



April 25, 2018

Food Safety and
Inspection Service

Alameda District
800 Buchanan St.
Albany, CA 94710

Phone: (510) 769-5712
Fax: (510) 337-5081

Mr. Javier Juarez, Owner
JJ Meat Company
Est. M4969
25699 Ave. 5 1/2
Madera, CA 93637

**CERTIFIED RETURN
RECEIPT REQUESTED**

E-mail: jjmeats@live.com

NOTICE OF REINSTATEMENT OF SUSPENSION

Dear Mr. Juarez:

This letter confirms the verbal notification provided to your establishment on April 25, 2018, by the Food Safety and Inspection Service (FSIS), Alameda District of the reinstatement of suspension of the assignment of inspectors at your establishment and the withholding of the marks of inspection for the slaughter operations, in accordance with 21 U.S.C. 603 and Title 9 Code of Federal Regulations (CFR) Part 500.3 (b). This action was initiated due to your firm's failure to maintain or implement required controls to prevent the inhumane handling and slaughtering of livestock at your establishment and to appropriately handle animals in accordance with Title 9 CFR Part 313.2(a). This is in violation of 21 U.S.C. 603(b) of the Federal Meat Inspection Act, the Humane Methods of Slaughter Act of 1978, and the regulations promulgated thereunder.

These observations indicated that the corrective actions and preventative measures you proffered in response to the Notice of Suspension (NOS) verbally issued on April 3, 2018, which was issued for a similar incident where you failed to prevent the inhumane handling and slaughtering of livestock at your establishment, were ineffective and/or implemented to ensure that your establishment adheres to the regulatory requirements of the humane handling and slaughter of livestock.

Background/Authority:

The Federal Meat Inspection Act (FMIA) (21 USC 603 et seq.) provides for the purpose of preventing the inhumane slaughtering of livestock that FSIS has the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examine and inspect the method by which cattle, sheep, swine, goats, horses, mules or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under the Act. FSIS may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughter establishment if FSIS 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 sections 1901 to 1906 of U.S.C. Title 7 until the establishment

furnishes assurances satisfactory to FSIS that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such a method.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, as contained in Regulations 9 CFR Part 313, and the Humane Methods of Slaughter Act 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 and Basis for Action:

On April 25, 2018, at approximately 1035 hours while FSIS inspection personnel were conducting humane handling activities at your establishment, they observed a live goat run out of the blood pit area and attempt to squeeze through the gates just outside the knock box. The Supervisory Public Health Veterinarian (SPHV) and Consumer Safety Inspector (CSI) observed one of your employees grab the goat by the hind limbs and the goat fell on its side. The employee then dragged the goat on its lateral side onto the wet cement floor, which was slick with blood and water. The SPHV and the CSI observed this employee drag the animal approximately two to three feet back into the blood pit. The employee then lifted the goat up and allowed the employee performing the ritual slaughter to cut the throat of the animal.

The SPHV immediately notified Mr. Javier Juarez, Jr., Plant Manager, of this egregious humane handling incident. She took regulatory control action by placing U.S. Rejected tag #B39697461 on the knock box.

This is a violation of Title 9 CFR 313.2(a) that states: *“Driving of livestock from the unloading ramps to the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed”*.

Previously, on April 3, 2018, the Alameda District Office notified your establishment of the withholding of the marks of inspection and suspension of the assignment of inspectors at your facility in accordance with 21 U.S.C.603 and Title 9 Code of Federal Regulations (CFR) Part 500.3(b). This action was initiated due to your firm’s similar failure to maintain or implement required controls to prevent the inhumane handling and slaughtering of livestock at your establishment and to appropriately handle animals in accordance with Title 9 CFR Part 313.15(a)(1), 313.15(a)(3) and 313.15(b)(1)(ii). This is in violation of 21 U.S.C. 603(b) of the Federal Meat Inspection Act, the Humane Methods of Slaughter Act of 1978, and the regulations promulgated thereunder.

