

Crisis Control Newsletter



Crisis Control Newsletter from RQA, Inc. - A Catlin Preferred Provider to
Foodservice, Food Processing and Consumer Products Industries

February 2009
Volume U0209 Issue 1

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Giving "Due" to Your Food Safety System

Under U.S. laws, consumers can seek monetary compensation to recover and alleviate personal and economic costs that are incurred through the consumption of defective food products. In these litigious times, individuals are increasingly exercising their legal rights, especially in illnesses involving *Salmonella*, *E. coli* O157:H7, *Listeria monocytogenes*, and other high-profile microbial pathogens.

While legal observers suspect that a vast majority of foodborne illness claims are settled confidentially out of court (as much as 95%), deliberated cases – especially those involving lengthy hospitalizations, chronic complications or death – can attract prolonged and adverse media attention in today's 24/7 cable news cycle.

Over the years, companies have embraced a number of food safety initiatives and technological advances resulting in lower foodborne illness incidences. Despite this encouraging news, foodborne illness continues to be a prominent public health concern. Looking ahead, legal experts do not foresee a decline in the number of liability claims that will be lodged against food companies.

In the unfortunate event of litigation, food companies must be prepared to show they exercise "due diligence" in their food safety programs. More than 150 years ago, the concept of due diligence was born in the United Kingdom when the country introduced its first food laws. Following the implementation of the laws, the government soon recognized it was inherently unfair to expect companies to test every portion of every manufactured product to deter foodborne illness incidents from occurring.

Over time, due diligence has evolved to mean food companies must take "all reasonable precautions" to help assure product safety. In tried litigation cases, companies must clearly demonstrate they have:

- Effective food safety and quality management systems that comply with current regulatory standards
- Set standards and analytical testing regimes for products and operating systems that ensure quality and safety are maintained at all times
- Supplier monitoring programs that utilize inspection, testing and quality control to ensure sourced products comply with regulatory requirements
- Established review and auditing programs to ensure the viability and effectiveness of internal company and supplier monitoring systems

If found liable of practicing insufficient due diligence in the production and distribution of products, the resulting public relations and financial repercussions for negligent companies can be severe.

Due diligence encompasses a proactive, preemptive approach to food safety, and companies should readily embrace this concept to assure product safety, protect consumers, and limit legal liabilities.

Table 1 - Due Diligence Tips

Industry, regulatory and consumer safety groups unanimously agree that proactively managing risk is the most effective strategy in preventing worst-case scenarios – foodborne illness outbreaks, product recalls, regulatory interventions, plant closings, and lost jobs – from occurring.

As such, food companies must utilize sound food safety strategies, emerging technologies, and third-party verification studies to protect their products, avoid legal liabilities, and promote due diligence throughout the ever expanding supply chain. Effective due diligence encompasses a host of programs, including:

- **Supplier monitoring programs**
- **Analytical testing programs**
- **Hazard Analysis and Critical Control Point (HACCP) programs**
- **Environmental monitoring programs**
- **Good Manufacturing Practices (GMPs)**
- **Sanitation Standard Operating Procedures (SSOPs)**
- **Process validation studies**
- **Continuous employee education and training**
- **Data management programs**
- **Recall and crisis management programs**

To assist companies with these programs, growing numbers of food safety and consulting organizations offer due diligence risk assessments to assist companies in the identification of existing issues, institution of corrective actions, and compliance with recognized food safety and regulatory standards.

By: Pamela Coleman, V.P. Marketing., Siliker, Inc.

Recall Re-Caps

Product: Peanut Butter
Incident: Pathogen - *Salmonella*
Date: January 13, 2009

A Lynchburg, VA company is recalling peanut butter produced after July 1, 2008 at its Georgia processing facility, because it may be contaminated with *Salmonella*. Eating food contaminated with *Salmonella* can result in abdominal cramping, diarrhea, fever and may, at times, have a serious to fatal effect. The peanut butter being recalled was sold in bulk to distributors for institutional and food service industry use; none is sold directly to the consumer through retail stores. Preliminary analysis of an epidemiologic study conducted by CDC and public health officials has suggested peanut butter as a likely source of the *Salmonella* outbreak that sickened almost 400 people in 42 states.

