



U.S. DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service
1400 Independence Avenue, SW
Washington, DC 20250

May 8, 2025

Electronically Submitted on May 8, 2025

The Pork Company, Est. M20608
892 Penny Branch Road
Warsaw, NC 28398
cory.j@vfgmail.com; rickie.p@vfgmail.com
(910) 293-2157

Attention: Cory Johnson, General Manager
Rickie Purnell, Plant Manager

NOTICE OF INTENDED ENFORCEMENT

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of the Agency's intent to withhold the marks of inspection and suspend inspection services for the Slaughter Hazard Analysis Critical Control Point (HACCP) process at The Pork Company (TPC), M20608, located at 892 Penny Branch Road, Warsaw, NC 28398. (b) (6), SPHV, provided Rickie Purnell, Plant Manager verbal notification of FSIS' decision on May 6, 2025, at approximately 1435 hours.

FSIS is taking this action in accordance with Title 9 of the Code Federal Regulations (CFR) Rules of Practice 500.3(b), based on the determination that TPC handled or slaughtered livestock inhumanely, in violation of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the relevant regulatory requirements (9 CFR Part 313).

This letter provides you with information on the Agency's authority, the facts supporting FSIS' action, and information on how you can respond.

Background/Authority

FSIS is the agency in the U.S. Department of Agriculture responsible for protecting the public's health by ensuring the nation's supply of meat, poultry, and processed egg products for sale and distribution in commerce is safe, unadulterated, wholesome, and correctly labeled and packaged. FSIS administers and enforces, among other laws, the FMIA, HMSA, and the statutes' implementing regulations. FSIS has prescribed rules and regulations required for establishments producing meat/meat food products, including requirements pertaining to humane handling and slaughtering of livestock (9 CFR Part 313) and other matters. FSIS has also developed the Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describe the types of enforcement action 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 Federal Grant of Inspection.

Should FSIS personnel document serious or repetitive food safety, sanitation, humane handling, slaughter, or other violations, FSIS may take enforcement action under 9 CFR Part 500.

Links to the Acts and the Rules of Practice are enclosed for your information and review.

FMIA: <https://www.fsis.usda.gov/policy/food-safety-acts/federal-meat-inspection-act>

HMSA: <https://www.fsis.usda.gov/policy/food-safety-acts/humane-methods-slaughter-act>

FSIS Rules of Practice: <https://www.ecfr.gov/current/title-9/chapter-III/subchapter-E/part-500>

Findings/Basis for Action

On 05/06/2025 at approximately 1430 hours, the SPHV observed the following Humane Handling (HH) noncompliance: A male market class hog had emerged from the V- restrainer following an electrical stun and initially appeared unconscious and therefore a shackle was attached to a hind leg. As the bleed line with the shackled hog advanced and the hog went from a horizontal recumbent position to vertical position, the hog began to move in a conscious manner. The employee assigned to stick and bleed the hog immediately started looking around for an establishment employee to notify, and he did stick the hog to bleed it out. As the hog then progressed to a fully vertical position, the hog raised its head, moved its front legs in a conscious “righting reflex” manner and the SPHV observed it tracking with its eyes and rhythmically breathing. An establishment lead employee was quickly in attendance and followed the establishment’s procedures by firing a captive bolt gun in the hog’s forehead. The SPHV observed the hog react to the captive bolt, but the hog continued to move in a conscious manner, tried to right itself, and when the employee grabbed the hog’s ear to visualize and touch its eye, the hog tried to move its head away and clearly was tracking the movement of the hand approaching its eye. The establishment employee then quickly applied a second captive bolt stun to the hog’s forehead. The hog was rendered unconscious and remained in a state of unconsciousness through the remainder of the slaughter process. The SPHV immediately notified the Plant Manager of the egregious humane handling noncompliance and took regulatory control action by placing U.S. Rejected tag B46553352 to the stunner gate in the barn. Afterward, the head was examined and skinned; two captive bolt holes were present, both had fully penetrated the skull. One stun was placed correctly mid-forehead; the other was just to the right of it. The SPHV had observed both captive bolts closely when they occurred and confirmed that the bolt hole to the right was the first captive bolt stun.

This incident represents noncompliance with 9 CFR 313.30(a)(4), which states, “The stunned animal shall remain in a state of surgical anesthesia through shackling, sticking, and bleeding.” The incident is considered egregious because the animal regained consciousness after the initial stun attempt.

Conclusion

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 (69 FR 54625). Subsequently, on October 23, 2013, FSIS issued guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock*," to promote a systematic approach to achieve compliance with the FSIS requirements for the humane handling and slaughter of livestock. If an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed.

Based on the findings described above, TPC handled or slaughtered livestock inhumanely, in violation of the FMIA 21 U.S.C. 603(b), HMSA 7 U.S.C. 1901 – 1902, and 9 CFR 313.30(a)(4). FSIS has decided to issue this Notice of Intended Enforcement in lieu of an immediate suspension based on the details of the incident and TPC's prior implementation of a robust systematic approach to humane handling.

How to Respond to this Letter

Please provide this office with a written response to this letter within **three (3) business days** from the date of your receipt of this letter, no later than close of business May 14, 2025. FSIS will determine further action, if any, based on your response. Your written response is expected to include:

- An evaluation and identification of the nature and cause of the incident.
- A description of the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Any corrective actions, preventative measures, and monitoring activities to ensure continued compliance.
- Copies of supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

You may submit your response by fax to (844-839-6359), or by electronic mail directly to the District Veterinary Medical Specialist, (b) (6) (b) (6) [@usda.gov](mailto:(b) (6)@usda.gov).

You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the inhumane handling and slaughtering of livestock. Please be advised that failure to respond adequately to this letter may result in FSIS withholding the marks of inspection and/or suspending inspection services at TPC, or other appropriate action.

Appeal Rights

You have the right to appeal this matter and can do so by contacting:

Melissa Moore
Deputy Assistant Administrator
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
SB, Room 344E
Washington, DC 20250
Email: Melissa.moore@usda.gov
Phone: (202) 450-0330

If you have any questions, please contact Todd Furey, District Manager by telephone at 202-570-2104 or by electronic mail at Todd.Furey2@usda.gov. Additionally, you can contact the Raleigh District Office at 919-844-8400 or by fax at 844-839-6359.

Sincerely,

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GUPTON
Date: 2025.05.08 10:07:13 -04'00'

Todd Furey
Raleigh District Manager

cc: M. Moore, DAA
S. Safian, OIEA Regional Director
T. Furey, DM
A. Gupton, DDM
H. Havens, DDM
(b) (6), DVMS
(b) (6), DVMO
(b) (6), FLS
(b) (6), SPHV/IIC at M20608
FO/Quarterly Reports M20608