

[Products Liability Law Daily Wrap Up, TOP STORY—FOOD AND BEVERAGES—M.D. Ga.: ConAgra to pay \\$11.2 million in plea deal for salmonella-tainted peanut butter, \(May 20, 2015\)](#)

Products Liability Law Daily Wrap Up

[Click to open document in a browser](#)

By Bryant Storm, J.D.

ConAgra Grocery Products LLC, a subsidiary of ConAgra Foods Inc., will pay \$11.2 million as a result of its guilty plea to a misdemeanor violation of the federal Food, Drug and Cosmetic Act ([21 U.S.C. §301](#)). According to a Department of Justice press [release](#), ConAgra signed a plea agreement admitting that it introduced Peter Pan and private label peanut butter contaminated with salmonella into interstate commerce during a 2006 and 2007 salmonellosis outbreak. Under a [plea agreement](#), ConAgra Grocery Products will pay an \$8 million criminal fine—the largest ever in a food safety case—and will forfeit \$3.2 million in assets.

Contamination. The filing of the [criminal information](#) resulted from a 2006 and 2007 salmonella outbreak that the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) traced to Peter Pan and private label peanut butter manufactured and shipped from ConAgra's Sylvester, Georgia, peanut butter plant. As a result of that finding, ConAgra terminated production of peanut butter at the Sylvester plant on February 14, 2007, and recalled peanut butter that was produced there as far back as January 2004. The CDC ultimately tied 700 cases of salmonellosis to the ConAgra peanut butter and estimated that thousands more cases went unreported.

Guilty Plea. As part of the guilty plea, ConAgra admitted to prior awareness of salmonella contamination in its peanut butter, stemming back to 2004. An employee analysis of the potential causes of the contamination revealed an “old peanut roaster that was not uniformly heating raw peanuts, a storm-damaged sugar silo, and a leaky roof that allowed moisture into the plant and airflow that could allow potential contaminants to move around the plant.” Although efforts to correct these problems were underway at the time of the outbreak, the issues were not fully resolved until after the 2006-2007 outbreak. The plea also includes an admission that ConAgra employees could not properly perform tests to detect salmonella and that ConAgra was not aware that its employees were incapable of interpreting the test results.

Improvements. The company has made significant upgrades to the Sylvester plant following the outbreaks and shutdown. In addition to enhanced physical conditions, ConAgra has established “new and enhanced safety protocols and procedures regarding manufacturing, testing and sanitation.” The plea agreement contains an affirmation that ConAgra will follow these new standards.

Commentary. U.S. Attorney Michael J. Moore minced no words regarding the impact that the case should have on food manufacturers. Moore said, the “fine and sentence in this case should sound the alarm to food companies across the country—we are watching, and we are expecting you to hold yourselves to a standard reflective of the trust that your consumers have placed in you. No more excuses.” Principal Deputy Assistant Attorney General Mizer reiterated the seriousness of salmonella outbreaks for children and vulnerable populations and cautioned that “no company can let down its guard when it comes to these kinds of microbiological contaminants.”

Companies: ConAgra Grocery Products LLC; ConAgra Foods, Inc.

MainStory: TopStory ProductRecallsNews FoodBeveragesNews GeorgiaNews