

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY ENFORCEMENT REPORT
October 1, 2005 through December 31, 2005**

INTRODUCTION

This is the Food Safety and Inspection Service's (FSIS) Quarterly Enforcement Report. The report provides a summary of the enforcement actions FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. Although this report focuses on enforcement actions taken, it is important to recognize that this is only one aspect of the Agency's work. The Agency's main purpose is to protect public health by achieving compliance with laws and regulations. For example, the data indicate that plants operating under Hazard Analysis and Critical Control Point (HACCP) Systems have a 98.30 percent compliance rate for fiscal year 2005.

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

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

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

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

FSIS ENFORCEMENT PROCESSES

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

http://www.fsis.usda.gov/Fact_Sheets/Focus_On_Shell_Eggs/index.asp. If FSIS detects problems with any products it regulates, the Agency takes product control and enforcement measures to protect consumers.

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

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

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

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

NONCOMPLIANCE RECORDS AND APPEALS

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

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

During this quarterly reporting period, FSIS performed 2,007,654 verification procedures.

Table 1a provides numbers of NRs issued by FSIS inspection personnel between October 1, 2005 and December 31, 2005. **Table 1b** shows the number of appeals and the dispositions of the appeals filed by plants during this reporting period.

Table 1a. Noncompliance Record Totals

NR Totals

NRs Issued (10/01/05 to 12/31/05): **30,027**

Table 1b. Appeals NRs (10/01/05 to 12/31/05)

Number of Plants Filing Appeals: 472

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total Appeals Resulting In Modified NR	Total NRs Appealed
143	206	21	102	472

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 36,215,147 livestock carcasses, of which 66,802 carcasses were condemned. FSIS inspected 2,315,674,772 poultry carcasses of which 12,494,917 carcasses were condemned.

Detentions

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

**Table 2a. Detention Summary
(10/01/05 to 12/31/05)**

Detentions: CID Regions

Total number of detentions	153	
Total pounds of product detained	4,942,237	
	Detentions	Pounds Detained
WESTERN	19	106,652
SOUTHWEST	36	422,711
MIDWEST	45	3,132,355
GREAT PLAINS	20	155,324
SOUTHEAST	19	77,363
NORTHEAST	<u>14</u>	<u>1,047,832</u>
Totals	153	4,942,237

**Table 2b. Detention Summary
(10/01/05 to 12/31/05)**

Detentions: OIA Regions

Total number of detentions	13	
Total pounds of product detained	7,178	
	Detentions	Pounds Detained
WESTERN (Los Angeles)	7	900
NORTHEAST (Philadelphia)	<u>6</u>	<u>6,278</u>
Totals	13	7,178

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

**Table 2c. Detention Summary
(10/01/05 to 12/31/05)**

Detentions: OFO Districts

Total number of detentions **2**
Total pounds of product detained **5,840**

	Detentions	Pounds Detained
ATLANTA	2	5,840
Totals	2	5,840

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

Recalls

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

Port-of-Entry Reinspection

FSIS conducts port-of-entry reinspections of imported meat, poultry, and egg products. It is important to note that this activity is a reinspection of products that have already been inspected and passed by an equivalent foreign inspection system. Thus, imported product reinspection is a monitoring activity for verifying on an on-going basis the equivalence of a foreign country's inspection system.

Port-of-entry reinspection is directed by the Automated Import Information System (AIIS), a centralized computer database that generates reinspection assignments and stores results. After clearing U.S. Customs and Border Protection and the Animal and Plant Health Inspection Service (APHIS), every imported meat, poultry, or egg product shipment must be presented to FSIS.¹ When a meat or poultry shipment is presented for reinspection, the AIIS scans its records to verify eligibility. Shipments are denied reinspection and refused entry if the foreign country is not eligible to export to the United States, if the establishment that produced the product has not been certified for export to this country, if the product presented for reinspection is not eligible, if the shipping marks are not unique, or if APHIS has animal health restrictions on the country.

All imported product shipments are reinspected for general condition, labeling, proper certification, and accurate count. In addition, other types of inspection (TOI) may be generated by the AIIS. These could include a physical examination of the product for visible defects, collection of samples for microbiological analysis, sampling for food chemistry analyses, and samples to be analyzed for drug and chemical residues. Shipments are randomly selected for

¹ Egg products are imported only from Canada. Dry egg products may be reinspected at the border or may proceed directly to their destination for reinspection. Liquid egg products are always reinspected at their destination for food

reinspection using a statistical sampling plan that allocates samples by HACCP process categories. The level of sampling is based on the volume imported from the country within each category. Products that fail reinspection are rejected and must be re-exported, converted to non-human food, or destroyed. Product rejections cause the AIIS to automatically generate an increased rate of reinspection for future shipments of like product from the same establishment.

This HACCP-based sampling approach began in August 2002 as the new AIIS3 system was launched, and was fully implemented in the quarter beginning October 1, 2002. Implementation of AIIS3 provides an opportunity for FSIS to present meat and poultry reinspection data in a new reporting format that has been constructed to better represent reinspection results (**Table 3a**).

This new format is based on pounds of product rather than lots of product because the lotting of product for reinspection is a commercial decision made by the importer or broker, and the term “lot” has no regulatory definition. **Table 3b** presents egg product reinspection results in the same format they appear in past quarters, minus lots for the reason given above. The new reporting format will be applied to these products when they are incorporated into the AIIS3 system. It should be noted that data reports at the end of a fiscal quarter are the best available information for reinspection activities conducted during the preceding three months, but those data are preliminary until all ongoing inspection activities are completed. For example, pending reinspection activities include open TOI’s, in particular samples taken for laboratory analysis, but also could include organoleptic product examinations, and refused entries which may stay open for up to 45 days. A report of quarterly reinspection data will not be “final” until all open entries are closed. These normally small adjustments in past quarter data will be reflected in subsequent quarterly reports.

safety reasons. Egg product reinspections are presently scheduled separately from meat and poultry, but will be brought under the AIIS.

**Table 3a. Imported Meat and Poultry Products
Pounds of Product by Fiscal Year Quarter**

Presented, Reinspected, and Refused Entry

FY 2006							
Quarter	Presented	Refused ¹	Reinspected	TOIs Perf ²	Accepted	Rejected ³	Combined Rejected and Refused
Q-1 (Oct – Dec)	986,062,918	168,693	137,133,486	24,230	982,836,636	3,057,587	3,226,280
Q-2 (Jan – Mar)							
Q-3 (Apr – Jun)							
Q-4 (Jul – Sep)							
Cumulative Totals	986,062,918	168,693	137,133,486	24,230	982,836,636	3,057,587	3,226,280

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

Presented, Reinspected, and Refused Entry

FY 2006		
QUARTER	PRESENTED	REFUSED ⁴
Q-1 (Oct – Dec)	1,758,953	4,944
Q-2 (Jan – Mar)		
Q-3 (Apr – Jun)		
Q-4 (Jul – Sep)		
Cumulative Totals	1,758,953	4,944

¹ Products are refused reinspection if: (1) the foreign country is not eligible; (2) the foreign establishment is not listed; (3) Animal and Plant Health Inspection Service (APHIS) has placed animal disease restrictions on the country; (4) product presented for reinspection is not eligible; and (5) duplicate shipping marks.

