



United States Department of Agriculture

Food Safety and  
Inspection  
Service

July 25, 2023

Office of Field  
Operations  
Des Moines  
District Office

Electronic Mail on July 25, 2023

Neal Smith  
Federal Building  
210 Walnut Street  
Room 985  
Des Moines, IA  
50309-2123

Alsager Meats  
Joshua Alsager, Owner  
343 4th street  
Audubon, Minnesota 56511  
[audubonmeatsprocessing@gmail.com](mailto:audubonmeatsprocessing@gmail.com)

**NOTICE OF SUSPENSION**

Voice  
515.727.8960  
Fax 515.727.8991

Attention: Joshua Alsager, Owner

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) for slaughter operations at EST. M823, Alsager Meats, located at 343 4<sup>th</sup> Street, Audubon, MN 56511. This letter follows verbal notification of the suspension action, provided by (b) (6), Front Line Supervisor, James Klint, Plant Manager on July 25, 2023.

This action is taken in accordance with the Rules of Practice regulation 9 Part Code of Federal Regulations (CFR) Part 500.3(b) due to an egregious inhumane handling incident that occurred at your establishment on July 24, 2023. 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 *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) (72 Statute, 862; Title 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.

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 July 24, 2023, while conducting a routine humane handling verification task, HATS task VIII Stunning Effectiveness, the following noncompliance was found. The first beef heifer of the day was brought in the establishment restrainer at 1335 hours and the handheld captive bolt (HHCB) was used to apply the initial stun. When the stun was applied with the handheld captive bolt the animal dropped to a sternal position but remained conscious. The beef struggled against the retainer, pulling back against the head restrainer with all four legs. A second stun was immediately applied with a .22 magnum rifle, and after the stun was applied the animal remained conscious. The cow's eyes were blinking regularly without applying stimulation, the nostrils were flaring with repetitive breaths, When IPP approached the animal there was tracking eye movement, and the cow was standing on its rear legs. A third shot was applied with the same .22 magnum rifle and rendered the animal unconscious. The cow dropped, the cow's eyes rolled back, and the eye closed weakly when stimulated. A fourth stun was applied with the same .22 magnum rifle for security. IPP later inspected the skinned skull. The larger diameter HHCB stunning wound was 1.5 inches above a line between the eyes and 1 inch right of midline. This wound channel angled into the sinus cavity but missed the brain cavity off to the right. There were two .22 caliber sized holes in the skull. One hole was left of midline by two inches and was 1.5 inches lower than the HHCB stunning wound. A second hole was three inches above the previously described .22 caliber sized hole, left of midline by a similar distance. After observing this noncompliance, IPP contacted the district office through supervisory channels for guidance and notified establishment Plant manager Todd Blotsky of the noncompliance. Due to a delay in communication IPP placed USDA reject tag #B37525924 to the restrainer at the end of the slaughter shift. The establishment is in violation of 9 CFR 313.15(a)(1) and 313.16(a)(1).

### **Summary and 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 Title 7 U.S.C. 1901 and 1902 of the HMSA of 1978, and the regulatory requirements outlined in 9 CFR Part 313.

The establishment does not have a humane handling program that meets the four criteria as described in the Federal Register Notice of September 9, 2004. 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 regulation 9 CFR Part 500.3(b).

The suspension of the assignment of inspectors will remain in effect until such time as you provide to this office adequate written corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the FMIA, HMSA, and the regulations promulgated therein.

You may provide this office written corrective actions and preventive measures concerning the NOS and we will determine further action, if any, based upon your response. If you choose to address this issue, your written response should include:

1. An initial assessment of the incident, including determination of the cause.
2. Immediate corrective actions taken.
3. Measures to prevent reoccurrence.
4. Any training of employees, materials used, and associated records.
5. Type of monitoring activity(s) to be conducted and associated monitoring records.

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:

Attention: Sherri N. Johnson  
Acting Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
South Building, Room 1330A  
Washington, DC 20250  
Office number: 202-379-6196  
[sherri.johnson@usda.gov](mailto:sherri.johnson@usda.gov)

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, regulation 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.

Joshua Alsager, Owner  
Est. M823, Alsager Meats

Notice of Suspension  
July 24, 2023

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

Attention: Scott C. Safian, Director  
Enforcement Operations Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 9-235-A  
1400 Independence Avenue, SW  
Washington, DC 20250  
Phone number: 202-418-8872  
Fax number: 202-245-5097

If you have questions regarding this matter, please feel free to contact the Des Moines District Office, at 515-727-8960 or (b) (6), District Veterinary Medical Specialist (DVMS), at (b) (6) or (b) (6), DVMS, at (b) (6).  
Sincerely,

**JEFFERY**

**JACOBSEN**

Digitally signed by  
JEFFERY JACOBSEN

Date: 2023.07.25 17:48:22 -05'00' for

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