



## DEPARTMENT OF HEALTH & HUMAN SERVICES

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Food and Drug Administration  
Denver District Office  
Building 20 – Denver Federal Center  
P.O. Box 25087  
Denver, Colorado 80225-0087  
TELEPHONE: 303-236-3000

May 17, 2013

Jimmie D. Shearer, President  
Sunland, Inc.  
P.O. Box 1059  
Portales, NM 88130

### **VIA UPS Overnight Mail and Electronic Mail**

**Re: United States of America v. Sunland Inc., and Jimmie D. Shearer, Civil No. 2:12-cv-01312 (D.N.M.)**

Dear Mr. Shearer:

The United States Food and Drug Administration (FDA) has received Sunland Inc.'s May 13, 2013, request to resume operations at the Peanut Butter Plant. FDA has reviewed the following submissions from Sunland:

- the curriculum vitae of Sunland's Sanitation Expert, (b) (4), (b) (6), submitted under paragraph 5.A of the of the Consent Decree of Permanent Injunction entered in the above referenced case (the Decree);
- the Peanut Butter Plant sanitation control program submitted under paragraph 5.C of the Decree, including Sunland's revised sanitation and good manufacturing practices and its hazard analysis and critical control points plan for the Peanut Butter Plant;
- the findings from the Sanitation Expert's inspection of the Peanut Butter Plant, submitted under paragraph 5.E of the Decree;
- the Sanitation Expert's written certification that, based upon the Sanitation Expert's inspection, Defendants continuously maintain the Peanut Butter Plant Program and appear to be in compliance with the Decree, the Federal Food, Drug, and Cosmetic Act (the Act), and its implementing regulations; and
- Sunland's reports of the actions taken to bring its operations into compliance with the Decree, the Act, and its implementing regulations, submitted under Paragraph 5.G of the Decree.

Based on our review of these submissions and our teleconferences with your firm on March 5 and 14, and April 11 and 30, 2013, FDA has determined that Sunland's Peanut Butter Plant complies with requirements of Paragraphs 5.B of the Decree. Accordingly, pursuant to Paragraph 5.I of the Decree, Sunland may resume receiving, preparing, processing, packing, holding, and distributing articles of food at or from the Peanut Butter Plant.

Please note that the Decree remains in effect, including, but not limited to, the provisions of paragraph 14 related to failure to comply with the Decree, the Act, and its implementing regulations. Under paragraph 12 of the Decree, FDA reserves the right, to inspect your facility at any time to evaluate your compliance with the terms of this Decree, the Act, and its implementing regulations.

Sincerely,



LaTonya M. Mitchell  
Denver District Director

LMM/NGS