

**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
QUARTERLY REGULATORY AND ENFORCEMENT REPORT  
April 1, 2001 through June 30, 2001**

**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.

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 Pathogen Reduction/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 Pathogen Reduction/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 Pathogen Reduction/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. 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 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 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.

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 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, 2001 to June 30, 2001. During this period, FSIS performed 1,468,053 inspection tasks. **Table 1b** shows the number of appeals and the dispositions of the appeals filed by plants from April 1, 2001 to June 30, 2001.

## Table 1a. Noncompliance Report Totals

### NR Totals

NRs Issued (04/01/01 to 06/30/01): **34,415**

## Table 1b. Appeals NRs (04/01/01 to 06/30/01)

**Number of Plants Filing Appeals: 101**

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total NRs Appealed
<b>61</b>	<b>114</b>	<b>69</b>	<b>244</b>

(Total exceeds 101 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 25,154,740 livestock carcasses, of which 119,368 carcasses were condemned. FSIS inspected 2,061,544,156 poultry carcasses of which 14,729,580 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 Offices, for this quarterly reporting period. Most detentions result in voluntary disposal of the product and do not require court seizures.



**Table 2. Detention Summary  
(04/01/01 to 06/30/01)**

**Detentions**

<b>Total number of detentions by FSIS</b>	<b>152</b>	
<b>Total pounds of product detained</b>	<b>3,744,619</b>	
<b>District</b>	<b>Detentions</b>	<b>Pounds Detained</b>
ALAMEDA, CA	19	111,462
ALBANY, NY	25	751,387
ATLANTA, GA	15	42,545
BELTSVILLE, MD	13	93,084
BOULDER, CO	9	13,308
CHICAGO, IL	6	474
DALLAS, TX	10	28,668
DES MOINES, IA	10	10,193
JACKSON, MS	1	500
LAWRENCE, KS	4	28,518
MADISON, WI	3	355
MINNEAPOLIS, MN	3	50,164
PHILADELPHIA, PA	6	1,882,861
PICKERINGTON, OH	4	22,220
RALEIGH, NC	5	676,206
SALEM, OR	15	20,640
SPRINGDALE, AR	<u>4</u>	<u>12,034</u>
<b>Totals</b>	<b>152</b>	<b>3,744,619</b>

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](http://www.fsis.usda.gov/oa/recalls/rec_intr.htm) web page at: [http://www.fsis.usda.gov/oa/recalls/rec\\_intr.htm](http://www.fsis.usda.gov/oa/recalls/rec_intr.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, 2001 to June 30, 2001.

**Table 3. Imported Meat, Poultry and Egg Products  
(04/01/01 to 06/30/01)**

## Presented, Reinspected, and Refused Entry

### Meat and Poultry

Number of Presented		Number of Reinspected		Number of Refused Entry	
Lots	Pounds	Lots	Pounds	Lots	Pounds
45,288	951,596,285	8,582	198,501,599	4,004	1,983,959

### Egg Products

Number of Presented		Number of Refused Entry	
Lots	Pounds	Lots	Pounds
168	2,037,019	0	0

## LETTERS OF WARNING

FSIS issue 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  
(04/01/01 to 06/30/01)**

**Letters of Warning for Criminal Violations**

<b>Total number of LOWs issued for violations:</b>	<b>375</b>
<b>Number issued by Headquarters:</b>	<b>8</b>
<b>District</b>	<b>Number of LOWs Issued by Districts</b>
ALAMEDA, CA	36
ALBANY, NY	60
ATLANTA, GA	31
BELTSVILLE, MD	25
BOULDER, CO	17
CHICAGO, IL	22
DALLAS, TX	10
DES MOINES, IA	5
JACKSON, MS	12
LAWRENCE, KS	12
MADISON, WI	24
MINNEAPOLIS, MN	4
PHILADELPHIA, PA	47
PICKERINGTON, OH	15
RALEIGH, NC	8
SALEM, OR	34
SPRINGDALE, AR	5
<b>Total number issued by Districts</b>	<b>367</b>

**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 defer a decision or place a 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, 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 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, 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:

- 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. During this period, activity is reported concerning 149 plants. Fifty-one of the actions in these plants were initiated during this reporting period. Thirty-two actions were closed by letter of warnings or other means during this period.

**Tables 5, 6, and 7** also identify those cases in which an appeal of the suspension action may have been made, along with whether the appeal was granted or the administrative action was sustained (appeal denied). When decisions on appeals have not been made during the period of this report, the appeal is shown as pending and will be reported in the next quarterly report. No appeals of suspension actions were filed and acted on during this period.

