

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

**INTRODUCTION**

This is the Food Safety and Inspection Service's (FSIS) Quarterly Enforcement Report. The report provides a summary of the enforcement actions FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. Although this report focuses on enforcement actions taken, it is important to recognize that this is only one aspect of the Agency's work. The Agency's main purpose is to protect public health by achieving compliance with laws and regulations.

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

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

throughout the country, form strong underpinnings for promoting compliance with food safety laws. Each section of this report is described and reported in more detail as follows:

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

## **FSIS ENFORCEMENT PROCESSES**

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

[http://www.fsis.usda.gov/Fact\\_Sheets/Focus\\_On\\_Shell\\_Eggs/index.asp](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 2,001,857 verification procedures.

**Table 1a** provides numbers of NRs issued by FSIS inspection personnel between April 1, 2005 and June 30, 2005. **Table 1b** shows the number of appeals and the dispositions of the appeals filed by plants during this reporting period.

## Table 1a. Noncompliance Record Totals

### NR Totals

NRs Issued (4/01/05 to 6/30/05): **33,508**

## Table 1b. Appeals NRs (4/01/05 to 6/30/05)

**Number of Plants Filing Appeals: 224**

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total Appeals Resulting In Modified NR	Total NRs Appealed
134	186	35	93	448

## PRODUCT CONTROL ACTIONS

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

In official establishments, FSIS inspectors may retain products whenever there is evidence of unwholesomeness, or if products are adulterated or mislabeled. FSIS inspectors condemn animals for disease, contamination, or adulteration to prevent their use as human food. Figures for condemnations of livestock for the reporting period are as follows: FSIS inspected 34,597,164 livestock carcasses, of which 60,273 carcasses were condemned. FSIS inspected 2,399,829,475 poultry carcasses of which 11,412,849 carcasses were condemned.

## Detentions

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

**Table 2a. Detention Summary  
(4/01/05 to 6/30/05)**

**Detentions: CID Regions**

**Total number of detentions** 111  
**Total pounds of product detained** 3,073,165.8

	<b>Detentions</b>	<b>Pounds Detained</b>
WESTERN	27	142,608.00
SOUTHEAST	19	167,311.50
MIDWEST	5	41,304.00
SOUTHWEST	36	197,389.00
GREAT PLAINS	18	2,416.30
NORTHEAST	<u>6</u>	<u>2,522,137.00</u>
<b>Totals</b>	<b>111</b>	<b>3,073,165.80</b>

**Table 2b. Detention Summary  
(4/01/05 to 6/30/05)**

**Detentions: OIA Regions**

**Total number of detentions** 27  
**Total pounds of product detained** 71,899

	<b>Detentions</b>	<b>Pounds Detained</b>
REGION 2 (Detroit)	9	26,555.00
REGION 3 (Los Angeles)	9	584.00
REGION 4 (Miami)	2	42,010.00
REGION 5 (Philadelphia)	<u>7</u>	<u>2,750.00</u>
<b>Totals</b>	<b>27</b>	<b>71,899.00</b>

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

**Table 2c. Detention Summary  
(4/01/05 to 6/30/05)**

**Detentions: OFO Districts**

<b>Total number of detentions</b>	<b>4</b>
<b>Total pounds of product detained</b>	<b>40.5</b>

	<b>Detentions</b>	<b>Pounds Detained</b>
SPRINGDALE	4	<u>40.5</u>
<b>Totals</b>	<b>4</b>	<b>40.5</b>

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

Recalls

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

[http://www.fsis.usda.gov/Fsis\\_Recalls/index.asp](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.<sup>1</sup> 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

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<sup>1</sup> Egg products are imported only from Canada. Dry egg products may be reinspected at the border or may proceed directly to their destination for reinspection. Liquid egg products are always reinspected at their destination for food safety reasons. Egg product reinspections are presently scheduled separately from meat and poultry, but will be brought under the AIIS in FY2005.

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

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

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

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

**Presented, Reinspected, and Refused Entry**

FY 2005							
Quarter	Presented	Refused <sup>1</sup>	Reinspected	TOIs Perf <sup>2</sup>	Accepted	Rejected <sup>3</sup>	Combined Rejected and Refused
Q-1 (Oct – Dec)	1,042,311,004	42,216	86,784,991	7,112	1,040,533,769	1,735,019	1,777,235
Q-2 (Jan – Mar)	1,039,424,846	13	89,531,074	9102	1,036,529,409	2,895,424	2,895,437
Q-3 (Apr – Jun)	1,160,010,100	79,311	112,758,027	13,172	1,156,189,980	3,740,809	3,820,120
Q-4 (Jul – Sep)							
<b>Cumulative Totals</b>	3,241,745,950	121,540	289,074,092	29,386	3,233,253,158	8,371,252	8,492,792

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

**Presented, Reinspected, and Refused Entry**

FY 2005		
QUARTER	PRESENTED	REFUSED <sup>4</sup>
Q-1 (Oct – Dec)	2,349,683	0
Q-2 (Jan – Mar)	4,049,087	0
Q-3 (Apr – Jun)	1,965,805	0
Q-4 (Jul – Sep)		
<b>Cumulative Totals</b>	8,364,575	0

<sup>1</sup> 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.

<sup>2</sup> Types of Inspection. The number of reinspections performed during the quarter.

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

<sup>4</sup> Refused entry and rejected upon reinspection data are collapsed in the present egg products database, but will be separated when this commodity is incorporated into the AII3 in FY2005.

