

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY REGULATORY AND ENFORCEMENT REPORT
October 1, 2000 through December 31, 2000**

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 October 1, 2000 to December 31, 2000. During this period, FSIS performed 2,085,298 inspection tasks at HACCP plants. **Table 1b** shows the number of appeals and the dispositions of the appeals filed at HACCP plants, from October 1, 2000 to December 31, 2000.

Table 1a. Noncompliance Report Totals

NR Totals

NRs Issued (10/01/00 to 12/31/00) **29,762**

Table 1b. Appeals NRs (10/01/00 to 12/31/00)

Number of Plants Filing Appeals 109

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total NRs Appealed
55	94	136	285

(Total exceeds **109** 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 15,835,153 livestock carcasses, of which 40,224 carcasses were condemned. FSIS inspected 1,381,864,474 poultry carcasses of which 9,683,794 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 Office, for this quarterly reporting period. Most detentions result in voluntary disposal of the product and do not require court seizures.

**Table 2. Detention Summary
(10/01/00 to 12/31/00)**

Detentions

Total number of detentions by FSIS 163
 Total pounds of product detained 4,119,690

District	Detentions	Pounds Detained
ALAMEDA, CA	13	123,723
ALBANY, NY	11	339,483
ATLANTA, GA	19	53,286
BELTSVILLE, MD	5	36,589
BOULDER, CO	7	50,945
CHICAGO, IL	8	96,960
DALLAS, TX	17	46,456
DES MOINES, IA	16	568,333
JACKSON, MS	2	66,160
LAWRENCE, KS	6	70,862
MADISON, WI	10	20,216
MINNEAPOLIS, MN	5	18,238
PHILADELPHIA, PA	8	2,117,245
PICKERINGTON, OH	7	12,950
RALEIGH, NC	7	7,844
SALEM, OR	14	136,237
SPRINGDALE, AR	<u>8</u>	<u>354,163</u>
Totals	163	4,119,690

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 October 1, 2000 to December 31, 2000.

**Table 3. Imported Meat, Poultry and Egg Products
(10/01/00 to 12/31/00)**

Presented, Reinspected, and Refused Entry

Meat and Poultry

Number of Presented		Number of Reinspected		Number of Refused Entry	
Lots	Pounds	Lots	Pounds	Lots	Pounds
41,283	890,273,038	6,464	146,247,639	2,207	1,982,970

Egg Products

Number of Presented		Number of Refused Entry	
Lots	Pounds	Lots	Pounds
134	1,328,544	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
(10/01/00 to 12/31/00)**

Letters of Warning for Criminal Violations

Total number of LOWs issued for violations	463
Number issued by Headquarters	6
District	Number of LOWs Issued by Districts
ALAMEDA, CA	38
ALBANY, NY	107
ATLANTA, GA	18
BELTSVILLE, MD	28
BOULDER, CO	23
CHICAGO, IL	26
DALLAS, TX	11
DES MOINES, IA	12
JACKSON, MS	10
LAWRENCE, KS	22
MADISON, WI	31
MINNEAPOLIS, MN	11
PHILADELPHIA, PA	54
PICKERINGTON, OH	9
RALEIGH, NC	10
SALEM, OR	36
SPRINGDALE, AR	<u>11</u>
Total number issued by Districts	457

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 hold in abeyance a suspension action if corrections are presented, put into effect, and effectively prevent additional problems. FSIS District Offices have established procedures to monitor and verify activities in plants where the suspension is being held in abeyance.

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 152 plants. Sixty-seven of the actions in these plants were initiated during this reporting period. Fourteen 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. Two 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 for their failure to meet basic HACCP requirements.