² Types of Inspection. The number of reinspections performed during the quarter.

³ Products are rejected if product presented for reinspection fails to meet U.S. import requirements.

⁴ Refused entry and rejected upon reinspection data are collapsed in the present egg products database, but will be separated when this commodity is incorporated into the AIIIS3.

NOTICES OF WARNING

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

**Table 4. Notices of Warning for Criminal Actions
(10/01/05 to 12/31/05)**

Notices of Warning for Criminal Violations

Total number of NOWs issued for violations: 259
Number issued by Headquarters: 10

CID Region	Number of NOWs Issued by Region
WESTERN	44
SOUTHWEST	14
GREAT PLAINS	13
MIDWEST	70
SOUTHEAST	23
NORTHEAST	85
Total number issued	<hr/> 249

ADMINISTRATIVE ACTIONS

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

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

Withholding the Marks of Inspection

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

Suspension of Inspection

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

Notification to Establishments of Intended Enforcement Actions

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

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

Withdrawal of Inspection

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

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

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

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

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

Tables 5, 6, and 7 list administrative actions (other than actions based on convictions) by establishment, initiated, pending, or closed, for the period, along with whether the action is based on an SSOP or HACCP Systems failure, or for some other reason, such as inhumane handling.

In some plants, FSIS may find more than one basis for taking enforcement action or may take more than one action. For example, the plant has sanitation problems and is not conducting *E. coli* testing or a sanitation problem occurs more than once. These tables list actions taken at large, small, and very small plants. The enforcement action can be for any of the identified reasons. During this period, activity is reported concerning 245 plants. Ninety-eight of the actions in these plants were initiated during this reporting period. Eighty-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.

There was one appeal of a suspension action filed during this period.

**Table 5. Administrative Actions: Large HACCP Plants
(10/01/05 to 12/31/05)**

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
CAGLE'S-KEYSTONE FOODS LLC 20245 P ALBANY, KY	12/16/05	12/31/05			X	X	X						
CARGILL MEAT SOLUTIONS 00086K M DODGE CITY, KS						X					X		On 10/11/05, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
CARGILL MEAT SOLUTIONS CORPORATION 13289 M00963 P SPRINGDALE, AR	10/21/05	11/30/05			X	X	X						
EMPIRE KOSHER POULTRY INC 01015 M01015 P MIFFLINTOWN, PA	11/1/05	11/8/05			X	X	X						
EQUITY GROUP, EUFAULA DIVISION, LLC 20322 M20322 P BAKERHILL, AL	11/14/05	11/23/05			X	X							
EXCEL CORP 00086R M FORT MORGAN, CO				2/22/05		X					X		On 8/11/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8. On 12/22/04, plant appealed the withholding action. Appeal was denied on 1/25/05.
FARMER'S PRIDE, INC. 01304 P FREDERICKSBURG, PA	6/30/05	7/13/05			X	X	X					11/15/05	
FOSTER POULTRY FARMS 07632 P FRESNO, CA	6/30/05	7/26/05			X	X							

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
GOLD KIST, INC 17500 P RUSSELLVILLE, AL	8/17/05	8/26/05			X	X							
HORMEL FOODS CORPORATION 00199N M04240 P FREMONT, NE	10/21/05	11/4/05				X							
I AND K DISTRIBUTORS, INC. 07653 M07653 P DELPHOS, OH	4/7/05	5/9/05			X	X						10/13/05	
KRAFT FOODS GLOBAL, INC 00537C M02310 P DAVENPORT, IA	8/9/05	8/12/05			X							10/24/05	
LUIGINO'S INC 18297 M18297 P JACKSON, OH	5/19/05	6/17/05	10/7/05	10/11/05	X	X							
MAR JAC POULTRY INC. 00032 P GAINESVILLE, GA	8/5/05	8/26/05			X		X					12/15/05	
MARSHALL DURBIN 01307 P JASPER, AL	3/7/05	3/16/05			X	X							
MORONI FEED COMPANY 00751 M01049 P MORONI, UT			9/19/05	9/20/05					X				
MOUNTAIRE FARMS OF NORTH CAROLINA 07470 P LUMBER BRIDGE, NC	8/10/05	8/19/05			X	X	X						
NEBRASKA BEEF LTD 19336 M OMAHA, NE	6/23/05	6/30/05						X				12/21/05	
OVERHILL FARMS 06147 M06147 P VERNON, CA	5/26/05	6/10/05			X	X							
PECO FOODS INC 06510 P BAY SPRINGS, MS	11/17/05	11/23/05			X	X							

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
PETERSON FARMS INC 00550 P DECATUR, AR	7/28/05	8/5/05	11/4/05	11/8/05	X	X	X						
PILGRIM'S PRIDE 01279 P DALTON, GA	12/6/05				X	X	X						
PILGRIM'S PRIDE CORP OF DELAWARE 13485 P FARMERVILLE, LA	9/9/05	9/30/05			X	X	X						
PILGRIM'S PRIDE CORPORATION OF DE 07016 P EL DORADO, AR	11/3/05				X	X	X						
PREMIUM STANDARD FARMS 00413 M CLINTON, NC	6/24/05	7/12/05			X	X	X					10/27/05	
SANDERSON FARMS INC. 00522 P COLLINS, MS	4/1/05	4/11/05			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
SARA LEE FOOD 06911 M00261 P ZEELAND, MI	7/15/05	7/27/05			X	X						10/19/05	
SARA LEE FOODS 00780 M00780 P WEST POINT, MS	9/30/05	11/9/05			X	X	X						
SIMMONS FOODS INC. 00727 P SOUTH WEST CITY, MO	10/5/05	10/27/05			X	X	X						
TOWNSENDS OF ARKANSAS, INC 00468 P BATESVILLE, AR	9/13/05	9/27/05			X	X						12/22/05	
TYSON FOOD, INC. 00758 P CARTHAGE, MS	9/8/05	9/30/05			X	X	X						

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
TYSON FOODS 07478 M00001 P WILKESBORO, NC	9/21/05	9/30/05			X	X	X			X		12/20/05	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
TYSON FOODS INC. 06651 P SHELBYVILLE, TN	6/15/05	6/22/05			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
TYSON FOODS INC. 00622 P MONROE, NC	8/15/05	8/25/05			X	X						11/1/05	
TYSON FOODS INC. 00325 P CENTER, TX	9/29/05	10/13/05			X	X							
TYSON FOODS, INC 00244G M GOODLETTSVILLE, TN	8/26/05	9/2/05			X	X							
TYSON FRESH MEATS INC 00245L M LEXINGTON, NE			3/12/04	3/18/04		X						5/4/05	
						X				X			On 3/10/05, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
	9/16/05	9/29/05			X	X							
TYSON FRESH MEATS INC. 09268 M PASCO, WA						X				X			On 7/28/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
TYSON FRESH MEATS INC. 00245D M EMPORIA, KS						X				X			On 12/23/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
WASHINGTON BEEF LLC 00235 M00235 P TOPPENISH, WA			5/26/05	5/27/05					X			11/18/05	

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					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
WAYNE FARMS 01235 P DECATUR, AL	8/22/05	9/7/05			X	X							
WAYNE FARMS, LLC 00912 P UNION SPRINGS, AL	11/9/05	11/23/05			X	X	X						

