

MAPLE LEAF CASE STUDY: AN EXAMPLE OF CRISIS MANAGEMENT

By Colin P. Stevenson (plaintiffs' counsel)

INTRODUCTION

The first part of this paper provides an interested outsider's perspective on Maple Leaf's strategy to minimize its business and reputational damage. The paper will also deal more generally with current issues in the food processing industry in North America and the fact that consumers today are no safer than they were a year ago. Finally, this paper will consider some of the issues faced by plaintiffs' counsel if they are to work effectively with multiple legal teams in a national and highly visible class action.

THE EVENTS OF AUGUST 2008

In mid August 2008 it was apparent there was a national public health tragedy involving food contamination. The Public Health Agency of Canada (PHAC) and the Canadian Food Inspection Agency (CFIA), which are federal agencies, were receiving reports of people becoming sick and dying from listeriosis nationwide. Although the source was not immediately identified, attention was soon focused on Maple Leaf Food's establishment #97B in Toronto.

Maple Leaf Foods issued a "voluntary" recall. In other words, Maple Leaf Foods acted before a mandatory recall order was issued by CFIA. The recall was limited to 23 ready-to-eat packaged meat products. The first recall was issued on August 17, 2008. The plant was closed for what was anticipated to be four days. Maple Leaf Foods said:

"We have taken a much broader approach to the recall than the actual testing has indicated we need to." (**Schedule #1**)

This was quickly proved incorrect. Further testing established that the range of contaminated products was broader than the public was originally advised. The voluntary recall was expanded on various occasions over the next few weeks until all 220 products produced since June 1, 2008 had been recalled. A summary of the final list of recall notices is attached (**Schedule #1A**). The various recall notices can be found at

<http://www.inspection.gc.ca/english/corpaffr/recarapp/2008/2008listeriae.shtml>.

Apart from the immediate human tragedies of the 22 or so deaths and multiple serious illnesses, and the role of Maple Leaf Foods, the media focused on laxer government regulation in Canada as opposed to the U.S. By 2006, long before the Maple Leaf Foods outbreak, the U.S. Department of Agriculture (USDA) was insisting on daily inspection of food processing plants and testing of finished products for *Listeria*. The *Globe and Mail*, on August 29, 2008, reported that both the food processing industry and the Canadian Government had been frustrated with the U.S. precautions. The newspaper also disclosed that prior to the 2008 tragedy the CFIA had agreed to the industry's request to end a 20 year practice of issuing reports on facilities and ranking them relative to their contamination records (**Schedule #2**). At the same time, acknowledging that Maple Leaf Foods met relevant USDA standards because it exported to the U.S., the *Globe and Mail* reported that higher U.S. standards were not enough to prevent the outbreak of listeriosis.

Meanwhile, public health advertisements were published explaining the symptoms of listeriosis and advising that Canada has one of the world's safest food supplies (**Schedule #3**). This was also the position taken by Maple Leaf Foods. It is a claim which is open to very serious debate. For example, on September 16, 2009 a Canadian Medical Association Journal editorial slammed Ottawa for undermining public health safeguards (**Schedules #3A and #3B**).

At about the same time the media was dredging through Maple Leaf Foods' prior regulatory issues; even those irrelevant to the Toronto based outbreak and in a concurrent article (**Schedule #4**) the Mayor of Walkerton was quoted as follows:

"Governments should have learned from the mistakes that led to the tragedy in Walkerton. I am completely shocked that (Prime Minister Stephen) Harper has opted to make the same mistakes nationally that led to our disaster. Food security should never be placed on the chopping block in the name of cost cutting."

Maple Leaf Foods attributed the contamination in some of its products to the accumulation of bacteria deep within its meat-slicing equipment. Maple Leaf Foods, however, then found itself in a public debate with the slicer manufacturer which claimed their machinery was totally safe (**Schedule #5**). Mr. McCain insisted that Maple Leaf Foods had followed all required sanitization procedures. This part of the story quickly disappeared from the headlines. Presumably neither Maple Leaf Foods nor the slicer manufacturer were going to benefit by

pointing fingers at each other in public. It is interesting to note that on April 29, 2009 CTV reported that federal inspection records had revealed that Maple Leaf Food's records at this time had not properly recorded the history of cleaning of its meat-slicing equipment.

Meanwhile, throughout August and early September the death toll mounted almost daily. The elderly and those with compromised immune systems were the ones at significant risk. Maple Leaf Foods had supplied a large number of elder care and similar institutional facilities. There was no convenient way to screen those at risk and there was a 70 day incubation period. The public was very agitated.

The only way to diagnose listeriosis is to isolate *Listeria monocytogenes* from blood, cerebrospinal fluid, or stool. A sample of cerebrospinal fluid is removed from the spinal cord using a needle and syringe. This procedure is commonly called a spinal tap. The amniotic fluid (the fluid which bathes the unborn baby) may be tested in pregnant women with listeriosis. This sample is obtained by inserting a needle through the abdomen into the uterus and withdrawing fluid.

Ultimately, Maple Leaf Foods' establishment #97B remained closed for months, extensively cleaned and machinery in part replaced.

One question which was not initially answered because the litigation was quickly settled and the then available regulators' reports did not disclose the answer, is whether Maple Leaf Foods' testing program had identified *Listeria* problems in establishment #97B sometime prior to the recall notices, or whether the testing program was inadequate and failed to detect the deadly ingredients.

Subsequent reports (CTV April 20, 2009) suggest that Maple Leaf Foods' records compiled prior to August 2008 had identified the beginnings of the listeriosis outbreak. For some reason Maple Leaf Foods did not act immediately.

Needless to say the initial press coverage initially focused on the deaths. Customer reaction was swift. Maple Leaf Foods' president, Michael McCain, later acknowledged that sales of all products with the Maple Leaf Foods logo initially shrank by up to 50%.

MAPLE LEAF FOODS' RECALL

When the recall was complete Maple Leaf Foods had recalled about 668,000 kg. of meat processed at establishment #97B, where some products had tested positive for *Listeria*. Maple Leaf Foods never really had any choice in their "voluntary" decision to recall the meat products. Meat from the factory had tested positive for a potentially lethal bacterium and deaths were attributed to the outbreak. Presumably if Maple Leaf Foods had not recalled the meat CFIA would have ordered it to do so. The voluntary nature of the recalls were not material, however, in changing or softening the media response. It is clear, however, that the media's point of view did change and Maple Leaf Foods started to garner some sympathy as a direct result of Michael McCain's apologies in news conferences and later in television commercials. Mr. McCain said his company took responsibility for the outbreak.

MICHAEL McCAIN'S APOLOGY

Video message (apology) from Maple Leaf Foods, August 23, 2008:

"My name is Michael McCain. As you may know *Listeria* was found in some of our products. Even though *Listeria* is a bacteria commonly found in many foods and in the environment we work diligently to eliminate it. When *Listeria* was discovered in the product we launched immediate recalls to get it off the shelf. Then we shut the plant down. Tragically our products have been linked to illnesses and loss of life. To Canadians who are ill and to the families who have lost loved ones I offer my deepest sympathies. Words cannot begin to express our sadness for your pain. Maple Leaf Foods is 23,000 people who live in a culture of food safety. We have an unwavering commitment to keeping your food safe with standards well beyond regulatory requirements. But this week our best efforts failed and we are deeply sorry. This is the toughest situation we've faced in 100 years as a company. We know this has shaken our confidence in us. I commit to you that our actions are guided by putting your interest first."

The next day Mr. McCain said he had not listened to two groups of advisors, the lawyers and the accountants.

The press response turned the corner. The initially hostile media now reported more on the harsh economic impact of the recall on the company and the personal toll on the devastated Mr. McCain.

Ontario's *Apology Act* was not then in force. The press confirmed that Mr. McCain was making his apology against the advice of his legal advisors. While we do not know what legal advice he got, we do know that while Maple Leaf Foods said it would take responsibility, it made no legal commitment in the press conferences or advertisements. (It did give refunds to customers who returned the products to the company. Of course, almost everyone with any Maple Leaf product in their fridge by that point had dumped it in the garbage.)

As will be discussed below, however, the company did want to settle the multitude of class actions which had sprung up across the country. The effect of the apology on the litigation was probably zero. The effect on the media appears to have been considerable. The apology was probably little solace to those who were sick or died. It may have been of more interest to investors and other corporate stakeholders.

Maple Leaf Foods also probably benefitted to a certain degree when the media story inadvertently got hijacked by Agriculture Minister Gerry Ritz in an August 30 conference call when, in commenting on the political fallout, he stated:

"This is like a death by a thousand cuts. Or should I say cold cuts."

When told about a recent death in PEI, the Minister referred to the Liberal MP and shadow agricultural critic when he stated:

"Please tell me its Wayne Easter."

Needless to say, the *Listeria* crisis dominated the headlines but the focus at this time shifted to ministerial incompetence. The Minister soon had a different story:

"My comments were tasteless and completely inappropriate. I apologize unreservedly."

At this time Maple Leaf Foods was sticking to its media game plan which was arguably somewhat confusing in that, on the one hand, they accepted responsibility and vowed to learn from the experience while, on the other hand, they touted the Canadian food regulatory system as world class. Thus, Michael McCain in this time frame made both the following statements (see **Schedule #6**):

"We have learned from the tragic experience and we can and will do more."

and

"I continue to believe very strongly that Canada has one of the best food safety systems in the world."

THE IMPACT OF GOOD PRESS

In a media interview on October 29, 2009 (**Schedule #7**), Michael McCain admitted that Maple Leaf Foods had been engaged in continuous consumer reporting, i.e., polling. It appears the polling was concerned not with health issues but with corporate economic concerns. Mr. McCain stated:

"Recent information would suggest that 80% of our customers would buy products in the very near future, and we are seeing improvements in that every week."

Mr. McCain went on to note that while sales initially shrank by 50%, by this time, two months later they were now only down only 15%. Mr. McCain felt that the company's transparency in dealing with the crisis helped win back customers and stated:

"We felt that was the responsible thing to do at the time and we knew it would have a very substantial financial consequence. . . our belief is that over time by behaving responsibly, we will be respected and possibly rewarded by customers."

The *Toronto Star* article on October 30, 2008, noted that Mr. McCain thought it would not be unprecedented to expect a full brand recovery within six to twelve months (see **Schedule #8**).

One analyst who had a "speculative buy" rating on Maple Leaf shares was quoted as saying that customers realized the outbreak had been contained and were returning to the deli aisle. Mr. Gibson stated:

"If you've ate smoked meat your whole life and never gotten sick, you know its pretty safe . . . the only reason I don't have a screaming buy on the shares is because there is an outstanding class action lawsuit and even though its years away you don't really know what will happen there."

So customers were coming back but investors were staying away (the October 30, 2008 article in thestar.com notes that Maple Leaf shares were 32% lower than before the August 17, 2008 recall

at establishment #97B). Thus, it would appear the class actions needed to be settled for reasons connected with market value, quite apart from any other reasons which may have been articulated.

It certainly appears that after the apology media coverage focused more on the financial impact on Maple Leaf Foods than on the human tragedy of the illnesses and deaths. (The *Globe and Mail* (ROB) (Gordon Pitts), published an excellent article "The Testing of Michael McCain" which dealt to a certain extent with all these issues (**Schedule #9**.) At that point Michael McCain still maintained that Maple Leaf Foods was not slow in responding to the crisis (see p. 4 of Schedule #9) and claimed they acted with lightening speed.

OTTAWA'S OWN INVESTIGATION

The federal government and Parliament both got in on the act. The government initiated its own investigation not in respect of Maple Leaf Foods specifically but in respect to how to prevent such events in the future and appointed Sheila Weatherill to investigate the listeriosis crisis. Meanwhile an investigation by a separate House of Commons' subcommittee failed to make much headway when the Conservatives decided to await the report from the Weatherill investigation. The Opposition tabled two dissenting reports calling for a public inquiry into the outbreak and greater autonomy for the PHAC. The Opposition recommendations included working closely with the U.S. on food-safety standards, publishing inspection reports and providing adequate resources and training to food inspectors. It should be noted that Michael McCain testified at the Committee. He even engaged in a public relations campaign before his appearance (see April 14, 2009 *Globe and Mail* article; **Schedule #10**). Beforehand Maple Leaf had already administered a *coup de grâce* when it appointed a chief food safety officer and touted that this was not only a first for the company but potentially for the industry. McCain stated that he welcomed higher levels of monitoring and testing for food safety, as long as there was a level playing field.

Various other listeriosis reports have also been released. Reports by the Ontario Government, Health Canada, the CFIA and PHAC all acknowledged poor coordination amongst the various governments and agencies had put Canadians' health at risk.

THE WEATHERILL REPORT

Sheila Weatherill's report was released on July 21, 2009 with 57 recommendations (http://www.listeriosis-listeriose.investigation-enquete.gc.ca/index_e.php?s1=rpt&page=tab). It has been reported that Weatherill and her team conducted more than 100 interviews in their six month investigation. The report concluded that the listeriosis outbreak had not been taken seriously enough at the outset. Maple Leaf Foods failed to notice the problem of *Listeria* contamination on its meat-slicing machines. Over-extended government inspectors also failed to identify the outbreak. Once the reports of illnesses started to mount, the outbreak was not immediately treated as a severe emergency.

"It took close to three weeks before senior executives in all key organizations became fully engaged in the event."

Furthermore, Weatherill concludes that Maple Leaf Foods did not report (indeed, at that time it did not have to do so) information about contamination which had been detected as early as March 2007, more than a year before the first death. At the same time Maple Leaf Foods was producing larger packages of sodium-reduced deli meats for sale to hospitals and long term care homes which compounded the problem.

The Weatherill report also stated that (**Schedule #11**):

"Many of the issues—and even some of the recommendations generated by this Investigation—have been raised in previous reports on food safety in Canada. Recommendations are only words on paper until they are acted on.

As foodborne illnesses are now the largest class of emerging infectious diseases in the country, and listeriosis is a serious disease with deadly consequences for vulnerable groups, governments cannot afford to ignore these findings."

Michael McCain, in response, finally admitted (**Schedule #12**):

"We thought at the time that we had a strong food safety program and we did not. Had we known then what we know now, we may have saved 22 lives."

André Picard of the *Globe and Mail*, however, had a different and better view the next day when he wrote (**Schedule #13**):

"Yet, the root of the problem was not two dirty meat slicers but rather a culture—in government and private enterprise alike—in which food safety was not a priority but an afterthought."

His conclusion, consistent with that of Ms Weatherill: "Actions, not words."

THE U.S. EXPERIENCE

Fatal food contamination occurs frequently in North America. Recalls are increasingly frequent. The *L.A. Times* on August 7, 2009, reported that Beef Packers Inc. was recalling 800,000 pounds of ground beef because of salmonella. The *Globe and Mail* on August 5, 2009 reported Maple Leaf Foods' recall of nine varieties of hot dogs after they tested positive for *Listeria*.

In mid-February 2009 about 650 people in 44 states and Canada were infected with salmonella. Nine deaths were attributed to the outbreak. After intense investigation the source was traced back to a peanut processing plant in Georgia owned by the Peanut Corporation of America (PCA). More than 2,000 peanut products were recalled. The investigation involved the USDA, the Food and Drug Administration (FDA), the Centers for Disease Control and Prevention and public health officials in multiple states. The FDA report, Department of Health and Human Services, Food and Drug Administration Inspectional Observations Form FDA483 (February 5, 2009) is available at www.fda.gov.

The Americans went one step better than the Canadians and held congressional hearings and the FDA's Office of Criminal Investigations conducted an investigation of PCA.

The Consumers Union has made various recommendations in the wake of the congressional hearing on peanut butter and salmonella. Consumers Union urges mandatory testing, reporting and annual inspections as well as an overhaul of the FDA, CU (February 11, 2009), available at www.consumersunion.org.

Unlike Maple Leaf Foods which settled its class actions and restored its market share, PCA filed for bankruptcy in mid-February 2009.

GENERAL ISSUES IN THE FOOD PROCESSING INDUSTRY

In 2007, 150,000 people across North America became ill because of salmonella. The complexity of the food processing industry is such that it took from February 2007 until June

2007 to identify the one ConAgra plant (in Marshall, MO) which was responsible, although the specific source of contamination was never identified. The *New York Times* (May 15, 2009) argues that corporations that supply processed foods are increasingly unable to guarantee the safety of their ingredients. In the ConAgra case the offending frozen pot pie contained more than 25 ingredients, but ConAgra was never able to pinpoint which ingredient carried salmonella.

The *New York Times* reports that the supply chain for ingredients in processed foods is so complicated in our global society that some companies do not even know who is supplying their ingredients. Even if the supplier is known, the ultimate food processor often does not know what efforts have been made to screen for and remove contamination from the ingredients.

Food processing companies have tried to pass responsibility for food safety to the consumer by increasingly complex instructions on packets. Consumers now are sometimes told to avoid microwaves and cook only with conventional ovens. Consumers are also told to use food thermometers to ensure the product has been cooked to the required temperature.

