



United States Department of Agriculture

Food Safety and  
Inspection Service

July 26, 2022

Digitally-signed copy hand-delivered

Office of Field  
Operations  
Des Moines District  
Office

Randal Strauss, Owner  
Strauss Brands LLC  
9775 South 60th  
Franklin, WI 53132

Neal Smith Federal  
Building  
210 Walnut Street  
Room 985  
Des Moines, IA  
50309-2123

**NOTICE OF SUSPENSION**

Voice 515.727.8960  
Fax 515.727.8991

Dear Mr. Strauss:

This letter confirms verbal notification by the Des Moines District Office, Food Safety and Inspection Service (FSIS) on July 26, 2022, of our decision to suspend the assignment of slaughter inspection program personnel (IPP) at Establishment 2444, Strauss Brand, LLC, Strauss Brands LLC., 9775 South 60<sup>th</sup> Franklin, WI herein referred to as the/your establishment. This action is taken in accordance with the Rules of Practice, 9 CFR 500.3(b), which indicates that FSIS may take a withholding action or impose a suspension without providing an establishment prior notification if it is handling or slaughtering animals inhumanely. FSIS is taking action due to an egregious inhumane handling event that occurred at your establishment on July 26, 2022.

**Background**

The *Federal Meat Inspection Act* (FMIA) (Title 21 of the United States Code {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 methods by which amenable species 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 the *Humane Methods of Slaughter Act* (HMSA) (72 Statute, 862; Title 7 U.S.C. 1901 to 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 methods.

Under the authorities of the Acts, FSIS has prescribed rules and regulations for the

humane slaughtering of livestock, as contained in regulations 9 CFR Part 313, and the HMSA of 1978. FSIS has also developed Rules of Practice regarding enforcement prescribed in regulations 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/Basis for Action**

On July 26, 2022, at approximately 0543 hours during antemortem inspection of animals coming off the truck (HATS Category II - Truck Unloading), IPP observed the following noncompliance with HATS Category VIII – Stunning Effectiveness. A lamb came off the truck with a broken leg and went down near the entrance of the truck. An establishment barn employee administered a hand-held captive bolt (HHCB) stun to the head and confirmed a negative palpebral reflex. It was moved from the dock to the floor outside the barn office to proceed with unloading.

Approximately two minutes later the lamb started to breathe, which was noted by (b) (6) and IPP. IPP observed the lamb was conscious, lifting his head off the ground in a controlled manner, rhythmically breathing. IPP found the corneal and palpebral reflexes to be intact. The lamb also exhibited eye tracking movement. IPP immediately called for the barn employee to stun the animal again. The employee administered a second stun, using the same HHCB captive bolt and the animal was rendered unconscious.

(b) (6) and plant manager Mr. Juan Ruelas were informed of the forthcoming noncompliance record and that IPP would be contacting the Des Moines District Office through supervisory channels for further guidance regarding possible enforcement action.

The restrainer was tagged with U.S. reject tag #B41824402.

### **Conclusion:**

The establishment does have a robust systematic approach, but it was not being implemented at the time of the incident. The observations detailed above indicate an egregious violation of the humane handling requirements specified within the provisions of 21 U.S.C. 603, Section 3(b) of the FMIA, and 7 U.S.C. 1901 and 1902 of the HMSA of 1978 and the regulatory requirements outlined in 9 CFR 313.15(a)(1).

The suspension of the assignment of slaughter IPP will remain in effect until such time as you provide to this office adequate written corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the FMIA, HMSA, and the regulations promulgated therein.

You may provide this office written corrective and preventive measures concerning the NOS and we will determine further action, if any, based upon your response. Your written response should include:

1. An initial assessment of the incident, including determination of the cause.
2. Immediate corrective actions taken.
3. Preventive measures to prevent reoccurrence.
4. Any training of employees and materials used.
5. Type of monitoring activity for stunning, along with a documentation record.

Your proposed corrective actions and preventive measures should include any times and/or dates for completion of these proposed activities.

You are reminded that as an operator of a federally inspected establishment, you are required to comply with FSIS regulations, regarding the humane handling and slaughter of livestock. Please be advised that you have the right to appeal this matter. If you wish to appeal, you should contact:

Attention: Sherri N. Johnson  
Acting Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
South Building, Room 1330A  
Washington, DC 20250  
Office number: 202-379-6196  
[sherri.johnson@usda.gov](mailto:sherri.johnson@usda.gov)

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, regulation 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 Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing.

If you wish to request a hearing regarding this determination, you should contact:

Attention: Scott C. Safian  
Director, Enforcement Operations Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture

Stop Code 3753, SB - Room 2148  
1400 Independence Avenue, SW  
Washington, DC 20250  
Office: (202) 418-8872  
Fax: (202) 245-5097

We urge your cooperation and voluntary compliance. If you have questions regarding this matter, please feel free to contact the Des Moines District Office at 515-727-8960, or (b) (6)

Sincerely,

**MARK  
JOHNSON**

Digitally signed by  
MARK JOHNSON  
Date: 2022.07.26  
12:55:18 -0500

Dawn Sprouls, DVM  
District Manager  
USDA FSIS OFO  
Des Moines District