds
43,549	969,878,589	8,334	196,826,844	3,278	2,892,911

Egg Products

Number of Presented		Number of Refused Entry	
Lots	Pounds	Lots	Pounds
174	2,025,128	0	0

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
(4/1/00 – 6/30/00)**

Letters of Warning for Criminal Violations

Total number of LOWs issued for violations	473
Number issued by Headquarters	5
District	Number of LOWs Issued by Districts
ALAMEDA, CA	33
ALBANY, NY	94
ATLANTA, GA	47
BELTSVILLE, MD	25
BOULDER, CO	36
CHICAGO, IL	13
DALLAS, TX	9
DES MOINES, IA	19
JACKSON, MS	15
LAWRENCE, KS	11
MADISON, WI	8
MINNEAPOLIS, MN	39
PHILADELPHIA, PA	60
PICKERINGTON, OH	8
RALEIGH, NC	5
SALEM, OR	25
SPRINGDALE, AR	<u>21</u>
Total number issued by Districts	468

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 crucial 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, the Inspector-in-Charge notifies 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 temporarily suspend the assignment of inspectors if a plant fails to present a corrective action plan to bring the plant sanitation or process control systems into compliance. As with withholding actions, a suspension shuts down all or part of the plant's operations. USDA may hold in abeyance the suspension action if corrections are presented, put into effect, and effectively prevent additional problems. FSIS District Offices have established procedures to monitor and verify activities in plants where the suspension is being held in abeyance.

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 Rule of Practice, and the establishment and has failed to implement corrective and preventive measures to prevent a system inadequacy. The “Notice” informs the establishment that the nature and scope of the noncompliance indicates that their HACCP system, or other system, is inadequate and, that FSIS intends to withhold the marks of inspection and suspend the assignment inspectors. The “Notice” explains the basis and references documentation for the intended enforcement action, and provides the establishment an opportunity to demonstrate why a system inadequacy determination should not be made or that the plant has achieved regulatory compliance.

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 are often 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,
- failure to develop or implement a required HACCP plan, or
- failure to meet applicable *Salmonella* performance standard requirements.

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

- insanitary conditions,
- inhumane 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 quarter, along with whether the action is based on an SSOP or HACCP Systems failure, or for some other reason, such as inhumane slaughter. 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 188 plants. Seventy-five of the actions in these plants were initiated during this reporting period. Thirty-two actions were closed by letters of warning or other means during this period.

Tables 5, 6, and 7 also identify those cases in which an appeal of the withholding or 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. During this period, one appeal was filed or acted on.

With regards to suspensions taken at very small HACCP plants, some very small plants failed to fully meet basic regulatory requirements for HACCP implementation in January but had demonstrated positive efforts to do so. Given their effort to comply with the regulations, FSIS allowed certain plants to complete HACCP implementation, and held the suspension in abeyance. Generally the abeyance period provided to most of these very small plants that failed to meet basic HACCP requirements was for an 180 day period. **Tables 7** identifies suspensions initiated at very small plants for their failure to meet basic HACCP requirements.

**Table 5. Administrative Actions: Large HACCP Plants
(4/1/00 – 6/30/00)**

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Cagles, Inc. P-646 Pine Mountain, GA			4/25/00			X	X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Con Agra Inc. 233-A/P333 Crozet, VA	11/12/99		11/17/99		X			Remains in abeyance.
Con Agra d/b/a Armour & Co 477 Nampa, ID	1/6/00	1/6/00 4/26/00	1/6/00 4/26/00			X X		Remain in abeyance.
Con Agra Beef Inc. 3 D Dumas, TX		6/16/00	4/13/00 6/19/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Culinary Foods 1639/P-880 Chicago, IL			6/28/99			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Excel Corporation 86R Fort Morgan, CO	9/22/99		9/25/99			X		Remains in abeyance.
Mar Jac Processing, Inc P-32 Gainesville, GA			3/29/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Predue Farms, Inc. P-7342 Dothan, AL		5/19/00	5/22/00			X		Remains in abeyance.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Sanderson Farms, Inc. P-7264 Hammond, LA		5/2/00	4/6/00 5/2/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.

