

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

FILED

In re:	)	P. & S. Docket No. D-08-0141
	)	
Swift and 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 referred to as the “Act”), by a Complaint and Notice of Hearing filed on June 18, 2008 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 et seq.) (hereinafter referred to as the “regulations”). This decision is entered pursuant to the consent decision provisions of the 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 Notice of Hearing, 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. Respondent is a corporation organized and existing under the laws of the State of Delaware, located in Greeley, Colorado. Its business mailing address is 1770 Promontory Circle, Greeley, CO 80634.

2. Respondent is, and at all times material herein was:

(a) Engaged in the business of buying livestock in commerce for the purposes of slaughter;

(b) Engaged in the business of manufacturing or preparing meat and meat food products for sale or shipment in commerce; and

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

### Order

Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, in connection with all its activities subject to the Act, shall cease and desist from inaccurately weighing livestock carcasses for the purposes of payment to livestock sellers, reporting inaccurately weighed hot carcass weights to livestock sellers, and paying livestock sellers on inaccurate hot carcass weights, in willful violation of section 202(a) of the Act (7 U.S.C. § 192 (a)), section 409 of the Act (7 U.S.C. § 228 (b)), and sections 201.71(a) and 201.99(d) of the regulations (9 C.F.R. §§ 201.71 and 201.99).

Pursuant to Section 203 of the Act (7 U.S.C. § 193), Respondents are assessed a civil penalty in the amount of \$6200.00, payable to the United States Treasury immediately upon service of this Order on Respondent. The payment shall be sent to the following address: USDA, GIPSA, P.O. Box 790335, St. Louis, MO 63179-0335.

The provisions of this Order shall become effective immediately upon service of this Order on the Respondent.

Copies of this decision shall be served upon the parties.

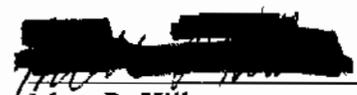
  
\_\_\_\_\_  
Christopher Young, Esq.  
Attorney For Complainant

12/9/08  
\_\_\_\_\_  
Date

  
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Robert Youle, Esq.  
Attorney For Respondent

12/16/2008  
\_\_\_\_\_  
Date

Issued this 18<sup>th</sup> day of  
December, 2008

  
\_\_\_\_\_  
Marc R. Hillson  
Administrative Law Judge