

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY ENFORCEMENT REPORT
July 1, 2005 through September 30, 2005**

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
NOTICES 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 Shell Eggs](#)" that can be accessed at:

http://www.fsis.usda.gov/Fact_Sheets/Focus_On_Shell_Eggs/index.asp . 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 investigators 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, mishandling 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.

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 through a written Noncompliance Record (NR).

NRs document noncompliance with FSIS regulations and notify the plant that it must take action to remedy the situation and should take measures to prevent its recurrence. If this is done, then the plant will continue to operate without interruption. Noncompliance 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 1,960,797 verification procedures.

Table 1a provides numbers of NRs issued by FSIS inspection personnel between July 1, 2005 and September 30, 2005. **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 (7/01/05 to 9/30/05): **33,677**

Table 1b. Appeals NRs (7/01/05 to 9/30/05)

Number of Plants Filing Appeals: 224

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total Appeals Resulting In Modified NR	Total NRs Appealed
134	186	35	69	424

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 34,597,164 livestock carcasses, of which 60,273 carcasses were condemned. FSIS inspected 2,399,829,475 poultry carcasses of which 11,412,849 carcasses were condemned.

Detentions

FSIS investigators, import officers and other designated FSIS personnel will detain any product that may be adulterated or misbranded when found in commerce. If product cannot be disposed of within 20 days, then FSIS may request any U.S. District or other court to seize the product as provided for in the Federal Meat Inspection Act and Poultry Products Inspection Act. Most detentions result in voluntary disposal of the product and do not require court actions. **Tables 2a., 2b., and 2c.** provide the number of detentions and the pounds of product involved in these actions for meat and poultry products for this quarterly reporting period. Table 2a. provides the information on detentions made by Compliance and Investigations Division (CID), Office of Program Evaluation, Enforcement and Review investigators. Table 2b. provides the detention information for the Office of International Affairs. Table 2c. provides the detention information for the Office of Field Operations.

**Table 2a. Detention Summary
(7/01/05 to 9/30/05)**

Detentions: CID Regions

Total number of detentions	131	
Total pounds of product detained	67,096,510	
	Detentions	Pounds Detained
WESTERN	31	457,800
SOUTHEAST	13	14,043,550
MIDWEST	10	16,869
SOUTHWEST	51	52,188,123
GREAT PLAINS	20	365,013
NORTHEAST	<u>6</u>	<u>25,155</u>
Totals	131	67,096,510

**Table 2b. Detention Summary
(7/01/05 to 9/30/05)**

Detentions: OIA Regions

Total number of detentions	19	
Total pounds of product detained	56,958	
	Detentions	Pounds Detained
REGION 2 (Detroit)	8	164
REGION 3 (Los Angeles)	4	132
REGION 4 (Miami)	4	93
REGION 5 (Philadelphia)	<u>3</u>	<u>56,569</u>
Totals	19	56,958

Note: During this time period, no other detentions in other OIA regions were reported.

**Table 2c. Detention Summary
(7/01/05 to 9/30/05)**

Detentions: OFO Districts

Total number of detentions	3	
Total pounds of product detained	109,554.1	
	Detentions	Pounds Detained
ATLANTA	1	151.1
PHILADELPHIA	1	1,403.0
LAWRENCE	1	<u>108,000</u>
Totals	3	109,554.1

Note: During this time period, no other detentions in other OFO districts were reported.

Recalls

A recall is a firm's voluntary removal of adulterated or misbranded products from trade or consumer channels. Class I recalls involve a health hazard for which 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 where 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 will not cause adverse health consequences. In cases where a firm decides not to accept the FSIS recommendation and chooses not to conduct a recall, FSIS will detain any product that would have been subject to a recall that it finds in commerce. FSIS, Congressional and Public Affairs (CPA) will issue a press release informing the public that product that appears to be adulterated or misbranded has been shipped by the responsible firm and that the firm has refused to recall it. For current information on recalls, go to the FSIS recalls web page at:

http://www.fsis.usda.gov/Fsis_Recalls/index.asp .

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 Border Protection and the Animal and Plant Health Inspection Service (APHIS), 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 FY2005.

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

FY 2005							
Quarter	Presented	Refused ¹	Reinspected	TOIs Perf ²	Accepted	Rejected ³	Combined Rejected and Refused
Q-1 (Oct – Dec)	1,042,311,004	42,216	86,784,991	7,112	1,040,533,769	1,735,019	1,777,235
Q-2 (Jan – Mar)	1,039,424,846	13	89,531,074	9102	1,036,529,409	2,895,424	2,895,437
Q-3 (Apr – Jun)	1,160,010,100	79,311	112,758,027	13,172	1,156,189,980	3,740,809	3,820,120
Q-4 (Jul – Sep)	1,061,598,833	48,757	125,074,422	15,374	1,055,174,393	5,539,384	5,588,141
Cumulative Totals	4,303,344,783	170,297	414,148,514	44,760	4,288,427,551	13,910,636	14,080,933

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

Presented, Reinspected, and Refused Entry

FY 2005		
QUARTER	PRESENTED	REFUSED ⁴
Q-1 (Oct – Dec)	2,349,683	0
Q-2 (Jan – Mar)	4,049,087	0
Q-3 (Apr – Jun)	1,965,805	0
Q-4 (Jul – Sep)	1,928,100	0
Cumulative Totals	10,292,675	0

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 FY2005.

NOTICES OF WARNING

FSIS issues Notices of Warning (NOW) 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. Notices 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 Notices of Warning issued by the Office of Program Evaluation, Enforcement and Review (OPEER) headquarters office and by each of the CID Regions during the reporting period.

**Table 4. Notices of Warning for Criminal Actions
(7/01/05 to 9/30/05)**

Notices of Warning for Criminal Violations

Total number of NOWs issued for violations:	242
Number issued by Headquarters:	13
CID Region	Number of NOWs Issued by Regions
WESTERN	45
SOUTHEAST	17
MIDWEST	29
SOUTHWEST	30
GREAT PLAINS	10
NORTHEAST	98
Total number issued by Regions	<hr/> 229

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 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 219 plants. Ninety-seven of the actions in these plants were initiated during this reporting period. Sixty 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.

There were no appeal of suspension actions filed during this period.