**Table 6. Administrative Actions: Small HACCP Plants
(4/1/00 – 6/30/00)**

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Agriprocessors Inc. 4653A/P-4553A Des Moines, IA			2/8/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
A & O Provisions Co. 4085 Brooklyn, NY	6/15/99	6/15/99	6/18/99			X		Remains in abeyance.
Attilio Esposito 8603/P-8603 Philadelphia, PA			5/26/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Ball Park Brands 12PA Philadelphia, PA			4/25/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Batlar 19301 Sun Praire, WI		11/15/99	11/23/99			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Better Baked Food 8848/P-8848 North East, PA	10/6/99	10/7/99 4/20/00	10/14/99 4/27/00		X	X		First suspension for HACCP failure remains in abeyance. Second suspension for SSOP was closed with a letter of warning on 6/21/00.
Carmelita Provisions Co. Inc. 6053 Montery Park, CA	5/7/99		5/10/99			X		Remains in abeyance.
Case Farms of Ohio, Inc. P-15724 Winesburg, OH			10/29/99 2/22/00		X	X		On 6/20/00 the first suspension case closed with a letter of warning. The second suspension remains in abeyance.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Chiquita Processed Foods, LLC 6166/P-6166 Payette, ID	1/21/00	1/24/00	1/25/00		X	X		Remains in abeyance.
City Foods, Inc. 1896/P-19689 Chicago, IL			4/29/99				X	On 6/15/00 suspension case closed with a letter of warning.
Con Agra Frozen Foods P-383 Batesville, AR			1/18/00				X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Cornbelt Beef Corp 10173 Detroit, MI	1/10/00	1/12/00	1/28/00		X			On 6/2/00 suspension case closed with a letter of warning.
Curtis Packing, Co. 2642/P-2642 Greensboro, NC		5/30/00	6/1/00				X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Diestal Turkey Ranch P-9332 Sonora, CA			6/13/00				X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Durango USA Foods 20106/P-20106 Dallas, TX	8/12/99	8/13/99	9/2/99		X			Remains in abeyance.
Eddy Packing Co. 4800 Yoakum, NY	3/30/00		3/31/00				X	Remains in abeyance.
Equity Group 7361/P-7361 Reidsville, NC							X	Decision regarding enforcement pending. On 7/14/99 plant officials notified that decision regarding enforcement would be deferred pending verification of corrective and planned actions provided by the plant. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Excellance Food Inc. 18529/P-18529 Chatsworth, CA						X		On 5/4/00 a notice of intended enforcement (NOIE) was issued. On 5/19/00 case closed with no further action following plant's response to the NOIE.
Fabbri Sausage Mfg. Co. 5599 Chicago, IL		11/4/99	11/29/99			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Ferry Brothers, Inc. 9315 Ferndale, WA	12/20/99	5/25/00	12/21/99 5/25/00			X X		Remains in abeyance.
Freedman Food Service of San Antonia, LP 2213A/P-2213A San Antonia, TX	1/14/00		1/14/00		X			On 5/30/00 suspension case closed with a letter of warning.
G & T Meat Co. Inc. 10273/P-10273 Grand Rapids, MI		5/13/99 5/25/99 6/14/99 7/29/99	6/30/99 6/30/99 6/17/99			X X X X	X X	On 9/21/99 plant officials were notified that the decision to forward a recommendation to withdraw inspection would be deferred based on their written assurances to correct SSOP and HACCP failures.
Golden Specialty 9349/P-9349 Norwalk, CA	1/21/00	1/25/00	1/28/00			X		Remains in abeyance.
Golden State 9167 Conyers, GA						X		Decision regarding enforcement pending. Previously, on 7/27/99 plant officials were notified that decision regarding enforcement would be deferred pending verification of corrective and preventive measures provided by the plant.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
