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### **U.S. OBTAINS INJUNCTION AGAINST TRIPLE A SERVICES AFTER ALLEGING UNSAFE FOOD PRODUCTION PRACTICES**

CHICAGO The United States today obtained an agreed permanent injunction against a Chicago food processing firm, Triple A Services, Inc., and three of its executives after filing a federal lawsuit alleging that Triple A's ready-to-eat sandwiches and produce were not being prepared in compliance with federal regulations to protect food against contamination. A consent decree approved today by U.S. District Judge William J. Hibbler prevents the company from distributing any food products until it obtains approval from the Food and Drug Administration, which initiated the enforcement action. The lawsuit and decree were announced by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, and Tony West, Assistant Attorney General for the Justice Department's Civil Division.

Triple A Services, which is located at 2637 South Throop Street in Chicago, prepares, processes, packs, and distributes ready-to-eat food products that are sold to the public, including through mobile catering services. Also named as defendants were Triple A executives Thomas J. Whennen, chief executive officer; Scott C. Whennen, president; and David A. Frisco, general manager.

The FDA is not aware of any illnesses that have occurred as a result of the allegedly adulterated food products.

The lawsuit, also filed today, alleges violations of the Federal Food, Drug, and Cosmetic Act and was brought on behalf of the FDA after its investigators found evidence of violations over the course of an inspection between July 6 and Aug. 24, 2011, as well as during previous inspections since 2001. At the conclusion of the August 2011 inspection, FDA provided the firm with notice of deficiencies which needed correction. The most recent inspection revealed the presence of *Listeria monocytogenes* (*L. monocytogenes* or *L. mono*) in the facility. Inspections in 2001 and 2002 also revealed the presence of *L. mono* in the facility. *L. mono* is of particular concern with respect to ready-to-eat products such as those produced by Triple A. It can cause the disease listeriosis, which is serious and even fatal in high-risk groups such as infants, the elderly, and persons with impaired immune systems.

Mr. Fitzgerald recognized the company and its officials for agreeing without further litigation to cease distribution of certain products until FDA approval is obtained and for agreeing to take other measures such as hiring sanitation and food processing experts to remedy certain deficiencies in its manufacturing process before resuming food processing operations.

“The violations FDA uncovered in this case posed health and safety risks to all consumers,” said Assistant Attorney General Tony West, head of the Justice Department’s Civil Division. “Companies that process the food we eat must comply with the rules that keep us safe or face being shut down.”

According to the lawsuit, Triple A did not comply with FDA’s current “good manufacturing practice” regulations which specify methods and controls for processing food in a manner that prevents food safety issues. During inspections over a 10-year period, the FDA found, among other things, that Triple A did not have a written plan for handling seafood products, stored food improperly, failed to eradicate a pest problem, did not fix water leakage problems, and did not address employee cleanliness issues. The insanitary conditions at Triple A’s facility, including the repeated presence of *L. mono.*, render all food products produced

under those conditions adulterated as a matter of law under the Federal Food, Drug, and Cosmetic Act.

To obtain FDA approval to resume food processing operations, Triple A and its sanitation and food processing experts must demonstrate to FDA's satisfaction that it has corrected the insanitary conditions and instituted procedures to ensure that Triple A will operate in compliance with the law. If the defendants fail to comply with the consent decree, the FDA may order them to stop manufacturing and distributing food, recall products, or take other corrective action. The defendants could also be ordered to pay \$2,500 per day if they fail to comply with the decree.

Consumers with food safety questions may call the FDA's toll-free Food Safety Hotline at (888) SAFEFOOD (888-723-2366), and any problems may be reported to the FDA consumer complaint coordinator in their geographic area. Contact numbers may be found on-line at [www.fda.gov/opacom/backgrounders/complain.html](http://www.fda.gov/opacom/backgrounders/complain.html).

The government is being represented by Assistant U.S. Attorney Donald Lorenzen and Trial Attorney Carol Wallack of the Department of Justice's Consumer Protection Branch.

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