



**HAND DELIVERED &
ELECTRONIC MAIL**

October 16, 2015

Mr. Jon Morrill, HACCP Coordinator
Good Food Concepts
dba Ranch Foods Direct
Establishment M 27316/ P 27316
2901 North El Paso Street
Colorado Springs, Colorado 80907
jon@ranchfoodsdirect.com

NOTICE OF SUSPENSION

Dear Mr. Morrill:

This letter serves as official notification of the suspension of the assignment of FSIS inspectors at your establishment, Good Food Concepts, dba Ranch Foods Direct, Est. M 27316/ P 27316, located in Colorado Springs, Colorado, in accordance with 9 CFR 500.3(a)(1) and (2) (Rules of Practice). I, Deputy District Manager (DDM), Dr. Scott Wagner verbally notified you of the suspension on October 16, 2015, at approximately 1410 hours.

During the Comprehensive Food Safety Assessment (CFSA) started on October 13, 2015, the Enforcement Investigations and Analysis Officer (EIAO) found that there is no clear separation of time and/or space during the production of meat and poultry products produced under the retail exemption; your firm receives, packages and distributes fully cooked products (including pastrami, ham, hot dogs, and sausages) without a HACCP Plan; your firm produces and sells lard without a HACCP plan; and numerous beef, pork, lamb, goat, and poultry products were being offered for sale containing the mark of inspection after being produced as retail exempt product. The EIAO notified the Denver District Office of the findings, and, on October 16, 2015, the suspension action was taken at your establishment.

Upon further investigation, additional extensive findings support the enforcement action, based on your firm's failure to meet the regulatory requirements of 9 CFR 305.2 (a), 317.2 (c) (2), 417.2 (a) (1) and (e), and 430.4.

On October 16, 2015, during observations of the facility, the EIAO and District Case Specialist (DCS) observed establishment employees processing raw beef and poultry products in the

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“federal” area of the establishment. Upon further inquiry, the EIAO was informed the poultry product was being trimmed for retail sale. Also on October 16, 2015, the EIAO observed tenderized steaks being produced in the “retail” area of the establishment. The establishment employee applied a label with the mark of inspection to the individual interior cryovaced packaging, as well as to the outside of the three boxes of finished product. Upon inquiry by the EIAO, the plant employee stated that the product was for a “wholesale” customer. This is noncompliant with 9 CFR 305.2 (a).

On October 15 and 16, 2015, the EIAO was informed that the establishment receives bulk packages of sliced bacon, ham, hot dogs, and fully cooked sausages. Your establishment does not have a written HACCP plan for any of these products which are opened and repackaged on-site. In addition, your establishment failed to apply an ingredient statement, including identifying sodium nitrite, a restricted ingredient, on the packaging of the products. Your establishment resells these products to restaurants and retailers. Some cases are sold intact as “box in- box out”; however, the bacon product is also re-packaged into smaller retail packages and sold to a consignee that provides two slice packages to their customers, as well as to additional consignees in one-pound packages with no ingredient label applied by the establishment. The establishment further processes the ham products (including slicing into deli meat and ham steaks) and sells it to restaurants with no ingredient statement applied, or the identification of the nitrite used. The ham products were shipped in containers labeled with the mark of inspection, and may or may not have a label with the mark of inspection on the packages inside. The establishment “breaks bulk” for the hot dog and sausage products, which were sold to restaurants, caterers, and non-profit clubs for events. These products were shipped in containers labeled with the mark of inspection, and may or may not have a label with the mark of inspection on the packages inside. In addition, the firm does not have a written *Listeria* program or Sanitation program that addresses the control of *Listeria* spp. This is noncompliant with 9 CFR 317.2 (c) (2), 417.2 (a) (1) and (e), and 430.4.

On October 16, 2015, the EIAO determined that the establishment produces multi-ingredient raw sausages. The establishment has a written HACCP plan for raw non-intact products. One of the products, a raw poultry sausage contains Gouda cheese and cream. These items are identified on the label; however, allergens are not identified or included at the receiving or storage steps in the establishment’s raw non-intact hazard analysis. This is noncompliant with 9 CFR 417.2 (a)(1).

