

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY ENFORCEMENT REPORT
July 1, 2007 through September 30, 2007**

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 more than 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 coordinates administrative actions, where regulatory or other authorities are applied in inspected plants and manages USDA participation in criminal cases pending in Federal courts. These actions, along with the thousands of inspections performed 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
NOTICES 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 Shell Eggs](#)" that can be accessed at:

http://www.fsis.usda.gov/Fact_Sheets/Focus_On_Shell_Eggs/index.asp. If FSIS detects problems with any products it regulates, the Agency takes product control and enforcement actions to protect consumers.

USDA conducts monitoring and verification activities at plants that slaughter amenable 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 all applicable regulatory 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 meat, poultry, and egg products. 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 assigns investigators throughout the chain of distribution to detect and detain potentially hazardous meat, poultry, and egg products in commerce and to investigate violations of law. Even if products are produced under conditions that are safe and sanitary, mishandling can occur on their way to the consumer. For example, if products are transported in trucks that are too warm, or if exposed to contamination, the products can become adulterated and can cause illness.

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 through a written Noncompliance Record (NR).

NRs document noncompliance with FSIS regulations and notify the plant that it must take action to remedy the situation and should take measures to prevent its recurrence. If this is done, then the plant will continue to operate without interruption. Noncompliance 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 2,674,381 verification procedures.

Table 1a provides numbers of NRs issued by FSIS inspection personnel between July 1, 2007 and September 30, 2007. **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 (7/01/07 to 9/30/07)

NRs Issued: 39,002

Table 1b. Appeals NRs (7/01/07 to 9/30/07)

Number of Plants Filing Appeals: 224

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total Appeals Resulting In Modified NR	Total NRs Appealed
139	167	33	49	388

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 are designed to 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 35,750,098 livestock carcasses; 56,080 carcasses were condemned.
- FSIS inspected 2,381,182,348 poultry carcasses; 9,807,801 carcasses were condemned.

Detentions

FSIS investigators, import officers and other designated FSIS personnel will detain any product that may be adulterated or misbranded when found in commerce. If product cannot be disposed of within 20 days, then FSIS may request any U.S. District or other court to seize the product as provided for in the Federal Meat Inspection Act and Poultry Products Inspection Act. Most detentions result in voluntary disposal of the product and do not require court actions. **Tables 2a., 2b., and 2c.** provide the number of detentions and the pounds of product involved in these actions for meat and poultry products for this quarterly reporting period. Table 2a. provides the information on detentions made by Compliance and Investigations Division (CID), Office of Program Evaluation, Enforcement and Review investigators. Table 2b. provides the detention information for the Office of International Affairs. Table 2c. provides the detention information for the Office of Field Operations.

**Table 2a. Detention Summary
(7/01/07 to 9/30/07)**

Detentions: CID Regions

Total number of detentions	55	
Total pounds of product detained	12,296,194	
	Detentions	Pounds Detained
WESTERN	14	314,814
SOUTHWEST	27	11,060,447
MIDWEST	6	47,495
SOUTHEAST	4	62,150
NORTHEAST	<u>4</u>	<u>811,288</u>
Totals	55	12,296,194

**Table 2b. Detention Summary
(7/01/07 to 9/30/07)**

Detentions: OIA Regions

Total number of detentions	25	
Total pounds of product detained	65,611	
	Detentions	Pounds Detained
WESTERN (Los Angeles)	22	62,223
SOUTHERN (Miami)	0	0
NORTHERN (Detroit)	0	0
NORTHEAST (Philadelphia)	<u>3</u>	<u>3,388</u>
Totals	25	65,611

**Table 2c. Detention Summary
(7/01/07 to 9/30/07)**

Detentions: OFO Districts

Total number of detentions	15	
Total pounds of product detained	2,498,682	
	Detentions	Pounds Detained
CHICAGO	1	24
DALLAS	13	2,491,870
DES MOINES	1	<u>6,788</u>
Totals	15	2,498,682

Recalls

A recall is a firm's voluntary removal of adulterated or misbranded products from trade or consumer channels. Class I recalls involve a health hazard for which 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 where 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 will not cause adverse health consequences. In cases where a firm decides not to accept the FSIS recommendation and chooses not to conduct a recall, FSIS will detain any product that would have been subject to a recall that it finds in commerce. FSIS, Congressional and Public Affairs (CPA) will issue a press release informing the public that product that appears to be adulterated or misbranded has been shipped by the responsible firm and that the firm has refused to recall it. For current information on recalls, go to the FSIS recalls web page at:

http://www.fsis.usda.gov/Fsis_Recalls/index.asp .

Port-of-Entry Reinspection

FSIS conducts port-of-entry reinspections of imported meat, poultry, and egg products. It is important to note that this activity is a reinspection of products that have already been inspected and passed by an equivalent foreign inspection system. Thus, imported product reinspection is a monitoring activity for verifying on an on-going basis the equivalence of a foreign country's inspection system.

