



United States Department of Agriculture

Food Safety and  
Inspection Service

November 23, 2020

Office of Field  
Operations  
Des Moines District  
Office

Digitally Signed Copy Hand-Delivered

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(b) (6)  
Strauss Brothers, LLC.  
9775 South 60th  
Franklin, WI 53132

Voice 515.727.8960  
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**NOTICE OF SUSPENSION**

(b) (6)

This letter confirms verbal notification by the Des Moines District Office, Food Safety and Inspection Service (FSIS) on November 23, 2020, of the decision to suspend the assignment of slaughter Inspection Program Personnel (IPP) at your firm, EST 2444, Strauss Brothers LLC in Franklin, WI herein referred to as the/your establishment. This action is taken in accordance with the Rules of Practice, 9 CFR 500.3(b), which indicates that FSIS may take a withholding action or impose a suspension without providing an establishment prior notification if it is handling or slaughtering animals inhumanely such as occurred at your establishment on November 23, 2020.

**Background**

The *Federal Meat Inspection Act* (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 *et seq.*) provides that 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 methods by which amenable species 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 the *Humane Methods of Slaughter Act* (HMSA) of August 27, 1958 (72 Statute, 862; 7 U.S.C. 1901 to 1906) 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 methods.

Under the authorities of the Acts, FSIS has prescribed rules and regulations for the humane slaughtering of livestock, as contained in 9 CFR, Part 313, and the HMSA of 1978. FSIS has also developed Rules of Practice regarding enforcement prescribed in 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, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

### **Findings/Basis for Action**

At approximately 6:40 am on November 23, 2020, the FSIS Front Line Supervisor (FLS) was conducting Humane Handling Verification task, Conscious Animal on the Rail (HATS Category IX) and observed lambs being stunned with electricity applied to the head followed by a halal cut of the throat. The FSIS, Consumer Safety Inspector (CSI) witnessed the first lamb stunned with the head only electric current lose posture prior to receiving the halal cut. The lamb was hung head down to facilitate exsanguination for the initial portion of the rail. At the right-angle juncture of the rail, the lamb was placed on a new gambrel and inverted so that it now was hung by the front legs. The FLS was standing at the legger's station as the lamb moved towards her. She noted the lamb made several efforts to stretch its chin towards its chest, exhibiting a righting reflex. The lamb opened its mouth and vocalized more than once. The FLS touched its corneas. The lamb blinked and was deemed conscious. The FLS returned to the restrainer to instruct an establishment employee to render the lamb unconscious with a hand-held, penetrating, captive-bolt gun.

The FLS took regulatory control of the stunning station with U.S. Reject Tag #B31107585 and informed (b) (6) this finding was not compliant with regulation 9 CFR 313.30(a)(4). The FLS notified the District Office through supervisory channels for further guidance.

### **Conclusion**

The observations detailed above indicate an egregious violation of the humane handling requirements specified within the provisions of 21 U.S.C. 603, Section 3 (b) of the FMIA, and 7 U.S.C. 1901 and 1902 of the HMSA of 1978 and fail to comply with the regulatory requirements of 9 CFR 313.30(a)(4).

The establishment has a humane handling program that meets the four criteria as described in the Federal Register Notice of September 9, 2004 but was not implementing the program as written at the time of the incident.

Based on the above findings, the Des Moines District Office has determined to suspend the assignment of inspectors for your slaughter operations, as per the Rules of Practice 9 CFR 500.3(b).

You may provide this office written corrective and preventive measures concerning the NOS and we will determine further action, if any, based upon your response. Your written response should include:

1. An initial assessment of the incident, including determine of the cause.
2. Immediate corrective actions taken.
3. Preventive measures to prevent reoccurrence.
4. Any training of employees and materials used.
5. Type of monitoring activity for stunning, along with a documentation record.

You are reminded that as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations, regarding the humane handling and slaughter of livestock. Please be advised that you have the right to appeal this matter. If you wish to appeal, you should contact:

Paul V. Wolseley  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service, USDA  
1400 Independence Ave. SW  
Room 1329 South Building  
Washington, DC 20250  
Office: (202) 708-9506

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, 9 CFR Part 500. The Rules of Practice were published in the Federal Register, Vol. 64, No. 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing.

If you wish to request a hearing regarding this determination, you should contact:

Scott C. Safian, Branch Chief  
Enforcement Operations Branch  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 8-235-A  
1400 Independence Avenue, SW  
Washington, DC 20250  
Phone number: 202-418-8872  
Fax number: 202-245-5097

We urge your cooperation and voluntary compliance. If you have questions regarding this matter, please feel free to contact the Des Moines District Office at 515-727-8960. (b) (6)

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Sincerely,



Dr. Dawn Sprouls, DVM  
District Manager  
USDA FSIS OFO  
Des Moines District