

# Largest Recall of Ground Beef Is Ordered

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The New York Times

February 18, 2008

A California meat company on Sunday issued the largest beef recall in history, 143 million pounds, some of which was used in school lunch programs, Department of Agriculture officials announced.

The recall by the Westland/Hallmark Meat Company, based in Chino, Calif., comes after a widening animal-abuse scandal that started after the Humane Society of the United States distributed an undercover video (<http://www.youtube.com/watch?v=xTZTCNnrUNY>) on Jan. 30 that showed workers kicking sick cows and using forklifts to force them to walk.

The video raised questions about the safety of the meat, because cows that cannot walk, called downer cows, pose an added risk of diseases including mad cow disease. The federal government has banned downer cows from the food supply.

Agriculture officials said there was little health risk from the recalled meat because the animals had already passed pre-slaughter inspection and much of the meat had already been eaten. In addition, the officials noted that while mad cow disease was extremely rare, the brains and spinal cords from the animals — the area most likely to harbor the disease — would not have entered the human food chain.

“The great majority has probably been consumed,” said Dr. Richard Raymond, the Agriculture Department’s under secretary for food safety.

The video was embarrassing for the Department of Agriculture, as inspectors are supposed to be monitoring slaughterhouses for abuse. It surfaced after a year of increasing concerns about the safety of the meat supply amid a sharp increase in the number of recalls tied to a particularly deadly form of the E. coli pathogen.

There were 21 recalls of beef related to the potentially deadly strain of E. coli last year, compared with eight in 2006 and five in 2005. No one is quite sure what caused the increase, though theories include the cyclical nature of pathogens and changes in cattle-feeding practices caused by the ethanol boom.

The recall on Sunday was more than four times bigger than the previous record, the 1999 recall of 35 million pounds of ground beef by Thorn Apple Valley, federal officials said.

It was prompted by a Department of Agriculture investigation that found that Westland/Hallmark did not always alert federal veterinarians when its cows became unable to walk after passing inspection, as required.

“Because the cattle did not receive complete and proper inspection, F.S.I.S. has determined them to be unfit for human food and the company is conducting a recall,” Agriculture Secretary Ed Schafer said in a statement. F.S.I.S. is the Agriculture Department’s Food Safety and Inspection Service.

Technically, the Department of Agriculture does not have the authority to recall meat. However, it can withdraw its inspectors from a plant, putting pressure on a company to issue a recall.

The company is recalling all its raw and frozen beef products since Feb. 1, 2006. Of the 143 million pounds that were recalled, 37 million went to make hamburgers, chili and tacos for school lunches and other federal nutrition programs, officials said.

Cows that cannot walk are banned for use in the food supply because they pose an added risk of mad cow disease, or bovine spongiform encephalopathy, a fatal disease that eats away at the brain. There have been three confirmed cases of infected cattle in this country since 2003.

The announcement on Sunday was classified as a Class II recall, indicating that the chances of health hazards were remote. Other large recalls involving E. coli have been Class I recalls, indicating that eating the product may cause serious health problems or even death.

Officials at Westland/Hallmark meat could not be located on Sunday for comment.

Some critics pointed out that the recall exposed gaps in the nation's system for food safety.

"The recall is obviously the big news," said Wayne Pacelle, president and chief executive of the Humane Society. "The longer-term problem is the inadequacies of the inspection system. How can so many downers have been mistreated day after day within a U.S.D.A. oversight system that was present at the plant?"

"We need more boots on the ground at the plants," he said.

The undercover video, shown on television and on YouTube and other Web sites, has caused an uproar since its release.

The Department of Agriculture started an inquiry and suspended the company as a supplier to federal nutrition programs. Steve Mendell, president of Westland/Hallmark, said afterward that he was "shocked and horrified" by the videos and voluntarily suspended operations pending the outcome of the federal inquiry.

On Friday, the San Bernardino district attorney, Michael A. Ramos, filed animal cruelty charges against two employees fired by the meat company. Daniel Agarte Navarro was charged with five felonies and three misdemeanors, and Luis Sanchez with three misdemeanors.