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 2000 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 a 180 day period. **Table 7** identifies suspensions initiated at very small plants including failures to meet basic HACCP requirements.



**Table 5. Administrative Actions **Large** HACCP Plants  
(04/01/01 to 06/30/01)**

**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>	
CARGILL TURKEY PRODS. INC. 13289/P963 SPRINGDALE, AR						X		On 06/18/01, enforcement action was deferred. Plant previously received a notice of intended enforcement.
CONAGRA BEEF INC. 3D DUMAS, TX			4/13/00			X		On 05/03/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
		6/16/00	6/19/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
CONAGRA BROILER CO. P-7016 EL DORADO, AR			6/6/01		X	X		Remains in abeyance. Plant previously received a notice of intended enforcement.
CONAGRA FROZEN FOODS 7131/P7131 BATESVILLE, AR			2/12/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
CONAGRA POULTRY CO. P-1284 CANTON, GA						X		On 05/25/01, closed with a letter of Information. Plant previously received a notice of intended enforcement.
CONAGRA POULTRY CO P13485 FARMERVILLE, LA			5/30/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
CONAGRA POULTRY CO. P-855 ATHENS, GA						X		On 05/23/01, plant received a notice of intended enforcement.

## 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>	
EXCEL CORPORATION 86R FORT MORGAN, CO						X		On 06/15/01, enforcement action was deferred. Plant previously received a notice of intended enforcement.
GWALTNEY OF SMITHFIELD INC. 221A SMITHFIELD, VA					X			On 05/07/01, enforcement action was deferred. Plant previously received a notice of intended enforcement.
IBP INC. 9268 PASCO, WA						X		On 04/20/01, enforcement action was deferred. Plant previously received a notice of intended enforcement.
NEW MARKET POULTRY PRODUCTS, INC. P-4602A NEW MARKET, VA						X		On 06/21/01, enforcement action was deferred. Plant previously received a notice of intended enforcement.
O K FOODS INC. 13089/P-165 FT SMITH, AR			4/27/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
PILGRIMS PRIDE CORP. P-199 STANLEY, VA						X		On 03/27/01, enforcement action was deferred for 90 days. Plant previously received a notice of intended
TYSON FOODS INC. P-146 GLEN ALLEN, VA					X	X		On 06/28/01, plant received a notice of intended enforcement.
TYSON'S FOOD, INC. 7221/P7221 ROGERS, AR		3/8/01	3/14/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.