Port-of-entry reinspection is directed by the Automated Import Information System (AIIS), a centralized computer database that generates reinspection assignments and stores results. After clearing U.S. Customs and Border Protection and the Animal and Plant Health Inspection Service (APHIS), every imported meat, poultry, or egg product shipment must be presented to FSIS.¹ When a meat or poultry shipment is presented for reinspection, the AIIS scans its records to verify eligibility. Shipments are denied reinspection and refused entry if the foreign country is not eligible to export to the United States, if the establishment that produced the product has not been certified for export to this country, if the product presented for reinspection is not eligible, if the shipping marks are not unique, or if APHIS has animal health restrictions on the country.

All imported product shipments are reinspected for general condition, labeling, proper certification, and accurate count. In addition, other types of inspection (TOI) may be generated by the AIIS. These could include a physical examination of the product for visible defects, collection of samples for microbiological analysis, sampling for food chemistry analyses, and samples to be analyzed for drug and chemical residues. Shipments are randomly selected for

¹ Egg products are imported only from Canada. Dry egg products may be reinspected at the border or may proceed directly to their destination for reinspection. Liquid egg products are always reinspected at their destination for food safety reasons. Egg product reinspections are presently scheduled separately from meat and poultry, but will be brought under the AIIS.

reinspection using a statistical sampling plan that allocates samples by HACCP process categories. The level of sampling is based on the volume imported from the country within each category. Products that fail reinspection are rejected and must be re-exported, converted to non-human food, or destroyed. Product rejections cause the AIIS to automatically generate an increased rate of reinspection for future shipments of like product from the same establishment.

This HACCP-based sampling approach began in August 2002 as the new AIIS3 system was launched, and was fully implemented in the quarter beginning October 1, 2002. Implementation of AIIS3 provides an opportunity for FSIS to present meat and poultry reinspection data in a new reporting format that has been constructed to better represent reinspection results (**Table 3a**).

This new format is based on pounds of product rather than lots of product because the lotting of product for reinspection is a commercial decision made by the importer or broker, and the term “lot” has no regulatory definition. **Table 3b** presents egg product reinspection results in the same format they appear in past quarters, minus lots for the reason given above. The new reporting format will be applied to these products when they are incorporated into the AIIS3 system. It should be noted that data reports at the end of a fiscal quarter are the best available information for reinspection activities conducted during the preceding three months, but those data are preliminary until all ongoing inspection activities are completed. For example, pending reinspection activities include open TOI’s, in particular samples taken for laboratory analysis, but also could include organoleptic product examinations, and refused entries which may stay open for up to 45 days. A report of quarterly reinspection data will not be “final” until all open entries are closed. These normally small adjustments in past quarter data will be reflected in subsequent quarterly reports.

**Table 3a. Imported Meat and Poultry Products
Pounds of Product by Fiscal Year Quarter**

Presented, Reinspected, and Refused Entry

FY 2007							
Quarter	Presented	Refused ¹	Reinspected	TOIs Perf ²	Accepted	Rejected ³	Combined Rejected and Refused
Q-1 (Oct – Dec)	936,432,084	12,381	110,178,541	13,059	932,723,905	2,695,798	2,708,179
Q-2 (Jan – Mar)	956,440,264	5,068	103,127,147	12,177	954,126,432	2,308,764	2,313,832
Q-3 (Apr – Jun)	1,057,038,119	91,082	123,290,993	13,443	1,054,502,356	2,444,681	2,535,763
Q-4 (Jul – Sep)	947,187,811	40,609	96,287,305	10,585	945,389,371	1,757,831	1,798,440
Cumulative Totals	3,897,098,278	149,140	432,883,986	49,264	3,886,742,064	9,207,074	9,356,214

**Table 3b. Imported Egg Products
Pounds of Product by Fiscal Year Quarter**

Presented, Reinspected, and Refused Entry

FY 2007		
QUARTER	PRESENTED	REFUSED ⁴
Q-1 (Oct – Dec)	4,296,089	0
Q-2 (Jan – Mar)	5,870,970	0
Q-3 (Apr – Jun)	4,713,770	0
Q-4 (Jul – Sep)	5,616,318	0
Cumulative Totals	20,497,147	0

¹ Products are refused reinspection if: (1) the foreign country is not eligible; (2) the foreign establishment is not listed; (3) Animal and Plant Health Inspection Service (APHIS) has placed animal disease restrictions on the country; (4) product presented for reinspection is not eligible; and (5) duplicate shipping marks.

² Types of Inspection (TOI) Performed. The number of reinspection assignments performed during the quarter.

³ Products are rejected if product presented for reinspection fails to meet U.S. import requirements.

⁴ Refused entry and rejected upon reinspection data are collapsed in the present egg products database, but will be separated when this commodity is incorporated into the AIIS.

NOTICES OF WARNING

FSIS issues Notices of Warning (NOW) 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. Notices 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 Notices of Warning issued by the Office of Program Evaluation, Enforcement and Review (OPEER) headquarters office and by each of the CID Regions during the reporting period.

