

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY ENFORCEMENT REPORT
October 1, 2001 through December 31, 2001**

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. For example, the data indicates that plants operating under Hazard Analysis and Critical Control Point (HACCP) Systems have a 97.73 percent compliance rate for fiscal year 2001.

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 that 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 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.

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, 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 1,497,296 HACCP verification procedures. **Table 1a** provides numbers of NRs issued by FSIS inspection personnel between October 1, 2001 to December 31, 2001. **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 (10/01/01 to 12/31/01): **31,559**

Table 1b. Appeals NRs (10/01/01 to 12/31/01)

Number of Plants Filing Appeals: 95

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total NRs Appealed
7	39	134	180

(Total exceeds 95 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 products for animal disease conditions, contamination, and adulteration to prevent their use as human food. Figures for condemnations of livestock for the reporting period are as follows: FSIS inspected 28,874,078 livestock carcasses, of which 66,651 carcasses were condemned. FSIS inspected 1,573,340,227 poultry carcasses of which 8,941,898 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, 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
(10/01/01 to 12/31/01)**

Detentions

Total number of detentions by FSIS	88	
Total pounds of product detained	2,814,464	
District	Detentions	Pounds Detained
ALAMEDA, CA	4	1,206
ALBANY, NY	10	48,862
ATLANTA, GA	5	101,842
BELTSVILLE, MD	7	835
BOULDER, CO	5	9,577
CHICAGO, IL	5	1,232,373
DALLAS, TX	4	5,220
DES MOINES, IA	9	521,611
JACKSON, MS	2	80,096
LAWRENCE, KS	10	660,227
MADISON, WI	10	10,024
MINNEAPOLIS, MN	0	0
PHILADELPHIA, PA	1	150
PICKERINGTON, OH	1	55,080
RALEIGH, NC	1	50
SALEM, OR	9	47,474
SPRINGDALE, AR	5	39,837
Totals	88	2,814,464

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.

Import Reinspections

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 evaluation of the inspection system of each country seeking to export product to the United States and reinspection of imported products at the port of entry. FSIS conducts a rigorous review of an exporting country's inspection system to ensure it is equivalent to our inspection system prior to the country being permitted to export to the United States. After the country gains eligibility to export to the U.S., FSIS audits the foreign country inspection system at least annually. Reinspection of meat, poultry and egg products as they enter the United States is a further check on the performance of the foreign inspection system. This activity is referred to as reinspection because all imported products have been inspected and passed by a foreign inspection system equivalent to the U.S. system. All shipments must be presented to FSIS inspectors, who check documentation and general condition. FSIS also randomly selects shipments for more in-depth inspections, based on statistical sampling. A shipment 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 lots and pounds of imported meat, poultry, and egg products presented to FSIS; the number selected for in-depth reinspection; and the number refused entry during the reporting period.

**Table 3. Imported Meat, Poultry and Egg Products
(10/01/01 to 12/31/01)**

Presented, Reinspected, and Refused Entry

Meat and Poultry

Number of Presented		Number of Reinspected		Number of Refused Entry	
Lots	Pounds	Lots	Pounds	Lots	Pounds
45,369	945,349,541	7,483	173,433,150	2,678	2,157,566

Egg Products

Number of Presented		Number of Refused Entry	
Lots	Pounds	Lots	Pounds
252	2,924,523	0	0

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
(10/01/01 to 12/31/01)**

Letters of Warning for Criminal Violations

	Total number of LOWs issued for violations:	327
	Number issued by Headquarters:	0
District	Number of LOWs Issued by Districts	
ALAMEDA, CA		31
ALBANY, NY		63
ATLANTA, GA		53
BELTSVILLE, MD		30
BOULDER, CO		13
CHICAGO, IL		9
DALLAS, TX		6
DES MOINES, IA		6
JACKSON, MS		8
LAWRENCE, KS		9
MADISON, WI		11
MINNEAPOLIS, MN		5
PHILADELPHIA, PA		26
PICKERINGTON, OH		13
RALEIGH, NC		9
SALEM, OR		21
SPRINGDALE, AR		14
		<hr/>
Total number issued by Districts		327

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. During this period, activity is reported concerning 164 plants. Sixty-nine of the actions in these plants were initiated during this reporting period. Sixty-one 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. One appeal of suspension action was filed and acted on during this period.

