

対日輸出に関する調査報告書(仮訳)

2006年12月6日

要約

目的

2006年11月、米国農務省(USDA)食品安全検査局(FSIS)のプログラム評価執行検証部(OPEER)は、スイフト社の施設番号969の食肉処理施設からの牛胸腺一箱の不適切な日本向け出荷に関し調査を行った。当該出荷は、USDA 農業販売促進局(AMS)の対日輸出証明(EV)プログラムに適合しないものであった。

調査結果

1. FSIS の調査により、当該工場が、スイフト社の認定された製品リストに反して、牛胸腺の入った20ポンドの箱一箱を日本向けに不適切に出荷したことがわかった。USDA はスイフト社より、混入は内臓製品の仕分けを行う内臓部門で発生した旨の信頼できる説明を受けた。将来、同様の事例が再発しないようにスイフト社は4つの改善措置を提示しており、それらについて USDA は適切であると判断した。
2. 当該工場の輸出用製品のスキヤニング手順が、輸出適格品と輸出不適格品の紛れ込みを防ぐため、さらに強化される必要があることが分かった。
3. 当該工場担当の FSIS の検査プログラム担当官(IPP)は EV 研修を受けており、EV プログラム要件について十分理解していたうえ、関連する指令及び通知に則って輸出証明手順を実行している。
4. 特定危険部位の除去は、当該工場の文書化された手順及び FSIS 規則に則っていた。FSIS は、当該工場が、日本向け牛肉の EV プログラムにある特定製品要件に定められているとおり、輸出適格な最終製品から月齢が確認された原料まで十分さかのぼることが出来るものと確認できた。

結論

スイフト社は4つの改善措置を提示しており、それらについて USDA は適切であると判断した。これらの改善措置には、日本向けの出荷が認められていない製品コードを認識した際にシステムの停止を行う在庫管理スキヤニングシステムの再プログラミング(FSISにより調査され、確認されたもの)、荷を集める場合は日本向け製品専用の包装ラインに日本向け製品のみを流すこと、出荷部門において、日本向け製品の確認スキヤン、手作業でのチェック及びラベルの目視確認を行うこと、が含まれている。FSIS は、当該施設の日本向け製品のための輸出再検査手続きの一環として、これらの改善措置の検証をランダムに行うこととする。FSIS 検査官は、FSIS 指令に従い、これらの改善措置が遵守されていないと判断した場合は輸出証明書に署名しない。

FSIS 及び AMS の査察により、当該工場の枝肉及び日本向けに輸出適格な最終製品の識別要件及び手順は十分なものであり、計画されたとおり実行されていることを確認した。

一箱の20ポンド入り牛胸腺の不適切な出荷を除き、FSIS 及び当該工場は、輸出に関する FSIS 指令及び通知を十分遵守していた。また、当該工場は AMS の EV プログラム要件に従っていた。

Japan Export Inquiry Report

December 6, 2006

EXECUTIVE SUMMARY

PURPOSE

The United States Department of Agriculture's (USDA's) Food Safety and Inspection Service (FSIS), Office of Program Evaluation, Enforcement and Review (OPEER), conducted an inquiry in November 2006, regarding the inappropriate shipment to Japan of one box of beef sweetbreads by Swift Establishment 969. The shipment did not comply with USDA's Agricultural Marketing Service (AMS) Export Verification (EV) Program for Japan.

FINDINGS

1. The FSIS inquiry determined that Swift Establishment 969 inappropriately shipped one 20-pound box of beef sweetbreads to Japan contrary to the Swift approved product list. USDA has received Swift's plausible explanation that commingling occurred in the offal department where sorting of offal products were taking place. In order to mitigate the chance of future recurrence of similar incidents, Swift has proposed 4 corrective actions that USDA has determined as adequate.
2. FSIS found that Swift Establishment 969's procedures for scanning products for export require further strengthening to prevent the commingling of approved and unapproved products.
3. FSIS Inspection Program Personnel (IPP) at this facility have received EV training and a good understanding of the EV Program requirements and are implementing export verification procedures in accordance with the relevant directives and notices.
4. Removal of Specific Risk Materials was in accordance with Swift Establishment 969's written procedures and FSIS regulations. FSIS was able to verify that this establishment could satisfactorily trace finished approved products back to age-verified sources as required by the Specified Product Requirements under the EV Program for beef to Japan.