**Table 5. Administrative Actions: Large HACCP Plants
(10/01/00 to 12/31/00)**

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>	
Cagles, Inc. P-646 Pine Mountain, GA			4/25/00			X	X	On 09/06/00 suspension case closed with a letter of warning. This was inadvertently omitted from last report.
Con Agra Inc. 233-A/P333 Crozet, VA	11/12/99		11/17/99		X			Remains in abeyance.
Claxton Poultry Farms P06505 Claxton, TX			11/22/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Con Agra Beef Inc. 3 D Dumas, TX		6/16/00	4/13/00 6/19/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Excel Corporation 86R Fort Morgan, CO	9/22/99	5/23/00	9/25/99 6/14/00			X X		On 11/09/00 suspension case closed with a letter of warning.
Moyer Packing Co. 1311 Souderton, PA			8/16/00			X		On 11/03/00 suspension case closed with a letter of warning.
Perdue Farms, Inc. P-7342 Dothan, AL		5/19/00	5/22/00			X		Remains in abeyance.
Sanderson Farms, Inc. P-7264 Hammond, LA		05/02/00	04/06/00 05/03/00			X X		On 10/04/00 both suspension cases closed with a letter of warning.

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>	
Tyson Foods, Inc. P-146 Glenn Allen, VA			8/28/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.

**Table 6. Administrative Actions: Small HACCP Plants
(10/01/00 to 12/31/00)**

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>	<u>Other</u>	
A & O Provisions Co. 4085 Brooklyn, NY	6/15/99	6/15/99	6/18/99			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			5/26/00			X		Remains in abeyance. Plant previously 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.
Better Baked Food 8848/P-8848 North East, PA	10/6/99	10/7/99	10/14/99			X		Remains in abeyance.
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			9/7/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Brother & Sister			9/7/00			X		Remains in abeyance. Plant previously received a notice

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>	<u>Other</u>	
Food Trading Inc. 21214/P-21214 Bayonne, NJ								of intended enforcement.
Chiappetti Wholesale Meat Co. 916A Chicago, IL			9/11/00			X		On 12/13/00 suspension case closed with a letter of warning.
Curtis Packing, Co. 2642/P-2642 Greensboro, NC		5/30/00	6/1/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Dakota Premium Foods, LLC 357 So. St. Paul, MN		8/1/00	8/3/00			X		Remains in abeyance.
Del Ground Meats, Inc. 5553 Lincoln, Nebraska		07/14/00	07/14/00			X		On 10/30/00 suspension case closed with a letter of warning.
Diestal Turkey Ranch P-9332 Sonora, CA			6/13/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Durango USA Foods 20106/P-20106 Dallas, TX	8/12/99	8/13/99 9/13/00	9/2/99 9/21/00		X X			Remains in abeyance.
Dutchman's Market, Inc. 13263 Fredericksburg, TX			07/21/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement. This was inadvertently omitted from last report.
Eddy Packing Co. 4800 Yoakum, TX	03/30/00		03/31/00			X		Remains in abeyance.

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 Abeance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
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.
Fredericksbury Lockers, Inc. 13153 Fredericksburg, TX			7/20/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
G & T Meat Co. Inc. 10273/P-10273 Grand Rapids, MI		5/13/99 5/25/99 6/14/99 7/29/99	6/30/99 6/30/99 6/17/99 9/21/00		X	X	X	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.
Godshall's Quality Meats, Inc. 9553/P-9553 Telford, PA			4/25/00			X		On 11/30/00 suspension case closed with a letter of warning.
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			2/2/00			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.

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>	<u>Other</u>	
House of Raeford Farms 1234/P-1234 Athens, MI	1/28/00	1/28/00	2/7/00			X		Remains in abeyance.
John's Produce Co. P-1295 Campbell, MO			9/18/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
K.P.R. Holdings, LP 21379 Waterloo, IA			10/06/99 07/24/00			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			9/28/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Marathon Enterprises 8854 Bronx, NY			3/4/99			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
MMB Food Service 08241 Detroit, MI	12/2/99	12/3/99	12/13/99		X	X		On 03/17/00, the suspension was closed with a letter of warning. This was inadvertently omitted from previous reports.
Mrs. Crockett's Kitchen Inc. 4810/P-4810 Fort Worth, TX			6/27/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
New On Sang Poultry Co. P-9885 San Francisco, CA			10/19/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
North Side Foods Inc 2121 Arnold, PA		12/22/00	12/28/00			X		Remains in abeyance.

