

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY ENFORCEMENT REPORT
January 1, 2003 through March 31, 2003**

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 over 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 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 RECORDS 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 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 Egg Products](#)" that can be accessed at:

<http://www.fsis.usda.gov/oa/pubs/eggprod.htm>. If FSIS detects problems with any products it regulates, the Agency takes product control and enforcement measures to protect consumers.

USDA conducts monitoring and verification activities at plants that slaughter food 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 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 and to investigate violations of law. Even if products are produced under conditions that are safe and sanitary, abuse can occur on their way to the consumer. For example, if foods are transported in trucks that are too warm, or if exposed to contamination, then that 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.

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 by a written Noncompliance Record (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, then 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 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 1,751,554 HACCP verification procedures. **Table 1a** provides numbers of NRs issued by FSIS inspection personnel between January 1, 2003 to March 31, 2003. **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

NR Totals

NRs Issued (1/01/03 to 3/31/03): **32,709**

Table 1b. Appeals NRs (1/01/03 to 3/31/03)

Number of Plants Filing Appeals: 285

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total Appeals Resulting In Modified NR	Total NRs Appealed
276	397	47	126	846

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 of livestock for the reporting period are as follows: FSIS inspected 7,575,480 livestock carcasses, of which 18,910 carcasses were condemned. FSIS inspected 2,086,838,941 poultry carcasses of which 13,016,485 carcasses were condemned.

Detentions

After products are distributed from plants, FSIS Compliance Officers detain any that may be adulterated or misbranded. If product disposition cannot be made within 20 days, then FSIS may 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
(1/01/03 to 3/31/03)**

Detentions

Total number of detentions by FSIS	91
Total pounds of product detained	1,428,184

District	Detentions	Pounds Detained
ALAMEDA, CA / BOULDER, CO	45	769,856
ATLANTA, GA / BELTSVILLE, MD / JACKSON, MS / RALEIGH, NC	9	79,541
CHICAGO, IL / MADISON, WI	14	69,773
DALLAS, TX / SPRINGDALE, AR	11	4,269
DES MOINES, IA / LAWRENCE, KS / MINNEAPOLIS, MN	5	535
PHILADELPHIA, PA / ALBANY, NY	<u>7</u>	<u>504,210</u>
Totals	91	1,428,184

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 probability that the use of the product will cause serious adverse health consequences or death. Class II recalls involve a potential health hazard when 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 is not likely to cause adverse health consequences. For current information on recalls, go to the FSIS recalls web page at: http://www.fsis.usda.gov/oa/recalls/rec_intr.htm.

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 the Animal and Plant Health Inspection Service, 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

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 in FY2004.

samples to be analyzed for drug and chemical residues. Shipments are randomly selected for 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

Quarter	FY2003						
	Presented	Refused ¹	Reinspected	TOIs Perf ²	Accepted	Rejected ³	Combined Rejected and Refused
Q-1 (Oct – Dec)	967,018,852	151,722	60,915,420	8469	965,399,921	1,467,209	1,618,931
Q-2 (Jan – Mar)	993,540,775	64,835	64,574,848	7480	992,228,381	1,247,559	1,312,394
Q-3 (Apr – Jun)							
Q-4 (Jul – Sep)							
Cumulative Totals	1,960,559,627	216,557	125,490,268	15,949	1,957,628,302	2,714,768	2,931,325

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

Presented, Reinspected, and Refused Entry

QUARTER	PRESENTED	REFUSED ⁴
Q-1 (Oct – Dec)	2,730,930	50
Q-2 (Jan – Mar)	3,282,424	290
Q-3 (Apr – Jun)		
Q-4 (Jul – Sep)		
Cumulative Totals	6,013,354	340

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. The number of reinspections 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 AII3 in FY2004.

LETTERS OF WARNING

FSIS issues letters of warning (LOW) for minor violations of law that are not referred to United States Attorneys for prosecution. FSIS may also issue these warnings when a United States Attorney declines to prosecute a case or bring action against a specific business or person. These letters warn that FSIS may seek criminal action based on continued violations. Letters of warning may be issued to any individual or business, including Federal plants, wholesalers, distributors, restaurants, retail stores and other entities that process, store, or distribute meat and poultry products. **Table 4** shows letters of warning issued by headquarters and by each of the FSIS District Offices during the reporting period.

**Table 4. Letters of Warning for Criminal Actions
(1/01/03 to 3/31/03)**

Letters of Warning for Criminal Violations

Total number of LOWs issued for violations: 197
Number issued by Headquarters: 10

District	Number of LOWs Issued by Districts
ALAMEDA, CA / BOULDER, CO	53
ATLANTA, GA / BELTSVILLE, MD / JACKSON, MS / RALEIGH, NC	40
CHICAGO, IL / MADISON, WI	28
DALLAS, TX / SPRINGDALE, AR	14
DES MOINES, IA / LAWRENCE, KS / MINNEAPOLIS, MN	12
PHILADELPHIA, PA / ALBANY, NY	40
Total number issued by Districts	187

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 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 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 177 plants. Sixty-six of the actions in these plants were initiated during this reporting period. Forty-nine actions were closed by letters of warning or other means during this period.