**Table 5. Administrative Actions: Large HACCP Plants
(7/01/05 to 9/30/05)**

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 Abeysance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
CARGILL MEAT SOLUTIONS CORPORATION 00086E M FRIONA, TX						X					X	09/16/05	On 12/13/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
CON AGRA FOODS REFRIGERATED 06863 M06863 P PERU, IN	05/16/05	06/03/05			X	X						09/07/05	
CONAGRA FOODS REFRIGRATED FOOD 00177H M02416H P HASTINGS, NE	03/03/05	03/10/05				X						07/07/05	
CRIDER POULTRY INC 06519 M06519 P STILLMORE, GA	04/14/05	04/22/05			X	X						09/12/05	
EXCEL CORP 00086R M FORT MORGAN, CO				02/22/05		X					X		On 8/11/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8. On 12/22/04, plant appealed the withholding action. Appeal was denied on 1/25/05.
FARMER'S PRIDE, INC. 01304 P FREDERICKSBURG, PA	06/30/05	07/13/05			X	X	X						
FOSTER POULTRY FARMS 06164A P KELSO, WA	01/21/05		01/28/05	02/01/05	X	X						09/28/05	
FOSTER POULTRY FARMS 07632 P FRESNO, CA	06/30/05	07/26/05			X	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 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	
GOLD KIST, INC 17500 P RUSSELLVILLE, AL	08/17/05	08/26/05			X	X							
HEINZ FROZEN FOODS 18205 M18205 P POCATELLO, ID	06/28/05	07/14/05			X	X						09/19/05	
I AND K DISTRIBUTORS, INC. 07653 M07653 P DELPHOS, OH	04/07/05	05/09/05			X	X							
KRAFT FOODS GLOBAL, INC 00537C M02310 P DAVENPORT, IA	08/09/05	08/12/05			X								
LUIGINO'S INC 18297 M18297 P JACKSON, OH	05/19/05	06/17/05			X	X							
MAR JAC POULTRY INC. 00032 P GAINESVILLE, GA	08/05/05	08/26/05			X		X						
MARSHALL DURBIN 01307 P JASPER, AL	03/07/05	03/16/05			X	X							
MORONI FEED COMPANY 00751 M01049 P MORONI, UT			09/20/05	09/20/05					X				
MOUNTAIRE FARMS OF NORTH CAROLINA 07470 P LUMBER BRIDGE, NC	08/10/05	08/19/05			X	X	X						
NEBRASKA BEEF LTD 19336 M OMAHA, NE	06/23/05	06/30/05						X					
OVERHILL FARMS 06147 M06147 P VERNON, CA	05/26/05	06/10/05			X	X							

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
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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		
PETERSON FARMS INC 00550 P DECATUR, AR	07/28/05	08/05/05			X	X	X							
PILGRIM'S PRIDE CORP OF DELAWARE 13485 P FARMERVILLE, LA	09/09/05	09/30/05			X	X	X							
PREMIUM STANDARD FARMS 00413 M CLINTON, NC	06/24/05	07/12/05			X	X	X							
SANDERSON FARMS INC. 00522 P COLLINS, MS	04/01/05	04/11/05			X	X					X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
SARA LEE FOOD 06911 M00261 P ZEELAND, MI	07/15/05	07/27/05			X	X								
SARA LEE FOODS 08080 M08080 P NEWBERN, TN	03/11/05	03/28/05				X						07/26/05		
SARA LEE FOODS 00780 M00780 P WEST POINT, MS	09/30/05				X	X	X							
SCHWAN'S FOOD MANUFACTURING INC 07645K M07645K P FLORENCE, KY	09/23/05				X	X								
TOWNSENDS OF ARKANSAS, INC 00468 P BATESVILLE, AR	09/13/05	09/27/05			X	X								
TYSON FOOD, INC. 00758 P CARTHAGE, MS	09/08/05	09/30/05			X	X	X							
TYSON FOODS 07478 M00001 P WILKESBORO, NC	09/21/05	09/30/05			X	X	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 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	
TYSON FOODS INC. 06651 P SHELBYVILLE, TN	06/15/05	06/22/05			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
TYSON FOODS INC. 00622 P MONROE, NC	08/15/05	08/25/05			X	X							
TYSON FOODS, INC 00244G M GOODLETTSVILLE, TN	08/26/05	09/02/05			X	X							
TYSON FRESH MEATS INC 00245L M LEXINGTON, NE			03/12/04	03/18/04		X							
						X				X			On 3/10/05, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
	09/16/05	09/29/05			X	X							
TYSON FRESH MEATS INC. 00245E M AMARILLO, TX						X				X	07/14/05		On 11/25/03, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
TYSON FRESH MEATS INC. 09268 M PASCO, WA						X				X			On 7/28/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
TYSON FRESH MEATS INC. 00245D M EMPORIA, KS						X				X			On 12/23/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
WASHINGTON BEEF LLC 00235 M00235 P TOPPENISH, WA			05/26/05	05/27/05					X				
WAYNE FARMS 01235 P DECATUR, AL	08/22/05	09/07/05			X	X							

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
(7/01/05 to 9/30/05)**

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	09/19/05	09/23/05			X	X							
ALFERY'S SAUSAGE CO INC 09702 M09702 P MT PLEASANT, PA	06/06/05	06/15/05			X	X	X					09/16/05	
AMERICAN OUTDOOR PRODUCTS, INC 04933 M04933 P BOULDER, CO	03/25/05	04/20/05			X	X							
B.C. NATURAL CHICKEN, INC 00493 P FREDERICKSBURG, PA	07/14/05	07/29/05			X	X							
BENTON PACKING COMPANY 10629 M10629 P BENTON, AR			03/07/05	03/16/05	X	X						09/13/05	
BERRY PACKING INC. 02325 M02325 P CROSSETT, AR			04/13/05	04/14/05				X					
			09/16/05		X	X		X					On 9/16/05, suspension was reinstated.
BEST PROVISIONS CO., INC 05151 M NEWARK, NJ	06/30/05	07/12/05			X		X					09/16/05	
C.W. BROWN & COMPANY 08871 M MOUNT ROYAL, NJ	06/08/05	06/17/05			X	X						09/16/05	
			08/09/05		X	X							