CONCLUSIONS

Swift has proposed 4 corrective actions that USDA has determined as adequate. They include reprogramming scanning software to lock-up the inventory scanning system (observed and verified by FSIS) when unauthorized product codes for shipment to Japan are identified, to only run product assembled for Japan on a dedicated packaging line when the load is put together, and to perform verification scans as well as manual audits and visual label verification in shipping for product to be exported to Japan. FSIS will verify these corrective actions components on a random basis as part of its export re-inspection procedures for products prepared for Japan at this facility. FSIS inspection personnel will follow FSIS Directives including not signing the export certificate when they determine these corrective action procedures are not being followed.

Both FSIS and AMS audits have verified that Swift Establishment 969 identification requirements and procedures for carcasses and approved finished products destined to Japan are satisfactory and implemented as designed.

With the exception of the inappropriate shipment of one 20-pound box of beef sweetbreads, FSIS and Swift were satisfactorily following the FSIS Directive and Notices for exports. Additionally, Swift Establishment 969 complied with the AMS EV program requirements.

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PURPOSE

The purpose of this document is to provide the results of the inquiry conducted by the United States Department of Agriculture's (USDA's) Food Safety and Inspection Service (FSIS), Office of Program Evaluation, Enforcement and Review (OPEER), Compliance and Investigations Division and Internal Control Staff which document the facts and proposed corrective actions surrounding the shipment of one box of beef sweetbreads by Swift Beef Company (Swift), Establishment (Est.) 969, 800 N. 8th Avenue, Greeley, Colorado, 80631, to Japan which did not comply with USDA's Agricultural Marketing Service (AMS) Export Verification (EV) Program for Japan. The inquiry was undertaken to provide a thorough examination of the events surrounding the October 16, 2006, ineligible shipment of sweetbreads by Swift to Japan.

BACKGROUND

The export of U.S. meat and poultry products to other countries is facilitated by the activities of three separate but interdependent entities: the U.S. meat and poultry industry, the USDA Food Safety and Inspection Service (FSIS), and the USDA Agricultural Marketing Service (AMS).

The U.S. meat and poultry industry is responsible for the slaughter of healthy animals and preparation of food products that are wholesome, properly labeled, and not adulterated. In addition to meeting U.S. food safety standards, the industry must meet all requirements imposed by importing countries. Both U.S. food safety requirements and the trade requirements of importing countries must be met before a product can be certified by USDA for export from the United States.

FSIS is responsible for the inspection of meat and poultry products and the certification of products for export to other countries. FSIS Directive 9000.1, Revision 1, "Export Certification," published March 1, 2006, provides an in-depth description of these responsibilities. The primary regulatory role of FSIS is to make critical determinations that meat and poultry products are not adulterated and meet all U.S. food safety standards for sale in domestic or international commerce. This regulatory activity is complete when FSIS applies the USDA mark of inspection. However, additional verifications are necessary after inspection is complete in order for FSIS officials to execute certifications of product for export.

AMS is responsible for developing EV Programs standards to ensure that establishments certified for export can meet the requirements of importing countries. These programs are approved and monitored by AMS for a fee which is paid by participating establishments.

The combination of a USDA mark of inspection and an AMS EV program provide assurance that U.S. meat and poultry products offered for export may be certified as meeting all U.S. food safety standards and importing country trade requirements.

AMS Export Verification (EV) Program

The AMS Audit, Review, and Compliance (ARC) Branch is responsible for reviewing and approving companies as eligible suppliers of meat and meat products under the USDA Export Verification (EV) Programs. The EV Programs outline the specified product requirements for individual countries.

Establishments that export product to countries with EV Programs must first apply for EV certification. This application identifies the products to be certified and the production practices necessary to meet that requirement.