Tables 5, 6, and 7 also identify those cases in which an appeal of the 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. One appeal of suspension action was filed during this period.

**Table 5. Administrative Actions: Large HACCP Plants
(1/01/03 to 3/31/03)**

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
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
ARMOUR SWIFT-ECKRICH 00003A M02278 P KANSAS CITY, KS			8/28/02	9/4/02		X							
CONAGRA BEEF COMPANY 00969 M GREELEY, CO	7/18/02	8/20/02	11/15/02	11/22/02		X				X			Plant produced product that tested positive for E. coli 0157:H7.
CONAGRA d/b/a COOK FAMILY FOODS 00509L M00509L P LINCOLN, NE	2/13/03	2/25/03			X		X						
DIAL CORP. 00002ADM04247 P FORT MADISON, IA	10/4/02	10/22/02			X	X					2/6/03		
EMMPAK FOODS, INC. 20654 M20654 P MILWAUKEE, WI			10/2/02	10/30/02		X				X		2/21/03	Plant produced product that tested positive for E. coli 0157:H7.
EMMPAK FOODS, INC. 17690 M MILWAUKEE, WI	10/4/02		10/18/02	10/21/02	X	X							
EMMPAK FOODS, INC. 00567 M00567 P MILWAUKEE, WI	10/11/02	11/13/02			X	X					2/21/03		
EXCEL CORP. 000860 M17775 P OTTUMWA, IA	10/18/02	11/6/02			X	X					2/13/03		
FIELDALE FARMS INC. 01257 P MURRAYVILLE, GA	2/3/03	2/14/03				X							
HALLMARK MEAT PACKING 00336 M CHINO, CA	11/13/02	11/26/02				X					3/13/03		

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
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
HOMEMADE BRAND FOODS 08865 M08865 P NEWBURYPORT, MA	11/6/02	11/14/02					X						
IBP INC. 00245J M GENESEEO, IL	2/7/03	2/18/03			X	X							
IBP, INC. 00245L M LEXINGTON, NE	1/17/03					X					2/7/03		
IBP, INC. 00245C M DAKOTA CITY, NE	1/17/03					X					2/7/03		
JAC PAC FOODS LTD. 00785 M08567 P MANCHESTER, NH			3/18/03	3/26/03	X	X	X						
MOYER PACKING CO. 01311 M01311 P SOUDERTON, PA	9/18/02		11/14/02		X	X							
	3/26/03				X								
NEBRASKA BEEF LTD. 19336 M OMAHA, NE	9/6/02		9/13/02	9/17/02	X	X	X						On 01/27/03, Consent Decision and Order was filed which allowed inspection service to continue.
			12/19/02	12/20/02	X	X							On 01/27/03, a Consent Decision and Order was filed which allowed inspection service to continue. On 12/19/02, 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 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
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
NEBRASKA BEEF LTD. 19336 M OMAHA, NE			1/14/03		X	X	X						On 01/27/03, a Consent Decision and Order was filed which allowed inspection service to continue. On 1/14/03, suspension was reinstated.
NESTLE USA-PREPARED FOOD DIVISION, INC. 07721 M07721 P CHATSWORTH, CA	2/28/03	3/13/03			X								
NESTLE, USA 07991 M07991 P GAFFNEY, SC	12/17/02	1/9/03				X							
PACKERLAND PACKING CO., INC. 00562G M GERING, NE	3/17/03	3/28/03				X							
PILGRIM'S PRIDE CORP. 01096 P HINTON, VA	2/4/03	2/18/03			X								
PILGRIM'S PRIDE CORP./dba WAMPLER, LONGACRE 07827 M01351 P FRANCONIA, PA	10/7/02	11/13/02			X	X							
SWIFT BEEF COMPANY 00628 M00628 P HYRUM, UT	10/9/02	1/14/03				X				X			Plant produced product that tested positive for E. coli 0157:H7.
SWIFT BEEF COMPANY 00969G M GRAND ISLAND, NE	11/13/02		11/22/02	11/25/02		X							
SWIFT BEEF COMPANY 00969 M GRAND ISLAND, NE			3/12/03	3/17/03		X				X			Plant produced product that tested positive for E. coli 0157:H7.
SWIFT BEEF COMPANY, INC. (CONAGRA) 00477 M NAMPA, ID	1/17/03	3/12/03			X	X							
TYSON FOODS, INC. 07085 P BROKEN BOW, OK	7/25/02	8/1/02			X						1/23/03		

