

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY ENFORCEMENT REPORT
October 1, 2002 through December 31, 2002**

INTRODUCTION

This is the Food Safety and Inspection Service's (FSIS) Quarterly Enforcement Report. The report provides a summary of the enforcement actions FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. Although this report focuses on enforcement actions taken, it is important to recognize that this is only one aspect of the Agency's work. The Agency's main purpose is to protect public health by achieving compliance with laws and regulations. For example, the data indicates that plants operating under Hazard Analysis and Critical Control Point (HACCP) Systems have a 97.78 percent compliance rate for fiscal year 2002.

FSIS inspects products produced in over 6,000 meat, poultry, and egg product plants. Since January 1998, meat and poultry plants have been operating HACCP Systems. Publication of this information is another step in the Agency's commitment to openness and transparency in its work to protect the public from adulterated or misbranded meat, poultry, and egg products.

The report is presented in sections that correspond with the category of action. Activities reported within the categories are either pending or experienced new activity during the reporting period. FSIS also coordinated administrative actions, where regulatory or other authorities were applied in inspected plants, and managed USDA participation in criminal cases pending in

Federal courts. These actions, along with the thousands of inspections made each day in plants throughout the country, form strong underpinnings for promoting compliance with food safety laws. Each section of this report is described and reported in more detail as follows:

FSIS ENFORCEMENT PROCESSES
NONCOMPLIANCE RECORDS AND APPEALS
PRODUCT CONTROL ACTIONS
LETTERS OF WARNING
ADMINISTRATIVE ACTIONS
CRIMINAL ACTIONS
CIVIL ACTIONS

FSIS ENFORCEMENT PROCESSES

USDA's Food Safety and Inspection Service (FSIS) is charged with ensuring that meat, poultry, and egg products are safe, wholesome, and properly labeled. FSIS, in cooperation with State counterparts, inspects, monitors, and verifies the proper processing, handling, and labeling of meat and poultry products from the delivery of animals to the slaughterhouse until the products reach consumers. FSIS, in cooperation with FDA and the states, provides similar coverage for egg products – the processed whole egg ingredients used in manufacturing other foods. (More information concerning egg products inspection and enforcement is provided in the FSIS publication "Focus on Egg Products" that can be accessed at:

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

USDA conducts monitoring and verification activities at plants that slaughter food animals and process products to ensure that products at these establishments are produced in a sanitary environment and potential food safety hazards are identified and eliminated. These establishments must apply for a grant of inspection from FSIS and demonstrate the ability to meet certain requirements for producing safe, wholesome, and accurately labeled food products. Requirements include meeting sanitation, facility, and operational standards, and having preventive systems in place to ensure the production of safe and unadulterated food. Products from official establishments are labeled with the mark of inspection, indicating that they have been inspected and passed by USDA and can be sold in interstate commerce.

FSIS uses Compliance Officers throughout the chain of distribution to detect and detain potentially hazardous foods in commerce and to investigate violations of law. Even if products are produced under conditions that are safe and sanitary, abuse can occur on their way to the consumer. For example, if foods are transported in trucks that are too warm, or if exposed to contamination, then that can result in product that can cause illness or injury.

FSIS also works closely with USDA's Office of Inspector General (OIG), which assists FSIS in pursuing complex criminal cases. In addition, many state and local jurisdictions have enforcement authorities that apply to USDA-regulated products. FSIS cooperates with these other jurisdictions in investigations and case presentations. FSIS also participates with OIG and the U.S. Department of Justice in monitoring conditions of probation orders and pretrial diversion agreements developed to resolve cases.

This report provides a summary of enforcement actions, including actions that address the Pathogen Reduction/HACCP regulatory requirements, FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. The Agency recognizes that this report is a snapshot in time of a dynamic process. Some information will be out-of-date by the time this report is published. For example, many matters shown as under appeal will have been resolved by the time this report is published. Other actions could be appealed or closed after this reporting period. This information will be updated on a quarterly basis and made available to the public through future reports.

NONCOMPLIANCE RECORDS AND APPEALS

FSIS inspection program personnel perform thousands of inspection procedures each day to determine whether or not inspected plants are in compliance with regulatory requirements. Each time inspection program personnel make a non-compliance determination they complete a report explaining the nature of the regulatory action. They notify plant managers of problems by a written Noncompliance Record (NR).

NRs document noncompliance determinations that occur in the plant's sanitation and other controls and notify the plant that it must take action to remedy a problem and prevent its recurrence. If this is done, then the plant will continue to operate without interruption. Problems reported on NRs vary from minor labeling discrepancies to serious breakdowns in food safety controls. When noncompliance occurs repeatedly, or when the plant fails to prevent adulterated product from being produced or shipped, FSIS takes action to control products and may take an action to withhold or suspend inspection.

During this quarterly reporting period, FSIS performed 1,619,136 HACCP verification procedures. **Table 1a** provides numbers of NRs issued by FSIS inspection personnel between October 1, 2002 to December 31, 2002. **Table 1b** shows the number of appeals and the dispositions of the appeals filed by plants during this reporting period. Beginning with this quarter, FSIS is modifying **Table 1b** to provide additional information.

Table 1a. Noncompliance Record Totals

NR Totals

NRs Issued (10/01/02 to 12/31/02): **31,718**

Table 1b. Appeals NRs (10/01/02 to 12/31/02)

Number of Plants Filing Appeals: **216**

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total Appeals Resulting In Modified NR	Total NRs Appealed
156	280	35	99	570

PRODUCT CONTROL ACTIONS

FSIS takes product control actions to gain physical control over products when there is reason to believe they are adulterated or misbranded. The actions ensure that those products do not enter commerce or, if they are already in commerce, that they do not reach consumers.

In official establishments, FSIS inspectors may retain products whenever there is evidence of unwholesomeness, or if products are adulterated or mislabeled. FSIS inspectors condemn animals for disease, contamination, or adulteration to prevent their use as human food. Figures for condemnations of livestock for the reporting period are as follows: FSIS inspected 28,444,397 livestock carcasses, of which 71,836 carcasses were condemned. FSIS inspected 2,033,231,183 poultry carcasses of which 11,051,586 carcasses were condemned.