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

Table 6. Administrative Actions: **Small HACCP Plants
(10/01/05 to 12/31/05)**

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
ABBYLAND FOODS, INC. 01633 M17764 P ABBOTSFORD, WI	9/19/05	9/23/05			X	X						12/22/05	
ACADIAN FINE FOODS, LLC 13587 M13587 P CHURCH POINT, LA			11/9/05	11/17/05			X		X				
			12/5/05		X	X			X				On 12/05/05, suspension was reinstated.
AGRIPROCESSORS INCORPORATED 04653A M04553A P POSTVILLE, IA	11/23/05	11/30/05				X							
AMERICAN FOOD COMPANY, INC 06935 M06935 P MACOMB, MI	10/25/05	11/4/05			X	X							
AMERICAN OUTDOOR PRODUCTS, INC 04933 M04933 P BOULDER, CO	3/25/05	4/20/05			X	X						10/19/05	
B.C. NATURAL CHICKEN, INC 00493 P FREDERICKSBURG, PA	7/14/05	7/29/05			X	X						12/21/05	
BERRY & SON'S ISLAMIC SLAUGHTER HOUSE, INC. 10252 M DETROIT, MI			11/15/05	12/6/05	X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
BERRY PACKING INC. 02325 M02325 P CROSSETT, AR			4/13/05	4/14/05				X					On 10/17/05 DM closed case by firm's requested voluntary withdrawal.

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
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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	
BERRY PACKING INC. 02325 M02325 P CROSSETT, AR			9/16/05		X	X		X					On 10/17/05, DM closed case by firm's requested voluntary withdrawal. On 9/16/05, suspension was reinstated.
BIG BOY FOOD GROUP LLC 04205 M04205 P WARREN, MI	10/19/05	10/31/05			X	X							
BO BO POULTRY MARKET INCORPORATED 20138 P BROOKLYN, NY			10/13/05	10/28/05	X		X						
BUONA VITA INC 00954 M00954 P BRIDGETON, NJ	11/8/05	11/18/05			X	X							
C.A.L. FRESH 18739 P AZUSA, CA	12/8/05	12/16/05			X	X	X						
CARANDO GOURMET FOODS CORP 07862 M07862 P SPRINGFIELD, MA	9/15/05		9/30/05	10/11/05	X	X	X						
CARGILL MEAT SOLUTIONS CORP. 00086J M NEBRASKA CITY, NE	7/21/05	8/3/05				X						10/17/05	
CARIBBEAN FOOD DELIGHT, INC 04008 M04008 P TAPPAN, NY	8/1/05	8/5/05			X	X						12/8/05	
CLARMIL MANUFACTURING CO 20647 M20647 P HAYWARD, CA	7/29/05	8/11/05			X	X							
CONAGRA FOODS PACKAGED FOODS CO., INC 00003K M05636 P JONESBORO, AR	10/18/05	10/27/05			X	X							
CRESTON VALLEY MEATS 22095 M22095 P CRESTON, CA	8/15/05	8/30/05			X	X							

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
CRISS CROSS EXPRESS OF ILLINOIS INC 27260 M RANTOUL, IL	1/24/05	2/16/05				X						10/12/05	
DAILY FOODS INC dba SEABOARD FORRDS, LLC 06133 M 06133 P SALT LAKE CITY, UT	3/24/05	5/10/05			X	X						10/26/05	
DAY-LEE FOODS, L.P. 17309 M17309 P SANTA FE SPRINGS, CA	3/23/05	4/6/05			X	X							
DELI FOOD Mfg., INC 13454 M13454 P ST. LOUIS, MO	10/5/05	10/21/05			X	X							
DESERET MEAT 04852 M SPANISH FORK, UT			7/20/05	8/1/05		X				X		12/29/05	The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
DINNER BELL MEAT PRODUCTS, INC 07440 M07440 P LYNCHBURG, VA	3/14/05	3/29/05	6/30/05	7/12/05	X	X							
			11/1/05		X	X	X						On 11/1/05, suspension was reinstated.
E.N.A. MEAT PACKING, INC. 17778 M17778 P PATERSON, NJ	12/12/05	12/23/05			X	X							
EDDY PACKING COMPANY 04800 M04800 P YOAKUM, TX	10/13/05	10/25/05				X							
ESKIMO PACKING COMPANY 13470 M13470 P EXETER, MO	9/27/05		10/3/05				X						
FAMILY FOOD PRODUCTS, INC 04524 M04524 P BENSALEM, PA	11/8/05	11/22/05			X	X							

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
FLANDERS PROVISION COMPANY 09145 M09145 P WAYCROSS, GA	8/30/05	9/13/05			X	X						12/7/05	
FOREST PACKING CO. 01283 P FOREST, MS	6/29/05	7/14/05			X	X							
FRUITLAND AMERICAN MEAT 02316 M02316 P JACKSON, MO	12/23/05							X					
FUJI FOODS U.S. INC 17732 M17732 P DENVER, CO	9/29/05	10/3/05			X	X						12/20/05	
GREEN VALLEY PACKING COMPANY, INC 09385 M09385 P CLAYSVILLE, PA	11/10/05	11/18/05			X	X							
H & H FOODS COMPANY, INC. 07259 M07259 P MERCED, TX	11/25/05	12/21/05				X	X						
HAIN PURE PROTEIN CORP. 00533 P FREDERICKSBURG, PA	10/28/05	11/10/05				X						12/15/05	
HAMMONS MEAT SALES 09899 M09899 P BAKERSFIELD, CA			8/17/05	8/23/05	X								
HERFURTH BROTHERS MEAT INC 09465 M09862 P GILBERT, PA	9/9/05	9/27/05			X	X				X		12/21/05	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
HITCHIN POST STEAK COMPANY 20773 M20773 P KANSAS CITY, KS	12/29/05				X	X							
J.C. POTTER ACQUISITION CORP. 00961 M DURANT, OK	2/3/05	2/10/05			X	X	X					11/22/05	

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
J. K. PATY MEAT CO INC. 13055 M13055 P DALLAS, TX	11/29/05	12/8/05			X	X							
JACK LAMBERSKY POULTRY CO. 04340 M04340 P CAMDEN, NJ	8/19/05	9/2/05			X	X	X					11/17/05	
JIM'S COUNTRY MILL SAUSAGE 09191 M09191 P HAMILTON, AL	8/26/05	9/15/05			X	X				X		12/19/05	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
JOHN VOLPI AND CO 00978 M ST. LOUIS, MO	7/20/05	9/2/05			X	X							
JUST FOODS, L.L.C. 05674 M05674 P HASTINGS, NE	3/31/05	4/8/05	5/24/05	6/9/05	X	X	X						
KINGS COMMAND FOODS INC 01515A M06121A P KENT, WA	9/23/05	9/30/05				X							
			10/5/05	10/7/05		X							
KING'S FOOD SERVICE CORPORATION 13530 M13530 P HOUSTON, TX	8/5/05	8/9/05				X						12/14/05	
KOCH FOODS LLC 07487 P CHATTANOOGA, TN	1/31/05	2/7/05			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
KOCH FOODS LLC 00509 P MORRISTOWN, TN	10/13/05	10/20/05			X	X							
KOWALSKI COMPANIES, INC 10072 M10072 P HAMTRAMCK, MI	8/2/05	8/11/05				X	X					12/5/05	