In order to be eligible for EV certification, establishments must have in place an approved USDA Quality System Assessment (QSA) Program. The QSA Program provides establishments with a method to meet specified product requirements and the opportunity to assure customers of their ability to provide consistent quality products.

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As one of the requirements for getting a QSA Program approved, establishments applying for EV certification must submit a documented quality management system (QMS). The QMS must include a quality manual, documented specified product requirements, documented QMS procedures, procedures for the control of all QMS documents, and procedures for controlling related establishment records.

In addition, before getting QSA Program approval, the establishment must demonstrate that personnel performing work affecting product quality are competent on the basis of appropriate education, training, skills, and/or experience. All training must be documented and records maintained.

AMS ARC Branch personnel conduct regular audits of EV certified suppliers. These announced audits are conducted at least twice per fiscal year (October 1 to September 30). However, more frequent announced audits may be conducted for any of the following reasons: (1) if either numerous major or minor non-conformances are identified during an audit; (2) if customer complaints indicate an ongoing problem; (3) to satisfy specific requests as declared by customers, trading partners, or other financially interested parties; or (4) as directed by the ARC Branch Chief.

Eligible suppliers are posted on the AMS website for the USDA EV Programs. Only eligible suppliers listed in the Official Listing for a country may supply product identified as meeting the requirements of that country's EV Program. Eligible product must be produced under an approved EV Program and be identified by the establishment as meeting the requirements of the EV Program. Only eligible products may be issued a FSIS Export certificate as listed in the FSIS Library of Export Requirements.

Export Verification Program for Japan

The EV Program for Japan mandates that fresh/frozen beef and beef offal and veal and veal offal are derived from animals 20 months of age or younger.

The establishment must establish and maintain records to provide evidence of conformity to program requirements, to specify product requirements, and to provide evidence of the effective operation of the QMS. Shipping documentation (bills of lading, etc.) must have the statement "Product Meets EV Program Requirements for Japan" and must clearly identify the product and product quantity. Eligible products produced by eligible establishments and identified as meeting the requirements of the EV Program for Japan shall receive a FSIS Export Certificate with the statement "Product Meets EV Program Requirements for Japan."

RESULTS OF INQUIRY

Predication and Initial Response

On October 30, 2006, the Importer of Record notified Swift Establishment 969 officials of one box of ineligible beef sweetbreads in a shipment of product to Japan covered by FSIS Export Certificate MPG-390635.

In response Swift Establishment 969 issued two letters dated October 30 and 31, 2006, to the importer pertaining to this incident. In the letters, Swift Establishment 969 management hypothesized the cause of the problem and presented corrective measures to prevent this error from happening on future loads. The letters identified the root cause as a problem with the electronic scanning procedure for each box and pallet of product. It was also determined that an untrained employee might have placed the wrong box (beef sweetbreads) on the pallet of beef tongues designed for export to Japan. To prevent future mishaps, Swift Establishment 969 will be altering their shipping procedures for offal products. Each box will be electronically hand-scanned to confirm that each box on a pallet bears the appropriate product code.

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On November 1, 2006, Ministry of Agriculture Forestry and Fisheries (MAFF) met with officials at the US Embassy, Tokyo. MAFF informed American officials of the ineligible product that had been received in Japan and requested USDA conduct an investigation and provide a report on the incident.

On November 1, 2006, William C. Smith, Assistant Administrator, FSIS Office of Program Evaluation, Enforcement, and Review (OPEER), initiated an investigation into circumstances that resulted in Swift Establishment 969 exporting ineligible product (20 lbs. of “Sweetbread Thymus Gland”) to Japan on October 16, 2006.

On November 6, 2006, U.S. Embassy, Tokyo provided interim findings to the Government of Japan (GOJ).