The *New York Times* notes, however, that many consumers do not know the wattage power on their microwave ovens, whether such ovens should even be used, and many consumers do not own food thermometers. Furthermore, the *New York Times* own attempts to cook various frozen meals to the required 165° temperature were unsuccessful, in that the pies heated to only 144° before the crust was burnt.

Food processing companies are under pressure to reduce costs. Inadvertently or otherwise this may impose greater risks on the consumer. The *New York Times* also reported on the concept that ingredients should have their own "passports" so that, in the event of a disease outbreak, companies are able to trace the contamination back to the source. Such proposals, however, have met with resistance from various food industry groups.

The recent salmonella outbreak attributable to PCA and peanuts also shows that the problem is not just associated with frozen foods but also impacts dry foods which have sometimes been considered safe from such problems.

The August 5, 2009 *Globe and Mail* article on the Maple Leaf Foods hot dog recall quotes Professor Holley of the University of Manitoba who says that (**Schedule #14**):

"There certainly are ways the safety can be improved. We're as vulnerable today as we were this time last year."

THE ROLE OF THE REGULATORS

The various reports may lead to a greater number of inspectors and inspections. With the greater risk associated with so-called convenience foods and the global food processing industry, the question is whether it is enough.

On the question of proper compensation, not all food processors will have proper insurance and it is clear that the CFIA and other regulators will not readily be found liable if they are ineffective. The Court of Appeal for Ontario in *Eliopoulos v. Ontario* (2006), 82 O.R. (3d) 321 (the West Nile case), dismissed the claim against the Ontario Government in negligence for failing to prevent the outbreak of the West Nile virus on a pleadings motion. The court found that Ontario's *Health Protection and Promotion Act*, R.S.O. 1990, c. 87, did not establish sufficient proximity to found a claim. See also *Attis v. Canada* (2008), 93 O.R. (3d) 35 and *Drady v. Canada*, (2008) O.J. No. 3772.

Thus, the regulators are essentially immune from liability in respect of consumers.

It is also true that claims by the industry for negligent investigation which causes them economic loss seem to have little prospect for success. See *River Valley Poultry Farms Ltd. v. Canada* (2009), 95 O.R. (3d) 1 (Ont. C.A.) distinguishing *Adams v. Borrel*, (2008) NBJ No. 327 (N.B. C.A.).

WORKING WITH MULTIPLE LEGAL TEAMS

In a high profile national class action there is no doubt the plaintiffs' lawyers must move quickly for various reasons:

1. They must investigate of the merits of the case to determine if the case is worthwhile. This may require testing to be initiated.

2. They must ensure the preservation of evidence. This will at least involve letters to possible defendants requiring documents and samples to be preserved.
3. It is important to stay ahead of the defendants and defendants' counsel who, as can be seen here, will be working hard to ensure their "message" dominates the headlines, the court of public opinion and, perhaps indirectly, the courts themselves.
4. There is, of course, the potential conflict with other plaintiffs' firms who believe that they should control or dominate or at least participate in the litigation. An important consideration in compiling a legal team is selecting the jurisdictions in which claims should be commenced. There is still uncertainty with respect to how national class actions will develop in the Province of Québec. The "first to file" rule still dominates in Québec. The population of Québec is such that whoever commences the first action there will control 25% of the population and approximately 25% of most claims on a national basis. There is no doubt that Québec counsel must be involved. Whether counsel are involved in other provinces will depend on the nature of the claim and the issues. In Maple Leaf Foods, claims were initiated across the country and two main counsel groups coalesced.
5. It seems inevitable that similar circumstances will arise in future claims. Some counsel will agree to a consortium and there will likely be competing consortia. Consequently, it is imperative to move the action forward as efficiently, effectively and expeditiously as possible.
6. One must immediately retain the best experts, both to advance your case against the defendants and also to show that your consortium has the preferable litigation strategy. For similar reasons, the statement of claim must be drafted to include all relevant defendants and the most preferable causes of action, without being overbroad and prejudicing the prospects for certification.

You must assume that there will be a carriage motion. That motion should be brought as soon as possible. It is almost inevitably an advantage to the plaintiff class that the action move forward expeditiously. Secondly, in the rare circumstance where the defendants wish to settle quickly (as

in Maple Leaf Foods) it is imperative that carriage issues be determined quickly and the main action not delayed to the detriment of the class and to the prejudice of the defendants.

Ontario death confirmed in listeriosis outbreak



The Maple Leaf Foods' Toronto plant, which has been temporarily closed, is seen on Wednesday, Aug. 20, 2008.



Maple Leaf Foods representative Linda Smith speaks to CTV Toronto about the recall on Wednesday, Aug. 20, 2008.



Dr. Vinita Dubey, associate medical officer of health with Toronto Public Health, speaks with CTV Toronto on Wednesday, Aug. 20, 2008.

ctvtoronto.ca

Updated: Wed. Aug. 20 2008 8:16 PM ET

The Public Health Agency of Canada has confirmed that one person in Ontario has died from the strain of listeriosis that may be related to a bacteria outbreak at a Toronto Maple Leaf Foods plant.

Neither the Agency, nor the provincial ministry of health, could comment on the identity or location of the deceased.

Maple Leaf Foods says the plant will be closed for four days as the company investigates an outbreak of listeria monocytogenes and expands a recall of its packaged meats.

The company has recalled 23 packaged meat products, including sliced cooked turkey breast, roast beef and salami.

Though listeria has not been found in all of the 23 products now on recall, the company is recalling items that share a production line with the tainted meats.

- See the full list of recalled products below

"We have taken a much broader approach to the recall than the actual testing has indicated we need to," Maple Leaf representative Linda Smith told CTV Toronto.

Smith told CTV Newsnet that the products that were recalled came from two specific production lines at its Toronto plant.

She said they were dismantling those lines to do a comprehensive cleaning.

About 380 employees at the plant are affected by the temporary closure. Employees will be receiving a supplemental half-day of food safety training.

Smith said there are ten staff devoted to food safety at the facility and the plant undergoes external audits several times a year.

"Clearly in this case our standard has not been held," she said.

The recall is related to an ongoing investigation into a listeriosis outbreak being conducted by the Public Health Agency of Canada.

Seventeen cases of listeriosis have been confirmed: 13 in Ontario, two in British Columbia and one each in Saskatchewan and Quebec.

However, there 16 more suspected, but unconfirmed, cases of listeriosis in Ontario.

The cause of the outbreak remains unknown and a link has not been made between the affected products and any human illness.

"We'll work until we can find the source or until the outbreak is completed," Canadian Food Inspection Agency recall officer Garfield Balsom told CTV Newsnet.

On Sunday, Maple Leaf issued a recall of its Sure Slice roast beef and corn beef products, which are produced at the Toronto plant, after they tested positive for low levels of listeria.

The products that are part of the recall have been distributed to nursing homes, delis and

restaurants across Canada, including McDonald's and Mr. Sub.

McDonald's has temporarily removed its turkey BLT sandwich from its menu while the investigation into the cause of the bacteria outbreak continues.

However, Balsom said the recalled meats should all have been removed from sale by mid-afternoon Wednesday.

Exposure to the listeria bacteria can lead to listeriosis, particularly in the elderly, the very young, pregnant women or those with weakened immune systems.

"I strongly advise the public, especially those at high risk for listeriosis, such as the elderly, pregnant women and those with weak immune systems, to make sure they avoid consuming these products," Dr. David C. Williams, Ontario's Chief Medical Officer of Health, said in a statement. "I have also asked all public health units to advise emergency rooms in their jurisdictions to be on alert for cases."

Symptoms of listeriosis include nausea, vomiting, cramps and fever.

"Food that's contaminated with listeria doesn't always look like it's spoiled and the bacteria can also proliferate when it's in the fridge," said Dr. Vinita Dubey of Toronto Public Health. "So it's important for individuals to make sure they heat their food, especially cold cuts and deli meats, properly."

The recalled products were produced from June 2 onward.

The 23 products have an establishment number of 97B and have best before dates ranging from Sept. 30 to Jan. 1, 2009.

With files from CTV Toronto's Galit Solomon and The Canadian Press

The complete list of affected products, including individual product codes and best-before dates:

- 26365, Sliced Cooked Turkey Breast, 470 grams, Sept. 30;
- 02106, Schneiders Bavarian Smokies, 1 kilogram, Oct. 28;
- 02126, Schneiders Cheddar Smokies, 1 kilogram, Oct. 28;
- 21333, Sure Slice Roast Beef, 1 kilogram, Sept. 30;
- 21388, Sure Slice Combo Pack, 1 kilogram, Sept. 30;
- 60243, Deli Gourmet Roast Beef slices, 1 kilogram, Sept. 30;
- 02356, Seasoned Cooked Roast Beef, 500 grams, Oct. 7;
- 42706, Roast Beef, Seasoned and Cooked, 500 grams, Oct. 7;
- 21334, Sure Slice Turkey Breast Roast, 1 kilogram, Oct. 14;
- 21444, Sure Slice Corned Beef, 1 kilogram, Oct. 14;
- 44938, Montreal Style Corned Beef, 500 grams, Oct. 14;
- 21440, Sure Slice Black Forest Style Ham, 1 kilogram, Oct. 21;
- 21447, Sure Slice Salami, 1 kilogram, Oct. 21;
- 21331, Sure Slice Smoked Ham, 1 kilogram, Oct. 21;
- 48019, Schneiders Deli Shaved Corned Beef, 200 grams, Oct. 21;
- 48020, Schneiders Deli Shaved Smoked Meat, 200 grams, Oct. 21;
- 48016, Schneiders Deli Shaved Smoked Ham, 200 grams, Oct. 21;
- 48018, Schneiders Deli Shaved Smoked Turkey Breast, 150 grams, Oct. 21;
- 48017, Schneiders Deli Shaved Fully Cooked Smoked Honey Ham, 200 grams, Oct. 21;
- 21360, Burns Bites Pepperoni, 500 grams, Jan. 21, 2009;
- 99158, Turkey Breast Roast, 1 kilogram, Sept. 30;
- 71330, Roast Beef Cooked, Seasoned, 2.5 kilograms, Sept. 30;

- 71331 Corned Beef, Smoked Meat, 2.5 kilograms, Sept. 30.

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BACK TO PAPER



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Listeria Investigation and Recall - 2008

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[Main Page](#) | [2009-08-03 - HEALTH HAZARD ALERT - Certain MAPLE LEAF, SHOPSY'S and HYGRADE brand wieners may contain *Listeria monocytogene*](#)

- [2008-09-04 - CANEX brand MAPLE LEAF BOLOGNA may contain *Listeria monocytogenes*](#)
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- [2008-08-29 - Certain ready-to-eat deli meats sold by CO-OP ATLANTIC stores may contain *Listeria monocytogenes*](#)
- [2008-08-29 - Certain Kielbassa sausage sold at COUNTRY TRADITIONS, TASTE OF COUNTRY, and COUNTRY FARM supply stores may contain *Listeria monocytogenes*](#)
- [2008-08-29 - Certain SANDWICHES sold at SAFEWAY STORES may contain *Listeria monocytogenes*](#)
- [2008-08-29 - REDUCED COLD CUT ENDS sold by METRO ONTARIO INC. may contain *Listeria monocytogenes*](#)
- [2008-08-29 - Updated - Certain ready-to-eat deli meat products may contain *Listeria monocytogenes*](#)
- [2008-08-29 - Certain ready-to-eat deli meats sold by METRO-RICHELIEU STORES may contain *Listeria monocytogenes*](#)
- [2008-08-28 - Certain ready-to-eat deli meat products may contain *Listeria monocytogenes*](#)
- [2008-08-28 - Certain sandwiches sold by LOBLAW COMPANIES may contain *Listeria monocytogenes*](#)
- [2008-08-28 - BIG GLEN SANDWICH may contain *Listeria monocytogenes*](#)
- [2008-08-28 - Certain ready-to-eat deli meats sold by DELTA COUNTRY MARKET, DELTA may contain *Listeria monocytogenes*](#)
- [2008-08-28 - Oven roasted turkey breast sold by WHITE HOUSE MEATS INC., Toronto may contain *Listeria monocytogenes*](#)
- [2008-08-28 - Expanded - Cooked ham and salami sandwiches and deli lunch box wraps sold in SOBEYS, FOODLAND and IGA stores in Ontario may contain *Listeria monocytogenes*](#)
- [2008-08-27 - Cooked ham and salami sandwiches sold in SOBEYS, FOODLAND and IGA stores in Ontario may contain *Listeria monocytogenes*](#)
- [2008-08-27 - Certain KIRKLAND SIGNATURE brand platters may contain *Listeria monocytogenes*](#)
- [2008-08-26 - Certain IRVING, SUB DELICIOUS, and NEEDS brand sandwiches may contain *Listeria monocytogenes*](#)

- [2008-08-26 - Certain FRESH 2 GO \(F2GO\) brand sandwiches may contain BRAND SANDWICHES MAY CONTAIN *Listeria monocytogenes*](#)
- [2008-08-25 - Certain SAFEWAY brand TAKEAWAYCAFÉ brand sandwiches may contain *Listeria monocytogenes*](#)
- [2008-08-24 - Expansion - Meat products produced at Establishment 97B may contain *Listeria monocytogenes*](#)
- [2008-08-23 - Link between Listeriosis Outbreak Strain and Maple Leaf Foods Products Confirmed](#)
- [2008-08-22 - SHOPSY'S DELI-FRESH CLASSIC REUBEN SANDWICH may contain *Listeria monocytogenes*](#)
- [2008-08-21 - Clarification - Certain ready-to-to-eat deli meat products produced at Establishment 97B may contain *Listeria monocytogenes*](#)
- [2008-08-19 - Certain ready-to-to-eat deli meat products produced at Establishment 97B may contain *Listeria monocytogenes*](#)
- [2008-08-17 - SURE SLICE brand roast beef and corned beef may contain *Listeria monocytogenes*](#)

Date modified: 2008-09-04

BACK TO PAPER

August 29, 2008

Ottawa wanted U.S. to accept more lenient meat inspection regime

By BILL CURRY
From Friday's Globe and Mail

The Canadian government strongly opposed tougher U.S. rules to prevent listeria and lobbied the United States to accept Canada's more lenient standards, internal documents reveal.

Briefing notes prepared by the Canadian Food Inspection Agency for an April 7, 2006, meeting with the board of directors of the Canadian Meat Council outline how both industry and the Canadian government were frustrated with the increased precautions the United States was demanding.

Specifically, Canada opposed daily inspection visits and the testing of finished products for *Listeria monocytogenes*.

Further, the documents show the CFIA agreed to the meat packing and processing industry's request to end a 20-year-old practice of having inspectors issue reports and rankings on facilities. The Canadian Meat Council complained the reports were ending up in the hands of reporters through the Access to Information Act, leading to bad coverage.

Jim Laws, the executive director of the council, which represents Canada's meat packers and processors, said yesterday that he believes he attended the meeting.

He said Canada dropped the inspection reports and rankings as part of a host of changes brought in on March 31.

"It was an archaic way of rating plants that was not logical," he said. "Part of the concern was that this information, it was available to the public ... it was indeed causing our members some grief."

Mr. Laws said the industry has always lobbied for Canada to adopt the U.S. standards to avoid having two sets of rules.

The government documents indicate Canada's meat producers were frustrated that they must add more stringent safeguards to their production lines when producing meat for export to the U.S. market.

"Industry would prefer a single set of standards for both the Canadian and American market," states the document prepared by Dr. Richard Arsenault of the CFIA, anticipating what meat council board members would tell CFIA at the meeting. "[The CMC] will also express their frustration about the recent [United States Department of Agriculture] imposition of product testing for *Listeria monocytogenes* and of daily visits in U.S.-eligible meat processing plants."

Agriculture Minister Gerry Ritz, who is responsible for the CFIA, hinted this week that Canada might move toward U.S. practices of preventing listeria, such as the pasteurization of packaged meat. But the documents reveal the CFIA lobbied the United States to adopt Canada's rules.

"The CFIA is working at bilateral levels to convince the USDA that its system is equivalent to theirs in order to minimize the need for extra import rules," the document says.

The U.S. Department of Agriculture has not backed down from its requirement that all producers of ready-to-eat meat must pasteurize or boil products in the package to kill *Listeria monocytogenes*, add chemicals to prevent the bacteria, or allow more rigorous plant inspections. It was unclear yesterday which option Maple Leaf took to comply with U.S. standards.

However, it does not appear those higher U.S. standards were enough to prevent the current outbreak.

Canadian plants approved to ship to the U.S., which include the Maple Leaf plant in Toronto that was the source of the outbreak, must meet the USDA standards. The CFIA said yesterday that products from that plant are the same regardless of whether they are for Canadian or U.S. consumers.

Paul Mayers, associate vice-president of the Canadian Food Inspection Agency, acknowledged there is a different standard for Canadian meat plants that aren't approved to ship to the United States.

"There are some additional requirements that may come into play in relation to export certification of products," he said, but insisted all meat in Canada is safe. "We focus on a single level of hygiene and safety for all consumers of products produced in Canada."

The briefing notes were obtained by researcher Ken Rubin through the Access to Information Act and outline Canada's objections to the U.S. rules, which were imposed in response to a deadly listeria outbreak in 1998.

