

**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
QUARTERLY REGULATORY AND ENFORCEMENT REPORT  
January 1, 2001 through March 31, 2001**

**EXECUTIVE SUMMARY**

This is the Food Safety and Inspection Service's (FSIS) Quarterly Regulatory and Enforcement Report. The report provides a summary of the regulatory and enforcement actions, including those under the Pathogen Reduction/HACCP regulations, FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. Although this report focuses on regulatory and 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.

The report provides a summary of the regulatory and enforcement actions, including those under the Pathogen Reduction/HACCP regulations, FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. FSIS inspects products produced in over 6,000 meat, poultry, and egg product plants. Since January 1998, approximately 300 large plants (those employing 500 or more employees) have been operating HACCP Systems with FSIS regulatory oversight. On January 25, 1999, approximately 2,300 small plants (those employing 10 or more, but fewer than 500 employees) began HACCP implementation. On January 25, 2000, approximately 3,400 very small plants (those employing fewer than 10 employees or with annual sales of less than \$2.5 million) began HACCP implementation.

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 REPORTS 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 to when 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](#)" which can be accessed at:

<http://www.fsis.usda.gov/OA/pubs/eggprod.htm> . This regulatory oversight generally reflects compliance by the large majority of businesses. However, if FSIS detects problems at any step along the way, it can use a number of product control and enforcement measures to protect consumers.

USDA has traditionally focused much of its effort on the plants that slaughter food animals and process products. USDA ensures that products at these establishments are produced in a sanitary environment in which inspectors or plant employees identify and eliminate potential food safety hazards. 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, through new requirements now being implemented, 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 to prevent their consumption 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.

In January 1997, FSIS began implementing new requirements in plants that produce meat and poultry. New regulations, entitled "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems," require that federally inspected meat and poultry plants: (1) develop and implement a preventive HACCP plan; (2) develop and implement Sanitation Standard Operating Procedures (SSOP's); (3) collect and analyze samples for the presence of generic *E. coli*, and record results; and (4) meet *Salmonella* performance standard requirements. These new requirements are designed to help target and reduce foodborne pathogens.

This report provides a summary of the regulatory and 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 REPORTS AND APPEALS**

FSIS inspection program personnel perform thousands of inspection tasks and 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 Report (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 deficiencies occur repeatedly or when the plant fails to prevent adulterated product from being shipped, FSIS takes action to control products and may take an action to withhold or suspend inspection.

**Table 1a** provides numbers of NRs issued by FSIS inspection personnel. The NR's referenced in **Table 1a** were issued between January 1, 2001 to March 31, 2001. During this period, FSIS performed 1,400,271 inspection tasks at HACCP plants. **Table 1b** shows the number of appeals and the dispositions of the appeals filed at HACCP plants, from January 1, 2001, to March 31, 2001.

**Table 1a. Noncompliance Report Totals**

**NR Totals**

NRs Issued (01/01/01 to 03/31/01): **29,891**

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

**Number of Plants Filing Appeals: 108**

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total NRs Appealed
<b>69</b>	<b>136</b>	<b>50</b>	<b>255</b>

(Total exceeds **108** 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 animals for disease, contamination, or adulteration to prevent their use as human food. Figures for condemnations for livestock for the reporting period are as follows: FSIS inspected 35,424,220 livestock carcasses, of which 209,186 carcasses were condemned. FSIS inspected 1,867,040,949 poultry carcasses of which 16,517,889 carcasses were condemned.

## Detentions

After products are distributed from plants, FSIS Compliance Officers detain any that may be adulterated or misbranded. FSIS then has 20 days to 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  
(01/01/01 to 03/31/01)**

**Detentions**

**Total number of detentions by FSIS** 188  
 Total pounds of product detained 3,970,808

<b>District</b>	<b>Detentions</b>	<b>Pounds Detained</b>
ALAMEDA, CA	22	62,034
ALBANY, NY	13	74,523
ATLANTA, GA	14	980,756
BELTSVILLE, MD	22	28,825
BOULDER, CO	8	221,904
CHICAGO, IL	18	1,089,370
DALLAS, TX	6	77,767
DES MOINES, IA	30	92,006
JACKSON, MS	4	516
LAWRENCE, KS	8	236
MADISON, WI	10	672,698
MINNEAPOLIS, MN	1	2,000
PHILADELPHIA, PA	5	654,103
PICKERINGTON, OH	0	0
RALEIGH, NC	5	1,536
SALEM, OR	21	8,274
SPRINGDALE, AR	<u>1</u>	<u>4,260</u>
<b>Totals</b>	<b>188</b>	<b>3,970,808</b>

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 possibility that the use of the product will cause serious adverse health consequences or death. Class II recalls involve a health hazard when there is a remote probability of adverse health consequences from use of the product. Class III recalls involves 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](http://www.fsis.usda.gov/OA/news/xrecalls.htm) web page

at: <http://www.fsis.usda.gov/OA/news/xrecalls.htm>

## Import Inspections

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 two major components: oversight and reinspection. FSIS conducts a rigorous review of an exporting country's controls to ensure they are equivalent to those of the United States, prior to the country's eligibility to export to the United States. Reinspection of meat, poultry and egg products that enter the U.S. is based on statistical sampling and verifies the country's inspection system is working. A product 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 presented lots and pounds of imported meat and poultry products presented, reinspected, and refused entry during the period from January 1, 2001 to March 31, 2001.