Detentions

After products are distributed from plants, FSIS Compliance Officers detain any that may be adulterated or misbranded. If product disposition cannot be made within 20 days, then FSIS may request a federal court to seize the product (see Civil Actions). **Table 2** provides the number of detentions and the pounds of product involved in these actions for meat and poultry, reported in total and by FSIS District Offices, for this quarterly reporting period. Most detentions result in voluntary disposal of the product and do not require court seizures.

**Table 2. Detention Summary
(10/01/02 to 12/31/02)**

Detentions

Total number of detentions by FSIS **95**
Total pounds of product detained **1,971,573**

District	Detentions	Pounds Detained
ALAMEDA, CA / BOULDER, CO	15	110,631
ATLANTA, GA / BELTSVILLE, MD / JACKSON, MS / RALEIGH, NC	22	1,366,185
CHICAGO, IL / MADISON, WI	14	137,668
DALLAS, TX / SPRINGDALE, AR	18	28,023
DES MOINES, IA / LAWRENCE, KS / MINNEAPOLIS, MN	12	253,155
PHILADELPHIA, PA / ALBANY, NY	14	75,911
Totals	95	1,971,573

Recalls

A recall is a voluntary action by a firm to remove adulterated, misbranded, or suspect products from distribution. FSIS cannot require recalls but can recommend and monitor those that occur. Class I recalls involve a health hazard when there is a reasonable probability that the use of the product will cause serious adverse health consequences or death. Class II recalls involve a potential health hazard when there is a remote probability of adverse health consequences from use of the product. Class III recalls involve a situation in which use of the product is not likely to cause adverse health consequences. For current information on recalls, go to the FSIS recalls web page at: http://www.fsis.usda.gov/oa/recalls/rec_intr.htm.

Import Reinspections

FSIS maintains a comprehensive system of import controls to carry out the requirements of the Federal meat, poultry, and egg products inspection laws to ensure the wholesomeness of imported products. The system of import controls involves evaluation of the inspection system of each country seeking to export product to the United States and reinspection of imported products at the port of entry. FSIS conducts a rigorous review of an exporting country's inspection system to ensure it is equivalent to our inspection system prior to the country being permitted to export to the United States. After the country gains eligibility to export to the U.S., FSIS audits the foreign country inspection system at least annually. Reinspection of meat, poultry and egg products as they enter the United States is a further check on the performance of the foreign inspection system. This activity is referred to as reinspection because all imported products have been inspected and passed by a foreign inspection system equivalent to the U.S. system. All shipments must be presented to FSIS inspectors, who check documentation and general condition. FSIS also randomly selects shipments for more in-depth inspections, based on statistical sampling. A shipment that fails to meet U.S. requirements is refused entry into this country. The product must be re-exported, destroyed or, in some cases, converted to animal food. **Table 3** provides the total number of lots and pounds of imported meat, poultry, and egg products presented to FSIS; the number selected for in-depth reinspection; and the number refused entry during the reporting period.

**Table 3. Imported Meat, Poultry and Egg Products
(10/01/02 to 12/31/02)**

Presented, Reinspected, and Refused Entry

Meat and Poultry

Number of Presented		Number of Reinspected		Number of Refused Entry	
Lots	Pounds	Lots	Pounds	Lots	Pounds
55,437	967,018,852	3,996	60,915,420	2,789	1,618,931

Egg Products

Number of Presented		Number of Refused Entry	
Lots	Pounds	Lots	Pounds
322	2,730,930	1	50

Note: Table 3 was corrected because the original version did not include all categories of refused and rejected meat and poultry products. Pounds presented and reinspected were also adjusted to reflect current Automated Import Information System (AIIS) data, as was the refused entry data for egg products.

LETTERS OF WARNING

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

**Table 4. Letters of Warning for Criminal Actions
(10/01/02 to 12/31/02)**

Letters of Warning for Criminal Violations

Total number of LOWs issued for violations: 264
Number issued by Headquarters: 3

District	Number of LOWs Issued by Districts
ALAMEDA, CA / BOULDER, CO	70
ATLANTA, GA / BELTSVILLE, MD / JACKSON, MS / RALEIGH, NC	71
CHICAGO, IL / MADISON, WI	38
DALLAS, TX / SPRINGDALE, AR	31
DES MOINES, IA / LAWRENCE, KS / MINNEAPOLIS, MN	3
PHILADELPHIA, PA / ALBANY, NY	48
Total number issued by Districts	261

ADMINISTRATIVE ACTIONS

FSIS inspects meat and poultry products and applies the marks of inspection when inspectors are able to determine that products are not adulterated. FSIS may temporarily withhold the marks of inspection from specific products, suspend inspection, or withdraw a grant of inspection if a plant is not meeting regulatory requirements.

Effective January 25, 2000, FSIS amended its Rules of Practice that apply to Agency enforcement actions. The Rules of Practice, which are located in 9 CFR Part 500, define each type of enforcement action FSIS can take, the conditions under which it is likely to take these actions, and the procedures FSIS will follow in doing so.

Withholding the Marks of Inspection

If a plant fails to prevent preparation and shipment of adulterated products or develops a pattern of noncompliance showing the plant's sanitation or process control systems have failed, FSIS may notify plant managers that the USDA mark of inspection is being withheld from some or all of the products in the plant. This action effectively shuts down affected operations, because it is illegal to sell products in interstate commerce that do not bear the USDA mark of inspection.

Other non-affected parts of the plant, if any, may still operate.

Suspension of Inspection

FSIS may temporarily suspend the assignment of inspectors if a plant fails to prevent preparation and shipment of adulterated products, fails to present a corrective action plan to bring the plant sanitation or process control systems into compliance, or for other reasons specified in the Rules of Practice. As with withholding actions, a suspension shuts down all or part of the plant's operations. USDA may place the suspension in abeyance if corrections are presented, put into effect, and effectively prevent additional problems. FSIS District Offices have established procedures to monitor and verify a plant's corrective and preventive actions.