## **NOTICES OF WARNING**

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

**Table 4. Notices of Warning for Criminal Actions  
(4/01/05 to 6/30/05)**

**Notices of Warning for Criminal Violations**

	<b>Total number of NOWs issued for violations:</b>	<b>227</b>
	<b>Number issued by Headquarters:</b>	<b>15</b>
<b>CID Region</b>	<b>Number of NOWs Issued by Regions</b>	
WESTERN		31
SOUTHEAST		48
MIDWEST		41
SOUTHWEST		22
GREAT PLAINS		18
NORTHEAST		53
		<hr/>
<b>Total number issued by Regions</b>		<b>212</b>

**ADMINISTRATIVE ACTIONS**

FSIS inspects meat and poultry products and applies the marks of inspection when inspectors are able to determine that products are not adulterated. FSIS may temporarily withhold the marks of inspection from specific products, suspend inspection, or withdraw a grant of inspection if a plant is not meeting 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 192 plants. Eighty-one of the actions in these plants were initiated during this reporting period. Seventy-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 were two appeal of suspension actions filed during this period.

**Table 5. Administrative Actions: Large HACCP Plants  
(4/01/05 to 6/30/05)**

<b>Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]</b>													
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	
CARGILL MEAT SOLUTIONS CORPORATION 00086E M FRIONA, TX						X					X		On 12/13/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
CON AGRA FOODS REFRIGERATED 06863 M06863 P PERU, IN	5/16/05	6/3/05			X	X							
CONAGRA FOODS 07131 M07131 P BATESVILLE, AR	9/27/04	10/8/04			X	X						4/20/05	
CONAGRA FOODS REFRIGERATED FOOD 00177H M02416H P HASTINGS, NE	3/3/05	3/10/05				X							
CRIDER POULTRY INC. 06519 M06519 P STILLMORE, GA	4/14/05	4/22/05			X	X							
EXCEL CORPORATION 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				X	X							
FOSTER POULTRY FARMS 06164A P KELSO, WA	1/21/05		1/28/05	2/1/05	X	X							

<b>ABBREVIATION KEY</b>	
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	
FOSTER POULTRY FARMS 07632 P FRESNO, CA	6/30/05				X	X							
GOLD KIST, INC. 17980 P SUMTER, SC	11/23/04	12/3/04			X							5/26/05	
HEINZ FROZEN FOODS 18205 M18205 P POCATELLO, ID	6/28/05				X	X							
I AND K DISTRIBUTORS, INC. 07653 M07653 P SCHAUMBURG, IL	4/7/05	5/9/05			X	X							
KOCH FOODS INC. 00308 P MORTON, MS	10/21/04	11/9/04			X	X	X					5/24/05	
LUIGINO'S INC. 18297 M18297 P JACKSON, OH	5/19/05	6/17/05			X	X							
MARSHALL DURBIN 01307 P JASPER, AL	3/7/05	3/16/05			X	X							
NATIONAL BEEF PACKING CO. 00208A M LIBERAL, KS						X				X		5/27/05	On 04/13/05, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
NEBRASKA BEEF LTD. 19336 M OMAHA, NE						X				X		6/9/05	On 5/19/05, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
	6/23/05	6/30/05						X					
OVERHILL FARMS 06147 M06147 P VERNON, CA	5/31/05	6/10/05			X	X							

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
PILGRIM'S PRIDE CORPORATION 00227 P ATHENS, AL	10/18/04	10/28/04			X	X						6/6/05	
PILGRIM'S PRIDE CORPORATION 06638 P ENTERPRISE, AL	2/9/05	3/4/05			X	X						6/10/05	
PREMIUM STANDARD FARMS 00413 M CLINTON, NC	6/24/05				X	X	X						
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 FOODS 08080 M08080 P NEWBERN, TN	3/11/05	3/28/05				X							
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 FRESH MEATS INC. 00245L M LEXINGTON, NE	2/26/04	3/19/04			X	X						5/4/05	
			3/12/04	3/18/04		X							
						X				X			On 3/10/05, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
TYSON FRESH MEATS INC. 00245E M AMARILLO, TX						X				X			On 11/25/03, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
	12/15/04	12/29/04				X						5/4/05	

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
TYSON 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.
TYSON FRESH MEATS, INC. 00245J M GENESE0, IL	1/20/05	1/31/05			X	X	X					6/13/05	
WASHINGTON BEEF LLC 00235 M00235 P TOPPENISH, WA			5/26/05	5/27/05						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  
(4/01/05 to 6/30/05)**

<b>Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]</b>													
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>	
ALFERYS SAUSAGE CO INC. 09702 M09702 P MT PLEASANT, PA	6/6/05	6/15/05			X	X	X						
AMERICAN OUTDOOR PRODUCTS, INC. 04933 M04933 P BOULDER, CO	3/25/05	4/20/05			X	X							
ASPEN FOODS DIV OF KOCH POULTRY CO., INC. 06790 M01358 P CHICAGO, IL	5/6/05	5/12/05			X	X						6/22/05	
BENTON PACKING COMPANY 10629 M10629 BENTON, AR			3/7/05	3/16/05	X	X							
BERRY PACKING INC. 02325 M02325 P CROSSETT, AR			4/13/05	4/14/05				X					
BEST PROVISIONS CO., INC. 05151 M NEWARK, NJ	6/30/05				X		X						
C.W. BROWN & COMPANY 08871 M MOUNT ROYAL, NJ	6/8/05	6/17/05			X	X							
CAVINNESS BEEF PACKERS, LTD. 00675 M HEREFORD, TX	1/25/05	1/28/05				X						5/23/05	
CONAGRA FOODS REFRIGERATED FOODS CO., INC. 00044A M00044A P QUINCY, MI	3/3/05	3/10/05			X		X					5/12/05	