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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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
CARANDO GOURMET FOODS CORP 07862 M07862 P SPRINGFIELD, MA	09/15/05		09/30/05		X	X	X						
CARGILL MEAT SOLUTIONS CORP. 00086J M NEBRASKA CITY, NE	07/21/05	08/03/05				X							
CARIBBEAN FOOD DELIGHT, INC 04008 M04008 P TAPPAN, NY	08/01/05	08/05/05			X	X							
CLARMIL MANUFACTURING CO 20647 M20647 P HAYWARD, CA	07/29/05	08/11/05			X	X							
CRESCENT SLAUGHTERHOUSE CORP 21527 M DETROIT, MI			07/18/05	09/14/05					X				
			06/29/05	09/15/05				X					
CRESTON VALLEY MEATS 22095 M22095 P CRESTON, CA	08/15/05	08/30/05			X	X							
CRISS CROSS EXPRESS OF ILLINOIS INC 27260 M RANTOUL, IL	01/24/05	02/16/05				X							
CULVER DUCK FARMS, INC 02028 P MIDDLEBURY, IN	07/28/05	08/18/05			X	X	X					09/29/05	
CUMBERLAND GAP PROVISION COMPANY INC 08028 M08028 P MIDDLESBORO, KY	04/08/05	04/22/05				X	X					08/02/05	
DAILY FOODS INC 06133 M 06133 P SALT LAKE CITY, UT	03/24/05	05/10/05			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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
DAY-LEE FOODS, L.P. 17309 M17309 P SANTA FE SPRINGS, CA	03/23/05	04/06/05			X	X							
DESERET MEAT 04852 M SPANISH FORK, UT			07/27/05	08/01/05		X				X			On 7/27/05, a suspension action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.3.
DINNER BELL MEAT PRODUCTS, INC 07440 M07440 P LYNCHBURG, VA	03/14/05	03/29/05	06/30/05	07/12/05	X	X							
ECO FRIENDLY FOODS 21938 M21938 P MONETA, VA	03/28/05	04/07/05								X	08/11/05		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
ESKIMO PACKING COMPANY 13470 M13470 P EXETER, MO	09/27/05				X		X						
FLANDERS PROVISION COMPANY 09145 M09145 P WAYCROSS, GA	08/30/05	09/13/05			X	X							
FOOD SOURCE, L.P. 13130 M13130 P MCKINNEY, TX	04/06/05	04/15/05			X	X					09/30/05		
FOREST PACKING CO. 01283 P FOREST, MS	06/29/05	07/14/05			X	X							
GOEHRING'S THIRD GENERATION 31808 M31808 P YUBA CITY, CA	02/02/05	02/11/05				X					09/14/05		
H&S PROVISIONS, INC. 04020 M04020 P CAMDEN, NJ	02/18/05	03/01/05			X	X					09/22/05		

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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	
HAMMONS MEAT SALES 09899 M09899 P BAKERSFIELD, CA			08/17/05	08/23/05	X								
HERFURTH BROTHERS MEAT INC 09465 M09862 P GILBERT, PA	09/09/05	09/27/05			X	X					X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
J.C. POTTER ACQUISITION CORP. 00961 M DURANT, OK	02/03/05	02/10/05			X	X	X						
JACK LAMBERSKY POULTRY CO. 04340 M04340 P CAMDEN, NJ	08/19/05	09/02/05			X	X	X						
JIM'S COUNTRY MILL SAUSAGE 09191 M09191 P HAMILTON, AL	08/26/05	09/15/05			X	X					X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
JOHN VOLPI AND CO 00978 M ST. LOUIS, MO	07/20/05	09/02/05			X	X							
JUST FOODS, L.L.C. 05674 M05674 P HASTINGS, NE	03/31/05	04/08/05	05/24/05	06/09/05	X	X	X						
KINGS COMMAND FOODS INC 01515A M06121A P KENT, WA	09/23/05	09/30/05				X							
KING'S FOOD SERVICE CORPORATION 13530 M13530 P HOUSTON, TX	08/05/05	08/09/05				X							
KOCH FOODS LLC 07487 P CHATTANOOGA, TN	01/31/05	02/07/05			X	X					X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
KOWALSKI COMPANIES, INC 10072 M10072 P HAMTRAMCK, MI	08/02/05	08/11/05				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	
LET'S DO LUNCH, INC. 19056 M19056 P GARDENA, CA			06/01/05	06/14/05	X	X							
LONGHORN BAR-B-QUE 01053 M04169 P SPOKANE, WA	08/19/05	09/02/05			X	X							
LORD'S MEATS, INC 18714 M18714 P DEXTER, GA	09/19/05				X	X							
MANN'S INTERNATIONAL LLC 04219 M04219 P OMAHA, NE	08/25/05	09/02/05			X	X							
MINNESOTA BEEF INDUSTRIES, INC 17466 M BUFFALO LAKE, MN	09/21/05	09/29/05				X							
MONTEBELLO MEAT PROCESSING, INC 19075 M19075 P MANATI, PR	08/01/05	08/18/05			X	X				X		09/26/05	On 8/1/05, an enforcement action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.4.
NEW MARKET POULTRY PRODUCTS, INC. 004602A P NEW MARKET, VA	04/14/05	04/25/05			X		X					07/14/05	
ODOM'S TENNESSEE PRIDE 06544A M06544A P LITTLE ROCK, AR	05/16/05	05/27/05			X	X	X						
OLYMPIA FOOD INDUSTRIES, INC. 18743 M18743 P CHICAGO, IL	12/02/04	12/09/04			X	X						07/25/05	
P.G. MOLINARI & SONS INC 06036 M SAN FRANCISCO, CA			02/15/05	03/04/05	X		X					09/07/05	

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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>	
P.L.B. INC. dba UNCLE CHARLIE'S MEATS 07308A M07946 P RICHMOND, KY	08/12/05	08/30/05				X							
PAP'S LOUISIANA CUISINE, INC 13581 M13581 P PRAIRIEVILLE, LA	07/20/05		08/12/05	08/19/05	X	X	X						
PECO FOOD INC 00890 P CANTON, MS	05/18/05	06/03/05			X	X							
PILGRIMS PRIDE 13485A M13485A P FARMERVILLE, LA	05/19/05	06/03/05			X	X						09/23/05	
PILGRIM'S PRIDE CORPORATION 07091 P MOUNT PLEASANT, TX	05/26/05	06/03/05				X						08/17/05	
PINE RIDGE FARMS, LLC 01775 M DES MOINES, IA	03/24/05	03/28/05			X	X						07/12/05	
PLUMROSE USA, INC 00026A M00423 P BOONEVILLE, MS	03/21/05	04/12/05			X	X	X						
PREMIUM IOWA PORK, LLC 21069 M HOSPERS, IA	04/19/05	04/28/05			X	X						08/09/05	
PRIME DELI CORPORATION 13553 M13553 P LEWISVILLE, TX	05/18/05	05/27/05			X	X							
R.L. ZEIGLER CO. INC 09156S M09156S P SELMA, AL	07/07/05	07/28/05			X	X							
RESER'S FINE FOODS 13125 M13125 P TOPEKA, KS	04/18/05	04/26/05			X	X						07/29/05	

