

USDA  
OCHC

UNITED STATES DEPARTMENT OF AGRICULTURE PM 4:03

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) FMIA Docket No. 09-0021  
 ) PPIA Docket No. 09-0021  
 International Dehydrated Foods, Inc., )  
 )  
 )  
 Respondent ) CONSENT DECISION and ORDER

This proceeding was instituted under the Federal Meat Inspection Act, as amended (21 U.S.C. § 601 et seq.) ("FMIA"), the Poultry Product Inspection Act, as amended (21 U.S.C. § 451 et seq.) ("PPIA"), and the applicable Rules of Practice (7 C.F.R. § 1.130 et seq. and 9 C.F.R. § 500.1 et seq.), to withdraw federal inspection services from International Dehydrated Foods, Inc., (hereinafter referred to as respondent). This proceeding was commenced by a complaint filed by the Administrator of the Food Safety and Inspection Service (FSIS), United States Department of Agriculture (USDA). The parties have agreed that this proceeding should be terminated by entry of the Consent Decision and Order set forth below pursuant to the consent decision provisions of the Rules of Practice (7 C.F.R. § 1.138).

For the purposes of this Consent Decision, respondent specifically admits that the Secretary has jurisdiction in this matter. Respondent neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and waives any action against the complainant under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.). Respondent consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

### Findings of Fact

1. Respondent is now and at all times material herein was, a corporation located at 700 Chapel Drive, Monett, Missouri 65708.

2. Respondent was and has been granted federal inspection services, pursuant to the FMIA and PPIA at the above named establishment that was and has been designated as Official Establishment Number 8721/P-8721.

3. On 10/24/08 in the United States District Court for the Western District of Missouri, respondent was convicted on a one count Class E felony violation of 21 U.S.C. 458(c)(5), for knowingly and willfully making a false statement in a poultry shipper's certificate.

### Conclusion

Because the parties have agreed to the provisions set forth in the following Consent Decision and Order in disposition of this proceeding, the following Order will be issued.

### Order

1. Inspection services under Title I of the FMIA and under the PPIA are withdrawn from respondent, International Dehydrated Foods, Inc. (IDF), its owners, including officers, directors, partners, successors, affiliates, and assigns, directly or indirectly through any corporate device, for a period of three (3) years beginning on the effective date of this Consent Decision and Order. However, the withdrawal of federal meat and poultry inspection services for a three (3) year period shall be held in abeyance, and federal meat and poultry inspection services shall be provided to the respondent so long as all of the terms and conditions of this Consent Decision and Order set forth

below, in addition to all other requirements to maintain meat and poultry inspection services under the FMIA and PPIA are met.

2. Respondent or anyone “responsihly connected” with respondent (as defined in (21 U.S.C. 467), as well as its successors, or assigns, shall not:

(a) violate any section of the FMIA and PPIA, or the regulations promulgated under these statutes;

(b) violate any Federal, State, or local statute involving the preparation, sale, transportation, distribution, attempted distribution, acquiring or handling of any adulterated, mishranded, or deceptively packaged meat, or poultry food products;

(c) commit any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of integrity needed for the conduct of operations affecting public health;

(d) assault, intimidate, impede, threaten or interfere with, or threaten to assault, intimidatc, impede or interfere with any USDA or FSIS employee in the performance of his or her official duties under the FMIA, PPIA, or regulations promulgated there under; or,

(e) conduct any operation requiring federal inspection outside the official hours of operation without first submitting a written request to, and receiving written approval from FSIS officials;

(f) knowingly make or cause to be made, any false entry into any account, record, report, or memorandum as required by the FMIA, PPIA, and the regulations promulgated under those Acts, or this Consent Decesion and Order; and/or,

(g) willfully neglect to make, fail to make, or cause such failure to be made, full and accurate entries into such accounts, records, reports, or memoranda, that fully and correctly disclose all transactions in respondents' business;

3. Respondent shall not knowingly hire or add any new individual who has been convicted in any federal or state court of any felony, or of more than one misdemeanor based upon the acquiring, handling, distributing or attempted distributing of unwholesome, mislabeled, or deceptively packaged food, or fraud in connection with transaction in foods; and, shall immediately terminate its connection with any such individual when that individual's conviction becomes known to the respondent.

4. Respondent shall satisfactorily meet and comply with all the conditions specified in 9 C.F.R. Part 416 (including, but not limited to, having Sanitation Standard Operation Procedures (SSOP), Sanitation Performance Standards (SPS), and 9 C.F.R. Part 417 (Hazard Analysis and Critical Control Point (HACCP)) plans.

5. Respondent shall maintain full, complete, and accurate written records of all business activities applicable to the FMIA, PPIA, Federal, State, and local laws. Such records may include, but not limited to, bid solicitations, government contracts, product specification worksheets, SSOP and HACCP records. Respondent shall make these records available upon request for review and/or copying to any authorized representative of the Secretary.