Product: Bacon Bits
Incident: Pathogen – *Listeria monocytogenes*
Date: January 3, 2009

A Wisconsin firm is recalling about 3,590 pounds of bacon bit products that may be contaminated with *Listeria monocytogenes*. These products were produced on Nov. 13, 2008 and distributed to restaurant and institutional establishments in California, Colorado, Florida, South Dakota, Texas and Wisconsin. The problem was discovered through in-house testing by an establishment that received the product. FSIS has received no reports of illnesses associated with this product. Consumption of food contaminated with *Listeria monocytogenes* can cause listeriosis, an uncommon but potentially fatal disease. Consumers with questions about the recall should call the company.

Product: Vanity Stools
Incident: Fall Hazard
Date: January 13, 2009

A Little Rock, AR firm is recalling about 89,000 vanity stools, manufactured in China, due to a fall hazard. The recalled stools can become unstable due to loose screws, which can cause the stool legs to separate or break, posing a fall hazard to consumers. These products were sold to retailers nationwide from October 2004 through March 2006. The company has received nine reports of incidents, including seven resulting in minor injuries from the stool legs separating or breaking. Consumers should immediately check the screws on their stools, and if the screws are stripped or cannot be tightened, or if a stool leg has broken, consumers should stop using it and contact the company for a free repair kit.

Sources – www.fda.gov, www.usda.gov, www.cpsc.gov

Product: Mackerel Fish
Incident: Pathogen – *Clostridium botulinum*
Date: January 16, 2009

A Brooklyn, NY firm is recalling frozen, cooked mackerel fish sold in New York and New Jersey, because the product was found to be unviscerated prior to processing. The problem was discovered during a routine state inspection. The product may be contaminated with *clostridium botulinum* spores, which can cause *Botulism*, a serious and potentially fatal food-borne illness. Symptoms of *botulism* include blurred or double vision, general weakness, poor reflexes, difficulty swallowing and respiratory paralysis. No illnesses have been reported to date in connection with this problem. Consumers who have purchased the frozen, cooked mackerel fish should not consume it, but return it to the place of purchase.

Product: Stuffed Chicken Carving Roasts
Incident: Issue - Foreign Material
Date: January 20, 2009

A Portland, ME company is recalling approximately 6,050 pounds of frozen, stuffed chicken carving roast products that may contain foreign materials. The products were produced on Nov. 13, 2008 and were distributed by Market Day® in the Midwest and Eastern United States and by the company to institutional food service establishments and as samples nationwide. The problem was discovered after receiving a consumer complaint about finding pieces of plastic in the product. FSIS has not received any consumer complaints or reports of injury at this time. Anyone concerned about an injury from consumption of the products should contact a physician.

Product: Window Blinds
Incident: Strangulation Risk
Date: January 13, 2009

An Oakland, CA distributor is recalling about 692,400 roman shades and roll-up blinds, manufactured in India and China, due to a strangulation risk. The roman shades have a looped pull cord and exposed inner cords on the back of the shade that present a strangulation hazard. The roll-up blinds have a looped pull cord and two lifting cord loops that run around the bottom rail that present a strangulation hazard to young children. No incidents or injuries have been reported with the blinds involved in this recall. However, CPSC is aware of the death of a child who became entangled in the lifting cord of a roll-up style blind and at least two deaths involving exposed inner cords on roman-style shades. These shades/blinds were sold nationwide from February 2006 through August 2008. Consumers should immediately stop using the recalled window shades/blinds and return them to the store to obtain a full refund.

Recall Matters is a newsletter jointly published by RQA, Inc. and Catlin Group. For more information about these topics and more, please contact:

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