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
(1/01/03 to 3/31/03)**

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>	
ABBYLAND FOODS, INC. 01633 M17764 P ABBOTSFORD, WI	7/29/02		8/28/02	9/10/02	X	X						1/17/03	
AGRIPROCESSORS, INC. 04653A M04653A P POSTVILLE, IA	5/24/02		6/4/02	6/19/02	X	X							
ALL AMERICAN MEATS INC. 20420 M OMAHA, NE	8/30/02	9/13/02			X	X							
ARKANSAS DEPT. OF CORRECTIONS 10624 M GRADY, AR	3/13/03	3/27/03			X	X							
BENTON PACKING COMPANY 10629 M10629 P BENTON, AR	12/2/02	12/18/02			X	X		X		X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
BERRY PACKING INC. 02325 M02325 P CROSSETT, AR	5/20/02	6/3/02			X	X							
BOAR'S HEAD PROVISION CO., INC. 20978 M20978 P HOLLAND, MI	10/18/02	11/6/02			X	X					1/24/03		
BOOKER PACKING COMPANY 07162 M BOOKER, TX	12/11/02	12/17/02				X							
CATTANEO BROS. INC. 02853 M02853 P SAN LUIS OBISPO, CA	1/3/03		1/14/03	1/31/03		X							
CENEX HARVEST STATES COOP 07246 M07246 P FORT WORTH, TX	2/21/03	2/28/03			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	
CHIAPPETTI WHOLESALE MEAT CO. 00916 M CHICAGO, IL			12/19/02	1/6/03	X		X					3/14/03	
COAST PACKING COMPANY 00724 M VERNON, CA			2/13/03			X							
	3/11/03	3/26/03			X	X							
COLLEGE HILL POULTRY 00533 P FREDERICKSBURG, PA	10/12/01	1/16/02			X	X							
COLUMBIA PACKING CO. INC. 07237 M07237 P DALLAS, TX	10/7/02	10/11/02			X	X					1/3/03		
CORNBELT BEEF CORP. 10173 M DETROIT, MI			3/21/03		X	X	X						
CUSTOM MEATS CORP. 07271 M07271 P DALLAS, TX	3/31/03					X							
DAKOTA FOODS, INC. 07096 M07096 P SIOUX FALLS, SD	1/31/03		3/4/03	3/26/03	X	X							
DETROIT SAUSAGE COMPANY, INC. 10266 M10266 P DETROIT, MI	3/6/03	3/17/03			X	X							
DRAEGER'S SUPERMARKETS, INC. 20853 M20853 P PALO ALTO, CA	10/3/02		10/16/02	11/5/02		X						2/10/03	
E.B. MANNING & SONS 00934 M PICO RIVERA, CA	3/21/03					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	
FARMLAND MEATS 04049 M04049 P COATSVILLE, PA	9/18/02	10/9/02			X	X				X	2/11/03		Plant produced product that tested positive for E. coli 0157:H7.
FELLER'S PRE COOKED MEATS 01550 M01550 P NORTH SALT LAKE, UT			9/27/01	10/4/01	X	X							
			10/15/01	10/19/01	X	X							On 10/15/01, suspension was reinstated.
	1/15/02		1/30/02	2/1/02	X	X							
FIL-AM SPECIALTY FOODS 04828 M04828 P LOS ANGELES, CA	11/26/02		12/6/02	12/31/02		X							
FOOD SERVICE DISTRIBUTORS 06490 M06490 P SPOKANE, WA	3/31/03				X	X							
GFI AMERICAN INCORPORATED 02368 M02368 P MINNEAPOLIS, MN			12/10/02	12/18/02	X								
GIBBON PACKING INC. 05511 M GIBBON, NE	12/17/02	12/24/02			X	X							
GREAT WASP ENTERPRISE 17573 M17573 P BROOKLYN, NY			7/9/02	11/15/02	X						2/12/03		
GREATER OMAHA PACKING CO., INC. 00960 M OMAHA, NE	3/21/03		3/28/03	3/31/03	X	X							
HOUSE OF RAEFORD FARMS INC. 01234 M01234 P ATHENS, MI			1/28/00	2/7/00		X							On 01/28/00, a withholding action was taken. On 02/11/00, plant appealed the suspension. On 02/29/00, plant's appeal was denied. On 03/03/00, plant appealed to a higher FSIS official.