**Table 6. Administrative Actions: **Small HACCP Plants**  
(04/01/01 to 06/30/01)**

**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>	
A&O PROVISIONS 4085 BROOKLYN, NY	6/15/99	6/15/99	6/18/99			X		Remains in abeyance.
AGRIPROCESSORS INC. 4653A/P-4553A POSTVILLE, IA			11/27/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
BAR-S FOODS CO. 471/P471 CLINTON, OK			5/23/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
BEACON PREMIUM MEATS INC. 20110/P-20110 ROBINSON, IL			10/10/00		X			On 05/31/01, suspension case closed by voluntary withdrawal. Plant previously received a notice of intended enforcement.
BISON PRODUCTS CO. 2706/P-2706 BUFFALO, NY			11/18/00			X		On 04/17/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
BROCCO FOODS INC. 18838/P18838 NEW YORK MILLS, NY			9/7/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
			3/2/01		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
BROTHER AND SISTER FOOD TRADING INC. 21214/P-21214 BAYONNE, NJ			9/7/00			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>	
CHIAPPETTI WHOLESALE MEAT CO. 916 CHICAGO, IL		4/6/01	4/10/01			X		Remains in abeyance.
CORFU FOODS, INC. 1614/P-15820 BENSENVILLE, IL		5/21/01	6/18/01		X			Remains in abeyance.
						X		On 06/19/01, enforcement action was deferred. Plant previously received a notice of intended enforcement.
DAKOTA PREMIUM FOODS LLC 357 SOUTH ST. PAUL, MN		8/1/00	8/3/00			X		Remains in abeyance.
DFG FOODS, LLC 5664/P5664 CHICAGO, IL			6/6/01			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			On 06/28/01, suspension case closed with letter of warning.
		9/13/00	9/21/00		X			On 06/28/01, suspension case closed with letter of warning. On 09/13/00, suspension was reinstated.
DUTCHMAN'S MEAT INC. 13263/P-13263 FREDERICKSBURG, TX		6/15/00	7/21/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
EDDY PACKING CO. 4800 YOAKUM, TX	3/30/00		3/31/00			X		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>	
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. Plant previously received a notice of intended enforcement.
FABBRI SAUSAGE MFG CO. 5599 CHICAGO, IL			11/22/00			X		On 06/08/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
FLYING FOOD GROUP 18354/P18354 CHICAGO, IL		5/1/01	5/2/01		X			Remains in abeyance.
GENERAL AMERICAN FOODS MANUF. CORP. 7721/P7721 CHATSWORTH, CA						X		On 06/18/01, plant received a notice of intended enforcement.
GOLDEN ROD BROILERS P-9194 GREENSBORO, AL			12/15/00		X			On 04/13/01, case closed by voluntary withdrawal. Plant previously received a notice of intended enforcement.
GOLDEN STATE 9167 CONYERS, GA						X		Deferred since 7/27/99, pending verification of corrective and preventive measures provided by the plant.
H & B PACKING COMPANY INC. 13054 WACO, TX			2/2/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement based on pathogen reduction issues.
HENNINGSSEN FOODS, INC. 5808/P5808 RAVENNA, NE			4/4/01			X		Remains in abeyance. Previously, plant received notice of intended enforcement.
HOUSE OF RAEFORD FARMS P-19865 ARCADIA, LA			6/5/01		X	X		Remains in abeyance. Previously, plant received 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>	
HOUSE OF RAEFORD FARMS INC. 1234/P-1234 ATHENS, MI	1/28/00	1/28/00	2/7/00			X		Remains in abeyance. On 02/11/00, plant appealed the suspension. On 2/29/00, plant's appeal of the suspension was denied.
KPR HOLDINGS LP 21397 WATERLOO, IA			10/6/99			X		On 04/02/01, suspension case closed with a letter of warning. Plant previously received notice of intended enforcement.
		7/12/00	7/21/00			X		On 04/02/01, suspension case closed with a letter of warning. On 07/12/00, suspension was reinstated. Formerly, the plant was IBP, Inc., Est. 244W, which now operates under new establishment number and ownership.
KRONOS PRODUCTS, INC. 1523/P-1523 CHICAGO, IL			9/28/00			X		On 06/08/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
LITTLE LADY FOODS, INC. 15815/p-15815 ELK GROVE VILLAGE, IL			5/24/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
MARATHON ENTERPRISES 8854 BRONX, NY			3/4/99			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
MAS FOOD, INC. 9211/P9211 VERNON, CA	2/27/01		3/1/01		X			Remains in abeyance.
MILLARD REFRIGERATED SERVICES 3338 IOWA CITY, IA						X		On 06/4/01, plant received a notice of intended enforcement.
MORRIS MEAT PACKING 18229 MORRIS, IL		5/1/01	5/10/01		X	X		Remains in abeyance.
MRS CROCKETT'S KITCHENS INC. 4810/P-4810 FORT WORTH, TX			6/27/00			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>	
NEW ON SANG POULTRY CO INC. P-9885 SAN FRANCISCO, CA	4/15/99		4/16/99	X				Remains in abeyance.
NEW ON SANG POULTRY CO INC. P-9885 SAN FRANCISCO, CA			10/26/00			X		Remains in abeyance.
NICHOLAS PACKING CO. 4465 LOGANTON, PA			12/4/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
O'TASTY FOODS, INC. 19083/P19083 CITY OF INDUSTRY, CA						X		On 06/21/01, plant received a notice of intended enforcement.
OMAHA BEEF COMPANY INC. 2769/P-2769 DANBURY, CT			8/17/00		X	X		Remains in abeyance. Plant previously received a notice of intended enforcement.
PALACE MEAT COMPANY 9890 FRESNO, CA							X	On 02/13/01, plant received a notice of intended enforcement for other pathogen reduction issues. Decision regarding enforcement pending.
PARK AVENUE MEATS INC. 4016/P4016 BRONX, NY		3/21/01	5/30/01	X	X			Remains in abeyance. Suspension also based on insanitary conditions.
PHILADELPHIA FOODS INC. 17561/P-17561 WESTVILLE, NJ	3/18/99	3/22/99	3/28/99	X	X	X		Remains in abeyance. Suspension was also based on intimidation/threat.
PLYMOUTH BEEF CO. 4037/P4037 NEW YORK, NY		3/21/01		X				On 04/05/01, suspension case closed. Firm relocated to new facility. Plant previously received a notice of intended enforcement.
QUE TAL INC. 6757/P-6757 CHICAGO, IL		12/29/00		X				On 04/04/01, suspension case closed by voluntary withdrawal. 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>	
REGGIO'S PIZZA I, INC. 18349/P18349 CHICAGO, IL					X			On 04/09/01, closed with a letter of information. Plant previously received a notice of intended enforcement.
REPUBLIC FOODS INC. 7216/P-7216 DALLAS, TX			11/3/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
RYMER MEAT INC. 6972/P6972 CHICAGO, IL						X		On 06/21/01, plant was issued a notice of intended enforcement. Decision regarding enforcement pending.
S WALLACE EDWARDS & SONS 1636 SURRY, VA			5/21/01		X	X		Remains in abeyance. Plant previously received a notice of intended enforcement.
		6/14/01	6/27/01		X	X		Remains in abeyance. On 06/14/01, suspension was reinstated.
STANLEY PROVISION CO. INC. 7896/P7896 MANCHESTER, CT			3/12/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
WHITE PACKING COMPANY INC. 1246/P-1246 WILLIAMSTON, NC		6/23/00				X		On 12/27/00, FSIS notified plant that it could resume limited operations provided certain conditions were met. Previously, on 8/10/00, plant requested that FSIS delay proceedings to withdraw inspection. On 8/15/00, based on the plant's commitment to develop and implement revised food safety controls, FSIS granted the plant's request.
WINTERGARDEN QUALITY FOODS 9976/P-9976 ALLENTOWN, PA			11/22/00			X		Remains in abeyance. Plant previously received notice of intended enforcement.



