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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P. & S. Docket No. D-09- 0136
)	
Sioux-Preme Packing Co., Inc., d/b/a)	
Sioux-Preme Pork Products, Ltd.,)	
)	
Respondent)	Complaint and Notice of Hearing

There is reason to believe that Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act"), and therefore, this Complaint and Notice of Hearing is issued alleging the following:

I

(a) Sioux-Preme Packing Co., Inc., d/b/a Sioux-Preme Pork Products, Ltd., (hereinafter, "Respondent") is a corporation organized and existing under the laws of the State of Iowa. Respondent's address is 4241 U.S. 75 Avenue, Sioux Center, Iowa 51250.

(b) Respondent is, and at all times material herein was:

- (1) Engaged in the business of buying livestock in commerce for purposes of slaughter;
- (2) Engaged in the business of slaughtering hogs and manufacturing or preparing meat or meat products for sale or shipment in commerce; and
- (3) A packer within the meaning of and subject to the Act.

II

During the period of May 22, 2008 through May 31, 2008, Respondent purchased livestock, and in connection with those purchases, failed to maintain and operate its livestock scale so as to ensure accurate weights.

III

On January 18, 2005, Respondent received a letter from Jay A. Johnson, Regional Manager for the Packers and Stockyards Program, which informed Respondent that Respondent's livestock scale failed to comply with 9 C.F.R. § 201.71 of the regulations and the applicable requirements contained in the General Code, Scale Code, and Weights Code of the 1996 edition of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," ("Handbook 44") which is incorporated in 9 C.F.R. § 201.71 by reference, in that Respondent failed to maintain its dynamic monorail weighing system within the allowable error tolerances.

IV

By reason of the facts alleged in paragraph II, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. §213) and section 201.71 of the regulations (9 C.F.R. § 201.71) by failing to maintain and operate a livestock scale which conformed to the requirements of Handbook 44.

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has, in fact, willfully violated the Act, this Complaint and Notice of Hearing shall be served upon Respondent. Respondent shall have twenty (20) days after receipt of this Complaint and Notice of Hearing to file with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, an answer with an original and three copies, fully and completely stating the nature of the defense and admitting or denying, specifically and in detail, each material allegation of this Complaint and Notice of Hearing. Allegations not answered will be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing unless the parties have agreed to a consent decision pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138).

Respondent is hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing as provided by sections 1.136 and 1.141 of the Rules of Practice, a hearing for the above-mentioned purpose will be held at a time and place to be later designated before an administrative law judge authorized to conduct such hearing. At such hearing, Respondent will have the right to appear and show cause why an appropriate order should not be issued in accordance with the provisions of the Act requiring that Respondent cease and desist from violating the Act with respect to the matters alleged herein and assessing an appropriate civil penalty.

Done at Washington, D.C.

this 16 day of June, 2009



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program
Grain Inspection, Packers and Stockyards
Administration

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