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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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
RICHELIEU FOODS, INC 05699 M05699 P BEAVER DAM, WI	08/12/05	08/23/05			X	X							
SEAPORT MEAT COMPANY 06153 M06153 P SPRING VALLEY, CA			06/01/05	06/03/05			X						
SHARON MCGUIGAN, INC. 19628 M19628 P ASTON, PA	05/19/05	06/01/05				X				X		07/19/05	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
SIERRA MADRE FOODS 06009 M MONTEREY PARK, CA			01/18/05	01/24/05			X						
SNOW BALL FOODS 07569 M07569 P WILLIAMSTOWN, NJ	09/01/05	09/16/05			X	X							
SYLVEST FARMS INC 18080 P SYLACAUGA, AL	03/02/05	03/24/05				X						08/05/05	
T&L CREATIVE SALADS 19930 M19930 P BROOKLYN, NY			09/28/05		X	X	X						
THE HAIN CELESTIAL GROUP, INC 19362 M19362 P FRAMINGHAM, MA	09/02/05					X							
THUMANN INC. 07878 M07878 P CARLSTADT, NJ	09/09/05	09/21/05			X	X	X						
TURRI'S ITALIAN FOODS, INC. 06837 M06837 P ROSEVILLE, MI	06/20/05	06/30/05			X	X							
VAN ORIENTAL FOOD, INC 13219 M13219 P DALLAS, TX			04/18/05	04/20/05					X			07/07/05	

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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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
WALT'S WHOLESALE MEATS, INC. 06423 M06423 P WOODLAND, WA	09/16/05	09/19/05								X			
WINTER SAUSAGE MANUFACTURING COMPANY, INC. 10158 M10158 P EASTPOINTE, MI			06/02/05	07/14/05	X	X							
YORK MEAT PLANT 22079 M THOMASTON, GA	07/08/05		07/20/05	08/04/05	X	X	X						
ZAMORA MEXICAN FOOD PRODUCTS 21392 M21392 P CITY OF INDUSTRY, CA	03/25/05	04/08/05			X	X							
ZARTIC INC 00703A M07489 P CEDARTOWN, GA	08/06/04	09/13/04	01/18/05	02/14/05	X	X							

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**Table 7. Administrative Actions: Very Small HACCP Plants
(7/01/05 to 9/30/05)**

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 & W COUNTRY MEAT 10801 M TANEYTOWN, MD	05/02/05		05/09/05	06/15/05		X							07/26/05	
A&G FINE FOODS, INC. 20597 M20597 P MIDDLESEX, NJ	04/29/05	05/12/05			X	X					X		07/13/05	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli) and Advanced Meat Recovery System testing.
A.J. CEKAK'S MEAT MARKET 21562 M ORD, NE	09/01/05	09/20/05			X	X					X			On 9/1/05, an enforcement action concerning failure to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli) and Bovine Spongiform Encephalopathy/Specified Risk Material was taken in accordance with 9 CFR Part 500.4.
ABE'S CAJUN BOUDIN, INC 13251 M13251 P LAKE CHARLES, LA	04/20/05	05/04/05			X	X								
ABUELITA'S EMPANADAS 32177 M32177 P DOUGLASTON, NY	09/29/05	10/11/05			X	X								
ADJR, INC. 21029 M21029 P PAULDING, OH	04/14/05	05/09/05			X	X	X							
AL SHABRAWY INC 19160 M SOUTH RIVER, NJ	05/18/05	05/27/05				X								
ALLISON'S GOURMET KITCHENS, LTD 27404 M27404 P MOORE, OK	05/05/05	05/13/05			X	X								
			08/23/05	09/02/05	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	
ATLANTIC VEAL AND LAMB, INC 00102 M00102 P OLYPHANT, PA	09/21/05					X							
B & R BIEROCKS 21748 M ST FRANCIS, KS	09/19/05				X	X							
BARTLOW BROTHERS INC 02595 M02595 P RUSHVILLE, IL	08/17/05	09/02/05			X	X							
BENNY'S PORK SKINS 13069 M13069 P EL PASO, TX	04/14/05		04/27/05	05/04/05	X	X						09/27/05	
BLUE RIDGE PACKING CO 17257 M HILLSVILLE, VA	05/19/05	06/02/05			X	X						09/22/05	
BONITA'S PIZZA 17977 M17977 P PORTLAND, ND	07/15/05	07/22/05				X							
BROWN'S PROCESSING 13100 M13100 P ELSBERRY, MO	08/08/05	08/16/05			X	X				X			On 8/8/05, an enforcement action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.4.
BURTON SAUSAGE COMPANY 21634 M21634 P BURTON, TX	05/10/05	05/13/05			X	X						09/28/05	
CAMP STEAK CO INC 01724 M01724 P CULVER CITY, CA			03/31/05	04/27/05	X								
CARITAS RANCH BAR-B-Q, INC 20207 M20207 P BOERNE, TX	03/29/05	04/04/05				X							
CENTER MARKET PROVISION CO. 02610 M WASHINGTON, DC	06/20/05	06/30/05			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	
CHAMPLAIN BEEF INC 08547 M WHITEHALL, NY	02/28/05		03/04/05	03/08/05	X	X	X						
CONTINENTAL SPECIALTY MEATS INC 05401 M05401 P RIDGEFIELD, NJ	09/22/05		09/29/05		X	X							
CRESCENT CUSTOM SLAUGHTERING, INC. 06041 M06041 P SUMNER, WA	06/20/03	07/02/03	08/21/03	09/02/03	X	X	X						
D G FOODS, LLC 31881 P HAZLEHURST, MS	05/16/05	05/26/05			X	X							
DALE'S, LLC 04192 M04192 P BRIGHTON, CO	01/07/05		02/09/05	03/08/05	X	X							
DELANS MEAT PRODUCTS 19738 M19738 P ASTORIA, NY			04/08/05	05/05/05	X	X						07/28/05	
DEMARTINO PACKING CO 04707 M SEYMOUR, CT	09/29/05									X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
D'LISI FOOD SYSTEMS INC. 21300 M21300 P ROCHESTER, NY			09/30/05		X	X							
DOUBLE S MEATS 00862 M04881 P TONASKET, WA	08/05/05	08/18/05			X	X							
EL RANCHO MARKET, INC. 06180 M06180 P SOLVANG, CA	11/28/03		12/04/03		X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli) and Advanced Meat Recovery System testing.
ERNST A. ILLG MEATS INC 09754 M09754 P CHALFONT, PA	06/03/05	06/17/05			X	X						09/22/05	