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
LDJ HOLDINGS 06266 M06266 P BOISE, ID	12/1/05				X	X							
LET'S DO LUNCH, INC. 19056 M19056 P GARDENA, CA			6/1/05	6/14/05	X	X							
LONGHORN BAR-B-QUE 01053 M04169 P SPOKANE, WA	8/19/05	9/2/05			X	X							
LORD'S MEATS, INC 18714 M18714 P DEXTER, GA	9/19/05	9/29/05			X	X					12/5/05		
LOWER FOODS INC. 00828 M00966 P RICHMOND, UT	12/16/05				X	X	X						
LSK SMOKED TURKEY PRODUCTS, INC 19064 M19064 P BRONX, NY	11/7/05		11/15/05	11/18/05	X	X							
MAGNOLIA BEEF CO. INC 02157 M02157 P ELIZABETH, NJ	10/7/05	10/21/05			X	X	X						
MANN'S INTERNATIONAL LLC 04219 M04219 P OMAHA, NE	8/25/05	9/2/05			X	X					11/15/05		
MAPLE LEAF FARMS, INC 00300 P MILFORD, IN	12/23/05				X	X	X						
MINNESOTA BEEF INDUSTRIES, INC 17466 M BUFFALO LAKE, MN	9/21/05	9/29/05				X							
MORASCH MEATS 04102 M04102 P PORTLAND, OR	10/7/05	10/21/05			X	X							

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
NORTHERN PACKING COMPANY INC. 00571 M BRIAR HILL, NY	12/9/05	12/23/05			X	X	X			X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
ODOM'S TENNESSEE PRIDE 06544A M06544A P LITTLE ROCK, AR	5/16/05	5/27/05			X	X	X					12/22/05	
P.L.B. INC. dba UNCLE CHARLIE'S MEATS 07308A M07946 P RICHMOND, KY	8/12/05	8/30/05				X						10/28/05	
PAP'S LOUISIANA CUISINE, INC 13581 M13581 P PRAIRIEVILLE, LA	7/20/05		8/12/05	8/19/05	X	X	X						
PECO FOOD INC 00890 P CANTON, MS	5/18/05	6/3/05			X	X							
PETALUMA LIVESTOCK AUCTION YARD, INC. 27300 M NEWMAN, CA			10/7/05	10/12/05					X				On 11/14/05, case closed by grant of inspection subsequent to sale of the firm and change of ownership.
			10/24/05						X				On 11/14/05, case closed by grant of inspection subsequent to sale of the firm and change of ownership. On 10/24/05, suspension was reinstated.
PETALUMA POULTRY PROCESSORS 02882 M PETALUMA, CA	10/20/05	10/28/05			X	X	X						
PHILADELPHIA COOKED STEAK CO 17767 M17767 P PHILADELPHIA, PA			10/25/05	10/29/05		X						12/7/05	
PILGRIM'S PRIDE CORPORATION 00383 P BATESVILLE, AR	11/28/05				X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).

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INT	Interference/Assault
LOI	Letter of Information
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Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
PLUMROSE USA INC 20722 M20722 P COUNCIL BLUFFS, IA	12/1/05					X							
PLUMROSE USA, INC 00026A M00423 P BOONEVILLE, MS	3/21/05	4/12/05			X	X	X					10/11/05	
POCINO FOOD CO 06261 M06261 P CITY OF INDUSTRY, CA	12/23/05				X	X							
PRIME DELI CORPORATION 13553 M13553 P LEWISVILLE, TX	5/18/05	5/27/05			X	X						12/5/05	
QUINCY STREET, INC 18963 M18963 P HOLLAND, MI	10/25/05	11/4/05			X								
R.L. ZEIGLER CO. INC 09156S M09156S P SELMA, AL	7/7/05	7/28/05			X	X						11/16/05	
RICHELIEU FOODS, INC 05699 M05699 P BEAVER DAM, WI	8/12/05	8/23/05			X	X						12/21/05	
SEAPORT MEAT COMPANY 06153 M06153 P SPRING VALLEY, CA			6/1/05	6/3/05			X						
SIERRA MADRE FOODS 06009 M MONTEREY PARK, CA			1/18/05	1/24/05			X						
SIMMONS FOODS, INC. 20287 M20287 P VAN BUREN, AR	11/9/05	11/28/05			X	X	X						
SNOW BALL FOODS 07569 M07569 P WILLIAMSTOWN, NJ	9/1/05	9/16/05			X	X						12/21/05	

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
SURE FINE FOODS ACQUISITION CORP 15775 M 15775 P EVANSVILLE, IN	11/14/05	11/22/05			X	X						12/9/05	
T&L CREATIVE SALADS 19930 M19930 P BROOKLYN, NY			9/28/05	10/24/05	X	X	X						
THE HAIN CELESTIAL GROUP, INC 19362 M19362 P FRAMINGHAM, MA	9/2/05	10/21/05				X							
THUMANN INC. 07878 M07878 P CARLSTADT, NJ	9/9/05	9/21/05			X	X	X					12/23/05	
TURRI'S ITALIAN FOODS, INC. 06837 M06837 P ROSEVILLE, MI	6/20/05	6/30/05			X	X						10/28/05	
TWIN RIVER FOODS 21355 P NOESHO, MO	10/21/05	10/27/05			X	X	X						
UNIVERSAL PROCESSING LLC 31896 M31896 P LINCOLN, NE	10/14/05	10/19/05			X	X							
VALLEY FINE FOODS COMPANY, INC 22102A M22102A P BENICIA, CA			11/21/05	11/28/05	X		X						
WALT'S WHOLESALE MEATS, INC. 06423 M06423 P WOODLAND, WA	9/16/05	9/19/05							X			11/18/05	
			12/9/05	12/15/05					X				
WINTER SAUSAGE MANUFACTURING COMPANY, INC. 10158 M10158 P EASTPOINTE, MI			6/2/05	7/14/05	X	X							

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
YORK MEAT PROCESSORS 22079 M THOMASTON, GA	7/8/05		7/20/05	8/4/05	X	X	X						
			10/20/05		X	X	X						On 10/20/05, suspension was reinstated.
ZAMORA MEXICAN FOOD PRODUCTS 21392 M21392 P CITY OF INDUSTRY, CA	3/25/05	4/8/05			X	X							
ZARTIC INC 00703A M07489 P CEDARTOWN, GA	8/6/04	9/13/04	1/18/05	2/14/05	X	X							

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INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