**Table 5. Administrative Actions: Large HACCP Plants
(10/01/01 to 12/31/01)**

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	
CARGILL TURKEY PRODUCTS INC. 13289 M00963 P SPRINGDALE, AR	6/8/01	6/18/01				X						12/18/01	
CONAGRA BROILER CO. 07016 P EL DORADO, AR	6/1/01			6/6/01	X	X							
			8/22/01	8/24/01	X	X							On 08/22/01, suspension was reinstated.
CONAGRA POULTRY CO 05787 M05787 P NATCHITOCHEES, LA	7/9/01	7/12/01				X							
EXCEL CORP. 00086H M PLAINVIEW, TX	7/30/01	12/5/01				X					12/17/01		
FARMER'S PRIDE, INC. 01304 P FREDERICKSBURG, PA	11/28/01	12/20/01				X							
FOSTER POULTRY FARMS 00157 P LIVINGSTON, CA	11/5/01	11/28/01				X							
FRESH MARK, INC. 00092 M CANTON, OH	10/2/01	10/4/01				X							
IBP INC. 09268 M PASCO, WA	4/12/01	4/20/01				X							
IBP, INC. 00244I M LOGANSPOUT, IN	7/12/01	7/20/01				X					10/19/01		

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
LONGMONT FOODS, INC. 00552 P LONGMONT, CO	7/18/01			8/2/01		X							
NEW MARKET POULTRY PRODUCTS 04602A P NEW MARKET, VA	6/1/01	6/21/01				X							
SANDERSON FARMS INC. 07264 P HAMMOND, LA	10/3/01	10/9/01				X							
SIMMONS FOODS INC. 00727 P SOUTH WEST CITY, MO	10/2/01	10/9/01				X					12/27/01		
TOWNSEND'S, INC. 00290 P SILER CITY, NC			9/11/01	9/12/01		X						12/19/01	
TYSON FOODS INC. 00146 P GLEN ALLEN, VA	6/28/01	7/16/01	8/24/01	8/27/01	X	X							
TYSON FOODS, INC 00112 P GREEN FOREST, AR	8/3/01	8/9/01			X	X							
TYSON FOODS, INC 05842 P SPRINGDALE, AR	9/24/01	10/2/01			X								
TYSON FOODS, INC. 01315 P MONETT, MO	10/2/01	10/9/01				X					12/26/01		
TYSON'S FOODS, INC. 00477 P BUENA VISTA, GA			12/6/01	12/10/01	X								

**Table 6. Administrative Actions: Small HACCP Plants
(10/01/01 to 12/31/01)**

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>	
A. M. BRIGGS INC. 01858 M WASHINGTON, DC	11/15/01	12/17/01				X							
ABBYLAND PORK PACK, INC. 15896 M CURTISS, WI			9/10/01	9/10/01				X					
AGRIPROCESSORS INC. 04653A M04553A P POSTVILLE, IA	11/17/00			11/27/00		X						12/17/01	
AMY FOOD COMPANY 13174A M13174A P HOUSTON, TX			10/12/01	10/25/01		X							
ATLANTIC MEATS CO., INC. 06543 M SAVANNAH, GA	11/16/01	12/14/01			X	X							
BAR-S FOODS CO. 00471 M00471 P CLINTON, OK	3/26/01			7/9/01	X	X							
BROCCO FOODS INC. 18838 M18838 P NEW YORK MILLS, NY	8/25/00			9/7/00		X							
	2/22/01			3/2/01	X								
	12/28/01				X	X							
BROOKWOOD FARMS, INC. 01740 M SILER CITY, NC			7/31/01	8/9/01		X						12/19/01	

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>	
BROTHER & SISTER FOOD TRADING 21214 M21214 P BAYONNE, NJ	9/2/00			9/7/00	X	X						10/31/01	
CHIAPPETTI WHOLESALE MEAT CO. 00916 M CHICAGO, IL			4/6/01	4/10/01		X						12/7/01	
CLAUSEN MEAT PACKING INC. 00325 M TURLOCK, CA	12/4/01	12/31/01			X								
COLLEGE HILL POULTRY 00533 M FREDERICKSBURG, PA	10/12/01				X	X							
CONAGRA POULTRY CO. INC. 05671 M05671 P LUFKIN, TX	7/20/01	8/7/01			X								
CORFU FOODS, INC. 01614 M15820 P BENSENVILLE, IL			5/21/01	6/18/01	X								
	5/29/01	6/19/01				X							
DFG FOODS, LLC 05664 M05664 P CHICAGO, IL	4/16/01			6/6/01		X						11/26/01	
E. W. KNAUSS & SONS, INC. 00795 M QUAKERTOWN, PA			8/29/01	8/30/01	X							12/12/01	
EVERSHINE FOOD CORPORATION 13509 M GARLAND, TX			12/10/01	12/14/01		X							