ABBREVIATION KEY

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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
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
HOUSE OF RAEFORD FARMS, INC. 01234 M01234 P ATHENS, MI			7/14/02		X								
INTERMEX PRODUCTS USA LTD 13172 M13172 P GRAND PRAIRIE, TX			3/6/03			X							
ISC, INC 01542 M01542 P SEATTLE, WA			10/23/01	10/25/01		X					3/31/03		On 10/23/01, a withholding action was taken.
	12/4/01			12/6/01		X					3/31/03		
J & B MEATS CORPORATION 05712 M05712 P COAL VALLEY, IL			6/26/02	6/27/02		X				X	3/27/03		Plant produced product that tested positive for E. coli 0157:H7.
J.W. TREUTH & SONS INC. 02612 M02612 P BALTIMORE, MD	1/17/03	1/28/03				X							
JACK LAMBERSKY POULTRY CO. 04340 M04340 P CAMDEN, NJ	10/9/02	11/1/02			X	X							
JIM'S FARM MEAT 06113 M06113 P ATWATER, CA	1/27/03		2/7/03	3/3/03		X							
KEENER'S INC. 02823 M02823 P RENTON, WA	3/6/02	3/27/02				X							
	7/26/02					X							
LINDSAY FOODS, INC. 18746 M18746 P MILWAUKEE, WI	10/17/02	11/6/02			X	X							

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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		
LOVETT & SON'S INC. 13143 M HASTINGS, NE	9/6/02	9/13/02		10/11/02		X								On 03/12/03, case closed by DM based on expiration of firm's voluntary suspension. Inspection service was withdrawn.
LOWELL PACKING CO., INC. 02600 M02600 P FITZGERALD, GA	9/11/02	10/3/02			X	X					1/23/03			
MARTIN PREFERRED FOODS LP 13432 M13432 P HOUSTON, TX	3/7/03	3/13/03			X	X								
MB CONSULTANT, LTD. 18414 M18414 P SOUTH FALLSBURG, NY														On 03/06/03, DM issued a letter of closure rescinding NOIE and deferral actions.
MESSINA SLAUGHTER HOUSE 19169 M19169 P ORLAND, CA			2/21/03			X								
NEW HORIZONS MEATS & DISTRIB. 00142 M19069 P CINCINNATI, OH	2/26/03	3/5/03				X								
NOONAN'S SPECIALTIES, INC. 04861 M04861 P LOS ANGELES, CA	12/11/02		12/18/02	12/30/02		X								
OZARK MOUNTAIN PORK COOP. 21148 M MOUNTAIN VIEW, MO			11/13/02	11/22/02		X								
PAPS LOUISIANA CUISINE 13581 M13581 P PRAIRIEVILLE, LA	2/19/03	2/25/03			X	X								
PEDERSON'S NATURAL FARMS, INC. 19617 M19617 P HAMILTON, TX			2/6/03	3/3/03		X								
PETERSBURG LOCKER INC. 05668 M05668 P PETERSBURG, NE	5/24/02	6/5/02				X								

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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	
POTOK PACKING 10059 M DETROIT, MI	10/4/02	10/30/02	11/5/02	11/8/02	X	X						2/21/03	
PROPAK FOODS LLC 19589 M19589 P LOWELL, AR	9/9/02	9/13/02			X						1/27/03		
RAMAR INTERNATIONAL 17480 M17480 P OAKLAND, CA			3/12/03	3/24/03	X								
RANDOLPH PACKING COMPANY, INC. 06590 M ASHEBORO, NC	3/27/03					X							
REGGIO'S PIZZA I, INC. 18349 M18349 P CHICAGO, IL			2/28/03	3/11/03	X		X						
ROMANCE FOODS CORP. 04785 M KENOSHA, WI	1/16/02		3/5/02	3/22/02	X	X							On 02/09/03, DM closed case by firm's requested voluntary withdrawal. On 03/11/02, plant appealed the suspension. On 05/06/02, plant's appeal was denied.
ROYAL PALATE FOODS, INC. 18465 M18465 P INGLEWOOD, CA	1/30/03	3/3/03				X							
RUSSER FOODS (d/b/a) / ZEMCO INDUSTRIES 05222 M05222 P BUFFALO, NY			8/9/02	8/13/02		X					1/21/03		
S WALLACE EDWARDS & SONS 01636 M17687 P SURRY, VA	12/18/02	12/24/02			X	X							
SALEM PACKING COMPANY INCORPORATED 05425 M SALEM, NJ	11/15/02		11/26/02	12/2/02		X							
SAM KANE BEEF PROCESSORS, INC. 00337 M CORPUS CHRISTI, TX	6/21/02	7/19/02			X		X						