H&B Packing co, Inc., 13054 Waco, TX			2/2/00			X	X	Plant previously was issued a notice of intended enforcement for failure to meet the <i>Salmonella</i> performance standard on three consecutive series of FSIS conducted tests. Remains in abeyance.
H&H Meat Products 7259 Mercedes, TX	12/3/99		12/6/99		X			Remains in abeyance.
Imperial Meat Co. 4847/P-4847 Monterey Park, CA	5/12/99		5/19/99			X		Remains in abeyance.
JCG Industries, Inc. P-18554 Chicago, IL	10/6/99		10/12/99		X			On 5/17/00 suspension case closed with a letter of warning.
Koch Foods P-7487 Chattanooga, TN	3/1/99	12/14/99	3/2/99 12/16/99			X X		On 4/24/00 suspension case closed with a letter of warning.
Mann's International Meat Specialties, Inc. Est. 4219/P-4219 Omaha, NE	9/30/99	10/7/99 12/16/99	10/27/99 12/30/99		X	X X		Both suspensions remains in abeyance.
Marathon Enterprises 8854 Bronx, NY			3/4/99			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
MMB Food Service 08241 Detroit, MI	12/2/99	12/3/99	12/13/99		X	X		Remains in abeyance.
Mrs. Crockett's Kitchen Inc. 4810/P-4810 Fort Worth, TX			6/2700			X		Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Oberto Sausage Co. 2862A Kent, WA						X		On 4/6/00 a notice of intended enforcement was issued. Case closed with no further action.
Pacific West Processing 17622 Yearing, NV	3/23/00	3/24/00	3/30/00		X			Remains in abeyance.
Pacific Northwest 6041 Salem, WA			3/23/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Philadelphia Foods, Inc., 17561/P-17561 Westville, NJ	3/18/99	3/22/99	4/13/99		X	X		Remains in abeyance.
Polk's Meat Products Inc. 12647 Bay Springs, MS		5/17/00				X		On 6/19/00 suspension case closed with letter of warning.
QF Acquisition 52925A Philadelphia, PA	2/25/00		2/28/00			X		Remains in abeyance.
Randall Farms, LLC P-19865 Arcdia, LA			5/18/00		X	X		Remains in abeyance. Plant previously received a notice of intended enforcement.
San Antonio Packing Co. 602/P-19684 San Antonio, TX		6/6/00 6/19/00	5/30/00 6/7/00 6/22/00		X X X			Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Shomokin Township Realty 8799/P-8799 Paxinos, PA	1/7/00		1/10/00		X			Suspension case closed. Plant voluntarily withdrew inspection.
Smithfield Ham & Products Co. Inc. 123 Smithfield, VA			5/3/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Smithfield Packing Co. Inc. 382F Kinston, NC		2/8/00	5/26/99 2/18/00		X	X X		Both suspensions remain in abeyance. Plant previously received a notice of intended enforcement regarding both suspensions.
Supreme Beef Packers Inc. 2228 Ladonia, TX			2/18/00			X	X	Remains in abeyance. Plant previously received a notice of intended enforcement based on failure to meet the <i>Salmonella</i> performance standard on three consecutive series of FSIS conducted tests.
Supreme Beef Processors 7143 Dallas, TX		11/30/99	2/11/00			X	X	Remains in abeyance. Plant previously received a notice of intended enforcement based on failure to meet the <i>Salmonella</i> performance standard on three consecutive series of FSIS conducted tests.
Twin Rivers, Inc 19719/P-19719 Fort Smith, AR			3/10/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
United Poultry Co. 4887/P-4887 Los Angeles, CA	6/28/99		6/30/99		X			Remains in abeyance.
Van Guard Culinary Foods 8334/P-8334 Fayetteville, NC	2/12/00	2/22/00 5/16/00	2/25/00 5/17/00		X	X X		Remains in abeyance.
Ventura Foods LLC 1575 Albert Lea, MN					X			On 6/26/00 a notice of intended enforcement was issued.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
White Packing Co. 1246/P-1246 Williamston, NC	6/10/99	6/11/99	6/13/99		X			The 6/23/00 suspension remains in effect. On 5/1/00 the three previous suspension cases were closed with a letter of warning.
		6/16/99	6/18/99		X			
		7/19/99 6/23/00	7/31/99		X	X X		