On November 8, 2006, the GOJ issued a press release. The press release revealed that, “*On October 30, an importer informed the Animal Health Quarantine Office that one box of thymus gland was contained in the shipment that arrived at the port of Osaka. Thymus gland is not an SRM, but was not listed on the Export Certificate issued by the USDA.*” The press release also stated, “*Import procedures for shipments from the concerned establishment will be temporarily deferred including the above shipment. Thus far, the USDA has explained that the product was shipped mistakenly with the Japan bound shipment and that it will strengthen its confirmation upon ship-out.*”

Facts from Inquiry

Swift Establishment 969 is a large slaughter/fabrication facility located at 800 North 8th Avenue, Greeley, Colorado, 80631.

Swift Establishment 969 requested and was approved by AMS to implement and maintain an EV program for the exportation of beef products to the country of Japan. Swift Establishment 969 was approved to slaughter and fabricate various beef cuts and offal products (excluding sweetbreads) for export under the EV Program to the country of Japan. Swift Beef Company, Establishment 969 has exported 31 shipments of EV meat product (approximately 571,802 pounds) to Japan since July 27, 2006.

Specifically, on October 14, 2006, Swift Establishment 969 requested certification to export assorted beef cuts and tongues at their facility by providing Consumer Safety Inspector (CSI) David E. Gutierrez with a completed two page FSIS Form 9060-6 (Application for Export Certificate). The application, which was dated October 14, 2006, does not list beef sweetbreads. Beef products, as they are listed on the application, are as follows:

58519	<i>Bnl. Beef Rib Finger Meat</i>	<i>183.40 lbs.</i>	<i>4 pkgs.</i>
58470	<i>USDA CH Bnls BF c/s Skirt Diaphragm meat</i>	<i>1,929.70 lbs.</i>	<i>58 pkgs.</i>
58970	<i>Bnls BF o/s Skirt Diaphragm meat</i>	<i>839.90 lbs.</i>	<i>27 pkgs.</i>
58440	<i>USDA Cho Bnls BF Hanging Tender</i>	<i>1,765.90 lbs.</i>	<i>43 pkgs.</i>
58940	<i>Bnls Bf Hanging Tender</i>	<i>974.50 lbs.</i>	<i>25 pkgs.</i>
82422	<i>Beef Tongues (vac)</i>	<i>1,462.4 lbs.</i>	<i>102 pkgs.</i>
82426	<i>Beef Tongues #2 (vac)</i>	<i>198.9 lbs.</i>	<i>14 pkgs.</i>
58351	<i>USDA Cho Bnls Bottom Sirloin Butt Beef Flap Meat</i>	<i>1,342.10 lbs.</i>	<i>36 pkgs.</i>
58165	<i>USDA CH BB Chuck Eye Roll H/O S/T</i>	<i>3,636.50 lbs.</i>	<i>99 pkgs.</i>
58168	<i>USDA CH BB Chuck Eye Roll H/O S/T (AGV)</i>	<i>3,804.90 lbs.</i>	<i>94 pkgs.</i>
58410	<i>USDA CH Bnls BF Chuck Short Rib</i>	<i>1,780.40 lbs.</i>	<i>60 pkgs.</i>
58910	<i>Bnls BF Chuck Short Rib</i>	<i>661.40 lbs.</i>	<i>24 pkgs.</i>
58163	<i>USDA Cho Bnls Beef Chuck Flap</i>	<i>1,987.90 lbs.</i>	<i>75 pkgs.</i>
58223	<i>USDA Cho Bnls Beef Short Ribs</i>	<i>1,631.00 lbs.</i>	<i>60 pkgs.</i>

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58119	USDA Cho Bnl Beef Rib Finger Meat	1,767.10 lbs.	39 pkgs.
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The Application also listed the shipping marks of “OSAKA/316723” and Establishment Number “969” for all products. The Application also has the statement “This product meets export verification (EV) program requirements Japan”. The Swift Establishment 969 company representative signing the FSIS Form 9060-6 (Application for Export Certificate) was Robert Donlon, Lister, Shipping Department. CSI Gutierrez signed the application on October 14, 2006.

