



Food Safety and  
Inspection Service

January 14, 2014

Alameda District  
620 Central Avenue,  
Bldg. 2C  
Alameda, CA 94501

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

(b) (6)  
Rancho Feeding Corporation  
Establishment 527 M  
1522 Petaluma Blvd. North  
Petaluma, California 94952

**CERTIFIED RETURN  
RECEIPT REQUESTED**

*e-mail* (b) (6)

## NOTICE OF SUSPENSION

Dear (b) (6):

This letter confirms the verbal notification that was provided to your establishment on January 14, 2014, by the Food Safety and Inspection Service (FSIS), Alameda District, of the withholding of the marks of inspection and the suspension of the assignment of inspectors at your establishment for the Slaughter and Raw Intact (Raw Not Ground) processes. This action is taken in accordance with Title 9 Code of Federal Regulations, Rules of Practice, Part 500.3(a)(1), because your establishment produced and shipped adulterated and misbranded product. Specifically, your establishment produced and shipped adulterated product into commerce due to your failure to present the products for ante mortem and post mortem inspection, as required by 21 U.S.C. 603(a) and 21 U.S.C. 604 of the Federal Meat Inspection Act (FMIA), and the regulations promulgated thereunder. This product is considered adulterated because it is unfit for human food as defined by 21 U.S.C. 601(m)(3) of the FMIA. As such, these products cannot enter commerce because they have not been inspected and found to be not adulterated and capable for use as human food as required under 21 U.S.C. 604 of the FMIA. In addition, the products were misbranded pursuant to 21 U.S.C. 601 (n)(1) in that the labels represented that the products had been inspected and passed, when, in fact, they had not been inspected and passed. As a result of your failure to prevent the production and shipment of adulterated product into commerce, your establishment initiated a voluntary Class I recall of these products on January 12, 2014.

### **Background/Authority**

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 et. seq.) provides that it is essential in the public interest that the health and welfare of consumers be protected, by assuring that meat products distributed to them are wholesome, not adulterated, and properly marked, labeled and packaged.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for establishments producing meat products including the requirements pertaining

to Title 9 CFR 309.2(e), Title 9 CFR 309.6 and Title 9 CFR 311.12, and other matters related to the identification, condemnation and disposal of animals found to be affected with epithelioma of the eye. FSIS has also developed Rules of Practices regarding enforcement (Title 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 suspension, with or without prior notification, and for filing a complaint to withdraw a grant of Federal Inspection.

### **Findings/Basis for Action**

During an investigation of your facility, evidence was uncovered that demonstrates your firm shipped adulterated and misbranded product into commerce. Specifically, as part of this action, FSIS determined that your establishment failed to present cattle produced on January 8, 2014, which were likely affected with epithelioma of the eye (cancer eye), a condemnable condition pursuant to Title 9 CFR 311.12, for required ante-mortem inspection and post-mortem inspection. These failures to present are evidenced by the fact that two cattle heads, which were found in commerce, were still intact, had skin still attached, and had no incisions for the four pairs of lymph nodes on the head, which normally are incised for inspection by FSIS personnel. In addition, there was no denaturant or USDA mark of condemnation on the heads.

As a result of these failures, your establishment produced and shipped adulterated products into commerce. In addition, the products were misbranded pursuant to 21 U.S.C. 601 (n)(1) because the labels on the products were false and misleading in that the labels represented that the products had been inspected and passed, when in fact, they had not been inspected and passed. On January 12, 2014, your establishment agreed to initiate a Class I voluntary recall 002-2014 of approximately 41,683 pounds of beef carcasses and offal products that your establishment produced on January 8, 2014.

Based upon these findings, FSIS is suspending your Slaughter and Raw Intact processes in accordance with Rules of Practice Title 9 CFR 500.3(a)(1), in that the establishment produced and shipped adulterated and misbranded product as defined in 21 U.S.C. 601.

The FMIA 21 U.S.C. 603(a) states that *“For the purpose of preventing the use in commerce, of meat and meat food products which are adulterated, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle....before they shall be allowed to enter into any slaughtering... in which they are to be slaughtered and the meat and meat food products thereof are to be used in commerce”*. Rancho Feeding Corporation failed to present cattle for ante-mortem inspection on January 8, 2014, which is a statutory and regulatory FSIS requirement.

The FMIA 21 U.S.C. 604 states that the Secretary “*shall cause to be made by inspectors appointed for that purpose, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle..... to be prepared at any slaughtering, ....or similar establishment in any State, Territory, or the District of Columbia as articles of commerce which are capable of use as human food*”. Rancho Feeding Corporation failed to present carcasses and parts thereof for post-mortem inspection on January 8, 2014 , which is a statutory and regulatory FSIS requirement.

The FMIA 21 U.S.C. 621 states the Secretary “*shall make rules and regulations as are necessary for the efficient execution of the provisions of this Act and all inspections and examinations made under this Act shall be made in such manner as described in the rules and regulations*”. Rancho Feeding Corporation failed to abide by the rules and regulations of the Federal Meat Inspection Act and the regulations promulgated thereunder.

The Federal Meat Inspection Act, 21 U.S.C. 601(m)(3) states that product is adulterated “*if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.*” FSIS is unable to determine if the meat products produced at Rancho Feeding Corporation on January 8, 2014 are sound, healthful, or otherwise fit for human food as they were not inspected and passed, as required, and are, therefore, adulterated under the FMIA.

The FMIA, 21 U.S.C. 601(n)(1) provides that any carcass, part, meat or meat food product is misbranded “*if its labeling is false or misleading in any particular*”. Rancho Feeding Corporation shipped misbranded meat and meat food products in commerce in that the labels on the products represented that they had been inspected and passed when, in fact, they had not been inspected and passed.

The suspension of the assignment of inspectors will remain in effect until such time as you can proffer to FSIS, Alameda District Office, adequate written assurances including corrective actions and preventive measures sufficient to demonstrate that Rancho Feeding Corporation will comply with all statutory and regulatory requirements of Title 9 CFR 309.2(e), Title 9 CFR 309.6, Title 9 CFR 311.1, and Title 9 CFR 311.12, and that the regulations will be met to ensure the proper identification, condemnation and disposal of animals found to be affected with epithelioma of the eye, and to ensure that adulterated product will not be shipped into commerce. In addition, failure to respond to this notice of suspension adequately may result in further administrative enforcement actions.

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

Dr. Hany Sidrak  
Executive Associate for Regulatory Operations  
1400 Independence Avenue, SW  
Room 3157-S  
Washington, DC 20250  
Phone: 202-205-4208

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

Director  
Enforcement and Litigation Division  
Office of Investigation, Enforcement, and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Patriot Plaza III, 8th Floor, Cubicle 8-210C  
355 E Street, SW  
Washington, DC 20024-3221  
Telephone: (202) 418-8872  
Facsimile Number: (202) 245-5097

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

Sincerely,



Frank Gillis  
Deputy District Manager

cc:

Y. Sharma, DM  
A. Amin, DDM  
V. Felix, DDM

(b) (7)(C)



A. Khroustalev, IEA, RD

USDA IIC, Est. 527 M  
FO/QR