<b>ABBREVIATION KEY</b>	
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	
CRESCENT SLAUGHTERHOUSE CORP. 21527 M DETROIT, MI			6/30/05					X					
CRISS CROSS EXPRESS OF ILLINOIS INC. 27260 M RANTOUL, IL	1/24/05	2/16/05				X							
CUMBERLAND GAP PROVISION COMPANY INC. 08028 M08028 P MIDDLESBORO, KY	4/8/05	4/22/05			X	X	X						
CUSTOM MEATS CORP. 07271 M07271 P DALLAS, TX	3/31/03	4/4/03			X	X						5/27/05	
DAILY FOODS INC. 06133 M 06133 P SALT LAKE CITY, UT	3/24/05	5/10/05			X	X							
DAY-LEE FOODS, L.P. 17309 M17309 P SANTA FE SPRINGS, CA	3/23/05	4/6/05			X	X							
DINNER BELL MEAT PRODUCTS, INC. 07440 M07440 P LYNCHBURG, VA	3/14/05	3/29/05	6/30/05		X	X							
ECO FRIENDLY FOODS 21938 M21938 P MONETA, VA	3/28/05	4/7/05								X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
FISHER FOODS LTD. 01864 M02299 P LINCOLN, NE	7/13/04	8/17/04			X	X						4/20/05	
FOOD SOURCE, L.P. 13130 M13130 P MCKINNEY, TX	4/6/05	4/15/05			X	X							
FOREST PACKING CO. 01283 P FOREST, MS	6/29/05				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	
G AND G POULTRY INC. 27425 P BIRDSBORO, PA	7/14/04	8/12/04			X	X						4/22/05	
GIBBON PACKING INC. 05511 M GIBBON, NE	12/17/02	12/24/02			X	X						4/15/05	
	1/30/04	2/4/04	3/10/04	3/11/04				X				6/10/05	
GOEHRING'S THIRD GENERATION 31808 M31808 P YUBA CITY, CA	2/2/05	2/11/05				X							
H&S PROVISIONS, INC. 04020 M04020 P CAMDEN, NJ	2/18/05	3/1/05			X	X							
H.J. HEINZ CO L.P. 09384 M09384 P KING OF PRUSSIA, PA	1/21/05	1/28/05			X							6/24/05	
J.C. POTTER ACQUISITION CORP. 00961 M DURANT, OK	2/3/05	2/10/05			X	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						
KLEEMEYER & MERKEL, INC. 05439 M GREEN VILLAGE, NJ	9/17/04	10/19/04			X	X				X		5/3/05	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
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).
KOLOB PACKING, LLC 19610 M19610 P BURLEY, ID	8/31/04	9/17/04			X	X						4/27/05	

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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	
KRUSE MEAT PRODUCTS INC. 10606 M ALEXANDER, AR	3/11/05	3/17/05			X	X						5/31/05	
LET'S DO LUNCH, INC. 19056 M19056 P GARDENA, CA			6/1/05	6/14/05	X	X							
LOWELL PACKING CO. 02600 M02600P FITZGERALD, GA	10/5/04	11/23/04				X						4/26/05	
NEBRASKA MEAT CORP. 00660 M00660 P NEWARK, NJ	11/15/04	11/26/04			X	X						4/15/05	
NEW MARKET POULTRY PRODUCTS, INC. 004602A P NEW MARKET, VA	4/14/05	4/25/05			X		X						
ODOM'S TENNESSEE PRIDE 06544A M06544A P LITTLE ROCK, AR	5/16/05	5/27/05			X	X	X						
OLYMPIA FOOD INDUSTRIES, INC. 18743 M18743 P CHICAGO, IL	12/2/04	12/9/04			X	X							
P.G. MOLINARI & SONS INC. 06036 M SAN FRANCISCO, CA			2/16/05	3/8/05	X		X						
PECO FOOD INC. 00890 P CANTON, MS	5/18/05	6/3/05			X	X							
PILGRIMS PRIDE 13485A M13485A P FARMERVILLE, LA	5/19/05	6/3/05			X	X							
PILGRIM'S PRIDE CORPORATION 07091A P MOUNT PLEASANT, TX	5/26/05	6/3/05				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	
PINE RIDGE FARMS, LLC 01775 M DES MOINES, IA	3/24/05				X	X							
PLUMROSE USA, INC. 00026A M00423 P BOONEVILLE, MS	3/21/05	4/12/05			X	X	X						
PORTIONABLES INC. 31716 M31716 P BELLINGHAM, WA			1/24/05	3/4/05					X			6/2/05	
PREMIUM IOWA PORK, LLC 21069 M HOSPERS, IA	4/19/05	4/28/05			X	X							
PREMIUM PROTEIN PRODUCTS, LLC 27472 M HASTINGS, NE	12/23/04	12/30/04				X							
PRIME DELI CORPORATION 13553 M13553 P LEWISVILLE, TX	5/18/05	5/27/05			X	X							
PROCESSED FOODS CORPORATION 12641 M12641P KNOXVILLE, TN	3/17/05	3/25/05			X	X						6/28/05	
RESER'S FINE FOODS 13125 M13125 P TOPEKA, KS	4/18/05	4/26/05			X	X							
SCHREIBER PROCESSING CORP. 01698 M00787 P MASPETH, NY	9/22/04	11/9/04			X	X						6/6/05	
			10/11/04	10/12/04		X						6/3/05	
			1/18/05	2/17/05		X						6/3/05	On 1/18/05, suspension was reinstated.

