

Establishment Number	Establishment Name	Inspection Date	Description
M7464+P7464	F.B. Purnell Sausage Company Inc.	10/4/2021	<p>HATS category VI: Electric prod/alternative object use</p> <p>While performing the livestock Humane Handling Activities Tracking System (HATS) task, REDACTED made the following observation at approximately 1145 hrs. EDT in the holding pens of Purnell Sausage Co. (M7464) Simpsonville, KY: Establishment personnel were in the process of moving sows from holding pen #1 to holding pens REDACTED to place in line for slaughter. The sows were observed “log jamming” at the exit from #1 and an establishment employee was observed with an approximately 4-foot rattle paddle being held with both hands, raising it above his head, and repeatedly and forcefully swinging and striking the sows in an attempt to make them exit the pen. A verbal regulatory control action was taken by REDACTED and the establishment employee was instructed to stop. REDACTED was notified of the above observation and the forthcoming documentation of non-compliance with 9 CFR 313.2(b).</p>
M7464+P7464	F.B. Purnell Sausage Company Inc.	11/12/2021	<p>HATS category VIII: Stunning Effectiveness</p> <p>While performing the livestock Humane Handling Activities Tracking System (HATS) task, REDACTED, REDACTED made the following observation at Purnell Sausage Co. (M7464) Simpsonville, KY: At approximately 1445 hrs. EST a large sow was removed from the chute system leading to the restrainer for electrical stunning by establishment personnel; the sow was too large to walk through h the chute. The sow proceeded to walk toward the kill floor and found its way under the elevated restrainer. Supervisory establishment personnel were able to coax the sow from under the restrainer and elected to stun the sow adjacent to the restrainer/stick table area. After placing the head/heart electrical stunner on the sow and engaging the power supply the sow was observed to become recumbent and proceed to roll; it was at this time the electrical stun device lost contact with the sow, the sow began to vocalize, and the electrical stunner became de-energized, resulting in an ineffective stun. Recognizing the situation, establishment personnel took immediate corrective action, applied the electrical stunner a second time, and rendered the sow insensible, and so it remained throughout the remainder of the slaughter process. U. S. Rejected tag # B45-422864 was placed on the restrainer. REDACTED REDACTED and REDACTED were informed of the non-compliance and advised that the chain of command for the Jackson District Office would be notified for further guidance.</p>

M7464+P7464	F.B. Purnell Sausage Company Inc.	11/19/2021	<p>HATS category V: Suspect and Disabled</p> <p>While performing the Livestock Humane Handling task, REDACTED observed the following Humane Handling Activities Tracking System (HATS) category V non-compliance in the holding pens of Purnell Sausage Co. (M7464) Simpsonville, KY: At approximately 1430 hrs. EST a disabled gilt was observed near the gate between holding pens #REDACTED and #REDACTED; the gilt was initially observed lateral recumbent, then sternal. When coaxed, it stood briefly, and was trembling, but was unable to walk any distance. Two establishment personnel were aware of the disabled gilt however they took no measures to separate the gilt from the normal population. Establishment personnel were observed moving animals from pen #REDACTED into pen #REDACTED past the unprotected disabled gilt. REDACTED ensured stoppage of animal movement from pen #REDACTED to pen #REDACTED to protect the disabled gilt from the other mobile animals. REDACTED REDACTED and REDACTED were notified of the observation and forthcoming documentation of the non-compliance with 9 CFR 313.2(d)(1).</p>
M7464+P7464	F.B. Purnell Sausage Company Inc.	11/20/2021	<p>HATS category V: Suspect and Disabled</p> <p>While performing the Livestock Humane Handling task, REDACTED, REDACTED observed the following Humane Handling Activities Tracking System (HATS) category V non-compliance in the holding pens of Purnell Sausage Co. (M7464) Simpsonville, KY: At approximately 0915 hrs. EST while observing the stunning process, REDACTED became aware a sow was down in the holding pens. REDACTED proceeded to the holding pens and found in pen #REDACTED a lateral recumbent moribund sow lying in approximately one inch of fecal soup; approximately 10 other animals were still in the pen with the non-ambulatory disabled (NAD) animal. The establishment failed to take measures to separate/protect the NAD animal from the normal animal population. REDACTED assured the NAD animal was separated from the other animals by having them removed from the pen. REDACTED was notified of the observation and forthcoming documentation of the non-compliance with 9 CFR 313.2(d)(1).</p> <p>REDACTED and REDACTED met with establishment management representatives REDACTED and REDACTED for Purnell Sausage Co. (M7464) Simpsonville, KY. At approximately 1000 hrs. EST, a discussion was had concerning the repeat of an observed humane handling non-compliance from the previous day, Friday November 19, 2021; specifically, the Humane Handling Activities Tracking System (HATS) category V: suspect and disabled non-compliance was again observed Saturday, November 20, 2021. IPP expressed concern over the repetitiveness of the observed non-compliance.</p>