Notification to Establishments of Intended Enforcement Actions

FSIS has an established procedure to notify establishments of intended enforcement actions related to certain types of noncompliance that have not resulted in actual shipment of adulterated products. Under this procedure, a notice is issued to an establishment when the Inspector-in-Charge determines that the establishment has experienced multiple, recurring noncompliances, or for other reasons, as specified in the Rules of Practice, the establishment has failed to implement

adequate corrective and preventive measures. The Notice informs the establishment of the nature and scope of the noncompliance, and that FSIS intends to withhold the marks of inspection or suspend the assignment of inspectors. The Notice explains the basis of and references documentation for the intended enforcement action, and provides the establishment three business days to contest the basis for the proposed enforcement action or to demonstrate how compliance has been or will be achieved. In appropriate situations, USDA may defer a decision based on corrections submitted by the establishment.

Withdrawal of Inspection

In some situations, FSIS may decide that it is necessary to withdraw inspection from a plant. In these cases, FSIS withdraws inspection from a Federal plant by filing a complaint with the USDA Hearing Clerk. The plant may request a hearing before an Administrative Law Judge. If the action is based on insanitation, the plant will remain closed while proceedings go forward. In other cases that do not involve a threat to public health, operations may continue. These actions may be resolved by FSIS and the plant entering into a consent decision, which allows the plant to operate under certain specified conditions. Once inspection is withdrawn, a closed plant must reapply to receive Federal inspection.

As specified in the Rules of Practice, USDA may initiate withholding, suspension, or withdrawal actions to limit a plant's slaughtering or processing, or prevent the plant from operating altogether, based on reasons related to the PR/HACCP regulations such as:

- failure to collect and analyze samples for the presence of generic *E. coli* and record test results,
- failure to develop or implement Sanitation Standard Operating Procedures, or
- failure to develop or implement a required HACCP plan.

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

- failure to meet “sanitation performance standards,”
- insanitary conditions,
- inhumane handling or slaughtering of livestock,
- failure to destroy condemned product, or
- interference with inspection personnel.

Tables 5, 6, and 7 list administrative actions (other than actions based on convictions) by establishment, initiated, pending, or closed, for the period, along with whether the action is based on an SSOP or HACCP Systems failure, or for some other reason, such as inhumane handling. In some plants, FSIS may find more than one basis for taking enforcement action or may take more than one action. For example, the plant has sanitation problems and is not conducting *E. coli* testing, or a sanitation problem occurs more than once. These tables list actions taken at large, small, and very small plants. The enforcement action can be for any of the identified reasons. During this period, activity is reported concerning 164 plants. Sixty-eight of the actions in these plants were initiated during this reporting period. Fifty-three actions were closed by letters of warning or other means during this period.

Tables 5, 6, and 7 also identify those cases in which an appeal of the suspension action may have been made, along with whether the appeal was granted or the administrative action was sustained (appeal denied). When decisions on appeals have not been made during the period of this report, the appeal is shown as pending and will be reported in the next quarterly report. No appeal of suspension actions were filed during this period.

**Table 5. Administrative Actions: Large HACCP Plants
(10/01/02 to 12/31/02)**

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
ARMOUR SWIFT-ECKRICH 00003A M02278 P KANSAS CITY, KS			8/28/02	9/4/02		X							
CLOUGHERTY PKG. CO 00360 M00360 P VERNON, CA	9/12/02	9/26/02				X					12/30/02		
CONAGRA BEEF COMPANY 00969 M GREELEY, CO	7/18/02	8/20/02	11/15/02	11/22/02		X				X			Plant produced product that tested positive for E. coli 0157:H7.
DIAL CORP. 00002ADM04247 P FORT MADISON, IA	10/4/02	10/22/02			X	X							
EMMPAK FOODS, INC. 20654 M20654 P MILWAUKEE, WI			10/2/02	10/30/02		X				X			Plant produced product that tested positive for E. coli 0157:H7.
EMMPAK FOODS, INC. 17690 M MILWAUKEE, WI	10/4/02		10/18/02	10/21/02	X	X							
EMMPAK FOODS, INC. 00567 M00567 P MILWAUKEE, WI	10/11/02	11/13/02			X	X							
EXCEL CORP. 00086H M PLAINVIEW, TX	2/6/02		2/13/02	2/15/02	X						10/17/02		
EXCEL CORP. 00086O M17775 P OTTUMWA, IA	10/18/02	11/6/02			X	X							
HALLMARK MEAT PACKING 00336 M CHINO, CA	11/13/02	11/26/02				X							

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
HOMEMADE BRAND FOODS 08865 M08865 P NEWBURYPORT, MA	11/6/02	11/14/02					X						
MOYER PACKING CO. 01311 M01311 P SOUDERTON, PA	9/18/02		11/14/02		X	X							
NEBRASKA BEEF LTD. 19336 M OMAHA, NE	9/6/02		9/13/02	9/17/02	X	X	X						
			12/19/02	12/20/02	X	X	X						On 12/19/02 suspension was reinstated.
NESTLE, USA 07991 M07991 P GAFFNEY, SC	12/17/02					X							
PILGRIM'S PRIDE CORP. 07827 M01351 P FRANCONIA, PA	10/7/02	11/13/02			X	X							
SWIFT BEEF COMPANY 00628 M HYRUM, UT	10/9/02					X				X			Plant produced product that tested positive for E. coli 0157:H7.
SWIFT BEEF COMPANY 00969G M GRAND ISLAND, NE	11/13/02		11/22/02	11/25/02		X							
TYSON FOODS, INC. 07085 P BROKEN BOW, OK	7/25/02	8/1/02			X								
TYSON FOODS, INC. 00146 P GLEN ALLEN, VA	8/8/02	8/21/02			X						12/4/02		