**Table 3. Imported Meat, Poultry and Egg Products  
(01/01/01 to 03/31/01)**

**Presented, Reinspected, and Refused Entry**

**Meat and Poultry**

Number of Presented		Number of Reinspected		Number of Refused Entry	
Lots	Pounds	Lots	Pounds	Lots	Pounds
42,545	925,957,378	7,558	180,597,465	3,257	2,378,952

**Egg Products**

Number of Presented		Number of Refused Entry	
Lots	Pounds	Lots	Pounds
157	1,761,308	0	0

**LETTERS OF WARNING**

FSIS issue 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  
(01/01/01 to 03/31/01)**

**Letters of Warning for Criminal Violations**

**Total number of LOWs issued for violations: 588**

**Number issued by Headquarters: 32**

<b>District</b>	<b>Number of LOWs Issued by Districts</b>
ALAMEDA, CA	27
ALBANY, NY	108
ATLANTA, GA	73
BELTSVILLE, MD	63
BOULDER, CO	22
CHICAGO, IL	37
DALLAS, TX	13
DES MOINES, IA	12
JACKSON, MS	28
LAWRENCE, KS	16
MADISON, WI	22
MINNEAPOLIS, MN	6
PHILADELPHIA, PA	47
PICKERINGTON, OH	26
RALEIGH, NC	16
SALEM, OR	34
SPRINGDALE, AR	6
<b>Total number issued by Districts</b>	<b>556</b>

**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 crucial 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, the Inspector-in-Charge notifies 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 present a corrective action plan to bring the plant sanitation or process control systems into compliance. As with withholding actions, a suspension shuts down all or part of the plant's operations. USDA may defer a decision or place a 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 Rule of Practice, and the establishment and has failed to implement corrective and preventive measures to prevent a system inadequacy. The “Notice” informs the establishment that the nature and scope of the noncompliance indicates that their HACCP system, or other system, is inadequate and, that FSIS intends to withhold the marks of inspection and suspend the assignment inspectors. The “Notice” explains the basis and references documentation for the intended enforcement action, and provides the establishment an opportunity to demonstrate why a system inadequacy determination should not be made or that the plant has achieved regulatory compliance.

#### 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 are often 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,
- failure to develop or implement a required HACCP plan, or
- failure to meet applicable *Salmonella* performance standard requirements.

In addition, USDA may initiate a withholding, suspension, or withdrawal action for other reasons such as:

- insanitary conditions,
- inhumane 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 quarter, along with whether the action is based on an SSOP or HACCP Systems failure, or for some other reason, such as inhumane slaughter. 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 156 plants. Thirty-two of the actions in these plants were initiated during this reporting period. Thirty-eight 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 withholding or 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. No appeals were filed and acted on during this period.

With regards to suspensions taken at very small HACCP plants, some very small plants failed to fully meet basic regulatory requirements for HACCP implementation in January 2000 but had demonstrated positive efforts to do so. Given their effort to comply with the regulations, FSIS allowed certain plants to complete HACCP implementation, and held the suspension in abeyance. Generally the abeyance period provided to most of these very small plants that failed to meet basic HACCP requirements was for a 180 day period. **Table 7** identifies suspensions initiated at very small plants including failures to meet basic HACCP requirements.



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

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u> <u>Other</u>	
Con Agra Frozen Foods 7131/P-7131 Batesville, AR			02/12/01		X	X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Claxton Poultry Farms P06505 Claxton, GA			11/22/00			X	On 2/22/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
Con Agra Beef Inc. 3 D Dumas, TX		06/16/00	04/13/00 06/19/00			X X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Perdue Farms, Inc. P-7342 Dothan, AL		05/19/00	05/22/00			X	Remains in abeyance.
Pilgrims Pride Corp. P-199 Stanley, VA						X	On 03/27/01, enforcement action was deferred for 90 days. Plant previously received a notice of intended enforcement.
Tyson Foods, Inc. P-146 Glenn Allen, VA			08/28/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement. On 12/28/00, plant notified that its appeal of the suspension being held in abeyance was denied. This information was inadvertently not included in the previous report.
Tyson Foods, Inc. 7221/P-7221 Rogers, AR		03/08/01	03/16/01			X	Remains in abeyance. Plant previously received a notice of intended enforcement.

