

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Mag. No.
	:	
ABUELITO CHEESE, INC. a/k/a “EL	:	21 U.S.C. §§ 331(a) and 333(a)(1)
ABUELITO CHEESE, INC.”	:	

I N F O R M A T I O N

(Introducing Adulterated Food into Interstate Commerce)

The United States charges:

1. At all times relevant to this Information:
 - a. Defendant ABUELITO CHEESE, INC. a/k/a “EL ABUELITO CHEESE, INC.” (“ABUELITO CHEESE”) was a corporation based in Paterson, New Jersey, that manufactured cheese products, including queso fresco (fresh, soft cheese).
 - b. Defendant ABUELITO CHEESE distributed finished products, including queso fresco, within New Jersey and to customers located in Pennsylvania, New York, Connecticut, Maryland, and Delaware.
2. From on or about January 14, 2020, through on or about February 6, 2020, the U.S. Food and Drug Administration (“FDA”) conducted an inspection of ABUELITO CHEESE’s manufacturing facility. As part of the inspection, FDA investigators swabbed various surfaces to test for bacteria.
3. As a result of the inspection, on or about February 6, 2020, FDA issued a report to ABUELITO CHEESE containing multiple observations reflecting

potential violations of FDA regulations, including, among other things, the absence of a written food safety plan, the company's failure to monitor sanitizer solution for strength and effectiveness, and the company's failure to visually check or record refrigerator temperature. FDA inspectors provided ABUELITO CHEESE with copies of sample analysis from the surface swabs. Analysis detected the presence of bacteria, specifically *listeria innocua* and *listeria grayi*.

4. ABUELITO CHEESE responded to the FDA on or about February 17, 2020, with a description of corrective actions.

5. On or about June 8, 2020, FDA issued a Warning Letter to ABUELITO CHEESE. In that letter, FDA stated that it continued to have serious concerns regarding ABUELITO CHEESE's violation of FDA regulations. FDA warned ABUELITO CHEESE that the presence of *listeria innocua* and *listeria grayi* at the facility indicated that the conditions were conducive for pathogenic *Listeria monocytogenes* to be present at ABUELITO CHEESE's facility.

6. ABUELITO CHEESE responded to the FDA on or about June 24, 2020, with a description of corrective actions.

7. In or around February 2021, the Centers for Disease Control ("CDC"), public health and regulatory officials in several states, and FDA began collecting data to investigate a multistate outbreak of *Listeria monocytogenes* infections.

8. On or about February 19, 2021, ABUELITIO CHEESE recalled all queso fresco products after being notified by FDA that *Listeria monocytogenes* in ABUELITO CHEESE's queso fresco was linked to an outbreak of listeriosis. Later, ABUELITO CHEESE expanded its recall to include other products made at the same

facility. The *Listeria monocytogenes* outbreak from ABUELITO CHEESE's product resulted in at least 13 hospitalizations and one death across four states.

9. Between in or around January 2020, through and including on or about February 19, 2021, in the District of New Jersey and elsewhere, the defendant

**ABUELITO CHEESE, INC.,
a/k/a "EL ABUELITO CHEESE, INC."**

introduced and delivered for introduction into interstate commerce, and caused to be introduced and delivered for introduction into interstate commerce, food, namely queso fresco cheese produced at ABUELITO CHEESE, that was adulterated because it was prepared, packed, and held under insanitary conditions whereby it may have been rendered injurious to health,

In violation of Title 21, United States Code, Sections 331(a) and 333(a)(1).

FORFEITURE ALLEGATION

Upon conviction of the offense alleged in the Information, defendant ABUELITO CHEESE shall forfeit to the United States, pursuant to 21 U.S.C. § 334 and 28 U.S.C. § 2461(c), all adulterated food that ABUELITO CHEESE introduced into interstate commerce contrary to 21 U.S.C. §§ 331(a) and 333(a)(1), the value of which was approximately \$658,430.

SUBSTITUTE ASSETS PROVISION

If any of the above-described forfeitable property, as a result of any act or omission by defendant ABUELITO CHEESE:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 21 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

ROBERT FRAZER
United States Attorney



Katherine M. Romano
Assistant U.S. Attorney

Approved:

Bradley A. Harsch
Chief, Criminal Division

LORINDA I. LARYEA
Chief, Fraud Section
Criminal Division
U.S. Department of Justice

/s/ Lauren M. Elfner

Lauren M. Elfner
Trial Attorney

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

ABUELITO CHEESE, INC.

INFORMATION FOR

21 U.S.C. §§ 331(a), 333(a)(1)

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