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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	
FERNANDEZ PACKING CO., INC. 27235 M CALHOUN, GA	06/09/05	06/23/05			X	X						09/09/05	
FIGARETTI MANUFACTURING & DISTRIBUTION 20719 M WHEELING, WV	12/03/04	12/08/04				X						07/05/05	
FIVE STAR PACK INC. 08725 M08725 P GOLDEN CITY, MO	09/01/05	09/09/05				X				X			On 9/1/05, an enforcement action concerning failure to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli) and Bovine Spongiform Encephalopathy/Specified Risk Material was taken in accordance with 9 CFR Part 500.4.
G.P. MONROE PROVISIONS INC 19616 M19616 P MONROE, GA	04/07/05	05/24/05	07/01/05	07/07/05	X	X	X						
			06/08/05	06/10/05				X					
GALANT FOOD COMPANY 09014 M09014 P SAN FRANCISCO, CA			03/03/05	03/10/05	X		X					08/15/05	
GARNER ABATTOIR & MEAT PROCESSING 10650 M10650 P VAN BUREN, AR	06/24/05	07/01/05						X				09/22/05	
GOODHEART SPECIALTY MEAT CO. 20481 M20481 P SAN ANTONIO, TX	04/04/05	04/11/05			X	X						07/28/05	
GOURMET U.S.A. COMPANY 31652 M31652 P OAKLAND, CA			01/19/05	02/01/05		X							
GREISE BROTHERS' PACKING 04271 M04271 P CUMBERLAND, MD	06/07/05	06/16/05				X	X					09/22/05	

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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		
GRIZZLY'S CUSTOM CUTTING 21554 M21554 P HUNT, NY	05/10/05		05/23/05	08/17/05		X								
H AND P MEATS 21352 M SOUTH PITTSBURG, TN	07/28/05	08/08/05	08/17/05	08/19/05		X					X		On 8/17/05, a suspension action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.3.	
HALAL FARMS USA, INC 20263 M SHANNON, IL			04/04/05	04/08/05			X					09/13/05		
			04/12/05	06/03/05			X					09/13/05	On 04/12/05, suspension was reinstated.	
HAYS MEAT COMPANY 06561 M LEXINGTON, TN	05/11/05	05/19/05			X	X					X		09/13/05	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
HOLIDAY MEATS OF NEW JERSEY, INC 20034 M20034 P LITTLE SILVER, NJ	03/25/05	04/05/05				X							09/22/05	
HOPKINS PACKING COMPANY 11069 M BLACKFOOT, ID			07/28/05	08/01/05		X					X			On 7/28/05, a suspension action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.3.
			08/23/05		X		X							
ILYSSA MANUFACTURING CORP 19629 M19629 P BROOKLYN, NY			07/29/05		X	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 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	
IMPERO FOODS & MEATS, INC. 10827 M10827 P BALTIMORE, MD	07/14/05	07/28/05			X	X							
INDIAN VALLEY MEATS, INC 18154 M18154 P INDIAN, AK			06/10/05	06/16/05					X				
JMC FOOD INDUSTRIES 04450 M04450 P SLEEPY HOLLOW, NY	08/24/05	09/01/05			X	X							
JOINES MEAT PROCESSING 21703 M21703 P CHILHOWIE, VA	03/15/05	03/29/05			X		X					07/06/05	
JONES MEATS & FOOD SERVICES, INC. 07722 M07722 P RIGBY, ID	04/22/05	05/17/05			X	X							
JOPPRU, INC. 08988 M08988 P THIEF RIVER FALLS, MN	06/16/05	06/23/05			X	X						09/13/05	
JRG MEAT 18987 M18987 P AIBONITO, PR			06/24/05	07/19/05		X							
L & L FOOD CENTERS, INC 08933 M08933 P LANSING, MI	09/15/05	09/28/05				X							
LAMBERT MEAT LABORATORY 00071 M AUBURN UNIVERSITY, AL	04/28/05	05/18/05			X	X							
LEBLANC'S CAJUN BOUDIN, LLC 13512 M13512 P ST. AMANT, LA	05/26/05	06/10/05	07/28/05	07/29/05	X	X							
			08/02/05	08/12/05	X	X							On 08/2/05, suspension was reinstated.

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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	
M AND M PACK 05673 M05673 P RUSHVILLE, NE	12/11/03	12/23/03			X	X						07/11/05	
MANUEL'S ODESSA TORTILLA AND TAMALES FACTORY, INC. 07168 M ODESSA, TX	05/23/05	05/27/05				X						09/28/05	
MID-TOWN FOODS, INC. 08185 M08185 P MANKATO, MN			04/29/05	06/08/05	X	X						08/03/05	
MISTY KNOLL FARM 18978 P NEW HAVEN, VT	09/30/04	10/13/04	08/10/05	08/15/05	X	X							
MOM'S MEALS LTD 21140 M21140 P NEVADA, IA	07/05/05				X	X							
MUIR'S INC. 20681 M20681 P FRUITLAND, UT	06/28/05		08/11/05	09/07/05	X	X							
MUSBAH TAJ HALAL MEAT PROCESSING 19901 M19901 P BASSFIELD, MS	06/15/05	06/22/05				X							
MYERS RANCH, INC 20908 M CLARKSVILLE, AR	12/17/04				X	X							On 7/8/05, DM closed case by firm's requested voluntary withdrawal.
NEW ENGLAND COMMISSARY, INC. 18720 M18720 P EVERETT, MA			06/24/05		X	X							
NINETY SIX CANING COMPANY, INC 10785 M06724 P NINETY SIX, SC	04/21/05		05/02/05	06/15/05	X	X						09/26/05	