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		
FARMERS LIVESTOCK COOPERATIVE 06208 M WAIPAHUI, HI			12/3/01	12/3/01		X								
FELLER'S PRE COOKED MEATS 01550 M01550 P NORTH SALT LAKE, UT			10/1/01	10/4/01	X	X								
FELLER'S PRE COOKED MEATS 01550 M01550 P NORTH SALT LAKE, UT			10/15/01	10/19/01	X	X								On 10/15/01, suspension was reinstated.
FLYING FOOD GROUP 18354 M18354 P CHICAGO, IL			9/12/01	9/14/01		X						11/19/01		
GENERAL AMERICAN FOODS 07721 M07721 P CHATSWORTH, CA	6/18/01	7/18/01				X						10/5/01		
GOLDEN STATE 09167 M CONYERS, GA	7/9/99	7/27/99				X								Case closed upon FSIS verification of plant meeting regulatory requirements.
HENNINGSSEN FOODS, INC. 05808 M05808 P RAVENNA, NE	3/9/01			4/4/01		X								
HOUSE OF RAEFORD FARMS 19865 P ARCADIA, LA	5/31/01			6/2/01	X	X								
			7/31/01	8/2/01	X	X								On 07/31/01, suspension was reinstated.
			12/13/01	12/21/01	X	X								On 12/13/01, suspension was reinstated.

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			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. Appeal decision is pending.
ISC, INC 01542 M01542 P SEATTLE, WA			10/23/01	10/25/01		X								On 10/23/01, a withholding action was taken.
ISC, INC 01542 M01542 P SEATTLE, WA	12/4/01			12/6/01		X								
J. T. M. PROVISIONS CO. 01917 M HARRISON, OH	8/27/01	9/4/01			X						12/5/01			
J.C. POTTER ACQUISITION CORP. 00961 M DURANT, OK	12/6/01	12/21/01			X	X								
JOHN F. MARTIN & SONS 08888 M08888 P STEVENS, PA	12/4/01				X	X								
KORTE & CO., INC. 09364 M00364 P EASTON, PA			11/10/01	11/14/01										Plant produced and shipped ground product that tested positive for <i>E. coli</i> 0157:H7.
LOVETT & SON'S INC. 13143 M HASTINGS, NE			12/14/01	12/21/01		X								
LOWELL KOCH'S TURKEY FARM 08437 M TAMAQUA, PA	10/5/01	11/5/01				X								
MARATHON ENTERPRISES 08854 M BRONX, NY	2/24/99			3/4/99		X						12/18/01		

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		
MAS FOOD, INC. 09211 M09211 P VERNON, CA				3/1/01	X									On 02/27/01, a withholding action was taken.
	7/2/01		7/10/01	7/20/01		X					10/25/01			
MILLARD REFRIGERATED SERVICES 03338 M IOWA CITY, IA	6/4/01					X								
MORONI FEED COMPANY 00751 M01049A P SALINA, UT	7/10/01	7/27/01				X					10/9/01			
MORRIS MEAT PACKING 18229 M MORRIS, IL			5/1/01	5/10/01	X	X						11/19/01		
MOTZ POULTRY COMPANY 02045 P BATAVIA, OH	9/24/01	10/3/01			X									
NEW HORIZONS MEATS AND DIST. 00142 M19069 P CINCINNATI, OH	8/6/01	8/17/01	9/4/01	9/7/01		X								
			11/1/01	11/8/01		X								On 11/1/01, suspension was reinstated.
NEW ON SANG POULTRY CO INC. 09885 P SAN FRANCISCO, CA	10/11/01	10/25/01												Plant failed to meet regulatory requirements for <i>escherichia coli</i> Biotype 1 (<i>E. coli</i>).
	11/19/01	12/5/01	12/6/01	12/8/01		X								
NICHOLAS PACKING CO. 04465 M LOGANTON, PA	10/12/01		11/8/01	11/14/01	X	X								

