



United States Department of Agriculture

Food Safety and  
Inspection Service

Office of Field  
Operations

Atlanta District Office

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Atlanta, GA. 30303  
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**Certified Mail**

December 17, 2019

Mr. Reed Brown, Plant Manager  
Brown Packing Co., Inc., Est. M1085  
116 Willis St.  
Gaffney, SC 29340

**NOTICE OF INTENDED ENFORCEMENT**

Dear Mr. Brown:

This serves as official notification by Food Safety and Inspection Service (FSIS) of our intent to withhold the marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at Brown Packing Co., Inc, M1085, located at 116 Willis St. Gaffney, SC 29340, for failure to effectively implement humane methods of slaughtering and handling of animals in a manner that complies with the regulatory requirements prescribed by the Federal Meat Inspection Act (FMIA) and Humane Methods of Slaughter Act (HMSA).

**Background and Authority**

The Federal Meat Inspection Act (FMIA) [21 U.S.C. 603 sec. 3. (b)] states, “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 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 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 Sections 1901 to 1906 of Title 7 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 a method.” In addition, under prohibited acts, 21 U.S.C. 610 sec 10 (b), “No person, firm or corporation shall, with the respect to any cattle, sheep, swine, goats, horses, mules, and other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals slaughter or

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handle in connection with slaughter any such animals in any manner not in accordance with sections 1901 to 1906 of Title 7.”

The Humane Methods of Slaughter Act 7 U.S.C 1901 states, “The Congress finds that the use of humane methods in the slaughter 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.

The Humane Methods of Slaughter Act 7 U.S.C 1902 states, “No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane.

Under the authorities of the above Acts, FSIS has prescribed rules and regulations required for establishments engaged in the slaughter of livestock and the production of meat products, including requirements pertaining to Humane Slaughter of Livestock, as required by 9 CFR 313. FSIS has also developed Rules of Practice regarding 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 Federal inspection.

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

This Notice of Intended Enforcement is based upon your establishment being in violation of 9 CFR 313.2(a) and 9 CFR 313.2(b).

9 CFR 313.2 (a) states: *Driving of livestock from the unloading ramps to the holding pens and from 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.*

9 CFR 313.2(b) states: *Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited. Electrical prods attached to AC house current shall be reduced by a transformer to the lowest effective voltage not to exceed 50 volts AC.*

Specifically, on November 15, 2019, at approximately 0638 hours, while performing humane handling verification activities, the Consumer Safety Inspector (CSI) at Brown

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Packing Co., Inc., observed a plant employee trying to put a black cow into the round pen. As the cow ran back towards pen number seven from the round pen the plant employee swung the gate and caught the cow behind the head in the neck in front of the shoulder. As the cow went back towards the round pen, she was shocked by the plant employee with the hot shot (electric prod) in the vulva, causing her to jump and buck. This was repeated three times before the CSI was able to get the plant employees attention to get him to stop these actions. The CSI immediately placed U.S. Retained Tag No. B32032305 on the round pen gate and notified (b) (6) that a regulatory control action had been taken.

### Summary and Conclusion

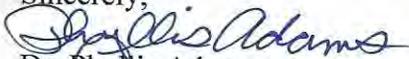
Please be advised that as a federally inspected establishment, you are expected to comply with regulations 9 CFR §313.15 and all other requirements concerning humane slaughter of livestock.

In accordance with FSIS' Rules of Practice, 9 CFR Part 500, we are notifying you of our intent to withhold the marks of inspection and suspend the assignment of inspectors at your facility. Please provide this office with a written response concerning this Notice of Intended Enforcement (NOIE) **within three (3) working days** from the date of your receipt of this letter. We will determine further action, if any, based on your response. The corrective actions and preventive measures in your response should address the following:

- 1) Identify the assessment process used to determine the nature and cause of the incident.
- 2) Identify what the assessment revealed as the likely cause, i.e. the specific reason(s) why the event occurred.
- 3) Describe the specific actions that will be taken to eliminate the cause of the incident.
- 4) Describe the specific actions that will be taken to prevent future reoccurrences.
- 5) Describe the future monitoring activities that your Establishment will use to ensure that the actions are effective.

Please direct any questions to the Atlanta District Office at (404) 562-5900.

Sincerely,



Dr. Phyllis Adams  
Atlanta District Office  
USDA/FSIS/OFO

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cc: Phil Bronstein, AA/OFO  
Hany Sidrak, DAA/OFO  
Michael Watts, EARO/OFO  
Scott Safian, ELD/OIEA  
Larry Hortert, RD/CID/OIEA

(b) (6)

Barney Welch, DDM/OFO  
Tracy Bryant, DDM/OFO  
Ghias Mughal, DDM/OFO

(b) (6)