

FOR IMMEDIATE RELEASE: SEPTEMBER 2, 2015

NEW REPORT: FOOD INDUSTRY'S DRIVE FOR PROFITS OVER SAFETY HAS FUELED SERIES OF ILLNESS OUTBREAKS, PUTS PUBLIC AT RISK

In Wake of Kraft Turkey Bacon Recall, Report Offers Fresh Reminder of Why the Civil Justice System Remains Consumers' Last and Best Line of Defense

Contact:

Kristin Loiacono

Email:

kristin.loiacono@justice.org

Phone:

202-965-3511

Washington, DC— Food manufacturers have created dangerous production systems that are sending Americans to the hospital all too often, a [new report](#) today by the American Association for Justice (AAJ) says. Because regulators have been unable to keep up with an ever-changing industry, the civil justice system has become consumers' most important protection against unsafe food.

"American consumers expect and deserve safe food. Yet, time and again, food producers have cut corners on food safety knowing full well that tainted products cause serious illness or even death. Cutting corners puts profits over people and that's unforgivable when it comes to our food supply. Parents should never have to be worry about the safety of the peanut butter or ice cream they feed their children," said Larry Tawwater, President of AAJ. "Because regulators are underfunded and understaffed, it is the civil justice system that provides the accountability necessary to safeguard our food supply."

Every year, 48 million people fall sick, 128,000 are hospitalized, and at least 3,000 die from foodborne illness, costing the nation approximately \$77 billion. Recalls in 2015 have surged compared to 2014 rates. In one of the most recent high-profile outbreaks, three people died after consuming Blue Bell ice cream contaminated with listeria. The company reportedly knew as early as 2013 that it had listeria in one of its plants. The outbreak is the most recent of the "ten worst outbreaks" chronicled in the new report.

John McKissick, of Pennsylvania, was hospitalized with profound nervous system and cognitive dysfunction, including ventilator-dependent respiratory failure, after he ate cheese that was contaminated with listeria. As he explained on a press conference call today, "I am fortunate to have survived listeria meningitis, and I am grateful for that, but I will live with the neurological after effects for the rest of my life." His wife, Patricia McKissick, said, "Our sons and I are grateful that John has survived listeria meningitis, but it has changed our lives and our hopes for good health in retirement. Our journey continues to be affected."

Brendan Flaherty, the food safety attorney who represented John and Patricia McKissick, said, "What the McKissick's case shows is that regulatory gaps and loopholes have a very real human cost. By litigating their case and speaking out about their story, they are pushing policy makers to make our food supply better and safer."

Federal regulators, the AAJ report outlines, have not had the capabilities to respond to changes in the food industry and adequately protect the public. Most non-meat food manufacturing facilities and farms are not visited regularly by federal inspectors. The FDA is issuing a series of new rules, but will still have inadequate funding to make frequent inspections. The USDA stations inspectors at meat processing facilities, but will not order companies to recall products.

With food companies not adequately monitored by regulators or themselves, consumer lawsuits have proven to be the most effective, and sometimes the only, mechanism for deterring negligent behavior, the report shows. Knowing they could be held accountable in court provides significant incentive for manufacturers to improve food safety and end dangerous practices.

“If your food supply begins with corporate run factory farms, it begins in a system that prioritizes corporate profits over public health,” Jessica Culpepper, food safety & health attorney for Public Justice, said on today’s call. “Confining huge numbers of animals in tiny spaces, refusing to properly deal with animal waste, and failing to implement common sense safety policies jeopardizes both the food we eat and the communities in which we live. Until the government stands up to these corporate giants for their abusive practices, it is critical that the public have access to the courts to stand up for themselves.”

The civil justice system is also the most effective tool for rooting out systemic problems in the food chain. Private attorneys have the ability to compel producers, suppliers, buyers, and auditors to disclose information that helps trace how food was allowed to become contaminated, and pinpoint the parties responsible.

“The civil justice system has proven to be the most effective – and sometimes the only – mechanism for deterring negligent behavior and rooting out systemic problems in the food chain,” David Ratcliff, researcher at AAJ and co-author of the report, said on the call today.

The report calls on Congress to declare multi-drug-resistant salmonella strains an official adulterant, which would force meat producers to take further steps to prevent contaminations, and to pass legislation to create a single agency to oversee food safety.

RESOURCES:

- American Association for Justice Report: [Food Safety and the Civil Justice System](#)

###

As the world's largest trial bar, the American Association for Justice (formerly known as the Association of Trial Lawyers of America) works to make sure people have a fair chance to receive justice through the legal system when they are injured by the negligence or misconduct of others—even when it means taking on the most powerful corporations. Visit <http://www.justice.org/newsroom>.