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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	PACA Docket No. D-10-0005
)	
Missiana Produce, Inc.,)	
)	
Respondent)	Consent Decision

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*; hereinafter the "PACA"). The Complaint alleges that Respondent Missiana Produce, Inc., willfully, flagrantly, and repeatedly violated section 2(5) of the PACA (7 U.S.C. § 499b(5)) by misrepresenting by word, act, mark, stencil, label, statement, or deed, the state of origin of sweet potatoes that it received and packed for shipment and sale by a customer in interstate commerce. More specifically, the Complaint alleges that in September of 2008, Respondent packed Mississippi-grown sweet potatoes into 3,850 boxes with markings to indicate that the sweet potatoes were from Louisiana.

The parties have now agreed to entry of this Decision without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138). Respondent admits the jurisdictional allegations in Paragraph II of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining Complaint allegations, waives oral hearing and

further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to entry of this Decision.

Complainant agrees to entry of this Decision.

Finding of Fact

1. Missiana Produce, Inc., ("Missiana"), is a corporation registered in the State of Mississippi. Respondent's business address is 254 Highway 32 East, Bruce, Mississippi 38915. Respondent's mailing address is PO Box 467, Chadbourn, North Carolina 28431. The corporation's registered agent for service of process is Bill Wooten, 124 Jimmy Beckley Dr., Bruce, Mississippi 38915.

2. Respondent Missiana is licensed under the provisions of the PACA. License number 20041097 was issued to Respondent on August 9, 2004. This license is next subject to renewal on or before August 9, 2011.

Conclusion

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

Order

Respondent Missiana Produce, Inc., is assessed a civil penalty of twenty-five thousand (\$25,000) dollars.

The civil penalty shall be paid within fourteen (14) days of issuance of this Order. Payment shall be made in the form of a check or money order made payable to the "Treasury of the United States." The check or money order shall be sent to: Trade Practices Section, PACA Branch, USDA, AMS, Fruit and Vegetable Programs, Room

2095 - South Building, Stop 0242, 1400 Independence Avenue, S.W., Washington,
D.C. 20250.

This Order shall become effective upon issuance. Copies of this Order shall be
served upon the parties.

Done at Washington, D.C.

this 17th day of October 2010

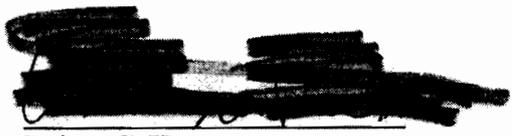

ADMINISTRATIVE LAW JUDGE

FOR RESPONDENT:

Missiana Produce, Inc.
Respondent

By: 
Pres.
Title

FOR COMPLAINANT:


for Robert C. Keeney
Acting Associate Administrator
Agricultural Marketing Service


Stephen P. McCarron, Esq.
McCARRON & DIESS
Attorney for Respondent


Charles E. Spicknall
Office of the General Counsel
Attorney for Complainant