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>	
OTASTY FOODS, INC. 19083 M19083 P CITY OF INDUSTRY, CA	6/21/01	7/10/01				X						10/5/01	
PALACE MEAT COMPANY 09880 M FRESNO, CA	2/13/01	7/23/01								X			Action taken for other pathogen reduction issues.
PARK AVENUE MEATS INC. 04016 M04016 P BRONX, NY			3/21/01	5/30/01	X							12/18/01	
PHILADELPHIA FOODS INC. 17561 M17561 P WESTVILLE, NJ			3/22/99	3/28/99	X	X			X				On 03/18/99, a withholding action was taken.
RAYBERN FOODS INC. 06209 M HAYWARD, CA	8/31/01	10/2/01				X							
	11/7/01	11/28/01				X							
ROMANUCCI'S ENTERPRISES 20152 M20152 P CICERO, IL			8/20/01	8/31/01	X								
RUDOLPH FOODS COMPANY, INC. 01055 M LIMA, OH	10/12/01	10/18/01			X								
RYMER MEAT INC. 06972 M06972 P CHICAGO, IL	6/21/01	7/10/01	10/17/01	10/26/01		X							
			10/4/01	10/17/01	X								
S WALLACE EDWARDS & SONS 01636 M SURRY, VA	5/3/01			5/21/01	X	X							

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	
S WALLACE EDWARDS & SONS 01636 M SURRY, VA			6/14/01	6/27/01	X	X							On 06/14/01, suspension was reinstated.
SCHNUCK MARKETS, INC. 13562 M13562 P O'FALLON, MO	11/28/01					X							
SCHWAB AND COMPANY, INC. 02078 M02078 P OKLAHOMA CITY, OK			11/15/01	12/7/01	X	X							
SCHWAB AND COMPANY, INC. 02078 M02078 P OKLAHOMA CITY, OK			12/11/01	12/26/01	X	X							On 12/11/01, suspension was reinstated.
SHAMROCK FOODS COMPANY 06239 M06239 P PHOENIX, AZ	10/5/01	12/4/01			X	X	X						
SIG INTERNATIONAL IOWA, INC. 20748 M BOYDEN, IA	12/27/01					X							
SOUTHEASTERN MEATS 07953 M07953 P CHATTANOOGA, TN	11/23/01					X					12/19/01		
STANLEY PROVISION CO. INC. 07896 M07896 P MANCHESTER, CT	2/16/01			3/12/01		X						11/21/01	
STOVER'S KITCHENS, INC. 20552 M SEATTLE, WA	10/29/01			11/6/01		X							
THE AMERICAN MEAT PACKING CO. 00180 M CHICAGO, IL			11/6/01		X	X							On 12/03/01, case closed by voluntary withdrawal.

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>		
WHITE PACKING COMPANY INC. 01246 M01246 P WILLIAMSTON, NC	6/1/00		6/23/00	12/27/00		X								On 12/27/00, FSIS notified plant that it could resume limited operations provided certain conditions were met. Previously, on 08/10/00, firm requested that FSIS delay proceedings to withdraw inspection. On 08/15/00, based on the plant's commitment to develop and implement revised food safety controls, FSIS granted the plant's request.
WINTERGARDEN QUALITY FOODS 09976 M09976 P ALLENTOWN, PA	11/7/00			11/22/00		X						11/5/01		
ZARTIC INC. 00703A M07489 P CEDARTOWN, GA	12/5/01	12/20/01			X	X								

**Table 7. Administrative Actions: Very Small HACCP Plants
(10/01/01 to 12/31/01)**

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. SAUGY, INC. 09363 M PROVIDENCE, RI			8/1/01	8/14/01	X									
ABBOTSFORD PRODUCE 01632G M ABBOTSFORD, WI			12/12/01							X				Plant failed to meet regulatory requirements concerning egg product salmonella samples.
ACADEMY PACKING CO. INC. 02559 M02559 P DEARBORN, MI			7/19/01	7/30/01		X								
AGY CORPORATION 08757 P MONGAUP VALLEY, NY			3/7/00	3/20/00		X						12/21/01		
ALL AMERICAN MEATS INC. 20420 M OMAHA, NE	10/10/01		10/17/01	11/29/01		X								
ALPINE SAUSAGE CO. 06224 M DENVER, CO			12/13/01	12/20/01					X					
AMERICAN KOSHER PRODUCTS 00980 M MATTAPAN, MA	11/30/01				X									
APALACHIN MEATS INC. 04392 M04392 P APALACHIN, NY	10/24/00			11/27/00	X									
AUSSIE INTERNATIONAL FOODS 20740 M NASHVILLE, TN			8/9/01	8/16/01		X						12/6/01		
AVIAN RESEARCH CENTER, INC. 20538 P PITTSBORO, NC	11/1/01	11/29/01				X								