**Table 4. Notices of Warning for Criminal Actions
(7/01/07 to 9/30/07)**

Notices of Warning for Criminal Violations

Total number of NOWs issued for violations: 100
Number issued by Headquarters: 14

CID Region	Number of NOWs Issued by Region
WESTERN	3
SOUTHWEST	33
MIDWEST	17
SOUTHEAST	11
NORTHEAST	22
Total number issued	<hr style="width: 10%; margin-left: auto; margin-right: 0;"/> 86

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 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 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 135 plants. Sixty-five of the actions in these plants were initiated during this reporting period. Twenty-two 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 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.

There was one appeal of suspension action filed during this period.

**Table 5. Administrative Actions: Large HACCP Plants
(7/01/07 to 9/30/07)**

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 Abeance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
CARGILL MEAT SOLUTIONS CORP 00086K M DODGE CITY, KS						X					X		On 9/19/07, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
CARGILL MEAT SOLUTIONS CORP 00086H M PLAINVIEW, TX						X					X		On, 9/17/07, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
						X					X	8/13/07	On 6/13/07, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
CLOUGHERTY PKG. CO 00360 M00360 P VERNON, CA			9/7/06	9/7/06					X				
			9/8/06	9/8/06					X				On 9/8/06, suspension was reinstated.
MOUNTAIRE FARMS OF NORTH CAROLINA 07470 P LUMBER BRIDGE, NC	2/2/07	2/22/07			X	X							
NATIONAL BEEF PACKING CO. 00208A M LIBERAL, KS						X					X	7/5/07	On 5/29/07, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
OK FOODS INC 00165H P HEAVENER, OK	5/7/07	5/25/07			X	X	X						
PERDUE FARMS INCORPORATED 19112 P BEAVER DAM, KY	5/9/07		5/17/07	5/19/07	X	X	X					9/11/07	On 7/26/07, the establishment appealed the 5/17/07 suspension action. On 9/17/07, the FSIS Office of Field Operations issued a letter granting the appeal and rescinding the suspension action.

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 Abeysance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
PILGRIM'S PRIDE CORP. 00413 P BOAZ, AL	9/14/07	9/21/07			X	X							
PILGRIM'S PRIDE CORPORATION 05787 M05787 P NATCHITOCHES, LA	8/9/07	8/22/07			X	X	X						
PM BEEF HOLDINGS 00683 M WINDOM, MN			4/18/07	4/18/07					X			7/18/07	
	6/1/07	6/7/07	8/31/07	9/4/07	X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli). The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
QUALITY PORK PROCESSORS 01620 M AUSTIN, MN	8/17/07	8/23/07						X					
ROCHELLE FOODS, INC 01992 M18769 P ROCHELLE, IL	4/4/07				X	X	X						On April 11, 2007, DM issued a letter rescinding the NOIE. The case is closed.
TYSON FOODS INC.. 01362 P NOEL, MO	5/18/06	6/23/06			X	X						9/6/07	
TYSON FRESH MEATS 00244I M LOGANSPOET, IN	3/19/07	4/3/07			X	X	X					7/30/07	
TYSON FRESH MEATS INC. 09268 M PASCO, WA						X				X			On 7/28/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
TYSON FRESH MEATS INC. 00245D M EMPORIA, KS						X				X		9/5/07	On 12/23/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.

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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
TYSON'S FOODS, INC. 07221 M07221 P ROGERS, AR	5/7/07	5/25/07			X	X	X						
WAYNE FARMS, LLC 33890 M33885 P DECATUR, AL	3/5/07	3/15/07			X	X							