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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	
SEAPORT MEAT COMPANY 06153 M06153 P SPRING VALLEY, CA			6/1/05	6/3/05			X						
SHARON MCGUIGAN, INC. 19628 M19628 P ASTON, PA	5/19/05	6/1/05				X							
SHEINMAN PROVISION, CO. 05303 M05303 P PHILADELPHIA, PA	3/22/05	4/1/05			X	X						5/25/05	
SIERRA MADRE FOODS 06009 M MONTEREY PARK, CA			1/18/05	1/24/05			X						
SIMMONS FOODS, INC. 20979 P SILOAM SPRINGS, AR	8/6/04	8/26/04			X	X						4/5/05	
STONE POINT, INC. 09646 M09646 P LITTLESTOWN, PA	2/18/05	3/4/05			X	X						5/25/05	
SYLVEST FARMS INC. 18080 P SYLACAUGA, AL	3/2/05	3/24/05				X							
TURRI'S ITALIAN FOODS, INC. 06837 M06837 P ROSEVILLE, MI	6/20/05	6/30/05			X	X							
UVALDE MEAT PROCESSING 22035 M22035 P UVALDE, TX	2/16/05	2/24/05				X						6/16/05	
VAN ORIENTAL FOOD, INC. 13219 M13219 P DALLAS, TX	3/21/05	3/31/05			X	X						6/10/05	
			4/18/05	4/20/05					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	
WAPSIE PRODUCE INC. 01538 P DECORAH, IA	4/16/04	4/28/04				X						5/3/05	
WHOLE FOODS MID ATLANTIC KITCHEN 18768 M18768 P LANDOVER, MD	11/1/04	11/8/04	12/27/04	1/5/05	X	X						6/27/05	
			1/31/05	3/15/05	X								On 1/31/05, suspension was reinstated.
WINTER SAUSAGE MANUFACTURING COMPANY, INC. 10158 M10158 P EASTPOINTE, MI			6/2/05		X	X	X						
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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**Table 7. Administrative Actions: Very Small HACCP Plants  
(4/01/05 to 6/30/05)**

<b>Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]</b>													
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 & W COUNTRY MEAT 10801 M TANEYTOWN, MD	5/2/05		5/9/05	6/15/05		X							
A&G FINE FOODS, INC. 20597 M20597 P MIDDLESEX, NJ	4/29/05	5/12/05			X	X							
ABE'S CAJUN BOUDIN, INC. 13251 M13251 P LAKE CHARLES, LA	4/20/05	5/4/05			X	X							
ADJR, INC. 21029 M21029 P PAULDING, OH	4/14/05	5/9/05			X	X	X						
AL SHABRAWY INC. 19160 M SOUTH RIVER, NJ	5/18/05	5/27/05				X							
ALLISON'S GOURMET KITCHENS, LTD 27404 M27404 P MOORE, OK	5/5/05	5/13/05			X	X							
ATKINS SHEEP RANCH 20581 M20581 P OAKLAND, CA	7/21/04	10/7/04			X	X						5/5/05	
B&G MEATS INC dba MR PRIME BEEF 20900 M20900 P ANCHORAGE, AK	7/30/04	4/22/05			X	X						6/28/05	On 8/4/04, firm was granted a 120 day voluntary suspension.
BEAVER CITY LOCKER 20172 M20172 P BEAVER CITY, NE			7/23/03	8/8/03		X						6/9/05	

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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	
BEAVER CITY LOCKER 20172 M20172 P BEAVER CITY, NE	7/30/03	8/8/03			X	X						6/9/05	
BENNY'S PORK SKINS 13069 M13069 P EL PASO, TX	4/14/05		4/27/05	5/4/05		X							
BLUE RIDGE PACKING CO. 17257 M HILLSVILLE, VA	5/19/05	6/2/05			X	X							
BURTON SAUSAGE COMPANY 21634 M21634 P BURTON, TX	5/10/05	5/13/05			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	3/30/05	4/4/05				X							
CENTER MARKET PROVISION CO. 02610 M WASHINGTON, DC	6/20/05	6/30/05			X	X							
CENTER STREET KITCHENS INC. 27367 M27367 P BEL AIRE, KS	2/14/05	2/24/05			X								On 4/4/05, DM closed case by firm's requested voluntary withdrawal.
CHAMPLAIN BEEF INC. 08547 M WHITEHALL, NY	2/28/05		3/4/05	3/8/05	X	X	X						
D G FOODS, LLC 31881 P HAZLEHURST, MS	5/16/05	5/26/05			X	X							
DALE'S, LLC 04192 M04192 P BRIGHTON, CO	1/7/05		2/9/05	3/8/05	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	
DAVES CREEK PROCESSING, INC. 27405 M27405 P CUMMING, GA			3/16/05	3/17/05	X	X						4/25/05	
DEL MONTE MEATS 11022 M11022 P POCATELLO, ID			10/24/03	6/4/04	X		X						
DELANS MEAT PRODUCTS 19738 M19738 P ASTORIA, NY			4/8/05	5/5/05	X	X							
E.B.'S TAMALE CO INC. 13387 M13387 P ZWOLLE, LA	2/7/05	2/17/05			X	X						5/24/05	
EL RANCHO MARKET, INC. 06180 M06180 P SOLVANG, CA	11/28/03		12/4/03		X	X							
EPMI PROCESSING 21358 M21358 P STERLING, OK	8/5/03	8/6/03	4/2/04	4/9/04	X	X						4/25/05	
ERNST A. ILLG MEATS INC. 09754 M09754 P CHALFONT, PA	6/3/05	6/17/05			X	X							
FERNANDEZ PACKING CO., INC. 27235 M CALHOUN, GA	6/9/05	6/23/05			X	X							
FIGARETTI MANUFACTURING & DISTRIBUTION 20719 M WHEELING, WV	12/3/04	12/8/04				X							
FORMOSA FOOD COMPANY 02446 M02446 P HULL, IA	11/26/04		12/2/04	12/6/04	X	X						5/4/05	

