



## *U.S. Department of Justice*

*Kenneth J. Gonzales*

*United States Attorney*

*District of New Mexico*

*201 3<sup>rd</sup> Street NW*

*Albuquerque, New Mexico 87102*

CONTACT: *Elizabeth M. Martinez, Executive Assistant U.S. Attorney, Public Affairs Officer*  
[elizabeth.martinez@usdoj.gov](mailto:elizabeth.martinez@usdoj.gov) – 505-224-1469

---

### PRESS RELEASE

---

**For Immediate Release**

**December 13, 2010**

#### **U.S. MARSHALS SEIZE CONTAMINATED CHILI PRODUCTS**

This morning, the United States Marshals Service seized chili products originating outside the state of New Mexico and located in a warehouse in Derry, New Mexico, that is owned and operated by Duran and Sons, LLC (Duran), pursuant to a seizure warrant authorized by United States Magistrate Judge Lorenzo F. Garcia. The seizure warrant was issued based on a civil Complaint for Forfeiture filed on December 10, 2010 that seeks condemnation and destruction of the chili products that were seized.

According to the complaint, the chili products, including chili pods, ground chili and crushed chili, stored in the Duran warehouse may be contaminated because they have been held under insanitary conditions. The complaint alleges that, when inspectors of the U.S. Food and Drug Administration (FDA) conducted an inspection of the Duran warehouse on November 15-22, 2010, they observed evidence of active and widespread insect and rodent infestation as well as other insanitary conditions.

United States Attorney Kenneth J. Gonzales stated that the New Mexico Environment Department placed the contents of the Duran warehouse under an embargo

on November 17, 2010. The embargo prohibits the removal or disposal of any of the chili products stored in the Duran warehouse and ensures that the products will not enter the consumer market. The United States Attorney's Office will now seek a condemnation order from the Court that will permit the FDA to destroy the chili products. To obtain such an order, the United States will have to prove that the chili products in the Duran warehouse were prepared, packed or held under insanitary conditions whereby they may have become contaminated. Duran may contest the forfeiture by asserting an interest in the seized chili products.

The case was investigated by the FDA with the assistance of the New Mexico Environment Division and the United States Marshals Service. Assistant United States Attorney Raymond Hamilton is representing the United States in this case.

Consumer inquiries should be directed to the FDA at 888-INFO-FDA. For more information on FDA inspections, compliance, enforcement and criminal investigations, please go to <http://www.fda.gov/ICECI/default.htm>.

# # #