

# US: Tainted peanut butter scandal deepens

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Prompted by a nationwide outbreak of food poisoning from peanut butter, Congress heard testimony on February 11 from food safety officials and family members of those sickened. The president of Peanut Corporation of America, the company at the center of the scandal, was under subpoena to attend the hearings but declined to answer any questions, invoking the Fifth Amendment protections against self-incrimination.

Peanut Corporation of America filed for Chapter 7 bankruptcy protection on Friday afternoon, citing a large drop in business after federal investigations traced tainted food back to its facility. Overall peanut sales in the US have dropped off dramatically in the past few weeks because of public fears of food poisoning.

The case once again underscores the vulnerability of the food supply and other critical areas of public health to the bottom lines of private companies. Outbreak after outbreak in the past decade and a half have revealed the depth to which food safety is compromised by cost-cutting, completely voluntary compliance standards and the dismantling of regulatory enforcement powers.

Since September, at least nine deaths across the US have been linked to salmonella-tainted peanut products originating from a PCA processing facility in Blakely, Georgia, including the death of an Ohio woman on Wednesday. The illnesses of at least 600 people have also been linked to the outbreak. The list of recalled foods containing the contaminated peanuts has expanded to more than 1,900 items, making it one of the largest recalls in US history.

PCA closed down another peanut processing facility in Texas on February 9 after salmonella was found there, along with dead rodents, rodent feces, and bird feathers. While products from that plant had not been identified with the current salmonella outbreak, the facility had not been inspected for years because it was

operating without a license and state-level food safety inspectors did not know it existed.

A Food and Drug Administration investigation into the Blakely peanut processing plant last month found flagrantly unsanitary conditions. Among many other violations were the presence of roaches, mold growing on the walls, holes large enough for rats to climb in and gaps in the ceiling through which dirty water and bird feces could fall into the production area. (See "US: Nationwide salmonella outbreak forces major recall, plant closure")

The FDA also found evidence that the company was well aware of contamination problems at least as far back as 2006, but that nothing was done to remedy them. According to the FDA, the company instead actively sought to paper over the problems through manipulation of test samples and, in at least one case, the fabrication of a homemade document falsely certifying the purity of a contaminated product shipped to customers.

The evidence strongly suggests criminal negligence on the part of company management.

Among documents made public this week were emails from PCA President and CEO Stewart Parnell ordering company staff to ship out peanut products after they had tested positive for salmonella, rather than having them destroyed. In at least a dozen cases over the past two years, PCA products that tested positive for the deadly bacteria were re-tested to obtain a negative reading, then shipped out to dozens of major food manufacturers.

In one email released by the House Subcommittee on Oversight and Investigations Tuesday, Parnell complained about losing money because of the time spent testing peanut products for salmonella.

A PCA staff member told Parnell on September 29, 2008, that a shipment had been identified as contaminated and that PCA's clients needed to be

informed "and the product placed on HOLD until this can be cleared."

Parnell replied while awaiting a negative result from a re-test October 6: "We need to discuss this....the time lapses, besides the cost is costing us huge \$\$\$ and causing obviously a huge lapse in the time from the time we pick up peanuts until the time we can invoice... We need to find out somehow what our competition (JIMBOS) is doing and at the very least mimic their policy...We need to protect our self and the problem is that the tests absolutely give us no protection, just an indication at best....." [ellipses in original]

In another email exchange from June 6, 2008, an employee told Parnell that salmonella had been identified in a batch of peanuts and that a re-test was under way. "I go thru this about once a week," Parnell replied. "I will hold my breath ... again."

After another batch tested positive in August, PCA sent the sample to another lab. "We divided the retained sample up into Variegate and Butter. The results... show the product to be clean and 'in spec' for micro analysis," Blakely plant manager Sammy Lightsey wrote in an August 21 email. "Okay, let's turn them loose then," Parnell instructed.

The decision to deliberately "turn loose" a product known to contain a deadly substance for use in children's snacks, school cafeterias and nursing home facilities is a heinous act. Anyone making such a decision should be prosecuted and punished for the resulting suffering and deaths.

After the FDA traced the salmonella illnesses to the Blakely plant in January, Parnell told the FDA that he and the company "desperately at least need to turn the raw peanuts on our floor into money." Parnell suggested having the peanuts shipped to PCA's Texas facility for processing, ostensibly to circumvent public suspicion over the safety of the products.

While haggling with the FDA, Parnell sent an email to PCA employees insisting that there was no link between the outbreak and the Blakely plant. He suggested that increased scrutiny on the facility was based on a "misunderstanding," and that "news agencies are looking for a news story where there currently isn't one."

Mindful of public outrage over food outbreaks, the Obama administration has pledged to scrutinize the food oversight system. However, it is doubtful that any

but the most cosmetic changes will be made. During Tuesday's hearing, FDA food safety director Stephen Sundlof suggested that the agency may simply re-classify peanut butter as a "high-risk food." This change would require producers to comply with certain written guidelines on sanitation, and would allow inspectors to regularly visit and collect samples from facilities. Currently, the FDA conducts inspections within peanut processing facilities—under the jurisdiction of the US Department of Agriculture—only when it has ample evidence of a problem. The change would not grant the FDA any necessary enforcement powers even if violations were discovered.

The standards to which the peanut industry are held are also not likely to be tightened as a result of the PCA case, since the industry itself is intimately involved with the US Department of Agriculture's quality standards board. Indeed, until being removed by the Obama administration last week, PCA CEO Parnell was a member of the USDA's Peanut Standards Board, which advises the agency on "standards intended to assure that satisfactory quality and wholesome peanuts are used in the domestic and import peanut markets."



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