Reflections on When the Food Production Environment was My Best Friend
To Put Things in Perspective

- According to the CDC, microbial pathogens in food cause an estimated 48 million cases of human illness annually in the United States.
- 125,000 hospitalized
- Cause up to 3,000 deaths
The Anatomy of a Foodborne Illness

PFGE

MLVA

E. coli
Shows small pink colonies
Non H:S producing Salmonella will appear the same.

Shigella
Shows tea-colored colonies
Non H:S producing Salmonella will appear the same.

Salmonella
H:S producing Salmonella shows large black colonies with clear perimeter

Public Health
Prevent. Promote. Protect.

WGS

PulseNet USA
The National Molecular Subtyping Network for Foodborne Disease Surveillance

MarlerClark
The Food Safety Law Firm
John Doe v. the Food Industry

• Negligence
• Breach of Warranty
• Strict liability
  – But what if outbreak circumstances are unclear?
  – Production environment takes center stage
It’s called **STRICT Liability for a Reason**

- The only defense is prevention
- It does not matter if you took all reasonable precautions
- If you manufacture a product that makes someone sick you are going to pay
- Wishful thinking does not help
IN THE SUGGESTION BOX

Type of suggestion: (Check)

___ Restaurant Procedure (POS, Admin, Maintenance, etc.)
___ Quality Improvement (Procedure, Equipment, System)
___ G85F Standards
___ New Product
___ Other

Describe change/New Product Idea: I think regular pattin should cook longer, they don't get done and we have customer complaints.

Describe benefit/New Product build: If we change this we will be making our burgers done and edible.

Wendy Cachinella

4/10/92

EXHIBIT 65

Marler Clark
The Food Safety Law Firm
July 24, 1992

Wandy Cochella
Shift Leader
JACK IN THE BOX #8466
3818 172nd St. N.E.
Arlington, WA 98223

Dear Wandy:

We have received your suggestion regarding increasing the cooktime for our regular patties.

Your suggestion is currently being researched within the Corporate Office. You will again be notified with more detail as soon as a decision has been made regarding this suggestion.

We would like to acknowledge the time and effort you have taken to contribute to the success of JACK IN THE BOX by enclosing this pen/highlighter. Each person submitting suggestions is eligible to receive one gift per quarter with their first suggestion.

Sincerely,

Randall J. Haggan
Vice President

We would like to acknowledge the time and effort you have taken to contribute to the success of JACK IN THE BOX by enclosing this pen/highlighter. Each person submitting suggestions is eligible to receive one gift per quarter with their first suggestion.

Sincerely,

Randall J. Haggan
Vice President

Mike McNulty
Janice Dubank, Restaurant Manager 38466
Ed Mulhausen - Northwest
Rex Lynch - Northwest
August 28, 1992

Wendy Cochella
Shift Leader
JACK IN THE BOX #8466
3835 172nd St. W.F.
Arlington, WA 98223

Dear Wendy:

Thank you for your suggestion that we increase the cook time for our regular patties.

We have researched your suggestion and determined that with the variability of our grill temperatures (350° - 400°) the two-minute cook time is appropriate. If the patties are cooked longer than two minutes, they tend to become tough. To ensure that you are meeting quality expectations for regular patties, please ensure that the grill temperature is correct and grill personnel are using proper procedures.

cc: Stephanie Gern
Vanessa Franchin
Mike McQuitty
Janice Orbach, Restaurant Manager 18466
Ed Muthasen - Northwest
Rex Lynch - Northwest

Suggest 1/4 lb/96er
Dole Listeria

- Food residue observed on multiple pieces of equipment
- Cutting boards observed to have deep groves
- Facility floors contained deep cracks, ruts and groves
- No caulk between stainless steel curbs and walls
- Peeling paint and rust on walls
- Gaps along dock plates allowing pest access
- Finished Product and in-process samples collected by FDA during inspection were + for Lm
- Samples matched 19 illnesses in PulseNet database from previous 6 months
I.M. Healthy and Dixie Dew *E. coli O157:H7*

- Liquid substance dripping from a hole in the ceiling
- Product and black filth on processing room floor
- Restroom cleaning equipment intermingled with production floor cleaning equipment
- Mixing kettle lid and maintenance tools stored on floor
- Had not disassembled processing equipment since 2015
- Did not routinely sanitize pipes, fittings, gaskets and seals
- Fly infestation in firm’s quality control laboratory
- Product was already linked to an *E. coli O157:H7* outbreak involving 32 persons
Vulto Cheese Listeria

- Employee with multiple cuts and abrasions was observed dipping arms up to elbows in cheese vats
- Using wooden boards that are not easily sanitized
- Condensation dripping onto food contact surfaces
- Floors were cracked and pitted
- Over 20 months, 54 out of 198 samples positive
- 10 positives were from FCS from 2014 – 2015
  (Corrective Action - stopped sampling FCS)
- Finished products collected and tested [+]
- 8 Illnesses (which included 2 deaths) between September 2016 through March 2017
A Nameless Colorado Restaurant

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Case Details

• Tom and 2 friends; one is a co-worker; all have chicken items
• Onset within 24 hours; loose stool for friend
• No other reported cases
• No recognized outbreak
• No pathogen identified
• But . . . The environmental investigation
A Nameless California Grower
Case Details

- AZ Mexican restaurant
- Case control: head lettuce (iceberg)
- No micro positives
- No identifiable environmental restaurant source
- Lettuce from CA
- Lawsuit and discovery
- Location, location, location
What Will a Jury Think?

A Jury = 12 Consumers