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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		
NORTH END PROVISION CO. INC 00984 M00984 P FALL RIVER, MA			04/27/05	05/13/05	X									
			07/20/05	09/07/05	X	X								On 07/20/05, suspension was reinstated.
NORTHWEST PREMIUM MEATS LLC 11032 M11032 P NAMPA, ID			07/26/05	07/29/05		X					X			On 7/26/05, a suspension action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.3.
PACFOODS, USA 09889 M09889 P HAYWARD, CA			08/26/02	10/17/02	X	X								
			10/23/02		X	X								On 10/23/02, suspension was reinstated.
PANDORA'S PRODUCTS 31969 M NORTH PROVIDENCE, RI	08/04/05	08/17/05				X								
PARADISE LOCKER MEATS 31865 M31865 P TRIMBLE, MO	09/21/05					X					X			On 9/21/05, an enforcement action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.4.
PARAGON SPRAY DRYING, LLC 31792 M31792 P WAUKON, IA	09/06/05	09/12/05			X	X					X			On 9/6/05, an enforcement action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.4.
PASSAIC MEAT I, INC. 27494 M PASSAIC, NJ	04/29/05	05/13/05			X	X						07/29/05		

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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		
PHILIPPINE AMERICA FOOD, INC 05441 M05441 P VIRGINIA BEACH, VA	09/26/05					X								
PONDEROSA ENTERPRISES INC 20705 M20705 P DEKALB, MS	02/14/05	05/10/05				X								
QUYEN FOOD CORP 13136 M13136 P DALLAS, TX			03/18/05	03/21/05					X			07/07/05		
RADD DEW'S BBQ 09088 M CONWAY, SC	06/30/05		07/26/05	08/02/05	X	X	X							
RANCHLAND PACK, INC 02439 M02439 P BUTTE, MT			08/08/05	08/10/05	X									
RANDALL MEAT COMPANY 10669 M HOT SPRINGS, AR	07/01/05	07/28/05			X	X					X			On 7/1/05, an enforcement action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.4.
RAW SEAFOOD INC. 32026 M NEW BEDFORD, MA	04/14/05	04/29/05			X	X								
RCG FOODS OF TEXAS, INC 13533 M13533 P EL PASO, TX	01/26/05	02/09/05			X	X								
			06/02/05	07/15/05	X		X							On 6/28/05, DM granted firm's requested 120 day voluntary suspension.
RIVERSIDE FOOD PRODUCTION SERVICES 27401 M27401 P NEWPORT NEWS, VA	08/18/05		08/31/05		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	
ROSE HILL POULTRY 20538 M20538 P PITTSBORO, NC	09/28/05				X	X	X				X		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli) and Advanced Meat Recovery System testing.
S & S MEAT COMPANY 01046 M01046 P KANSAS CITY, MO	08/04/05	08/19/05				X					X		On 8/4/05, an enforcement action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.4.
SEABOLT'S SMOKEHOUSE 20776 M OAK HARBOR, WA	09/28/05				X	X							
SEISHIN FARM SAIPAN INC. 00754 M SAIPAN, MP			09/29/05		X	X							
SIERRA NEVADA RANCH INC 18060 M18060 P YERINGTON, NV			09/21/05						X				
SIR PIZZA OF TENNESSEE INC 08333 M MURFREESBORO, TN	11/03/04	11/29/04			X	X						08/02/05	
SISTER SCHUBERT'S HOMEMADE ROLLS, INC. 20793 M LUVERNE, AL	05/26/05	06/06/05			X	X							
SMOKEY VALLEY MEATS INC 19844 M19844 P FARMINGTON, MO	12/28/04		01/04/05			X							
STILLWATER PACKING COMPANY 06271 M06271 P COLUMBUS, MT	07/18/05	08/01/05			X	X							
TEDDY'S PROVISIONS 05475 M NEWARK, NJ	03/04/05	03/16/05			X	X						09/02/05	

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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	
TERRAPIN STATION 22012 M SALT LAKE CITY, UT			10/22/04	02/17/05					X				
THE BAYOU CO 20726 M TARPON SPRINGS, FL	06/25/03		07/07/03	02/18/04	X	X							
			10/05/04	02/10/05	X	X							On 10/5/04, suspension was reinstated.
THE BUTCHER BLOCK INC. 05653 M INDIANOLA, NE			03/15/04	10/07/04		X						07/11/05	
THE MEAT SHOP 31561 M BENSON, VT	08/18/05		09/06/05	09/09/05	X	X	X	X		X			On 9/6/05, a suspension action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.3.
THEURER'S QUALITY MEATS, INC 31647 M31647 P LEWISTON, UT			07/27/05	07/29/05		X				X			On 7/27/05, a suspension action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.3.
TOOELE VALLEY MEATS 20594 M20594 P GRANTSVILLE, UT			07/25/05	08/01/05		X				X			On 7/25/05, a suspension action concerning Bovine Spongiform Encephalopathy and Specified Risk Material was taken in accordance with 9 CFR Part 500.3.
TOTAL PACKAGING OF KENTUCKY, INC 06734A M06734A P OWENSBORO, KY	07/28/05		08/04/05	08/12/05	X	X							
TROY PORK STORE 04359 M TROY, NY	06/30/05		07/14/05		X	X							
TWIN LOUPS QUALITY MEATS 05729 M05729 P ST. PAUL, NE			10/10/03	10/21/03		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	
TWIN LOUPS QUALITY MEATS 05729 M05729 P ST. PAUL, NE	10/15/03	10/24/03				X							
UNIVERSITY OF ARKANSAS RED MEAT RESEARCH ABATTOIR 10600 M10600 P FAYETTEVILLE, AR	09/19/03	10/16/03			X	X	X						
WHOLESOME FOOD, INC 07906 M00857 P EDINBURG, VA	07/07/05	07/15/05	09/28/05		X	X							
ZICK'S SPECIALTY MEATS INC 06922 M06922 P BERRIEN SPRINGS, MI	07/01/05	07/14/05			X	X						09/21/05	

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Formal Adjudicatory Actions for Food Safety

Under the statutes it administers, FSIS can, in appropriate cases, move to withdraw grants of federal inspection from plants and plant owners based on the failure of a recipient of inspection service to meet critical sanitation and food safety regulatory requirements [e.g., Sanitation Standard Operating Procedures (SSOP) or Hazard Analysis and Critical Control Point (HACCP) system regulations] necessary to protect the public health. In some situations, FSIS also can seek to deny inspection service to an applicant for failure to meet certain food safety regulatory requirements. These actions are taken in accordance with the FSIS Rules of Practice (9 CFR Part 500) and Department regulations governing formal adjudicatory proceedings (7 CFR Part 1, Subpart H). Plants and plant owners are provided with the opportunity for a hearing before a federal administrative law judge. **Table 8** identifies refusal and withdrawal actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There were two actions initiated this reporting period.

