Chronology of Public Communications on Hepatitis Outbreak in
Pennsylvania, 2003

by

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In late October, 2003, Pennsylvania State health officials first learned of a potential hepatitis A outbreak, after emergency room doctors in Beaver County reported an unusually high number of hepatitis A cases. Investigators determined that the common thread was having eaten at the Chi-Chi’s restaurant at the Beaver Valley Mall. Pennsylvania health officials began warning the public of the outbreak on November 3, 2003. The hepatitis A advisory was directed to all people who had eaten at Chi-Chi’s restaurant in Beaver Valley, PA, between October 22 and November 2.

At that time, Chi-Chi’s was heading for auction with more than $100 million in debt and had already filed for Chapter 11 bankruptcy in the US Bankruptcy Court in Delaware. Chi-Chi’s parent company, Prandium Corp., was still publicly traded, but was a high-risk stock traded off the major stock exchanges as a pink sheet.

When the Pennsylvania Department of Health issued the public notice, at least 12 restaurant workers and 10 consumers were infected. By November 7, only a few days later, the number of cases had risen to 130, the first customer died, and one more needed a liver transplant. Individual lawsuits rose to almost 40 through Marler Clark, a law firm specializing in representing victims of foodborne illness (marlerclark.com). Marler Clark filed a class action lawsuit against Chi-Chi’s on behalf of over 9,000 people who received Immune Globulin injections to prevent infection with hepatitis A after being exposed to the pathogen at Chi-Chi’s.

By November 11, the number of cases had risen to 300, which is above the average number of hepatitis A cases in a restaurant outbreak reported by the Centers for Disease Control and Prevention. By November 19, the number of cases exceeded 500 and three people had died. On this date, the United States Department of Agriculture banned the importation of Mexican green onions due to the suspicion that the onions had caused the hepatitis outbreak.

As a precautionary measure and to assure the safety and trade of Mexican products, the Mexican government closed four green onion farms until an investigation was completed. On November 21, the Reforma newspaper in Mexico published an interview with Baja California agriculture officials speaking out in defense of the growers. The Baja officials said that no evidence linked any of the four farms to the outbreaks. Mexican authorities denied that the source of the outbreak originated in

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1 Hepatitis A is a liver disease that develops within 2-6 weeks after exposure. Symptoms include jaundice, fatigue, abdominal pain, loss of appetite, nausea, diarrhea, and fever. While hepatitis A is usually mild, it can occasionally be severe, especially in people with liver disease.

Mexico, claiming that it was due to mishandling and storing by Chi-Chi’s, and the US authorities were blaming Mexico without evidence.

Finally, the Pittsburgh Post-Gazette reported that the event sickened around 660 people and killed four. In late July, 2004, Chi-Chi’s attorneys raised the issue of suppliers’ liability, naming Sysco Corp. and Castellini, Inc. and publicly discussing possible lawsuits. There are no public records showing dates of a trial or pre-trial proceedings, which suggests that the parties settled the dispute out of court.

**Detailed Chronology with Quotations**

**Tracing the Illness Outbreak to a Source**
Initially, origin of the illness was uncertain. During the course of the investigation into the source, public officials and company representatives offered conflicting information.

**November 12, 2003**

“Pennsylvania Department of Health investigators have said the cause appears to be poor hygiene by a worker, but they have not determined which employee, nor have they ruled out a contaminated food source.”

**November 13, 2003**

“However, Pennsylvania health officials said Wednesday that they are now unable to determine the exact source of the outbreak, and are looking into a number of possibilities, including contaminated green onions that sickened people in Georgia, North Carolina and Tennessee in September. "There's a bit of frustration on our part," said Richard McGarvey, a spokesman for the Pennsylvania Health Department.”

Studies of the origin of the pathogen proceeded. The Pennsylvania Department of Health and CDC conducted a case-control study to identify menu items or ingredients associated with the illness. Within approximately two weeks, the source was determined to be an imported product. On November 21, 2003, the Centers for Disease Control and Prevention (CDC) said green onions were likely the cause of the Pennsylvania outbreak.

