



December 28, 2023

Premium California Foods
Establishment M47612
5881 N. Winton Way
Winton, CA 95388

ELECTRONIC MAIL on December 28, 2023

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Telephone: 209-358-3535

Attention: Mr. Ping Lau, President

NOTICE OF SUSPENSION HELD IN ABEYANCE

On December 21, 2023, the Food Safety and Inspection Service (FSIS), Alameda District Office (ADO), verbally notified your establishment of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) for Slaughter Hazard Analysis Critical Control Point (HACCP) processes at Premium California Foods, Establishment M47612, located at 5881 N. Winton Way, Winton, CA 95388. The ADO issued a Notice of Suspension letter dated December 22, 2023, to follow verbal notification of the suspension action, provided to you on December 21, 2023.

The evidence of egregious inhumane handling demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603) and the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*) and federal regulations 9 CFR Part 313. This action is based on the determination that your establishment failed to handle or slaughter animals humanely in accordance with Title 9 CFR 313.2(b).

On December 21, 2023, and December 22, 2023, your establishment submitted written and verbal responses to the Alameda District Office (ADO) containing the immediate corrective actions and further preventive measures in response to the Notice of Suspension (NOS) issued to your establishment on December 21, 2023.

Based on your written and verbal commitments provided on December 21, 2023, and December 22, 2023, in response to the NOS, FSIS has decided to hold the Suspension in Abeyance to allow your establishment the opportunity to implement your proposed corrective actions and preventive measures. This letter confirms the verbal notification provided to your establishment on December 22, 2023, by the FSIS Alameda District Office management team.

During this Abeyance period, FSIS will continue to verify, assess, and evaluate the effectiveness of the corrective actions you have implemented to assure that all proffered corrective actions are followed and that your programs are adequate to assure that livestock at your establishment are

handled and slaughtered humanely, in accordance with the FMIA, the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

FSIS designed a Verification Plan to verify that your establishment fully implements and follows the corrective actions and preventive measures that your establishment proffered in response to the NOS. The Verification Plan, which is enclosed with this letter, identifies your action plan, the relevant regulatory requirements, and the Public Health Information System (PHIS) tasks and frequencies under which FSIS officials will verify each corrective action. Please be advised that only FSIS can amend the Verification Plan, and should your establishment make any modifications to your food safety programs during the Abeyance period, you should submit these changes, in writing, to FSIS for verification of compliance prior to your establishment implementing these changes.

You are reminded that as an operator of a federally inspected facility, you are expected to comply with the Federal Meat Inspection Act (FMIA) and the regulations promulgated thereunder to ensure that livestock at your establishment are handled and slaughtered humanely. The regulations require establishments to take appropriate action(s) when either the establishment or FSIS determines that the establishment's system controls for humane handling requirements are ineffective.

It is also important for you to understand that FSIS has the responsibility to initiate actions if your establishment fails to operate in accordance with FSIS regulations, or conditions occur that may render products unwholesome or adulterated. In these situations, FSIS personnel will continue to take regulatory control of product and/or other administrative enforcement action.

FSIS has the authority to reinstate the suspension or withholding action if your establishment fails to implement your proposed corrective actions and preventive measures or if the corrective actions and preventive measures are not effective.

Please be advised that your failure to comply with regulatory requirements, to implement the corrective actions in your action plan, and/or to notify this office in writing of any changes to your action plan may result in the immediate reinstatement of the suspension of inspection or withholding action at your establishment.

Appeal and Hearing Rights

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

Sherri Johnson,
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW

Mr. Ping Lau, President
Premium California Foods, Est. M47612

Notice of Suspension Held in Abeyance
December 28, 2023

SB, Room 3162
Washington, DC 20250
Email: sherri.johnson@usda.gov
Phone: (b) (6)

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,

/s/ Virginia Felix
Deputy District Manager

for

Gregory Abreu
Acting District Manager

cc: S. Johnson, EARO
(b) (6), Humane Handling Enforcement Coordinator
S. Smith, OIEA Regional Director
V. Felix, DDM
F. Gillis, DDM
(b) (6), SEIAO
(b) (6) DCS
(b) (6), DVMS
(b) (6), FLS
(b) (6), ELAO
IIC at Est. M47612
FO/Quarterly Reports