**Table 7. Administrative Actions: Very Small HACCP Plants
(10/01/05 to 12/31/05)**

Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]														
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
A.J. CEKAK'S MEAT MARKET 21562 M ORD, NE	9/1/05	9/20/05			X	X					X			On 9/1/05, an enforcement action concerning failure to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli) was taken. The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
ABE'S CAJUN BOUDIN, INC 13251 M13251 P LAKE CHARLES, LA	4/20/05	5/4/05			X	X						11/4/05		
ABUELITA'S EMPANADAS 32177 M32177 P DOUGLASTON, NY	9/29/05	10/11/05			X	X						12/8/05		
ADJR, INC. 21029 M21029 P PAULDING, OH	4/14/05	5/9/05			X	X	X							
AFFINITY FOOD CORP 20851 M20851 P ST. LOUIS, MO	10/19/05	10/28/05			X	X								
AL SHABRAWY INC 19160 M SOUTH RIVER, NJ	5/18/05	5/27/05				X						10/7/05		
ALLISON'S GOURMET KITCHENS, LTD 27404 M27404 P MOORE, OK	5/5/05	5/13/05	8/23/05	9/2/05	X	X						11/18/05		
ALTA VISTA LOCKER 31931 M ALTA VISTA, KS	10/5/05	10/26/05				X					X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
AMERICAN HALAL MEAT, INC. 20403 M20403 P NEWARK, NJ			10/4/05	10/6/05				X				11/22/05		

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
ATLANTIC VEAL AND LAMB, INC 00102 M00102 P OLYPHANT, PA	9/21/05	10/7/05				X							
B & R BIEROCKS 21748 M ST FRANCIS, KS	9/19/05	12/22/05			X	X							
BARTLOW BROTHERS INC 02595 M02595 P RUSHVILLE, IL	8/17/05	9/2/05			X	X							
BERNTHAL PACKING INC 10195 M10195 P FRANKENMUTH, MI			10/28/05	11/1/05				X					
BONITA'S PIZZA 17977 M17977 P PORTLAND, ND	7/15/05	7/22/05				X						10/13/05	
BRISTOL BEEF 05998 M BRISTOL, CT			11/10/05					X	X				
BROWN'S PROCESSING 13100 M13100 P ELSBERRY, MO	8/8/05	8/16/05			X	X				X		11/16/05	The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
BUFFALO MEAT AND PROVISION CO 07847 M07847 P LINDEN, NJ	12/28/05				X	X							
CAMP STEAK CO INC 01724 M01724 P CULVER CITY, CA			3/31/05	4/27/05	X								
CARITAS RANCH BAR-B-Q, INC 20207 M20207 P BOERNE, TX	3/29/05	4/4/05				X						10/11/05	
CENTER MARKET PROVISION CO. 02610 M WASHINGTON, DC	6/20/05	6/30/05			X	X						10/18/05	

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
CHAMPLAIN BEEF INC 08547 M WHITEHALL, NY	2/28/05		3/4/05	3/8/05	X	X	X							
			10/17/05		X	X				X				The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
CIALES POULTRY 21709 P CHICAGO, IL			11/10/05	11/14/05					X					
CONTINENTAL SPECIALTY MEATS INC 05401 M05401 P RIDGEFIELD, NJ	9/22/05		9/29/05	10/6/05	X	X								
CRESCENT CUSTOM SLAUGHTERING, INC. 06041 M06041 P SUMNER, WA	6/20/03	7/2/03	8/21/03	9/2/03	X	X	X							
D G FOODS, LLC 31881 P HAZLEHURST, MS	5/16/05	5/26/05			X	X						10/4/05		
DALE'S, LLC 04192 M04192 P BRIGHTON, CO	1/7/05		2/9/05	3/8/05	X	X								
DEMARTINO PACKING CO 04707 M SEYMOUR, CT	9/29/05	10/31/05								X				Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
DFW BEEFCO INC 07222 M07222 P DALLAS, TX	11/10/05	11/22/05			X	X								
D'LSI FOOD SYSTEMS INC. 21300 M21300 P ROCHESTER, NY			9/30/05	11/10/05	X	X								
DOUBLE S MEATS 00862 M04881 P TONASKET, WA	8/5/05	8/18/05			X	X								

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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		
EAGLE BRIDGE CUSTOM MEAT & SMOKEHOUSE 33843 M33843 P EAGLE BRIDGE, NY	12/16/05					X								
EL ACAPULCO TAMALES 10113 M BURT, MI	10/27/05	11/8/05			X	X								
EL RANCHO MARKET, INC. 06180 M06180 P SOLVANG, CA	11/28/03		12/4/03		X	X								
F. MAZZAFERRO & SONS 09582 M09582 P ROME, NY	10/17/05		10/27/05		X	X	X							
FIVE STAR PACK INC. 08725 M08725 P GOLDEN CITY, MO	9/1/05	9/9/05				X					X	12/29/05	On 9/1/05, an enforcement action concerning failure to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli) was taken. The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.	
FRESH FARMS BEEF 18579 M RUTLAND, VT			12/16/05	12/28/05	X	X					X		The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.	
G.P. MONROE PROVISIONS, INC 19616 M19616 P MONROE, GA	4/7/05	5/24/05	7/1/05	7/7/05	X	X	X					11/22/05	On 11/22/05, case closed by withdrawal of inspection following 120 days voluntary suspension.	
			6/8/05	6/10/05				X				11/22/05	On 11/22/05, case closed by withdrawal of inspection following 120 days voluntary suspension.	
GOETZ AND SONS WESTERN MEATS INC 06245 M06245 P EVERETT, WA	11/15/05		11/23/05	12/1/05	X	X								
			12/17/05	12/28/05	X	X					X		On 12/17/05, firm violated a regulatory control action by selling U.S.D.A retained product.	

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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	
GOURMET U.S.A. COMPANY 31652 M31652 P OAKLAND, CA			1/19/05	2/1/05		X						11/17/05	
GRIZZLY'S CUSTOM CUTTING 21554 M21554 P HUNT, NY	5/10/05		5/23/05	8/17/05		X							
			10/5/05			X							On 10/5/05, suspension was reinstated.
H AND P MEATS 21352 M SOUTH PITTSBURG, TN	7/28/05	8/8/05	8/17/05	8/19/05		X				X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
HARRIS COUNTRY MEATS 20686 M GREENEVILLE, TN	11/8/05	11/22/05			X	X							
HO KA TURKEY FARMS 00547 P WATERMAN, IL			11/30/05	12/8/05			X						
HOPKINS PACKING COMPANY 11069 M BLACKFOOT, ID			7/28/05	8/1/05		X				X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
			8/23/05		X		X						On 9/6/06, DM closed case by firm's requested voluntary withdrawal.
IMPERO FOODS & MEATS, INC. 10827 M10827 P BALTIMORE, MD	7/14/05	7/28/05			X	X						11/29/05	
INDIAN VALLEY MEATS, INC 18154 M18154 P INDIAN, AK			6/10/05	6/16/05					X				
J.M. PACKING, CO. 19804 M19804 P PONCE, PR			11/21/05		X	X							On 12/22/05, plant appealed the suspension action. The appeal decision is pending.