**Table 7. Administrative Actions: **Very Small** HACCP Plants  
(04/01/01 to 06/30/01)**

**Administrative Actions Pending or Taken at Very 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>	
AA RUBASHKIN AND SONS INC. 4653/P-4653 BROOKLYN, NY			7/3/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
ACOREANA MANUFACTURING CO INC. 6358 FALL RIVER, MA		5/25/00	5/26/00			X		Remains in abeyance.
AGY CORP. P-8757 MONGAUP VALLEY, NY		3/7/00	3/20/00			X		Remains in abeyance.
ALL AMERICAN MEATS INC. 20420 OMAHA, NB			9/27/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
APALACHIN MEATS INC. 4392/P-4392 APALACHIN, NY			11/27/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
BALL PACKING INC. 19593 IDAHO FALLS, ID			7/18/00			X		Remains in abeyance.
BAR 19 FOODS, INC. 20026 MC ALESTER, OK						X		On 05/24/01, enforcement action was deferred. Plant previously received notice of intended enforcement.
BAY STATE CHOWDA CO. 18019/P18019 LOWELL, MA			3/26/01			X		Remains in abeyance. Plant previously received notice of intended enforcement.

## Administrative Actions Pending or Taken at Very 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>	
BEST TOP QUALITY INC. 21082 JERSEY CITY, NJ		12/15/00	4/11/01			X		Remains in abeyance.
BRISTOL BEEF 5998 BRISTOL, CT			8/15/00	X				Remains in abeyance. Plant previously received a notice of intended enforcement.
CABIN HOLLOW BUTCHER SHOP 9819 DILLSBURG, PA		6/28/01				X		Remains in effect.
CAJUN STUFF 20047/P-20047 HOUSTON, TX	11/17/99	11/22/99	11/15/00		X			Remains in abeyance.
CARITAS RANCH BAR-B-Q, INC. 20207/P20207 BOERNE, TX	5/3/01		5/9/01			X		Remains in abeyance.
CAVALIER INC. 20469/P20469 AMERY, WI	6/18/01					X		On 06/21/01, plant received notice of intended enforcement.
CHAMPLAIN BEEF COMPANY INC. 8547 WHITEHALL, NY		6/13/00	6/19/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
CHIA HSING CORP. 9966/P9966 BROOKLYN, NY		3/26/01	3/30/01		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
CHICOPEE PROVISION COMPANY INC. 6363 CHICOPEE, MA			6/5/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.