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 Abeance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Omaha Beef Co. 2769 Danbury, CT			8/17/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Pacific West Processing 17622 Yearing, NV	3/23/00	3/24/00	3/30/00		X			Remains in abeyance.
Pacific Northwest 6041 Salem, WA		6/19/00	3/23/00 6/30/00			X X		Remains in abeyance.
Peer Foods, Inc. 998/P-15874 Chicago, IL	7/26/00		7/27/00			X		Remains in abeyance.
Philadelphia Foods, Inc., 17561/P-17561 Westville, NJ	3/18/99	3/22/99	4/13/99		X	X		Remains in abeyance.
Que Tal, Inc. 6757/P-6757 Chicago, IL		12/29/00			X			Suspension remains in effect. Plant previously received a notice of intended enforcement.
Quality Choice Foods 7734/P-7734 Phoenix, AR			7/19/00		X	X		Remains in abeyance. Plant previously received a 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.
Rochester Meat Company, 8999 Rochester, MN			10/23/00			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 Abeance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
San Antonio Packing Co. 602/P-19684 San Antonio, TX		6/6/00 6/19/00	5/30/00 6/7/00 6/22/00		X X X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Supreme Beef Packers Inc. 2228 Ladonia, TX			2/18/00			X	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. On 11/01/00 plant was granted a 120 day voluntary suspension.
Supreme Beef Processors 7143 Dallas, TX		11/30/99	2/11/00 8/25/00		X	X	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. On 11/01/00 plant was granted a 120 day voluntary suspension.
Thompson Packers, Inc. P-7287 Slidell, LA			7/20/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Twin Rivers, Inc 19719/P-19719 Fort Smith, AR		10/26/00	3/10/00 11/09/00		X X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Ventura Foods LLC 1575 Albert Lea, MN			7/28/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
White Packing Co. 1246/P-1246 Williamston, NC		6/23/00				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.