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
JMC FOOD INDUSTRIES 04450 M04450 P SLEEPY HOLLOW, NY	8/24/05	9/1/05			X	X							
JONES MEATS & FOOD SERVICES, INC. 07722 M07722 P RIGBY, ID	4/22/05	5/17/05			X	X						10/21/05	
JONES POULTRY 17557 M17557 P BARRY, IL	10/5/05	11/3/05			X	X							
JRG MEAT 18987 M18987 P AIBONITO, PR			6/24/05	7/19/05		X						11/3/05	
KAUFFMAN TURKEY FARMS 00547 P WATERMAN, IL	12/28/05					X	X						
KOLOB PACKING LLC 19610 M19610 P BURLEY, ID			12/16/05					X					
KUBISCH SAUSAGE CO 10116 M10116 P SHELBY TWP, MI			11/9/05	11/14/05					X				
L & L FOOD CENTERS, INC 08933 M08933 P LANSING, MI	9/15/05	9/28/05				X						12/5/05	
LAMBERT MEAT LABORATORY 00071 M AUBURN UNIVERSITY, AL	4/28/05	5/18/05			X	X						11/15/05	
LANCASTER'S BBQ INC 21566 M21566 P GARNER, NC	10/18/05		10/25/05	10/28/05		X							
LEBLANC'S CAJUN BOUDIN, LLC 13512 M13512 P ST. AMANT, LA	5/26/05	6/10/05	7/28/05	7/29/05	X	X							On 11/23/05, DM closed case by firm's requested voluntary withdrawal.

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
LEBLANC'S CAJUN BOUDIN, LLC 13512 M13512 P ST. AMANT, LA			8/2/05	8/12/05	X	X								On 11/23/05, DM closed case by firm's requested voluntary withdrawal. On 08/2/05, suspension was reinstated.
			11/9/05	11/13/05	X	X	X							On 11/23/05, DM closed case by firm's requested voluntary withdrawal. On 11/9/05, suspension was reinstated for the second time.
LEONA MEAT PLANT INC. 09784 M09784 P TROY, PA	10/5/05	10/21/05			X	X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
LUTHER'S SMOKEHOUSE 13214 M13214 P LE ROY, KS	10/13/05	11/1/05			X	X								
MAMA TOSCANO'S RAVIOLI 05761 M ST LOUIS, MO	11/28/05	12/9/05			X	X								
MISTY KNOLL FARM 18978 P NEW HAVEN, VT	9/30/04	10/13/04	8/10/05	8/15/05	X	X								
MOM'S MEALS LTD 21140 M21140 P NEVADA, IA	7/5/05	7/7/05			X	X							12/13/05	
MUIR'S INC. 20681 M20681 P FRUITLAND, UT	6/28/05		8/11/05	9/7/05	X	X								
MUSBAH TAJ HALAL MEAT PROCESSING 19901 M19901 P BASSFIELD, MS	6/15/05	6/22/05				X							11/9/05	
NEW ENGLAND COMMISSARY, INC. 18720 M18720 P EVERETT, MA			6/24/05	7/1/05	X	X								
NEW MEXICO FOOD DISTRIB. 13272 M13272 P ALBUQUERQUE, NM			10/27/05	11/1/05	X	X								
			11/4/05	11/10/05	X	X								On 11/4/05, suspension was reinstated.

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions	
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW		
NORTH END PROVISION CO. INC 00984 M00984 P FALL RIVER, MA			4/27/05	5/13/05	X									
			7/20/05	9/7/05	X	X								On 07/20/05, suspension was reinstated.
NORTHWEST PREMIUM MEATS LLC 11032 M11032 P NAMPA, ID			7/26/05	7/29/05		X				X		11/15/05		The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
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.
PANDORA'S PRODUCTS 31969 M NORTH PROVIDENCE, RI	8/4/05	8/17/05				X						12/6/05		
PARADISE LOCKER MEATS 31865 M31865 P TRIMBLE, MO	9/21/05	10/7/05				X				X				The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
PARAGON SPRAY DRYING, LLC 31762 M31762 P WAUKON, IA	9/6/05	9/12/05			X	X				X				The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
PELLAH POULTRY CORP 20589 M SWAN LAKE, NY	10/12/05		10/19/05			X				X				Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
PHILIPPINE AMERICAN FOODS, INC 05441 M05441 P VIRGINIA BEACH, VA	9/26/05	10/6/05				X								
PONDEROSA ENTERPRISES INC 20705 M20705 P DEKALB, MS	2/14/05	5/10/05				X						10/25/05		

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
RADD DEW'S BBQ 09088 M CONWAY, SC	6/30/05		7/26/05	8/2/05	X	X	X						
RANCLAND PACK, INC 02439 M02439 P BUTTE, MT			8/8/05	8/10/05	X								
RANDALL MEAT COMPANY 10669 M HOT SPRINGS, AR	7/1/05	7/28/05	10/12/05	10/24/05	X	X				X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
RAW SEAFOOD INC. 32026 M NEW BEDFORD, MA	4/14/05	4/29/05			X	X						12/6/05	
RCG FOODS OF TEXAS, INC 13533 M13533 P EL PASO, TX	1/26/05	2/9/05			X	X							
			6/2/05	7/15/05	X		X						On 6/28/05, DM granted firm's requested 120 day voluntary suspension.
RIVERSIDE FOOD PRODUCTION SERVICES 27401 M27401 P NEWPORT NEWS, VA	8/18/05		8/31/05		X	X							On 10/17/05, DM closed case by firm's requested voluntary withdrawal.
ROSE HILL POULTRY *20538 M20538 P PITTSBORO, NC	9/28/05		10/3/05	10/7/05	X	X	X			X		12/15/05	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
S & S INSTITUTIONAL FOODS, INC. 18943 M18943 P ATLANTA, GA	12/6/05	12/22/05			X	X							
S & S MEAT COMPANY 01046 M01046 P KANSAS CITY, MO	8/4/05	8/19/05				X				X		11/16/05	The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
SEABOLT'S SMOKEHOUSE 20776 M OAK HARBOR, WA	9/28/05	10/6/05			X	X							

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
SEISHIN FARM SAIPAN INC. 00754 M SAIPAN, MP			9/29/05	10/20/05	X	X							
SIERRA NEVADA RANCH INC 18060 M18060 P YERINGTON, NV			9/20/05	10/5/05	X	X			X				
SING WAH LIVE POULTRY MARKET 18860 P BROOKLYN, NY			11/22/05	12/7/05	X		X		X				
SISTER SCHUBERT'S HOMEMADE ROLLS, INC. 20793 M LIVERNE, AL	5/26/05	6/6/05			X	X							
SMOKEY VALLEY MEATS INC 19844 M19844 P FARMINGTON, MO	12/28/04		1/4/05			X						10/20/05	
SNOW HILL PROCESSING 09075 M09075 P CHESTERFIELD, SC	12/30/05				X	X							
SPECIAL AMERICA'S BBQ 11179 M OPA-LOCKA, FL			12/13/05			X							
STEAK MASTER 21159 M21159 P ELWOOD, NE	11/4/05	11/17/05			X	X				X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
STEVE'S MEAT MARKET 20670 M20670 P DESOTO, KS	12/21/05				X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
STILLWATER PACKING COMPANY 06271 M06271 P COLUMBUS, MT	7/18/05	8/1/05			X	X						12/27/05	
TERRAPIN STATION 22012 M SALT LAKE CITY, UT			10/22/04	2/17/05					X				