ABBREVIATION KEY

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

Table 6. Administrative Actions: **Small HACCP Plants
(10/01/02 to 12/31/02)**

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
ABBYLAND FOODS, INC. 01633 M17764 P ABBOTSFORD, WI	7/29/02		8/28/02	9/10/02	X	X							
AGRIPROCESSORS, INC. 04653A M04653A P POSTVILLE, IA	5/24/02		6/4/02	6/19/02	X	X							
ALEXANDER & HORNING 01939 M18822 P DETROIT, MI	9/13/02	10/25/02			X	X					12/10/02		
ALLEN FAMILY FOODS 07927 P HURLOCK, MD	7/9/02	7/23/02			X						11/5/02		
ALLIANCE GOURMET FOODS, INC. 21879 M21879 P SALIDA, CA			6/27/02	7/12/02		X						11/25/02	
BENTON PACKING COMPANY 10629 M10629 P BENTON, AR	12/2/02	12/18/02			X	X		X		X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
BERRY PACKING INC. 02325 M02325 P CROSSETT, AR	5/20/02	6/3/02			X	X							
BOAR'S HEAD PROVISION CO., INC. 20978 M20978 P HOLLAND, MI	10/18/02	11/6/02			X	X							
BOOKER PACKING COMPANY 07162 M BOOKER, TX	12/11/02	12/17/02				X							
CHIAPPETTI WHOLESALE MEAT CO. 00916 M CHICAGO, IL			12/19/02		X		X						

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
CHICAGO BEEF COMPANY 10192 M10192 P DETROIT, MI	10/29/02	11/7/02			X	X					11/27/02		
COLLEGE HILL POULTRY 00533 P FREDERICKSBURG, PA	10/12/01	1/16/02			X	X							
COLUMBIA PACKING CO. INC. 07237 M07237 P DALLAS, TX	10/7/02	10/11/02			X	X							
CORNBELT BEEF CORP. 10173 M DETROIT, MI	8/13/02	8/22/02			X	X					10/30/02		
DALLAS CROWN INC 02018 E KAUFMAN, TX	8/22/02	9/12/02			X	X				X	11/25/02		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
DIBROVA FOODS, INC. 04832 M04832 P LODI, CA	6/28/02	8/2/02				X					11/25/02		
DRAEGER'S SUPERMARKETS, INC. 20853 M20853 P PALO ALTO, CA	10/3/02		10/16/02	11/5/02		X							
FARMLAND MEATS 04049 M04049 P COATSVILLE, PA	9/18/02	10/9/02			X	X				X			Plant produced product that tested positive for E. coli 0157:H7.
FELLER'S PRE COOKED MEATS 01550 M01550 P NORTH SALT LAKE, UT			9/27/01	10/4/01	X	X							
			10/15/01	10/19/01	X	X							On 10/15/01, suspension was reinstated.
	1/15/02		1/30/02	2/1/02	X	X							

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
FIL-AM SPECIALTY FOODS 04828 M04828 P LOS ANGELES, CA	11/26/02		12/6/02	12/31/02		X							
FRESHPORK, LLC 19861 M LOTT, TX	9/5/02	9/24/02			X	X		X			12/10/02		
GFI AMERICAN INCORPORATED 02368 M02368 P MINNEAPOLIS, MN			12/10/02	12/18/02	X								
GIBBON PACKING INC. 05511 M GIBBON, NE	12/17/02	12/24/02			X	X							
GREAT WASP ENTERPRISE 17573 M17573 P BROOKLYN, NY			7/9/02	11/15/02	X								
HOUSE OF RAEFORD FARMS INC. 01234 M01234 P ATHENS, MI			1/28/00	2/7/00		X							On 01/28/00, a withholding action was taken. On 02/11/00, plant appealed the suspension. On 02/29/00, plant's appeal was denied. On 03/03/00, plant appealed to a higher FSIS official.
			7/14/02		X								
HUNTINGTON MEAT PACKING, INC. 17967 M17967 P MONTEBELLO, CA	10/31/02					X					11/25/02		
INDUSTRIAS AVICOLAS DE PUERTO RICO 06658 P COAMO, PR	2/4/02	2/20/02	4/15/02	4/16/02	X	X						11/19/02	
			7/17/02	8/5/02	X	X						11/19/02	On 07/17/02, suspension was reinstated.

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
ISC, INC 01542 M01542 P SEATTLE, WA			10/23/01	10/25/01		X							On 10/23/01, a withholding action was taken.
	12/4/01			12/6/01		X							
J & B MEATS CORPORATION 05712 M05712 P COAL VALLEY, IL			6/26/02	6/27/02		X				X			Plant produced product that tested positive for E. coli 0157:H7.
JACK LAMBERSKY POULTRY CO. 04340 M04340 P CAMDEN, NJ	10/9/02	11/1/02			X	X							
KEENER'S INC. 02823 M02823 P RENTON, WA	3/6/02	3/27/02				X							
	7/26/02					X							
LINDSAY FOODS, INC. 18746 M18746 P MILWAUKEE, WI	10/17/02	11/6/02			X	X							
LORENTZ MEATS AND DELI 21207 M21207 P CANNON FALLS, MN	9/19/02	10/2/02				X					12/23/02		
LOVETT & SON'S INC. 13143 M HASTINGS, NE	9/6/02	9/13/02		10/11/02		X							
LOWELL PACKING CO., INC. 02600 M02600 P FITZGERALD, GA	9/11/02	10/3/02			X	X							
MARIAH FOODS, LP 00320 M19705 P COLUMBUS, IN	8/6/02	8/12/02				X					10/4/02		