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5 “Hepatitis A Outbreak Associated with Green Onions at a Restaurant--- Monaca, Pennsylvania, 2003.” MMWR Dispatch; CDC. 21 November 2003. 52 Dispatch;1-3. [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm52d1121a1.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm52d1121a1.htm)
November 21, 2003:

“Preliminary trace-back information indicated that the green onions supplied to Chi-Chi’s had been grown in Mexico.”

CDC announced that:

“…raw or lightly cooked green onions were associated with the hepatitis A illnesses in Pennsylvania.”

“FDA has alerted inspectors at the border to detain any raw green onions (scallions) from a small number of implicated firms in Mexico associated with hepatitis A illnesses in Tennessee, Georgia, and Pennsylvania. Mexican officials have been very responsive during the outbreak investigation and are investigating practices at these firms to determine what might have contributed to the contamination at the source.”

This press release from the FDA specifically named eight firms that were suspected to have shipped contaminated onions. Five of the 8 firms are located in Baja California, Mexico, and the others in Rio Colorado and Ensenada, Mexico.

November 22, 2003:

The next day, the news media reported that the Chi-Chi’s outbreak was linked with other recent hepatitis illnesses in Southern US states.

“A preliminary investigation by the Food and Drug Administration indicates that the scallions came from Mexico. Genetic tests on viral samples from patients who ate at Chi Chi’s showed that the virus infecting them is very closely related to one isolated from victims of hepatitis A outbreaks caused by scallions in Tennessee and Georgia in September. In those cases the scallions were traced back to Mexico.” (Nov. 22, 2003)

A representative of a private firm provided comments about the scientific basis underlying the risk of contamination from the products:

“Devon Zagory, senior vice president of the food safety firm Davis Fresh Technologies LLC of Redding, Calif., agreed there is no accepted way to test or clean green onions to prevent hepatitis A.”

“You can do absolutely everything right and still suffer contamination and hurt people,” Zagory said. “There is no such thing as zero risk.”

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“However, Zagory said, the Food and Drug Administration established voluntary guidelines for growers to reduce risk by making sure that water used to grow or wash the vegetables is clean; requiring farms to supply field toilets and make workers wash their hands; and tracking the use of pesticides and fertilizers.”

“There is no law requiring compliance, but the industry standard for large grocery and restaurant chains is to audit their suppliers’ compliance with the FDA guidelines,” Zagory said.

“A Chi Chi’s spokesman did not immediately respond Saturday to a question asking whether the restaurant chain required its suppliers to abide by the FDA guidelines.”

“They should have done this and if they haven’t done this, I myself would take a rather dim view of their practices,” Zagory said.9

December 2, 2003:

“Contaminated water is one of the likeliest suspects as U.S. and Mexican inspectors yesterday began searching Baja California fields for the source of a deadly hepatitis A outbreak in the United States, a U.S. Food and Drug Administration official said.”

“Joe Baca, the agency’s food safety compliance director, said the binational team will focus on water used to irrigate the fields, wash the onions and make the ice used to keep them fresh during the long journey to the U.S. East Coast.”

“Mexican federal agents have closed the four growers whose farms are being inspected and U.S. border inspectors have been told to turn back their produce. But Mexico’s 22 other green onion growers are still allowed to ship onions to the United States.”

“Although Baja California agents are cooperating in the investigation, Agriculture Secretary Juan Pablo Hernandez Diaz criticized U.S. officials for blaming area growers without proof the disease originated in the state.”

“He said they have “insinuated that (the Mexican product) is the prime suspect, generating distrust in the consumption of the produce, which is causing great economic loss.”10

December 10, 2003:

“U.S. officials yesterday said an investigation of Mexican growers linked to recent hepatitis A outbreaks in the United States identified problems at each of four companies visited in Baja California and Sonora.”

“A statement released by the Food and Drug Administration contradicted Mexico’s top food safety official, who said Friday that the probe had cleared three of the growers but found deficient practices at a fourth.”