Swift Establishment 969 manufactured EV beef product for export to Japan from October 3-6 and October 9-13, 2006, for Export Certificate Number MPG-390635. The beef sweetbreads included in this shipment of assorted beef cuts and offal (beef tongues) were manufactured on October 10, 2006. Swift Establishment 969 is only authorized to ship products produced under the USDA EV program and that are listed on the establishments approved product list for Japan. “Beef Sweetbreads” was not listed as an eligible product for export to Japan from Est. 969.

The product “Sweetbreads Thymus Gland” was not listed on the FSIS Form 9060-5 (Meat and Poultry Export Certificate of Wholesomeness) and FSIS Form 2630-12 (Continuation Sheet for Export Certificate MPG-390635). In addition, shipping manifest records for Order # 316723, supplied by Art Rogers, Swift Food Safety Manager, do not list “Sweetbreads Thymus Gland” as product contained in the shipment.

AMS reviewed the unsigned export certificate and issued a Statement of Verification (SOV) for the export on October 16, 2006. FSIS Export Certificate, MPG-390635, and other export forms, were presented to and signed by CSI Gutierrez on October 16, 2006. (FSIS is unable to sign export certificate prior to the receipt of the SOV.) The export load, as indicated by the paperwork, consisted of assorted fresh beef products (760 boxes, 23,966 pounds).

On November 6, 2006, CSI Gutierrez stated in a sworn statement, that the plant stamped all products destined for the EV export. CSI Gutierrez further stated that once the product was staged and stamped, the plant notified the CSI the product was ready for re-inspection. According to CSI Gutierrez, *“Upon receipt of the application for export certificate, I followed the instructions in FSIS Directive 9000.1, Rev. 1, dated March 1, 2006 and FSIS Notice 19-06, dated March 31, 2006. I verified that Swift & Company, Est. 969 was on the AMS EV list as approved to export to the importing country. The products were verified to be derived from animals slaughtered after the date the establishment received approval to export that type of product to Japan. I verified that the products listed on the application for export were eligible for export to Japan under the EV program via the FSIS intranet website. After I determined that the establishment was approved and the products listed on the application for export were approved, I verified that the applicant’s signature was on the application for export certificate and determined that there were no irregularities. I issued the export stamp and export certificate MPG-390635, signed and returned the original application for export certificate to Est. 969. The plant stamped the product and notified me that the shipment was ready for re-inspection. When I re-inspect shipments for export I always make a note of the product codes on a piece of paper to compare them with the products being presented for my re-inspection. I re-inspected approximately 70% of the product for any irregularities and none were observed.”*

FSIS Directive 9000.1, Revision 1, directs inspection program personnel to perform a sensory evaluation of the product to determine its eligibility for export, being particularly alert for signs that product is or may become adulterated or unwholesome. If inspection program personnel find no signs of poor product handling or storage, re-inspection is not required, and inspection program personnel can proceed with signing FSIS Form 9060-6, Application for Export Certificate, and issuing the FSIS Form 9060-5, Export Certificate. If inspection program personnel do find signs of poor product handling or storage while

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conducting the organoleptic examination of the shipping cartons, they are to randomly select up to 5-percent of the boxes or containers and inspect the contents for soundness and wholesomeness.

CSI Gutierrez signed the export documentation: FSIS Form 9060-5 (Meat and Poultry Export Certificate of Wholesomeness), Serial Number MPG-390635, FSIS Form 2630-12 (Continuation Sheet for Export Certificate) MPG # 390635, FSIS Form 9290-1 (Certificate for Export to Japan), and FSIS Form 2630-9 (Letterhead Certificate for Export of Beef and Beef Offal to Japan) on October 16, 2006. The only block on FSIS Form 9060-5 (Meat and Poultry Export Certificate of Wholesomeness), Serial Number MPG-390635 for a date is labeled "Date Issued" which shows a date of October 14, 2006. The form does not have a "Date Signed" block.