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
MARY'S RANCH, INC. 18911 M MIAMI, FL			8/7/02	8/15/02	X	X						11/26/02	
MASTER PURVEYORS INC. 05101 M05101 P BRONX, NY	8/30/02	9/9/02				X						10/30/02	
MB CONSULTANT, LTD. 18414 M18414 P SOUTH FALLSBURG, NY	11/14/02	11/22/02			X	X	X				X		Other pathogen reduction issues.
MODESTO WHOLESALE MEATS, INC. 09001 M09001 P MODESTO, CA	6/28/02	8/27/02			X	X						11/25/02	
MRS. WHEAT'S FABULOUS FOODS 13180 M NEW ORLEANS, LA	3/28/02	4/15/02	4/30/02	5/13/02	X	X						11/25/02	
NEW ON SANG POULTRY CO INC. 09885 P SAN FRANCISCO, CA	11/19/01	12/5/01	12/6/01	12/8/01		X							On 9/24/02, complaint withdrawing inspection was filed by FSIS; on 10/24/02, Consent Decision and Order reached, under which inspection resumed. On 11/20/02, DM closed case by firm's requested voluntary withdrawal.
			3/25/02	3/29/02		X							On 03/25/02, suspension was reinstated. On 11/20/02, DM closed case by firm's requested voluntary withdrawal.
			7/25/02			X							On 07/25/02, suspension was reinstated. On 11/20/02, DM closed case by firm's requested voluntary withdrawal.
NOONAN'S SPECIALTIES, INC. 04861 M04861 P LOS ANGELES, CA	12/11/02		12/18/02	12/30/02		X							
OZARK MOUNTAIN PORK COOP. 21148 M MOUNTAIN VIEW, MO			11/13/02	11/22/02		X							

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
PETERSBURG LOCKER INC. 05668 M05668 P PETERSBURG, NE	5/24/02	6/5/02				X								
POTOK PACKING 10059 M DETROIT, MI	10/4/02	10/30/02	11/5/02	11/8/02	X	X								
PRG PACKING CORP. 05281 M05281 P BRONX, NY	8/21/02		8/27/02	9/4/02	X	X	X					11/19/02		
PROPAK FOODS LLC 19589 M19589 P LOWELL, AR	9/9/02	9/13/02			X									
ROMANCE FOODS CORP. 04785 M KENOSHA, WI	1/16/02		3/5/02	3/22/02	X	X								On 03/11/02, plant appealed the suspension. On 05/06/02, plant's appeal was denied.
RUSSER FOODS (d/b/a) / ZEMCO INDUSTRIES 05222 M05222 P BUFFALO, NY			8/9/02	8/13/02		X								
S WALLACE EDWARDS & SONS 01636 M17687 P SURRY, VA	12/18/02	12/24/02			X	X								
SALEM PACKING COMPANY INCORPORATED 05425 M SALEM, NJ	11/15/02		11/26/02	12/2/02		X								
SAM KANE BEEF PROCESSORS, INC. 00337 M CORPUS CHRISTI, TX	6/21/02	7/19/02			X		X							
SKYLARK MEATS, INC. 04215 M04215 P OMAHA, NE	12/17/02	12/23/02			X	X	X							
SNOW BALL FOODS 07569 M07569 P WILLIAMSTOWN, NJ			8/29/02	9/16/02	X	X								

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
SOUTHEASTERN MEATS 07953 M07953 P CHATTANOOGA, TN			9/24/02	9/25/02		X						12/27/02	
SPECIALTY BRANDS, INC. 01905 M09205 P RIVERSIDE, CA	11/13/02	12/30/02				X							
SQUARE H. BRAND 00748 M18881 P LOS ANGELES, CA	12/19/02				X		X						
TOBA OF IOWA, LLC 02302 M02302 P SIOUX CITY, IA	8/14/02		8/23/02	9/5/02	X	X							
VALLEY FRESH, INC. 07469 P TALMO, GA	11/6/02				X	X					11/27/02		
VALLEY PRIDE PACKING INCORPORATED 01361 M NORWALK, WI				10/25/02					X	X			On 10/25/02, a withholding action was taken for interference incidents involving safety issues related to OSHA regulations.
WATSON'S QUALITY FOOD PRODUCTS 01343 M01343 P TURNERSVILLE, NJ			9/5/02	9/18/02		X							

ABBREVIATION KEY

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

**Table 7. Administrative Actions: Very Small HACCP Plants
(10/01/02 to 12/31/02)**

Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
A. J. PEACHEY & SONS, INC. 08628 M BELLEVILLE, PA	2/8/02	2/22/02			X	X							
ABBOTSFORD PRODUCE 01632 G ABBOTSFORD, WI			12/12/01	1/2/02						X			Other pathogen reduction issues.
ACADEMY PACKING CO. INC. 02559 M02559 P DEARBORN, MI			7/19/01	7/24/01		X							
AK FOODS, LLC 06463 M BRUSH, CO	9/9/02	9/26/02			X								
ALL AMERICAN MEATS INC. 20420 M OMAHA, NE	8/30/02	9/13/02			X	X							
ALMACENES DE TEJAS, L.P. 17083 M SAN ANTONIO, TX			10/11/02			X							
AMERICAN FOOD DISTRIBUTORS 19300 M19300 P HARVEY, IL	8/7/02	8/16/02			X	X							
APALACHIN MEATS INC. 04392 M04392 P APALACHIN, NY	10/24/00			11/27/00	X							10/8/02	
			3/19/02			X						10/9/02	
AURNISH ENTERPRISES CORP. 04566 M04566 P WOODSIDE, NY			11/12/02	11/13/02					X				