From April 4, 2018, to April 6, 2018, your establishment submitted corrective actions in response to the NOS issued on April 4, 2018. Based on all the commitments you proffered, FSIS decided to hold in abeyance the NOS on April 6, 2018 and provided you a copy of the

Verification Plan that FSIS in-plant personnel used to verify that your establishment fully implemented and followed the corrective actions and preventative measures your establishment provided to the ADO on April 4, 2018, and April 6, 2018. The Verification Plan identifies your corrective actions, the relevant regulatory requirements, frequencies, and the Public Health Information System (PHIS) tasks under which FSIS inspection personnel will verify implementation of your corrective actions. As stated in the Notice of Suspension Held in Abeyance dated April 10, 2018, your establishment's failure to comply with regulatory requirements or effectively implement your commitments and agreements may result in the reinstatement of the suspension of inspection in your establishment. However, as evidenced by the recent observations of your failure to prevent the inhumane handling and slaughtering of livestock at your establishment, your corrective actions have been ineffective in ensuring that animals are handled and slaughtered humanely at your facility.

You failed to implement your proffered corrective actions in response to the Notice of Suspension issued to you on April 3, 2018. Specifically, you proffered to follow and implement all aspects of your "*JJ Meats Robust Humane Handling Program*", dated April 4, 2018. On page 4, the program states, "*Any dragging of live animals is strictly prohibited and is against the humane handling policies of JJ*". Furthermore, on page 5, your program cites Title 9 CFR 313.2(a) as part of your "*additional procedures*" in "*Section 313.2: Humane Handling of Livestock*". As observed by FSIS inspection personnel, your establishment failed to implement your procedures as written and as listed in the Verification Plan, to ensure the humane slaughter of livestock. This demonstrates your inability and/or unwillingness to prevent the inhumane handling and slaughtering of livestock at your facility and to adhere to the regulatory requirements.

The Federal Meat Inspection Act 21 U.S.C. Section 603(b) provides legal authority to suspend operations at any establishment where animals have not been handled in a humane manner as described in 7 U.S.C. 1901 where it states "*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.*" In accordance with Title 9 CFR 500.3(b), the suspension of inspection at an establishment without prior notification for inhumane handling practices is warranted, as specified in Title 9 CFR 313 and under authority of 21 U.S.C. 621.

These findings demonstrate your continued 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) and the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

Based on the above findings and your failures to meet statutory and regulatory requirements for the humane handling and slaughter of livestock, and in accordance with Title 9 CFR 500.3(b), FSIS is reinstating the suspension of the assignment of inspectors and withholding the marks of inspection for the slaughter operations at your establishment. This letter confirms the verbal notification of the suspension of the assignment of inspectors for the slaughter operations that FSIS provided to your establishment on April 25, 2018.

The suspension of the assignment of inspectors will remain in effect until such time as you can proffer to the FSIS, Alameda District Office, adequate written assurances including corrective

actions and preventative measures to assure that livestock at your establishment are handled and slaughtered humanely, in accordance with the FMIA, The Humane Methods of Slaughter Act, and regulations promulgated thereunder.

In addition, failure to respond to this Notice of Reinstatement of Suspension and failure to assure that animals at your establishment are handled and slaughtered humanely in accordance with the statutory and regulatory requirements may result in further administrative enforcement actions.

In accordance with Title 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Keith Gilmore
Executive Associate for Regulatory Operations
210 Walnut Street
Room 923
Des Moines, IA 50309
Phone: 515-727-8970

In accordance with 9 CFR 500.5(d), you may request a hearing concerning this action by contacting:

Scott C. Safian, Director
Food Safety and Inspection Service
Office of Investigation, Enforcement and Audit
Enforcement and Litigation Division
Stop Code 3753, PP3, Cubicle 8-235A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

If you have any questions, please call the Alameda District Office at (510) 769-5712.

Sincerely,

***/s/ Frank Gillis, DDM
(for)***

Yudhbir Sharma, DVM
District Manager

cc:

A. Amin, DDM
S. Beckett, DDM
V. Felix, DDM

F. Gillis, DDM

(b) (6)



K. Gilmore, EARO
S. Baucher, RD/OIEA
USDA IIC, Est. M4969
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