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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	
SIMPLOT MEAT PRODUCTS, L.L.C. 00630 M NAMPA, ID	1/3/03	3/25/03				X							
SKYLARK MEATS, INC. 04215 M04215 P OMAHA, NE	12/17/02	12/23/02			X	X	X				3/10/03		
SNOW BALL FOODS 07569 M07569 P WILLIAMSTOWN, NJ			8/29/02	9/16/02	X	X						3/27/03	
SPECIALTY BRANDS, INC. 01905 M09205 P RIVERSIDE, CA	11/13/02	12/30/02				X							
SQUARE H. BRAND 00748 M18881 P LOS ANGELES, CA	12/19/02	1/14/03			X		X						
STAGNOS MEAT CO 02875 M MODESTO, CA			3/6/03	3/10/03				X					
STAR FOOD PRODUCTS 06599 M06599 P BURLINGTON, NC	1/31/03					X					2/20/03		
TILLAMOOK COUNTRY SMOKER 09295 M09295 P BAY CITY, OR	2/21/03	3/5/03			X	X							
TOBA OF IOWA, LLC 02302 M02302 P SIOUX CITY, IA	8/14/02		8/23/02	9/5/02	X	X					2/6/03		
UNITED MEAT COMPANY, INC. 02869 M02869 P SAN FRANCISCO, CA	2/5/03		2/24/03			X							
VALLEY PRIDE PACKING INCORPORATED 01361 M NORWALK, WI				10/25/02					X	X		3/21/03	On 10/25/02, a withholding action was taken for interference incidents involving safety issues related to OSHA regulations.

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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	
WATSON'S QUALITY FOOD PRODUCTS 01343 M01343 P TURNERSVILLE, NJ			9/5/02	9/18/02		X						3/27/03	
WAYNE FARMS, LLC/dba DUTCH QUALITY HOUSE 13477 M13477 P BOSSIER CITY, LA	1/14/03	2/13/03			X	X	X						
YOSEMITE MEAT AND LOCKER SERV. INC. 00548 M MODESTO, CA	3/24/03					X							
ZACKY FARMS 00898 M00220 P STOCKTON, CA	3/20/03				X		X						

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**Table 7. Administrative Actions: Very Small HACCP Plants
(1/01/03 to 3/31/03)**

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	
A. J. PEACHEY & SONS, INC. 08628 M BELLEVILLE, PA	2/8/02	2/22/02			X	X							
AA RUBASHKIN AND SONS INC. 04653 M04653 P BROOKLYN, NY			2/5/03	2/25/03	X								
ABBOTSFORD PRODUCE 01632 G ABBOTSFORD, WI			12/12/01	1/2/02						X		3/19/03	Other pathogen reduction issues.
ACADEMY PACKING CO. INC. 02559 M02559 P DEARBORN, MI			7/19/01	7/24/01		X							
AK FOODS, LLC 06463 M BRUSH, CO	9/9/02	9/26/02			X								
ALMACENES DE TEJAS, L.P. 17083 M SAN ANTONIO, TX			10/11/02			X							
AMERICAN FOOD DISTRIBUTORS 19300 M19300 P HARVEY, IL	8/7/02	8/16/02			X	X						1/29/03	
AURNISH ENTERPRISES CORP. 04566 M04566 P WOODSIDE, NY			11/12/02	11/13/02					X				
B.T.'S PACKING COMPANY 07230 M07230 P CHICKASHA, OK			2/11/03		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
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
BLACK RIVER CUSTOM PACKERS 04419 M WATERTOWN, NY			12/6/01	12/12/01				X					
			3/12/02	3/22/02				X					On 03/12/02, suspension was reinstated.
BRISTOL BEEF 05998 M BRISTOL, CT			11/14/02	11/22/02					X				
BROADAWAY HAM COMPANY 13035 M13035 P JONESBORO, AR	12/9/02	1/8/03			X	X							
BUNGE'S MEATS 21603 M21603 P CATAWISSA, PA	11/19/02		12/11/02			X				X			Plant produced product that tested positive for E. coli 0157:H7.
BUTCHER VAN GOURMET MEATS 02665 M02665 P JACKSON, NJ	11/12/02	12/2/02			X	X							
CONTINENTAL FOODS 07137 M HOT SPRINGS, AR	6/12/02	7/2/02			X	X							
CRESCENT CUSTOM SLAUGHTER 06041 M06041 P SUMNER, WA	9/27/02	10/18/02			X	X							
DAVIDSON MEAT PRODUCTS CO., INC. 06381 M06381 P NEW BEDFORD, MA			2/12/03	2/24/03	X				X				
DIETRICH'S COUNTRY MEATS 04022 M04022 P LENHARTSVILLE, PA	1/15/03	1/30/03			X	X	X						
EFRON AND SON MEAT PACKERS, INC. 02864 M02864 P BREA, CA	12/4/02	12/31/02				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
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
FARM FRESH MEATS INC. 09189 M09189 P ROBERTSDALE, AL			11/21/02	11/25/02		X						1/27/03	
FRESH FREEZE, INC. 20104 M EDINBURG, TX			8/21/02		X		X						
GAISER'S EUROPEAN STYLE PROV. 05385 M05385 P UNION, NJ			9/25/01			X							
GIBSON MEAT CO. 13158 M13158 P LAWTON, OK			8/9/02		X	X	X						
GORDITO'S MEATS 20017 M OGDEN, UT	5/29/02	6/12/02			X	X						3/21/03	
GRAND CHOICE FOODS, INC. 05506 M05506 P AMES, IA	9/27/02		10/2/02	10/22/02	X	X	X						
GREAT WEST EGG INDUSTRIES, INC. 01340 G LOS ANGELES, CA			6/27/02	7/2/02					X			1/14/03	
GROFF MEATS INC. 09442 M09442 P ELIZABETHTOWN, PA	9/11/02	10/4/02			X	X	X			X	2/11/03		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
H&J PACKING, INC. 01816 M HUDSONVILLE, MI			10/28/02	11/25/02	X	X							On 02/21/03, suspension case closed by Grant of Inspection issuance to new firm.
HENRY J'S MEAT SPECIALTIES 01766 M01766 P CHICAGO, IL			3/17/03	3/25/03	X		X						
HOFFMAN SAUSAGE CO., INC. 19583 M19583 P CINCINNATI, OH	10/4/02	10/17/02				X					2/14/03		