**Table 6. Administrative Actions: Small HACCP Plants  
(01/01/01 to 03/31/01)**

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Cali</u>	<u>SSOP</u>	<u>HACCP</u> <u>Other</u>	
A & O Provisions Co. 4085 Brooklyn, NY	06/15/99	06/15/99	06/18/99			X	Remains in abeyance.
Agriprocessors Inc. 4653A Potsville, Iowa			11/27/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Attilio Esposito 8603/P-8603 Philadelphia, PA			05/26/00			X	On 02/12/01, suspension case closed with a letter of warning.
Bar S Food Co. 471/P-471 Clinton, OK						X	On 03/26/01, plant received a notice of intended enforcement.
Beacon Premium Meats, Inc. 20110/P-20110 Robinson, IL			10/10/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Bison Products Co., Inc. 2706/P02706 Buffalo, NY			11/18/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Brocco Foods, Inc. 18838/P-18838 New York Mills, NY			09/07/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Brocco Foods, Inc. 18838/P-18838 New York Mills, NY			03/02/01			X	Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Brother & Sister Food Trading Inc. 21214/P-21214 Bayonne, NJ			09/07/00	X	X	X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Curtis Packing, Co. 2642/P-2642 Greensboro, NC		05/30/00	6/01/00			X	On 03/14/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
Dakota Premium Foods, LLC 357 So. St. Paul, MN		08/01/00	08/03/00			X	Remains in abeyance.
Diestal Turkey Ranch P-9332 Sonora, CA			06/13/00			X	On 02/02/01, suspension case closed with a letter of warning.
Durango USA Foods 20106/P-20106 Dallas, TX	08/12/99	08/13/99 09/13/00	9/02/99 9/21/00	X X			Remains in abeyance.
Eddy Packing Co. 4800 Yoakum, TX	03/30/00		03/31/00			X	Remains in abeyance.
Equity Group 7361/P-7361 Reidsville, NC						X	Decision regarding enforcement pending. On 7/14/99 plant officials notified that decision regarding enforcement would be deferred pending verification of corrective and planned actions provided by the plant. Plant previously received a notice of intended enforcement.
Fabbri Sausage Mfg. Co. 5599 Chicago, IL			11/24/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Fredericksburg Lockers, Inc. 13153 Fredericksburg, TX			07/20/00	X			Remains in abeyance. Plant previously received a notice of intended enforcement.
G & T Meat Co. Inc. 10273/P-10273 Grand Rapids, MI		05/13/99 05/25/99 06/14/99 07/29/99	06/30/99 06/30/99 06/17/99 09/21/00	X X X X	X X X X		On 03/05/01, suspension case closed with a letter of warning. Previously, on 9/21/99, plant officials were notified that the decision to forward a recommendation to withdraw inspection would be deferred based on their written assurances to correct SSOP and HACCP failures.
Golden Rod Broilers, Inc. 9194 Cullman, Alabama			12/15/00	X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Golden State 9167 Conyers, GA					X		Decision regarding enforcement pending. Previously, on 7/27/99, plant officials were notified that decision regarding enforcement would be deferred pending verification of corrective and preventive measures provided by the plant.
H&B Packing co, Inc., 13054 Waco, TX			02/02/00	X			Remains in abeyance. Plant previously received a notice of intended enforcement based on failure to meet the <i>Salmonella</i> performance standard on three consecutive series of FSIS conducted tests.
Henningsen Foods Inc. P-5808 Ravenna, NB				X			On 03/09/01, plant received notice of intended enforcement.
House of Raeford Farms 1234/P-1234 Athens, MI	01/28/00	01/28/00	02/7/00	X			Remains in abeyance.
John's Produce Co. P-1295 Campbell, MO			09/18/00	X			On 10/05/00, inspection service voluntarily withdrawn. Suspension case closed. This information was inadvertently not included in the previous report. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
K.P.R. Holdings, LP 21379 Waterloo, IA			10/06/99 07/24/00	X X		X X	Remains in abeyance. Formerly, the plant was IBP, Inc., Est. 244W, which operates now under new establishment number and ownership.
Kronos Products, Inc. 1523/P-1523 Chicago, IL			09/28/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Marathon Enterprises 8854 Bronx, NY			03/04/99			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
MAS Foods, Inc. 9211/P-9211 Vernon, CA	02/27/01		03/01/01		X		Remains in abeyance
Mrs. Crockett's Kitchen Inc. 4810/P-4810 Fort Worth, TX			06/27/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Nicholas Packing Co. 4465 Longanton, PA			12/04/00			X	Remains in abeyance. This was inadvertently listed as a very small plant in the last report.
North Side Foods Inc 2121 Arnold, PA		12/22/00	12/28/00			X	On 03/02/01, suspension case closed with a letter of warning.
Omaha Beef Co. 2769 Danbury, CT			08/17/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Pacific West Processing 17622 Yearling, NV	03/23/00	03/24/00	03/30/00			X	On 01/3/01, inspection service was withdrawn.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Palace Meats 9880 Fresno, CA Park Ave. Meats 4016/P-4016 New York, NY	03/21/01	03/22/01		X	X	X	On 02/13/01, plant received a notice of intended enforcement for other pathogen reduction issues. Remains in effect. Suspension also based on insanitary conditions.
Peer Foods, Inc. 998/P-15874 Chicago, IL	07/26/00		07/27/00			X	On 01/03/01, suspension case closed with letter of warning.
Plymouth Beef Co. 4037/P-4037 New York, NY		03/21/01		X			Remains in effect. On 3/23/01, firm requested voluntary suspension to relocate to a different facility. Suspension also based on insanitary conditions.
Philadelphia Foods, Inc., 17561/P-17561 Westville, NJ	03/18/99	03/22/99	04/13/99	X		X	Remains in abeyance.
Que Tal, Inc. 6757/P-6757 Chicago, IL		12/29/00		X			Remains in effect. Plant previously received a notice of intended enforcement.
Quality Choice Foods 7734/P-7734 Phoenix, AR			07/19/00	X		X	On 02/14/01, suspension case closed with a letter of warning.
Reggio's Pizza I, Inc. 18349/P-18349 Chicago, IL				X			On 03/28/01, plant received notice of intended enforcement.
Republic Foods, Inc. 7216/P-7216 Dallas, TX			11/02/00	X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Rich Plan of Ulica Incorporated		10/26/00				X	On 02/18/01, suspension case closed with letter from the DM based on plant's letter stating that it would discontinue

