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PRESS RELEASE

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FEDERAL COURT ENTERS PERMANENT INJUNCTION AGAINST PORTALES-BASED PRODUCER OF PEANUT BUTTER PRODUCTS AND COMPANY'S PRESIDENT AND CHIEF EXECUTIVE OFFICER

ALBUQUERQUE – U.S. District Court Judge William P. Johnson entered a consent decree of permanent injunction against Sunland Inc., a Portales, N.M.-based producer of peanut butter, and Jimmie D. Shearer, president and chief executive officer of Sunland, the Justice Department announced today. The department, at the request of the Food and Drug Administration (FDA), asked the court to enter the consent decree.

The Centers for Disease Control and Prevention (CDC) has reported that since September 2012 at least 35 people from 19 states have been infected with a strain of *Salmonella* Bredeney. Eight of these individuals were hospitalized as a result of their infection. Peanut butter manufactured by Sunland was identified by the FDA and the CDC as a likely source of this outbreak.

As set forth in the complaint filed by the United States on Dec. 20, the FDA conducted an inspection of defendants' facility from Sept. 9 to Oct. 16, 2012. According to the complaint, FDA analyses of samples collected during the 2012 inspection confirmed that certain of Sunland's nut products were contaminated with *Salmonella* Bredeney and established the widespread presence of *Salmonella* Bredeney in Sunland's facility. *Salmonella* Bredeney is a pathogenic organism that has a reasonable probability of causing serious adverse health consequences or death to humans.

The FDA suspended the registration of Sunland's food facility on Nov. 26, 2012. As the FDA's suspension letter explained, the FDA's analysis found that the *Salmonella* Bredeney detected at Sunland was indistinguishable from the *Salmonella* Bredeney identified in the multistate outbreak and the FDA's investigation uncovered a number of practices that likely result in cross-contamination between raw peanuts and peanuts that had been roasted or brined. Specifically, packaging equipment was not effectively cleaned to prevent contamination; collapsible mesh totes used to store and transport nuts were not cleaned and sanitized between uses; employees came into contact with ready to package, roasted, in-shell peanuts with their bare hands; and processing equipment had unused connections that could facilitate the growth of pathogenic bacteria by allowing food material and water to accumulate.

The FDA concluded that unless and until Sunland implemented a number of corrective actions, and FDA evaluated the completed corrective actions to assure their adequacy, food manufactured and held by Sunland would continue to pose a reasonable probability of causing serious adverse health consequences or death to humans or animals.

Shortly after the suspension of Sunland's registration, the United States filed suit to permanently enjoin Sunland and Shearer from delivering adulterated foods into interstate commerce. The consent decree entered resolves that suit by requiring Sunland to take a wide range of actions to correct its violations and ensure that they do not happen again. Among other actions, Sunland must develop and implement sanitation control programs; provide the FDA the opportunity to inspect the facilities to assure Sunland's compliance with the consent decree, the Food, Drug and Cosmetic Act, and applicable regulations; and receive written authorization from the FDA to resume operations. Sunland must also implement testing, monitoring and remediation protocols.

"This consent decree prohibits Sunland from selling processed foods to consumers until it fully complies with the law," said Stuart F. Delery, Principal Deputy Assistant Attorney General for the Justice Department's Civil Division. "As this case demonstrates, the Department of Justice and FDA will work together to protect the health and safety of Americans by making sure that those who produce and sell the food we eat follow the law."

Principal Deputy Assistant Attorney General Delery thanked the FDA for referring this matter to the Department of Justice. Roger Gural, Trial Attorney at the Consumer Protection Branch of the Justice Department, in conjunction with Assistant U.S. Attorney Michael Hoses in the District of New Mexico, and Scott Kaplan and Jillian Wein Riley, Counsel at FDA's Office of the Chief Counsel, brought this case on behalf of the United States.

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