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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
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
HOMESTEAD GOURMET FOODS CO INC 09947 M09947 P LINDEN, NJ	3/11/03				X								
HOUSTON ZERO COLD STORAGE 07106 M07106 P HOUSTON, TX	9/24/02		10/2/02	12/23/02	X	X	X						
			2/7/03	2/14/03					X			3/26/03	
JJ MEAT COMPANY 04969 M04969 P MADERA, CA	12/9/02		12/12/02	12/30/02		X							
JM PACKING, CO. 19804 M19804 P PONCE, PR			1/29/03		X	X							
JOHNSTON COUNTY HAMS 02646 M02646 P SMITHFIELD, NC	12/19/02	1/9/03	1/15/03	2/18/03		X							
KAYSERMI BASTERMA, INC. 01092 M POUGHKEEPSIE, NY	9/13/02		9/23/02		X	X							
KONANYAN MEATS 00645 M02401 P LOS ANGELES, CA	1/22/03	2/6/03			X								
LAGROU COLD STORAGE 00219 I03197 M CHICAGO, IL			5/30/02				X						
LAKE GENEVA COUNTRY MEATS 05648 M05648 P LAKE GENEVA, WI	8/27/02	9/16/02			X	X						2/7/03	
LEONA MEAT PLANT INC. 09784 M07984 P TROY, PA	11/22/02	12/10/02			X	X	X					3/6/03	

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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	
MAHAFFEY FOOD PRODUCTS 09656 M MYERSTOWN, PA	12/18/02	1/6/03				X						3/26/03	
MALONE'S FINE SAUSAGE INC. 15702 M MILWAUKEE, WI	1/29/02	2/14/02	9/26/02	10/28/02	X	X						2/20/03	
MCCULLUM-SPIEGLER LLC 21805 M21805 P KIRKLAND, WA	9/26/02	10/21/02			X	X							
MEDITERRANEAN FOODS, INC. 18977 M UPPER DARBY, PA	7/7/00			8/22/00		X							
			7/20/01			X							On 07/20/01, suspension was reinstated. On 02/25/02, firm appealed the suspension. On 04/22/02, plant's appeal was denied.
MILTONA CUSTOM MEATS & SAUSAGE 15768 M15768 P MILTONA, MN	12/11/02	2/5/03			X	X							
MONDO & SONS, INC. 09328 M09328 P SEATTLE, WA	9/7/01			9/21/01		X							
MOORE'S WHOLESALE MEATS INC. 04299 M NEW YORK, NY			11/19/02	1/30/03	X								
MORTY-PRIDE MEATS INC. 06668 M FAYETTEVILLE, NC	12/23/02	1/9/03				X							
MR. BASTERMA 18970 M DETROIT, MI			11/22/02	3/28/03	X	X							
MT. ANGEL MEAT CO. 09270 M09270 P MT. ANGEL, OR	11/25/02	12/4/02			X	X							

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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	
NEW DIMENSIONS, INC. 19649 M 19649 P PORTLAND, OR	7/12/02	7/22/02			X	X							
NEW MEXICO PACKING 27265 M CLOVIS, NM	3/14/03				X	X							
OLD WORLD GERMAN SAUSAGE 06275 M06275 P OAKLAND, CA	11/6/02		11/14/02			X							
ORCHARD SAUSAGES, INC. 18389 M18389 P NEW YORK, NY	11/6/02					X					2/5/03		
P & M MEATS INC 20708 M KEYMAR, MD			3/5/03	3/10/03					X				
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.
PECOS VALLEY MEAT CO. 07299 M07299 P ROSWELL, NM	5/23/02	6/12/02	12/16/02	12/31/02	X	X							On 01/24/03, the firm appealed. On 02/10/03, plant's appeal was denied.
PHUC-HUONG 21607 M21607 P SAN JOSE, CA	11/15/02		12/6/02	1/31/03	X	X							
PRIZE STEAK PRODUCTS, INC. 05725 M MILWAUKEE, WI	3/12/02	3/29/02			X	X					3/5/03		
RANDALL MEAT COMPANY 10669 M HOT SPRINGS, AR			8/6/02	8/19/02	X	X	X						