			<p>REDACTED stated he was aware REDACTED spoke with those individuals involved with the previous day's incident and that the corrective actions seemed to be ineffective at preventing recurrence. REDACTED reminded establishment management of the regulations pertaining to the humane handling of livestock, 9 CFR 313.1 and 9 CFR 313.2. Management stated additional training for barn personnel will likely be implemented and that Plant Manager Ray Barnes would be informed of IPP's concerns</p>
M7464+P7464	F.B. Purnell Sausage Company Inc.	12/3/2021	<p>HATS category V: Suspect and disabled</p> <p>At approximately 0915 hrs. EST while giving the Inspection Program Personnel (IPP) break, [REDACTED] was approached by establishment personnel for Purnell Sausage Co. (M7464) Simpsonville, KY at the USDA inspection station on the kill floor; establishment personnel stated a sow was down in pen #6. Upon completion of the immediate tasks at approximately 1000 hrs. EST, [REDACTED] went to holding pen #6 in the barn. There, a lateral recumbent moribund sow was observed in the pen with approximately 15 normal ambulatory animals; establishment personnel had failed to separate the disabled animal from the normal population. [REDACTED] instructed establishment personnel present not to move additional animals from the pen as establishment personnel was starting to move animals from the pen without protecting the disabled animal [establishment personnel had been moving animals from pen #6 to the chute system leading to the restrainer for electrical stunning.] [REDACTED] were brought to the barn and informed of the above observation. [REDACTED] informed supervisory establishment personnel a regulatory control action was being taken with the placement of U.S. Rejected tag #B45422866 on the restrainer due to the repetitive nature of non-compliance with 9 CFR 313.2(d)(1) for the same root cause. The chain of command for the Jackson District was contacted for further guidance.</p> <p>At approximately 1030 hrs. EST [REDACTED] informed supervisory establishment personnel the regulatory control action was being removed and of the forthcoming documentation of non-compliance with 9 CFR 313.2(d)(1).</p>
M7464+P7464	F.B. Purnell Sausage Company Inc.	12/9/2021	<p>HATS category IV: Ante-mortem inspection</p> <p>While performing the Livestock Humane Handling task at Purnell Sausage Co. (M7464) Simpsonville, KY [REDACTED] made the following observation in the holding pens of the establishment: At</p>

		<p>approximately 1330 hrs. EST establishment personnel were observed moving sows from pen #7 to pen #6 to place in line for slaughter. An unobstructed view found the establishment employee encouraging the movement of a resting sow from the corner of pen #7 with the aid of a rattle paddle. Once the sow was ambulatory and freely walking, the establishment employee was observed to walk up behind the sow, and kick it, contacting the hind quarters. [REDACTED] verbally instructed the establishment employee to stop moving animals. [REDACTED] was informed of the above observation and non-compliance with 9 CFR 313.2(a); U.S. Rejected tag #B45422888 was placed upon the restrainer and [REDACTED] was contacted for further guidance.</p> <p>At approximately 1430 hrs. EST the regulatory control action was removed by inspection program personnel (IPP);[REDACTED] were notified of the forthcoming documentation of the non-compliance.</p> <p>This continues a recent trend in humane handling non-compliance.</p>
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United States Department of Agriculture