“The FDA identified “problems of concern” at all four Mexican companies, including “poor sanitation, inadequate hand washing facilities, questions about worker health and hygiene, the quality of water used in the fields, packing sheds and the making of ice.””\(^\text{11}\)

In an article from **December 6, 2003**:

“Javier Trujillo, undersecretary for food safety and quality in Mexico’s Ministry of Agriculture, said Dos M Sales de Mexico, a company located near the border city of Mexicali, in Baja California state, was washing its scallions with water from a nearby reservoir, rather than with purified drinking water, as required.”

“The deficiencies were found at the company’s packing operation but that is not conclusive proof that this was the origin of the hepatitis outbreak in the United States,” Trujillo said.

“Trujillo said the FDA rushed to judgment by publicly identifying suspected companies before completing an investigation that followed the green-onions through the supply chain.”

“The hypothesis that the outbreak could have originated in Mexico is one, but there is also the likelihood of contamination in the transportation, or at the restaurant,” Trujillo said. “It’s really surprising that the FDA would only emphasize the hypothesis of contamination at the point of origin.”\(^\text{12}\)

In the same article, “Ellen Morrison, director of the Office of Crisis Management for the FDA, said the FDA has been careful with the investigation and sent the inspection team to Mexico only after not finding sources of contamination at the different restaurants. She said it’s premature to speak of the inspectors’ findings while the investigation is in progress.”


December 15, 2003:

“Together with representatives of Mexico’s agriculture and health ministries, FDA and CDC agents visited four Baja California companies that grow, pack and ship onions. Since Nov. 21, the FDA has halted imports to the United States by the companies.”

In the same article:

“Mexican officials recently released the first reports from the investigation, saying three of the companies linked to the hepatitis outbreaks had acceptable practices but a fourth operator’s were deficient. They identified the deficient company as Dos M Sales de Mexico and the owner as Michael Brazeel, a U.S. citizen who has kept a low profile since the outbreaks.”

On December 15, an article in the San Diego Union-Tribune written by staff members Diane Lindquist and Sandra Dibble raised the possibility that the outbreak originated in Mexico, but they acknowledge that this was impossible to confirm. Jack Guzewich of the US Food and Drug Administration said that investigators may never know the origin of the outbreak for certain. This further upset the Mexican authorities, who accused the FDA of negatively affecting the image of Mexican products by pointing to Mexican farmers while admitting they had no real evidence to back up their claims about the source of the outbreak.

Financial Conditions of Restaurant Holding Company

Chi-Chi’s had filed for Chapter 11 bankruptcy in U.S. Bankruptcy Court in Delaware on October 8, 2003, prior to the outbreak of illnesses. Subsequently, the court modified the terms of the legal proceedings of creditors against Chi-Chi’s, to allow claimants in the hepatitis A outbreak to bring their claims to the table. The settlements were to be paid by Chi-Chi’s insurers, primarily. Subject to court approval, a settlement agreement provided for the creation of a fund of $800,000 to be paid by Chi-Chi’s. Nearly one year after filing for bankruptcy, some of Chi Chi’s assets were secured by a competitor. According to the Tampa Bay Business Journal on September 23, 2004:

“Outback Steakhouse Inc. this week closed on its $42.5-million deal for the rights to 76 restaurants in the Chi Chi’s chain, which was beleaguered by bankruptcy and a hepatitis outbreak, the Associated Press reports.”

“Tampa-based Outback was approved August 3 by the U.S. Bankruptcy Court for the District of Delaware as the successful bidder at an auction of designation rights for the properties. They include 23 fee properties, 15 sale-leaseback

13 Lindquist, Diane and Sandra Dibble. “Clues but No Smoking Gun: Source of Hepatitis Cases May Never Be Known.” The Union-Tribune. 15 December 2003
14 “Chi Chi’s Beaver Valley Mall Hepatitis A Outbreak.” http://www.billmarler.com/hepatitis_chichis.htm
properties with revision rights and purchase options, 23 ground leases and 15 leases. Outback is responsible for paying the carrying costs on each of the properties from the closing date until the date the property is designated for transfer.”