## Administrative Actions Pending or Taken at Very 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>	
COLUMBIA RIVER FARMS INC. 18340/P-18340 CLATSKANIE, OR			5/31/00		X			On 04/5/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
		8/9/00	8/29/00			X		On 04/5/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
		1/2/01	1/5/01			X		On 04/5/01, suspension case closed with a letter of warning. On 01/02/01, suspension was reinstated. Plant previously received a notice of intended enforcement.
CORTE & COMPANY 442 JERSEY CITY, NJ		5/23/00	8/25/00			X		Remains in abeyance.
CRESCENT CUSTOM SLAUGHTERING 6041/P-6041 SUMNER, WA		1/8/01	6/20/01			X	X	Remains in abeyance. Plant shipped in commerce U.S. Retained product.
DAVE FINE MEAT PACKERS, INC. 9715 SAXONBURG, PA						X		On 06/29/01, plant received notice of intended enforcement.
DESIGNER MEATS INC. 5884/P-17423 HILO, HI		4/5/00	4/12/00			X		On 06/05/01, suspension case closed with a letter of warning.
		5/10/00	5/18/00			X		On 06/05/01, suspension case closed with a letter of warning. On 05/10/00, suspension was reinstated.
		7/20/00	8/14/00		X	X		On 06/05/01, suspension case closed with a letter of warning. On 07/20/00, suspension was reinstated.
		8/29/00	10/5/00		X	X		On 06/05/01, suspension case closed with a letter of warning. On 08/29/00, suspension was reinstated.

## Administrative Actions Pending or Taken at Very 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>	
E E MUCKE & SONS INC. 5978/P-5978 HARTFORD, CT		8/24/00	11/27/00			X		Remains in abeyance.
EL CAMPO PACKING, INC. 20090/P-20090 EL CAMPO, TX	12/4/00	12/6/00	1/8/01			X		On 05/14/01, inspection service voluntarily withdrawn. Suspension case closed.
ENDICOTT MEATS INC. 4322/P4322 NEW YORK, NY					X	X		On 06/06/01, closed with letter of information. Plant previously received a notice of intended enforcement.
EXCELLINE FOODS INC. 18529 CHATSWORTH, CA			5/14/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
F & T MEATS, INC. 2183/P-2183 NEWARK, NJ		5/1/01	5/4/01		X			Remains in abeyance.
FENIX LLC P-20920 OKLAHOMA CITY, OK	4/27/00	5/1/00	7/6/00		X	X		Remains in abeyance.
		9/28/00	9/29/00		X	X		Remains in abeyance. On 09/28/00, suspension was reinstated.
FICHERA FOODS 8875 PHILADELPHIA, PA			12/19/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
FREDERICKSBURG LOCKERS INC. 13153/P-13153 FREDERICKSBURG, TX			7/20/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
GAISER'S EUROPEAN STYLE PROVISIONS 5385/P-5385 UNION, NJ	8/16/99	8/16/99	8/25/99		X			Remains in abeyance.
		5/24/00	8/24/00			X		Remains in abeyance.

## Administrative Actions Pending or Taken at Very 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>	
GLOBAL FOOD MANAGEMENT GROUP 19913/P19913 COLTON, CA		5/23/01			X			Remains in effect.
GOLDEN CROWN FOODS INC. 18823/P-18823 CITY OF INDUSTRY, CA			9/22/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
HALAL MANUFACTURING INC. 19088/P-19088 FREEPORT, NY		10/6/00	10/12/00			X		Remains in abeyance.
HEINSEN PRODUCTS INC. 4334 CORONA, NY		6/28/00	7/3/00			X		Remains in abeyance.
HENRY J'S MEAT SPECIALTIES 1766 CHICAGO, IL		9/8/00	9/22/00			X		On 06/22/01, suspension case closed with a letter of warning.
HOME MADE BRAND FOODS 8865/P-8865 NEWBURYPORT, MA			10/17/00		X			On 04/13/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
HOMESTEAD GOURMET FOODS CO. 9947/P-9947 LINDEN, NJ		4/10/00	4/14/00			X		Remains in abeyance. On 04/12/00, plant appealed the suspension. On 06/06/00, plant's appeal of the suspension was granted.
		05/16/00	5/19/00			X		Remains in abeyance. On 05/16/00, suspension was reinstated. Plant previously received a notice of intended enforcement.
HOP SANG COMPANY 4978 SAN FRANCISCO, CA						X		On 09/21/00, plant was issued a notice of intended enforcement. Decision regarding enforcement pending.