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
THE BAYOU CO 20726 M TARPON SPRINGS, FL	6/25/03		7/7/03	2/18/04	X	X							On 10/13/05, DM closed case by firm's requested voluntary withdrawal.
			10/5/04	2/10/05	X	X							On 10/13/05, DM closed case by firm's requested voluntary withdrawal. On 10/5/04, suspension was reinstated.
			10/4/05		X	X	X						On 10/13/05, DM closed case by firm's requested voluntary withdrawal. On 10/4/05, suspension was reinstated.
THE MEAT SHOP 31561 M BENSON, VT	8/18/05		9/6/05	9/9/05	X	X	X	X		X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
THEURER'S QUALITY MEATS, INC 31647 M31647 P LEWISTON, UT			7/27/05	7/29/05		X				X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
TOOELE VALLEY MEATS 20594 M20594 P GRANTSVILLE, UT			7/25/05	8/1/05		X				X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
TOTAL PACKAGING OF KENTUCKY, INC 06734A M06734A P OWENSBORO, KY	7/28/05		8/4/05	8/12/05	X	X						10/20/05	
TROY PORK STORE 04359 M TROY, NY	6/30/05		7/14/05		X	X							
TWIN LOUPS QUALITY MEATS 05729 M05729 P ST. PAUL, NE			10/10/03	10/21/03		X						12/9/05	
	10/15/03	10/24/03				X						12/9/05	
UNCLE LOUIE SAUSAGE CO. 12449 M12449 P KAHULUI, HI	12/15/05				X	X	X						

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
UNIVERSITY OF ARKANSAS RED MEAT RESEARCH ABATTOIR 10600 M10600 P FAYETTEVILLE, AR	9/19/03	10/16/03			X	X	X						
WALNUT VALLEY PACKING LLC 32007 M32007 P EL DORADO, KS	12/15/05	12/30/05			X	X					X		The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
WHOLESOME FOOD, INC 07906 M00857 P EDINBURG, VA	7/7/05	7/15/05	9/28/05	10/11/05	X	X							
			11/14/05	12/15/05		X							On 11/14/ 05, suspension was reinstated.
YODER BROTHERS MEAT PROCESSING 17301 M PARIS, TN	10/3/05	10/12/05				X					X		The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.

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Formal Adjudicatory Actions for Food Safety

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

**Table 8. Food Safety Adjudicatory Actions
(10/01/05 to 12/31/05)**

Formal Adjudicatory Actions Pending or Taken for Food Safety

[includes actions initiated in prior quarters]

Establishment	Complaint to Deny/Withdraw Inspection	Hearing	Consent Order	Decision and Order	Actions
BERRY PACKING, INC. 02325 M 02325 P CROSSETT, AR	09/21/05				On September 21, 2005, FSIS filed a complaint to indefinitely suspend inspection service based on the firm's failure to maintain humane methods of handling and/or slaughter of livestock and failure to implement and maintain its operations and facility in a manner sufficient to prevent the creation of insanitary conditions and to ensure prevention of product adulteration. Based on the firm's written request to voluntarily withdraw from Federal inspection service, FSIS withdrew inspection services effective October 17, 2005. The formal administrative matter was dismissed on November 30, 2005.
CHAMPLAIN BEEF COMPANY 08547 M WHITEHALL, NY	11/25/05				On November 25, 2005, FSIS filed a complaint to withdraw inspection service based on the firm's violations of FSIS public health requirements as well as a history of significant and repetitive violations of Agency statutory and regulatory requirements. On December 27, 2005, the firm filed an answer to the complaint.
FRANK CRAIG JEAN CRAIG d/b/a FRANK'S WHOLESALE MEATS 07741 M SAN BERNARDINO, CA	04/12/05				On April 12, 2005, FSIS filed a complaint to indefinitely suspend inspection service based on an incident of interference and intimidation upon a FSIS official.
ILYSSA MANUFACTURING CORPORATION BROOKLYN, NY	10/18/05				On October, 18, 2005, FSIS filed a complaint to withdraw inspection services based on the firm's failure to implement and maintain its operations and facility in a manner sufficient to prevent the creation of insanitary conditions and to ensure prevention of product adulteration. Based on the firm's written request to voluntarily withdraw from Federal inspection service, FSIS withdrew inspection services on December 5, 2005. The formal administrative matter was dismissed on December 9, 2005.

Establishment	Complaint to Deny/Withdraw Inspection	Hearing	Consent Order	Decision and Order	Actions
LAGROU COLD STORAGE 00219 I 03197 M CHICAGO, IL	09/24/02				On September 24, 2002, FSIS filed a complaint to withdraw inspection service based on the firm's alleged failure to operate and maintain its business in a manner sufficient to prevent the creation of insanitary conditions, and to ensure that meat and poultry products are not adulterated. On November 18, 2002, through May 3, 2003, approximately 7,459,000 pounds of product was reconditioned under the supervision of FSIS and these products were allowed to enter commerce. Another 855,000 pounds of product that did not qualify to be reconditioned was transported to a landfill and destroyed. On August 23, 2004, through September 1, 2004, the remaining product, approximately 6,000,000 pounds, was transported to a landfill as required by an August 18, 2004, court order.
STEVEN MATTESON AND KENNETH E. BARROWS, CO-OWNERS NORTH AMERICAN PACKERS, d/b/a SCHALLERS MEATS 31921 M BRIDGEWATER, NY	07/20/05 Amended 07/22/05			12/05/05	On September 15, 2005, FSIS filed a Motion for Adoption of proposed Default Decision and Order based on respondents' failure to respond. On October 26, 2005, a final Decision and Order to withdraw federal meat and poultry inspection was issued by the Administrative Law Judge. Based on the firm's failure to respond or file an appeal with the Department's Judicial Officer, the Default Decision and Order became effective in December 2005.
TRINH COMPANY 06488 M 06488 P SAN JOSE, CA	05/23/05				On May 23, 2005, FSIS filed a complaint to withdraw inspection service based on the firm's failure to maintain sanitary conditions and prevent adulteration of meat and poultry products.

Withdrawal for Unfitness

Under the statutes it administers, FSIS also can move to withdraw inspection, after opportunity for a hearing, based on the unfitness of an applicant for or a recipient of inspection because of a felony conviction or more than one violation involving food. Actions pending or taken (other than outstanding consent decisions) are reported. **Table 9** identifies actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There were two unfitness actions initiated this reporting period.

**Table 9. Withdrawal for Unfitness
(10/01/05 to 12/31/05)**

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

Establishment	Complaint to Deny/Withdraw Inspection	Consent Order	Decision and Order	Action Summary
BILLINGS MEATS AND PROCESSING 20585 M GORDO, AL	12/06/05			On December 6, 2005, FSIS filed a complaint to withdraw inspection service based on the two (2) misdemeanor count criminal conviction of the owner Terry R. Billings for offering for transportation meat products capable of use as human food which were uninspected and misbranded at the time.
SKOGLUND MEATS AND LOCKERS, INC. MARK L. SKOGLUND 31744 M WEST BEND, IA	11/17/05	11/17/05		On November 17, 2005, a complaint to withdraw Federal inspection services was filed based on the firm's multiple misdemeanor convictions involving food. On November 17, 2005, the firm and its president, Mr. Skoglund, entered into a Consent Decision with FSIS. The Consent Decision requires, among other things, Mr. Skoglund to complete a training course in business ethics, requires the firm to maintain complete and accurate records, and comply with its sanitation and food safety programs. It also prohibits the firm from violating any Federal, State or local statute regarding the sale, preparation, transportation, and distribution of meat and poultry products.

