



Food Safety
Inspection Service

September 5, 2013

Office of Field
Operations
Des Moines District
Office

Signed electronically sent
Signed Original Sent Via UPS Priority

210 Walnut Street
Room 985
Des Moines,
Iowa 50309-2123
Voice 515.727.8960
Fax 515.727.8991

(b) (6)
Establishment M1633
Abbyland Foods Inc.
508 East Linden St
Abbotsford, WI 54405

NOTICE OF SUSPENSION HELD in ABEYANCE

Dear (b) (6)

On September 4, 2013, a "Notice of Suspension" was issued to Abbyland Foods Inc., Establishment M1633, located at 508 East Linden St., Abbotsford, WI. This action was based on your failure to handle animals humanely. This letter confirms the verbal notification you were given on September 5, 2013, by the Food Safety and Inspection Service (FSIS), Des Moines District Office, that the suspension of the assignment of inspectors for slaughter operations at Abbyland Foods Inc., Establishment M1633, is now held in abeyance, pending verification by FSIS personnel.

Background/Authority

The Federal Meat Inspection Act (FMIA) (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 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.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C 1901 et seq.) provides that the 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.

Findings/Basis for Suspension

On September 4, 2013 at 1425 hours, while plant personnel had gone on company break a Supervisory Public Health Veterinarian (SPHV) was performing ante mortem inspection at Establishment M1633, Abbyland Foods Inc. The SPHV observed the following noncompliance. The last dairy cow knocked and hung on the rail had returned to consciousness. It was exhibiting rhythmic breathing, the eyelids were opening and closing when he touched the eyeball and animal exhibited a righting reflex. The SPHV notified nearby plant employee to immediately render the animal senseless. The SPHV took a regulatory control action using US Retained / Rejected tag No. B38754307 and tagged the knock box. He informed the Kill Floor Supervisor, the Plant Owner, and the QA Lead Tech that he had taken a regulatory control action and suspended operations due to the egregious humane handling violation. The SPHV also informed Plant Owner and the QA Tech that written corrective and preventive measures would have to be presented to Des Moines District Office for review and approval before operations could resume. The SPHV permitted the line to be cleared and the owner elected to stop production for the day.

This is a violation of the Federal Meat Inspection Act (FMIC) (21 U.S.C.)(603), Regulations 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978.

On September 4 and 5, 2013 your establishment provided to FSIS, Des Moines District Office, adequate written assurances, which included corrective actions and further planned preventive measures to assure that livestock at your establishment are slaughtered humanely.

Specifically

All employees will be retrained on humane handling before operations will resume. This training will be fully documented. All trained employees will be required to pass a test before being allowed to return to their duties. You have provided training documentation and support.

Slaughter on the day of return to operations will be monitored continuously by a Quality Assurance Technician and/or the Quality Assurance Supervisor. For the week following return to operations, daily humane handling audits will be performed. If employees are deemed to be following humane handling requirements, humane handling audits will be performed weekly for the following month. If at that time humane handling procedures are deemed to be proper, humane handling audits will return to their normal frequency of monthly audits.

Additional operation changes will be made to ensure that the specific failure that was observed does not recur. The Slaughter Room Supervisor will be required to verify that when the slaughter floor goes on breaks all animals will have been properly stunned and stuck. Changes to your animal welfare program were made in regards to sensibility. Operational monitoring forms have been modified to include a check of the animals at break time and at other times documenting proper stunning, sticking and sensibility monitoring.

You are reminded that, as an operator of a federally inspected plant, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent

inhumane handling of livestock at your establishment. Please be advised that your failure to respond adequately to these issues may result in our reinstatement of the suspension of inspection at Establishment M1633 or other appropriate administrative or legal action.

A copy of FSIS' Verification Plan will follow this notification. This Verification Plan is to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to verify that your establishment fully implements your proffered corrective and preventive actions in your September 4 and 5 2013, proposals, and that these revisions and actions are effective in assuring ongoing regulatory compliance.

Please also be advised that you have the right to appeal this matter. In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Dr. Keith Gilmore
Executive Associate for Regulatory Operations
USDA FSIS OFO
210 Walnut St., Room 923
Des Moines, IA 50309
Tel: 515-727-8970
Blackberry: 785-766-9830

If you have any questions, please contact District Veterinary Medical Specialist (b) (7)(C) (b) (7)(C) at 515-727-(b) (7)(C) or (b) (7)(C) at 612-270-(b) (7)(C). We urge your cooperation and voluntary compliance.

Sincerely,



Dr. Dawn Sprouls
District Manager
USDA FSIS OFO DO
Des Moines, IA