“The deal did not include the Chi-Chi’s brand, its restaurant operations or any recipes.”

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Figure 1. Stock price of Chi-Chi’s parent company (in US $) and events in hepatitis outbreak.

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Public Statements by Company Representatives

While company officials’ public response was immediate, a clear command and control structure was not evident in Chi Chi’s initial communication. Later, communication was delegated to external public relations experts and attorneys.

November 5, 2003
Steve Sprowl, a Chi-Chi’s divisional vice president, said two days after the restaurant closure that the outbreak did not extend to any Chi-Chi’s restaurants beyond the Beaver Valley Mall.

"We want everyone to understand that this was an isolated incident in one location," he said. "We made a voluntary decision to close the restaurant until we get to the bottom of what's going on."\(^{16}\)

In the first days, the public reaction from company representatives was to minimize the scope of the risk. Mr. Sprowl’s characterization of the restaurant closure as “voluntary” could be received by the public as a gesture of goodwill and commitment to correct the problem.

November 11, 2003

“However, given my understanding of the incubation period, several employees may have worked, not knowing that they had been infected or could pass on that infection to others,”\(^{17}\) Bill Zavertnik, the chief operating officer of Chi-Chi’s Inc., said in a statement.

This statement by a company official includes health risk information. This is probably useful, given that Immune Globulin injections could reduce severity of illness among those exposed. Therefore, a statement suggesting a wide scope of the spread of the illness could be useful to alert a large number of consumers and encourage them to seek medical treatment that could minimize the health impact. However, this message has the effect of undercutting the strategy implied in the November 5 statements, which highlighted the limited scope of the risk. Further, it is noteworthy that there is no back-up from government health officials in the November 11 statements on the topic of spread of infection.

This article notes that a news conference was scheduled for the following day, November 12. Would it not have been better to simply wait for the press conference and allow a third party to speak on behalf of Chi Chi’s?


After public health officials reported the origin of the outbreak as green onions from Mexico, the company representative’s story included that information, correcting the earlier statements that raised questions about a Chi-Chi’s employee. The company hired a public relations firm to make comments and did not put its executives in the role of communicating with the public in the statements that were reported from this point forward. The original message—that the risk had been contained by the company’s actions—is again in the focus of this news report.

November 21, 2003

“Chi-Chi’s chief operating officer Bill Zavertnik said the company was “gratified” that state officials traced the outbreak to green onions and not to Chi-Chi’s employees. He also noted that state officials confirmed there is no “industry-accepted” way to test green onions for hepatitis A or to clean them enough to ensure they are safe.”18

November 26, 2003

“David Watson, a spokesman for Chi-Chi’s,19 a chain headquartered in Louisville, said that the Beaver Valley location, which served 11,000 meals last month, is the only Chi-Chi’s affected by the outbreak. It was closed by the company on Nov. 2 and does not plan to reopen before Jan. 2, according to Watson. As a precaution, he noted, the 99 other restaurants in the chain have removed scallions from their dishes. The Chi-Chi’s brand salsa sold in supermarkets is manufactured by a different company and is cooked before it is bottled.”20

We did not find any subsequent quoted statements after November 23 from company employees about the outbreak of hepatitis A. All communication was managed by the attorneys and hired public relations experts from this point.

**Limited Collective Action by the Industry**

The National Restaurant Association on the 24th of November, 2003, told the public what to do in order to prevent illness associated with the green onions.

"Whether preparing food at home or dining out, consumers should be equally mindful of the **Food and Drug Administration's** (FDA) recent public advice on green onions. The National Restaurant Association, which is working closely

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18 "Officials link Chi-Chi’s Hepatitis Outbreak to Green Onions.” USA Today. 21 November 2003. 
19 Mr. Watson is a public relations specialist from CCGIR – CCG Investor Relations Strategic Communication. The company website is: http://www.ccgir.com/
http://foodhaccp.com/msgboard.mv?parm_func=showmsg+parm_msgnum=1011394
with FDA, is recommending that restaurants thoroughly cook green onions or temporarily remove Mexican green onions from their menus.”