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
(7/01/07 to 9/30/07)**

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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
21ST CENTURY FOODS LTD 31588 M31588 P SAN ANTONIO, TX	11/29/06	12/7/06			X	X	X						
A & S PRODUCE 05889 M05889 P VERNON, CA	8/23/07				X	X							
ARIES PREPARED BEEF CO. 06037 M06037 P BURBANK, CA	5/10/07	6/13/07			X	X	X						
ARISTA FOODS CORPORATION 07658 M07658 P ANAHEIM, CA	6/1/07	7/3/07			X	X				X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
ARMOUR-ECKRICH MEATS LLC 00003JC M00003JC P JUNCTION CITY, KS	8/8/07				X	X	X						
AUNT KITTY'S FOODS, INC. 00087 M00864 P VINELAND, NY	8/29/07	9/7/07			X	X	X						
BADGER BOILED HAM CO INC 02448 M MILWAUKEE, WI	8/2/07	8/8/07			X	X							
BEST EXPRESS FOODS, INC 20735 M20735 P WILLIAMSTON, MI	9/26/07				X	X	X						
BOE FARMS 19002 M19002 P MOSELLE, MS	9/19/07	9/28/07				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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
BUMBLE BEE SEAFOOD, LLC 00195 M00650 P AUGUSTA, GA			7/23/07	9/14/07		X							
CABRITO MARKET, INC. 21530 M MISSION, TX			9/13/07	9/13/07				X					
CLAUSEN MEAT PACKING INC. 00325 M TURLOCK, CA			9/21/07	9/27/07	X		X						
COLEMAN NATURAL FOODS 07569 M07569 P WILLIAMSTOWN, NJ			6/27/07	7/2/07	X	X	X						
CRAVE ENTERPRISES, INC. 27348 M27348 P LOS ANGELES, CA			6/1/06	6/23/06	X		X						
DAVIS CREEK MEATS AND SEAFOOD, LLC 01947A M01947A P KALAMAZOO, MI			5/18/07	6/5/07		X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
DAY-LEE FOODS, L.P. 17309 M17309 P SANTA FE SPRINGS, CA	5/16/06	6/7/06	10/18/06	1/24/07	X	X							
DEAN SAUSAGE COMPANY/KENTUCKY FARM KITCHENS 06621A M ATTALLA, AL	6/15/07	6/29/07			X	X	X						
DINNER BELL MEAT PRODUCTS, INC. 07440 M07440 P LYNCHBURG, VA	8/3/07		8/9/07	8/16/07	X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
ELENA'S FOOD SPECIALTIES 08253 M08253 P SOUTH SAN FRANCISCO, CA			7/23/07	8/10/07	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	
ELENA'S FOOD SPECIALTIES 08253 M08253 P SOUTH SAN FRANCISCO, CA			9/13/07		X	X							
ELITE FOODS, LLC 33826 P TROY, NC	8/27/07	9/5/07			X	X	X				X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
EURO FOODS INC 04010 M04010 P FREELAND, PA	8/22/07	9/7/07			X	X	X						
FINEWELL FOODS, INC. 04861 M04861 P LOS ANGELES, CA	7/19/07	8/7/07			X	X	X						
FORMOSA MEAT COMPANY, INC. 08256 M08256 P RANCHO CUCAMONGA, CA	3/9/07	3/19/07			X	X	X						
FRUITLAND AMERICAN MEAT 02316 M02316 P JACKSON, MO	7/16/07	9/5/07			X	X	X				X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
FULTON PROCESSORS INC 00930 P FULTON, CA	2/21/07	3/23/07			X	X	X						
GANADEROS ALVARADO, INC. 06682 M06682 P ARECIBO, PR	7/10/07	8/23/07			X	X					X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
HOSS'S FRESH EXPRESS, INC. 19058 M19058 P CLAYSBURG, PA			4/20/07	7/23/07	X	X					X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
IMPERIAL FOOD SERVICES INC 27240 M27240 P SOUTH ELGIN, IL			7/26/07	7/30/07	X	X							
IMPERIAL MEAT COMPANY 04847 M04847 P MONTEREY PARK, CA			2/15/07	2/17/07			X						

ABBREVIATION KEY	
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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		
KOCH FOODS OF ALABAMA, LLC 06529 P MONTGOMERY, AL	11/30/06	12/13/06			X	X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
	6/21/07	7/6/07			X	X	X							
KONANYAN MEATS 00645 M02401 P LOS ANGELES, CA	10/17/06	11/2/06			X	X	X							
MANDA FINE MEATS 08746 M08746 P BATON ROUGE, LA	6/19/07	6/29/07			X	X	X							
MARIAH FOODS, LP 00320 M19705 P COLUMBUS, IN			7/13/07	7/18/07	X		X							
MEADOW FARMS SAUSAGE COMPANY 06028 M06028 P LOS ANGELES, CA	9/1/06	9/13/06			X	X								
MICHAEL B'S LLC 31632 M31632 P TORRANCE, CA			8/21/07	8/29/07	X	X								
MONTEREY GOURMET FOODS COMPANY 19263 M19263 P SALINAS, CA			7/6/07	7/11/07	X		X							
NDK FOODS, INC. 17427 M17427 P BELL GARDENS, CA			9/7/06	9/29/06	X		X							
NORTH STAR BEEF, INC. FORMERLY MINNESOTA BEEF INDUSTRIES, INC. 17466 M BUFFALO LAKE, MN	9/21/05	9/29/05				X								On 9/13/07, firm name officially changed by Grant of Inspection.

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	
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>		
NORTHERN PACKING COMPANY INC. 00571 M BRIER HILL, NY	12/9/05	12/23/05	6/21/07	7/19/07	X	X	X				X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
OLD SETTLER'S JERKY INC. 09875 M09875 P COVINA, CA			4/25/06	4/29/06	X		X							
			7/25/06	7/28/06	X		X							On 7/25/06, suspension was reinstated.
PECO FOODS, INC 20659 P CANTON, MS	7/12/07	7/23/07			X	X	X							
PETE'S FOOD PRODUCTS 04172 M LOS ANGELES, CA			12/27/06	1/3/07						X				
PREMIUM IOWA PORK 21069 M HOSPERS, IA	8/10/07	8/17/07			X	X	X							
R.A.B. FOOD GROUP LLC 01406 M00761 P NEWARK, NJ			3/16/07	7/25/07	X		X							
RICE FIELD CORPORATION 20153 M20153 P CITY OF INDUSTRY, CA	4/13/07		4/24/07	5/1/07	X	X	X							
			7/11/07	7/23/07	X	X	X							
SCALA PACKING CO., INC. 01731 M CHICAGO, IL	3/23/07	4/5/07	7/9/07	8/3/07	X	X								
			9/4/07		X	X								On 9/4/07, suspension was reinstated.