**Table 7. Administrative Actions: Very Small HACCP Plants
(4/1/00 – 6/30/00)**

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Aala Meat Market Inc. 12425/P-12425 Honolulu, HI		6/12/00	4/25/00			X X		Remains in effect.
AA Rubashkin & Sons, Inc. 4653/P-4653 Brooklyn, NY						X		On 6/8/00 a notice of intended enforcement was issued. Decision regarding enforcement pending.
A & W County Meat 10801 Taneytown, MD	1/25/00	1/27/00	2/4/00			X		Remains in abeyance.
Abbott's Meat Inc. 10215/P-10215 Flint, MI	10/14/99		10/18/99				X	Remains in abeyance. Suspension based on rodent activity in production areas.
Acoreana Manufactory Co. Inc. 6358 Fall River, MA	5/24/00		5/26/00			X		Remains in abeyance.
AGY Corporation P-8757 Mongaup Valley, NY	3/7/00		3/20/00			X		Remains in abeyance.
Amundgaards Sausage MFG 7666/P-7666 Thief River FLS, MN	1/26/00	1/27/00				X		On 6/28/00 plant voluntarily withdrew from inspection. Case closed.
Angus Fine Meat Pies 8108 Seattle, WA	1/25/00	1/25/00				X		Suspension was based on plant's failure to meet basic HACCP requirements. On 1/27/00 plant notified that their request for a 120 day voluntary suspension would be granted. Remains in effect.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Aries Perpared Beef 6037/P-6037 Burbank, CA	5/12/00		5/16/00			X		Remains in abeyance.
C & J Packing Co. 11032 Nampa, ID			3/3/00		X			On 3/6/00 suspension case closed with a letter of warning.
Cajun Stuff 20047 Houston, TX	11/17/99	11/22/99			X			Remains in effect.
Carso's Pasta Co. 20790/P-20790 Seattle, WA			4/27/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Cartwright's Valley Meats 6269/P-6269 Grants Pass, OR	1/27/00		1/27/00			X		Remains in abeyance.
Champlain Beef Co. Inc. 8547 Whitehall, NY		6/13/00	6/19/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Chris' Choice Meats 6428 Kelso, WA	12/9/99	1/3/00			X			On 4/26/00 suspension case closed by voluntary withdrawal.
Chicopee Provisions, Co. Inc. 6363 Chicopee, MA			6/5/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Columbia River Farms 18340/P-18340 Clatskanie, OR			5/31/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Common's Wholesale Meats 8112/P-8112 Idaho Falls, ID		6/27/00				X		Remains in effect.
Corte & Co 442 Jersey City, NJ		5/23/00				X		Remains in effect.
Cray HRI Food Service Inc. 9146 Mobile, AL		5/24/00	6/21/00		X	X		Remains in abeyance.
Del Gould Meats 5553/P5553 Lincoln, ME								On 6/29/00 a notice of intended enforcement was issued. Decision regarding enforcement pending.
Designer Meats, Inc. 5884/P-17423 Hilo, HI		4/5/00 5/10/00	4/12/00 5/18/00			X X		Remains in abeyance.
Dort Meat Co. 2431/P-2431 Flint, MI						X		On 4/11/00 a notice of intended enforcement was issued. On 6/16/00 case closed with no further action.
Dutchman's Meat Inc. 13263/P-13263 Fredericksburg, TX		6/15/00				X		Remains in effect. Plant previously received a notice of intended enforcement.
Farmer's Best Meats Inc. 20469/P-20469 Amery, WI						X		On 6/26/00 a notice of intended enforcement was issued. Decision regarding enforcement pending.
Feller's Precooked Meats, Inc. 1550/P-1550 North Salt City, UT	6/15/00	6/15/00	6/2/00 6/26/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Fenix, LLC 20920/P-20920 Oklahoma City, OK		5/2/00			X	X		Remains in effect.
Fil-Am Specialty Foods, Inc. 4828/P-4828 Los Angeles, CA	6/8/99	6/9/99	6/19/99		X			Remains in abeyance.
Gaisers European Style 5385/P-5385 Union, NJ	8/16/99	5/24/00	8/25/99		X	X		Suspension for SSOP remains in abeyance. Suspension for HACCP remains in effect.