## Administrative Actions Pending or Taken at Very 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>	
HSIN-CHIH ENTERPRISES INC. 9936/P-9936 COLLEGE POINT, NY		5/10/00	4/25/01			X		Remains in abeyance.
HUDSON VALLEY FOODWORKS 20177/P20177 POUGHKEEPSIE, NY	5/8/01	5/10/01	6/22/01			X		Remains in abeyance.
J DURANDO & SONS INC. 4459/P4459 NEW YORK, NY		3/23/01	4/4/01		X			Remains in abeyance. Suspension also based on insanitary conditions.
J Z FLORCZAK MEAT PRODUCTS 9907 SOUTH AMBOY, NJ			4/25/01		X	X		Remains in abeyance. Plant previously received a notice of intended enforcement.
JOHNSTON COUNTY HAMS 2646/P-2646 SMITHFIELD, NC	5/17/01	5/17/01	6/22/01			X		Remains in abeyance.
JR BUTCHER SHOPPE INC. 6380/P-6380 LUDLOW, MA			9/13/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
K & K KUSTOM MEATS 6450/P-6450 LAMAR, CO		6/7/00	7/10/00		X	X		On 04/18/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
KINGS CHOICE CUSTOM MEAT CO. 4878 LOS ANGELES, CA		6/11/01	6/15/01			X		Remains in abeyance.
KWALITY MEAT CENTER INC. (MEAT DEPOT) 19348/P-19348 LAKEWOOD, NJ		7/19/00	8/16/00		X			Remains in abeyance.
		7/27/00	8/16/00			X		Remains in abeyance.

## Administrative Actions Pending or Taken at Very 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>	
LAM FOODS INC. 20108/P-20108 KANSAS CITY, MO			4/26/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
		5/8/00	5/9/00			X		Remains in abeyance. On 05/08/00, suspension was reinstated.
LEADER STEAK AND PROVISION CO 1140 LOS ANGELES, CA			5/1/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
LIEB BROTHERS PACKING CO. 1991/P-1991 PITTSTON, PA		8/18/00	10/25/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
		3/16/01			X			Remains in effect. On 3/16/01, suspension was reinstated.
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.
MEADOW MEAT COMPANY INC. 483/P-483 MIDDLETOWN, CT		7/25/00	8/11/00			X		Remains in abeyance.
MEDITERRANEAN FOODS INC. 18977 UPPER DARBY, PA			8/22/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
MELLO'S NORTH END MANUFACTURER 913/P-913 FALL RIVER, MA	5/9/00	5/11/00	5/15/00			X		Remains in abeyance.
MIRANDA BROTHERS INC. 1037 FALL RIVER, MA		5/24/00	5/26/00			X		Remains in abeyance.

## Administrative Actions Pending or Taken at Very 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>	
MOUNTAIN PRODUCTS SMOKEHOUSE 17458/P-17458 LAGRANGEVILLE, NY			1/4/01		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
NEW BEDFORD LINGUICA CO. 610 NEW BEDFORD, MA			5/30/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
NORTHWEST ADVENTURES 11031/P-11031 GRANGEVILLE, ID		5/10/00	5/10/00			X		On 04/02/01, case closed by withdrawal of service. Plant was previously granted a 120 day voluntary suspension with additional extensions.
ON A ROLL SALES INC. 19053/P-19053 BROCKTON, MA			2/22/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
ORANGE COUNTY IMPORTING CO., INC. 4370 VAILS GATE, NY		5/2/01	5/3/01		X			Remains in abeyance.
PAISANO MEAT MARKET 18654/P18654 GARDENA, CA						X		On 06/12/01, enforcement action was deferred. Plant previously received a notice of intended enforcement.
PAN-AM MICHELS LTD 7847/P-7847 LINDEN, NJ		4/25/01	5/1/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
PASSANANTE BROTHERS, INC. 5221/P-5221 BRISTOL, PA		6/28/01			X			Remains in effect. Plant previously received a notice of intended enforcement.
PAT'S BEEF JERKY 20965 LIEBENTHAL, KS			5/31/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
PM SPECIALTY FOODS 6520 RICHMOND, VA			4/11/01		X			Remains in abeyance. Plant previously received a notice of intended enforcement.



## Administrative Actions Pending or Taken at Very 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>	
PURDY & SONS 4705/P-4705 SHERBURNE, NY		11/8/00	11/9/00			X		Remains in abeyance.
QUALITY BEEF CO. 5070/P-5070 PROVIDENCE, RI		6/5/01	6/7/01		X		X	Remains in abeyance. The suspension case is also based on plant official's intimidation of an FSIS employee.
R & M MEAT CO. 20808 LUBBOCK, TX	8/31/99		9/2/99		X			On 06/27/01, suspension case closed with a letter of warning.
REAL KOSHER SAUSAGE CO INC 999/P7894 NEW YORK, NY		3/22/01	5/31/01		X			Remains in abeyance.
ROMAN PACKING COMPANY, INC. 5662/P5662 NORFOLK, NE							X	On 06/19/01, plant was issued a notice of intended enforcement.
RUSSO'S ITALIAN SPECIALTIES 19186 ROCKFORD, MI			12/13/00				X	Remains in abeyance. Plant previously received a notice of intended enforcement.
SAAD WHOLESALE, INC. 10153/P10153 DETROIT, MI	5/11/01		5/18/01				X	Remains in abeyance. The suspension case is based on sanitation performance standards.
SAM HWA MEAT INC. 19607 BRONX, NY			5/24/00				X	Remains in abeyance. Plant previously received a notice of intended enforcement.
SARDINHA'S SAUSAGE INC. 17995/P-17995 FALL RIVER, MA	2/25/00	2/29/00	3/2/00				X	Remains in abeyance.
STERLING PACK INC. 6494/P-6494 STERLING, CO		8/24/00	9/1/00			X		On 04/18/01, suspension case closed with letter of warning.

