

Four Indicted in Salmonella Outbreak

KATE BRUMBACK & MARY CLARE JALONICK, Associated Press

WASHINGTON (AP) — Four former peanut company employees have been charged with scheming to manufacture and ship salmonella-tainted peanuts that killed nine, sickened hundreds and prompted one of the largest recalls in history.

The indictment by a federal grand jury in Georgia is a rare move by the federal government in food poisoning cases. Justice Department officials said Thursday that the charges stemming from the 2009 outbreak serve as a warning to food manufacturers who may compromise consumer safety in search of higher profits.

"When food or drug manufacturers lie and cut corners, they put all of us at risk," Stuart F. Delery, who heads the Justice Department's Civil Division, said at a news conference. "The Department of Justice will not hesitate to pursue any person whose criminal conduct risks the safety of Americans who have done nothing more than eat a peanut butter and jelly sandwich."

The 76-count indictment was unsealed late Wednesday in federal court in Albany, Ga. It accuses Peanut Corporation of America owner Stewart Parnell, his brother Michael Parnell and Georgia plant manager Samuel Lightsey with conspiracy, mail fraud, wire fraud and the introduction of adulterated and misbranded food into interstate commerce with the intent to defraud or mislead. Michael Parnell was a food broker who worked with the company.

Stewart Parnell, Lightsey and quality assurance manager Mary Wilkerson were also charged with obstruction of justice. The conspiracy and obstruction of justice charges each carry a maximum sentence of 20 years.

The Justice Department said a fifth employee had pleaded guilty to similar charges in a separate case.

Criminal charges are rare in food outbreak cases because intentional adulteration is often hard to prove and companies often step up and acknowledge their mistakes. Widespread outbreaks like the salmonella in peanuts are becoming more common as food companies ship all over the country and the world.

Investigations are pending into two other large outbreaks in recent years — an outbreak of salmonella in eggs in 2010 and an outbreak of listeria in cantaloupe in 2011 that was linked to more than 30 deaths.

Bill Marler, an attorney who represented many of the victims in the peanut case, has specialized in food safety law for 20 years. He says this is the first time he can remember such a scathing indictment on a food poisoning case.

"If I were an executive of a company, today I'd be asking my lawyers, 'How does

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this not happen to me?" Marler said.

The conditions at Peanut Corporation of America — and the employees' alleged attempts to conceal them — appear more pronounced than most.

The company's filthy processing plants were blamed for the outbreak that killed nine people and sickened hundreds. One plant was in Plainview, Texas, with the State Department of Health Services closed Feb. 10, 2009, after product samples tested positive for salmonella.

Food and Drug Administration inspectors found remarkably bad conditions inside the processing plant in Blakely, Ga., including mold, roaches and a leaky roof. According to e-mail uncovered by congressional investigators shortly after the outbreak, Parnell, who invoked the Fifth Amendment to avoid testifying before Congress in February 2009, once directed employees to "turn them loose" after samples of peanuts had tested positive for salmonella and were then cleared in another test.

The indictment says the company misled its customers about the existence of salmonella in its product, even when lab tests showed it was present. It says the co-workers even fabricated certificates accompanying some of the peanut shipments saying they were safe when tests said otherwise.

The company later went bankrupt.

According to the indictment, Peanut Corp. included Mexican and Argentine peanut paste in products shipped to a multinational food products company in Battle Creek, Mich., but said it was all from the United States. The indictment does not name the company, but Kellogg's is based in Battle Creek and Kellogg's Austin and Keebler peanut butter sandwich crackers were part of the massive recall.

The indictment also says Stewart Parnell, Lightsey and Wilkerson gave untrue or misleading statements to FDA investigators who visited the plant as the outbreak was unfolding, leading to the obstruction of justice charges.

Parnell's attorneys said in a statement after the indictment was unsealed that they are disappointed that the government has decided to pursue the case after four years and charged that the FDA knew about the company's salmonella testing and had not objected.

"At this point, we will evaluate the charges that have been filed against Mr. Parnell and will prepare for a vigorous defense," said attorneys Bill Gust and Tom Bondurant. "There is little doubt that as the facts in this case are revealed, it will become apparent that the FDA was in regular contact with (Peanut Corporation of America) about its food handling policy and was well aware of its salmonella testing protocols."

Parnell himself said more than two years ago that he wanted the criminal investigation resolved one way or another.

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"I feel like I wish they'd come on and do what they're going to do," Parnell told The Associated Press in 2010. "I'd like to get this behind me."

At the time of that interview, Parnell had returned to the industry as a consultant brokering peanut equipment sales, angering families who were hoping he would be charged. It is unclear if he has still been doing that consulting.

Jim Parkman, a lawyer for Lightsey, said nothing in the indictment surprises him and he is eager to defend his client.

"I'm glad it finally came out so we can get this cleared up and clear Sammy's name," he said. "We look forward to getting to a trial where we can finish the story."

More than 700 illnesses in 46 states were linked to the outbreak, though the actual number of victims is likely much higher. The company shipped to many large and small companies around the country, and around 3,500 products were recalled.

Families of the victims had been pushing the government for four years to hold Parnell and the others responsible.

Randy Napier's mother died in 2009 after eating peanut butter at an assisted living facility in Ohio. Along with other victims' families, he has kept in touch with the Justice Department and pressured them to bring charges.

"I had begun to give up hope," Napier said after learning of the indictment. "It's hard to put into words. We have waited so long for this."

Michael Moore, U.S. attorney for the Middle District of Georgia, said the probe took so many years to complete because the defendants attempted to conceal their actions and because thousands of documents had to be reviewed.

"These defendants cared less about the quality of the food they were providing to the American people and more about the quantity of money they were gathering while disregarding food safety," Moore said.

A federal judge in 2010 approved a \$12 million insurance settlement for more than 100 salmonella victims.

Kate Brumback reported from Atlanta. Associated Press writers Steve Szkotak in Richmond, Va., and Pete Yost in Washington contributed to this report.

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