"The CFIA does not agree with this [USDA] approach, and disagrees with a number of specific USDA requirements (e.g., daily visits, finished product testing for *Listeria monocytogenes*), [but] it has implemented the required changes to maintain Canada's access to the important U.S. market. The CFIA will only be successful in convincing the USDA to return to previous arrangements if Canadian operators can demonstrate that they are operating in full compliance with all USDA rules," it states.

In addition, the document indicates the industry successfully lobbied to end inspection reports and rankings of its facilities.

"The [Canadian Meat Council] has sought changes to the existing system because ratings and reports are used by the media through the Access to Information Act ... and there is a misperception that products coming from a 'B' or 'marginally acceptable' facility are less safe." ***

By the numbers

29

Confirmed cases of listeriosis across Canada (22 in Ontario, four in British Columbia, one in Saskatchewan, two in Quebec)

15

Deaths associated with the outbreak strain (12 in Ontario, one in British Columbia, one in Saskatchewan, one in Quebec). In eight of these cases, all in Ontario, listeriosis has been identified as the underlying or contributing cause of death. Others are under investigation.

36

Suspected cases under investigation (19 in Ontario, one in British Columbia, five in Alberta, one in Manitoba, 10 in Quebec)

Source: Public Health Agency

of Canada

BACK TO PAPER



Public Health
Agency of Canada

Agence de la santé
publique du Canada

G2M
Aug
30/08

Update on Listeriosis Outbreak

For most people, the risk posed by listeriosis is very low. Healthy people who are exposed to it are rarely affected by the bacteria. But there is potential risk to pregnant women, seniors, young children and people with weakened immune systems.

Listeriosis can cause symptoms such as persistent fever, severe headaches, neck stiffness, nausea and vomiting.

If you are suffering from these symptoms, you should speak to a doctor or health provider.

Here are some simple steps you can take to protect yourself and your family from listeriosis and other disease causing bacteria:

- Refrigerate and cook raw food from animal sources, such as beef, pork or poultry. Cooking will kill the listeria bacteria.
- Keep uncooked meats separate from vegetables and from cooked and ready-to-eat foods.
- Wash hands, knives and cutting boards after handling uncooked foods.
- Wash raw vegetables thoroughly before eating.
- Eat perishable and ready-to-eat foods as soon as possible.
- Avoid unpasteurized milk and milk products.
- Check the recall list at www.inspection.gc.ca. If there is food you have doubts about, throw it out or return it to the store.

Canada has one of the world's safest food supplies but outbreaks will and do happen. The Government of Canada is working closely with all provinces, territories, and with the food industry to respond to this outbreak and protect your health.

Dr. David Butler-Jones, MD
Chief Public Health Officer of Canada

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BACK TO PAPER

Listeriosis is the least of it

SCHEDULE #3A

Published at www.cmaj.ca on Sept. 16, 2008.

In August, Canada experienced the worst epidemic of listeriosis in the world. Contaminated cold cuts from a Toronto meat processing plant have, as of Sept. 12, 2008, killed at least 16 Canadians from among 43 confirmed cases of listeriosis in half the country's provinces. Already the death toll is more than double that of the notorious *Escherichia coli* outbreak in Walkerton, Ontario. And since *Listeria monocytogenes* can remain latent for 2 to 3 months, the deaths, illnesses and other effects such as spontaneous abortions may not be over yet.

What went wrong? As in the Walkerton and SARS epidemics, an outbreak of this size may point to systemic failures across multiple levels. *Listeria* is the biological agent, cold cuts the vector, but the ultimate cause may be found in risky government decisions.

Last November the Canadian government instituted a strategic review of the Canadian Food Inspection Agency (CFIA). Among its outcomes was to transfer inspection duties for ready-to-eat meats from the government inspectors to the meat industry. Cabinet decided to "shift from full-time CFIA meat inspection presence to an oversight role, [thereby] allowing industry to implement food safety control programs and to manage key risks."¹

In practice, the new policy meant that CFIA inspectors would rarely enter meat plants to test for bacteria and testing was left mostly to companies. Self-inspection came largely to substitute for, and not just to supplement, government inspection. Self-inspection mechanisms have worked effectively in other countries, but in Canada something went very wrong. One troubling sign is that even now, months after the policy change, the CFIA's required sampling procedure remains under development.

Maple Leaf Foods, the company at whose plant the *Listeria* contamination originated, was an early adopter of the government's new plan. And why not? The new policy made self-inspection easy: the company had to keep up good manufacturing practices in its plant and to test finished products just once monthly.²

Canada's government also left national standards for *Listeria* lower than in many other countries. Health Canada tolerates up to 100 *Listeria* bacteria per gram of ready-to-eat foods at the start of the product's life, even though the dose of *Listeria* ultimately ingested may be higher because the bacteria can replicate during the product's life even if refrigerated.³ In contrast, the United Nations / World Health Organization Codex Alimentarius Commission grudgingly tolerates 100 bacteria per gram, but only at the end of the product's life.⁴ The United States government is tougher still and tolerates no *Listeria* bacteria at all.⁵

Confronted with the reality of its lax *Listeria* standards,

Canada's government did not raise them, but instead lobbied to have America's standards lowered.² In particular, CFIA opposed "daily visits" by inspectors and "finished product testing for *Listeria*," precisely the safeguards that might have spotted Maple Leaf Foods' *Listeria* problem sooner and avoided or reduced the impact of this outbreak.⁶

Government policy errors helped bring about this epidemic. Yet surprisingly, government has taken no remedial steps beyond issuing a food recall. Instead, officials praise the success of our infectious disease surveillance system — as if, with 16 dead, there were cause to celebrate — while food safety standards remain as low as ever.

The listeriosis epidemic is a timely reminder that the Harper government has reversed much of the progress that previous governments made on governing for public health. Following the 2003 SARS epidemic and subsequent recommendations of the National Advisory Committee on SARS and Public Health,⁷ the Public Health Agency of Canada (PHAC) was created and given its own minister in government — a direct line to the prime minister. But in 2006, among Prime Minister Stephen Harper's first acts was to eliminate the PHAC minister and public health's seat at the Cabinet table. His government also left the chief medical officer of health within the ranks of the civil service, working under the minister of health. In so doing, it left our country without a national independent voice to speak out on public health issues, including providing visible leadership during this crisis.

And listeriosis may be the least of it. The same November 2007 Cabinet decision that handed self-inspection to the owners of meat plants did the same for operators of animal feed mills and cut back the avian influenza preparedness program. Yet bad animal feed led to the epidemic of bovine spongiform encephalitis (mad cow disease), and in an influenza pandemic tens of thousands of Canadians may die.⁸ Listeriosis pales in comparison. Overall, it would seem that, as a country, Canada is far less prepared now for epidemics than in the past.

To address the increasingly serious public health problem, just 1 day before heading into an election, Prime Minister Harper called for an "independent investigation" of the listeriosis epidemic. But the structure of the proposed investigation is deeply disappointing. According to the investigation's terms of reference, listed on the prime minister's website, no investigator at arm's length from the government has been or will be chosen; the investigator will not have any power to subpoena witnesses or documents; the investigation will be closed to public participation; and there is no commitment to publish the investigator's findings or to report to Parliament.⁹

Such an investigation will be inferior to every epidemic in-

quiry in recent Canadian history. The inquiries into the tainted blood scandal, the Walkerton outbreak and the SARS epidemic all were arm's-length exercises convened by an independent commissioner (usually a judge) who held open and public hearings and who wielded all the powers listed above. The public reports of those past inquiries catalogued the institutional failures that caused the epidemics and made sensible governance and medical recommendations to protect Canadians better. The Krever commission of inquiry into the tainted blood scandal, for example, has as its legacy the creation of one of the best blood collection and banking systems in the world.¹⁰

Prime Minister Harper has said he is "very troubled" by the *Listeria* outbreak. So are we: *Listeria* is a ubiquitous soil bacterium. Future food-borne epidemics of listeriosis are certain. A full-scale public inquiry into the major failings of Canada's food inspection system is necessary to protect Canadians from future epidemic threats, and the Canadian public should settle for nothing less than that. This will be the first and most important step toward making our food chain safer. Politicians would do well to explain their positions on such an inquiry before election day.

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BACK TO PAPER

SCHEDULE #3B

Shifting to food industry self-monitoring may be hazardous

Published at www.cmaj.ca on Sept. 16, 2008.

Contamination in a Canadian meat processing plant may no longer automatically result in a shutdown, according to a leaked chapter of the Canadian Food Inspection Agency's proposed procedures manual for meat hygiene.

Rather, companies are to develop and implement an "action plan" in response to the contamination. The leaked document — "Chapter 18: Compliance Verification System" — also indicates the government has not yet resolved how it will conduct biological tests of industry facilities and equipment. It is among a number of chapters still listed as unavailable at the food inspection agency's website (www.inspection.gc.ca). An agency spokesperson says some of the documentation is under revision.

The unpublished chapter, leaked to *CMAJ*, states that upon receiving a request from the agency, companies must take corrective measures by "Providing an acceptable action plan by a specified date" and "Effectively implementing the corrective and preventative measures as described in the action plan by a specified date."

The changes, which took effect in April 2008, have dismayed meat inspectors, particularly the fact that they can no longer take immediate action to clean up contaminated plants, says the head of the union for federal food safety inspectors.

"Instead of [inspectors] shutting down the line, now they just fill out Corrective Action Requests," says Bob Kingston, president of the Agricultural Union of the Public Service of Alliance of Canada. That request includes "some kind of response to how they plan to deal with it."

There is confusion, says Kingston, about how long companies have to perform these tasks and about the conditions under which they will be compelled to notify inspectors of problems.



Reuters / Mark Blinch

A woman endeavours to sterilize meat processing and packaging equipment at the Maple Leaf Foods plant in Toronto, Ontario, at which meat products were produced that were recalled after being linked to the listeriosis outbreak.

Perhaps even more significantly, Kingston says there is also confusion about how often inspectors are to take samples from meat products for microbiological testing.

Under the heading "CFIA Sampling," the leaked chapter describes microbiological requirements as being "currently under development."

The old protocols dictated the frequency of testing for different microbes. For *Listeria*, the microbe responsible for the recent outbreak at an Ontario Maple Leaf Foods plant that has killed at least 16 Canadians, the agency's manual stated: "Sampling is conducted at a minimum frequency of twice per year."

Kingston is unsure whether that still applies. "That's the debate."

That debate and others over the ambiguities of the new inspection system lie at the core of an ongoing controversy over food safety which has erupted in the wake of the deadly listeriosis outbreak that, as of *CMAJ*'s Sept. 15, 2008, press deadline, had

caused 14 deaths in Ontario, 1 in Alberta and 1 in British Columbia.

At the heart of the controversy lies the issue of who should bear the bulk of responsibility for inspecting meat.

Some believe it's the Canadian Food Inspection Agency. But many food safety experts, who seem generally agreed that the ongoing global shift toward industry self-monitoring is long overdue, say food companies should bear responsibility because they are more motivated to ensure their products are safe. Harming customers, after all, is very bad for business.

The agency favours industry monitoring, and has drawn sharp criticism for pulling meat inspectors off plant floors, where they conduct visible inspections, and making them spend more time in the office, where they examine industry-collected safety data.

The agency says the new system will ensure food companies adhere to the principles of Hazard Analysis at Critical Control Points (HACCP), an international production control system designed to reduce risks.

Critics claim the move will only result in more breakdowns like the one at Maple Leaf Foods.

For its part, the federal government has essentially deferred the issue and hopes to deflect public anger by ordering an “independent investigation” into the outbreak. Its terms of reference include a review of “the efficiency and effectiveness of the response of the federal organizations.”

The agricultural union has blamed the government, accusing it of slashing funding for food safety programs by nearly 30%, to \$254 million in fiscal year 2010/11 from \$359 million in 2006/07.

Still, many food safety researchers believe the shift toward more industry involvement in inspection was inevitable and will result in a more scientifically based — and ultimately more effective — food safety system.

“The government is trying to monitor as much as possible, but it just can’t,” says Sylvain Charlebois, a food distribution and safety researcher and associate dean of the graduate school of business at the University of Regina. “We are dealing with such a vast and complex system. You need a viable and functional partnership between government agencies and the industry or else it’s just not going to work.”

Many countries have already given industry a greater role in food inspection. The US Government Accountability Office recently studied the food safety networks of 6 countries: Canada, Germany, Ireland, Japan, the Netherlands and the UK. In a June 2008 report, it claims the “burden for food safety in most of the selected countries lies primarily with food producers, rather than with inspectors, although inspectors play an active role in overseeing compliance.”

The prevailing argument against governments getting out of the inspection game is that private companies, concerned more with bottom lines than customers’ health, will do little inspection or may even, if they have something to hide, fudge test results.

“The counter argument is that firms have strong private incentives to produce safe food and will do so anyway, and this movement from

carcass-by-carcass inspection to overseeing a HACCP plan is more efficient,” says Julie Caswell, an expert in international food systems and chair of the Department of Resource Economics at the University of Massachusetts Amherst.

The economic research division of the US Department of Agriculture favours the latter argument.

In a 2003 report, *International Trade and Food Safety*, it states that private companies have strong financial incentives to prevent food crises: “Firms implicated in a crisis may suffer from reputation lost, stock prices reduced, plants closed for cleanup or permanently shut down, food poisoning lawsuits filed, premiums raised for product liability insurance, and demand for product reduced enough to threaten entire markets or industries.”

Some food safety researchers believe private companies are also more likely to create new testing technologies and safety protocols. This could result in an increased reliance upon microbiological testing, as opposed to the century-old visible inspection model, which some critics deride as the “poke-and-sniff” method.

“I’ve yet to find a human being who can use their eyes to see salmonella or listeria or E. coli,” says Marc Richard, a Canadian Food Inspection Agency spokesperson. “Instead of looking at meat and not seeing the microbes, inspectors will be looking at test results.”

But the public perception, Richard suggests, is that more bodies is better than more data. He likens the inspection agency’s role in the food industry to that of police officers enforcing speed limits. The public, he says, sees things differently. “For some reason, in food, people expect the policemen to be driving the cars.”

Michael Batz, executive director of the Food Safety Research Consortium and head of food safety programs at the University of Florida’s Emerging Pathogens Institute, also believes the future of food safety lies in sophisticated data analysis systems.

The current US system, similar to Canada’s, relies heavily on inspectors who scan thousands of carcasses for visible signs of disease or distress.

This, he suggests, leads to a system dominated by “off-the-cuff” judgments and outbreak damage control.

Richard understands, however, why the public is wary of pulling inspectors off plant floors. “A chicken covered in salmonella looks the same as a chicken not covered in salmonella ... but when you talk about taking eye balls off the birds it just feels like a bad idea to many people,” he says.

There are risks, of course, to adopting a system in which private companies collect safety data and federal inspectors review it. Inspectors may not be qualified to perform sophisticated scientific analysis of the data or, as has been the case in Canada since the new system’s introduction, they will be overwhelmed with paperwork and confused by vague guidelines. While companies at risk of being penalized may fake test results.

But the biggest risk, according to Batz, is that the government might receive limited access to important information. “With federal inspectors, the data is in-house. If private firms are involved, who owns the data and where does it sit? Does government have full access? Is there some shielding, and will industry only have to report if they pass or fail?”

Many future food safety systems, some researchers claim, will likely be private–public hybrids. Firms with good track records will receive more freedom; those with poor track records will receive more scrutiny — the end goal being the most effective mix of private monitoring and government policing. Still, no amount of testing and inspection will remove all risks.

“What you need, whether it’s at a farm or a processor or a slaughter house or a retailer — whoever is dealing with the food at that point — is to have a culture of food safety, where they are thinking about his stuff 24/7,” says Doug Powell, head of the International Food Safety Network, a repository of food safety-related information at Kansas State University. “It is much more than just testing and inspecting. It’s really having people get religion about this stuff.” — Roger Collier, *CMAJ*

DOI:10.1503/cmaj.081459

BACK TO PAPER

SCHEDULE #4

August 30, 2008

Maple Leaf criticized in 2007 audit

By BILL CURRY
From Saturday's Globe and Mail

A mousetrap plugged with discarded pieces of meat and animal fat turned up in a May, 2007, inspection of Maple Leaf's meat plant in Brandon.

The observation wasn't made by Canadian officials, but by Alam Khan, a senior auditor with the U.S. Department of Agriculture. Mr. Khan said in a report that the Canadian Food Inspection Agency inspector accompanying him on the tour scooped the obstruction out of the trap.

Pest-control devices must be working properly to be approved by U.S. auditors. The official who cited the clogged mousetrap gave the facility a failing grade in pest control, and told his U.S. colleagues it wasn't an isolated problem.

The auditor's report notes that Maple Leaf had been warned multiple times about problems with the kind of trap it was using "and yet no action was taken by the establishment to correct the problem."

Although several Canadian plants have lost the approval of the USDA to ship to the United States because of these audits, Maple Leaf plants have not received that sanction. Maple Leaf spokeswoman Linda Smith noted that all of the company's plants remain in good standing with the USDA.