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	
SIERRA MADRE FOODS 06009 M MONTEREY PARK, CA			1/18/05	1/24/05			X						
SPEEDWAY SUPERAMERICA LLC 19860 M19860 P SAINT PAUL PARK, MN	7/26/07	8/9/07			X	X							
STAGNO'S MEAT COMPANY 02875 M MODESTO, CA	5/17/07		5/24/07	6/6/07	X	X		X		X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material. Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
			8/21/07		X	X				X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
STAR FOOD PRODUCTS, INC. 06599 M06599 P BURLINGTON, NC	9/28/07				X	X							
STATE OF TENNESSEE COOK CHILL 19120 M19120 P NASHVILLE, TN	7/13/07	7/20/07			X	X							
THE MEAT MARKET 02469 M02469 P FRESNO, CA	8/13/07	9/10/07			X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
TOPPS MEAT COMPANY, LLC 09748 M09748 P ELIZABETH, NJ			9/26/07		X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
TYSON PREPARED FOODS 19706 M19706 P COLUMBIA, SC	7/5/07	7/17/07			X								

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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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
U.S. CHOICE, INC. 04128 M04128 P LOS ANGELES, CA			10/19/06	10/30/06					X				
UNITED FOOD GROUP 01241 M18404 P VERNON, CA	7/6/07				X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
UW PROVISION COMPANY, INC 17151 M17151 P MIDDLETON, WI			7/18/07			X							
WINTER SAUSAGE MANUFACTURING COMPANY, INC. 10158 M10158 P EASTPOINTE, MI	6/21/07	7/13/07				X							

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

**Table 7. Administrative Actions: Very Small HACCP Plants
(7/01/07 to 9/30/07)**

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	
ABBOTT'S MEATS INCORPORATED 10215 M10215 P FLINT, MI			7/21/07	7/26/07		X					X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
ABE'S PLACE DELICACIES 20339 M20339 P ALLENTOWN, PA	4/26/07	5/15/07			X	X						8/1/07	
AL'S HICKORY HOUSE BARBEQUE 10760 M SHELBYVILLE, TN	5/31/07	6/25/07			X	X	X						
BACH CUC BEEF JERKY 18995 M18995 P SOUTH EL MONTE, CA	7/5/06	7/18/06			X	X						9/13/07	
BARTLOW BROTHERS INC. 02595 M02595 P RUSHVILLE, IL	9/24/07				X	X	X						
BEN LEE PROCESSING INC 02366 M02366 P ATWOOD, KS	9/6/07	9/14/07			X	X							
BENTON'S SMOKY MOUNTAIN HAMS 09127 M MADISONVILLE, TN	4/4/07	5/2/07			X	X	X					9/12/07	
BILLINGS MEATS & PROCESSING 20586 M GORDO, AL	3/15/07	4/5/07			X	X							
BREAD & CHOCOLATE INC 34118 M34118 P ALEXANDRIA, VA	8/6/07	8/24/07			X	X							

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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 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	
BRYANT'S MEATS INC. 06697 M06697 P TAYLORSVILLE, MS	6/28/07	7/9/07				X							
CECINA LOS AMIGOS 21653 M21653 P CARSON, CA			6/14/06	7/18/06	X	X							
CPK QUALITY FOODS 32016 M32016 P BLAINE, MN	5/15/07	5/25/07				X							
DEERING'S MEAT MARKET 08943 M08943 P TRAVERSE CITY, MI	8/28/07		9/6/07		X	X							
DOUBLE A FARMS 34132 M34132 P CHARLES CITY, VA	8/6/07		8/23/07	8/31/07	X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
EARL OF SAUSAGE, INC. 31844 M WILLERNIE, MN			4/23/07	6/15/07		X							
GARDELLA'S RAVIOLI CO. & ITALIAN DELI, LLC 05444 M VINELAND, NJ	6/15/07	6/28/07				X					8/10/07		
GIOVANNI'S APPETIZING FOOD PRODUCTS, INC 05706 M00772 P RICHMOND, MI	9/26/07				X	X	X						
GRAND PAPA'S SNACKS INC. 19606 M DETROIT, MI	9/28/07				X	X	X						
GREAT LAKES HOME FOOD SERVICE, INC. 15726 M15726 P MIDLAND, MI	8/6/07	8/23/07			X	X							
GRILLER'S PRIDE, LLC 31952 M31952 P DORAVILLE, GA	1/25/07	4/23/07			X	X							