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
18549/P-18549 New York Mills, NY							processing product under a fully cooked- not shelf stable process.
Rochester Meat Company, 8999 Rochester, MN			10/23/00			X	On 01/12/01, suspension case closed with a letter of warning.
San Antonio Packing Co. 602/P-19684 San Antonio, TX		06/06/00 06/19/00	05/30/00 06/07/00 06/22/00	X X X			On 01/10/01, suspension case closed with a letter of warning.
Stanley Provision Co. 7896/P-7896 Manchester, CT			03/12/01			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Supreme Beef Packers Inc. 2228 Ladonia, TX			01/18/00			X	On 03/08/01, District Manager advised plant that inspection service would no longer be provided based on plant official's failure to notify FSIS that inspection was needed. Plant previously received a notice of intended enforcement based on failure to meet the <i>Salmonella</i> performance standard on three consecutive series of FSIS conducted tests. Suspension case closed.
Supreme Beef Processors 7143 Dallas, TX		11/30/99	02/11/00 08/25/00		X	X	On 03/08/01, District Manager advised plant that inspection service would no longer be provided based on plant official's failure to notify FSIS that inspection was needed. Plant previously received a notice of intended enforcement based on failure to meet the <i>Salmonella</i> performance standard on three consecutive series of FSIS conducted tests. Suspension case closed.
Thompson Packers, Inc. P-7287 Slidell, LA			07/20/00			X	On 03/06/01, suspension case closed with a letter of warning.
Twin Rivers, Inc 19719/P-19719 Fort Smith, AR		10/26/00	03/10/00 11/09/00	X X			On 03/05/01, suspension case closed with a letter of warning.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Ventura Foods LLC 1575 Albert Lea, MN			07/28/00	X			On 10/04/00, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
White Packing Co. 1246/P-1246 Williamston, NC		06/23/00			X		On 12/27/00, FSIS notified plant that it could resume limited operations provided certain conditions were met. Previously, on 8/10/00, plant requested that FSIS delay proceedings to withdraw inspection. On 8/15/00, based on the plant's commitment to develop and implement revised food safety controls, FSIS granted the plant's request.
Wintergarden Quality. 9976 Allentown, PA			11/22/00			X	Remains in abeyance. Plant previously received notice of intended enforcement.