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		
B. BARKS & SONS, INC. 00183 I PHILADELPHIA, PA			9/13/01	9/17/01	X									
BALL PACKING INC. AND COLD STOR. 19593 M19593 P IDAHO FALLS, ID				7/18/00		X								
BELLE CUSTOM MEATS 21400 M BELLE FOURCHE, SD	8/17/01		9/5/01			X								
BEST TOP QUALITY CORP. 21082 M JERSEY CITY, NJ			12/15/00	4/11/01		X								
BIERLY'S MEAT MARKET 09380 M SPRING MILLS, PA	10/17/01	11/1/01				X								
BLACK RIVER CUSTOM PACKERS 04419 M WATERTOWN, NY			12/6/01	12/12/01				X						
BRISTOL BEEF 05998 M BRISTOL, CT	7/13/00			8/15/00										Plant failed to meet regulatory requirements for <i>escherichia coli</i> Biotype 1 (<i>E. coli</i>).
CABIN HOLLOW BUTCHER SHOP 09819 M DILLSBURG, PA			6/28/01	7/3/01		X						10/11/01		
CAJUN STUFF 20047 M20047 P HOUSTON, TX			11/22/99	11/14/00	X									On 11/17/99, a withholding action was taken.
CALIFORNIA POULTRY, INC. 18189 M18189 P LOS ANGELES, CA			8/9/01			X						10/5/01		
CALMECO, INC. 04902 M POMONA, CA			9/12/01	9/18/01				X						

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	
CALMECO, INC. 04902 M POMONA, CA			10/25/01	10/29/01				X					On 10/25/01, suspension was reinstated.
CALMECO, INC. 04902 M POMONA, CA			11/6/01	11/7/01	X								
CARITAS RANCH BAR-B-Q, INC. 20207 M20207 P BOERNE, TX				5/9/01		X					12/17/01		On 05/03/01, a withholding action was taken.
CLOVERLEAF COLD STORAGE 17202B M NAPOLEON, OH	12/20/01	12/28/01			X								
DAVE FINE MEAT PACKERS, INC. 09715 M SAXONBURG, PA	6/29/01			8/24/01		X					12/6/01		
			7/3/01	7/10/01	X						12/6/01		
			8/1/01	8/24/01	X						12/6/01		On 08/01/01, suspension was reinstated.
DEL MONTE MEATS 11022 M11022 P POCATELLO, ID			11/23/01			X							
DILULLO & SONS 01153 M08491 P WESTVILLE, NJ			7/27/01	8/3/01	X						12/11/01		
EDELWEISS VEAL CO. 08829 M ALBANY, NY			10/9/01						X				On 10/18/01, case closed based on plant owner's signed agreement containing assurances for a safe work environment for FSIS program employees. On 10/10/01, firm had appealed the suspension. The appeal was denied.

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	
F & T MEATS, INC. 02183 M02183 P NEWARK, NJ			5/1/01	5/4/01	X							11/20/01	
GAISER'S EUROPEAN STYLE PROV. 05385 M05385 P UNION, NJ			8/16/99	8/25/99	X							10/19/01	
			9/27/01			X							
GLOBAL FOOD MANAGEMENT GROUP 19913 M19913 P COLTON, CA			5/23/01	7/3/01		X							
GORDITO'S MEATS 20017 M OGDEN, UT			9/14/01	9/18/01					X				
HALAL MANUFACTURING INC. 19088 M19088 P FREEPORT, NY			10/6/00	10/12/00		X						10/15/01	
HAPANOWICZ BROTHER MARKET 04274 M04274 P NEW YORK MILLS, NY	12/20/01					X							
HARTMAN MEAT CO. 06507 M WASHINGTON, DC			7/12/01	7/16/01					X			10/30/01	
HARVEST HOUSE FARMS 21285 M21285 P JOHNSON CITY, TX			11/6/01	11/8/01					X				
HOCKENBERRY PROCESSING 19397 M FORT LOUDON, PA	10/24/01	12/3/01			X	X							
HOLIDAY FOODS INC. 18074 M18074 P HOLLYWOOD, FL	12/17/01				X	X							