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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 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	
HENRY H. OTTENS MFG CO INC 32159 P PHILADELPHIA, PA	8/24/07	8/30/07			X	X							
J.M. PACKING, CO. 19804 M19804 P PONCE, PR			11/21/05	4/26/07	X	X							
JERKY KING OF WEST 17912 M WALNUT, CA	8/23/07	9/5/07			X	X							
JOINES MEAT PROCESSING 21703 M21703 P CHILHOWIE, VA	4/3/07	4/26/07				X							
KADEJAN INC 18688 P GLENWOOD, MN	4/17/07	4/27/07			X	X	X						
KIOWA LOCKER SYSTEMS 21585 M21585 P KIOWA, KS	1/17/07	7/17/07			X	X							
L & J MEAT MARKET, INC. 10131 M10131 P LAKE CITY, MI			4/19/07	4/20/07				X				8/22/07	
LE GOURMET LORRAIN INC 06604 M06604 P HYATTSVILLE, MD	1/3/07	1/16/07	2/1/07		X	X							On 7/11/07, DM closed case by firm's abandonment of inspection services, in accordance with FSIS Notice 25-03.
MAYAR'S HALAL MEAT PROCESSING 21595 M21595 P LIVINGSTON, CA			7/21/06	7/26/06					X				
			11/29/06	12/4/06					X				On 11/29/06, suspension was reinstated.
MICKELSEN PACKING INC 11070 M11070 P BLACKFOOT, ID	1/10/07	2/5/07			X	X	X			X		7/13/07	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).

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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 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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
MICKEY'S PACKING PLANT 07732 M07732 P GREAT FALLS, MT			7/11/07	7/13/07	X		X						
MICROWARE ROASTERS INC 31770 M SELMA, AL	2/26/07	3/6/07			X	X	X						
MOUNTAIN MEAT PACKING, INC 04979 M04979 P FRUITA, CO			6/19/07	6/29/07				X					
MUNSEY MEATS 31575 M MORRISTOWN, TN	6/8/07	6/15/07			X	X							
NAMAN'S MEAT COMPANY, INC 27429 M 27429 P MOBILE, AL	4/9/07	4/17/07			X	X	X				8/17/07		
NANA AND PAPA'S BAR-B-QUE 06737 M06737 P RUTHERFORD, TN	4/11/07	6/7/07			X	X	X						
NEW WILMINGTON SLAUGHTER HOUSE 08609 M08609 P NEW WILMINGTON, PA	7/24/07	8/1/07			X	X	X						On 12/13/01, suspension was reinstated.
NICHOLAS MEATS LLC 04465 M BELLEVILLE, PA			8/21/07	9/7/07				X					
			8/24/07	9/7/07					X				
NORCO RANCH INCORPORATED 01063 G NORCO, CA			6/21/07	7/3/07			X						
NORTH DAKOTA BRANDED BEEF & PACK LLC 21373 M21373 P HARVEY, ND	7/27/07	8/9/07				X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).

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INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

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	
PACFOODS, USA 09889 M09889 P HAYWARD, CA			8/26/02	10/17/02	X	X							
			10/23/02		X	X							On 10/23/02, suspension was reinstated.
PALUMBO'S MEAT MARKET 02763 M02763 P DUBOIS, PA	8/15/07				X	X	X					9/25/07	
PEL-FREEZ ARKANSAS LLC 00202 P ROGERS, AR	6/29/07	7/17/07			X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
PERCIVAL PACKING L.L.C. 34001 M34001 P SCOTT CITY, KS	4/10/07	4/18/07			X	X						7/20/07	
PERDUE FARMS INC 01243 P ROCKINGHAM, NC	7/5/07	7/19/07			X	X	X						
PRAIRIE PACKING INC. 07644 M07644 P WILLISTON, ND	3/30/07	5/2/07			X	X	X					9/27/07	
ROBERSONVILLE PACKING CO 22064 M22064 P ROBERSONVILLE, NC			5/2/07	5/3/07					X			7/17/07	
	8/27/07	9/7/07			X	X	X						
SCHEXNAYDER'S ACADIAN FOODS, INC. 13238 M13238 P KENNER, LA	9/28/07				X	X	X						
SENSIENT FLAVORS, INC. 15772 M15772 P HARBOR BEACH, MI	9/28/07				X	X	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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
SIMMERING SOUPS INC. 21166 M21166 P CUMBERLAND, RI	9/21/07				X		X						
SIMMONS BARBEQUE 19523 M19523 P GUNTERSVILLE, AL	7/16/07	8/2/07			X	X	X						
SINGER LOCKER SERVICE 02975 M02975 P CHILLICOTHE, MO	8/29/07	9/7/07			X	X	X						
SPECIAL AMERICA'S BBQ 11179 M OPA-LOCKA, FL			12/13/05			X							
SUENO, LLC 20538 M20538 P PITTSBORO, NC	3/12/07		3/21/07	4/16/07	X	X							
T.L. HERRING & CO. 11504 M11504 P WILSON, NC	4/24/07		5/2/07	6/5/07	X	X	X					8/8/07	
TUCKER SAUSAGE, INC 06643 M LEBANON, TN	8/23/07	9/14/07			X	X	X						
VICOLO WHOLESALE 33840 M33840 P HAYWARD, CA	9/21/07				X	X	X						
WALT'S HOMESTYLE FOODS, INC 17443 M17443 P YANKTON, SD	6/19/07	7/10/07				X							
YEE TUNG INC. 19014 P WESTVILLE, NY	6/14/07	6/27/07			X		X					9/24/07	