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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	
SAM'S BAKERY 18900 M18900 P ROHNERT PARK, CA	3/19/02		4/8/02	4/10/02	X	X							
			4/18/02	4/19/02					X				
			8/12/02	8/21/02	X	X							On 08/12/02, suspension was reinstated.
			9/19/02		X	X							On 09/19/02, suspension was reinstated.
SCHWARTZ MEAT COMPANY 01961 M02961 P NORMAN, OK	1/16/03	1/29/03			X								
SPECIALTY STUFT MEATS 19926 M19926 P GULFPORT, MS	3/19/03		3/31/03			X							
STAR PACKING CO., INC. 02934 M ST. LOUIS, MO			1/8/03	1/10/03	X	X							
STOVER'S KITCHENS, INC. 20552 M SEATTLE, WA	10/29/01			11/6/01		X						3/27/03	
SUN SAUSAGE COMPANY 19722 M FLAGSTAFF, AZ	11/4/02		2/24/03	3/5/03		X							
T & B FOOD CORPORATION 18938 M18938 P COLLEGE POINT, NY	2/4/03	2/11/03				X							
TAN DINH FOOD PRODUCTS CORP. 13367 M HOUSTON, TX	1/9/03	1/21/03			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	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
THE BUTCHER BLOCK INC. 05653 M INDIANOLA, NE	10/4/02	11/4/02			X	X					X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
TRINH COMPANY 06488 M06488 P SAN JOSE, CA	2/18/03		2/28/03			X								
UNITED MEAT PRODUCTION, INC. 13583 M13583 P WASHINGTON, OK	3/29/03	4/10/03			X	X								
W. BOBER MEAT MARKET 19385 M19385 P JERSEY CITY, NJ	2/14/03	2/25/03				X								
WARD'S, INC. 21119 M21119 P JERSEYVILLE, IL			1/16/02	4/1/02			X	X						
			8/15/02	9/19/02			X							On 08/15/02, suspension was reinstated.
WEBER'S PICKLED MEAT 00587 M NEWARK, NJ			6/5/02	6/21/02	X									
			1/31/03	2/6/03	X									On 01/31/03, suspension was reinstated.
WESTERN MEATS INC 04107 M04107 P TUMWATER, WA	8/21/02				X	X								
WRIGHT CITY MEAT CO. INC. 08699 M08699 P WRIGHT CITY, MO	2/11/03	2/24/03			X	X								

ABBREVIATION KEY

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

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
(1/01/03 to 3/31/03)**

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

Establishment	Complaint to Deny/Withdraw Inspection	Consent Order	Consent Decision	Actions
SALEM PACKING CO., INC. ANTHONY BONACCURSO SAMUEL BONACCURSO 05425 M SALEM, NJ	1/25/02			Oral hearing was scheduled on November 21, 2002, but was subsequently cancelled because of a scheduling conflict. The oral hearing has been rescheduled for June 11 and 12, 2003. The complaint to withdraw inspection was based on firm and manager's state convictions for unlawful discharging of pollutants in waterways. Action also based on company president's State drug conviction. Attorney for firm and individuals filed answer to complaint on February 13, 2002.
ROBERT WINNER SONS, INC. d/b/a WINNER'S QUALITY MEATS, a/k/a WINNER'S MEATS 21572 M 21572 P YORKSHIRE, OH	2/6/03	2/7/03		On February 7, 2003, the firm entered into a Stipulation and Consent Decision with FSIS. The Order is effective for three (3) years and contains several stipulations, including requiring the firm to implement and maintain a SSOP and HACCP system in compliance with regulatory requirements, and an effective compliance program that will ensure that all carcasses of livestock slaughtered, and meat and poultry products produced will not become adulterated, contaminated, and/or mislabeled.

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 would be 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
(1/01/03 to 3/31/03)**