"They have passed their recent inspections," she said. "Minor findings are part of the audit process and are not uncommon."

The mousetrap incident is just one of a litany of failings outlined in the latest USDA audit of Canada's meat, poultry and egg inspection system.

All Canadian plants that are approved for exporting to the United States must allow U.S. officials to audit their facilities.

More than two dozen on-site audits done between May 1 and June 6, 2007, were compiled into a final report on Canada's meat, poultry and egg products inspection system.

The report says that 19 out of 20 audited plants were not complying with sanitation standards, while Canadian inspectors were not always aware of their duties, "and were not well trained in the performance of their inspection tasks."

With Canada's decision this year to stop making facility reports and rankings by Canadian inspectors, the USDA website may be the only place where consumers can read detailed reports of what is happening in this country's plants.

The Globe and Mail reported this week that Canada ended its ranking system on March 31 after the industry complained the reports were leading to negative media coverage.

The CFIA's response to the USDA's 2007 audit report - which included the assessment of Maple Leaf's Brandon facility - shows that Canada urged the Americans to soften their critical language.

Dr. Bill Anderson, the CFIA's director of meat programs, wrote last year to the head of the USDA's

international audit team. In the letter posted with the report, Dr. Anderson noted that while none of the CFIA inspectors who accompanied USDA officials on their audits challenged the U.S. findings, Canada didn't like their tone.

"I would however like to voice my concern over the tone of general statements made in the draft final report," wrote Dr. Anderson, singling out the finding that: "Nineteen of 20 slaughter and/or processing establishments (including cold storage) had deficiencies in [sanitation performance standards]."

"We found that this statement is unnecessarily severe," Dr. Anderson continued. He suggests that the line be changed to: "In addition, some of the SPS requirements were not being enforced adequately in 19 of 20 establishments."

Jim Laws, the executive director of the Canadian Meat Council, confirmed this week that industry representatives had asked for the Canadian rankings to be terminated because they were "archaic" and causing council members grief when they became public.

A review of the U.S. audit illustrates why such information might be controversial.

While the Maple Leaf plant in Toronto identified as the source of the current listeria outbreak was not audited in 2007, the report says that Maple Leaf plants in Brandon and Moncton were in "non-compliance" regarding sanitary operations. The Brandon plant also received a non-compliance ranking for pest control.

The problems were not exclusive to large companies like Maple Leaf. A Charlottetown company called Natural Organic Food Group received a particularly damaging report. Among the observations was a lack of floor drainage in an employee's work area.

"Even though this employee had a slightly raised area to stand on, he was surrounded by water with blood in it," states one of the auditor's observations.

Agriculture Minister Gerry Ritz said yesterday that Canadian's facility rankings had become "antiquated" and needed to be replaced. Paul Mayers of the CFIA said new compliance reports will be introduced.

"We have a commitment to transparency," he said.

BACK TO PAPER

SCHEDULE #5

Meat slicers safe, manufacturer says

MICHAEL OLIVEIRA

TORONTO — The Canadian Press Last updated on Tuesday, Mar. 31, 2009 08:40PM EDT [ORIGINALLY PUBLISHED SEPTEMBER 10, 2008]

Maple Leaf Foods believes the "most likely" explanation for deadly listeria contamination in some of its products was an accumulation of bacteria deep within its meat-slicing equipment, but the machine's manufacturer insists its product was not to blame.

Nearly 300 Formax S-180 meat-slicing machines are installed at processing plants around the world, and an estimated 2.3 billion kilograms of sliced meat have been produced over the past 13 years without incident, said Brian Sandberg, a spokesman for Illinois-based Formax Inc.

"There has never been a serious food safety issue associated with any of the S-180 slicers - including the machines at the Maple Leaf facility, which have been in production for more than 11 years," Mr. Sandberg said in an e-mailed statement.

At a news conference on Friday, Maple Leaf Foods CEO Michael McCain released the findings of a company investigation into the listeriosis outbreak that has caused 14 deaths.

It wasn't until two meat slicers, which measure roughly 3.5 metres in length and three metres in height, were disassembled that areas were found deep within the machine where listeria bacteria may have accumulated and "avoided our rigorous sanitization procedures," Mr. McCain said.

The company had previously followed and exceeded Formax's sanitization instructions, which included cleaning the equipment daily, weekly and monthly. The machine was not regularly dismantled, however, because it was not recommended and was unviable as a "very significant mechanical process," he added.

"Certainly the disassembly that took place here would be outside the scope of anybody's normal, routine consideration for sanitization," Mr. McCain said.

Formax had not previously heard of any issues related to bacteria accumulation within the machine and will conduct a review as a precaution, Mr. Sandberg said.

But the company insisted its product is safe if used properly.

"Formax technical experts are reviewing our S-180 equipment and operating manuals to confirm that all instructions are clear and effective for the operation, maintenance and sanitation of these machines," he said.

"In addition, we are reminding all of our customers to follow our operating manual and service bulletin instructions on proper operation, maintenance and sanitation procedures. If a customer discovers that any sanitation procedure has not been followed, additional sterilization steps should be taken."

Maple Leaf will now disassemble its 14 Formax S-180 meat slicers weekly for cleaning, although the equipment may have to be replaced if that is found to be too impractical, Mr. McCain said.

But he also said the results of the company's investigation are not definitive since the pervasiveness of listeria "makes an absolute determination [of the outbreak] impossible."

Other contributing factors may include the location of a service elevator, floor drain and bins, although the product likely did not come into contact with those surfaces.

The plant has been closed since Aug. 20 and will not open until a comprehensive investigation has concluded, a "deep sanitization" has been completed and the Canadian Food Inspection Agency is satisfied no safety issues are outstanding, the company said.

A CFIA investigation continues. The agency did not respond to questions about any potential safety concerns associated with the Formax S-180.

In addition to the 14 deaths connected to the outbreak, another six deaths are under investigation. In all, 38 cases of listeriosis have been confirmed and 22 more are suspected.

BACK TO PAPER

September 17, 2008

Ritz in hot water over wisecracks during listeria outbreak

By Steve Rennie, THE CANADIAN PRESS

OTTAWA - Agriculture Minister Gerry Ritz unnerved some public servants at the height of the listeriosis crisis by resorting to gallows humour during a conference call about a public health scare that has now killed 17 people.

Ritz was also deeply concerned about the political fallout from the listeriosis crisis as the deadly disease claimed more victims in the days before the federal election was called, according to sources in on the crisis call last month.

But that concern apparently didn't stop Ritz from cracking wise while scientists, bureaucrats and political staff listened in on the Aug. 30th call.

Sources who took notes during the call said Ritz fretted about the political dangers of the crisis, before quipping:

"This is like a death by a thousand cuts. Or should I say cold cuts."

The disease was linked to cold cuts from Maple Leaf Meats.

And when told about a new death in Prince Edward Island, Ritz said:

"Please tell me it's (Liberal MP) Wayne Easter."

Easter is the Liberal critic shadowing Ritz's Agriculture Department.

About 30 people participated in the Sunday morning conference call that began after 10 a.m. EDT. Participants included scientists, senior bureaucrats and political staff.

Others on the call included communications staff from the prime minister's office, most of Ritz's staff, Health Minister Tony Clement's policy and communications advisers, and senior public servants including deputy health minister Morris Rosenberg.

Officials from the Canadian Food Inspection Agency provided updates on the disease during the conversation.

The sources who spoke to The Canadian Press did so on the condition of anonymity. Prime Minister Stephen Harper's Conservative government has been relentless in searching for and punishing anyone thought to have provided embarrassing information to reporters.

Ritz emailed an apology that he intended to deliver publicly in suburban Ottawa later Wednesday.

"It was a highly stressful time," he said in prepared remarks. "Many people were working countless hours and attending countless meetings to keep on top of the situation. In that context, I made a couple of spur of moment offhand comments. In particular, one about my official opposition critic, whom I have already called to apologize.

"My comments were tasteless and completely inappropriate. I apologize unreservedly."

But Ritz was less contrite when he was asked about his comments after his flight from Saskatoon touched down at the Ottawa airport Wednesday afternoon.

A bearded man with Ritz jostled with journalists as the agriculture minister beelined through the

terminal to a waiting sedan. At one point the man grabbed a reporter's recorder and jabbed at the off button.

For two minutes Ritz stared dead ahead as he was peppered with questions about the conference call. His only words were clipped.

"Not right now, guys," he said.

Then: "Get out of my face, please."

Listeria can cause listeriosis, a foodborne illness that causes high fever, headache, neck stiffness and nausea that is of particular concern to the elderly, pregnant women and the infirm.

A spokesman for Prime Minister Stephen Harper said Ritz's remarks were beyond the pale.

"It was clearly inappropriate," said Kory Teneycke. "It was intended as a joke, but some things are not appropriate to joke about."

He also said Ritz had called Wayne Easter to offer a personal apology.

So far, 17 deaths have been linked to the recall of food products from a Maple Leaf Foods plant in Toronto. There have been 14 deaths in Ontario, and one each in British Columbia, Alberta and New Brunswick.

Sources say the Privy Council Office requested and chaired the conference call. This call was chaired by Daniel Jean, the deputy secretary to cabinet in the Privy Council Office.

That office, headed by Kevin Lynch, co-ordinates government policy and harnesses that policy to the formidable power of the public service.

The conversation on Aug. 30 began with talk of the mounting death toll and trends in the spread of the disease.

Sources say Ritz began the call by asking: "Are there any more bombs out there?" - implying any politically damaging news.

But discussion soon shifted to communications and how best to frame the government's message.

There was even talk of Liberal Leader Stephane Dion's Green Shift plan, sources say.

Ritz was not the only cabinet minister to quip about the food crisis.

The plant, where the listeria bacterium was found embedded deep inside slicing equipment, was closed Aug. 20 and reopened Wednesday.

Production resumed under a phased-in period and tests will be done before any food is released to public, said Maple Leaf Foods CEO Michael McCain.

"We have learned from this tragic experience and we can and will do more," said McCain.

"I continue to believe very strongly that Canada has one of the best food-safety systems in the world."

An editorial this week in the Canadian Medical Association Journal blasted the Harper government for undermining public health safeguards.

BACK TO PAPER

Harper stands by Ritz despite 'tasteless' jokes

Agriculture Minister made a crack about a listeriosis-related fatality in PEI, which turns out to have been a false alarm

BRIAN LAGHI, CAMPBELL CLARK, KAREN HOWLETT

TROIS RIVIÈRES and TORONTO — Globe and Mail Update Last updated on Tuesday, Mar. 31, 2009 08:46PM EDT [ORIGINALLY PUBLISHED SEPTEMBER 18, 2008 2:25PM EDT]

Stephen Harper is refusing to seek the resignation of Agriculture Minister Gerry Ritz for making light of the listeriosis deaths of 17 Canadians, saying the MP's remarks were embarrassing but don't undermine his work on the matter.

While terming the remarks as an "embarrassment," Mr. Harper said Mr. Ritz had worked particularly hard on the effort to get the crisis under control.

"Look, Minister Ritz understands clearly that these comments were completely insensitive and unacceptable and he has completely apologized," Mr. Harper told reporters in this Quebec city today.

But Mr. Harper said Mr. Ritz worked extremely hard to rectify the problem.

"I think this story is obviously very embarrassing for him, very unfortunate, but should not detract from the good work he has done to get on top and understand this matter."

Mr. Ritz was forced to apologize Wednesday after referring to the crisis as the "death of a thousand cold-cuts" and then jokingly expressing the hope that MP Wayne Easter, his opposition critic on the Liberal benches, was the reported fatality in Prince Edward Island – which turns out to have been a false alarm.

A spokeswoman at the province's Department of Health and Community Services said in an interview Thursday that the patient is very much alive and recovering from listeriosis in a hospital in Charlottetown.

"What a mix-up," the spokeswoman said. "It is making a great day for us here," she added, referring to the flurry of telephone calls coming into her office.

The PEI health department is not releasing any details about the patient, except to say that he is doing well and is being treated with antibiotics.

Mr. Harper acknowledged that he did not know of the remarks until Wednesday night, when they were first reported, even though a PMO official was in the discussions.

"I presume the reason we didn't know about it is because people who were involved in these various conference calls, and there many of them in that period, were primarily concerned with getting the problem rectified," he said.

"The real question at that time was to make sure everybody was doing their job."

The Conservative Leader added that, while the remarks were insensitive, they were made during a private discussion. He suggested that many Canadians might find themselves under scrutiny if a light had been shone on their personal conversation.

Both Liberal Leader Stéphane Dion and NDP Leader Jack Layton have urged Mr. Harper to fire Mr. Ritz, which the Conservative Leader said Thursday he would not do.

"He's been doing a good job on this file and I applaud him for apologizing completely and forthrightly."

Mr. Dion said Mr. Harper has no choice now but to fire the Minister.

"But now, Mr. Harper has no choice. He must fire this man because of his complete lack of sensitivity that he expressed himself by these unacceptable remarks. He must be fired right away," Mr. Dion said.

He noted the Liberals called for Mr. Ritz's resignation two weeks ago over his handling of the tainted-meat crisis. But he said that his errors are compounded by such insensitivity to those who suffered that Canadians will not understand if he is allowed to keep his job.

When asked what Mr. Ritz's joke said about the Conservatives, Mr. Dion said he was reluctant to comment on that today because the Minister's comments were so "troubling."

"I understand your question, but I'm reluctant to answer it because we are speaking about lives. People have passed away, and families that are very affected by that. So I will consider this case as such," he said.

"If you ask me a question about the culture of this government I will answer it. But this case is so, so troubling for me that I will only say this thing: Mr. Harper must fire this minister right away, because he has shown a lack of sensitivity – beside his incompetence – a lack of sensitivity that is insulting everyone."

Mr. Dion made the statements at a Toronto announcement of his infrastructure proposals where he appeared alongside Toronto-area candidates and former leadership rivals including Michael Ignatieff, Bob Rae, Gerard Kennedy, and Martha Hall Findlay.

And at a time when Mr. Harper's minister is under fire – and Mr. Dion's own leadership performance has been criticized – the Liberal Leader did not hesitate to play up his team.

"I have an extraordinary team. He has a lamentable team. I work with a team. He works alone," he said.

Mr. Ignatieff said the Conservatives cut food inspections, and Mr. Ritz should already have been fired because they don't seem to understand that Canadians want them to ensure closer control.

"Canadians want government inspectors on the floor of these factories checking the slicers ... I don't think Gerry Ritz gets that, and I don't think Stephen Harper gets that," he said.

Listeria can cause listeriosis, a foodborne illness that causes high fever, headache, neck stiffness and nausea that is of particular concern to the elderly, pregnant women and the infirm.

So far, 17 deaths have been linked to the recall of food products from a Maple Leaf Foods plant in Toronto. There have been 14 deaths in Ontario, and one each in British Columbia, Alberta and New Brunswick.

The conversation on Aug. 30 began with talk of the mounting death toll and trends in the spread of the disease.

Sources told Canadian Press Mr. Ritz began the call by asking: "Are there any more bombs out there?" — implying any politically damaging news.

Mr. Dion was campaigning in Toronto and NDP Leader Jack Layton was in Winnipeg, while Bloc Québécois Leader Gilles Duceppe was to meet with supporters in Carleton-Sur-Mer, Que., and Green Leader Elizabeth May campaigned in Nova Scotia.

So far, Mr. Harper has demonstrated an aggressive, merciless attitude toward campaign-trail gaffes and missteps, apologizing quickly and without reservation.

When the Tories introduced an online ad that depicted a puffin pooping on Mr. Dion's shoulder, Mr. Harper wasted no time in acknowledging the ad was in poor taste and issuing an apology.

The same thing happened in the wake of a war-room e-mail that tried to impugn the motives of Jim Davis, the outspoken father of Cpl. Paul Davis, who was killed in Afghanistan in 2006.

Campaign tactician Ryan Sparrow, who responded to Mr. Davis's criticism of the decision to pull Canadians out of Afghanistan in 2011 by describing him as a Liberal supporter, was booted from the Tory war room and ordered to apologize.

Mr. Harper faced criticism today for a \$1.9-billion funding announcement that the federal cabinet made just three days before calling the election. The government quietly announced the money for housing and homelessness Wednesday.

Mr. Harper rejected suggestions that pushing the money out just days before the campaign started undercuts his efforts to criticize other parties for buying Canadians' votes with their own money.

"No. It's a completely different," he said, before adding that the money is not a campaign promise, but was already put aside in the 2008 budget. He said the cabinet made the decision before the election because the programs needed to be extended by the end of the year.

The opposition, on the other hand, is making promises that will require tax hikes, deficits or both.

"Yesterday, Mr. Dion announced \$3-billion in spending promises, today he announced \$70 – seven-zero – billion dollars in spending promises. The real question is this going to be paid by the carbon tax, is this going to be paid by ... deficits or is this just something they have no intention of actually doing."

In fact, according to the Liberals, the \$70-billion infrastructure plan would not include any extra spending in the first four years over what Ottawa spends now, under Mr. Harper's Conservatives. After that, in years five to 10, the Liberals would increase spending by an average of about 10 per cent per year.