Godshall's Quality Meats, Inc. 9553/P-9553 Telford, PA			4/25/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Guadalupe Ranch House Meat Co. 13353 Menard, TX	1/25/00		1/27/00 2/22/00		X	X		First suspension was based on the plant's failure to meet basic HACCP requirements. Plant previously received a notice of intended enforcement regarding the second suspension. Both suspensions remain in abeyance.
Heinsen Products, Inc 4334 Corona, NY		6/28/00				X		Remains in effect.
HFM Foods, Ltd 12445 Honolulu, HI	1/25/00		1/25/00			X		On 5/1/00 suspension case closed with a letter of warning.
Homestead Gourmet Foods Co. Inc. 9947/P-9947 Linden, NJ	4/10/00	5/16/00	4/14/00 5/19/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement. Appeal denied on 6/6/00.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Hsin-Chih Enterprise, Inc. 9936/P-9936 College Point, NY		5/10/00				X		Remains in effect.
Husnik Home Food Supply 15754 South Saint Paul, MN		4/6/00	4/7/00			X		Remains in abeyance.
Instituto de la Carve 17932 Caguas, PR	1/26/00	1/26/00	3/7/00			X		Remains in abeyance.
Ivars, Inc. 20173 Seattle, WA			3/22/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
K & K Kustoms Meats 6450/P-6450 Lamar, CO		6/7/00				X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Kallia German Butcher 11201 Port Charlotte, FL	1/27/00		1/27/00			X		Remains in abeyance.
Kodiak Livestock Cooperative 20893 Kodiak, AR	2/2/00		2/2/00			X		Remains in abeyance.
Konanya Meat Co. 645/P-2401 Los Angeles, CA		6/9/00	6/12/00			X		Remains in abeyance.
Lam Foods, Inc. 20108/P-20108 Kansas, MO		5/8/00	4/26/00 5/9/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Lasich Meat Processing 9023 Plymouth, CA	1/25/00		1/28/00			X		Remains in abeyance.
La Spaiga D'oro Co. Inc. 17514/P-17514 San Rafael, CA	7/15/99	7/15/99	7/20/99		X			Remains in abeyance.
Leader Steak & Provision Co. 1140 Los Angeles, CA	9/17/99	9/20/99 11/10/99 12/3/99 3/28/00	9/23/99 11/18/99 12/8/99 4/13/00		X X X X			Remains in abeyance.
Martin Rosol's Inc. 5993/P-5993 New Britain, CT			6/12/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Mello's North End Manufactory 913/p-913 Fall River, MA	5/9/00	5/11/00	5/15/00			X		Remains in abeyance.
Metro Packing Co. 10278/P-10278 Detroit, MI	11/1/99	11/3/99	11/9/99		X			On 6/2/00 suspension case closed with letter of warning.
Miranda Brothers, Inc. 1037 Fall River, MA		5/24/00	5/26/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Mr. Sausage LLC 09323 Endicott, WA	1/25/00		1/25/00			X		Remains in abeyance.
New American Poultry 9030 Sacramento, CA			1/28/00			X		On 5/10/00 suspension case closed with a letter of warning.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
New Bedford Linguica Co. Inc. 610 New Bedford, MA			5/30/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
New Mexico Food Dist. 13272/P-13272 Albuquerque, NM						X		On 6/21/00 a notice of intended enforcement was issued. Decision regarding enforcement pending.
New World Foods 9047/P-9047 Corvallis, OR	2/2/00		2/2/00			X		Remains in abeyance.
New On Sang Poultry P-9885 San Francisco, CA	4/15/99		4/16/99		X			Remains in abeyance.
Noodle's Gourmet Pasta Co 19421/P-19421 Seattle, WA	2/1/00		2/1/00			X		On 4/11/00 suspension case closed with a letter of warning.
Northwest Adventures 11031 Grangeville, ID		5/10/00	5/10/00			X		Remains in abeyance.
Pacific Northwest Meats 6041/P-6041 Sumner, WA		6/19/00	3/23/00 6/30/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Pat's Beef Jerky 20965 Liebenthal, KS			6/1/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Polk's Meat Product 12647 Bay Springs, MS		5/17/00			X	X		On 6/19/00 suspension case closed with a letter of warning.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Pro Foods, Inc. 20093 Northridge, CA	1/27/00		1/28/00			X		On 5/10/00 suspension case closed with a letter of warning.
Queen City Meats & Seafood 4855/P4855 Long Beach, CA	1/25/00		1/27/00			X		On 3/22/00 suspension case closed with a letter of warning.