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

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Aala Meat Market Inc. 12425/P-12425 Honolulu, HI		06/12/00	04/25/00 08/14/00	X X		X X	On 01/31/01, suspension case closed with a letter of warning.
AA Rubashkin & Sons, Inc. 4653/P-4653 Brooklyn, NY			07/03/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Acoreana Manufactory Co. Inc. 6358 Fall River, MA	05/24/00		05/26/00			X	Remains in abeyance.
AGY Corporation P-8757 Mongaup Valley, NY	03/07/00		3/20/00			X	Remains in abeyance.
All American Meats, Inc. 20420 Omaha, NE			09/27/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Angus Fine Meat Pies 8108 Seattle, WA	01/25/00	01/25/00				X	On 02/13/01, inspection service voluntarily withdrawn. Suspension case closed.
Apalachin Meat Inc., 4392/P-4392 Apalachin, NY			11/27/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Austin Farms 21161 Blackfoot, ID	09/28/00	09/28/00 09/29/00	09/28/00 10/05/00		X	X X	On 02/06/01, inspection service voluntarily withdrawn. Suspension case closed.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Avian Research Center, Inc. P-20538 Pittsboro, NC					X	X	On 03/13/01, suspension case closed with a letter of information. Plant previously received notice of intended enforcement.
Ball Packing Cold Storage, Inc. 19593 Idaho Falls, ID		07/18/00	07/18/00			X	Remains in abeyance.
Bay State Chowda CO. 18019/P-18019 Lowell, MA			03/26/01			X	Remains in abeyance. Plant previously received notice of intended enforcement.
Best Top Quality 21082 Jersey City, NJ		12/15/00	04/11/01			X	Remains in abeyance.
Briazz Inc. 20367/P-20367 Seattle, WA		07/13/00 08/7/00	07/28/00 08/10/00			X X	On 02/01/01, suspension case closed with a letter of warning.
Bristol Beef 5998 Bristol, CT			08/15/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Cajun Stuff 20047 Houston, TX	11/17/99	11/22/99	11/14/00		X		Remains in abeyance.
C & J Packing Co. 11032 Nampa, ID			03/03/00		X		On 03/06/01, suspension case closed with a letter of warning.
Champlain Beef Co. Inc. 8547 Whitehall, NY		06/13/00	06/19/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Chia Hsing Corp. 9966/P-9966 Brooklyn, NY			03/29/01	X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Chicopee Provisions, Co. Inc. 6363 Chicopee, MA			06/05/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Columbia River Farms 18340/P-18340 Clatskanie, OR	08/09/00		05/31/00 08/29/00	X	X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Common's Wholesale Meats 8112/P-8112 Idaho Falls, ID	06/27/00		11/22/00		X		On 02/01/01, suspension case closed with a letter of warning.
Country Pride Meats 19290/P-1929 Friendsville, MD	09/22/00		09/29/00			X	On 02/01/01, suspension case closed with a letter of warning. Suspension was based on an incident of intimidation on 9/21/00.
Crescent Custom Slaughtering 6041/P-6041 Sumner, WA	1/8/01				X	X	Remains in effect. Plant shipped in commerce a U.S. Retained sheep carcass.
Corte & Co 442 Jersey City, NJ	05/23/00		08/25/00		X		Remains in abeyance.
Del Gould Meats 5553/P5553 Lincoln, ME			07/14/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Designer Meats, Inc. 5884/P-17423 Hilo, HI	04/05/00 05/10/00 07/20/00 09/20/00		04/12/00 05/18/00 08/14/00		X X X X		Remains in effect.

### **Administrative Actions Pending or Taken at Very Small Plants [Includes actions initiated in prior quarters]**

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Dutchman's Meat Inc. 13263/P-13263 Fredericksburg, TX		06/15/00	07/21/00		X	X	Remains in abeyance. Plant previously received a notice of intended enforcement.
E.E. Mucke & Sons, Inc. 5978/P-5978 Hartford, CT		08/18/00	11/27/00		X		Remains in abeyance.
El Campo Packing Co., Inc. 20090 El Campo, TX	12/05/00	12/06/00	01/08/01		X		Remains in abeyance.
Endicott Meats Inc. 4322/P-4322 Bronx, NY				X	X		On 3/26/01, firm received notice of intended enforcement. Enforcement action pending.
Farmer's Best Meats Inc. 20469/P-20469 Amery, WI			09/27/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Feller's Precooked Meats, Inc. 1550/P-1550 North Salt City, UT		06/15/00	06/26/00		X		On 01/17/01, suspension case closed with a letter of warning.
Fenix, LLC 20920/P-20920 Oklahoma City, OK		05/02/00 09/28/00	07/06/00 09/29/00	X X	X X		Remains in abeyance.
Fischera Foods 8875 Philadelphia, PA			11/22/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Gaisers European 5385/P-5385 Union, NJ	08/16/99	5/24/00	8/25/99 08/28/00		X		Both suspensions remain in abeyance.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Golden Crown Foods, Inc. 18823/P-18823 City of Industry, CA			9/22/00	X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Halal Manufacturing Inc., 19088 Freeport, NY	10/06/00	10/06/00	10/12/00		X		Remains in abeyance.
Heinsen Products, Inc. 4334 Corona, NY		06/28/00	07/03/00		X		Remains in abeyance.
Henry J's Meat Specialties 1766 Chicago, IL		09/08/00	09/22/00		X		Remains in abeyance.
Homemade Brand Foods, Inc. 8865 Newburyport, MA			10/17/00	X			On 03/13/01, suspension case closed with a letter of warning. Plant previously received a notice of intended enforcement.
Homestead Gourmet Foods Co. Inc. 9947/P-9947 Linden, NJ	04/10/00	05/16/00	04/14/00 05/19/00		X X		Remains in abeyance.
HOP Sang Co. 4978 San Francisco, CA					X		On 9/21/00, plant was issued a notice of intended enforcement. Decision regarding enforcement pending.
Hsin-Chih Enterprise, Inc. 9936/P-9936 College Point, NY		05/10/00	01/09/01		X		Remains in abeyance.
Instituto de la Carne 17932 Caguas, PR	01/26/00	01/26/00	03/07/00		X		Remains in abeyance.

