

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO.** 1:15-CR-24 (WLS)
 :
 CONAGRA GROCERY PRODUCTS, : **VIOLATIONS:**
 COMPANY, LLC, : **21 U.S.C. §§ 331(a), 342(a), & 333(a)(1)**
 :
 Defendant. :
 _____ :

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

THE DEFENDANT

1. ConAgra Grocery Products Company, LLC, is a Delaware corporation that manufactures Peter Pan and private branded peanut butter products. The company is headquartered in Omaha, Nebraska, and manufactures peanut butter at its plant in Sylvester, Georgia, within the Middle District of Georgia.

COUNT 1

**21 U.S.C. §§ 331(a), 342(a), and 333(a)(1)
(Introducing an adulterated food into interstate commerce)**

2. On or about December 7, 2006, in the Middle District of Georgia, the Defendant, ConAgra Grocery Products Company, LLC, introduced and delivered for introduction into interstate commerce, and caused the introduction and delivery for introduction into interstate commerce, from Sylvester, Georgia to Fort Worth, Texas, peanut butter that was adulterated, in that it contained salmonella, and in that it had been prepared under conditions whereby it may have become contaminated with salmonella, in violation of Title 21, United States Code, sections 331(a), 342(a), and 333(a)(1).

FORFEITURE NOTICE

(21 U.S.C. § 334 and 28 U.S.C. § 2461(c)-Criminal Forfeiture)

1. The allegation contained in Count One of this Information is hereby re-alleged and incorporated by reference into this Notice for the purpose of alleging forfeiture to the United States of America, pursuant to the provisions of Title 21, United States Code, Section 334 and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense(s) in violation of Title 21, United States Code, Sections 331(a), 342(a), and 333(a)(1) set forth in Count One of this Information, the defendant,

CONAGRA GROCERY PRODUCTS COMPANY, LLC,

shall forfeit to the United States of America, any quantities of peanut butter that were adulterated when introduced into interstate commerce or while in interstate commerce, or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which were introduced into interstate commerce in violation of Title 21, United States Code, Section 331.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred, sold to or deposited with, a third person;
- (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 subdivided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code,

Section 2461(c).

All as provided by Title 21, United States Code, Section 334 and Title 28, United States Code, Section 2461(c).

ON BEHALF OF THE UNITED STATES, this 20th day of May, 2015:

MICHAEL BLUME, Director
Consumer Protection Branch
United States Department of Justice

MICHAEL J. MOORE
United States Attorney
Middle District of Georgia

BY: Alan J. Phelps
ALAN J. PHELPS by Graham Thorpe
Trial Attorney
United States Department of Justice
Consumer Protection Branch

BY: Graham A. Thorpe
GRAHAM A. THORPE
Assistant United States Attorney
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