

5 Food Reporters Subpoenaed in \$1.2B 'Pink Slime' Lawsuit

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SIOUX FALLS, S.D. (AP) — Several food writers, including a New York Times reporter, have been subpoenaed by a meat producer as part of its \$1.2 billion defamation lawsuit against ABC in regards to the network's coverage of a beef product dubbed "pink slime" by critics.

The subpoenas were issued to five writers — three reporters for the online Food Safety News, Times reporter Michael Moss and noted food writer Michele Simon — asking each to supply copies of any communications they had with ABC in 2012.

Beef Products Inc. sued the network in 2012 seeking \$1.2 billion in damages for the coverage of the meat product the industry calls "lean, finely textured beef," which critics dubbed "pink slime." BPI said ABC's coverage misled consumers into believing the product was unsafe and led to the closure of three plants and roughly 700 layoffs.

ABC's attorneys say that in each of its broadcasts about the product, the network stated that the U.S. Department of Agriculture deemed the product safe to eat. They say BPI might not like the phrase pink slime, but like all ground beef, it's pink and has a slimy texture.

A spokesman for ABC on Tuesday declined to comment on the lawsuit and the subpoenas. Attorneys for the network and BPI have proposed a February 2017 trial date.

Attorney Bruce Johnson in Seattle is representing the editor of Food Safety News, Dan Flynn, reporter James Andrews, and former reporter Gretchen Goetz. Johnson on Tuesday said the subpoenas were "overreaching" and that the publication would fight the requests.

BPI attorney Erik Connolly said the subpoenas are "appropriate and would be enforced."

A spokeswoman for the New York Times said Moss's subpoena had been stayed.

Simon said she has responded to the request, but did not provide any documents because she doesn't keep emails dating back to 2012.

"BPI's lawyers are engaging in a fishing expedition by spreading the subpoenas so far to every journalist and food blogger that has ever said anything about pink slime," Simon said.

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The plaintiffs have also sought subpoenas for two food-safety research labs and a blogger who has written about the meat product.

The product is made using a process in which butchered cow trimmings are heated, lean meat is separated from fat, and ammonia gas is applied to the meat to kill bacteria.

A social media-fueled outcry about the product in 2012 prompted the U.S. Department of Agriculture to offer school districts that get food through the government's school lunch program choices in ground beef purchases.

Manufacturers of the product say sales of the meat have risen since the height of the controversy two years ago.

In addition to ABC, the lawsuit names ABC news anchor Diane Sawyer, correspondents Jim Avila and David Kerley; Gerald Zirnstein, the U.S. Department of Agriculture microbiologist who named the product pink slime; former federal food scientist Carl Custer; and Kit Foshee, a former BPI quality assurance manager who was interviewed by ABC.

Attorneys for Zirnstein, Custer and Foshee could not be reached Tuesday.

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