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. 09947 M09947 P LINDEN, NJ			4/10/00	4/14/00		X						10/19/01	On 04/12/00, firm had appealed the suspension. The appeal was denied.
HOMESTEAD GOURMET FOODS CO. 09947 M09947 P LINDEN, NJ	5/9/00					X						11/16/01	
			5/16/00	5/19/00		X						10/19/01	On 05/16/00, suspension was reinstated.
HOP SANG COMPANY 04978 M SAN FRANCISCO, CA	9/21/00		11/28/01	12/4/01		X							
HSIN-CHIH ENTERPRISES INC. 09936 M09936 P COLLEGE POINT, NY			5/10/00	4/25/01		X							
			10/5/01	11/30/01		X							On 10/05/01, suspension was reinstated.
HUDSON VALLEY FOODWORKS 20177 M20177 P POUGHKEEPSIE, NY			5/10/01	7/10/01	X							11/16/01	On 05/08/01, a withholding action was taken.
J DURANDO & SONS INC. 04459 M04459 P NEW YORK, NY			3/23/01	4/4/01	X								
J Z FLORCZAK MEAT PRODUCTS 09907 M SOUTH AMBOY, NJ	3/27/01			4/25/01	X	X						11/16/01	
J&M MEATS INC. 00501 M08116 P EUREKA, MT	8/29/01	9/21/01	12/26/01		X	X							
JAM-TEX, INC. 21416 M TOMBALL, TX	8/16/01	8/23/01											Plant failed to meet regulatory requirements for <i>escherichia coli</i> Biotype 1 (<i>E. coli</i>).

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	
JOHNSTON COUNTY HAMS 02646 M02646 P SMITHFIELD, NC			5/17/01	6/22/01		X						12/17/01	On 05/01/01, a withholding action was taken.
JR BUTCHER SHOPPE INC. 06380 M06380 P LUDLOW, MA	7/28/00			9/13/00		X						12/11/01	
KING POULTRY LLC 20820 M20820 P LA PUENTES, CA			7/24/01	7/25/01	X	X						10/5/01	
KINGS CHOICE CUSTOM MEAT CO. 04878 M LOS ANGELES, CA	12/7/01	12/19/01				X							
KWALITY MEAT CENTER INC. 19348 M19348 P LAKEWOOD, NJ			7/19/00	8/16/00	X								
			7/27/00	8/16/00		X							
LAKE COUNTRY MEATS, INC. 07796 M07796 P CARLOS, MN	11/14/01		11/29/01										Plant failed to meet regulatory requirements for <i>escherichia coli</i> Biotype 1 (<i>E. coli</i>).
LET'S DO LUNCH, INC. 19056 M GARDENA, CA	12/27/01					X							
LIEB BROTHERS PACKING CO. 01991 M01991 P PITTSTON, PA	8/3/00		8/18/00	10/25/00			X						
			3/16/01	7/10/01			X						On 03/16/01, suspension was reinstated.
LOCUST GROVE FARM 04265 M04265 P ARGYLE, NY	9/13/01										11/9/01		Plant failed to meet regulatory requirements for <i>escherichia coli</i> Biotype 1 (<i>E. coli</i>).

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		
MEDITERRANEAN FOODS, INC. 18977 M UPPER DARBY, PA	7/7/00			8/22/00		X								
MEDITERRANEAN FOODS, INC. 18977 M UPPER DARBY, PA			7/20/01			X								On 07/20/01, suspension was reinstated.
METRO PACKING COMPANY 00278 M10278 P DETROIT, MI			8/6/01	8/10/01	X									
MONDO & SONS, INC. 09328 M09328 P SEATTLE, WA	9/7/01			9/21/01		X								
			12/3/01			X								
MOUNTAIN PROD. SMOKEHOUSE 17458 M17458 P LAGRANGEVILLE, NY	12/7/00			1/4/01	X							11/16/01		
MYERS BROTHERS 09469 M SPRING MILLS, PA	8/23/01	8/31/01	9/27/01		X	X								
NEW WILMINGTON SLAUGHTER HOUSE 08609 M NEW WILMINGTON, PA	8/2/01		8/10/01	8/21/01	X									
			12/13/01		X									On 12/13/01, suspension was reinstated.
ORANGE COUNTY IMPORTING CO. 04370 M VAILS GATE, NY			5/2/01	5/3/01	X							11/16/01		

