



Global Trade & Supply
Chain Management
Highline College

Food Security and Defense

Why Food Safety is Critical

MARLERCLARK
THE FOOD SAFETY LAW FIRM

William D. Marler, Esq.

It is a Global Food Economy



To Put Things in Perspective

- 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

What we all want to Avoid





TO: MANAGER, OPERATIONS SERVICE AND MAINTENANCE, SAN DIEGO

FROM: Wendy Cocharella

TITLE/POSITION: Shift leader

RESTAURANT: 8466

PHONE: (202) 435-3178

DATE: 6/10/92

IN THE SUGGESTION BOX

Type of suggestion: (Check)

☐ Restaurant Procedure (POS, Admin, Maintenance, etc.)

☒ Quality Improvement (Procedure, Equipment, Systems)

☐ QSC&P Standards

☐ New Product

☐ Other

Describe change/New Product Idea I think regular patties
should cook longer. They don't get done and
we have customer complaints

RECEIVED
JUL 23 1992

Describe change/New Product Idea I think regular patties
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 Cocharella
Signature

6/10/92
Date

ORIGINAL COPY TO: MANAGER, OPERATIONS SERVICE AND MAINTENANCE, SAN DIEGO

SECOND COPY KEPT BY INITIATOR

REV. 1/88

EXHIBIT
65

LINE NO. 1788



July 24, 1992

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

Dear Wendy:

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,

Randell J. Hyman

Wendy Cocharella

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.

Wendy Cocharella
Mike McQuitty
Janice Eubank, Restaurant Manager J8466
Ed Mulhausen - Northwest
Rex Lynch - Northwest

suggest/jad/suggest

A Division of
Foodmaster, Inc.
1000 South Avenue
San Diego, CA 92108-1500
Shipping Address P.O. Box 900
San Diego, CA 92115-4000
619/573-8123



August 28, 1992

Wendy Cochinella
Shift Leader
JACK IN THE BOX #3466
3818 172nd. St. N.E.
Arlington, WA 98223

Dear Wendy:

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

We have researched your suggestion and determined that with the variability of our grill temperatures (350° - 400°) the two-minute cooktime 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.

Thank you again for your suggestion. We appreciate and value your concern for quality and safety.

We have researched your suggestion and determined that with the variability of our grill temperatures (350° - 400°) the two-minute cooktime 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 Green
Vanessa Fanchin
Mike McQuitty
Janice Eubank, Restaurant Manager #3466
Ed Mulhausen - Northwest
Rex Lyoch - Northwest

800837.1/jad/EOCMGTS

A Division of
FoodAmerica, Inc.
1900 Sutter Street
San Diego, CA 92103-0100
Tel: (619) 594-1100
Fax: (619) 594-1101
E-Mail: info@foodamerica.com

How Are Things are Different Today?



Now a 76 Count Federal Indictment

- Stewart Parnell, the former owner of Peanut Corp. of America
- Michael Parnell, who is Stewart Parnell's brother and a former supervisor
- Samuel Lightsey, a onetime plant operator
- Mary Wilkerson, a former quality-assurance manager
- Daniel Kilgore, plant manager
- Allegations Include:
 - Mail Fraud
 - Wire Fraud
 - Introduction of Adulterated and Misbranded Food into Interstate Commerce with Intent to Defraud or Mislead
 - Conspiracy



And, It Does Not Always Require Intent

- A misdemeanor conviction under the FDCA, unlike a felony conviction, does not require proof of fraudulent intent, or even of knowing or willful conduct.
- Rather, a person may be convicted if he or she held a position of responsibility or authority in a firm such that the person could have prevented the violation.
- Convictions under the misdemeanor provisions are punishable by not more than one year or fined not more than \$250,000 or both.



Planning AGAINST Litigation – What Is Really Important

- Identify Hazards
 - HACCP
 - Do you have qualified and committed people?
- What is the Culture?
- Involve Vendors and Suppliers
 - Do they really have a plan?
 - Ever visit them?



Planning AGAINST Litigation – Establish Relationships

They are your best friends!



Questions?