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
G.P. MONROE PROVISIONS INC. 19616 M19616 P GRAYSON, GA	4/7/05	5/24/05			X	X	X						
			6/8/05	6/10/05				X					
GALANT FOOD COMPANY 09014 M09014 P SAN FRANCISCO, CA			3/3/05	3/11/05	X		X						
GARNER ABATTOIR & MEAT PROCESSING 10650 M10650 P VAN BUREN, AR	6/24/05							X					
GARVIN MEATS 27397 M FRANKLIN, NE	6/7/04	6/28/04			X	X						5/16/05	
GLENWOOD SMOKED PRODUCTS 06076 M06076 P IDAHO FALLS, ID	9/22/04	11/2/04			X	X						6/2/05	
GOODHEART SPECIALTY MEAT CO. 20481 M20481 P SAN ANTONIO, TX	4/4/05	4/8/05			X	X							
GOURMET U.S.A. COMPANY 31652 M31652 P OAKLAND, CA			1/19/05	2/1/05		X							
GREER'S COUNTRY HAMS 19125 M FRANKLIN, TN	11/15/04	11/24/04			X	X						4/14/05	
GREISE BROTHERS' PACKING 04271 M04271 P CUMBERLAND, MD	6/7/05	6/16/05				X	X						
GRIZZLY'S CUSTOM CUTTING 21554 M21554 P HUNT, NY	5/10/05		5/23/05			X							

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
HALAL FARMS USA, INC. 20263 M SHANNON, IL			4/4/05	4/8/05			X						
			4/12/05	6/3/05			X						On 4/12/05, suspension was reinstated.
HAYS MEAT COMPANY 06561 M LEXINGTON, TN	5/11/05	5/19/05			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
HOLIDAY MEATS OF NEW JERSEY, INC. 20034 M20034 P LITTLE SILVER, NJ	3/25/05	4/5/05				X							
HOWARD DARLING 09777 M LA PLUME, PA	5/1/04	5/20/04			X	X	X					4/22/05	
ILLINI INSTITUTIONAL FOODS INC 22042 M22042 P RANTOUL, IL	12/3/04		12/21/04	1/24/05	X	X	X					5/2/05	
INDIAN VALLEY MEATS, INC. 18154 M18154 P INDIAN, AK			6/10/05	6/16/05					X				
ISABELLA FOODS INC. 01960 M13389 P EL PASO, TX	5/18/04	5/28/04			X	X						5/27/05	
J.M. PACKING COMPANY 19804 M19804 P PONCE, PR			10/9/03	2/24/05		X						6/3/05	
J.V. JERKY INC. 19515 M19515 P LODI, OH	2/8/05	4/1/05				X						6/21/05	

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Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
JOHN ASPEITIA'S OLD FASHIONED HOG CRACKLING CO. 02293 M EL PASO, TX	9/17/04		10/1/04	10/12/04	X	X						5/26/05	
JOINES MEAT PROCESSING 21703 M21703 P CHILHOWIE, VA	3/15/05	3/29/05			X		X						
JONES MEATS & FOOD SERVICES, INC. 07722 M07722 P RIGBY, ID	4/22/05	5/17/05			X	X							
JOPPRU, INC. 08988 M08988 P THIEF RIVER FALLS, MN	6/16/05	6/23/05			X	X							
JRG MEAT 18987 M18987 P AIBONITO, PR			6/24/05			X							
KINGSLAND MEATS DISTRIBUTOR 05067 M05067 P LYNDHURST, NJ	1/14/05	1/27/05				X						4/22/05	
LAMBERT MEAT LABORATORY 00071 M AUBURN UNIVERSITY, AL	4/28/05	5/18/05			X	X							
LAO CHAREUNE FOODS 13479 M13479 P DALLAS, TX			12/7/04	1/26/05	X	X	X					5/6/05	
	12/21/04	1/10/05				X						5/9/05	
LEBLANC'S CAJUN BOUDIN, LLC 13512 M13512 P ST. AMANT, LA	5/26/05	6/10/05			X	X							
M AND M PACK 05673 M05673 P RUSHVILLE, NE	12/11/03	12/23/03			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	
MANUEL'S ODESSA TORTILLA AND TAMALES FACTORY, INC. 07168 M ODESSA, TX	5/23/05	5/27/05				X							
MB CONSULTANTS LTD 18414A M18414A P SOUTH FALLSBURG, NY	7/7/04	7/27/04	2/25/05	3/1/05	X	X						5/14/05	
MESOPOTAMIA FOOD INC. 10220 M10220 P HIGHLAND, MI	2/15/05	2/23/05			X	X						5/16/05	
MID-TOWN FOODS, INC. 08185 M08185 P MANKATO, MN			4/29/05	6/8/05	X	X							
MISTY KNOLL FARM 18978 P NEW HAVEN, VT	9/30/04	10/13/04			X	X							
MUIR'S INC. 20681 M20681 P FRUITLAND, UT	6/29/05				X	X							
MUSBAH TAJ HALAL MEAT PROCESSING 19901 M19901 P BASSFIELD, MS	6/15/05	6/22/05				X							
MYERS RANCH, INC. 20908 M CLARKSVILLE, AR	12/17/04				X	X							On 7/8/05, DM closed case by firm's requested voluntary withdrawal.
NEESE COUNTRY SAUSAGE, INC. 08341 M BURLINGTON, NC	4/29/05	5/11/05			X	X						6/28/05	
NEW ENGLAND COMMISSARY, INC. 18720 M18720 P EVERETT, MA			6/24/05		X	X							

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

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

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
NINETY SIX CANING COMPANY, INC. 10785 M06724 P NINETY SIX, SC	4/21/05		5/2/05	6/15/05	X	X							
NORTH END PROVISION CO. INC. 00984 M00984 P FALL RIVER, MA			4/27/05	5/13/05	X								
OZARK MOUNTAIN SMOKEHOUSE 02236 M01552 P FAYETTEVILLE, AR	10/13/04	10/27/04			X	X						5/20/05	
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.
PASSAIC MEAT I, INC. 27494 M PASSAIC, NJ	4/29/05	5/13/05			X	X							
PONDEROSA ENTERPRISES INC. 20705 M20705 P DEKALB, MS	2/14/05	5/10/05				X							
QUYEN FOOD CORP. 13136 M13136 P DALLAS, TX			3/18/05	3/21/05					X				
RAW SEAFOOD INC. 32026 M NEW BEDFORD, MA	4/14/05	4/29/05			X	X							
RCG FOODS OF TEXAS, INC. 13533 M13533 P EL PASO, TX	1/26/05	2/9/05			X	X							
			6/2/05		X		X						On 6/28/05, DM granted firm's requested 120 day voluntary suspension.

