

SLIM-FAST AND GROUND BEEF RECALLS

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On December 3, 2009 Unilever U.S. Inc. conducted a nationwide voluntary recall of all canned Slim-Fast ready-to-drink products due to the possibility of contamination by a microorganism. The recalled products may be tainted by bacillus cereus, a mild disease which can cause diarrhea, nausea and vomiting. The probability of serious adverse health consequences is remote.

Unilever claims to have initiated the recall "out of an abundance of caution" after it conducted a quality testing of its ready-to-drink products that are currently in distribution centers, on shelves, in back rooms of retail outlets and in consumers' homes. The recalled products were sold individually, as well as in cartons of 4, 6, or 12 steel cans that are 11 ounces in size. This recall applies to liquid products in cans or bottles regardless of flavor, best-by date, lot code or UPC number. In total, approximately 10 million products are subject to recall. However, the recall does not apply to other Slim-Fast products such as powdered shakes, meal bars and snack bars. Unilever is in the process of indentifying the cause of the contamination and correcting the production issue.

Also this week, for the second time this year a California-based beef company recalled thousands of pounds of ground beef contaminated with a drug-resistant strain of salmonella. Beef Packers Inc. – a Fresno, California-based subsidiary of Cargill Inc. – announced Friday December 4th, 2009 that it will recall ground beef sent to stores in Arizona and New Mexico. Thus far, the Arizona Department of Health Services has linked two illnesses to the ground beef made at Beef Packers plant

on September 23, 2009. Consumption of salmonella can cause salmonellosis, which is one of the most common bacterial food-borne illnesses. Salmonella can be life-threatening, especially for those with weak immune systems, such as infants and the elderly.

The recall includes 22,723 pounds of ground beef produced by Beef Packers including: fresh ground beef, beef patties, meat balls and stuffed peppers. These products were distributed and repackaged into consumer-size packages and sold under different retail brand names. Safeway announced that the recall affects ground beef sold at its stores in Arizona and one outlet store in Gallup, New Mexico. The meat is no longer in stores, but Safeway urges customers to discard any ground beef in their freezers with "sell by" dates of September 28th through October 11th, 2009.

This is the second recent Beef Packers recall. The August Beef Packers recall included almost 826,000 pounds of ground beef that was contaminated with salmonella, the same strain that has caused contamination in this current recall. At least 39 people were sick as a result of the previous contamination.

Cozen O'Connor is a global leader in representing the insurance industry in all coverage areas. For further analysis of coverage issues involving food contamination please contact Kevin Haas, Chair of Cozen O'Connor's Food Contamination & Product Recall Practice area, in our New York office (khaas@cozen.com, 212.908.1322).