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
BLACK RIVER CUSTOM PACKERS 04419 M WATERTOWN, NY			12/6/01	12/12/01				X					
			3/12/02	3/22/02				X					On 03/12/02, suspension was reinstated.
BRISTOL BEEF 05998 M BRISTOL, CT			11/14/02	11/22/02					X				
BROADAWAY HAM COMPANY 13035 M13035 P JONESBORO, AR	12/9/02				X	X							
BUNGE'S MEATS 21603 M21603 P CATAWISSA, PA	11/19/02		12/11/02			X				X			Plant produced product that tested positive for E. coli 0157:H7.
BUTCHER VAN GOURMET MEATS 02665 M02665 P JACKSON, NJ	11/12/02	12/2/02			X	X							
CENTER MEAT CO. 06028A M04114 P BREA, CA	4/19/02	5/16/02				X					11/25/02		
	8/7/02					X					11/25/02		
CENTRAL SNACKS, INC. 09168 M CARTHAGE, MS			10/11/02	10/16/02		X						12/18/02	
CLOVERLEAF COLD STORAGE 17202B M NAPOLEON, OH	10/29/02	11/8/02			X						12/6/02		
CONTINENTAL FOODS 07137 M HOT SPRINGS, AR	6/12/02	7/2/02			X	X							

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
COUSINS FOODS, LTD. 02539A M02539A P CHICAGO, IL			10/10/02	10/17/02			X					12/20/02	
CRESCENT CUSTOM SLAUGHTER 06041 M06041 P SUMNER, WA	9/27/02	10/18/02			X	X							
EFRON AND SON MEAT PACKERS, INC. 02864 M02864 P BREA, CA	12/4/02	12/31/02				X							
EMERICK'S MEAT & PACKING CO., INC. 04607 M04607 P HYNDMAN, PA	3/21/02	4/30/02			X	X				X	11/14/02		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
FARM FRESH MEATS INC. 09189 M09189 P ROBERTSDALE, AL			11/21/02	11/25/02		X							
FORMOSA MEAT COMPANY, INC. 08256 M08256 P RANCHO CUCAMONGA, CA			11/6/02			X						11/25/02	
FRESH FREEZE, INC. 20104 M EDINBURG, TX			8/21/02		X		X						
GAISER'S EUROPEAN STYLE PROV. 05385 M05385 P UNION, NJ			9/25/01			X							
GENE NEW, INC. 08043 M08043 P FRANKFORT, KY	8/1/02		8/21/02	9/20/02		X						10/4/02	
GIBSON MEAT CO. 13158 M13158 P LAWTON, OK			8/9/02		X	X	X						
GORDITO'S MEATS 20017 M OGDEN, UT	5/29/02	6/12/02			X	X							

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
GRAND CHOICE FOODS, INC. 05506 M05506 P AMES, IA	9/27/02		10/2/02	10/22/02	X	X	X						
GREAT WEST EGG INDUSTRIES, INC. 01340 G LOS ANGELES, CA			6/27/02	7/2/02					X				
GREEN VALLEY MEATS 06170 M06170 P AUBURN, WA			3/1/02			X							On 11/19/02, case closed when the firm ceased operations.
GROFF MEATS INC. 09442 M09442 P ELIZABETHTOWN, PA	9/11/02	10/4/02			X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
H&J PACKING, INC. 01816 M HUDSONVILLE, MI			10/28/02	11/25/02	X	X							
HEID MEAT SERVICE 18218 M KAUKAUNA, WI	3/26/02			4/9/02		X							On 10/01/02, DM closed case by firm's requested voluntary withdrawal.
HEIM COUNTRY SMOKED MEATS 08521 M PITMAN, PA			10/3/02			X							On 11/15/02, DM closed case per firm's notification they would no longer produce product under the specific HACCP process.
HOFFMAN SAUSAGE CO., INC. 19583 M19583 P CINCINNATI, OH	10/4/02	10/17/02				X							
HOMESTEAD GOURMET FOODS CO. 09947 M09947 P LINDEN, NJ	4/30/02	5/14/02				X					12/3/02		
HOUSTON ZERO COLD STORAGE 07106 M07106 P HOUSTON, TX	9/24/02		10/2/02	12/23/02	X	X	X						
HOWARD DARLING 09777 M LA PLUME, PA	4/26/02	5/7/02			X	X					10/31/02		

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
HSIN-CHIH ENTERPRISES INC. 09936 M09936 P COLLEGE POINT, NY			5/31/02	7/12/02		X						11/14/02	
JJ MEAT COMPANY 04969 M04969 P MADERA, CA	12/9/02		12/12/02	12/30/02		X							
JOHNSTON COUNTY HAMS 02646 M02646 P SMITHFIELD, NC	12/19/02					X							
KAYSERMI BASTERMA, INC. 01092 M POUGHKEEPSIE, NY	9/13/02		9/23/02		X	X							
KIRKLANDS CUSTOM MEATS & SLAUGHTER 11156 M11156 P JACKSONVILLE, FL	8/19/02	8/29/02			X	X					11/20/02		
LAGROU COLD STORAGE 00219 I03197 M CHICAGO, IL			5/30/02				X						
LAKE GENEVA COUNTRY MEATS 05648 M05648 P LAKE GENEVA, WI	8/27/02	9/16/02			X	X							
LECHOWSKI'S KIELBASSI 05258 M OLYPHANT, PA	11/22/02				X	X	X						On 12/18/02, DM closed case by firm's requested voluntary withdrawal.
LEONA MEAT PLANT INC. 09784 M09784 P TROY, PA	11/22/02	12/10/02			X	X	X						
MAHAFFEY FOOD PRODUCTS 09656 M MYERSTOWN, PA	12/18/02					X							

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
MALONE'S FINE SAUSAGE INC. 15702 M MILWAUKEE, WI	1/29/02	2/14/02	9/26/02	10/28/02	X	X							
MANUEL'S HOT TAMALES INC. 07121 M NEW ORLEANS, LA	3/28/02	4/15/02			X	X					11/22/02		
MAYAR HALAL MEAT PROCESSING 21595 M21595 P LIVINGSTON, CA	7/24/02	8/13/02				X					11/25/02		
MCCULLUM-SPIEGLER LLC 21805 M21805 P KIRKLAND, WA	9/26/02	10/21/02			X	X							
MEDITERRANEAN FOODS, INC. 18977 M UPPER DARBY, PA	7/7/00			8/22/00		X							
			7/20/01			X							On 07/20/01, suspension was reinstated. On 02/25/02, firm had appealed the suspension. On 04/22/02, plant's appeal was denied.
MID VALLEY PROCESSING, INC. 20558 M20558 P NEWMAN, CA	6/6/02		6/19/02	7/12/02		X				X	11/25/02		Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli). Other pathogen reduction issues.
MILTONA CUSTOM MEATS & SAUSAGE 15768 M15768 P MILTONA, MN	12/11/02				X	X							
MONDO & SONS, INC. 09328 M09328 P SEATTLE, WA	9/7/01			9/21/01		X							
			11/30/01			X					12/30/02		
MOORE'S WHOLESALE MEATS INC. 04299 M NEW YORK, NY			11/19/02		X								