### **Administrative Actions Pending or Taken at Very Small Plants [Includes actions initiated in prior quarters]**

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
J. Dorando & Sons 4459/P-4459 New York, NY		03/23/01		X			Remains in effect. Suspension also based on insanitary conditions.
J.R. Butcher Shoppe 6380/P-6380 Ludlow, MA			09/13/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
J.Z. Florczak Meat 9907 South Amboy, NJ				X		X	On 3/27/01, plant received notice of intended enforcement. Decision regarding enforcement pending.
K & K Kustom Meats 6450/P-6450 Lamar, CO		06/07/00 09/19/00	07/17/00		X	X	On 02/02/01, federal inspection service voluntarily withdrawn. Plant previously received a notice of intended enforcement. Second suspension was based on intimidation/threat. Both suspension cases closed.
Kallia German Butcher 11201 Port Charlotte, FL	01/27/00		01/27/00		X		Remains in abeyance.
Konanyan Meat Co. 645/P-2401 Los Angeles, CA		06/09/00	06/12/00 11/15/00	X	X		On 03/20/01, two suspension cases closed with one letter of warning.
Lam Foods, Inc. 20108/P-20108 Kansas, MO		05/08/00	04/26/00 05/09/00		X	X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Lasich Meat Processing 9023 Plymouth, CA	01/25/00		01/28/00		X		On 02/05/01, inspection service was voluntarily withdrawn.
Leo G. Fraboni Sausage, 8997 Hibbing, MN			10/31/00		X		On 02/13/01, suspension case closed with a letter of warning.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Lieb Brothers Packing Co. 1991 Pittston, PA		08/18/00 03/03/01	10/25/00	X X			Remains in effect. Plant previously received a notice of intended enforcement.
Martin Rosoli's Inc. 5993/P-5993 New Britain, CT			06/12/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Meadow Meat Co. 483/P-483 Middletown, CT		07/25/00	08/11/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Meat and Fisheries Processing Lab 4166/P-4266 Cobleskill, NY			07/29/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Meat Depot Food Service 19348/P-19348 Lakewood, NJ		07/19/00 07/27/00	08/16/00 08/16/00	X		X	Both suspensions remain in abeyance.
Mediterranean Foods, Inc. 18977 Upper Darby, PA			8/22/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Mello's North End Manufactory 913/p-913 Fall River, MA	05/09/00	05/11/00	05/15/00		X		Remains in abeyance.
Miranda Brothers, Inc. 1037 Fall River, MA		05/24/00	05/26/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Mountains Products Inc. 17458/P-17458 Lagrangeville, NY			01/04/01	X				Remains in abeyance. Plant previously received notice of intended enforcement.
New American Poultry. P-9030 Sacramento, CA	12/13/00		12/18/00				X	On 03/20/01, suspension case closed with a letter of warning. The suspension was based on plant official's intimidation of a FSIS employee.
New Bedford Linguica Co. 610 New Bedford, MA			05/30/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
New Mexico Food Dist. 13272/P-13272 Albuquerque, NM			07/07/00			X		On 02/02/01, suspension case closed with a letter of warning.
New On Sang Poultry P-9885 San Francisco, CA	04/15/99		04/16/99 10/26/00	X		X		Both Suspensions remain in abeyance.
Northwest Adventures 11031 Grangeville, ID		05/10/00	05/10/00			X		Remains on voluntary suspension. On 6/23/00, plant was granted a 120 day voluntary suspension due to fire damage. Additional 120 day extension granted on 10/27/00.
On A Roll Sales, Inc. 19053/P-19053 Brockton, MA			02/22/01			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
PM Specialty Foods 6520 Richmond, VA				X				On 03/22/01, a notice of intended enforcement was issued to the plant. Decision regarding enforcement pending.



