



United States Department of Agriculture

Food Safety and
Inspection Service

Raleigh District Office

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July 19, 2019

EMAIL / COURIER

Mr. Abdul Chaudhry, Owner
Chaudhry Meat Company, Inc., Est. M19697/P19697/V19697
380 Stock Yard Road
Siler City, NC 27344

NOTICE OF INTENDED ENFORCEMENT

Dear Mr. Chaudhry,

This letter provides official notification of the Food Safety and Inspection Service's (FSIS) intent to suspend the assignment of inspection program personnel for the slaughter process at Chaudhry Meat Company, Inc., M19697, hereafter referred to as "your establishment," located at 380 Stock Yard Road, Siler City, NC 27344 for failure to effectively implement humane methods of slaughtering and handling of animals in a manner that complies with the regulatory requirements prescribed by the Federal Meat Inspection Act (FMIA) and Humane Methods of Slaughter Act (HMSA), as outlined below. Title 9 of the Code of Federal Regulations (9 CFR), part 500.3(b) states that FSIS may impose a suspension without providing prior notification because the establishment is handling or slaughtering animals inhumanely.

On September 9, 2004, FSIS published "Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements;" in the Federal Register Notice (54 Fed. Reg. 54625). On August 15, 2011, FSIS released FSIS Directive 6900.2 Revision 2, entitled, "Humane Handling and Slaughter of Livestock." These documents describe the four components of a systematic approach to humane handling. A review of your systematic approach to humane handling reveals documentation and activities consistent with the four components of a "robust" system as defined. The decision to issue a Notice of Intended Enforcement (NOIE) in lieu of a Notice of Suspension is based on a review of FSIS records identifying your compliance with humane handling regulations; the historical absence and infrequent occurrence of humane handling violations at your establishment; and the successful design and consistent implementation of a robust systematic approach to humane handling.

Background and Authority

The FMIA (21 U.S.C. 603 Sec. 3(b)) states, "for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method

by which cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with Sections 1901 to 1906 of Title 7 until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method." In addition, under prohibited acts (21 U.S.C. 610 sec 10 (b), "No person, firm or corporation shall, with the respect to any cattle, sheep, swine, goats, horses, mules, and other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals slaughter or handle in connection with slaughter any such animals in any manner not in accordance with sections 1901 to 1906 of Title 7."

The HMSA 7 U.S.C 1901 states, "The Congress finds that the use of humane methods in the slaughter prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

The HMSA 7 U.S.C 1902 states, "No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering."

The HMSA 7 U.S.C 1906 states, "Nothing in this chapter (Humane Methods of Slaughter Act of 1978 – Title 7 of the U.S. Code, Chapter 48) shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this chapter, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this chapter. For the purposes of this section the term "ritual slaughter" means slaughter in accordance with section 1902(b) of this title."

Under the authorities of the above Acts, FSIS has prescribed rules and regulations for establishments engaged in the slaughter of livestock and the production of meat products, including requirements pertaining to humane handling of livestock in connection with slaughtering operations in 9 CFR 313. FSIS has also developed Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describe the types of enforcement actions that FSIS may take and include procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a grant of Federal inspection.

Findings/Basis for Action

At approximately 1415 hours on the afternoon of July 18, 2019, Inspection Program Personnel (IPP) identified an egregious Humane Handling (HH) incident at your establishment. Establishment employees led a heavy calf to the knock box and attempted to stun it using a hand-held captive bolt stunning device (HHCBS). Following the initial stun, the calf dropped in the knock box and the employee opened the side gate. The inspector on the floor heard a commotion in the bleed pit area and upon further investigation, found that the calf was standing on all four feet, was struggling against establishment employees, and was attempting to vocalize. The inspector also noted that the calf's throat had been cut approximately 1/3 of the way through, and the calf was bleeding. The inspector notified the employees that the calf was still alive, which prompted the Slaughter Floor Supervisor to retrieve the HHCBS to re-stun the calf; the second attempt to stun the calf rendered it unconscious and it remained unconscious through the remainder of the slaughter process. The inspector immediately applied US Retain/Reject tag # B35200112 to the knock box in accordance with 9 CFR 500.2(a)(4) and 313.50(c). IPP inspected the head of the calf and observed that there were two (2) holes in the calf's skull, indicating that both HHCBS stunning attempts contacted/penetrated the skull of the calf. At approximately 1718 hours and after consultation with the Raleigh District Office, IPP notified establishment management personnel of the pending enforcement action.

The occurrence of this inhumane handling incident as observed supports a conclusion that your methods of handling livestock violated the provisions of 21 U.S.C. 603, Section 3(b) of the FMIA, 7 U.S.C 1902 of the HMSA of 1978, and 9 CFR 313. Specifically, you failed to meet the requirements of 9 CFR 313.15(a)(1), which states, in part, that "*The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut.*" The incident is considered egregious because the calf remained conscious after the initial stun attempt and because an employee made a cut on a conscious animal.

As stated earlier, a review of your systematic approach to humane handling reveals documentation and activities consistent with the four components of a "robust" system as defined in FSIS Directive 6900.2, Revision 2. The decision to issue an NOIE in lieu of a Notice of Suspension is based on a review of FSIS records identifying your compliance with humane handling regulations; the historical absence and infrequent occurrence of humane handling violations at your establishment; and the successful design and consistent implementation of a robust systematic approach to humane handling.

Summary and Conclusion

For these reasons, the suspension of your slaughter process is warranted as provided in 9 CFR 500.3(b) which states "*FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.*" Before we proceed with the suspension enforcement action, we are affording you the opportunity to demonstrate that the egregious act described above was an anomaly, and that your corrective and preventive measures were thorough and implemented in a manner to prevent recurrence of the incident.

Please provide this office with a written response concerning this NOIE within three (3) working days from the date of your receipt of this letter. We will determine further action, if any, based on your response. The corrective actions in your response should address the following:

1. Identify the specific reason(s) why the events described occurred.
2. Describe the specific action(s) that will be taken to eliminate the cause of the incident and prevent future recurrences.
3. Describe specifically the future monitoring activity (ies) that your establishment will use to ensure that the actions taken are effective.

It is our hope that this matter can be resolved quickly. If you have any questions, please call me at 919-208-2945, or Mr. Mark Roling, Deputy District Manager, at 919-208-2935. We urge your cooperation and voluntary compliance.

Sincerely,

**TODD
FUREY**

Digitally signed by
TODD FUREY
Date: 2019.07.19
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Todd Furey
District Manager
Raleigh, NC

Cc:

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A. Thompson, Acting DDM/RDO/OFO

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Quarterly Enforcement Report
Establishment File (Est. M19697)