**Table 7. Administrative Actions: Very Small HACCP Plants
(10/01/00 to 12/31/00)**

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 Abeance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
A & W County Meat 10801 Taneytown, MD	1/25/00	1/27/00	2/4/00			X		Remains in abeyance.
Aala Meat Market Inc. 12425/P-12425 Honolulu, HI		6/12/00	4/25/00 8/14/00			X X		Remains in abeyance.
AA Rubashkin & Sons, Inc. 4653/P-4653 Brooklyn, NY			7/3/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Acoreana Manufactory Co. Inc. 6358 Fall River, MA	5/24/00		5/26/00			X		Remains in abeyance.
AGY Corporation P-8757 Mongaup Valley, NY	3/7/00		3/20/00			X		Remains in abeyance.
All American Meats, Inc. 20420 Omaha, NE			9/27/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Angus Fine Meat Pies 8108 Seattle, WA	1/25/00	1/25/00				X		Remains in effect. Suspension is based on plant's failure to meet basic HACCP requirements. Plant has requested to relinquish the establishment number to a new owner.
Apalachin Meat Inc., 4392/P-4392 Apalachin, NY			11/27/00		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>	
Aries Prepared Beef 6037/P-6037 Burbank, CA	5/12/00		5/16/00			X		On 10/03/00 suspension case closed with a letter of warning.
Austin Farms 21161 Blackfoot, ID	9/28/00	9/28/00 9/29/00	9/28/00 10/05/00		X	X X		Both suspensions remain in abeyance.
Ball Packing Cold Storage, Inc. 19593 Idaho Falls, ID		7/18/00	7/18/00			X		Remains in abeyance.
Berks Packing Co. 8782 Reading, PA						X		On 12/12/00, case closed with a letter of information. Plant previously received a notice of intended enforcement.
Briazz Inc. 20367/P-20367 Seattle, WA		7/13/00 8/7/00	7/28/00 8/10/00			X X		Remains in abeyance.
Bristol Beef 5998 Bristol, CT			8/15/00			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			3/3/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Champlain Beef Co. Inc. 8547 Whitehall, NY		6/13/00	6/19/00			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 Abeance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
Chicopee Provisions, Co. Inc. 6363 Chicopee, MA			6/5/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Columbia River Farms 18340/P-18340 Clatskanie, OR		8/9/00	5/31/00 8/29/00		X	X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Common's Wholesale Meats 8112/P-8112 Idaho Falls, ID		6/27/00	11/22/00			X		Remains in abeyance.
Corte & Co 442 Jersey City, NJ		5/23/00	8/25/00			X		Remains in abeyance.
Country Pride Meats 19290/P-19290 Friendsville, MD		9/22/00	9/29/00				X	Remains in abeyance. Suspension was based on plant official's intimidation of an FSIS employee. On 10/26/00, plant appealed the suspension held in abeyance. On 12/15/00, based on issues raised in the appeal, the plant owner was advised that the case would be considered closed. Remains in abeyance. Plant previously received a notice of intended enforcement.
Del Gould Meats 5553/P5553 Lincoln, ME			7/14/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Designer Meats, Inc. 5884/P-17423 Hilo, HI		4/5/00 5/10/00 7/20/00 9/20/00	4/12/00 5/18/00 8/14/00		X	X X X		Remains in effect.
Dutchman's Meat Inc. 13263/P-13263 Fredericksburg, TX		6/15/00	7/21/00			X		Remains in effect. 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>	
E.E. Mucke & Sons, Inc. 5978/P-5978 Hartford, CT		8/18/00	11/27/00			X		Remains in abeyance.
El Campo Packing Co., Inc. 20090 El Campo, TX	12/05/00	12/06/00				X		Remains in effect.
Farmer's Best Meats Inc. 20469/P-20469 Amery, WI			9/27/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Feller's Precooked Meats, Inc. 1550/P-1550 North Salt City, UT		6/15/00	6/26/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Fenix, LLC 20920/P-20920 Oklahoma City, OK		5/2/00 9/28/00	7/6/00 9/29/00		X X	X X		Remains in abeyance.
Fischera Foods 8875 Philadelphia, PA			11/22/00			X		Remains in abeyance. Plant previously received a noticed of intended enforcement.
Frank's Wholesale Meats 7741/P-7741 San Bernardino, CA	12/05/00	12/08/00					X	Suspension was based on plant official's intimidation of an FSIS employee. On 12/12/00, plant appealed the matter. On 12/19/00, based on assurances by the plant, inspection was allowed to resume. Case closed.
Gaisers European 5385/P-5385 Union, NJ	8/16/99	5/24/00	8/25/99 08/27/00		X	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>	<u>Other</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.
Guadalupe Ranch House Meat Co. 13353 Menard, TX			2/22/00		X			On 12/07/00 suspension case closed with a letter of warning.
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		6/28/00	7/3/00			X		Remains in abeyance.
Henry J's Meat Specialties 1766 Chicago, IL		9/8/00	9/22/00			X		Remains in abeyance.
Homemade Brand Foods, Inc. 8865 Newburyport, MA			10/17/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Homestead Gourmet Foods Co. Inc. 9947/P-9947 Linden, NJ	4/10/00	5/16/00	4/14/00 5/19/00			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.