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

Formal Adjudicatory Actions for Food Safety

Under the statutes it administers, FSIS can, in appropriate cases, move to withdraw grants of federal inspection from plants and plant owners based on the failure of a recipient of inspection service to meet critical sanitation and food safety regulatory requirements [e.g., Sanitation Standard Operating Procedures (SSOP) or Hazard Analysis and Critical Control Point (HACCP) system regulations] necessary to protect the public health. In some situations, FSIS also can seek to deny inspection service to an applicant for failure to meet certain food safety regulatory requirements. These actions are taken in accordance with the FSIS Rules of Practice (9 CFR Part 500) and Department regulations governing formal adjudicatory proceedings (7 CFR Part 1, Subpart H). Plants and plant owners are provided with the opportunity for a hearing before a federal administrative law judge. **Table 8** identifies refusal and withdrawal actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There was one action initiated during this reporting period.

**Table 8. Food Safety Adjudicatory Actions
(7/01/07 to 9/30/07)**

Formal Adjudicatory Actions Pending or Taken for Food Safety

[includes actions initiated in prior quarters]

Establishment	Complaint to Deny/Withdraw Inspection	Hearing	Consent Order	Decision and Order	Actions
STAGNO'S MEAT COMPANY 02875 M MODESTO, CA	09/12/07				On September 12, 2007, FSIS filed a complaint to withdraw inspection service based on the firm's failure to remove, segregate and dispose of Specified Risk Materials (SRMs), as prescribed in 9 C.F.R. 310.22, to maintain effective Hazard Analysis and Critical Control Point, and Sanitation Standard Operating Procedures (SSOP) and in accordance with the requirements of 9 C.F.R. Parts 416 and 417, and failure to implement food safety system controls to ensure production of wholesome unadulterated meat products.

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. Actions pending or taken (other than outstanding consent decisions) are reported. **Table 9** identifies actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There were no new unfitness actions initiated this reporting period.

Removing Exempt Privilege

The meat and poultry laws exempt certain custom, retail, or other operations from inspection. For example, custom exempt businesses slaughter animals or poultry, or process meat and poultry for owners of the animals or products. When insanitary conditions create health hazards, FSIS may remove custom or other exempt privileges through issuance of a Notice of Ineligibility (complaint), and require the business to cease operations until sanitary conditions are restored. FSIS can also take action when custom or other exempt facilities fail to properly label product as "Not for Sale." These exempt businesses have the opportunity to correct violations prior to such actions, contest the basis for such actions at hearings, and to enter settlement agreements (consent orders) to resolve actions. **Table 10** lists exempt actions pending or taken (other than outstanding consent orders) on this basis for this reporting period. There were two new actions initiated this reporting period.

**Table 10. Exempt Actions
(7/01/07 to 9/30/07)**

Administrative Actions Taken at Exempt Facilities

Name	Complaint Served	Consent Order	Decision and Order	Action Summary
BANCROFT MEAT PROCESSORS, INC. HOWARD PETERSEN, OWNER BANCROFT, NE	07/24/07			On July 24, 2007 FSIS summarily terminated custom exempt privileges at the firm based on its continued failure to comply with statutory and regulatory requirements for custom exempt operators and consent agreement terms requiring Bancroft to ensure that operations are conducted in a sanitary manner and that products are not adulterated, and to monitor and document pre-operational and operational sanitation.
BUTCHER BLOCK LAURN AND KAY OLTMER, OWNERS INDIANOLA, NE	04/10/07		07/11/07	On April 10, 2007, a Notice of Ineligibility to conduct custom exempt operations was issued to the firm. On July 11, 2007, the firm entered into a Consent Agreement with FSIS. The Agreement holds the withdrawal of meat exemption in abeyance for a two (2) year period. Conditions of the Agreement require the firm to develop, implement and maintain effective procedures to ensure operations are conducted in a sanitary manner and that products are not adulterated.
CARROLL L. SCHISLER, SR. AND CARROLL L. SCHISLER, JR. NEW WINDSOR, MD	04/21/06			On April 20, 2006, a Notice of Ineligibility to conduct custom exempt operations was issued to the firm. A pending administrative hearing is unscheduled at this time.
M.U.S.A SLAUGHTERHOUSES, INC. MUSA SIMREEM, OWNER NEW YORK, NY	09/5/07			On September 5, 2007, a Notice of Ineligibility to conduct custom exempt operations was issued to the firm. A pending administrative hearing is unscheduled at this time.