ABBREVIATION KEY	
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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		
RUMBLEWAY FARM 22065 P CONOWINGO, MD	10/13/04		10/22/04	11/8/04							X		5/25/05	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
SIR PIZZA OF TENNESSEE INC. 08333 M MURFREESBORO, TN	11/3/04	11/29/04			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								
SNOW HILL PROCESSING 09075 M09075 P CHESTERFIELD, SC	11/16/04	12/2/04			X		X						4/26/05	
T & T HALAL MEAT INC. 21198 M SOUTH OZONE PARK, NY	8/24/04		9/2/04	9/3/04	X	X							6/2/05	
			1/27/05	2/2/05	X	X							6/2/05	On 1/27/05, suspension was reinstated.
TAMALE PLUS INCORPORATED 04147 M04147 P LOS ANGELES, CA			9/20/04	10/7/04			X						4/11/05	
TEDDY'S PROVISIONS 05475 M NEWARK, NJ	3/4/05	3/16/05			X	X								
TERRAPIN STATION 22012 M SALT LAKE CITY, UT			10/22/04	2/17/05						X				
THE BAYOU CO. 20726 M TARPON SPRINGS, FL	6/25/03		7/7/03	2/18/04	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	
THE BAYOU CO. 20726 M TARPON SPRINGS, FL			10/5/04	2/10/05	X	X							On 10/5/04, suspension was reinstated.
THE BUCK STOPS HERE 21291 M PAGOSA SPRINGS, CO	6/10/04	6/24/04			X	X	X					5/26/05	
			8/6/04	8/12/04					X			5/16/05	
THE BUTCHER BLOCK INC. 05653 M INDIANOLA, NE			3/15/04	10/7/04		X							
THE JENLYN CORP. dba THE PIZZA SHOP 12461 M12461 P HONOLULU, HI			12/3/04	12/6/04		X							On April 11, 2005, DM closed case by firm's voluntary relinquishment of its Grant of Inspection.
THE MEAT PLANT, LLC 22085 M FORT COLLINS, CO	8/4/04	8/20/04			X	X	X					4/28/05	
			10/21/04	10/26/04					X			4/27/05	
THIBODEAUX'S CAJUN FOODS 13160 M13160 P OPELOUSAS, LA	1/28/05	2/16/05			X	X	X					5/20/05	
TOM KING PACKING CO INC. 09091 M09091 P SUMMIT, MS	2/14/05	3/15/05			X	X						6/17/05	
TROY PORK STORE 04359 M NEWARK, NJ	6/30/05				X	X							
TWIN LOUPS QUALITY MEATS 05729 M05729 P ST. PAUL, NE			10/10/03	10/21/03		X							
	10/15/03	10/24/03				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
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
UNIVERSITY OF ARKANSAS RED MEAT RESEARCH ABATTOIR 10600 M10600 P FAYETTEVILLE, AR	9/19/03	10/16/03			X	X	X						
WARRINGTON FARMS 04752 M DILLSBURG, PA	4/7/05	4/18/05			X	X						6/30/05	

<b>ABBREVIATION KEY</b>	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
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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  
(4/01/05 to 6/30/05)**

**Formal Adjudicatory Actions Pending or Taken for Food Safety**

**[includes actions initiated in prior quarters]**

<b>Establishment</b>	<b>Complaint to Deny/Withdraw Inspection</b>	<b>Hearing</b>	<b>Consent Order</b>	<b>Decision and Order</b>	<b>Actions</b>
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.
HOUSE OF RAEFORD FARMS OF LOUISIANA, LLC 19865 P ARCADIA, LA	Original 03/28/05 Amended 03/31/05		05/04/05		On May 4, 2005, the firm entered into a thirty (30) month Consent Decision and Order (Order) requiring food safety improvements to ensure compliance with statutory and regulatory requirements. The Order consists of stipulations pertaining to the development and implementation of control programs for sanitation, food safety hazards, facility maintenance, employee training and education, recordkeeping, and on-going audits of the food safety program.
LAGROU COLD STORAGE 00219 I 03197 M CHICAGO, IL	09/24/02				On September 24, 2002, FSIS filed a complaint to withdraw inspection service based on the firm's alleged failure to operate and maintain its business in a manner sufficient to prevent the creation of insanitary conditions, and to ensure that meat and poultry products are not adulterated. On November 18, 2002, through May 3, 2003, approximately 7,459,000 pounds of product was reconditioned under the supervision of FSIS and these products were allowed to enter commerce. Another 855,000 pounds of product that did not qualify to be reconditioned was transported to a landfill and destroyed. On August 23, 2004, through September 1, 2004, the remaining product, approximately 6,000,000 pounds, was transported to a landfill as required by a August 18, 2004, court order.

Establishment	Complaint to Deny/Withdraw Inspection	Hearing	Consent Order	Decision and Order	Actions
KIRKLAND'S CUSTOM MEATS & SLAUGHTER INC. 11156 M 11156 P JACKSONVILLE, FL	11/02/04			06/01/05	On June 1, 2005, a Default Decision and Order was entered to indefinitely withdraw inspection services from Kirkland's Custom Meats and Slaughter, Inc. The default action is based on the failure of the firm to respond to a Complaint filed in November 2004, for the firm's inability to maintain sanitary conditions and to operate in a manner sufficient to prevent product adulteration. The firm has thirty days from service of this Default Decision and Order to file an appeal with the Department's Judicial Officer. If no appeal is filed the Default Decision and Order shall become binding and effective thirty-five days after its service.
TRINH COMPANY 06488 M 06488 P SAN JOSE, CA	05/23/05				On May 23, 2005, FSIS filed a complaint to withdraw inspection 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 three unfitness actions initiated this reporting period.

