

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	Tyson Fresh Meats, Inc.)	P & S Docket No. 16-0188
)	
)	
	Respondent)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent Tyson Fresh Meats, Inc. willfully violated the Act and regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (Regulations). This Decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent Tyson Fresh Meats, Inc. admits the jurisdictional allegations in Paragraph I of the Complaint and Notice of Hearing and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this Consent Decision.

Complainant agrees to the entry of this Consent Decision.

Findings of Fact

1. Tyson Fresh Meats, Inc. (Respondent), is a corporation organized and existing under the laws of the State of Delaware. Its business mailing address is 800 Stevens Port Drive, Dakota Dunes, South Dakota 57049-5005. Its address for service of filings in this case is c/o Bryan Burns, Senior Counsel, 2200 W. Don Tyson Parkway, Springdale, Arkansas 72762-6999.

2. At all times material herein, Respondent was:

- (a) Engaged in the business of buying livestock in commerce for the purposes of slaughter; and
- (b) A packer within the meaning of, and subject to the provisions of, the Act.

Conclusion

Respondent having admitted the jurisdictional facts, and the parties having agreed to the entry of this Consent Decision, the Consent Decision will be entered.

Order

Respondent Tyson Fresh Meats, Inc., its agents and employees, directly or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from failing to disclose, or otherwise make known to hog producers, prior to purchase, a description of the carcass trim procedure to be used in determining the purchase amount of the producer's hogs, in accordance with section 201.99(a) of the Regulations (9 C.F.R. § 201.99(a)).

Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is hereby assessed a civil penalty in the amount of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00).

The provisions of this Order shall become effective upon issuance. Copies of this Consent Decision and Order shall be served upon the parties.

Done at Washington, D.C.

This 30 day of sept, 2016



Administrative Law Judge

Jill S. Clifton


Tyson Fresh Meats, Inc.
Respondent,

By: 

Title: SVP- Pork Division


L. Bryan Burns
Attorney for Respondent


Leah C. Battaglioli
Attorney for Complainant


Christopher Young
Attorney for Complainant