

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
C/O
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In re:) P. & S. Docket No. D-07-0192
)
Swift & Company)
d/b/a Swift Beef Company,)
)
Respondent) Decision Without Hearing by Reason of
) Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), hereinafter the "Act," by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, on September 13, 2007, alleging that Respondent has willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (Rules of Practice) applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint 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 decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Swift & Company, referred to herein as "Respondent," is a corporation organized and existing under the laws of the State of Delaware and headquartered in Colorado. Its corporate mailing address is 1770 Promontory Circle, Greely, CO 80634.
2. Respondent at all times material to this complaint was:
 - (a) Engaged in the business of buying livestock in commerce for the purpose of

slaughter; and

(b) A packer within the meaning of and subject to the provisions of the Act.

Conclusions

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

Order

Respondent, Swift & Company, its agents and employees, directly or through any corporate or other device, in connection with its activities subject to the Act, shall cease and desist from purchasing livestock and failing to pay, when due for such livestock purchases.

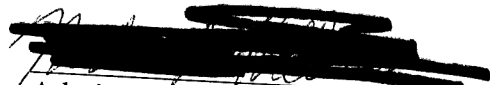
Respondent, Swift & Company, is hereby assessed a civil penalty of forty thousand dollars (\$40,000.00).


The provisions of this Order shall become final and effective upon issuance.

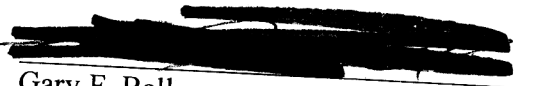
Copies of this Decision and Order shall be served upon the parties.

Issued in Washington, D.C.

this 4th day of November, 2007.


Administrative Law Judge


For Swift & Company,
Respondent


Gary F. Ball
Attorney for Complainant