R & M Meat Co. 20808 Lubbock, TX	8/31/99		9/2/99		X			On 6/9/00 a 120 day voluntary suspension was granted until 10/7/00. On 7/24/00 inspection service was reinstated. Remains in abeyance.
Rammell Valley Pack 11027 Tetonia, ID			3/1/00			X		Remains in abeyance.
Rebhan R & W Meat Co. 8665 St. Louis, MO	1/25/00		1/25/00			X		Remains in abeyance.
Reinaldo Garcia, Inc. 06742/P-06742 Mayaguez, PR	1/26/00	1/26/00	1/28/00			X		Remains in abeyance.
Rio-Tex Wholesome Meat Processors 13545 Mercedes, TX	9/10/99 4/10/00	3/7/00	9/17/99 3/13/00		X X			All suspensions were closed on 4/13/00 with a letter of warning.
R. L. Zeigler Co., Inc. 91565/P-91565 Selma, AL			6/19/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Rodney's Barbeque 7416 Mt. Olive, NC			2/4/00			X		On 5/1/00 suspension closed with a letter of warning.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions	
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>		
Royal Frozen Food 20585 Los Angeles, CA	12/16/99		12/21/99 5/4/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.	
Royal Meat Packing Co. 9672/P-9672 Quakertown, PA		5/8/00 5/23/00	5/11/00 5/26/00	X			X	First suspension was based on inhumane treatment of animals. Plant previously received a notice of intended enforcement regarding second suspension. Both suspensions remain in abeyance.	
Sam HWA Meat Co. Inc. 19607 Brooklyn, NY	5/10/00		5/24/00				X	Remains in abeyance.	
Santos Linguisa Factory 8279 San Leandro, CA	1/3/00		1/4/00		X			X	Plant voluntarily withdrew inspection. Case closed.
Sardinha Sausage Inc. 17995/P-17995 Fall River, MA	2/25/00		2/29/00				X		Remains in abeyance.
Seattle Super Smoke 7705/P-7705 Seattle, WA			4/13/00				X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Schneider Packing Co. 439 St. Louis, MO	1/25/00	4/28/00	1/25/00				X	X	Suspension for HACCP remains in abeyance. Second suspension was based on plant's failure to meet sanitation performance standards. This suspension remains in effect.
Sonnen Meats, Inc. 11043/P-11043 Green Creek, ID		5/19/00	5/19/00				X		Remains in abeyance.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Swanson Foods Inc. 9340/P-9340 Aberdeen, WA		5/25/00	5/26/00					Remains in abeyance.
T & T Company 19212 Beckley, WV			2/10/00			X		On 6/2/00 suspension case closed with a letter of warning.
Tamale Plus, Inc. 4147/P-4147 Los Angeles, CA	12/20/99		12/23/99		X			Remains in abeyance.
Texeira Foods 18444/P18444 Maricopa, CA	1/25/00	1/27/00				X		On 4/6/00 plant voluntarily withdrew inspection. Suspension was based on plant's failure to meet basic HACCP requirements. Case closed.
The Blue Willow Sausage Kitchen 258 Enterprise, OR	1/27/00		1/27/00			X		Remains in abeyance.
The Butler's Pantry 19554/P1554 Santa Barbara, CA	1/25/00	1/27/00				X		On 4/4/00 plant voluntarily withdrew inspection. Case closed.
Trappers Creek Inc. 18279/P-18279 Anchorage, AK		4/25/00	4/28/00			X		On 6/1/00 suspension case closed with a letter of warning.
Uncle Louie Sausage 12449 Kahului, HI	2/22/00		2/28/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Valley Pride Packing Inc. 1361 Norwalk, WI						X		On 5/16/00 a notice of intended enforcement was issued.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Vermont Smoke & Cure, Inc. 8795/P-8795 SO. Barre, VT	1/28/00		1/28/00			X		Remains in abeyance.
Vocci Ravioli Co. 5789 Kansas City, MO	1/25/00		1/26/00			X		Remains in abeyance.
Voise Sausage 17798 Odessa, WA	1/27/00		1/27/00			X		Remains in abeyance.
Volunteers of America 19949 Los Angeles, CA	1/25/00	1/27/00	1/28/00			X		Remains in abeyance.
Waldron Smoke House Specialties D/b/a Seabolts Smoke House 20776 Oak Harbor, WA	1/31/00		2/7/00 5/18/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.