FSIS Adjudications

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 11** 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 11. Criminal Actions
(7/01/07 to 9/30/07)**

Criminal Actions

Name	Indictment	Information	Plea	Sentencing	Action Summary
ANSTINE ENTERPRISES, INC. dba KINGSVILLE HOG MARKET AND RICK D. ANSTINE, AND QUEEN'S MARKET, LLC AND KIM HUE HUYNH AND NHAN PHU PHAM KANSAS CITY, MO	08/24/06		08/7/07		On August 7, 2007, in the Western District of Missouri, Rick D. Anstine pled guilty as an individual and for his corporation, Anstine Enterprises, Inc., d/b/a Kingsville Hog Market. Mr. Anstine, Mr. Kim Huynh, and Mr. Nham Pham entered guilty pleas to charges of violating the Federal Meat Inspection Act (FMIA). The owners of the businesses admitted to transporting, offering for sale or selling non-USDA inspected swine and associated meat products. Mr. Anstine, for Anstine Enterprises, pled guilty to one (1) felony charge of aiding and abetting in the misbranding of food e.g., pork product and the firm was placed on a two (2) year probation and ordered to pay a \$10,000. Mr. Kim Huynh and Mr. Nham Pham, owners of Queen's Market, LLC, pled guilty to similar misdemeanor charges. Fines and/or probation terms are pending.
DOWNSVILLE FOODS, LLC, BRENT CREEL AND CARL W. BROWN MONROE, LA			06/21/07	09/24/07	On September 24, 2007, in the Western District of Louisiana, Downsville Foods, LLC, was sentenced on two (2) misdemeanor charges of violating the FMIA and PPIA. The firm was ordered to pay a fine of \$4000 and ordered to pay the cost of investigations (\$26,230.59) to USDA. Additionally, Brent Creel and Carl W. Brown, management officials, were sentenced on three (3) misdemeanor counts each of violating the FMIA and PPIA and ordered to pay fines of \$500 and \$250 respectively with one (1) year unsupervised probation.
FARM FRESH MEATS, INC., AND ROLAND EMERSON FARABEE, PRES. 19883 M MARICOPA, AZ		01/17/07	02/13/07	09/21/07	On September 21, 2007, in the United States District Court for the District of Arizona, Farm Fresh Meats, Inc., and Mr. Roland Emerson Farabee, its president, were sentenced on three (3) felony counts, for theft of government money or property, mail fraud and aiding and abetting, and wire fraud and aiding and abetting and ordered to pay restitution of \$390,000, and fined \$100,000. Mr. Farabee was also sentenced to eight (8) months confinement in a Federal penitentiary followed by three (3) years supervised 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 it can assist the United States 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 no pre-trial diversion agreements this quarter.

CIVIL ACTIONS

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

Seizures

When FSIS has reason to believe distributed products are adulterated, misbranded, or otherwise in violation of law, the Agency will, through the USDA Office of the General Counsel and United States 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, misbranded, or otherwise in violation of FSIS laws, it will condemn the product. Condemned product cannot be further processed to be used for human food. **Table 12** lists seizure actions and seizure cases. There were no seizure actions initiated during this reporting period.

Injunctions

FSIS, through the U.S. Attorney, may request a U.S. District Court to enjoin ongoing or repetitive violations of the FMIA, PPIA, or EPIA. The Agency seeks injunctions to stop, for example, uninspected retail stores from processing products without required inspection for wholesale business or to prevent or restrain other violations of law. **Table 13** lists civil actions and civil cases. There was one injunction initiated during this reporting period.

**Table 13. Civil Actions
(7/01/07 to 9/30/07)**

Civil Actions

Name	Complaint	Injunction	Action Summary
EURO-DELI AND GIFTS YURI DARMAGRAI, OWNER CHEEKTOWAGA, NY	02/01/07	08/02/07	On August 02, 2007, in the United States Court for the Western District, District of New York, Euro-Deli and Gifts and owner Yuri Darmagrai entered into a Consent Decree that permanently enjoins the owner and firm from violating the Federal Meat Inspection Act and Poultry Products Inspection Act and specifically, from selling, transporting, offering for sale or receiving for transportation, in commerce, meat and/or poultry products without the marks of federal inspection and from transporting, selling, offering for sale, or transport or receiving for transportation in commerce misbranded meat and meat food products, poultry, and poultry products.

False Claims Act and Other Actions

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. **Table 14** lists ACE actions and other cases involving civil enforcement or settlement. There were no ACE program or other civil case 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) 720-9113

Consumer Inquiries: Call USDA's Meat and Poultry Hotline at
1-888-674-6854 or 1-800-256-7072 for the hearing impaired,
10 a.m. to 4 p.m., Eastern Time.

FSIS Web site: <http://www.fsis.usda.gov>