**Table 9. Withdrawal for Unfitness  
(4/01/05 to 6/30/05)**

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

Establishment	Complaint to Deny/Withdraw Inspection	Consent Order	Decision and Order	Action Summary
<p>NOR-AM COLD STORAGE, INC., d/b/a PROVISIONS PACKING MICHAEL D. PYLE, DIR. 20968B M LEMARS, IA</p>	<p>06/17/05</p>	<p>06/28/05</p>		<p>On June 17, 2005, a complaint to deny Federal inspection services was filed based on a conviction of Mr. Michael D. Pyle, Director, on one (1) felony count for Falsifying Reports or Records to Secretary of Transportation. On June 28, 2005, the firm and Mr. Pyle entered into a Stipulation and Consent Decision with FSIS. The Order is effective for 2 years and prohibits the firm or any of its employees from violating any section of the Federal Meat Inspection Act, Poultry Products Inspection Act, State or local statute involving the preparation, sale, transportation, or attempted distribution of any adulterated or misbranded meat or poultry product. The Order further requires the maintenance of SSOP and HACCP programs and records, and an annual report to be submitted to the Agency. FSIS has the authority to withdraw inspection services if a violation occurs of any one of the provisions contained in the Order.</p>
<p>REBHAN R&amp;W MEAT COMPANY INC. JEFFREY G. REBHAN, PRES. 08665 M 08665 P ST. LOUIS, MO</p>	<p>05/11/05</p>	<p>06/17/05</p>		<p>On June 17, 2005, the firm entered into a 5-year Consent Decision with FSIS. The Consent Decision contains several stipulations, terms and conditions, including the complete operational and financial divestiture of the firm's former president from the corporation. It also requires the firm to implement and maintain an effective compliance program that will ensure that meat and poultry products do not become adulterated. It requires the development of a corporate code and the president to receive training in ethical business practices. FSIS has the authority to summarily withdraw inspection services if the firm violates any of the stipulations.</p>
<p>WERLING &amp; SONS, INC. 21332 M 21332 P BURKETTSVILLE, OH</p>	<p>05/11/05</p>			<p>The complaint to withdraw Federal inspection services was based on the firm's conviction on two (2) misdemeanor counts for misbranded food.</p>

## 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  
(4/01/05 to 6/30/05)**

### **Administrative Actions Taken at Exempt Facilities**

<b>Name</b>	<b>Complaint Served</b>	<b>Consent Order</b>	<b>Decision and Order</b>	<b>Action Summary</b>
BANCROFT MEAT PROCESSORS, INC. HOWARD PETERSON, PRES. BANCROFT, NE	02/04/05	4/7/05		On April 7, 2005, the firm entered into a Stipulation and Consent Agreement with FSIS. The agreement holds the withdrawal of meat exemption privileges in abeyance for a two (2) year period. Conditions of the Agreement require the firm to develop and maintain an effective sanitation program and a pest management program, develop and maintain written procedures to prevent slaughtering or processing of non-ambulatory, disabled downer cattle, and to implement training for its employees encompassing sanitation and sanitary dressing procedures.
CRAWFORD PACKING CRAWFORD, NE	04/14/05			On April 12, 2005, a Notice of Ineligibility to conduct any exempt operations was issued to the firm.
FRANK'S SMOKEHOUSE WILBER, NE	01/19/05			On January 18, 2005, a Notice of Ineligibility to conduct any exempt operations was issued to the firm.
MOHAMED LIVE POULTRY, INC. QUEEN'S VILLAGE, NY	03/30/05			On March 28, 2005, a Notice of Ineligibility to conduct any exempt operations was issued to the firm.

## 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  
(4/01/05 to 6/30/05)**

**Criminal Actions**

Name	Indictment	Information	Plea	Sentencing	Action Summary
CERTIFIED GROCERS MIDWEST, INC. HODGKINS, IL		03/29/05	04/06/04	06/14/05	On June 14, 2005, in the United States District Court, Northern District of Illinois, Eastern Division, Certified Grocers Midwest, Inc. was sentenced for violations involving the improper storage of meat and poultry products. The corporation was sentenced on two (2) felonies and one (1) misdemeanor count and was ordered to pay \$1,000,000 in fines, a \$925 special assessment fee and was sentenced to five (5) years probation.
THEODORE J. CLININ, VICE PRES. CERTIFIED GROCERS MIDWEST, INC. HODGKINS, IL		03/29/05	04/06/04	06/14/05	On June 14, 2005, in the United States District Court, Northern District of Illinois, Eastern Division, Mr. Theodore Clinnin was sentenced for violations involving the improper storage of meat and poultry products. Mr. Clinnin was sentenced on one (1) misdemeanor count, placed on one (1) year probation and ordered to pay a fine of \$1,000, plus special assessment fees.
LAGROU DISTRIBUTION SYSTEM, INC., d/b/a LAGROU COLD STORAGE, INC. 002191 03197 M CHICAGO, IL	Original 06/18/03 Superceding 07/27/04			6/23/05	On June 23, 2005, in the United States District Court, for the Northern District of Illinois, LaGrou Distribution System, Inc., a federally inspected facility and warehouse, was sentenced for violations of the Federal Meat Inspection Act, the Poultry Products Inspection Act and the Food Drug and Cosmetics Act. Specifically, the firm was fined \$2 million, ordered to pay \$8.2 million in restitution, placed on five (5) years probation, and ordered to pay a \$1,200 special assessment fee.
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 set for August 11, 2005.
MICHAEL FAUCHER, DIR. OF SALES LAGROU DISTRIBUTION SYSTEM, INC., CHICAGO, IL	Original 06/18/03 Superceding 07/27/04		08/26/04	06/07/05	On June 7, 2005, in the United States District Court, Northern District of Illinois, Eastern Division, Michael Faucher was sentenced on one (1) misdemeanor count for violations of the Federal Meat Inspection Act. Specifically, Mr. Faucher was placed on one (1) year probation, ordered to pay \$50,000 in restitution and to complete 100 hours of community service.
DAVID SMITH, WAREHOUSE MGR. LAGROU DISTRIBUTION SYSTEM, INC., CHICAGO, IL	Original 06/18/03		12/02/03	06/08/05	On June 8, 2005, in the United States District Court, Northern District of Illinois, Eastern Division, David Smith was sentenced on one (1) misdemeanor count for violations of the Federal Meat Inspection Act. Specifically, Mr. Smith was placed on one (1) year probation and ordered to pay \$50,000 in restitution.

