



February 7, 2025

Sinton and Sons Local Meats and Provisions
Establishment M40268A
3450 Riverside Avenue
Paso Robles, California 93446
lino@sintonandsons.com
(805)-237-8100

ELECTRONIC MAIL on February 7, 2025

Attention: Lino Teran, Plant Manager/Owner

NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at Sinton and Sons Local Meats and Provisions, Establishment M40268A, located at 9050 Gravel Rd., Paso Robles, California 93446. This letter follows verbal notification of the suspension action, provided by Dr. Nerisa Riedl, Acting Deputy District Manager, to you, Mr. Lino Teran, Plant Manager/Owner at approximately 1430 hours on February 7, 2025. This action includes your swine Slaughter Hazard Analysis Critical Control Point (HACCP) processes employed at your establishment.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (CFR), Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals humanely. The evidence demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the regulatory requirements (9 CFR Part 313).

Background/Authority

The FMIA (21 USC 601 *et seq.*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products to be marked, labeled, stamped, or tagged as *inspected and passed*, to prevent the entry of adulterated products into commerce. Furthermore, the FMIA provides FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled at slaughtering establishments.

The HMSA provides that Congress finds that the use of humane methods in the slaughter of livestock 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.

Under the authority of the Acts, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock, as required by 9 CFR Part 313. FSIS has also developed the Rules of Practice regarding administrative 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 inspection. Specifically, 9 CFR 500.3(b) states that FSIS may impose a suspension without providing prior notification due to handling or slaughtering of animals inhumanely.

Findings/Basis for Action

On February 7, 2025, the FSIS Inspection Program Personnel (IPP) observed your establishment's failure to conduct slaughter of livestock in accordance with regulatory requirements outlined in Title 9 CFR 313.16(a)(1).

At approximately 1138 hours, while verifying HATS Category VIII Humane Handling Task, the Consumer Safety Inspector and Supervisory Public Health Veterinarian were standing in the designated safety zone and heard you yell "fire" to indicate that the stunner, (b) (6), would be administering a gunshot in order to stun a market hog and render it insensible. Your establishment utilizes a .30 caliber rifle. After hearing the shot, IPP immediately advanced to the end of the alley way and observed the hog on its side as (b) (6), Harvest Unit Employee, was making a cut in the neck to facilitate bleeding. In response to the cut, the hog began squealing and kicking its front and back limbs while in lateral recumbency.

You and (b) (6) then began to physically restrain the hog with both hands in order to hold it down. The hog then attempted to right itself by placing its legs under its body, but was unable to rise. (b) (6) then proceeded to make a second cut into the neck region and the hog squealed, rolling onto its sternum and again attempting to rise and stand. You and (b) (6) continued to physically restrain the hog as it attempted to stand, and (b) (6) proceeded to make a third cut into the neck region of the animal. This third cut finally led to the animal losing consciousness and it stopped vocalizing and moving. IPP determined that the animal was dead. Approximately 2 minutes and 30 seconds passed between the first stunning attempt and the third cut made on the animal.

IPP immediately notified and discussed with you the humane handling concerns and placed U.S. Rejected Tag #B-45736492 on the holding pen that contained market hogs, as well as U.S. Rejected Tag B-45736493 to the entrance of the knock box.

IPP observed the hog's skull after skinning, and found one entrance hole into the skull approximately 1.25 inches below the level of the medial canthus and exited through the last left upper molar, indicating improper placement of the initial stun attempt.

These findings represent an egregious act of inhumane handling of animals in connection with slaughter, as your establishment failed to effectively stun a hog so that it remained in a state of complete unconsciousness. Your establishment does not currently have a Robust Systematic Approach for humane handling and slaughter of livestock.

This is a violation of Title 9 CFR 313.16(a)(1), which states, *"The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animal shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort."* This constitutes failure to adhere to the regulatory requirements of the humane handling and slaughter of livestock, as required by the Federal Meat Inspection Act, 21 U.S.C. 603(b), the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

Previously, on February 6, 2025, FSIS inspection program personnel (IPP) issued Noncompliance Record (NR) JNE1714022806N/1 for your establishment's failure to meet humane handling requirements. Specifically, your establishment failed to appropriately apply a captive bolt stun on a hog so as to produce immediate unconsciousness, as required per Title 9 CFR 313.15(a)(1).

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). On September 24, 2020, FSIS released FSIS Directive 6900.2 Revision 3, entitled, *"Humane Handling and Slaughter of Livestock."* Additionally, on October 23, 2013, FSIS introduced new guidance, titled *"FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock."* Within the guidance material is information intended to better ensure the humane treatment of livestock presented for slaughter. The guidance material provides a set of practices designed to minimize excitement, discomfort, and accidental injury regarding the humane handling of livestock to include the four components of a robust systematic approach to humane handling.

When an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. You do not currently maintain a written robust humane handling program for consideration.

Summary and Conclusion

Provisions of the FMIA outline FSIS' ability to refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing, when conditions exist where the slaughter and/or handling of livestock was not by a method in accordance with the Act(s). Evidence demonstrates your failure to meet regulatory requirements addressed in 9 CFR 313.16(a)(1), constituting a violation of the humane slaughter requirements, and supporting the conclusion that your handling of livestock violated the provisions of the FMIA and HMSA.

Please provide a written response, inclusive of written corrective action and preventative measures, by addressing the following:

- Evaluate and identify the nature, cause of the incident.
- Describe the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Describe specific monitoring activities planned to ensure future compliance.
- Provide any supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

A determination of further administrative action will be made upon receipt and review of your submitted corrective actions and preventative measures. You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and take appropriate actions to prevent the inhumane handling and slaughter of livestock at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

Appeal and Hearing Rights

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

Karen Hunter
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
SB, Room 3160
1400 Independence Avenue, SW
Washington, DC 20250
Email: karen.hunter@usda.gov
Phone: (202) 499-0275

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. 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, please contact:

Scott C. Safian, Director
Enforcement Operations Staff (EOS)
Office of Investigation, Enforcement and Audit (OIEA)
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, SB - Room 2148
1400 Independence Avenue, SW
Washington, DC 20250
Telephone: (202) 418-8872
Facsimile: (202) 245-5097

Lino Teran, Plant Manager/Owner
Sinton and Sons Local Meats and Provisions, Est. M40268A

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February 7, 2025

E-mail: EOSCorrespondence@usda.gov

If you have any questions, please call the Alameda District Office at (510) 769-5712, by fax at (844) 622-0081, or via electronic mail at AlamedaDistrictOffice@usda.gov.

Sincerely,

Gregory M. Abreu, DVM
Deputy District Manager
(for)

Gabrial Eddings, DVM DACVPM
District Manager

cc: K. Hunter, EARO
Q. Bowman-Blackwell, Humane Handling Enforcement Coordinator
S. Smith, OIEA Regional Director
G. Abreu, DDM
V. Felix, DDM
N. Riedl, acting DDM
A. Ahmed, acting DDM
(b) (6) SEIAO
(b) (6), acting SEIAO
L. Wang, DCS
(b) (6), DVMS
(b) (6) DVMS
(b) (6) DVMO
(b) (6), FLS
(b) (6), EIAO
IIC at Est. 40268A
FO/Quarterly Reports