The Tories have hiked spending 19 per cent since the Liberals left government, a figure that is well ahead of GDP growth.

Mr. Harper acknowledged those increases, but said the government has a plan to keep them down and they are not close to the pledges being made by the Liberals.

"I have said that our spending is a little bit ahead of where it should be, it's been a little bit ahead of GDP growth, but we have an expenditure management plan that has been moderating that," he said.

Earlier in the day, Mr. Harper increased his pitch to win over the votes of Canadian seniors with a modest tax break that would offer Canadian seniors a modest tax break worth up to \$150 .

Mr. Harper made the announcement this morning after visiting a local seniors' residence in Quebec, a keystone province in his efforts to win a majority government.

The campaign promise, which would cost the government \$400-million per year, would boost the amount of income a senior can make by \$1,000 before paying taxes. Seniors currently start paying taxes at \$16,673 per year.

"In a time of rising prices and global economic uncertainty, Canadian seniors deserve stable, certain leadership from government, and we should do more to let seniors keep more of their hard-earned dollars," Mr. Harper said.

BACK TO PAPER

SCHEDULE #7

October 30, 2008

Maple Leaf battered by meat recall costs

By STEVE LADURANTAYE
From Thursday's Globe and Mail

But CEO expects recovery after \$12.9-million loss, says transparency in dealing with deadly listeria outbreak is winning back customers

A fatal listeria outbreak linked to its Toronto processing plant hit **Maple Leaf Foods Inc.** hard in the third quarter, but the company's private polling suggests consumers are ready to start buying its processed meat again.

"Since September we've had continuous consumer reporting," chief executive officer Michael McCain said in an interview yesterday. "Recent information would suggest that 80 per cent of our customers would buy products in the very near future, and we are seeing improvements in that every week."

In late August, the company recalled about 668,000 kilograms of meat processed at a Toronto factory that tested positive for listeria, a potentially fatal bacterium to those with compromised immune systems. Twenty deaths have been attributed to the outbreak.

"We continue to obviously feel highly remorseful for what happened," said Mr. McCain, who has apologized in news conferences and television commercials and said his company takes responsibility for the outbreak.

While consumers initially shied away from anything with a Maple Leaf logo - sales shrank by up to 50 per cent after the recall announcement, but are now down only 15 per cent - Mr. McCain said the company's transparency in dealing with the crisis helped win back customers.

"We felt that was the responsible thing to do at the time and we knew it would have a very substantial financial consequence," he said, adding he now expects sales to return within 12 months to volumes recorded prior to the outbreak. "Our belief is that over time, by behaving responsibly, we will be respected and possibly rewarded by consumers."

The recall's cost was initially pegged at \$20-million, but the company said yesterday it will be closer to \$30-million as it recorded \$19-million of those charges in the third quarter.

Analysts who follow the company's shares, such as Robert Gibson at Octagon Capital, have maintained their positive ratings through the meat crisis. Mr. Gibson, who has a "speculative buy" rating on the shares, said customers are realizing the outbreak has been contained and are returning to the deli aisle.

"If you've eaten smoked meat your whole life and never gotten sick, you know it's pretty safe," he said. "The only reason I don't have a screaming buy on the shares is because there is an outstanding class-action lawsuit and, even though it's years away, you don't really know what will happen there."

The company's third-quarter loss of \$12.9-million, or 10 cents a share, compared with a profit of \$220.4-million, or \$1.67, a year earlier. Last year's results were given a boost by a \$217-million sale of its livestock feed business. Its meat product group saw adjusted operating profit fall to \$800,000, compared to \$13.6-million a year ago.

Maple Leaf would have earned 13 cents a share if not for the listeria outbreak, as lower commodity prices

helped its bread division improve its margins, price increases took hold across its product lines and restructuring efforts intended to change the company's focus from fresh pork to packaged foods started to yield results.

"In other areas of our business, results improved considerably and, as expected, we are starting to see material benefits from the restructuring of our protein operations," Mr. McCain said.

BACK TO PAPER

SCHEDULE #8

Maple Leaf Foods profits sliced by listeria outbreak; Posts fourth loss in row on costs of meat recall, but shares rise as annual sales show a slight gain

Toronto Star - Toronto, Ont.

Author:	Dana Flavelle
Date:	Oct 30, 2008
Start Page:	B.1
Section:	Business
Text Word Count:	718

Canada's largest food processor says sales of sliced meats fell by as much as 50 per cent in the immediate aftermath of a nationwide product recall linked to the deadly listeria bacterium.

Maple Leaf Foods Inc. said the cost of the recall pushed the company into a financial loss for the quarter ended Sept. 30.

Up to 20 people died from the same strain of bacteria found in a Maple Leaf processing plant in Toronto.

Maple Leaf yesterday reported its fourth-consecutive quarterly loss, of \$12.9 million, or 10 cents per share. That compared with a year-earlier profit of \$220.4 million, or \$1.67 per share. The 2007 profit included a \$218.7 million gain on discontinued operations.

Sales edged up to \$1.34 billion, from \$1.30 billion a year ago, but operating profit fell \$14 million due to lost sales and higher supply chain costs.

"The numbers were exceptionally good" after excluding the one-time items, said Robert Gibson, an analyst at Octagon Capital Corp.

Maple Leaf chief executive Michael McCain said on a conference call with analysts that the recall produced immediate sales contractions "in the 30 to 50 per cent range. But they were very, very short-lived. The category tended to recover pretty quickly, within a matter of weeks.

"The ongoing category impact, it depends on which segments you look at it, is anywhere from flat to declining 10 to 15 per cent. And there's a rate of improvement every week," McCain added.

Compared with rival brands, he said, "the Maple Leaf brand had an impact at the higher end of those ranges in the initial case and is certainly slower to recover."

But he said it wouldn't be unprecedented to expect a full brand recovery within six to 12 months.

Maple Leaf shares are 32 per cent lower than before the Aug. 17 recall at its Bartor Rd. processing plant. Maple Leaf said the facility has re-opened and is distributing some products, though it won't be fully operational for a few more weeks.

The company took a \$19 million charge to reflect the direct costs of the recall, including closing and cleaning the plant while trying to find the source of the listeria.

Total direct costs of the recall are estimated at \$25 million to \$30 million, the company said. Its original estimate was \$20 million.

Maple Leaf Foods announced earlier it has enhanced its cleaning processes at all of its plants.

"The packaged meats recall in Q3 had a very significant impact on our earnings that we fully expected at the time," McCain said, adding the firm sees continued impact in the fourth quarter.

"We took the decision to act in the best interests of consumers first, recognizing fully there would be a very, very material financial consequence, which we were prepared to accept at that time and continue to feel that was the right business decision, as well as the right ethical and moral decision."

Losses due to the recall were partly offset by improvements in commodity markets, price increases and protein restructuring, the company said.

Sales of all Maple Leaf products, which include fresh poultry, pork and fresh and frozen bread, rose 3 per cent to \$1.34 billion during the quarter, mainly due to passing through higher input costs as wheat and fuel soared in the first half of the year, the company said.

On a unit basis, sales of bread were flat while sales of processed meats were down, the company said.

The recent sharp declines in the cost of wheat and fuel are unlikely to show up any time soon in lower bread prices as Canada's falling dollar has offset those gains, the company cautioned.

Commodities such as wheat and fuel are priced on global markets in U.S. currency, which has been rising against the loonie in recent weeks.

As well, Maple Leaf said it didn't pass through the full increase in those costs earlier this year, instead taking lower profit margins, particularly in its bread business.

Maple Leaf's shares rose 23 cents to close at \$7.40 on the Toronto Stock Exchange.

With files from the Star's wire services

Credit: Toronto Star

BACK TO PAPER

October 29, 2008

Maple Leaf pushed to loss by listeria crisis

By STEVE LADURANTAYE
Globe and Mail Update

Maple Leaf Foods Inc. saw profit decline sharply in the last quarter after products from its Toronto processing plant were linked to 20 listeria-related deaths across the country.

The company posted a third-quarter loss of \$12.9-million, or 10 cents a share, compared to a profit of \$220.4-million, or \$1.67 a share, a year earlier. Last year's results were given a boost by a \$217-million sale of its livestock feed business. Its meat products group saw operating profit fall to \$800,000, compared to \$13.6-million a year ago.

"The headline for the third quarter was managing the unprecedented recall at our Toronto packaged meats plant and doing what was right to protect consumers and maintain public trust," chief executive officer Michael McCain said in a statement. "While the recall is complete, our actions had a very substantial near-term impact."

Maple Leaf said the recall, in which more than 638,000 kilograms of meat was pulled off store shelves, cost \$14-million in the quarter. It had earlier predicted the overall cost of the recall at \$20-million, but said Wednesday that figure could increase to as much as \$30-million.

"Differences in costs from the initial estimate are caused by an increase in the length of time that the Bartor Road facility was closed, additional consumer response costs, and increased sanitization and expert consulting expenses," the company said in a statement.

The company would have earned 13 cents a share if not for the tainted meat crisis, as commodity prices improved, price increases took hold and restructuring efforts started to yield results. In the midst of a restructuring, the company is moving from the fresh pork business in favour of more profitable lines of prepackaged meats and ready-to-eat meals.

"In other areas of our business, results improved considerably and, as expected, we are starting to see material benefits from the restructuring of our protein operations," Mr. McCain said. "Our focus through the remainder of 2008 will be on stabilizing our business and continuing to restore confidence, including implementing an enhanced food safety program that will be among the best in North America."

The company's agribusiness division earned \$12.3-million, compared to a \$3.5-million loss a year ago, as its rendering operations profited from higher commodity prices and losses on hog production were eased after the sale of facilities in Ontario and Alberta and a move to centralize hog processing in Manitoba. Its Burlington, Ont., plant, which processes 2-million hogs a year, is still for sale.

The factors that are causing an economic chill around the world could end up helping the company turn its fortunes around, Mr. McCain said in an interview.

"We are a bit counter-cyclical – declining commodity value and a lower currency tend to work in our favour," he said. "Having said that, credit markets are influencing everyone's ability to access credit for new opportunities, and we have to play that very conservatively."

Analysts who follow the company's shares, such as Robert Gibson at Octagon Capital, have maintained their positive ratings through the meat crisis. Mr. Gibson, who has a "speculative buy" rating on the shares,

says customers are realizing the outbreak has been contained and are returning to the deli aisle.

“If you've ate smoked meat you're whole life and never gotten sick, you know it's pretty safe,” he said. “The only reason I don't have a screaming buy on the shares is because there is an outstanding class-action lawsuit, and even though it's years away, you don't really know what will happen there.”

BACK TO PAPER

SCHEDULE #9

THE TESTING OF MICHAEL MCCAIN

At the helm of Maple Leaf Foods, the golden boy of a great Canadian business family faces the ultimate public relations nightmare: Your products are killing people

GORDON PITTS

From Friday's Globe and Mail Last updated on Friday, Mar. 13, 2009 10:55AM EDT [ORIGINALLY PUBLISHED NOVEMBER 28, 2008 12:00 A.M. EST]

On Saturday, Aug. 23, the head-office lobby of Maple Leaf Foods in midtown Toronto should have been quiet--it was, after all, the middle of a sleepy summer weekend. Instead, the air was electric, the scene tumultuous. Maple Leaf, Canada's largest meat company, was facing the most serious crisis of its 100-year-plus history. It had been confirmed: Packaged meat from its Toronto plant was killing people.

It was the nightmare scenario for any consumer-products company. Maple Leaf's crisis plan was duly put into play. A camera crew was dispatched to the office lobby, where president and CEO Michael McCain, tall, lean and attired in an open-neck blue shirt with a white undershirt, taped a televised statement.

After announcing that he had closed down the plant and ordered a recall of its products, a grim-looking McCain apologized and expressed his sympathy for the victims of the nationwide listeriosis outbreak. He followed up with a press conference the next day. "Going through the crisis, there are two advisers I've paid no attention to," he told reporters. "The first are the lawyers, and the second are the accountants. It's not about money or legal liability--this is about our being accountable for providing consumers with safe food."

McCain's appearances and statements seemed perfectly natural to the public. To crisis management experts, they appeared to be expertly crafted. The contrite message resonated so strongly in public opinion that even as the number of deaths caused by listeriosis mounted and the entire Canadian food safety system came under attack, McCain seemed insulated by his statement that "the buck stops here." His sad, sober visage became standard fare on the evening news, on YouTube and in newspaper photos. He emerged as the human face of a company that cared about its customers.

Yet, when I met McCain in the fall, he made it clear he did not want to talk about himself, only about "the team." He refused to even call what he had done "crisis management." It was simply doing what was right; and doing what was right came directly from the company's ingrained values. "This is not about some contrived strategy," McCain said. "It's just about a tragic situation and an organization's desire to make it right." He insisted he could not even remember who had written the compelling words in the public statements--although Maple Leaf insiders say that the CEO's hand was in every deed and every word. "The core principle here was to first do what's in the interest of public health, and second to be open and transparent in taking accountability," McCain told me. "For the team, this was almost not a decision--it was obvious. It's just what we are."

Whether he was aware of it or not, McCain was illustrating the paradox of leadership in the modern corporation. More than most CEOs, he had fostered teamwork and collaboration, particularly during the long and painful process of creating a new corporate strategy for Maple Leaf in the face of a high dollar and rising farm commodity costs. Tapping the intelligence of his people was not just good PR--he had actually lived it.

But now, the stakes were about more than strategy. This was a crisis of public confidence, and McCain could no longer use the team approach, no matter how collaborative his decision-making had been. When a company's very existence is on the line, the CEO has to step up as the face of the organization. "That's the CEO's role in something of this nature," he conceded. "I take personal accountability but, in doing so, I can easily represent the interests of 23,000 people, and that is what I have tried to do."

Still, the 50-year-old McCain was dismissive of the idea that he had done something heroic by confronting the TV cameras with such openness and empathy on that August day: "We won't allow ourselves the luxury of any heroes or medals in the middle of a tragedy. We just don't feel it is appropriate. There is no room for patting ourselves on the back, for handling a real tragic situation well."

Hero or team player, McCain could hardly ignore that he had, in the space of a few weeks, become the most closely watched executive in Canada. Yet there is a thin line between heroism and hubris--and this reluctant hero could yet become the scapegoat if the company loses its battle with a barrage of horrors.

The testing of Michael McCain has its roots in the mid-1990s, when, along with his father, Wallace McCain, and older brother Scott, he was exiled from the family company, french-fry giant McCain Foods, following a nasty succession dispute. Stripped of their roles at New Brunswick-based McCain Foods, Wallace and his sons took over Maple Leaf, a company that had sprung from Canada's oldest meat packing company, Canada Packers. Maple Leaf had added other operations, such as bakeries and flour mills, to create a food conglomerate.

The McCains have often said they brought modern management ideas, advanced computer technology and talent development to a company that seemed to be stuck in an earlier era. Michael, always tagged by his family as leadership material, became the major architect of this modernization after he was promoted to CEO in 1998. Bright and ambitious, he took over a company with a split personality: one side low-margin commodity, the other value-added product. A price-taker in its pork business, Maple Leaf had more leverage as a branded meat supplier under a range of well-known labels such as Maple Leaf, Bittner's and, after a 2003 takeover, the venerable Schneiders. This array of brands made Maple Leaf the biggest supplier of fresh and processed meat to Canadian supermarkets.

The two sides of Maple Leaf co-existed fairly peacefully until the middle of this decade, when the rising Canadian dollar eroded the company's competitive position in world markets. It forced a long-overdue assessment of the split-business model. After five months of study that involved all ranks of the company, Maple Leaf decided to concentrate on value-added products and back away from being a primary pork processor. Pork-cutting facilities would close and be sold, and what fresh pork the company did need to produce would be concentrated in its modern megaplant in Brandon, Manitoba. Jeffrey Gandz, a Maple Leaf director and a professor at the Richard Ivey School of Business at the University of Western Ontario, explains the move this way: "If you are a pure commodity player in a small market like Canada, you have 'V' for victim stamped on your forehead."

Maple Leaf should probably have moved earlier on its restructuring, but this foot-dragging was typical of many Canadian manufacturers that clung to low-margin businesses until the dollar's climb wiped out their competitiveness. When the currency's explosive rise forced Maple Leaf to change direction, it moved dramatically. The plan was for a three-year reorganization. McCain won praise internally and externally for his ability to engage the entire company in the process, but also for acting decisively as the CEO when the time was right.

Part of that switch to value-added products meant an increased focus on the product category known as deli meats or luncheon meats. The exalted future of the company would, ironically, become the source of its life-threatening crisis.

In refocusing Maple Leaf, McCain relied heavily on a team of old confidants. On the executive side, they included his brother, Scott, a production specialist whose people skills complement Michael's often brash self-confidence. Another key player was chief operating officer Richard Lan, whom Michael had known since his McCain Foods days--Lan had overseen the juice division out of Chicago when McCain was running the New Brunswick giant's U.S. operations.