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>	
Hsin-Chih Enterprise, Inc. 9936/P-9936 College Point, NY		5/10/00				X		On 08/18/00, suspension for raw ground product held in abeyance. Suspension for heat treated shelf-stable product remains in effect.
Instituto de la Carve 17932 Caguas, PR	1/26/00	1/26/00	3/7/00			X		Remains in abeyance.
J.R. Butcher Shoppe 6380/P-6380 Ludlow, MA			9/13/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
John's Produce Company Est. P-1295 Campbell, Missouri			09/18/00			X		On 10/5/00 inspection was voluntary withdrawn due to closure of the plant.
K & K Kustom Meats 6450/P-6450 Lamar, CO		6/7/00 9/19/00	7/17/00			X	X	First suspension remains in abeyance. Plant previously received a notice of intended enforcement. Second suspension based on intimidation/threat. Remains in effect. On 9/29/00, plant was granted a 120 day voluntary suspension.
Kallia German Butcher 11201 Port Charlotte, FL	1/27/00		1/27/00			X		Remains in abeyance.
Konanya Meat Co. 645/P-2401 Los Angeles, CA		6/9/00	6/12/00			X		Remains in abeyance.
Lam Foods, Inc. 20108/P-20108 Kansas, MO		5/8/00	4/26/00 5/9/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Lasich Meat Processing 9023 Plymouth, CA	1/25/00		1/28/00			X		Remains in abeyance. On 08/08/00 the plant was granted a 120 day voluntary suspension.

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 Abeance	Basis for Action				Appeals and Actions
				<u>E.Coli</u>	<u>SSOP</u>	<u>HACCP</u>	<u>Other</u>	
La Spaiga D'oro Co. Inc. 17514/P-17514 San Rafael, CA	7/15/99	7/15/99	7/20/99		X			On 11/03/00 suspension case closed with a letter of warning.
Leo G. Fraboni Sausage, 8997 Hibbing, MN			10/31/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Lieb Brothers Packing Co. 1991 Pittston, PA		8/18/00	10/25/00		X			Remains in abeyance. Plant previously received a notice of intended enforcement.
Martin Rosol's Inc. 5993/P-5993 New Britain, CT			6/12/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Meadow Meat Co. 483/P-483 Middletown, CT		7/25/00	8/11/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Meat and Fisheries Processing Lab 4166/P-4266 Cobleskill, NY			7/29/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Meat Depot Food Service 19348/P-19348 Lakewood, NJ		7/19/00 7/27/00	8/16/00 8/16/00		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	5/9/00	5/11/00	5/15/00			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>	<u>Other</u>	
Miranda Brothers, Inc. 1037 Fall River, MA		5/24/00	5/26/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
New American Poultry. P-9030 Sacramento, CA	12/13/00		12/18/00				X	Suspension was based on plant official's intimidation of a FSIS employee.
New Bedford Linguica Co. 610 New Bedford, MA			5/30/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
New Mexico Food Dist. 13272/P-13272 Albuquerque, NM			7/7/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
New On Sang Poultry P-9885 San Francisco, CA	4/15/99		4/16/99		X			Remains in abeyance.
Nicholas Packing Co. 4465 Longanton, PA			12/04/00			X		Remains in abeyance.
Northwest Adventures 11031 Grangeville, ID		5/10/00	5/10/00			X		Remains on voluntary suspension. On 6/13/00 plant was granted a 120 day voluntary suspension.
On A Roll Sales, Inc. 19053/P-19053 Brockton, MA						X		On 10/12/00 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>	<u>Other</u>	
Pacific Northwest Meats 6041/P-6041 Sumner, WA		6/19/00	3/23/00 6/30/00			X X	Remains in abeyance. Plant previously received a notice of intended enforcement.	
Pat's Beef Jerky 20965 Liebenthal, KS			6/1/00			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	8/31/99		9/2/99		X		Remains in abeyance.	
Reicherdt Duck Farm P-8289 Petaluma, CA			12/18/00	X			Remains in abeyance. Plant previously received notice of intended enforcement, for failure to comply with <i>E.coli</i> testing requirements.	
Reinaldo Garcia, Inc. 06742/P-06742 Mayaguez, PR	1/26/00	1/26/00	1/28/00			X	Remains in abeyance.	
Rio-Tex Wholesale 13545 Mercedes, TX	03/09/00 04/11/00		03/14/00 04/13/00		X X		On 12/07/00, suspension case closed with a letter of warning.	
R. L. Zeigler Co., Inc. 91565/P-91565 Selma, AL			6/19/00			X	Remains in abeyance. Plant previously received a notice of intended enforcement.	
Royal Frozen Food 20585 Los Angeles, CA	12/16/99		12/21/99 5/4/00			X X	On 12/28/00, 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>	<u>Other</u>	
Royal Meat Packing Co. 9672/P-9672 Quakertown, PA		5/8/00 5/23/00	5/11/00 5/26/00	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	5/10/00		5/24/00			X		Remains in abeyance.
Sardinha Sausage Inc. 17995/P-17995 Fall River, MA	2/25/00		2/29/00			X		Remains in abeyance.
Schneider Packing Co. 439 St. Louis, MO	1/25/00	4/28/00	1/25/00 12/05/00			X	X	Both suspensions remain in abeyance. Second suspension was based on the plant's failure to meet sanitation performance standards.
Sterling Pack, Inc. 6494/P-6494 Sterling, CO		8/24/00	9/1/00		X			Remains in abeyance.
TAJ Gourmet Foods, Inc. 19362/P-19362 Framingham, MA			8/25/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
The Blue Willow Sausage Kitchen 258 Enterprise, OR	1/27/00		1/27/00			X		Remains in abeyance. On 08/08/00, plant was granted a 120 day voluntary suspension.