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	
PAN-AM MICHELS LTD 07847 M07847 P LINDEN, NJ	4/27/01		4/25/01	5/1/01		X						11/16/01	
PAN-AM MICHELS LTD 07847 M07847 P LINDEN, NJ			9/28/01	10/24/01		X							
PARMA SAUSAGE PRODUCTS, INC. 09728 M PITTSBURGH, PA	8/2/01	8/30/01			X						11/28/01		
PASSANANTE BROTHERS, INC. 05221 M05221 P BRISTOL, PA	6/13/01		6/28/01	7/3/01	X								
			9/6/01	9/11/01	X								On 09/06/01, suspension was reinstated.
PHU HUONG FOODS CO., INC. 07681 M07681 P ROSEMEAD, CA	7/19/01	8/3/01				X					10/5/01		
PURDY & SONS 04705 M04705 P SHERBURNE, NY			11/8/00	11/9/00		X						10/31/01	
QUALITY BEEF CO. 05070 M05070 P PROVIDENCE, RI			6/5/01	6/7/01	X				X			12/4/01	
RADD DEWS BAR-B-Q PIT 09088 M CONWAY, SC			9/17/01	9/21/01	X	X						12/17/01	
REAL KOSHER SAUSAGE CO. INC. 00999 M07894 P NEW YORK, NY			3/22/01	5/31/01	X							12/18/01	
RIVIERA RAVIOLI, INC. 08847 M08847 P BRONX, NY			11/7/01	12/12/01	X								

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		
RUSSO'S ITALIAN SPECIALTIES 19186 M ROCKFORD, MI	11/22/00			12/13/00		X								
SAAD WHOLESale, INC. 10153 M10153 P DETROIT, MI				5/18/01			X							On 05/11/01, a withholding action was taken.
SALMA HALAL MEAT 20364 M20364 P HIGH POINT, NC	7/12/01		7/20/01	9/10/01		X						12/20/01		
SCHUMACHER WHOLESale MEATS 02419 M GOLDEN VALLEY, MN	11/9/01	11/15/01				X								
SHARON PACKING CO., INC. 08550 M SHARON, PA			10/16/01	10/22/01		X								Plant produced and shipped ground product that tested positive for <i>E. coli</i> 0157:H7.
SMOKEHOUSE OF THE CATSKILLS 04585 M04585 P SAUGERTIES, NY	9/19/01				X	X								
STAMPEDE PACKING COMPANY 04940 M04940 P KALISPELL, MT	7/13/01	7/24/01				X						10/23/01		
STEWART'S PROCESSING CORP. 20087 M20087 P SARATOGA SPRINGS, NY	5/7/01	6/7/01				X								
TALISMAN FOODS, INC. 06265 M06265 P SALT LAKE CITY, UT	8/14/01		8/23/01	9/4/01		X								
			9/10/01	9/19/01		X								On 09/10/01, suspension was reinstated.
TAN DINH FOOD PRODUCTS CORP. 13367 M HOUSTON, TX			11/23/01		X									

Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
TEXAS CHILI COMPANY 07067 M07067 P FORT WORTH, TX	9/12/01					X						10/3/01	
TROUTMAN'S & SONS 08543 M MIDDLEBURG, PA	10/1/01		11/5/01	11/7/01	X	X							
USA PORK PACKERS, INC. 20760 M20760 P HAZELTON, PA	9/20/01	10/19/01			X	X							
WILLIAMSBURG PACKING 04005 M KINGTREE, SC			11/20/01	11/21/01		X						12/18/01	

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

(10/01/01 to 12/31/01)

