



**United States
Department of
Agriculture**

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

MEMO CODE : SP 10-2008

DATE : February 13, 2008

SUBJECT: Suspension of Westland Meat Company and Mr. Stan Mendell

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

By letter dated January 30, 2008, USDA's Agricultural Marketing Service (AMS) suspended Mr. Stan Mendell and Westland Meat Company's (Westland Meats) eligibility to participate in any Federal program, pending the results of an ongoing investigation and potential legal proceedings. Please find attached a letter from AMS to Westland Meats advising them that the suspension action is effective immediately based on adequate evidence that the company committed irregularities of a serious nature in its business dealings with the Federal Government, specifically incidents at their facility involving the inhumane handling of livestock. As the letter states, Westland and Mr. Mendell must "immediately cease production on its USDA contracts and not deliver on contracts that have been produced." During the period of suspension, Westland Meats is also prohibited from conducting business with the Government as an agent or representative of other contractors, including serving as a subcontractor to other companies doing business with the Government." The suspension is in effect until a complete investigation can be conducted to determine if food safety regulations and contractual obligations were violated. USDA remains confident in the inspection system which ensures the safety and wholesomeness of the food supply.

While this suspension was taken in accordance with provisions of the Federal Acquisition Regulation at 48 C.F.R. Part 9, Subpart 9.4 it has a reciprocal exclusionary effect for activities such as those conducted under the Child Nutrition Programs (7 CFR §3017.130).

Because of the immediate and potentially far-reaching impact of the suspension of Westland Meats and Mr. Mendell, please ensure that all school food authorities and other grantees with which you work receive immediate notice of this suspension action. As a consequence of the suspension, Federal grantees and subgrantees are precluded from renewing or extending an existing contract or entering into future procurement covered transactions with Westland Meats and Mr. Mendell, until AMS concludes its investigation and potential legal action or advises otherwise (7 CFR § 3017.310(b)). In addition, a Federal grantee or subgrantee may

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terminate an existing contract with Westland Meats; however, they are not required to do so (7 CFR §3017 310(a)).

Due to the nature of the suspension (i.e. the inhumane treatment of livestock) and alleged violations of food safety regulations, school food authorities should carefully consider existing contractual obligations. Should any decisions regarding contract termination be considered based on the suspension action we recommend they be discussed with the appropriate school district counsel or other appropriate office.

Please feel free to contact us with any questions regarding this matter.

Original Signed

CYNTHIA LONG
Director
Child Nutrition Division

Attachment