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>	
The Butcher Block, Inc. 5390/P-5390 Claremont, NH		8/28/00	8/30/00			X		Remains in abeyance.
The Chili Factory 1859/P-1859 Cincinnati, OH	9/5/00		9/7/00			X		Remains in abeyance.
Valley Pride Packing Inc. 1361 Norwalk, WI			7/13/00			X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Vermont Smoke & Cure, Inc. 8795/P-8795 SO. Barre, VT	1/28/00		1/28/00			X		Remains in abeyance.
Volunteers of America 19949 Los Angeles, CA	1/25/00	1/27/00	1/28/00			X		Remains in abeyance.
Waldron Smoke House Specialties D/b/a Seabolts Smoke House 20776 Oak Harbor, WA	1/31/00		2/7/00 5/18/00			X X		Remains in abeyance. Plant previously received a notice of intended enforcement.
Wintergarden Quality. 9976 Allentown, PA			11/22/00			X		Remains in abeyance. Plant previously received notice of intended enforcement.
Yee Tung Inc. P-19014 Philadelphia, PA		8/15/00	8/17/00		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>	
Zamora Chicharrones Co, 20028A/P-20028A Lomita, CA		8/14/00	8/15/00			X		Remains in abeyance.

Withdrawal for Unfitness

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

Table 8. Withdrawal for Unfitness

(10/01/00 to 12/31/00)

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

Establishment	Location	Complaint to Deny/Withdraw Inspection	Consent Decision	Actions
Greenville Packing Co. Inc. 9956/P9956	Greenville, NY	7/27/98		On March 13, 2000, a USDA Administrative Law Judge issued an Order declaring that inspection services would be indefinitely withdrawn from Greenville Packing Co., Inc. The Order specifies that inspection services will be indefinitely withdrawn with 35 days after service of the Order upon the firm unless appealed to the Judicial Officer. 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. The Order specifies that inspection services will be indefinitely withdrawn unless appealed to U.S. District Court. On July 5, 2000, the company appealed the USDA decision to withdraw to the U.S. District Court.
Jacob Fleishman Cold Storage, Inc. I-277 (Successor to Custom Cold Storage and Services, Inc.)	Miami, FL	2/17/00		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.
LeBlanc's Cajun Boudin and Food Co. 13512	St. Amant, LA	2/25/99		The complaint to withdraw inspection is based on the owner's felony conviction for trafficking in cocaine. On June 3, 1999, the corporation filed an amended answer with the USDA Hearing clerk.