6. Within sixty (60) calendar days of the effective date of this Order, respondent shall implement and maintain an effective compliance program to ensure that all inspected meat and poultry products will be maintained in a manner to preclude their adulteration, contamination, and/or misbranding and that all meat and/or poultry products

are wholesome and adequately labeled. This compliance program shall include provisions to:

(a) ensure that all meat and poultry products are produced or processed in accordance with product specifications and formulations, as required by 9 C.F.R. Part 318.6;

(b) ensure that all meat and poultry products produced, processed, and/or re-packed by respondent do not have any undeclared substance of any kind and are appropriately labeled;

(c) ensure that all meat and poultry products produced or processed, and/or re-packed at respondent are properly labeled with approved labels and original production dates under the supervision of a program employee;

(d) ensure documentation of all findings, corrective actions taken, and preventive measures implemented, when any non-compliance are found;

(e) ensure recall procedures are in place to effectively recall potentially adulterated or misbranded products produced or processed, and/or re-packed by respondent when found within distribution channels; and

(f) notify the on-site FSIS inspector of any re-labeling of products, or change in production dates, or system of coding of the production date (on site, or at an approved off-site location, such as an I.D. warehouse or approved facility contracted by respondent to provide that service, or to export product for the respondent) or of any deviations or deficiencies that would cause work stoppage.

7. Respondent shall, within sixty (60), calendar days from the effective date of this Consent Decision and Order, designate one full-time and one alternate employee to

review all aspects of the compliance program. The designated employee or alternate shall have authority to hold up production, stop production, remove product from production, or take positive control of any products produced, processed, re-packed, or stored at the establishment which are, or believed to be, adulterated or misbranded, when facility sanitation, or production deficiencies are observed.

8. Respondent shall, within sixty (60), calendar days from the effective date of this Consent Decision and Order, submit to the Director of Evaluation and Enforcement Division, OPEER, FSIS, USDA, or designee, respondent proposed compliance program for review and concurrence. Respondent shall make every effort to ensure that the compliance program is reviewed and implemented in an expeditious manner.

9. Respondent shall, within sixty (60) calendar days of the effective date of this Consent Decision and Order, effectively implement and have on file, a corporate code or policy statement of conduct and compliance and ethics in business practices (hereinafter "Corporate Code") applicable to all business entities and individuals within or employed by respondent. The Corporate Code shall include:

- (a) a statement of corporate policy addressing business ethics and public trust;
- (b) a statement of respondent's commitment to comply with all applicable laws and regulations in the conduct of its business;
- (c) guidelines for respondent's employees to follow with respect to food safety and ethics issues; and
- (d) to preclude any acts of assault, intimidation, or interference of any USDA employee.

Such Corporate Code shall be submitted to the Director of EED or designee for review and concurrence. The Corporate Code shall be permanently displayed in a prominent location in the respondent's establishment and discussed with all current and future employees.

10. Within ninety (90) calendar days of the effective date of this Order, all management and supervisors, including corporate officers, of respondent shall participate in a training program encompassing ethical business practices, which has received the prior concurrence of the Director of EED, or designee. Respondent shall maintain records documenting the successful completion of such training and shall have those records available upon request by any USDA employee.

11. Respondent shall cooperate fully and completely with any FSIS investigation, inquiry, review, or examination of respondents' establishment, business records, and/or compliance with the FMIA, PPIA, or this Order.

12. Respondent shall prepare an annual report, submitted to the Director of EED, documenting compliance with all aspects of this Order.

13. The Administrator, FSIS, shall have the right to summarily withdraw inspection services upon a determination by the EED Director or designee, that any conditions set forth in this Order have been violated. Respondent retains the right to request an expedited hearing pursuant to the Rules of Practice concerning any violation alleged as the basis for a summary withdrawal of inspection services.

14. Nothing in this Consent Decision and Order shall preclude the referral of any violation of law to the U.S. Department of Justice for possible criminal or civil

proceedings based upon any future conduct not previously addressed, considered, or adjudicated.

15. If any provision of this Consent Decision and Order is declared invalid, such declaration shall not affect the validity of any other provision herein.

16. All the provisions of this Consent Decision and Order are effective and applicable for a period of three (3) years commencing with the effective date of this Consent Decision and Order.

17. This Consent Decision and Order shall become effective upon issuance by the Administrative Law Judge.

INTERNATIONAL DEHYDRATED FOODS, INC. (IDF)  
Respondent

BY: [Redacted]  
Tom Slaight, Chairman of the Board of Directors,  
International Dehydrated Foods, Inc.

[Redacted]  
Stephen L. Hill, Jr.  
Attorney for Respondent

[Redacted]  
Robert G. Hihbert  
Attorney for Respondent

[Redacted]  
Scott C. Safian  
Director, Evaluation & Enforcement  
Division  
Food Safety and Inspection Service  
U.S. Department of Agriculture

[Redacted]  
Tracey Manoff  
Attorney for Complainant  
U.S. Department of Agriculture  
Office of the General Counsel

Issued this 13<sup>th</sup> day of November, 2008  
[Redacted] at Washington, D.C.

[Redacted]  
Administrative Law Judge