Name	Indictment	Information	Plea	Sentencing	Action Summary
LAS COLINAS INTERNATIONAL, INC. d/b/a FORMOSA FOODS DALLAS, TX	09/21/04		01/31/05	05/20/05	On May 20, 2005, in the United States District Court, Northern District of Texas, the corporation was sentenced on violations involving the sale of adulterated products. The firm was sentenced on one (1) felony count, placed on three (3) years probation and fined \$225,000.
MAO S. CHANG, PRESIDENT LAS COLINAS INTERNATIONAL, INC. d/b/a FORMOSA FOODS DALLAS, TX	09/21/04		01/31/05	05/20/05	On May 20, 2005, in the United States District Court, Northern District of Texas, Mr. Mao S. Chang, President/Director of Las Colinas International, Inc., was sentenced on violations involving the sale of adulterated products. Mr. Chang was sentenced on two (2) misdemeanor counts and placed on three (3) years probation.
REBHAN R&W MEAT CO. INC. 08665 M ST. LOUIS, MO			01/28/05	04/21/05	On April 21, 2005, in the United States District Court, Eastern District of Missouri, Rebhan R&W Meat Co. Inc. was sentenced for violations to the FMIA. The firm was sentenced to three (3) years probation, a fine of \$30,000, and a mandatory assessment fee totaling \$250 for two (2) misdemeanor counts.
JEFFREY REBHAN, PRES. REBHAN R&W MEAT CO. INC. 08665 M ST. LOUIS, MO			01/28/05	04/21/05	On April 21, 2005, in the United States District Court, Eastern District of Missouri, Mr. Jeffrey G. Rebhan, President, was sentenced for violations to the FMIA to three (3) years probation, a fine of \$5,000, and a mandatory assessment fee of \$25 for one (1) misdemeanor count.
EDWIN REBHAN, FORMER PRES. REBHAN R&W MEAT CO. INC. 08665 M ST. LOUIS, MO			01/28/05	04/21/05	On April 21, 2005, in the United States District Court, Eastern District of Missouri, Mr. Edwin Rebhan, former President, was sentenced for violations to the FMIA to three (3) years probation, home confinement for 6 months, a fine of \$5,000, and a mandatory special assessment fee of \$100 for one (1) felony count.
SAFRAN BROTHERS INC., d/b/a JUBILEE IGA FOODS AMBRIDGE, PA			03/11/05	6/24/05	On June 24, 2005, in the United States District Court, for the Western District of Pennsylvania, Safran Brothers, Inc., d/b/a Jubilee IGA Foods, was sentenced for violating the Federal Meat Inspection Act. The firm was sentenced on one (1) felony count, placed on two (2) years probation, fined \$2,500 and a special assessment fee of \$400, and ordered to pay restitution in the amount of \$805.08 to be paid jointly and severally with Brian Safran, Vice President.
BRIAN E. SAFRAN, VICE PRES. SAFRAN BROTHERS INC., d/b/a JUBILEE IGA FOODS AMBRIDGE, PA			03/11/05	6/24/05	On June 24, 2005, in the United States District Court, for the Western District of Pennsylvania, Mr. Brian Safran, Vice President, Safran Brothers, Inc., d/b/a Jubilee IGA Foods, was sentenced for violating the Federal Meat Inspection Act on one (1) felony count, placed on two (2) years probation, fined \$600 and a special assessment fee of \$100, and ordered to pay restitution in the amount of \$805.08 to be paid jointly and severally with the firm.
NASH FINCH COMPANY, INC. OMAHA, NE		08/13/04	08/13/04		On August 13, 2004, in the United States District Court, District of Nebraska, the firm pled guilty to two (2) misdemeanor counts for transporting in commerce adulterated meat and poultry products in violation of the FMIA and the PPIA. Sentencing is scheduled for a later date.

## 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 was one injunction initiated during this reporting period.

**Table 13. Civil Actions  
(4/01/05 to 6/30/05)**

Name	Complaint	Injunction	Action Summary
PHU THAI MARKET d/b/a PHU THAI ASIAN MARKET, TUYEN KIM PHAM, OWNER KY PHAM, MANAGER BUFFALO, NY	11/20/04	6/20/05	On June 20, 2005, in the U.S. District Court for the Western District of New York, Phu Thai Market d/b/a Phu Thai Asian Market, Mr. Tuyen Kim Pham, Owner, and Ms. Ky Pham, Manager, were permanently enjoined from violating the FMIA and PPIA. Specifically, the defendants are permanently enjoined from selling, transporting, offering for sale or receiving for transportation, in commerce, meat and/or poultry products without the marks of federal inspection and from transporting, selling, offering for sale or transport or receiving for transportation in commerce misbranded meat and meat food products, poultry, and poultry products. On November 20, 2004, in the U.S. District Court for the Western District of New York, a complaint was filed to permanently enjoin Mr. Tuyen Kim Pham, Ms. Ky Pham and Phu Thai Market.

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

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