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
MORTY-PRIDE MEATS INC. 06668 M FAYETTEVILLE, NC	12/23/02					X								
MR. BASTERMA 18970 M DETROIT, MI			11/22/02		X	X								
MT. ANGEL MEAT CO. 09270 M09270 P MT. ANGEL, OR	11/25/02	12/4/02			X	X								
NEW DIMENSIONS, INC. 19649 M 19649 P PORTLAND, OR	7/12/02	7/22/02			X	X								
OLD WORLD GERMAN SAUSAGE 06275 M06275 P OAKLAND, CA	11/6/02		11/14/02			X								
ORCHARD SAUSAGES, INC. 18389 M18389 P NEW YORK, NY	11/6/02					X								
PACFOODS, USA 09889 M09889 P HAYWARD, CA			8/26/02	10/17/02	X	X								
			10/23/02		X	X								On 10/23/02, suspension was reinstated.
PECOS VALLEY MEAT CO. 07299 M07299 P ROSWELL, NM	5/23/02	6/12/02	12/16/02	12/31/02	X	X								
PHUC-HUONG 21607 M21607 P SAN JOSE, CA	11/15/02		12/6/02		X	X								
PRIZE STEAK PRODUCTS, INC. 05725 M MILWAUKEE, WI	3/12/02	3/29/02			X	X								

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
RANDALL MEAT COMPANY 10669 M HOT SPRINGS, AR			8/6/02	8/19/02	X	X	X						
SAM'S BAKERY 18900 M18900 P ROHNERT PARK, CA	3/19/02		4/8/02	4/10/02	X	X							
			4/18/02	4/19/02					X				
			8/12/02	8/21/02	X	X							On 08/12/02, suspension was reinstated.
			9/19/02		X	X							On 09/19/02, suspension was reinstated.
SMOKEY VALLEY MEATS, INC. 19844 M19844 P PARK HILLS, MO	6/20/02	6/25/02				X					11/6/02		
STEINBACH PROVISION CO. 01937 M CHICAGO, IL			10/8/02	10/10/02			X					12/2/02	
STOVER'S KITCHENS, INC. 20552 M SEATTLE, WA	10/29/01			11/6/01		X							
SUN SAUSAGE COMPANY 19722 M FLAGSTAFF, AZ	11/4/02					X							
TAI-HUNG POULTRY WHOLESale 20499 P HOUSTON, TX	5/30/02	6/5/02			X	X					11/21/02		
THE BUTCHER BLOCK INC. 04319 M04319 P BOSTON, MA			6/19/02	6/20/02	X							10/7/02	

ABBREVIATION KEY

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
THE BUTCHER BLOCK INC. 05653 M INDIANOLA, NE	10/4/02	11/4/02			X	X					X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
UNION CITY MEATS LLC 10147 M10147 P UNION CITY, MI	8/15/02	9/18/02			X	X						11/12/02		
USA PORK PACKERS, INC. 20760 M20760 P HAZELTON, PA	9/20/01	10/19/01			X	X	X					11/20/02		
WARD'S, INC. 21119 M21119 P JERSEYVILLE, IL			1/16/02	4/1/02			X	X						
			8/15/02	9/19/02			X							On 08/15/02, suspension was reinstated.
WEBER'S PICKLED MEAT 00587 M NEWARK, NJ			6/5/02	6/21/02	X									
WESTERN MEATS INC 04107 M04107 P TUMWATER, WA	8/21/02				X	X								

ABBREVIATION KEY

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

Withdrawal for Unfitness

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

**Table 8. Withdrawal for Unfitness
(10/01/02 to 12/31/02)**

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

Establishment	Complaint to Deny/Withdraw Inspection	Consent Order	Consent Decision	Actions
SALEM PACKING CO., INC. ANTHONY BONACCURSO SAMUEL BONACCURSO 05425 M SALEM, NJ	1/25/02			Oral hearing was scheduled on November 21, 2002, but was subsequently cancelled because of a scheduling conflict. The oral hearing has been rescheduled for June 11 and 12, 2003. The complaint to withdraw inspection was based on firm and manager's state convictions for unlawful discharging of pollutants in waterways. Action also based on company president's State drug conviction. Attorney for firm and individuals filed answer to complaint on February 13, 2002.

Removing Custom Exempt Privilege

The meat and poultry laws exempt certain operations from inspection. Custom exempt businesses slaughter animals or process meat for owners of the animals or products. When insanitary conditions create health hazards, FSIS may remove custom exempt privileges and require the plant to cease operations until sanitary conditions are restored. FSIS can also take action when custom facilities fail to properly label product as "Not for Sale." These businesses have the opportunity to correct violations prior to such actions. Only new activities would be reflected in this report. There were no actions this reporting period.

CRIMINAL ACTIONS

If evidence is found that a person or business has engaged in violations of the Federal Meat Inspection Act, Poultry Products Inspection Act, or Egg Products Inspection Act, USDA may refer the case to the appropriate United States Attorney to pursue criminal prosecution. Conviction for a criminal offense can result in a fine, imprisonment, or both. **Table 9** lists criminal actions and criminal cases in categories according to the status of the case, which may be indictment or information issued; pleas, convictions, or acquittals, and sentences rendered during this reporting period.