The boards of directors of Maple Leaf and its bakery subsidiary, Canada Bread, are also liberally sprinkled with old allies, such as Purdy Crawford, the corporate lawyer who is McCain's most influential mentor (other than his father); Claude Lamoureux, former head of the Ontario Teachers'

Pension Plan Board (which has invested in Maple Leaf); and turnaround manager Bill Aziz, a chum from McCain's undergraduate days at the Ivey School of Business. Gandz, the Ivey professor, has known McCain for 31 years, since he taught him.

But the company of friends was little solace for what was to come. As Maple Leaf proceeded through its ambitious restructuring, it was hit in early 2008 by another shock: the rapid increase in the price of farm commodities. Maple Leaf's bread business, so dependent on grains, was deeply affected. Again, as he's done throughout the trials of restructuring, McCain guided his company through the crisis, calmly waiting for opportunities to pass along cost increases to consumers.

When Maple Leaf experienced one of those improbable, seemingly random events that start out on the edges of consciousness and suddenly threaten the existence of an organization. On Aug. 7, 2008, one of its distributors told Maple Leaf that a public health inquiry into some Maple Leaf brand meat products was in the works. Five days later, the Canadian Food Inspection Agency informed Maple Leaf that it had launched a formal investigation into three products from its Toronto meat plant. As the CFIA investigation got under way, Maple Leaf told its distributors to segregate the affected food. This was standard practice, and the news did not travel to the chief executive suite.

But McCain became entirely involved at about 10:30 on the evening of Saturday, Aug. 16, when he received a call at his cottage north of Toronto: The CFIA had confirmed the presence of listeria monocytogenes in two of its sliced meat products. Immediately, the identified product lines were recalled, and a press release to that effect was issued.

The following Tuesday, McCain was informed that the investigation had found more positive tests. Thus, the recall was widened. At that point, McCain says, "we didn't know what the nature of that investigation was, other than a) there was illness involved; b) there was possible death involved, a loss of life; and c) there was a possibility of a linkage to one of these items we had recalled."

Then came that fateful day of Aug. 23, when the possibility turned into reality. DNA linkage was established between some of the affected individuals and the two products. Maple Leaf launched a recall of 191 products, closed down the Toronto plant, unleashed its mass communication campaign and made its CEO accessible to the media.

Ken Wong, a marketing professor at Queen's University's school of business, admired McCain's public-service ad because it had the look of amateurishness. "The text was dull and dry," Wong wrote in a commentary. "McCain was clearly reading off a teleprompter, and his unpolished appearance gave every indication of being tired and weary. I don't know if it was intended, but the ultimate message was, 'We're concerned and this is not about advertising.' Interestingly, a non-ad was exactly what was needed to be the best ad."

The TV spot felt artless and genuine, right from the declaration of culpability to the un-slick presence of Michael McCain in his open-collar shirt. Yet Maple Leaf officials insist there was no premeditated attempt to make it look "real." "We never had the time to overthink anything," says Linda Smith, a communications consultant who has worked with the company for a dozen years. "We weren't that smart, believe me."

All of which is applauded by Christine Pearson, a crisis management specialist at Thunderbird School of Global Management in Phoenix. She says Maple Leaf's apology and accountability were up to the standards of the best reputation management she has ever seen, including Johnson & Johnson's response to the Tylenol tampering that killed seven people in the Chicago area in 1982. In Maple Leaf's case, "the communications piece seemed to me to be high-end boilerplate. He was doing all the right things--it was really good," says Pearson, who has taught at the Ivey School.

If Pearson has one nagging concern, it is whether the company moved fast enough in alerting consumers of the crisis. "Compared with companies I had worked with in the United States, too much time passed before they acted, and I think that still plays out as a problem for the company that is going to plague them for some time." Indeed, with public inquiries expected and class-action suits in the works, Maple Leaf will continue to face the questions: How soon did you know there was a listeria problem, and how quickly did you act? "We need more concrete information on the

timelines," says Bob Kingston, who represents food inspectors for the Public Service Alliance of Canada. Kingston has been a constant critic of what he characterizes as a lightened regulatory hand by government in the food safety process. However well Maple Leaf may have handled the public relations challenge, he says, the company has to shoulder some responsibility in lobbying for a system of increased self-regulation that reduced the numbers of CFIA inspectors in the field.

On the charge of being late in responding, McCain says it is simply unfounded: "When you look back through the timeline and how the normal process works, that is not a reasonable conclusion." He insists that CFIA product reviews are routine and constant. The agency only requires a recall when there is a positive test result; it wouldn't have made sense to warn the public at the first notice of an inquiry. Maple Leaf, he says, actually goes beyond standard practice by informing distributors of an investigation, and asking them to isolate affected products. And Maple Leaf, along with its retail partners, acted "with lightning speed," he says, at the moment it found there was a positive test on Aug. 16.

McCain adds that brands and companies hit by product safety crises can come back stronger than ever before (Tylenol is a case in point). But it will not be easy, he admits. "It's like a golf game where you have one shot down the fairway and it's got to be right in the middle." Yet there is little comfort in the Tylenol example, because the manufacturer Johnson & Johnson was able to portray itself as having been as much the victim of the tampering as were the consumers. Johnson & Johnson could claim the deaths were not its fault--they were the product of sabotage. With Maple Leaf, the problem lay in its internal processes--in bacteria trapped in slicing machines--not an outside agent. It could not cloak itself as a victim.

McCain believes his broader challenge is to educate the public on listeria, which, he points out, "is ubiquitous in our environment. All Canadians are exposed to it on a fairly routine basis, and it's benign to the masses. Unfortunately, it is very dangerous to a few." (Those few are the immune-compromised, the elderly, pregnant women and newborns.) For McCain, the issue is more about risk management than the potential for totally eradicating listeria. "It is still our challenge to reduce that risk, but this is one of the oldest living bacteria in mankind, and because of that, it's impossible to eradicate it."

That is a very hard argument to sell to a public shaken by a toll of known deaths that stands at 20 as of early November, alongside a larger number of illnesses. The friends, relatives and neighbours of the victims will be unimpressed to hear that listeria is a fact of life in the food system. The 89-year-old mother of one of my boyhood friends died, her family alleges, from listeriosis caused by a Maple Leaf product. When I told McCain about this, he expressed his sadness. Indeed, his eyes often welled up with emotion as he discussed the personal tragedies from the outbreak. But he maintained that Maple Leaf's responsibility is limited to managing the listeria risk within the parameters set out by government. "It's like the airline industry," he says. "You could decide tomorrow you are going to take the wings off every plane and disassemble it before every flight to reduce the risk, but there is a consequence to that."

Now, Maple Leaf must move beyond communication tactics to a crisis-management strategy that sets people's minds at ease about eating its products. It started by announcing a program of continuous improvement in food safety. This includes establishing a food safety advisory council, made up of experts from around the world, and the creation of a new executive position, chief food safety officer (Randy Huffman, president of the American Meat Institute, was named to the position in November). And the company vows to work with government and other companies to enhance food safety across the entire industry.

As CFIA inspectors pored over every detail of operations, and as Maple Leaf cleaned and sanitized every corner, McCain was determined that when the Toronto plant opened again, it would be the closest thing to a paragon of food safety. But that would only go so far in rehabilitating the battered Maple Leaf brand. The long-term financial hit can't be calculated, but it is far in excess of the \$30-million projected cost of the product recall. In other tainted food outbreaks, the problem often lies with a commodity, such as lettuce or tomatoes, but in the case of Maple Leaf, "it is a brand we are all familiar with," says Kevin Grier, senior market analyst with the George Morris Centre, an agribusiness think tank in Guelph, Ontario. "Since the McCains took over Maple Leaf Foods, they've worked very hard at establishing that brand."

What's more, Grier says, the taint persists because of constant physical reminders. "I found it extraordinary to go into delicatessens and grocery stores to see handwritten and/or computer-generated signs that say, 'We don't carry Maple Leaf and we've never carried it.'" The sheer magnitude of sickness and death will be hard to forget. "Companies do go out of business on these kinds of things," Grier says.

One of Maple Leaf's advantages is that it owns an array of brands. No one will likely quit buying Dempster's bread because its sister brand, Maple Leaf, is in trouble. But in the category of luncheon meats, the Maple Leaf association has become a liability. McCain could drop the Maple Leaf name entirely and concentrate on advancing other brands such as Schneiders. But an informed public would catch on. In any case, the entire deli meat segment is under scrutiny now, and any recovery of confidence has to be industry-wide.

Mauro Mila, who manages the meat side for the Bruno's chain of food stores in Toronto, says sales plunged for all processed meat, including Maple Leaf's Bittner's brand, which his stores carry. But there is continuing demand for sliced sandwich meats, and, to fill the void, Bruno's increased the output of meat cooked and cut on its own premises. But he expects the Maple Leaf brand to come back eventually, because it is such an old, trusted name.

McCain says the first step in brand rehabilitation was the company's response in the first few hours of Aug. 23 after it learned its meat was causing sickness. Maple Leaf immediately accepted accountability, apologized for the outcome, was transparent with its findings and was clear on an action plan. "What we believe is that all of those things bought us the right to be heard in the future. They didn't guarantee us anything beyond that."

In a way, McCain is underlining his own dilemma. When he launched the product recall on Aug. 23, and put the full blame on himself, he was doing what was right for consumers, but also what was right for the brand. Whether it was the result of carefully organized strategy or just good instincts, it was textbook reputation management. Bob Kingston, the union leader, sees nothing heroic in Maple Leaf's performance--if McCain had not ordered a voluntary recall, he would have faced a mandatory recall by the food agency, Kingston points out. In that case, McCain could not have taken the high road and portrayed himself as a good corporate citizen. In Kingston's eyes, what was done was motivated by necessity, not altruism.

So McCain can't really win. The crisis management experts describe his action as "a textbook case" and "boiler-plate crisis management." It is faint praise, for it sounds like he is following a proven formula instead of acting from the heart. Yet surely he cannot be faulted for doing what was right to protect his company. In effect, the Maple Leaf case confirms what corporate reputation consultants say: Doing good is good business. Taking responsibility for a corporate failure is particularly laudable in an age when corporate executives shun accountability. You have only to look at the financial system, which was brought to its knees by executives driven by greed and heedless of the need to manage their organizations' risk. While McCain said his primary duty is to protect consumers, in truth, a CEO also has to consider the interests of employees and shareholders. He has certainly fought for the 300 jobs at his Toronto plant. As for the stock, it was battered down below \$8 in late October, from \$11 in early August, but it would have taken a bigger hit--particularly in the market meltdown--if he had not been so effective a communicator.

For McCain, 2008 is the *annus horribilis*, a year when everything conspired against him. "It is certainly going to go down in my history book as one of the most difficult years ever," he says, "largely as a result of what I would call the compounding of obstacles."

But he will be judged as much by what happens over the next few years as by the crisis of the past few months. Apart from class-action lawsuits, the tainted-meat crisis will spark investigations and calls for tighter regulation. (The CFIA proposed new testing standards in early November.) And the restructuring still faces challenges. It will be hard, at times, for McCain to manage his image--and his composure.

That was evident in early October when he strode again to the microphone in the improvised media room (the employee lunch room) at Maple Leaf Foods. But on this day, the tone was different, as

McCain showed flashes of anger and frustration. New traces of listeria had been found in test samples in the Toronto plant, as it geared up production in anticipation of being cleared, soon, to ship products again. As media reports indicated that Maple Leaf still couldn't get it right, the tests seemed a serious setback to the recovery plan.

Yet it wasn't the positive listeria results that frustrated McCain, as much as the media's interpretation of those results--five positive outcomes from about 5,000 product samples and 840 environmental tests over the previous weeks. His message was that the incidence of contamination was well within accepted standards for food plants. The deaths had been tragic but a separate issue--the result of bacteria in slicing machines. The latest samples showed detection programs were working, he insisted. It was back to McCain's constant message: Listeria is everywhere--even, he pointed out, in your own kitchen.

McCain was taking the offensive, arguing that anyone who expressed shock at a single positive test "is at best misguided and at worst fear-mongering." He accused critics of undermining Canada's food safety system and lambasted unnamed journalists for sensationalistic reporting. There was "zero risk" to the public, he insisted, because the offending plant's deli meat products were not being shipped to consumers.

This press conference showed the other side of Michael McCain--not the grieving CEO whom Canadians had come to know, but a more combative leader. The Maple Leaf crisis had entered a new phase, with the CEO under intense pressure to restore the reputation of his brand. Up to this point, McCain had been rallying support by taking responsibility and showing empathy. Now there was the sense of a man fighting for his business life--and for his company and the credibility of the food safety system.

Can the company survive? "Of course, absolutely," McCain insists. "Yes, this is a tragic situation, but we are a very strong organization," he maintains, ticking off the list of virtues--"great diversity in products, amazing people who are deeply committed, a portfolio of fantastic brands. We have a strong balance sheet, a great relationship with all of our stakeholders, a well-articulated future that is bright and everyone believes in." Yes, 2008 was a year of cascading challenges, and Maple Leaf had emerged bloodied but not defeated. "Challenges of this nature just make you stronger, not weaker," he says.

But after the October press conference, crisis management expert Christine Pearson was not so sure he was on the right track. It is risky to go on the offensive and attack the media. After all, Maple Leaf, in the minds of consumers, is "still the villain, not the victim. I don't know that he needs to continue hat-in-hand apologizing, but this to me is an odd turn." She wonders if McCain was not listening to his advisers--and, indeed, the new aggressive tone appears to have been McCain's idea.

By late October, Maple Leaf was beginning to ship meat again from its Toronto plant, but the direct costs of pulling 668,000 kilograms of meat off the market had contributed to a loss of \$12.9 million in the third quarter--its fourth straight quarterly loss. Even in the bad news, McCain could see a silver lining: Sales of packaged meat, after plunging during the height of the crisis, were recovering. He told analysts that full sales recovery could come within a year.

What's more, the global financial crisis was, oddly, helping, by reducing the cost of commodities, knocking down the Canadian dollar and, for a moment, pushing the company's problems off the front page. But whether or not McCain likes it, he has forever inserted himself into the public consciousness as the image of Maple Leaf. So far he has won the right to be heard, but the final verdict on his leadership will come over the next two to three years. It will be based on whether he can restore the Maple Leaf brand--and whether that brand will be part of a company that has assured its chances of long-term survival.

Can Michael take solace from Sara?

It's front-page news: Federal food safety officials scramble to deal with a national outbreak of listeria monocytogenes that has led to a number of confirmed deaths. They believe they know the source-- a processed-meat plant run by one of the country's largest food conglomerates.

Maple Leaf Foods? Actually, this summary describes the ordeal of U.S. food giant Sara Lee Corp., which, in December, 1998, became the focus of a tainted-meat crisis.

In mid-December, U.S. health officials tentatively linked a widespread listeriosis outbreak to Sara Lee's Zeeland, Michigan, plant, which makes Ball Park hot dogs and other processed meats. Although test results had not yet confirmed the connection, Sara Lee decided to stop shipping products from the plant.

Sara Lee executives, huddling in Chicago, felt they could not wait for airtight evidence. On Dec. 22, they voluntarily launched one of the largest food recalls in U.S. history, which removed seven million kilograms of hot dogs and deli meats from the shelves and cost Sara Lee \$76 million (U.S.) in direct expenses.

Ultimately, the company's tainted meat would be linked to 21 deaths and hundreds of additional illnesses.

Sara Lee got top marks from crisis management experts for moving quickly, ahead of the regulatory process, but other actions were controversial. About a month after the recall, the company took out full-page ads in 80 newspapers, reassuring customers that its meat was safe, and asking them to check their freezers for any contaminated items.

Some observers felt the ads were too little, too late, and Sara Lee should have moved more quickly. Also, the company was criticized for not putting senior officers before the public right away, as Maple Leaf would do in 2008. Sara Lee pointed out that the recall was already the subject of massive media coverage.

The plant resumed production under more stringent controls, and sales of processed meat began to recover. Yet some retailers held back, which prompted Sara Lee to offer free and discounted packages to consumers.

In 2001, Sara Lee pleaded guilty to a federal misdemeanor charge for distributing contaminated meat. Then, the company settled a class-action suit with victims and their families.

The Sara Lee brand gradually recovered, and Ball Park is still at the top of the American hot dog leagues.

BACK TO PAPER

SCHEDULE #10

April 14, 2009

More stringent testing welcomed

By GORDON PITTS
The Globe and Mail

Maple Leaf CEO Michael McCain, who accepted responsibility in last year's food safety crisis, now wants tougher regulation, and says the coming weeks will be decisive

Michael McCain emerged, reputation intact, from a harrowing food safety crisis which linked his company, Maple Leaf Foods Inc., MFI to the deaths of 21 people last summer. But the ordeal has just begun for the chief executive officer of Canada's largest meat processor.

Eight months after the first indication that Maple Leaf's luncheon meat was killing people, Mr. McCain will be on the hot seat on Monday as he faces parliamentary hearings on the future of Canada's food safety system.

The next 60 to 90 days will be critical in shaping a system that is capable of reducing – but not entirely eliminating – the risk of repeating last summer's crisis, he told The Globe and Mail's editorial board yesterday.

Mr. McCain became a household name, and face, last summer when listeria contamination in a Maple Leaf plant in Toronto was identified as the source of a widespread outbreak of illness and death.