Establishment	Location	Complaint to Deny/Withdraw Inspection	Consent Decision	Actions
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.
Vanguard Culinary Group, LTD d/b/a Cross Creek Foods, Inc. James G. Stancil and Robert C. Stackhouse 8334/P-8334	Fayetteville, NC	6/7/99		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.
Jay and Boots Meats, Inc. 8079/P-8079	Knoxville, TN	5/22/00		Complaint to withdraw is based on the corporation's felony convictions for preparing adulterated and mislabeled meat food products and for selling and transporting adulterated meat food products with intent to defraud. On July 10, 2000, a motion for adoption of proposed decision and order, together with a decision and order for default, was filed with the USDA Hearing Clerk.
Marathon Enterprises, Inc. and Gregory Papalexis 8854 7879 850	East Rutherford, New Jersey	11/17/00	11/20/00	Complaint to withdraw inspection based on Mr. Gregory Papalexis's felony conviction for perjury. The Consent Decision prevents Mr. Papalexis from acquiring additional financial interest in Marathon Enterprises, Inc., and requires Mr. Papalexis and other managers to participate in training program or educational courses encompassing ethics in business practices.

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 were no actions taken to remove custom exempt privileges this reporting period.

CRIMINAL ACTIONS

If evidence is found that a person or business has engaged in violations of the Federal Meat Inspection Act, Poultry Products Inspection Act, or Egg Products Inspection Act, USDA may refer the case to the appropriate United States Attorney to pursue criminal prosecution.

Conviction for a criminal offense can result in a fine, imprisonment, or both. **Table 9** lists criminal actions and criminal cases in categories according to the status of the case, which may be indictment or information issued; pleas, convictions, or acquittals, and sentences rendered during this reporting period.

**Table 9. Criminal Actions
(10/01/00 to 12/31/00)**

Criminal Actions

Name	Location	Indictment	Information	Plea	Sentencing	Action Summary
Fordco foods Company Thomas L. Ford, Pres. Jimmy S. Martinez, Op. Mgr.	Bakersfield, CA	11/07/00				Seven (7) count indictment charging with offering adulterated poultry products for sale or transportation, and aiding and abetting.
Heringer Meats, Inc. and Raymond Niemeyer, President	Covington, KY	6/4/00				52 felony counts for preparing meat and poultry products with intent to defraud, sale of adulterated and misbranded meat products, and aiding and abetting.
Krusinski, Helen M. dba Krusinski's Finest Meats	Cleveland, OH				10/11/00	Misdemeanor violation of Ohio State Code. Failed to register and sold meat products not in compliance with the state code. Fined \$50,000 of which, \$49,500 suspended, and a two-year inactive probation period.
Marvin L. Swick	Ponca, NE			5/10/00		One felony count for food tampering.
Mantas, Theodorus Jr. (Helmos Food Products)	Chicago, IL			11/22/00		Pled guilty to a one (1) count misdemeanor for causing poultry products to become adulterated.
Meat Depot, Inc. Tami Boji, Manager	Dearborn Hts., MI			6/20/00		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.
RGV Warehouse, Inc.	McAllen, TX	6/22/00				15 felony counts for distributing rodent adulterated meat and poultry products.

Name	Location	Indictment	Information	Plea	Sentencing	Action Summary
State of Minnesota vs. Rodney Scherping	Winsted, MN			12/20/00	12/20/00	No-contest plea to charge of unauthorized sale of meat. Received one (1) year probation, \$500 fine.

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, involving the manager of a retail store in Detroit, Michigan, who allegedly offered for sale adulterated and unfit for human consumption meat and poultry products. This individual was placed on a six-month PTD and ordered to make restitution in the amount of \$50,000.

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 were no injunctions reported for the period. Currently 31 firms are under injunctions.

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