**Table 9. Criminal Actions
(10/01/02 to 12/31/02)**

Criminal Actions

Name	Location	Indictment	Information	Plea	Sentencing	Actions
ACADEMY PACKING CO. INC. MITCHEL POLK, PRES., MARK POLK, OPERATIONS MGR.	DEARBORN, MI			12/19/02		On December 19, 2002, the company pled guilty to charges involving the preparation and sale of adulterated meat products. Final sentencing and imposition of fines for the firm and managing individuals is scheduled for March 31, 2003.
D & T FOODS, INC. DANIEL YET, PRES., DUC TSAN, MGR.	SANTA CLARA, CA			10/31/02	10/31/02	On October 31, 2002, the firm pled guilty and was sentenced on five (5) misdemeanor counts for causing meat and poultry products to become adulterated and misbranded. The firm was ordered to pay a \$20,000 fine and placed on a three (3) year probation. Daniel Yet and Duc Tsan also pled guilty and were sentenced on one (1) misdemeanor each for violations to the FMIA and PPIA. Both individuals were each fined \$675 and ordered to perform 70 hours of community service.
MARYLAND CASH-N-CARRY YONG N. KIM, PRES.	BALTIMORE, MD			12/16/02		On December 16, 2002, Yong N. Kim pled guilty to two (2) misdemeanor counts for violations to the FMIA. Final sentencing and imposition of fines is scheduled for February 2003.
SERENADE FOODS TERRY TUCKER, PRES.	MILFORD, IN		9/4/02	9/4/02	10/10/02	On October 10, 2002, the firm pled guilty and was sentenced on one (1) misdemeanor count for selling misbranded poultry products in commerce. The firm was ordered to pay a \$20,000 fine and \$125 assessment fee.
SHUR-SAV INC., AKA PETE'S SHUR-SAV. PETER SARANDOS, PRES., DANIEL CARTER, MGR. WARREN J. MCCARTY, MGR.	ST. LOUIS, MO	10/17/02		12/13/02		On December 13, 2002, Daniel Carter pled guilty to two misdemeanor counts and Warren J. McCarty pled guilty to one (1) misdemeanor for violations to the FMIA. Final sentencing and imposition of fines is scheduled for February 28, 2003.
SKAFF CATERING INC. JOSEPH W. SKAFF, PRES., TODD T. VANDERPOL, MGR.	TOLEDO, OH		9/17/02	10/22/02		On October 22, 2002, Joseph W. Skaff and Todd T. Vanderpol pled guilty on three (3) misdemeanor counts for causing meat products to become adulterated and misbranded, and selling and offering for transportation adulterated and misbranded products.

Name	Location	Indictment	Information	Plea	Sentencing	Actions
TIFFIN PAPER COMPANY, INC. THOMAS M. MEIBERGER, PRES., ANTHONY J. PAULUS, VICE PRES.	FREMONT, OH		6/6/02	12/11/02	12/11/02	On December 11, 2002, the firm pled guilty and was sentenced on two (2) misdemeanor counts for causing meat and poultry products to become adulterated. The company was ordered to pay a \$30,000 fine, \$5,000 in restitution, a \$250 special assessment fee, and placed on a two (2) year probation. Anthony J. Paulus also pled guilty and was sentenced on two (2) misdemeanor counts for violations to the PPIA and FMIA. He was placed on a two (2) year probation and ordered to pay a \$5,000 fine and \$50 in special assessment fees.

PRE-TRIAL DIVERSION AGREEMENTS

In certain situations, United States Attorneys may enter into Pre-Trial Diversion (PTD) agreements. Under these agreements, the government agrees not to proceed with criminal prosecution if the alleged violator meets certain terms and conditions. The terms and conditions of a PTD are tailored to fit each individual case. FSIS frequently monitors these agreements so that we can assist the U. S. Attorneys in determining whether prosecution should be re-instituted. If the divertee successfully completes the program, no criminal charges are filed. If, on the other hand, the divertee does not successfully complete the program, criminal charges may be reinstated. There were no pre-trial diversion agreements this quarter.

CIVIL ACTIONS

FSIS also has authority to seek a variety of civil actions in Federal Court.

Seizures

When FSIS has reason to believe distributed products are adulterated or misbranded, the Agency will, through the U.S. Attorney, institute a seizure action against the product. The product is held pending an adjudication of its status. If the court finds that the product is adulterated or misbranded, it will condemn the product. Condemned product cannot be further processed to be used for human food. No seizures were initiated by FSIS during this reporting period.

Injunctions

FSIS, through the U.S. Attorney, may request a U.S. District Court to enjoin repetitive violators of the FMIA, PPIA, or EPIA. The Agency seeks injunctions to stop uninspected retail stores from processing products without required inspection for wholesale business or to prevent or restrain other violations of law. There were two injunctions reported for the period.

**Table 10. Civil Actions
(10/01/02 to 12/31/02)**

Name	Location	Complaint	Injunction	Action
WING PHAT CORPORATION PHAT MOT MINH, PRES. LAY TAN, MGR.	PHILADELPHIA, PA	12/20/02	12/20/02	On December 20, 2002, the company was permanently enjoined in the U.S. District Court, Eastern District of Philadelphia, from selling, transporting, receiving for transportation, or offering for sale or transportation any uninspected and misbranded meat or poultry products. If found in violation, Mr. Phat Mot Minh will be fined \$100 for each pound of product found in violation and \$500 for each pound of product in subsequent violations.
LONG THANH MARKET LAM THANG, OWNER KIM LEE, MGR.	PHILADELPHIA, PA	11/15/02	12/09/02	On December 9, 2002, the company was permanently enjoined in the U.S. District Court, Eastern District of Philadelphia, from selling and offering for sale non-federally inspected and misbranded meat and poultry products. If found in violation, Mr. Lam Thang will be fined \$100 for each pound of uninspected or misbranded product and \$500 for each pound of product in subsequent violations.

False Claims Act Violations

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

FOR MORE INFORMATION:

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

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

FSIS Web site: www.fsis.usda.gov