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

4/1/00 – 6/30/00

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

Establishment	Location	Complaint to Deny/Withdraw Inspection	Consent Decision	Actions
Allens Mills Meat Market 9367	Reynoldsville, PA	2/16/99		Complaint to withdraw inspection based on owner's conviction of two misdemeanors for allowing uninspected cattle and swine to enter a federally inspected slaughtering facility and slaughtering and preparing cattle and swine not in compliance with FMIA. On June 30, 2000, the complainant filed a motion to withdraw complaint since the owner sold his business and is no longer connected with the firm. On June 30, 2000, the complainant's motion was granted.
Center Meat Co. No.7, Inc. & Ricky Johnston 6028/P-4114	Brea City, CA	10/13/98		Complaint to withdraw inspection based on the general manager's felony conviction of grand theft by embezzlement. On June 22, 2000, the complainant was informed that Ricky Johnston was no longer employed by or responsibly connected with the firm. A motion to withdraw complaint was filed and granted on June 22, 2000.
Greenville Packing Co. Inc. 9956/P9956	Greenville, NY	7/27/98		On March 13, 2000, a USDA Administrative Law Judge issued an Order declaring that inspection services would be indefinitely withdrawn from Greenville Packing Co., Inc. The Order specifies that inspection services will be indefinitely withdrawn with 35 days after service of the Order upon the firm unless appealed to the Judicial Officer. The decision to withdraw inspection is based on the firm's felony conviction of bribery of an FSIS employee. On June 1, 2000, the USDA Judicial Officer concurred with the ALJ decision. The Order specifies that inspection services will be indefinitely withdrawn unless appealed to U.S. District Court.

Establishment	Location	Complaint to Deny/Withdraw Inspection	Consent Decision	Actions
Jacob Fleishman Cold Storage, Inc. I-277 (Successor to Custom Cold Storage and Services, Inc.	Miami, FL	2/17/00		Complaint to withdraw inspection based on corporation's conviction, and a felony conviction of a predecessor corporation to Jacob Fleishman Cold Storage. The corporation was convicted of causing, with intent to defraud, meat and poultry food products to become adulterated by rodents, and the predecessor corporation was convicted of distributing poultry that had been adulterated by rodents. On March 23, 2000, and others, the corporation has been granted extensions of time to file an answer to the compliant.
LeBlanc's Cajun Boudin and Food Co. 13512	St. Amant, LA	2/25/99		The complaint to withdraw inspection is based on the owner's felony conviction for trafficking in cocaine. On June 3, 1999, the corporation filed an Amended answer with the USDA Hearing clerk.
Preferred Freezer Services, Miami, Inc.	Miami, FL	12/30/99		Complaint to withdraw inspection based on corporation's conviction of one felony for knowingly distributing adulterated meat products, and two misdemeanors for causing meat and poultry products to become adulterated by rodents. On January 25, 2000, the corporation filed an answer and request for hearing, and appearance with the USDA Hearing clerk.
Vanguard Culinary Group, LTD d/b/a Cross Creek Foods, Inc. James G. Stancil and Robert C. Stackhouse 8334/P-8334	Fayetteville, NC	6/7/99		Complaint to withdraw inspection based on plant officials' convictions for selling and transporting adulterated meat products. On July 7, 1999, an answer was filed with the USDA Hearing clerk.
Jay and Boots Meats, Inc. 8079/P-8079	Knoxville, TN	5/22/00		Complaint to withdraw is based on the corporation's felony convictions for preparing adulterated and mislabeled meat food products and for selling and transporting adulterated meat food products with intent to defraud.