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

Establishment	Location	Complaint to Deny/Withdraw Inspection	Consent Decision	Actions
CROSS CREEK/VANGUARD CULINARY GROUP 08334 M 08334 P	FAYETTEVILLE, NC	6/7/99	12/12/01	On December 12, 2001, the firm and messrs. James G. Stancil and Robert C. Stackhouse entered into a Consent Decision and Order with FSIS. The four-year Order requires Mr. Stancil to operationally and financially divest himself from the company and resign as president. It also precludes Mr. Stackhouse from assuming a managerial position or having a financial interest in the company. On June 20, 2001, FSIS filed a motion to set an oral hearing date with USDA Hearing clerk. The complaint to withdraw inspection was 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. 09956 M 09956 P	GREENVILLE, NY	7/27/98	3/13/00	On September 17, 2001, the company appealed a Decision and Order issued by a U.S. District Judge on September 4, 2001, which concurred with the USDA Judicial Officer's decision. On July 5, 2000, the company appealed the USDA decision to withdraw to the U.S. District Court. On June 1, 2000, the USDA Judicial Officer concurred with the ALJ decision. On March 13, 2000, a USDA Administrative Law Judge issued a Decision and 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.
JACOB FLEISHMAN COLD	MIAMI, FL	2/17/00	11/2/01	On November 2, 2001, the firm entered into a Consent Decision and Order with FSIS. The thirty-eight month order requires the firm to establish and maintain a program to train and educate its employees on the proper handling and storage of meat, poultry, and egg products, and to take necessary actions to prevent products from becoming adulterated by insanitary conditions. It also requires the firm to include pest control services in its sanitation program. The complaint to withdraw inspection was based on corporation's conviction and a felony conviction of a predecessor corporation to Jacob Fleishman Cold Storage, Inc. The corporation was

Establishment	Location	Complaint to Deny/Withdraw Inspection	Consent Decision	Actions
PHOENIX POULTRY/ OPPENHEIMER (GEORGE) 18031 P	WEST SPRINGFIELD, MA	3/1/01		<p>convicted of causing, 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 January 4, 2001, a motion to set an oral hearing was filed. On August 11, 2000, the corporation filed an answer and requested an oral hearing with the USDA Hearing Clerk.</p> <p>The complaint to withdraw inspection was 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. George Oppenheimer and firm answered the complaint on March 18, 2001, and March 19, 2001, respectively.</p>

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
(10/01/01 to 12/31/01)**

Criminal Actions

Name	Location	Indictment	Information	Plea	Sentencing	Actions
CLAUSEN MEATS BRIAN CLAUSEN, OWNER	LOS OLIVOS, CA			10/15/01		Owner pled guilty to two (2) felony charges for transportation and sale of adulterated and misbranded meat food products.
DINO MEAT CO. INC. O. NEIL WILLIAMS, PRES.	PORTLAND, TN			8/24/01	11/19/01	Firm fined \$3,000, \$400 special assessment, and two (2) years probation for sale and transportation of misbranded poultry product.
HOP KEE INC. GLORIA LAM, PRES.	CHICAGO, IL			9/26/01		Firm pled guilty to one (1) felony count for knowingly selling, transporting and offering for sale and transportation adulterated poultry products in commerce and one (1) misdemeanor count each for causing USDA and FDA products to become adulterated. Mr. Thomas Lam, owner, pled guilty to two (2) separate misdemeanor counts for causing USDA and FDA products to become adulterated. Sentencing rescheduled for March 13, 2002.
JOYNER, JOHN R/LAURA dba J & J MARKETING	LUBBOCK, TX			6/14/01	10/11/01	John Joyner fined \$2,000, \$100 special assessment, sentenced to 120 days home confinement, and three (3) years probation for one (1) count of felony sale of adulterated meat products. Laura A. Joyner fined \$500, \$25 special assessment, and three (3) years probation for one (1) count misdemeanor sale of adulterated meat products.
NASH FINCH CO.	LUMBERTON, NC			10/10/01		Pled guilty to a one (1) count misdemeanor for sale in commerce of adulterated meat and poultry products.
DONALD STICKLE, SR. DONALD STICKLE, JR., OWNERS	ANAMOSA, IA			12/28/01	12/28/01	Defendants each ordered to pay a \$5,000 fine, \$5,000 cost, and \$25 assessment fee, and limit their involvement in the sale and distribution of meat food products.

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 were no pre-trial diversion agreements this quarter.

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. 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 was one new injunction for the period.

**Table 10. Civil Actions
(10/01/01 to 12/31/01)**

Name	Location	Complaint	Injunction	Action
SOUDERTON ORIENTAL FOOD MKT. PHUONG VAN NGUYEN, OWNER	SOUDERTON, PA	10/18/01	10/18/01	Firm and associated individuals were permanently enjoined from violating FMIA and PPIA involving sale, transporting, receiving in transportation, and offering for sale or transportation any uninspected or misbranded meat or 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) 720-8594

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