

Prosecutors: Peanut Plant Faked Salmonella Lab Results

RUSS BYNUM, Associated Press

ALBANY, Ga. (AP) — A Georgia peanut plant linked to a deadly salmonella outbreak cut corners and sent fake lab results to customers, endangering consumers nationwide, federal prosecutors said Friday as they opened a rare case seeking criminal punishment for corporate workers over food poisoning.

Peanut Corp. of America "had a huge problem with salmonella in its plant and in the products it produced," Assistant U.S. Attorney Alan Dasher told the jury in his opening statement — a two-hour preview of a case that could take months to present. Yet he said the company shipped products that were untested and products that it knew were tainted to customers including food giant Kellogg's.

Managers employed to run the company's plants failed to do their jobs, leaving former Peanut Corp. owner Stewart Parnell "holding the bag," defense attorney Tom Bondurant told jurors.

Parnell; brother Michael Parnell, a food broker who oversaw the company's contract with Kellogg's, and plant quality control manager Mary Wilkerson are charged in the case, being heard in U.S. District Court. None is charged with directly causing any deaths. Instead, the 76-count indictment accuses the Parnell brothers of shipping contaminated or mislabeled food across state lines and defrauding customers who required the company to confirm the safety of its products using lab tests before shipping them. Stewart Parnell and Wilkerson are also charged with trying to conceal information from investigators.

Opening statements detailed the 2008-09 salmonella outbreak, which prompted one of the largest food recalls in U.S. history. The Centers for Disease Control and Prevention found that 714 people in 46 states were infected and nine people died — three in Minnesota, two in Ohio, two in Virginia, one in Idaho and one in North Carolina. Neither side, however, raised the death toll with jurors Friday.

The Georgia plant saw a steady stream of positive salmonella tests for its products at least since 2003, Dasher said. From 2007 to 2009, he said, the plant struggled to keep up with orders to supply Kellogg's with 40,000 pounds of peanut paste twice per week — a product that went into peanut butter crackers sold under the Keebler and Austin labels.

Rather than wait two days or longer for lab tests on salmonella and other microbes, the plant shipped peanut paste the day it was produced and attached lab results from prior batches, Dasher said. In some cases, when results for food already shipped came back positive for salmonella, the company never notified recipients, Dasher said.

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Bondurant said Stewart Parnell struggled to keep up with day-to-day operations at his company's plants in Georgia, Texas and Virginia. His inability to keep up "is not a crime," Bondurant said.

He told jurors that Congress wanted someone prosecuted for the outbreak, and Parnell's small company was an easy target.

"There is no legal requirement for testing at all for salmonella," Bondurant said. "Kellogg's never tested for salmonella in any of their products. It's a whole lot harder to mess with a big corporation than a little family business like PCA."

Bondurant admitted that Kellogg's received fake lab certificates but he said the food giant's contract was with Michael Parnell's company, not Peanut Corp., which later went bankrupt.

Attorneys for Michael Parnell and Wilkerson deferred any opening statements until later in the trial, after prosecutors presented their entire case.

Two former managers of the Georgia plant, Samuel Lightsey and Daniel Kilgore, have pleaded guilty, with sentencing pending. They are expected to testify for the prosecution.

Food poisoning rarely results in criminal prosecutions because intent is hard to prove and companies often acknowledge their mistakes. U.S. District Court Judge W. Louis Sands has said prosecutors alone may need eight weeks to present evidence, and he's appointed six alternate jurors for what is likely to be a long trial.

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