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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Pacific Northwest Meats 6041 Salem, WA		06/19/00	3/23/00 6/30/00			X X	On 10/23/00, inspection service was voluntarily withdrawn. This information was inadvertently not included in the previous report. Plant previously received a notice of intended enforcement.
Pat's Beef Jerky 20965 Liebenthal, KS			06/01/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Purdy & Sons, 4705 Sherburne, NY			11/09/00			X	Remains in abeyance.
R & M Meat Co. 20808 Lubbock, TX	08/31/99		09/02/99		X		Remains in abeyance.
Real Kasher Sausage Co. 999/P-7894		03/22/01			X		Suspension remains in effect. Suspension also based on insanitary conditions.
Reicherdt Duck Farm P-8289 Petaluma, CA			12/18/00	X			On 03/23/01, suspension case closed with a letter of warning.
Reinaldo Garcia, Inc. 06742/P-06742 Mayaguez, PR	01/26/00	01/26/00	01/28/00			X	Remains in abeyance.
Retail Ready Foods 8205/P-8205 Amarillo, TX						X	On 03/06/01, plant received a letter of information closing the case. Previously on 02/08/01, the plant received notice of intended enforcement.
R. L. Zeigler Co., Inc. 91565/P-91565 Selma, AL			06/19/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Royal Meat Packing Co. 9672/P-9672 Quakertown, PA		05/08/00 05/23/00	05/11/00 05/26/00	X			X First suspension was based on inhumane treatment of animals. Plant previously received a notice of intended enforcement regarding second suspension. Both suspensions remain in abeyance.
Russo's Italian Specialties. 19186 Rockford, MI			12/13/00		X		Remains in abeyance. Plant previously received notice of intended enforcement.
Sam HWA Meat Co. Inc. 19607 Brooklyn, NY	05/10/00		05/24/00		X		Remains in abeyance.
Sardinha Sausage Inc. 17995/P-17995 Fall River, MA	02/25/00		02/29/00		X		Remains in abeyance.
Schneider Packing Co. 439 St. Louis, MO	01/25/00	04/28/00 02/14/01	01/25/00 12/05/00		X X	X X X	On 03/15/01, inspection service voluntarily withdrawn. Second and third suspensions were based on the plant's failure to meet sanitation performance standards. All suspension cases closed.
Sterling Pack, Inc. 6494/P-6494 Sterling, CO		08/24/00	09/1/00		X		Remains in abeyance.
T.A.I.F., Inc. 9771/P-9771 Norristown, PA			3/8/01		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
TAJ Gourmet Foods, Inc. 19362/P-19362 Framingham, MA			08/25/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
The Blue Willow Sausage Kitchen 258 Enterprise, OR	01/27/00		01/27/00			X	On 01/31/01, inspection service voluntarily withdrawn.
The Butcher Block, Inc. 5390/P-5390 Claremont, NH		08/28/00	08/30/00			X	Remains in abeyance.
The Chili Factory 1859/P-1859 Cincinnati, OH	09/05/00		09/07/00			X	Remains in abeyance.
Valley Pride Packing Inc. 1361 Norwalk, WI			07/13/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Vermont Smoke & Cure, Inc. 8795/P-8795 SO. Barre, VT	01/28/00		01/28/00			X	Remains in abeyance.
Volunteers of America 19949 Los Angeles, CA	01/25/00	01/27/00	01/28/00			X	On 10/06/00, inspection service voluntarily withdrawn. This information was inadvertently not included in the previous report.
Waldron Smoke House Specialties D/b/a Seabolts Smoke House 20776 Oak Harbor, WA	01/31/00	02/21/01	02/07/00 05/18/00 03/06/01			X X X	Remains in abeyance. Plant previously received a notice of intended enforcement.
Westland Meat Co. 1518 Commerce, CA		02/01/01	02/02/01			X	Remains in abeyance.

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

Establishment/ Estab. Number/ Location	Withholding	Suspension In Effect	Suspension In Abeyance	Basis for Action			Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	
Yee Tung Inc. P-19014 Philadelphia, PA		08/15/00	08/17/00		X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Zamora Chicharrones Co, 20028A/P-20028A Lomita, CA		08/14/00	08/15/00			X	On 02/09/01, suspension case closed with a letter of warning.

### Withdrawal for Unfitness

Under the statutes it administers, FSIS also can move to withdraw inspection, after opportunity for a hearing, based on the unfitness of an applicant for, or a recipient of inspection, because of a felony conviction or more than one violation involving food. **Table 8** identifies actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period.

**Table 8. Withdrawal for Unfitness**

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

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

<b>Establishment</b>	<b>Location</b>	<b>Complaint to Deny/Withdraw Inspection</b>	<b>Consent Decision</b>	<b>Actions</b>
Greenville Packing Co. Inc. 9956/P9956	Greenville, NY	07/27/98		On March 13, 2000, a USDA Administrative Law Judge issued an 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. On June 1, 2000, the USDA Judicial Officer concurred with the ALJ decision. On July 5, 2000, the company appealed the USDA decision to withdraw to the U.S. District Court.
Heringer Meats, Inc., and Raymond F. Neimeyer, Jr.	Covington, KY	03/22/01		Complaint to withdraw inspection based on firm's felony conviction and President's misdemeanor convictions for preparing meat and poultry products not in accordance with the Acts and with intent to defraud.
Jacob Fleishman Cold Storage, Inc. I-277 (Successor to Custom Cold Storage and Services, Inc.)	Miami, FL	02/17/00		Complaint to withdraw inspection based on corporation's conviction, and a felony conviction of a predecessor corporation to Jacob Fleishman Cold Storage. The corporation was convicted of causing, with 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 August 11, 2000, the corporation filed an answer and requested an oral hearing with the USDA Hearing Clerk. On January 4, 2001, a motion to set for oral hearing was filed.