**Table 8. Food Safety Adjudicatory Actions
(7/01/05 to 9/30/05)**

Formal Adjudicatory Actions Pending or Taken for Food Safety

[includes actions initiated in prior quarters]

Establishment	Complaint to Deny/Withdraw Inspection	Hearing	Consent Order	Decision and Order	Actions
BERRY PACKING, INC. 02325 M 02325 P CROSSETT, AR	09/21/05				On September 21, 2005, FSIS filed a complaint to indefinitely suspend inspection service based on the firm's failure to maintain humane methods of handling and/or slaughter of livestock and failure to implement and maintain its operations and facility in a manner sufficient to prevent the creation of insanitary conditions and to ensure prevention of product adulteration.
FRANK CRAIG JEAN CRAIG d/b/a FRANK'S WHOLESALE MEATS 07741 M SAN BERNARDINO, CA	04/12/05				On April 12, 2005, FSIS filed a complaint to indefinitely suspend inspection service based on an incident of interference and intimidation upon a FSIS official.
KIRKLAND'S CUSTOM MEATS & SLAUGHTER INC. 11156 M 11156 P JACKSONVILLE, FL	11/02/04			06/01/05	On June 1, 2005, a Default Decision and Order was filed to indefinitely withdraw inspection services from Kirkland's Custom Meats and Slaughter, Inc. The default action is based on the failure of the firm to respond to a complaint filed in November 2004. The complaint was based on the firm's inability to maintain sanitary conditions and to operate in a manner sufficient to prevent product adulteration. Based on the firm's failure to respond or to file an appeal with the Department's Judicial Officer, the Default Decision and Order became effective in August 2005.
LAGROU COLD STORAGE 00219 I 03197 M CHICAGO, IL	09/24/02				On September 24, 2002, FSIS filed a complaint to withdraw inspection service based on the firm's alleged failure to operate and maintain its business in a manner sufficient to prevent the creation of insanitary conditions, and to ensure that meat and poultry products are not adulterated. On November 18, 2002, through May 3, 2003, approximately 7,459,000 pounds of product was reconditioned under the supervision of FSIS and these products were allowed to enter commerce. Another 855,000 pounds of product that did not qualify to be reconditioned was transported to a landfill and destroyed. On August 23, 2004, through September 1, 2004, the remaining product, approximately 6,000,000 pounds, was transported to a landfill as required by a August 18, 2004, court order.

Establishment	Complaint to Deny/Withdraw Inspection	Hearing	Consent Order	Decision and Order	Actions
STEVEN MATTESON AND KENNETH E. BARROWS, CO-OWNERS NORTH AMERICAN PACKERS, d/b/a SCHALLERS MEATS 31921 M BRIDGEWATER, NY	07/20/05 Amended 07/22/05				On July 20, 2005, FSIS filed a complaint to indefinitely continue the summary withdrawal of inspection services based on violations of a Consent Decision and Order the firm entered into with FSIS in July 2004. The complaint was amended on July 22, 2005. On September 15, 2005, FSIS filed a Motion for Adoption of proposed Default Decision and Order based on respondents' failure to respond.
TRINH COMPANY 06488 M 06488 P SAN JOSE, CA	05/23/05				On May 23, 2005, FSIS filed a complaint to withdraw inspection service based on the firm's failure to maintain sanitary conditions and prevent adulteration of meat and poultry products.

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. Actions pending or taken (other than outstanding consent decisions) are reported. **Table 9** identifies actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There were two unfitness actions initiated this reporting period.

**Table 9. Withdrawal for Unfitness
(7/01/05 to 9/30/05)**

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

Establishment	Complaint to Deny/Withdraw Inspection	Consent Order	Decision and Order	Action Summary
GRIZZLY'S BEEF JERKY, INC. RUSSELL STEWART GRANDSHAW, PRESIDENT 33799 M PINELLAS PARK, FL	08/11/05	08/18/05		On August 11, 2005, a complaint to deny Federal inspection services was filed based on Mr. Grandshaw's prior felony conviction. On August 18, 2005, the firm and Mr. Grandshaw entered into a Stipulation and Consent Decision (Order) with FSIS. The negotiated Order requires numerous provisions to ensure compliance with FSIS statutory and regulatory requirements.
SMOKEHOUSE BAR-B-QUE, INC. a/k/a SMOKEHOUSE FOODS, R. WAYNE NOBLES, VICE PRESIDENT 33828/P33828 DANVILLE, GA	08/03/05	08/08/05		On August 3, 2005, a complaint to deny Federal inspection services was filed based on Mr. Nobles' numerous felony convictions. On August 8, 2005, the firm and Mr. Nobles entered into a Consent Decision and Order (Order) with FSIS. The Order requires Mr. Nobles to complete an educational course related to business ethics, and contains numerous other provisions to ensure compliance with FSIS statutory and regulatory requirements.
WERLING & SONS, INC. 21332 M 21332 P BURKETTSVILLE, OH	05/11/05	09/09/05		On May 11, 2005, a complaint to withdraw Federal inspection services was filed based on Mr. Joseph Werling's multiple misdemeanor convictions related to misbranded food. On September 9, 2005, the firm entered into a Stipulation and Consent Decision and Order (Order) with FSIS. The Order requires management officials to complete an educational course related to business ethics, to implement a compliance program to ensure that all products do not become adulterated, contaminated or misbranded, and contains numerous other provisions to ensure compliance with FSIS statutory and regulatory requirements.

Removing Exempt Privilege

The meat and poultry laws exempt certain custom, retail, or other operations from inspection. For example, custom exempt businesses slaughter animals or poultry, or process meat and poultry for owners of the animals or products. When insanitary conditions create health hazards, FSIS may remove custom or other exempt privileges through issuance of a Notice of Ineligibility (complaint), and require the business to cease operations until sanitary conditions are restored. FSIS can also take action when custom or other exempt facilities fail to properly label product as "Not for Sale." These exempt businesses have the opportunity to correct violations prior to such actions, contest the basis for such actions at hearings, and to enter settlement agreements (consent orders) to resolve actions. **Table 10** lists exempt actions pending or taken (other than outstanding consent orders) on this basis for this reporting period. There were no new actions initiated this reporting period.