In the face of a potential public relations disaster, Mr. McCain won praise for his quick public apology in ads on television and on YouTube, his willingness to shoulder blame, and rapid action to pull the offending meat off the shelves.

The hallmark of the Maple Leaf strategy became clear then: Accept responsibility, exceed expectations, and keep ahead of public opinion on regulatory action. That approach was evident again yesterday in what appeared to be a dress rehearsal for the hearings that begin next week.

"We are going to be advocating more regulation, not less. More-stringent protocols, not less-stringent protocols," Mr. McCain said. "We're going to be advocating more transparency and a stronger role for government, not a reduced role."

He was accompanied by the company's new chief food safety officer, Randy Huffman, whose appointment and position are being touted as evidence of Maple Leaf's responsiveness to the crisis.

Mr. McCain said he would welcome higher levels of monitoring and testing for food safety, even with the higher costs Maple Leaf would likely incur, as long as there is a level playing field.

For example, he expects the same standards to apply equally across the country, extending to processors regulated by often less-rigorous provincial rules. In addition, he would expect the same rules to be enforced at the borders in relation to meat imports.

Mr. McCain acknowledged that Maple Leaf could never shake the stigma that its meat was the source of the listeria deaths. "We're going to be attached to the listeria tag forever," he said. "We are the listeria people in this country and we recognize that. That's our penance, if you will, for what happened last year.

“We believe the way to bring meaning to the lives lost is to go beyond education to almost becoming a listeria nag on these things.”

Mr. McCain said the most passionate debate in the hearings will revolve around the amount of inspection that should be required. He argued that actual inspection is not the key to safer food. Instead, he said, a higher expectation of behaviour should be required by the players in the system. He pointed out, for example, that there was no requirement of environmental testing for listeria in Maple Leaf's Toronto plant before the crisis of last summer.

“There was a recommendation but no requirement,” he said, maintaining that Maple Leaf was performing tests and accumulating data far in excess of what was required. “We wish we had known then what we know today, and we didn't. We feel we could have saved 21 lives in the process.”

Mr. McCain said Maple Leaf's sales volumes have come back considerably but the company is experiencing “margin compression.” As it tries to rebuild its business, it has not been able to pass along commodity-cost increases to consumers. In addition, it has incurred heavier-than-normal promotion costs to offset the marketing setback of the tainted meat.

Mr. McCain is a central player in a regulatory reform process that is moving on three fronts: a more rigorous listeria testing policy launched this month by the Canadian Food Inspection Agency; a federal investigation into the crisis headed by former Alberta health executive Sheila Weatherill; and the hearings by a parliamentary subcommittee on food safety.

Mr. McCain said no matter what is achieved, there are no absolute guarantees. “We have to be candid and open and honest to the Canadian public, as does the industry and government. In the world of food safety we can do the very best job we can, but zero risk is not achievable based on what we know today.”

BACK TO PAPER

SCHEDULE #11

[Home](#)

EXECUTIVE SUMMARY

This report represents the culmination of the work undertaken by the Independent Listeriosis Investigative Review, which was set up to examine the factors that contributed to the 2008 listeriosis outbreak. This tragic event resulted in serious illness for 57 vulnerable individuals and eventually cost the lives of 22¹ Canadians.

The Independent Investigator was appointed in January 2009 to explore how and why the outbreak happened, and to make recommendations about what can be done to prevent a similar incident in the future. This work has been driven by a determination to find answers to these questions for surviving family and friends, and others directly affected by the event. To understand the process that led to this report, please see the introduction which describes the steps taken in this review and how best to read the full report. The work of this Investigation has been complemented by the important work of the House of Commons Agriculture Subcommittee on Food Safety which has also examined many aspects of this critical matter.

"In all likelihood, none of the individual elements that contributed to the outbreak was sufficient to have caused it alone, so each part of the food safety system must work together as perfectly as possible."

Dr. John Carsley
Medical Health Officer for the Vancouver Coastal Health Authority in British Columbia
Member of the Listeriosis Investigation Expert Advisory Group

This report describes the chain of events which led to the recall of 191 meat products produced by Maple Leaf Foods Bartor Road plant. The report assesses how well federal organizations and their food safety partners responded to the event. It notes best practices from other jurisdictions which have been incorporated into the recommendations.

Most importantly, the report focuses on areas which require urgent attention, providing recommendations for concrete action. The Investigation calls on governments and industry to take swift and appropriate steps to make sure a tragedy such as this doesn't happen again.

Since these main points, like the complete report, must answer the questions of a wide variety of audiences - from scientists and health professionals, to journalists and Parliamentarians (and government officials), to food industry workers and family members - they highlight our key findings and refer to key recommendations of interest to all Canadians. To guide readers, bracketed numbers correspond to the recommendations found in the section entitled 'List of all recommendations' as well as embedded throughout the full report.

Why it matters

Foodborne illness outbreaks like that of 2008 do not happen often in Canada. There has, however, been a steady increase in listeriosis cases in recent years. Since 2005, the number of cases of listeriosis reported annually in Canada has doubled. Among those at greatest risk of contracting the illness are older people - one of the fastest growing segments of Canada's population. Some 40% of those who became ill during the 2008 listeriosis outbreak died of the disease. The average age of people who had listeriosis listed as the underlying or contributing cause of death was 76.

Equally noteworthy, almost 80% of those who developed listeriosis lived in a long term care home

or were admitted to a hospital that had served contaminated deli-meats from large packages produced specifically for institutions.

The risks of foodborne illness are also greater than ever before. Large scale farming and food processing, along with the impacts of globalization which provide consumers with access to foods from around the world, all contribute to increased opportunities for contamination. These same trends make it harder to trace the source of a foodborne illness than in the past, when outbreaks were usually linked to local food sources.

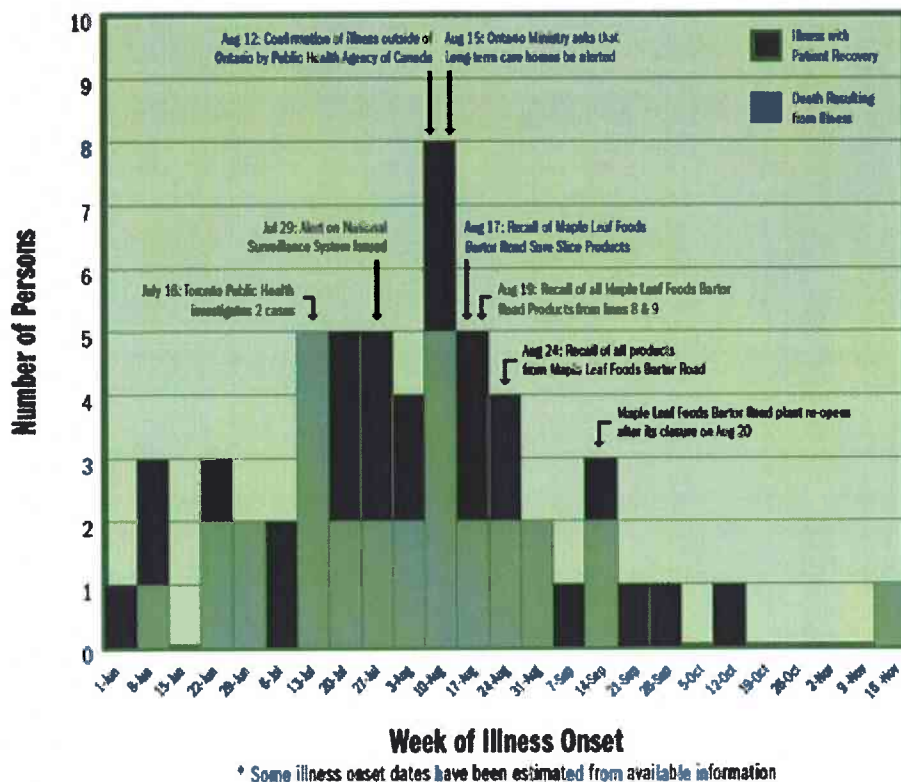
A complex disease

Listeriosis, itself, can be hard to detect. The first symptoms of the illness appear between three to 70 days after contaminated food is eaten and, even then, are initially difficult to distinguish from the flu. It is often only when people become seriously ill that lab tests are conducted; a positive result confirming that an individual has the disease. Unlike TV dramas, in which scientific testing produces nearly instantaneous results, it takes several days before bacteria DNA fingerprints results are available.

The greater challenge is connecting the illness to the consumption of a specific food, a process which can take several weeks. Multiple tests are needed, often involving specialized labs, which may require inter-governmental cooperation. Not all communities can do the necessary testing to confirm that listeriosis is what is making people ill and, if so, the particular food they ate that was contaminated. Rapid testing, analyses and reporting of test results are critical to public health and food safety investigators in a national foodborne emergency in order to identify the exact illness and the food source causing it. In light of the growing frequency of foodborne illnesses, this is equally crucial to all Canadians.

By Symptom Onset Date or Estimated Date

Infections with the Outbreak Strain of *Listeria monocytogenes* by Symptom Onset Date or Estimated date*



How Canada's food safety system works

A foodborne emergency is complex because of the multiple sectors involved and the way Canada's health and food safety systems work. There are many different steps and people involved at each stage in the food supply chain, including consumers themselves.

Overseeing the activities of all these groups are three levels of government, each with varying responsibilities for public health and food safety. Federal, provincial and territorial governments and local entities administer their respective laws and regulations, using their own systems and procedures.

Responsibility for food safety within the federal government is shared among Health Canada, the Canadian Food Inspection Agency (CFIA) and the Public Health Agency of Canada (PHAC). Similar functions are also performed at the provincial, and sometimes, local levels which demands close working relationships and clear lines of authority and communication in a foodborne emergency.

Because coordinating the response to large national outbreaks of foodborne disease is unusually complex, the federal, provincial and territorial governments have a joint protocol, the Foodborne Illness Outbreak Response Protocol, which identifies their individual roles and responsibilities in investigating and overseeing a national health emergency. It was put in place as a result of a previous national foodborne emergency.

How events unfolded

With the benefit of hindsight, we have been able to understand the day-by-day, step-by-step actions taken as the emergency unfolded. An abbreviated chronology, found in Chapter 6, "How did events actually unfold", as well as a fully detailed one, available in [Appendix B](#), have been

prepared to guide readers.

Key dates of the outbreak

February to July (2008) - sporadic positive *Listeria* test results at Bartor Road plant

June 3 - earliest known human illness linked to the listeriosis outbreak

June 17 - first death linked to listeriosis from contaminated Maple Leaf Foods product

July 10 - first 2 listeriosis cases in the outbreak identified through DNA fingerprinting

July 18 - Maple Leaf Foods first identified as possible source of contaminated food products

July 22 - 11 food samples from Toronto long-term care home sent for testing

July 29 - more than double the normal number of listeriosis cases (24 vs. 11 expected) reported by almost half of Ontario public health units

August 4 - food samples from long-term care home test positive for *Listeria monocytogenes*

August 7 - THE CFIA initiates a food safety investigation

August 12 - DNA fingerprinting matches cases from several provinces

August 13 - Maple Leaf Foods advises distributors to hold certain products

August 16 - THE CFIA confirms *Listeria monocytogenes* in Maple Leaf Foods products (Sure Slice)

What the Investigation Found

In retrospect, it is easy to see the mix of variables that created the conditions enabling listeriosis to take hold (Chapter 5). *Listeria* defeated the best efforts of all those trying to prevent it from entering the food supply, including workers attempting to control it in the Maple Leaf Foods Bartor Road plant. It also evaded the oversight systems of both Maple Leaf Foods and the federal government (CFIA). As a result, a segment of the population that is the most vulnerable was exposed to its damaging and sometimes deadly effects.

Once people were ill, there were many challenges in managing the emergency right in the middle of summer. It brought together multiple jurisdictions and two sectors of the federal government that, on a day-to-day basis are not required to work closely together: the public health and food safety sectors. When viewed through the lens of public health, the focus is primarily on identifying what is making people ill. But when viewed through the lens of the food safety sector, the focus is primarily on identifying the exact food product that is causing the illness so that the correct food is removed from the market. This, coupled with the infrequent occurrence of such emergencies, compounded the challenges in managing this event (Chapters 7 and 8).

After in-depth analysis, and expert advice from five food safety and public health authorities, the Investigation found weaknesses in four critical parts of the food safety system which are summarized below. Our analysis has also identified additional improvements, which can be found throughout the various recommendations.

1. The focus on food safety among senior management in both the public and private

domains.

Our key findings are:

Maple Leaf Foods

- *Maple Leaf Foods' Bartor Road plant was aware that it had occurrences of Listeria in the plant in 2007 and 2008, and tried to correct the problem with sanitation procedures standard in the industry. The plant's management thought Listeria was under control. (Chap. 5, Rec. 5, 15 a to d)*
- *Maple Leaf Foods did not conduct the trend analysis required under its Listeria control policy. The recurring positive results were not known nor were the positive results verified to determine the presence/absence of Listeria monocytogenes. At the same time, the company was producing larger packages of deli-meat products for sale to institutions, including hospitals and long-term care homes. They had created a recipe that used less sodium, which was attractive to the institutional market as many of its clients benefited from reduced-sodium diets. This combination of circumstances exposed vulnerable populations to risk. (Chap. 5, Rec. 15 e, 21)*
- *Maple Leaf Foods staff notified their superiors of the repeated presence of Listeria beyond the Bartor Road plant into the Head Office. However, this information did not reach the office of the Chief Executive Officer because it was thought that the plant's interventions had controlled the problem. (Chap. 5, Rec. 1)*
- *Employees in the Maple Leaf Foods Bartor Road plant were not required to, nor did they volunteer, information concerning the repeated occurrences of Listeria in the plant to the CFIA Inspectors. (Chap. 5, Rec. 6)*

Canadian Food Inspection Agency

- *A new federal inspection approach, the Compliance Verification System (CVS), was put into effect in the spring of 2008, at the same time Maple Leaf Foods' environmental testing was identifying Listeria at the Bartor Road plant. (Chap.5, Rec. 10)*
- *Although the CVS is regarded as a sound system and has broad support, it needs critical improvements related to its design, planning, and implementation. (Chap.5, Rec. 10)*
- *The CFIA inspectors had no obligation to request or examine the company's Listeria testing results under their CVS tasks. (Chap.5, Rec. 20)*
- *In the lead-up to the outbreak the number, capacity and training of inspectors assigned to Maple Leaf Foods Bartor Road plant appear to have been stressed due to their responsibilities at other plants, the complexity of the Bartor Road plant including its size and hours of operation, and necessary adjustments required by the implementation of the CVS. (Chap.5, Rec. 7)*
- *Due to the lack of detailed information and differing views heard, the Investigation was not able to determine the current level of resources as well as the resources needed to conduct the CVS activities effectively. For the same reason, we were also unable to come to a conclusion concerning the adequacy of the program design, implementation plan, training and supervision of inspectors, as well as oversight and performance monitoring. (Chap.5, Rec. 7)*
- *The latest CFIA Listeria controls do not distinguish between foods at much lower risk of harbouring Listeria (e.g. dried sausages) and those that are much higher risk (e.g. hot-dogs). Furthermore, they do not establish 'test and hold' product controls. (Chap.5, Rec. 15 d)*
- *There is a need for increased coordination and improved communication about food processing equipment among the manufacturer, the food processor, and*

the CFIA regarding design specifications and the validation of sanitation procedures. (Chap.5, Rec. 14)

Health Canada

- *The Health Canada Listeria monocytogenes policy (currently under review) does not provide adequate direction on expected outcomes leaving room for interpretation by industry. The lack of integration with the CFIA policies creates gaps and overlaps. (Chap.5, Rec. 11)*
- *In approving food additives and technologies, Health Canada has not been taking into account food safety considerations when assigning priorities or fast-tracking for approval these substances and processes. (Chap.5, Rec. 12)*

Multi-jurisdictional Emergency Response

- *National foodborne outbreaks are rare in Canada. Nevertheless, the Foodborne Illness Outbreak Response Protocol (FIORP) and complementary agreements are in place to manage such events but they were not widely known or understood by senior leadership at the time of the 2008 outbreak. (Chap.5, Rec. 24)*

1. The state of readiness of the various governments.

Our key findings are:

Multi-jurisdictional Emergency Response

- *The 2008 outbreak first emerged in Ontario and was therefore under provincial leadership.*
- *At the outset, the outbreak was not considered a severe foodborne emergency. This led to a void in leadership in managing the crisis. It took close to three weeks before senior executives in all key organizations became fully engaged in the event. (Chap. 7, Rec. 24 b.i)*
- *The protocol (FIORP), which is in need of updating, was not recognized as the protocol to be used. The lack of a clear understanding about which organization or level of government was responsible for doing what - including which organization should lead the response to the crisis - contributed to the inconsistent management of the outbreak. Few of those involved in the 2008 outbreak, especially senior executives, were familiar with the FIORP. (Chap. 7, Rec. 24)*
- *Since national foodborne illness outbreaks of this magnitude are rare in Canada, opportunities to practice this emergency management approach are very limited. (Chap. 7, Rec. 24 c)*
- *Public health labs are not formally networked and could be more effectively used during a foodborne illness emergency. (Chap. 7, Rec. 33)*
- *The Public Health Agency of Canada is making headway in epidemiological data collection and analysis in cases of human illness (e.g. H1N1), but improvements are still required in integrating the data collection, and analysis, of food samples (e.g. listeriosis). (Chap. 7, Rec. 35 c)*
- *Enhanced coordination of various testing (e.g. cross-coding of human and food samples linked to the same patient) could further accelerate the analysis and decision-making necessary in the management of foodborne emergencies. (Chap. 7, Rec. 35 a)*
- *Based on our investigation, to maintain confidence in the food safety system, there is a need for independent review after all national foodborne emergencies,*