Establishment	Location	Complaint to Deny/Withdraw Inspection	Consent Decision	Actions
Jack Lambersky Poultry Company, Inc. and Jack Lambersky 4340/P-4340	Camden, NJ	6/2/00	6/2/00	<p data-bbox="1024 390 1533 632">Complaint to withdraw inspection based on Mr. Jack Lambersky's misdemeanor conviction for selling misbranded poultry products and felony conviction for filing a false corporate tax return, and Jack Lambersky Poultry Company, Inc.'s misdemeanor conviction for selling misbranded poultry products.</p> <p data-bbox="1024 663 1533 997">Consent decision reached, which requires that Mr. Lambersky participate in a training program or educational course in business ethics and develop and maintain a corporate ethics code for the corporation. The consent also requires that Jack Lambersky Poultry Company, Inc., or any responsibly connected individual not commit any felony or fraudulent criminal act. Failure could result in the immediate five (5) year withdrawal of inspection.</p>

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 are reflected in this report. There were no exemptions reported this 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
(4/1/00 – 6/30/00)**

Criminal Actions

Name	Location	Indictment	Information	Plea	Sentencing	Action Summary
Bogies Products, Inc.	Detroit, MI			11/29/99	5/8/00	One misdemeanor count for causing meat and poultry products to become adulterated by rodent gnawing and feces and mold. Fined \$10,000.00. Ordered to pay a \$125.00 special assessment fee, and placed on probation for one year.
Hanh Van Tran	Garden Grove, CA	10/19/99			4/4/00	One felony count for threatening a Federal officer; one misdemeanor count for assaulting (simple assault) a Federal officer. Imprisoned for 12 months and one day, and ordered to pay a \$200.00 special assessment fee. Upon release from imprisonment, defendant is to be placed on supervised release for a term of 3 years.
Henry Lee Company	Miami, FL			12/30/99	4/20/00	Two misdemeanor counts for misbranding meat and poultry products. Fined \$10,000.00, assessed a \$250.00 special assessment fee, and was ordered to provide community service by making a \$50,000.00 charitable donation.
American Lard LTD.	El Paso, TX				6/7/00	One misdemeanor count for causing meat products to become adulterated by insanitary conditions within the facility, including rodent activity. Fined \$1,000.00 and ordered to pay a \$125.00 special assessment fee.
Phoenix Poultry Corp. George Oppenheimer, General Manager	Mechanicsburg, PA				5/22/00	Two felony counts for offering uninspected poultry products with intent to defraud and subscribing a false employer's quarterly Federal tax return. Fined \$5,000.00, ordered to pay a \$200.00 special assessment fee, placed on probation for 3 years, and perform 200 hours of community service.
General Meat Distributors, Najib Atish A., VP and Manager	Detroit, MI			6/9/00		One misdemeanor count for causing meat and poultry products to become spoiled and contaminated with filth.
Marvin L. Swick	Ponca, NE			5/10/00		One Felony count for food tampering.

Name	Location	Indictment	Information	Plea	Sentencing	Action Summary
Heringer Meats, Inc. and Raymond Niemeyer, President	Covington, KY	6/4/00				52 felony counts for preparing meat and poultry products with intent to defraud, sale of adulterated and misbranded meat products, and aiding and abetting.
RGV Warehouse, Inc.	McAllen, TX	6/22/00				15 felony counts for distributing rodent adulterated meat and poultry products.
Meat Depot, Inc. Tami Boji, Manager	Dearborn Hts., MI				6/20/00	2 misdemeanor counts for causing meat and poultry products to become putrid, sour, and contaminated with filth.

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 were two pre-trial diversion agreements which pre-trial diversion agreements involved two individuals who worked for the same company, a wholesale food distributor in Detroit, Michigan. In each case prosecution was deferred for 12 months, provided that the divertees successfully complete the program. Some of the general conditions each divertee must abide by include: that they shall not violate any Federal, State, or local law; and that they will attend work regularly and report to their Pre-trial Services Officer as directed. Divertees also agreed to abide by special conditions, including submitting to random inspections at the distributorship by USDA. One of the divertees was also advised to complete thirty (30) hours of community service.

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 is destroyed, sold, or, upon

posting of an appropriate bond, returned to its owner to be brought into compliance with the law.

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 injunction entered during the reporting period. Currently 31 firms are under injunctions.

**Table 10. Civil Actions
(4/1/00 – 6/30/00)**

Name	Location	Complaint	Injunction	Action Summary
Agustini's Baker, Inc. Robert Agustini, President and Samuel Agustini, Vice President & Treasurer	Old Forge, PA		6/20/00	Firm and principals permanently enjoined from violation preparing, selling, transporting, offering for sale and transportation, or receiving in commerce any meat or poultry products.

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