Food Safety and Inspection
Service
Office of Field Operations
Jackson District Office
713 S Pear Orchard Rd,
Plaza 2, Suite 402
Ridgeland, MS 39157

January 6, 2021

**Via Email: bsmith@itsgooo-od.com
And FedEx Tracking
#77254911128**

Mr. Ray Barnes, Plant Manager
F. B. Purnell Sausage Co., Inc., Est. M7464
6931 Shelbyville Road
Simpsonville, KY 40067

NOTICE OF SUSPENSION

Dear Mr. Barnes:

On January 6, 2021, a “Notice of Suspension” was issued to suspend the assignment of inspectors for your federal slaughter activities at F. B. Purnell Sausage, Co., Inc., 6931 Shelbyville Road, Simpsonville, KY 40067, Est. M7464. This action was based on your establishment’s failure to handle livestock humanely according to 9 CFR Part 313.

Background/Authority

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 603 *et seq*) 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 amenable species 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 establishments by any method not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906) 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 a method.* This Act also gives FSIS personnel the right to examine and inspect all carcasses and parts of carcasses that are further treated and prepared, and the right to access and examine establishment records.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for establishments producing meat products, including the requirements pertaining to Humane Slaughter of Livestock (9 CFR Part 313) and other matters. Specifically, your establishment failed to meet the following regulatory requirement as specified by 9 CFR § 313.30 (a) (1) and (a) (3) which states, *(a) Administration of electric current, required effect; handling. (1) The electric current shall be administered so as to produce, at a minimum, surgical anesthesia, i.e., a state where the animal feels no*

NOTICE OF SUSPENSION

F. B. Purnell Sausage Co., Inc., Est. M7464

Mr. Ray Barnes, Plant Manager

January 6, 2021

Page 2 of 5

painful sensation. The animals shall be either stunned or killed before they are shackled, hoisted, thrown, cast, or cut. They shall be exposed to the electric current in a way that will accomplish the desired result quickly and effectively, with a minimum of excitement and discomfort. (3) The quality and location of the electrical shock shall be such as to produce immediate insensibility to pain in the exposed animal”.

Humane Methods of Slaughter Act: Humane Methods of Slaughtering Act, 7 U. S. C. 1901 states, “*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 slaughtering operations; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors and consumers which tends 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 (7 U.S.C. 1901).*”

FSIS has prescribed Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describes the types of enforcement actions that FSIS may take including 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. 9 CFR § 500.3 (b) states, “*FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.*”

Findings/Basis for Action

On January 6, 2021, at approximately 0830 hours, while performing the livestock Humane Handling Activities Tracking System (HATS) task at Purnell Sausage Co. Inc., Est. M7464, the following observation was made by the Supervisory Veterinary Medical Officer (SVMO). A suspect sow in the holding pen of the barn was observed being electrically stunned with the portable electric stunner. Your establishment uses a head-then-heart application of the wand. Your establishment personnel applied the wand to the neck of the sow sitting in a sternal position. When the wand was removed for placement on the heart, the sow was observed sensible (conscious eye-tracking). The wand was again placed on the neck of the sow. The sow went lateral recumbent and was again observed sensible (conscious eye-tracking) and rolled back to the sternal position (conscious righting reflex). Your establishment personnel applied the wand 6 times to the head and heart until the sow was rendered insensible. At one point, the sow was heard vocalizing as well. The SVMO immediately took a regulatory control action and applied U.S. Rejected tag #B45-422669 to the restrainer. (b) (6) was informed of the above observation and regulatory control action, as well as documentation of the non-compliance.

