

# Food Safety Alert – 10/05/06

The FBI Investigation of Grower's Express and Natural Selection Foods is the latest headline in the E Coli outbreak. which includes the first implication of Growers Express in the outbreak.

The AP is reporting that the FBI served search warrants on the two companies to determine if there is evidence of "felony violations of federal environmental laws." Charles Sweat, CEO of NSF stated that the FBI agents were requesting documents – mostly that which had already been turned over to the FDA. Although the FBI declined to comment on the search results, the San Francisco Chronicle is reporting that the agents were mostly after quality assurance documents.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/10/04/BAGH5LI2OC15.DTL&hw=spinach&sn=003&sc=868>

An FBI Special Agent told the *Monterey County Herald* that "I can say that for us to obtain search warrants in a case, there has to be some pretty compelling reason to believe that there are possible violations of federal law." The agent declined to say which laws the companies might have broken, nor would he clarify why Growers Express, a Salinas-based produce brokerage run by growers, was involved.

<http://www.montereyherald.com/mld/montereyherald/15683639.htm>

The U.S. Attorney's office does not suspect any deliberate action in the E Coli outbreak, but is looking for evidence of criminally negligent acts, which would also constitute a violation.

<http://www.californianonline.com/apps/pbcs.dll/article?AID=/20061005/NEWS01/610050327>

The AP article also details the felony violations – "The federal Food, Drug and Cosmetic Act provides criminal penalties for companies involved in the production or sale of 'adulterated foods,' said Andy Weisbecker, a Seattle lawyer whose firm is representing dozens of people who got sick eating spinach in the last two months. Companies can be convicted if they are shown to have been negligent in preventing tainted foods from entering the market, even if they were unaware of the contamination, Weisbecker said."

<http://www.washingtonpost.com/wp-dyn/content/article/2006/10/04/AR2006100401517.html>

This FBI investigation is the first indication of Growers Express' involvement, if any, in the outbreak. The Monterey Herald, quoting Jeff Gilles, details the common ownership of many of the companies in the ag industry, and provides such as a reason for Growers' Express involvement in the FBI investigation. Growers Express doesn't process spinach, and only markets small amounts of bagged spinach purchased from other growers who have not been implicated.

<http://www.montereyherald.com/mld/montereyherald/15683639.htm>

For the Federal Food Drug and Cosmetic Act, click this link:

[http://www.access.gpo.gov/uscode/title21/chapter9\\_.html](http://www.access.gpo.gov/uscode/title21/chapter9_.html)