**Table 10. Exempt Actions
(7/01/05 to 9/30/05)**

Administrative Actions Taken at Exempt Facilities

Name	Complaint Served	Consent Order	Decision and Order	Action Summary
CRAWFORD PACKING CRAWFORD, NE	04/14/05			On April 12, 2005, a Notice of Ineligibility to conduct any custom exempt operations was issued to the firm.
FRANK'S SMOKEHOUSE WILBER, NE	01/19/05			On January 18, 2005, a Notice of Ineligibility to conduct any custom exempt operations was issued to the firm.
MOHAMED LIVE POULTRY, INC. QUEEN'S VILLAGE, NY	03/30/05	07/05/05		On July 5, 2005, the firm entered into a Stipulation and Consent Agreement (Agreement) with FSIS. The Agreement holds the termination of custom meat and retail poultry exemption privileges in abeyance for a three (3) year period provided certain conditions are met. Conditions of the Agreement require the firm to maintain an effective sanitation program, ensure facility repairs, maintain written records of all purchases and sales of exempt products, and prevent the adulteration of products.

[FSIS Adjudications](#)

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 11** 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 11. Criminal Actions
(7/01/05 to 9/30/05)**

Criminal Actions

Name	Indictment	Information	Plea	Sentencing	Action Summary
RAFAEL C. DOMINGUEZ, OWNER CARNICERIA LATINO AMERICANA; ESTANCIA LA BODEGA ST. LOUIS, MO			07/29/05		On July 29, 2005, in the United States District Court, Eastern District of St. Louis, Missouri, Mr. Rafael C. Dominguez, Owner of both firms, pled guilty on behalf of himself and his firms to three (3) felony counts for causing poultry and poultry products to become adulterated after being transported in commerce and offering for sale poultry and poultry products which were adulterated. Mr. Rafael C. Dominguez agreed to pay a fine of \$20,000 and a special assessment fee of \$900. Sentencing is scheduled for October 14, 2005.
CARLOS DOMINGUEZ, MANAGER CARNICERIA LATINO AMERICANA ST. LOUIS, MO			07/29/05		On July 29, 2005, in the United States District Court, Eastern District of St. Louis, Missouri, the Mr. Carlos Dominguez, firm Manager, pled guilty to one (1) misdemeanor for causing poultry and poultry products to become adulterated after being transported in commerce and offering for sale poultry and poultry products which were adulterated. Mr. Carlos Dominguez agreed to pay a fine of \$5,000 and a special assessment fee of \$25. Sentencing is scheduled for October 14, 2005.
HOLTEN MEAT INC. MICHAEL HOLTEN, PRESIDENT SAUGET, IL			07/25/05	07/25/05	On July 25, 2005, in the United States District Court, Southern District of Illinois, East St. Louis, Missouri, Mr. Holten, the firm's President, entered into a Plea Agreement and was sentenced on one (1) misdemeanor count for unlawful misbranding. He was ordered to pay a fine of \$10,000 and \$125 assessment fee, was placed on six (6) months probation, and required to conduct follow up sampling.
JACK STEWART, PRESIDENT LAGROU DISTRIBUTION SYSTEM, INC., CHICAGO, IL	Original 06/18/03 Superceding 07/27/04				On January 27, 2005, in the United States District Court, Northern District of Illinois, Eastern Division, Jack Stewart was convicted by a jury of five (5) felony counts for violations of Title 18, of the FMIA, PPIA, and FDCA. Sentencing is pending.
ED WUEBBELS, FORMER OPERATIONS MGR. LANTER REFRIGERATED DISTRIBUTION COMPANY GRANITE CITY, IL			03//08/05	07/29/05	On July 29, 2005, in the United States District Court, Southern District of Illinois, Mr. Wuebbels, former Operations Manager, was sentenced on violations involving interstate transportation of adulterated meat and poultry products. The case was initiated by FSIS and Office of Inspector General completed criminal prosecution. Mr. Wuebbels was sentenced on two (2) felony counts, one (1) count for giving false statements to Federal investigators and (1) count for the misbranding of poultry product, and was ordered to pay \$1,000 assessment per count for a total of \$2,000. Mr. Wuebbels was also placed on three (3) years probation, ordered to home confinement and electronic monitoring for six (6) months, and required to serve 240 hours of community service.

Name	Indictment	Information	Plea	Sentencing	Action Summary
LANTER REFRIGERATED DISTRIBUTION COMPANY GRANITE CITY, IL			03//08/05	08/11/05	On August 11, 2005, in the United States District Court, Southern District of Illinois, the firm was sentenced on violations involving interstate transportation of adulterated meat and poultry products. The case was initiated by FSIS and Office of Inspector General completed criminal prosecution. The firm was sentenced on two (2) misdemeanor counts for violating the Poultry Products Inspection Act and ordered to pay \$1,000 assessment per count for a total of \$2,000, plus restitution to the Laraway Public Schools, Joliet, Illinois, in the amount of \$100,000, and additional restitution of \$370 and \$30 to two (2) of the victims. The firm will be placed on one (1) year probation if part or all monies imposed as fines, restitutions, and/or donations are not paid.
NASH FINCH COMPANY, INC. OMAHA, NE		08/13/04	08/13/04	08/15/05	On August 15, 2005, in the United States District Court, District of Nebraska, the firm was sentenced on two (2) misdemeanor counts for transporting in commerce adulterated meat and poultry products in violation of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 <u>et seq.</u>) and the Poultry Products Inspection Act (PPIA)(21 U.S.C. 451 <u>et seq.</u>). The firm was ordered to pay a \$400,000 fine, a special assessment fee of \$250, and a civil money penalty of \$32,658.65 in restitution for the cost of the investigation. The firm was also ordered to make a charitable donation of \$100,000 in 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 it can assist the United States 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 United States 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. **Table 12** lists seizure actions and seizure cases. There were no seizure actions initiated 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. **Table 13** lists civil actions and civil cases. There were no injunctions initiated during this reporting period.

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. **Table 14** lists ACE actions and ACE cases. There was one ACE program action reported for this period.

**Table 13. ACE Actions
(7/1/05-9/30/05)**

ACE ACTIONS

Name	Location	Complaint	Order	Action Summary
ATLANTIC MEAT COMPANY 06543 M 06543 P	SAVANNAH, GA		08/25/05	On August 25, 2005, in the United States District Court, Southern District of Georgia, the firm agreed to a settlement of \$24,674.39 in civil penalties and restitution for having prepared, sold, and transported in commerce adulterated meat food product with the intent to defraud.

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
1-888-674-6854, 10 a.m. to 4 p.m., Eastern Time

FSIS Web site: <http://www.fsis.usda.gov>