On January 6, 2021, at approximately 8:50 AM CDT, the DDM from the Jackson District Office, contacted you telephonically and informed you that the withholding action to suspend the federal slaughter activities at your facility was sustained. You are herein receiving written notification of the suspension of the assignment of inspectors for your federal slaughter activities with this letter.

The occurrence of this inhumane handling incident constitutes a violation of the humane slaughter requirements and supports a conclusion that your handling of livestock violated the provisions of 21 U.S.C. 603, Section 3 (b) of the FMIA, and 7 U.S.C. 1901 and 1902 of the Humane Methods of Slaughter Act of 1978. You failed to meet the regulatory requirements of 9 CFR § 313.30 (a) (1) and (a) (3). The suspension of the assignment of inspectors for federal slaughter activities will remain in effect until you provide written corrective actions and preventive measures to the Jackson District Office, to assure that

NOTICE OF SUSPENSION

F. B. Purnell Sausage Co., Inc., Est. M7464

Mr. Ray Barnes, Plant Manager

January 6, 2021

Page 3 of 5

the animals at your establishment will be handled humanely in accordance with the Humane Methods of Slaughter Act and regulations promulgated there under.

Please provide this office with a written response concerning this Notice of Suspension by addressing the following:

- evaluate and identify the root cause of the incident.
- explain the specific reason(s) why the event occurred.
- describe the specific actions taken to eliminate the root cause of the incident.
- describe specific planned actions that you will take to prevent future recurrences.

Please provide associated records that include monitoring and verification activities that your establishment will use to ensure that the changes made are effectively implemented. We will determine further action, if any, based on your response(s).

As a federally inspected establishment, you are expected to comply with 9 CFR § 313.30 (a) (1) and (a) (3) of the regulations and all other requirements concerning the humane slaughter of livestock. In accordance with 9 CFR § 500.3 (b), we are implementing a suspension of the assignment of inspectors for your federal slaughter activities due to inhumane handling. Establishment management should clearly understand the seriousness of repetitive humane handling violations which could lead to Agency actions, that could result in actions to withdraw the grant of inspection.

You may appeal this action by contacting:

Geraldine French
Executive Associate for Regulatory Operations
Office of Field Operations
United States Department of Agriculture
Room 3161 South Building
1400 Independence Avenue SW
Washington, D. C. 20250
Telephone: (202) 205-0001
Facsimile: (202) 430-3252

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, 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 9 CFR § 500.5 (d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. You may request a hearing by contacting:

Mailing Address:

Scott C. Safian, Branch Chief
Enforcement Operations Branch
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

NOTICE OF SUSPENSION

F. B. Purnell Sausage Co., Inc., Est. M7464

Mr. Ray Barnes, Plant Manager

January 6, 2021

Page 4 of 5

Washington, D. C. 20250

Fax Number: (202) 245-5097

E-mail: AEBCorrespondence@usda.gov

You are reminded that as an operator of a federally inspected establishment you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the inhumane treatment of animals. We urge your voluntary cooperation and compliance.

If you have any questions regarding this matter, please contact the Jackson District Office at (601) 965-4312.

Sincerely,

**DAMON
RANFTLE**

Digitally signed by DAMON
RANFTLE
Date: 2021.01.06 11:05:52
-06'00'

Dr. Larry Davis
District Manager
Jackson District Office

NOTICE OF SUSPENSION

F. B. Purnell Sausage Co., Inc., Est. M7464

Mr. Ray Barnes, Plant Manager

January 6, 2021

Page 5 of 5

Cc:

(b) (6)

Dr. Larry Davis, DM (via electronic copy)

Dr. Damon Ranftle, DDM (via electronic copy)

Dr. Kermit Harvey, DDM (via electronic copy)

Mr. Jason Orlando, DDM (via electronic copy)

(b) (6)

Ms. Geraldine French, EARO (via electronic copy)

Washington, D. C. FSIS HQ personnel (via electronic copy)