Removing Exempt Privilege

The meat and poultry laws exempt certain custom, retail, or other operations from inspection. For example, custom exempt businesses slaughter animals or poultry, or process meat and poultry for owners of the animals or products. When insanitary conditions create health hazards, FSIS may remove custom or other exempt privileges through issuance of a Notice of Ineligibility (complaint), and require the business to cease operations until sanitary conditions are restored. FSIS can also take action when custom or other exempt facilities fail to properly label product as "Not for Sale." These exempt businesses have the opportunity to correct violations prior to such actions, contest the basis for such actions at hearings, and to enter settlement agreements (consent orders) to resolve actions. **Table 10** lists exempt actions pending or taken (other than outstanding consent orders) on this basis for this reporting period. There was one new action initiated this reporting period.

**Table 10. Exempt Actions
(10/01/05 to 12/31/05)**

Administrative Actions Taken at Exempt Facilities

Name	Complaint Served	Consent Order	Decision and Order	Action Summary
CRAWFORD PACKING CRAWFORD, NE	04/14/05			On April 12, 2005, a Notice of Ineligibility to conduct any custom exempt operations was issued to the firm. On December 8, 2005, a Notice of Default was issued based on the firm's failure to respond to the Notice of Ineligibility.
FRANK'S SMOKEHOUSE WILBER, NE	01/19/05			On January 18, 2005, a Notice of Ineligibility to conduct any custom exempt operations was issued to the firm.
HARVARD LOCKER HARVARD, NE	11/07/05			On November 3, 2005, a Notice of Ineligibility to conduct any custom exempt operations was issued to the firm.

[FSIS Adjudications](#)

CRIMINAL ACTIONS

If evidence is found that a person or business has engaged in violations of the Federal Meat Inspection Act, Poultry Products Inspection Act, or Egg Products Inspection Act, USDA may refer the case to the appropriate United States Attorney to pursue criminal prosecution. Conviction for a criminal offense can result in a fine, imprisonment, or both. **Table 11** lists criminal actions and criminal cases in categories according to the status of the case, which may be indictment or information issued, pleas, convictions, or acquittals, and sentences rendered during this reporting period.

**Table 11. Criminal Actions
(10/01/05 to 12/31/05)**

Criminal Actions

Name	Indictment	Information	Plea	Sentencing	Action Summary
CARNICERIA LATINO AMERICANA RAFAEL C. DOMINGUEZ, OWNER ST. LOUIS, MO			07/29/05	10/24/05	On October 24, 2005, in the United States District Court, Eastern District of Missouri, the firm was sentenced on one (1) felony count, placed on three (3) years probation, and fined a total of \$10,000, based on the owner, Mr. Dominguez' guilty plea to violations of the Poultry Products Inspection Act.
ESTANCIA LA BODEGA RAFAEL C. DOMINGUEZ, OWNER ST. LOUIS, MO				10/24/05	On October 24, 2005, in the United States District Court, Eastern District of Missouri, the firm was sentenced on one (1) felony count, placed on three (3) years probation, and fined a total of \$10,000, based on the owner, Mr. Dominguez' guilty plea to violations of the Poultry Products Inspection Act.
RAFAEL C. DOMINGUEZ, OWNER CARNICERIA LATINO AMERICANA; ESTANCIA LA BODEGA ST. LOUIS, MO			07/29/05	10/24/05	On October 24, 2005, in the United States District Court, Eastern District of Missouri, Mr. Rafael C. Dominguez, owner of both firms, was sentenced after pleading guilty to violations of the Poultry Products Inspection Act. Mr. Dominguez was sentenced on one (1) felony count, placed on three (3) years probation, and fined \$10,000.
JACK STEWART, PRESIDENT LAGROU DISTRIBUTION SYSTEM, INC., CHICAGO, IL	Original 06/18/03 Superceding 07/27/04				On January 27, 2005, in the United States District Court, Northern District of Illinois, Eastern Division, Jack Stewart was convicted by a jury of five (5) felony counts for violations of Title 18, of the FMIA, PPIA, and FDCA. Sentencing is scheduled for February 2006.

PRE-TRIAL DIVERSION AGREEMENTS

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

CIVIL ACTIONS

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

Seizures

When FSIS has reason to believe distributed products are adulterated or misbranded, the Agency will, through the United States Attorney, institute a seizure action against the product. The product is held pending an adjudication of its status. If the court finds that the product is adulterated or misbranded, it will condemn the product. Condemned product cannot be further processed to be used for human food. **Table 12** lists seizure actions and seizure cases. There were no seizure actions initiated during this reporting period.

Injunctions

FSIS, through the U.S. Attorney, may request a U.S. District Court to enjoin repetitive violators of the FMIA, PPIA, or EPIA. The Agency seeks injunctions to stop uninspected retail stores from processing products without required inspection for wholesale business or to prevent or restrain other violations of law. **Table 13** lists civil actions and civil cases. There were three injunctions initiated during this reporting period.

**Table 13. Civil Actions
(10/01/05 to 12/31/05)**

Name	Complaint	Injunction	Action Summary
KC SUPERMARKET JOHN XIONG, OWNER FRESNO, CA	12/29/05		On December 29, 2005, in the U.S. District Court for the Eastern District of California, a complaint was filed to permanently enjoin Mr. Xiong and KC Supermarket from violating the FMIA and PPIA.
LA SORPRESA ENTERPRISES, INC. ERASMO MARTINEZ, PRESIDENT HIALEAH, FL	10/20/05		On October 20, 2005, in the U.S. District Court for the Southern District of Florida, a complaint was filed to permanently enjoin Mr. Martinez and La Sorpresa Enterprises, Inc. from violating the FMIA and PPIA.
MAY FOOD SUPPLY INC. MAY CHANG, PRESIDENT SO. SAN FRANCISCO, CA	11/01/05		On November 1, 2005, in the U.S. District Court for the Northern District of California, a complaint was filed to permanently enjoin Ms. Chang and May Food Supply, Inc. from violating the FMIA and PPIA.

False Claims Act Violations

The Department of Justice Affirmative Civil Enforcement (ACE) program is used by U.S. Attorneys to recover damages when a violation of law involves fraud against the Federal government. Under the False Claims Act, the government may recover three times its estimated losses. FSIS typically seeks action under this program for cases involving products, not in compliance, sold to the military, to public schools engaged in the school lunch program, or to other Federal institutions. **Table 14** lists ACE actions and ACE cases. There was one ACE program action reported for this period.

**Table 13. ACE Actions
(10/1/05-12/31/05)**

ACE ACTIONS

Name	Location	Complaint	Order	Action Summary
ATL INDUSTRIES, INC. 06543 M 06543 P	ALPHARETTA, GA		12/22/05	On December 22, 2005, in the United States District Court, Southern District of Georgia, the firm agreed to a settlement of \$10,000.00 in civil penalties and restitution for having prepared, sold, and transported in commerce adulterated meat food product with the intent to defraud.

FOR MORE INFORMATION:

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

Consumer Inquiries: Call USDA's Meat and Poultry Hotline at
1-888-674-6854 or 1-800-256-7072 for the hearing impaired,
10 a.m. to 4 p.m., Eastern Time.

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