While acknowledging that most of the meat had been eaten, agriculture officials said the recall was necessary to find all the meat that had not been consumed and because the plant was not following the rules.

"The reason for doing this is because the plant was not in compliance with F.S.I.S. regulations, and therefore it is an unfit product," said Dr. Kenneth Petersen, assistant administrator for the F.S.I.S.

Department of Agriculture inspectors conduct pre-slaughter inspections on all cattle on the day of slaughter. If an animal becomes unable to walk, before or at the time it is presented for slaughter, employees of the slaughterhouse are required to summon a Department of Agriculture veterinarian.

The veterinarian then has the discretion to determine whether the animal is fit for slaughter. The Department of Agriculture contends that employees at Westland/Hallmark sometimes failed to notify the veterinarian when animals could not walk after being inspected.

Agriculture officials said in a statement that they thought the case was "an isolated incident of egregious violations to humane handling requirements and the prohibition of non-ambulatory disabled cattle from entering the food supply."

The Department of Agriculture, which is responsible for the safety of meat, poultry and eggs, has 7,800 inspectors who check more than 6,200 plants. In 2007, the agency suspended 66 plants; 12 of which were related to humane handling violations.

Ana Facio Contreras contributed reporting.

# Suit: Meatpacker used ‘downer’ cows for 4 years

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The Associated Press

September 24, 2009

LOS ANGELES — A Southern California meatpacking plant that supplied beef to the nation’s school lunch program slaughtered stumbling, potentially contaminated cows for four years before undercover video of animal abuse prompted a massive beef recall, federal court filings say.

The amended complaint filed late last month in U.S. District Court in Riverside is part of an ongoing civil lawsuit filed by The Humane Society of the United States against the Chino-based Westland/Hallmark Meat Co.

The U.S. Department of Justice intervened in the case with the new complaint after months of additional research and interviews that uncovered the startling new allegations against the now-defunct packing plant. Among them, the company failed to disclose that one of its partners had two felony convictions related to illegal industry practices.

The Humane Society released video in late 2007 showing “downer” cows — animals too weak or sick to walk — being dragged by chains, rammed by forklifts and sprayed with high-pressure water by plant employees who wanted them to stand for processing.

The video sparked the largest beef recall in U.S. history. Officials estimated at the time that 37 million pounds of the 143 million pounds of recalled beef went to school lunch programs, and most of the meat had already been eaten.

Donald W. Hallmark, whom the lawsuit lists as a company partner, told The Associated Press he retired six years ago and had no comment. Calls to a number for another partner, Steve Mendell, rang unanswered Thursday.

The new filing alleges the government paid Westland/Hallmark millions of dollars to which it was not entitled because the company lied about meeting all the conditions for the 140 government contracts it held between 2003 and 2008.

The lawsuit seeks unspecified damages and a jury trial. The original filing by the Humane Society sought \$150 million.

In the papers, the government alleges the meatpacking plant slaughtered and processed downer cows for nearly four years — from January 2004 to September 2007 — at the average rate of one every six weeks and abused animals daily using chains, forklifts, high-pressure water hoses or electric prods, or by punching and kicking them.

Downer cows pose increased risk for mad cow disease, E. coli and other infections, partly because they typically wallow in feces.

The new complaint also alleges that a partner at Westland/Hallmark, Aaron Magidow, had two felony convictions that were not reported to the government when it awarded the meatpacker’s contracts. Magidow, who has since died, was convicted in 1974 of bribing federal meat inspectors and in 1983 for participating in a fraudulent meat buying scheme, the lawsuit said.

The executor of Magidow’s estate, which is named as a defendant in the case, said he had no comment.

“I think whatever we have to say will be said in court,” said attorney Walter Weiss.

Officials with the Humane Society said the government’s filing marked the first time the Justice Department had intervened in a federal false claims case involving the mistreatment of farm animals.

The lawsuit “not only confirms everything that our investigation found, but suggests that it was even more widespread than we had documented,” said Jonathan Lovvorn, the Humane Society’s chief counsel. “We’re concerned by what they uncovered — but not surprised.”

San Bernardino County prosecutors charged two of the employees seen on the undercover video. One was sentenced to six months in jail, the other to nine months in jail.