## Administrative Actions Pending or Taken at Very 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>	
STEWART'S PROCESSING CORP. 20087/P20087 SARATOGA SPRINGS, NY						X		On 06/07/01, enforcement action was deferred. Plant previously received a notice of intended enforcement.
T. A. I. F. INC. 9771/P9771 NORRISTOWN, PA			3/8/01		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
TAJ GOURMET FOOD 19362/P-19362 FRAMINGHAM, MA			8/25/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
THE BUTCHER BLOCK INC. 5390/P-5390 CLAREMONT, NH		8/28/00	8/30/00			X		On 04/26/01, suspension case closed with letter of warning.
THE CHILI FACTORY 1859/P-15829 CINCINNATI, OH	9/5/00		9/7/00			X		On 04/04/01, suspension case closed with letter of warning.
VERMONT SMOKE AND CURE INC. 8795/P-8795 SO. BARRE, VT	1/26/00		1/26/00			X		Remains in abeyance.
WALDRON SMOKEHOUSE SPECIALTIES 20776 OAK HARBOR, WA	2/20/01	2/21/01	3/6/01			X		Remains in abeyance.
WESTLAND MEAT CO. 1518 COMMERCE, CA		2/1/01	2/2/01			X		On 04/4/01, suspension case closed by voluntary withdrawal.
YEE TUNG INC. 19014 PHILADELPHIA, PA		8/15/00	8/17/00		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**

(04/01/01 to 06/30/01)

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

<b>Establishment</b>	<b>Location</b>	<b>Complaint to Deny/Withdraw Inspection</b>	<b>Consent Decision</b>	<b>Actions</b>
CHANNEL FISH PROCESSING CO INC	BOSTON, MA	4/6/01	5/23/01	Complaint to deny inspection based on firm's President's and Vice President's felony convictions for violations of the Sherman Act and conspiring to make false statements. Firm and principals entered into a Stipulation and Consent Decision and Order with FSIS. Terms include keeping accurate records and developing and implementing a corporate code and training program relating to ethical business practices.
CROSS CREEK/VANGUARD CULINARY GROUP 8334/P8334	FAYETTEVILLE, NC	6/7/99		On June 20, 2001, FSIS filed a motion to set an oral hearing date with USDA Hearing Clerk. 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.
GREENVILLE PACKING CO 9956/P9956	GREENVILLE, NY	7/27/98	3/13/00	On March 13, 2000, a USDA Administrative Law Judge issued an Order declaring that inspection services would be indefinitely withdrawn 35 days after service of the Order. The decision to withdraw inspection is based on the firm's felony conviction of bribery of an FSIS employee. On June 1, 2000, the USDA Judicial Officer concurred with the ALJ decision. On July 5, 2000, the company appealed the USDA decision to withdraw to the U.S. District Court.
HERINGER MEATS INC NIEMEYER, RAYMOND F - PRES 6527/P6527	COVINGTON, KY	3/22/01	4/25/01	On April 25, 2001, the firm and Raymond F. Neimeyer, Jr., entered into a Stipulation, Consent Decision, and Order with FSIS. The 10-year order requires Mr. Neimeyer to resign from his position as President and divests him from preparing and handling ground and formulated meat and poultry products. Complaint to withdraw inspection based on firm's felony conviction and President's misdemeanor convictions for preparing meat and poultry products not in accordance with the Acts and with intent to defraud.