Prior to the start of the FSA, several large buckets of lard were tagged by FSIS personnel, as this product was produced at your establishment, without a HACCP plan in place. On October 16, 2015, while conducting a walk-through of the freezer, 3 cases of lard were observed on a shelf located on the back wall prior to entering the blast freezer. In speaking with Mr. Luis Guerra, Production Manager, he stated that the product was not currently being sold, but that the containers of lard could be sold in the retail area. After discussion, it was determined that the lard in question was from the same production process for the product that is currently tagged, due to the lack of a HACCP plan. On October 16, 2015, the establishment placed 5 cases containing 12 buckets each on hold. This is noncompliant with 417.2 (a) (1) and (e).

On October 16, 2015, during observations of the retail store section of the establishment, the EIAO and DCS observed that the following list of products in the retail case had the mark of

inspection (M/P 27316). However, due to the lack of separation of retail and inspected product, FSIS is not able to determine if these products are eligible to bear the mark of inspection.

1. Raw sausage product that is produced at the establishment. Per verbal discussion with Production Manager Mr. Guerra, they produce a pork breakfast sausage with an ingredient statement on the label, but the label fails to include BHT and BHA, which are restricted ingredients. These products are labeled with the mark of inspection and are sold in their retail store, as well as to restaurants and markets.
2. Corned beef product that is produced at the establishment. The products contain the mark of inspection (Est. M 27316), and there is no ingredient statement on the package. Your establishment does not have a HACCP plan for corned beef nor do you address it in your raw intact HACCP plan.
3. Boneless turkey breast with the mark of inspection (P 27316).
4. Beef kidney, diced beef heart, chicken heart, chicken liver, beef cheeks, beef tongue, beef rib bones, beef knuckles, beef marrow bones, turkey back, turkey neck, chicken feet and beef suet (kidney fat). The establishment does have offal as part of the Raw Intact HACCP plan.

Title 9 CFR 500.3(a)(1) states that the Food Safety Inspection Service (FSIS) has the authority to take a Suspension action without prior notification because "The establishment produced and shipped adulterated or misbranded product." In addition, 9 CFR 500.3(a)(2) states that FSIS has the authority to take a Suspension action without prior notification because "The establishment does not have a HACCP plan as specified in 9 CFR 417.2."

Based on the findings listed above, FSIS has concluded that the suspension action at Good Food Concepts, Est. M 27316/ P 27316, is warranted. The suspension will remain in effect until your establishment provides appropriate corrective and preventative actions to FSIS and provides written assurances that all identified findings have been adequately addressed.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Dr. Keith Gilmore
Executive Associate for Regulatory Operations
USDA/FSIS/OFO
Room 985, Federal Building
210 Walnut St
Room 985
Des Moines, IA 50309
Tel: 515-727-8970
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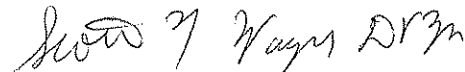
In accordance with 9 CFR Part 500.5 (d), you may request a hearing concerning this action by contacting:

Director
Food Safety and Inspection Service

Office of Investigation, Enforcement and Audit
Enforcement and Litigation Division
Stop Code 3753, PP3, Cubicle 8-235A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

Please submit all written responses to the Denver District Office. If you have any questions regarding this matter, you may contact the Denver District Office at (303)236-9800.

Sincerely,



Dr. Scott Wagner
Deputy District Manager
Denver District
Scott.Wagner@fsis.usda.gov

cc: FO/QER
Reader File
Est. File
A. Gallegos, DM
R. Reeder, DDM
M. Esteras, DDM
S. Symons, DDICS
D. Klages, SEIAO
B. Brock, aSEIAO
R. Garner, FLS
J. Monteverde, EIAO
A. Khroustalev, RD/OIEA