

Feds open criminal probe in tainted peanut case

By Elizabeth Weise, USA TODAY

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The Food and Drug Administration's Office of Criminal Investigations, in conjunction with the U.S. Department of Justice, has begun an investigation into the salmonella outbreak linked to a Georgia peanut processing facility that has sickened 529 and contributed to at least eight deaths.

Officials would not discuss details of the criminal investigation at a Friday press conference.

But Stephen Sundlof of the FDA's Center for Food Safety and Applied Nutrition threw a curve ball to consumers Friday when he said that it is possible that some "boutique brands" of peanut butter might be covered by the recall.

The agency had been assuring the public that all peanut butter sold in supermarkets and grocery stores are safe. The only known peanut butter made by the Peanut Corporation of America — whose products the FDA has identified as the source of the outbreak — was sold in bulk to schools, hospitals and nursing homes.

But when the recall of PCA products was expanded Thursday to include all products made at its Blakely, Ga., plant since 2007, that included dry and oil-roasted peanuts, in addition to the peanut butter and peanut paste already recalled.

Those peanuts might have been purchased for store-ground peanut butter, says Sundlof.

"We know that some stores actually will purchase peanuts and grind them themselves and make peanut butter, which they sell," Sundlof says. The FDA does not know for sure if some stores did indeed buy bulk peanuts to grind, he says.

However, Sundlof reiterated, "We don't have concern about the national, name-brand peanut butter that's sold in jars at supermarkets and retail outlets."

Under the Food, Drug and Cosmetic Act, the FDA has the right to keep a company from going back into production until it has taken appropriate corrective actions, says Sundlof. In addition, criminal and civil penalties are also a possibility.

"There is no authority for the FDA to levy fines, but that can be accomplished under the civil courts," says Sundlof.

The initial recall included 77 customers, mostly food manufacturers along with a few distributors. The expanded recall added 350 customers to that list, said Jack Guzewish

deputy director of FDA's Office of Food Defense Communication and Emergency Response.

Sundlof could not put a price tag on the now two-month-old investigation but said FDA is "putting a considerable amount of the agencies resource into this investigation."

Meanwhile, the White House on Friday pledged stricter oversight of food safety.

Press secretary Robert Gibbs said that President Obama plans to name a new FDA commissioner and other oversight officials in coming days. Gibbs said they will establish a "stricter regulatory structure" to prevent breakdowns in food safety.

"I think the revelations have no doubt been alarming," says Gibbs. That a company that found salmonella in its own testing would continue to ship products "is beyond disturbing for millions of parents," he added.

The FDA disclosed this week that PCA shipped products that tested positive for salmonella if a retest came up with a negative result, in violation of food-safety regulations.