In a Memorandum of Interview, Sherri L. Jenkins, Swift Corporate Director of Food Safety, Technology, and Validation, advised that the SOV was received from AMS on October 16, 2006. Ms. Jenkins stated that the office at Swift Establishment 969 completed and dated the export certificate the same day the export was presented for inspection and the application was signed by the USDA inspector on October 14, 2006. She also stated that since October 14, 2006, was on Saturday, the AMS office that approves the export certificate and issues the SOV was not open. The SOV approval could not have been issued on October 14, 2006. Subsequently, the export certificate was sent to AMS on October 16, 2006, at which time it was approved. It is her understanding that the USDA inspector signed the export certificate on October 16, 2006.

Swift Establishment 969 personnel in the shipping department did not catch the box of beef sweetbreads mixed in with the products destined for the EV export. Phillip G. Mendoza, Swift Shipping Manager, in a Memorandum of Interview dated November 3, 2006, advised that his responsibility is overseeing the shipment of fresh and frozen products, including exported products. Mr. Mendoza stated that according to procedures that have always been in place, once a shipment has been staged and the FSIS inspector has approved the application for export, the FSIS inspector provides the plant with an export certificate and the export stamp. At this time company personnel apply shipping marks, including the export certification stamp. During this step, the inspection personnel observe the sampling and inspect the shipment. According to Mr. Mendoza, during this step, in the past, the company did not scan every box, but only hand-scanned the pallet identification. The shipping department should have been hand-scanning every box and manually looking at labels to determine if the wrong product was placed on a pallet, but were not. Mr. Mendoza advised that once he was notified of the export problem, the scanners were checked in the shipping area and found to be working properly. He also stated that the scanners in the offal department were subsequently checked and it was determined they were not functioning properly.

Subsequent to the October 16, 2006, shipment by Swift Establishment 969, AMS issued results of a limited scope audit at Swift to verify that offal products and variety meats saved from known aged cattle were traceable, segregated, and had proper identification, which were derived from cattle that were 20 months of age or younger at the time of slaughter. This is documented on USDA, Livestock and Seed Program, Audit, Review, and Compliance Branch Quality System Audit Report listing "Final 11 03 06". The "Recommendations" listed: "Based on the audit findings, the auditor recommends that Swift (Greeley, CO) be approved for offal products and variety meats, as stated above, from known aged cattle for export to Japan."

Mr. Scott J. Leach, QA Manager, in a Memorandum of Interview, dated November 3, 2006, hypothesized that the firm determined that a scanning equipment failure caused the box of beef sweetbreads to be included in the pallet of beef tongues exported to Japan. In addition, Billie R. Danley, General Plant Manager, in a Memorandum of Interview, dated November 3, 2006, hypothesized that the scanner in offal may not have been operating properly. Also, in response to being questioned about an individual referenced in Swift's October 31, 2006, e-mail to the importer of record, being sick, Mr. Danley stated

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that this explanation was only meant to be a theory and that no responsible person was found to have been sick or off during that time.

Ms. Jenkins and Mr. Rogers, in a combined Memorandum of Interview, dated November 3, 2006, advised that the plant is examining the programming issues with the scanners at present. In addition, color coding labels for offal products (EV Program) is also an option that is being researched.

Ms. Jenkins stated in a signed statement on November 10, 2006, *“Based on my review of documentation prepared by others at Swift, the shipment containing the box of beef sweetbreads in questions is covered under transportation (truck) Bill of Laden 01E14028A-0 and bill of laden (ocean transportation) OAKA03359306, via Oakland, California port of discharge Osaka, Japan container # HJCU6931019, Seal # 252168. The container was filled at our Est. 969 facility and sealed prior to being shipped to Oakland, California and onto the country of Japan.”*

Glenda L. Perez, Offal Scanner, in a Memorandum of Interview, dated November 13, 2006, advised she was not sure what occurred on the day the box of beef sweetbreads was shipped to Japan. She was not aware anything was wrong with the scanner. She advised that she knows that management officials have been testing the scanner for accuracy and know the scanner has been reprogrammed.

