BPI Worker Sues ABC, Jamie Oliver Over 'Pink Slime'

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SIOUX FALLS, S.D. (AP) — A former worker at a South Dakota beef processor is suing ABC News, celebrity chef Jamie Oliver and a food blogger, saying their use of the phrase "pink slime" to describe one of the company's products led to him losing his job.

Bruce Smith, 58, is among about 750 people who were laid off at Beef Products Inc. in the wake of what the company called a misinformation campaign in social media and news reports about the product: lean, finely textured beef.

In May, Beef Products Inc. closed three plants — one each in Texas, Kansas and Iowa — and laid off workers at its corporate headquarters in South Dakota.

Smith, of Dakota Dunes, was the company's senior counsel and director of Environmental, Health & Safety. He filed a civil suit Tuesday in Dakota County District Court in Nebraska seeking $70,000 in damages.

The company "and its employees were unfairly and unnecessarily maligned and accused of producing a food product that did not exist, a product that critics unfairly labeled 'pink slime,'" he said in a statement.

The lawsuit names as defendants American Broadcasting Companies, Inc., ABC News, ABC News journalists Diane Sawyer and Jim Avila, Oliver, food blogger Bettina Siegel and 10 unnamed defendants.

Smith claims ABC News, Sawyer and Avila knowingly and recklessly made untrue statements about the product during newscasts. BPI has already sued ABC News, Sawyer and Avila for defamation over its coverage of the product. That lawsuit, which seeks $1.2 billion in damages, is still pending.

Smith's lawsuit further claims that Oliver used his television show and social media to target BPI, and that Siegel used her popular food blog and social media to gain signatures in an online campaign to remove the product from the National School Lunch Program.

"Defendant Oliver proceeded to use his celebrity chef media notoriety to place pressure on American fast food company McDonald's, and others, to immediately stop using LFTB ground beef in its retail menu food products," the lawsuit said.

Several fast food companies, including McDonald's Corp., stopped using the product after the uproar, and major supermarket chains vowed to stop selling beef containing the low-cost product. Only three states — Iowa, Nebraska and South

Dakota — participating in the National School Lunch Program have continued to order ground beef with the product.

Messages were left with representatives for ABC News and Oliver seeking comment Wednesday.

Siegel said she believes she is protected by the First Amendment.

Critics of the product say they worry about how the meat is processed. Bits of beef are heated and treated with a small amount of ammonia to kill bacteria — a food safety practice used for decades and that meets federal food safety standards. The term "pink slime" gained traction after it was used in a New York Times story in 2009.

Smith, who has also written a book about the product and the media frenzy surrounding it to help raise money for laid off employees, said he is only seeking $70,000 in damages to be able to keep the lawsuit in state court.

"If I sued for more, I would likely be forced to move the case to federal court in Omaha, Neb. I want the people I have sued ... I want them here in the locality where the damage is done. And if that means not suing for everything I can, so be it. I'm more interested in having them account for their untruths and misrepresentations that cost me, my friends and families that worked at BPI their jobs," he said.

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