Jay and Boots Meats, Inc.	Knoxville, TN	05/22/00	On February 9, 2001, federal inspection services were indefinitely withdrawn by a final decision and order.
LeBlanc's Cajun Boudin and Food Co. 13512	St. Amant, LA	02/25/99	The complaint to withdraw inspection is based on the owner's felony conviction for drug trafficking (cocaine). On June 3, 1999, the corporation filed an amended answer with the USDA Hearing clerk. On January 22, 2001, a motion to withdraw the complaint was filed because of information received that William D. LeBlanc's conviction had been voided by an order of the Superior Court of Butts County, Georgia.
Phoenix Poultry Corp. and George D. Oppenheimer	West Springfield, MA	03/01/01	Complaint to withdraw inspection 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.
Preferred Freezer Services, Miami, Inc.	Miami, FL	12/30/99	Complaint to withdraw inspection based on corporation's conviction of one felony for knowingly distributing adulterated meat products, and two misdemeanors for causing meat and poultry products to become adulterated by rodents. On January 25, 2000, the corporation filed an answer and request for hearing, and appearance with the USDA Hearing clerk. On March 14, 2001, a motion to set for oral hearing was filed on behalf of FSIS.
Vanguard Culinary Group, LTD d/b/a Cross Creek Foods, Inc. James G. Stancil and Robert C. Stackhouse 8334/P-8334	Fayetteville, NC	06/7/99	Complaint to withdraw inspection 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.

## 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 are reflected in this report. There was one removal of custom exempt privileges this reporting period involving Brainard Meats located in Brainard, Nebraska. This action was based on the firm's repetitive production of meat food products under insanitary conditions and findings of adulterated products.

## **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  
(01/01/01 to 03/31/01)**

**Criminal Actions**

<b>Name</b>	<b>Location</b>	<b>Indictment</b>	<b>Information</b>	<b>Plea</b>	<b>Sentencing</b>	<b>Action Summary</b>
Deen Wholesale Meat Co. Craig Deen, Vice President	Fort Worth, TX	02/14/01				Three (3) counts charging with selling and offering for sale and transportation adulterated and misbranded meat and meat food products, and making a false material statement to government officials.
Heringer Meats, Inc. and Raymond Niemeyer, President	Covington, KY	06/04/00			02/27/01	Firm sentenced on one (1) felony count for preparing meat products with intent to defraud, and aiding and abetting. Fined \$30,000, \$400 special assessment, two (2) years probation. Mr. Niemeyer sentenced on two (2) misdemeanor counts of preparing meat and poultry products not in compliance with the Acts. One (1) year probation, \$50 special assessment and \$16,000 investigative costs. \$10,965.95 restitution to be paid jointly by Mr. Niemeyer and firm.
Mantas, Theodoros Jr. (Helmos Food Products)	Chicago, IL			11/22/00	03/01/01	Sentenced on one (1) misdemeanor count for violation of the PPIA. Fined \$250, \$25 special assessment and three (3) years probation.
Meat Depot, Inc. Tami Boji, Manager	Dearborn Hts., MI			06/20/00		2 misdemeanor counts for causing meat and poultry products to become putrid, sour, and contaminated with filth.
Processors Unlimited Operating Company	Dallas, TX			12/29/00		Pled guilty to a one (1) count misdemeanor for sale, transportation, offering for sale and transportation in commerce, adulterated meat and meat 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 was one pre-trial diversion agreement this quarter. This case involved an employee of a federally inspected establishment in Detroit, Michigan, who allegedly impersonated a government official. This individual was placed on pre-trial diversion for a period of one (1) year.

## **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 is destroyed, sold, or, upon posting of an appropriate bond, returned to its owner to be brought into compliance with the law. 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 injunction reported for the period. Currently 30 firms are under injunction.

**Table 10. Civil Actions  
(01/01/01-03/31/01)**

<b>Name</b>	<b>Location</b>	<b>Complaint</b>	<b>Injunction</b>	<b>Action</b>
Vitamia Pasta Boy, Inc. d.b.a. Vitamia & Sons Ravioli Co. Antonio Vitamia, President, And Francesco Vitamia, Secretary.	Lodi, NJ		01/03/01	Firm and principles entered into consent agreement that prohibits preparing, selling, transporting or offering for sale, or receiving for sale, meat and poultry products unless inspected by USDA.

## 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](http://www.fsis.usda.gov)