Corrective Actions Reported by Swift Beef Company

Swift has proposed 4 corrective actions that USDA has determined as adequate. They include reprogramming scanning software to lock-up the inventory scanning system (observed and verified by FSIS) when unauthorized product codes for shipment to Japan are identified, to only run product assembled for Japan on a dedicated packaging line when the load is put together, and to perform verification scans as well as manual audits and visual label verification in shipping for product to be exported to Japan. FSIS will verify these corrective actions components on a random basis as part of its export re-inspection procedures for products prepared for Japan at this facility. FSIS inspection personnel will follow FSIS Directives including not signing the export certificate when they determine these corrective action procedures are not being followed. Each of these 4 specific actions is addressed below.

FSIS Consumer Safety Officer (CSO) Bobby Maxwell observed the process of packaging of sweetbreads using the scanner. His observations/report revealed the corrective actions taken by Swift Establishment 969 on the scanning process:

On November 10, 2006, CSO Maxwell was given a demonstration by Art Rogers, Food Safety Manager, Swift & Company, Est. 969 of the scanning process in the offal department. CSO Maxwell observed a box of sweetbreads as it came down the conveyor towards the scale in the offal department. The box was filled with sweetbreads and the top of the box was off so that the employee at the scale could determine what the product was and enter the appropriate code into the scanner. This conveyor had other offal products other than the sweetbreads on it. When the box arrived at the scale, the employee entered the appropriate code for sweetbreads (82352) and then slid the box onto the scale. The product was weighed and the employee printed the label from the scale and placed it on the side of the box. The employee then placed the top on the box and slid the box of sweetbreads, which was fully boxed and labeled, onto another conveyor perpendicular to the first conveyor.

This second conveyor, which also had different products on it, went to the palletizing area. At palletizing, the box of sweetbreads was placed onto a pallet. Once a pallet was completed, the employee in palletizing placed a pallet bar code sticker onto one of the boxes on top of the pallet. The employee scanned the bar code and programmed the scanner. The scanner was a Symbol,

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model 68XX series hand-held portable scanner. Once the scanner was programmed, the employee scanned a box of sweetbreads on the pallet. According to Art Rogers, once the first box of sweetbreads was scanned, this will set the scanner to recognize additional boxes on this pallet with the same code as the first box scanned and if any box with codes other than the sweetbread code were scanned, they would be rejected.

CSO Maxwell requested a demonstration and Art Rogers placed a box of tongues onto the pallet of Sweetbreads and instructed the employee to scan the box. When the box was scanned, the scanner locked-up and the following message was displayed on the screen of the scanner, "No mixed product allowed on pallet, exiting pallet build, enter to continue". At this point the employee reprogrammed the scanner and was forced to start scanning the pallet entirely over beginning with the pallet bar code.

Mr. Mendoza, in a Memorandum of Interview, dated November 3, 2006, declared that the firm is instituting the following corrective actions:

- Each box of product on pallets in both offal and shipping will be scanned for accuracy prior to shipment to Japan.
- The Offal supervisor will manually count and visually verify labels on product destined to Japan.
- The shipping manifest records will be checked for proper serial numbers and cross reference.
- We will sign off on something (to be determined) that will show 100% of the boxes have been verified for labeling and box count accuracy.

Billie R. Danley, General Plant Manager, in a Memorandum of Interview, dated November 3, 2006, advised that the safeguard they now have in place is to only run product being assembled for Japan on that (packaging) line when the load is being put together. They will also hand scan each box individually, and physically take a box count of the product prior to shipment.

According to the Swift Establishment 969 QSA Program for Export, Policies and Procedures, Current Revision October 31, 2006, page 23: *"On the days that age verified cattle are being slaughtered, the offal department will be able to save designated offal items at the start of shift. The number of cattle in the age verified lots will be communicated to the slaughter QA and production both over the radio and via drive cards. The start of the first non-age verified lot will be communicated in the same manner. The slaughter QA will follow the last head of the age verified cattle to the evisceration table on the slaughter floor. At that point, the slaughter QA will communicate to offal production and QA via radio that the last of the age verified cattle are at the viscera table. A cut off will occur of offal products designated for export to Japan at this point. Any remaining offal product downstairs not already segregated and identified at this point will be "downgraded" to regular production (Age Verified Offal Segregation Procedures)."*