<b>Establishment</b>	<b>Location</b>	<b>Complaint to Deny/Withdraw Inspection</b>	<b>Consent Decision</b>	<b>Actions</b>
JACOB FLEISHMAN AND SONS INC I277	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 August 11, 2000, the corporation filed an answer and requested an oral hearing with the USDA Hearing Clerk. On January 4, 2001, a motion to set for oral hearing was filed.
PHOENIX POULTRY/ OPPENHEIMER (GEORGE) P18031	MECHANICSBURG, PA	3/1/01		Complaint to withdraw inspection based on the General Manager's felony conviction of offering for sale uninspected poultry products with intent to defraud, and subscribing a false employers quarterly federal tax return.
PREFERRED FREEZER SVCS I-46	MIAMI, FL	12/30/99	5/8/01	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. January 25, 2000, the corporation filed an answer and request for hearing, and appearance with the USDA Hearing clerk. Firm entered into a 4-year Stipulation and Consent Decision and Order with FSIS on May 8, 2001. The Order requires the firm to include pest control services and to develop a Sanitation Compliance program in its SSOP's.
SHAYNE'S CUSTOM BEEF 301	MERCED, CA	5/16/01	6/4/01	Complaint to deny and withdraw inspection services based on owner's felony convictions. On October 20, 2000, owner submitted to FSIS an application for federal inspection containing false information relating to his felony convictions. On June 4, 2001, the owner of Shayne's Custom Beef (Shayne's) and the owner of Norm's Custom Beef (formerly Shayne's) entered into a consent decision and order. The order, among other things, operationally divested the owner of Shayne's from the business and permitted the owner of Norm's Custom Beef to apply and receive inspection services at the same location.

### 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 actions this reporting period.

### **CRIMINAL ACTIONS**

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

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

**Table 9. Criminal Actions  
(04/01/01 to 06/30/01)**

**Criminal Actions**

Name	Location	Indictment	Information	Plea	Sentencing	Actions
DEEN WHOLESALE MEAT CO. CRAIG DEEN, VICE PRESIDENT	FORT WORTH, TX	02/14/01				Three (3) counts charging with selling and offering for sale and transportation adulterated and misbranded meat food products, and making a false material statement to government officials.
HELMOS FOOD PRODUCTS THEODOROS MANTAS, SR., OWNER	CHICAGO, IL				5/4/01	Firm and owner sentenced on two (2) felony counts each for storing and distributing rotting and rodent infested meat and meat and poultry products. Owner received a two (2) year prison sentence followed by a one (1) year supervised release. Firm and owner ordered to pay a combined fine of \$250,000.
JOYNER, JOHN R/LAURA dba J & J MARKETING	LUBBOCK, TX			6/14/01		Pled guilty to a one (1) count felony and a (1) count misdemeanor for sale of adulterated meat and poultry product.
PROCESSORS UNLIMITED CO LTD SHEEHAND, KEVIN - PRES/CEO	DALLAS, TX	1/17/01		12/29/00	4/27/01	Sentenced on a one (1) count misdemeanor for sale, transportation, offering for sale and transportation in commerce, rodent adulterated meat and meat products. Firm fined \$500,000 plus \$125 special assessment fee and ordered to pay \$22,221 restitution.

## PRE-TRIAL DIVERSION AGREEMENTS

In certain situations, United States Attorneys may enter into Pre-Trial Diversion (PTD) agreements. Under these agreements, the government agrees not to proceed with criminal prosecution if the alleged violator meets certain terms and conditions. The terms and conditions of a PTD are tailored to fit each individual case. FSIS frequently monitors these agreements so that we can assist the U. S. Attorneys in determining whether prosecution should be re-instituted. If the divertee successfully completes the program, no criminal charges are filed. If, on the other hand, the divertee does not successfully complete the program, criminal charges may be reinstated. There was one pre-trial diversion agreement this quarter. This case involved an owner of a retail store in Puerto Rico that allegedly caused approximately 1,385 pounds of various meat and poultry products to become adulterated by rodent gnawing, feces, and hair. The individual was placed on a pre-trial diversion for a period of six months.

## **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 were two injunctions reported for the period.

**Table 10. Civil Actions  
(04/01/01 to 06/30/01)**

<b>Name</b>	<b>Location</b>	<b>Complaint</b>	<b>Injunction</b>	<b>Action</b>
AGOSTINI BAKERY INC AGOSTINI, ROBERT - PRESIDENT	OLD FORGE, PA			Subject firm was found in violation of the August 2000 consent decree for offering for sale nonfederally inspected meat food product. On April 27, 2001, the firm agreed to pay \$2,500.00 at settlement.
VIET NAM FOOD MARKET VAN CAO, DUNG – OWNER	TELFORD, PA		4/23/01	Firm and principals entered consent decree which prohibits them from preparing, selling, transporting, offering for sale, or receiving for sale any misbranded or nonfederally inspected meat or poultry product.

## 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](http://www.fsis.usda.gov)