Criminal Actions

Name	Location	Indictment	Information	Plea	Sentencing	Actions
ACADEMY PACKING CO. INC. MITCHEL POLK, PRES., MARK POLK, OPERATIONS MGR.	DEARBORN, MI		11/13/02	12/19/02	3/31/03	On March 31, 2003, the company was sentenced on two (2) misdemeanor counts for preparation of adulterated meat product, and sale and transportation of adulterated meat product. The company was ordered to pay a \$20,000 fine and a \$250 assessment fee. In addition, the company was placed on a two (2) year probation period, and assessed a special \$10,000 community service fee.
CARRETTA BEEF SUPPLY, INC. ANTHONY CARRETTA, PRES.	ROCHESTER, NY			3/4/03		On March 4, 2003, Mr. Carretta entered a guilty plea on two (2) misdemeanor counts for violations to the FMIA. Final sentencing and imposition of fines is scheduled for May 19, 2003.
EGI WAREHOUSE MARGARET WHITE, PRES. ELAINE MCCORMACK, TREASURER	BROCKTON, MA		7/31/02	9/12/02	2/28/03	On February 28, 2003, Ms. White and Ms. McCormack were sentenced in the United States District Court, District of Massachusetts, on one (1) felony and one (1) misdemeanor count for causing meat and poultry products to become adulterated. Ms. White was ordered to pay a \$100,000 fine and placed on a two (2) year probation period of which the first six (6) months are to be spent in home confinement. Ms. McCormack was ordered to pay a \$25,000 fine and placed on one (1) year of probation of which the first three (3) months are to be spent in home confinement.
MARYLAND CASH-N-CARRY YONG N. KIM, PRES.	BALTIMORE, MD			12/16/02		On December 16, 2002, Mr. Kim pled guilty to two (2) misdemeanor counts for causing meat food products to become adulterated and selling adulterated meat food products. Final sentencing and imposition of fines is scheduled for April 11, 2003.
SHUR-SAV INC., AKA PETE'S SHUR-SAV. PETER SARANDOS, PRES., DANIEL CARTER, MGR. WARREN J. MCCARTY, MGR.	ST. LOUIS, MO	10/17/02		12/13/02		On December 13, 2002, Mr. Carter pled guilty to two (2) misdemeanor counts and Mr. McCarty pled guilty to one (1) misdemeanor for violations to the FMIA. Additional pleas for Mr. Sarandos and final sentencing are currently pending.
SKAFF CATERING INC. JOSEPH W. SKAFF, PRES., TODD T. VANDERPOL, MGR.	TOLEDO, OH		9/17/02	10/22/02	2/11/03	On February 11, 2003, Joseph W. Skaff and Todd T. Vanderpol were sentenced on three (3) misdemeanor counts for causing meat products to become adulterated and misbranded, and selling and offering for transportation adulterated and misbranded products. Mr. Skaff was ordered to pay a \$5,000 fine and \$75 in special assessment fees. Mr. Vanderpol was ordered to pay a \$250 fine and \$75 in special assessment fees. In addition, both individuals were placed on a one (1) year probation period.

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. The case involved a wholesale distributor in the southwestern United States that was cited with causing meat and poultry products to become adulterated and misbranded while being held for sale. The firm entered into a 12-month pre-trial diversion agreement, with special conditions that include fifty hours of community service and \$2,000 in food donations.

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 cannot be further processed to be used for human food. No seizures were initiated by FSIS during this reporting 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 three injunctions reported for the period.

**Table 10. Civil Actions
(1/01/03 to 3/31/03)**

Name	Location	Complaint	Injunction	Action
ATLANTIC SUPERMARKET KY GIA THAI, OWNER	PHILADELPHIA, PA	1/14/03	1/14/03	On January 14, 2003, Mr. Ky Gia Thai, doing business as Atlantic Supermarket, was permanently enjoined in the U.S. District Court, Eastern District of Pennsylvania, from selling, transporting, offering for sale or transportation any uninspected or misbranded meat or poultry products. If found in violation, Mr. Ky Gia Thai will be fined \$100 for each pound of uninspected and misbranded product and \$500 for each pound of product in subsequent violations.
KHMER MARKET CHREP BAN, OWNER	PHILADELPHIA, PA	1/14/03		On January 14, 2003, a complaint was filed in the U.S. District Court Eastern District of Pennsylvania, to enjoin Mr. Ban, doing business as Khmer Market, from selling, transporting, or offering for sale or transportation any uninspected or misbranded meat and poultry products.
LAO STAR MARKET SAM SIRIPOUNSAVATH, OWNER JEIBY SIRIPOUNSAVATH, CO-OWNER	FORT SMITH, AR	3/31/03		On March 31, 2003, a complaint was filed in the U.S. District Court, Western District of Arkansas, to enjoin Mr. Sam Siripounsavath and Mr. Jeiby Siripounsavath, doing business as Lao Star Market, from selling, transporting, and offering for sale or transportation any uninspected or misbranded meat and poultry products.

False Claims Act Violations

The Department of Justice Affirmative Civil Enforcement (ACE) program is used by U.S. Attorneys to recover damages when a violation of law involves fraud against the Federal government. Under the False Claims Act, the government may recover three times its estimated losses. FSIS typically seeks action under this program for cases involving products, not in compliance, sold to the military, to public schools engaged in the school lunch program, or to other Federal institutions. There are no ACE program actions reported for this period.

FOR MORE INFORMATION:

Media Inquiries: (202) 720-9113
Freedom of Information Act Requests: (202) 720-2109
Congressional Inquiries: (202) 720-3897
Constituent Inquiries: (202) 720-9113

Consumer Inquiries: Call USDA's Meat and Poultry Hotline at
1-800-535-4555, 10 a.m. to 4 p.m., Eastern Time

FSIS Web site: www.fsis.usda.gov