- in addition to each organization's lessons learned review. (Chap. 7, rec. 27)*
- *Most organizations involved in the response to the 2008 outbreak had very limited pre-planned surge capacity. (Chap. 7, Rec. 24 b-iii and 34 b)*

1. **The sense of urgency at the outset of the outbreak.**

Our key findings are:

Maple Leaf Foods

- *Maple Leaf Foods did not initially report the presence of Listeria at the Bartor Road plant or provide product distribution records. (Chap. 5, Rec. 6)*

Public Health Agency of Canada

- *The Public Health Agency of Canada did not consider it had the federal leadership role, therefore there was a delay in identifying the outbreak as a public health emergency. (Chap. 7, Rec. 24 b-i)*

Health Canada

- *Health Canada's Health Risk Assessment team was not operating on a 24/7 basis during the summer of 2008, leaving gaps in coverage during the response to the emergency. (Chap. 9, Appendix C)*

Public Health and Food Safety Sectors

- *There are differing views on the quality of evidence needed to advise the public about potential food contamination and/or to recall the food product. Some advocate specific laboratory confirmation to ensure the correct product is removed from the market. Others advocate for a precautionary approach, based on epidemiological evidence, to protect the public from potential harm. (Chap. 7, Rec. 24 b-iv, 29)*

4. **National communications with the public**

Our key findings are:

- *Canadians were seeking reassurance from governments that public health was being protected.*
- *Information about the outbreak did not provide the public with what they needed; it was sometimes inconsistent given the many jurisdictions involved, sometimes hard to find and sometimes difficult to understand. (Chap. 8, Rec. 26, 40)*
- *The majority of Canadians were unaware which segments of the population were at greater risk of becoming ill if exposed to Listeria monocytogenes, and what foods these vulnerable groups should avoid (e.g. pointing to the need for precautionary labelling). (Chap. 8, Rec. 42)*
- *There was an absence of an 'advance' communications strategy and related implementation plan, that should have included ready-made information*

- products and the use of traditional and new media vehicles. (Chap. 8, Rec. 41)*
- *Federal communications to the public were slow off the mark, and were not sustained for a sufficient period of time. In addition, there was no designated communications coordinator, which resulted in a fragmented approach and seemingly inconsistent messaging. (Chap. 8, Rec. 37)*
 - *Having the Minister responsible for Agriculture and Agri-food and the CFIA serve as the lead ministerial spokesperson, was considered by some to be a 'conflict of interest' even though the minister has a legitimate role in relation to the food industry. It appeared to limit government's capacity to communicate health information sought by the public. The perceived lack of federal public health leadership during the outbreak attracted many comments. (Chap. 8)*
 - *The greatest challenges for physicians in educating patients about minimizing risks of foodborne illness are lack of patient-friendly materials (77%), lack of knowledge about the outbreak (69%), and lack of time (69%). (Chap. 8)*

What else was learned

The Investigation came across other matters of capacity, governance and structure affecting the response to the outbreak and meriting further examination. Progress has been made since the 2008 outbreak on a number of fronts however, there is room for ongoing improvement in the federal food safety and legislative framework. Readers are strongly encouraged to review Chapter 10 (Rec. 43, 44, 52) to gain a better understanding of the additional recommendations.

Actions, not words

Many of the issues - and even some of the recommendations generated by this Investigation - have been raised in previous reports on food safety in Canada. Recommendations are only words on paper until they are acted on.

As foodborne illnesses are now the largest class of emerging infectious diseases in the country, and listeriosis is a serious disease with deadly consequences for vulnerable groups, governments cannot afford to ignore these findings.

That is why the Investigation recommends that, in setting its agenda for the fall of 2009, the Government of Canada should be mindful that food safety requires increased attention. Although Canada is viewed as a leader in food safety practices and systems, the Government should clearly and emphatically commit to the safety of food as one of its top priorities. (Chap. 10, Rec. 56)

Everyone involved in the events leading to, and in managing the response to, the 2008 listeriosis outbreak should view the lessons learned from this tragic event and the recommendations as imposing an obligation to pursue innovation and improvement.

The Independent Investigator invites all to read the full report.

¹The number of cases reported changed over time as results were confirmed, a process that took time.

Date Modified: 2009-07-23

BACK TO PAPER

SCHEDULE #12

July 22, 2009

Company, government faulted in listeria deaths

By GLORIA GALLOWAY

From Wednesday's Globe and Mail

Report into outbreak calls on managers in public and corporate food sectors to turn full attention to safety

Lessons were learned at extraordinary cost and there is no guarantee that listeriosis will not return to Maple Leaf Foods or any other Canadian processor, the company's CEO said in a statement that was full of promises to do better.

Michael McCain was responding to a report commissioned by the federal government into the deadly listeriosis outbreak at the Maple Leaf plant in Toronto last summer.

"This report is a painful reminder of the factors that culminated in the tragedy of last year," Mr. McCain said yesterday at a news conference. "We thought at the time that we had a strong food safety program and we did not. Had we known then what we know now, we may have saved 22 lives."

Maple Leaf's food safety regime is significantly better than it was a year ago when bacteria in a slicing machine found their way into packaged cold cuts, Mr. McCain said. But "in the case of food-borne pathogens, the reality is there is no absolute guarantees, not by Maple Leaf, not by anybody in the world."

Maple Leaf Foods has paid \$27-million to the victims and families of people made sick by the outbreak. Agriculture Minister Gerry Ritz said yesterday the government would not be offering any additional compensation for its part in the tragedy.

Sheila Weatherill, the former head of Edmonton's health system, wrote in her report that the tragedy was the result of a lack of attention to food safety by senior management in both the public and private sector.

Her report said no level of government was prepared for the emergency; a sense of urgency was absent from the start; and communications with the public were inadequate. There was a lack of understanding about which government department was responsible. And it took close to three weeks before senior executives in all key organizations became fully engaged in the mounting crisis.

Ms. Weatherill did not make findings of criminal or civil liability. Nor did she single out any action, or any individual government agency or company, as being especially culpable.

But "the investigation has made clear that much more could have been done to prevent this from happening in the first place," she said, adding that the mistakes were far more obvious in hindsight. "Much more must be done to make sure it doesn't happen again."

While many of the problems that led to the listeriosis outbreak have been remedied, Ms. Weatherill offered 57 recommendations to improve food safety.

Chief among them is that senior management in both public and private domains turn their full attention to the issue.

The employees at the Maple Leaf Foods plant in Toronto, where the outbreak originated, were not required

to report, nor did they volunteer, information about the infection that had been detected as early as March, 2007 - more than a year before the disease claimed its first victim. That has to change, Ms. Weatherill said.

Inspectors at the Canadian Food Inspection Agency, meanwhile, were stressed by the sheer number of plants they were required to watch over.

After four months of looking into the tragedy, Ms. Weatherill said she was unable to determine just how many inspectors there are and how many are needed to do the job properly. She recommended that an external auditor be called in to do a count.

Mr. Ritz, who has been his government's chief spokesman on the issue, said it was difficult to count inspectors because they are not a static group.

"There's X amount of people doing this today," he said. "By later in the day or by tomorrow, that could change as their, as their tasks move on."

Bob Kingston, the president of the Agricultural Union of the Public Service Alliance of Canada, the union that represents the inspectors, said the minister's explanation doesn't make any sense. His group was able to quite quickly put together a fairly accurate tally of the number of people doing the job, Mr. Kingston said. (The PSAC says there were 200 specifically responsible for processed meat.)

Mr. Kingston said the lack of numbers "is a consequence of misleading or misrepresentation from CFIA, from the minister."

Ms. Weatherill said the Public Health Agency of Canada - not the Agriculture Minister - should have been the leading voice on the issue because Canadians want to hear from health officials during a health crisis.

Asked whether she believes sliced meat products to be safe for Canadian consumers, she said yes.

But listeriosis is one of the most dangerous and pervasive food-borne illnesses, she said. "It's in your refrigerators, it's in your kitchens. And it's sometimes in the food we eat."

Mr. McCain that Ms. Weatherill's report is tough on his company.

"And it ought to be," he said. "We don't protest our innocence. We accept our responsibility. However, no report, no matter how thorough, can match the self-criticism and remorse we have felt as a result of this tragedy."

BACK TO PAPER

SCHEDULE #13

July 22, 2009

Poor leadership is the real listeria culprit

By Andre Picard
From Thursday's Globe and Mail

The root of the problem behind the Maple Leaf Foods listeria outbreak was a culture – in government and private enterprise alike – in which food safety was not a priority but an afterthought

Sheila Weatherill did her job and did it well. She always does.

The head of the Independent Listeriosis Investigative Review provided a thorough cataloguing of the failings that left 22 Canadians dead and 35 others gravely ill (many with permanent disabilities) in the summer of 2008.

Ms. Weatherill also demonstrated that a bloated, time-consuming public inquiry was not needed. Her six-month, \$2.7-million effort was more than sufficient.

Stated briefly, improperly cleaned and inadequately inspected equipment at the Maple Leaf Foods plant on Bartor Road in Toronto led to the contamination of luncheon meats with listeria monocytogenes.

Yet, the root of the problem was not two dirty meat slicers but rather a culture – in government and private enterprise alike – in which food safety was not a priority but an afterthought.

Maple Leaf Foods found significant quantities of listeria in its meats as far back as 2007, but had no obligation to report this to the Canadian Food Inspection Agency. The CFIA inspections were lackadaisical. And when it became obvious there was an outbreak of food poisoning, the response from CFIA and the Public Health Agency of Canada was clumsy and slow, and fraught with petty disputes about jurisdiction.

Communication with the public about the extent of the outbreak and who was most at risk (frail residents of nursing homes and long-term care facilities) was appallingly bad. The deaths started in June but the public wasn't truly warned until August.

"The investigation has made clear that much more could have been done to prevent this from happening in the first place," Ms. Weatherill said diplomatically at her press conference this week.

More important, she added: "Much more must be done to make sure it does not happen again."

Let's not forget that there are an estimated 10 million cases of food poisoning in Canada annually and at least 500 deaths. Listeriosis in luncheon meats is but a small part of the problem.

The independent investigator made 57 recommendations for improving food safety, every one of them eminently sensible and easily do-able.

They include technical fixes such as designing meat-processing equipment that is easier to clean, administrative changes including requiring companies to report internal test results to government inspectors and more frequent and thorough plant inspections, organizational changes such as giving the PHAC a larger role when there is an outbreak of food-borne illness, and the need for better consumer education.

But Ms. Weatherill's most important recommendation – one that has been largely glossed over in media coverage of the report – is for a culture of safety or, as is stated bluntly in the report: “Actions, not words.”

She said that “in setting its agenda for the fall of 2009 ... the government should clearly and emphatically commit to the safety of food as one of its top priorities.”

Ms. Weatherill added: “Everyone involved in the events leading to, and in managing the response to, the 2008 listeriosis outbreak should view the lessons learned from this tragic event and the recommendations as imposing an obligation to pursue innovation and improvement.”

Ms. Weatherill knows of what she speaks. In her long career, from bedside nurse to chief executive officer of Capital Health in Edmonton, she has always been an innovator – a doer and a decision maker.

In her report, Ms. Weatherill pointed repeatedly to the “void in leadership” within the federal government. She was referring specifically to the lack of co-ordination among various governmental and quasi-governmental agencies including the CFIA, the PHAC, Health Canada and Agriculture and Agri-Food Canada.

But she could well have pointed up the political food chain. Let's not forget that Prime Minister Stephen Harper called this inquiry as the last order of business before an election, no doubt as a means of avoiding serious discussion of the issue. Then-Minister of Health Tony Clement and Minister of Agriculture and Agri-Food Gerry Ritz both heaped praise on their officials, yet this report makes clear that there were massive, patently obvious failings.

Is it too much to expect the public service to serve the public, for ministers to minister, for governments to govern?

No. These too are obligations.

The real lesson from listeriosis is not to be found strictly within the report of the independent investigator but rather in the larger principles that guided Ms. Weatherill's recommendations: You need to invest in public-health infrastructure, particularly in good people; you need to value prevention, not just pay lip service; voluntary measures need to be complemented with strong sanctions for failure; and when threats to public health occur, you need to act forcefully and communicate well.

Above all, you need to take responsibility – in business and government alike, and in everything from policy to everyday actions.

There is a leadership void, one that is a much bigger threat to the health of Canadians than a bacterium such as listeria.

How the government responds to this report will be a test of leadership, so the Prime Minister's Office needs to underline three words: “Actions, not words.”

BACK TO PAPER

SCHEDULE #14



Food safety

Maple Leaf recalls nine varieties of hot dogs

Another large-scale recall due to listeriosis highlights the reality that there is no way to completely eliminate the risk of harmful bacteria in food products

Carly Weeks

Tuesday, Aug. 04, 2009 08:05PM EDT

Canadian retailers pulled several brands of wieners off store shelves yesterday, and consumers were warned not to eat them, after Maple Leaf Foods said they may be contaminated with small amounts of *listeria monocytogenes* bacteria.

The nationwide recall comes about one year after the start of the company's listeriosis crisis, which was linked to the deaths of 22 Canadians and subject to an investigation commissioned by the federal government.

The affected products, which include nine varieties of Shopsy's, Hygrade and Maple Leaf brand wieners, were recalled after company testing revealed some samples tested positive for listeria. The bacteria were detected through a second, more aggressive test, after some product samples passed a primary food safety test and were sent to stores, said Randall Huffman, chief food safety officer at Maple Leaf Foods.

Although the levels were low, the company decided to err on the side of caution and launch a recall, Dr. Huffman said.

The company said small amounts of listeria are commonly found in the environment and are often detected in meat and poultry products – and in ready-to-eat products in particular. Maple Leaf said it follows the federal government's new listeria policy and has stepped up its testing and inspection measures, which means it will likely detect the bacteria more often.

"We've taken significant steps to enhance our food safety system," Dr. Huffman said.

But the reality is that there is no way to completely eliminate the risk that listeria – or other potentially harmful bacteria such as *E. coli*, salmonella or campylobacter – will make their way into grocery carts across the country.

"There's no such thing as 100-per-cent safe foods, no matter what food we eat," said Mansel Griffiths, professor in the food science department at the University of Guelph and director of the Canadian Research Institute for Food Safety. He was also a member of the expert advisory group of the federal listeriosis investigation.

Most people can tolerate low levels of listeria, and other types of bacteria, without falling

ill, Prof. Griffiths said. He recommends that people who are pregnant, elderly or have weak immune systems are more at risk, and should avoid consuming ready-to-eat meats.

Dr. Huffman of Maple Leaf says those groups can consume the products, but must exercise caution.

But there are ways consumers can protect themselves when eating ready-to-eat meat and other products, according to Rick Holley, professor of food microbiology and food safety at the University of Manitoba.

Some people eat prepared meats, and even hot dogs, right out of the package. But doing so can result in a serious food-borne illness, he said: People should thoroughly cook hot dogs.

The Public Health Agency of Canada also says that people who are concerned can reheat deli meats until they are steaming hot.

The idea of killing bacteria through cooking applies to other types of food-borne pathogens as well, such as E. coli, which is often associated with uncooked hamburger meat. While children aren't particularly vulnerable to listeria, they can be susceptible to E. coli, Prof. Holley said.

Although there have been no illnesses reported in connection with the latest recall of Maple Leaf wieners, food safety experts say the news that traces of listeria were detected by the company should serve as a warning to Canadians that there's no guarantee the food they buy is safe.

But that doesn't mean Canadians should just accept the fact their food supply carries a degree of risk, Prof. Holley said. Canadian governments and the food industry must make much better efforts to minimize the potential for bacterial contamination before it happens or illness outbreaks such as the one experienced by Maple Leaf last year will continue to occur, he said.

Certain measures, such as better controls to ensure the quality of feed given to animals or revamping on-farm food safety programs, could help eliminate bacteria from fields or processing plants. But one of the most important things Canada could do is overhaul the way it tracks food-borne illnesses. While some provinces keep track of the number of people who become ill from certain bacteria, such as salmonella, other provinces may not be so vigilant. In addition, Canada doesn't track which food items may have led to the illness, which is an important way to figure out if certain foods pose a greater risk to the public.

"There certainly are ways the safety can be improved," Prof. Holley said. "We're as vulnerable today as we were this time last year."

Full details of the recall are available at [the Canadian Food Inspection Agency website](#).

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BACK TO PAPER