The industry association’s statement places the FDA at the forefront of its message. No restaurant chain is named in the article. The attempt to associate with the FDA implies that the private sector feels that its credibility is enhanced by aligning with government recommendations regarding risk reduction.

Others were more critical of the FDA’s role, particularly the timing of its warnings. A Lou Dobbs transcript for CNN, aired November 24, 2003, contained a dialogue between Kitty Pilgrim (CNN Correspondent) and Caroline Smith DeWaal (Center for Science in the Public Interest):

**Pilgrim:** “Green onions sickened 605 people and three died after they ate them at a Mexican food restaurant, Chi-Chi’s, in western Pennsylvania, the largest single outbreak of hepatitis A in the country. The FDA issued a green onion advisory on November 15. But, for some, it was too late. The Center for Science in the Public Interest faults the FDA for not warning the public sooner, especially after outbreaks in Tennessee, North Carolina and Georgia.”

**DeWaal:** “In fact, in September [2003], there were outbreaks from green onions in three different states. But FDA never alerted consumers that they needed to watch out for green onions. They waited until after the Chi-Chi’s outbreak had started.”

Later, FDA sources were cited describing its programs to improve safety of fresh fruits and vegetables. In February 2004, Nega Beru, director of the FDA’s division of plant product safety stated “The U.S. Food and Drug Administration, which inspects produce and traces its origins in outbreak investigations, is developing a produce safety plan focusing on research, risk assessment and education.” He said “It is a high priority for us this year, mainly to reduce the number of outbreaks from produce.”

“The new plan is really a new way to start addressing microbial food borne illness associated with fresh produce. Its objective is to provide guidelines to prevent contamination of fresh produce, minimize public impact when it occurs, support research and improve communication between the food industry and consumers

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http://www.restaurant.org/pressroom/print/index.cfm?ID=769

http://transcripts.cnn.com/TRANSCRIPTS/0311/24/ldt.00.html

as well as between agencies federal, state, and local that are in charge of food safety.”

**Legal Actions**

The chronology of legal actions involving the hepatitis A outbreak begins at the same time that traceback information on the source was released. From the plaintiff’s side, Marler Clark represented eighty people in individual claims against the restaurant chain. This firm specializes in food-safety-related legal claims. The firm also filed a class action lawsuit against Chi-Chi’s on behalf of over 9,000 people who were exposed and treated with Immune Globulin injections.

Bankruptcy status limited Chi-Chi’s flexibility to make settlements of the liability claims, according to the early signals sent by the attorneys (November 23, 2003).

"It is absolutely within the best interests of Chi-Chi’s to do right by its customers," Ernst, [an attorney for the firm,] said. "But that (insurance and lawsuit settlement) part of it is not like Jack in the Box case - we have to comply with the bankruptcy court."

The statements from Chi-Chi’s lawyers included very little comment about the health and welfare impact on the individuals affected. The attorneys typically provided information about the lawsuit and the money Chi-Chi’s was preparing to pay. Such statements could be considered an effort by the attorneys to encourage more pre-trial settlements of the legal claims. By mid-December, attorneys reported that 98% of the affected persons had reached settlements with the firm. More claims were settled after another ruling of the bankruptcy court, reported June 30, 2004:

“The bankruptcy court overseeing the Chapter 11 case of Chi-Chi’s Inc. authorized the restaurant chain to pay more than $2 million in settlements to customers who suffered from an outbreak of hepatitis A at a restaurant in the Beaver Valley Mall. The order, signed last week by Judge Charles G. Case of the U.S. Bankruptcy Court in Wilmington, Del., and made available yesterday, authorizes the Tex-Mex eatery to pay 60 claims totaling $2.18 million.”

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**Negotiations with Supply Chain Partners**

The determination that the source of the outbreak was foods supplied by distributors, rather than a restaurant employee who had been ill, changed the picture dramatically in terms of liability. Chi-Chi’s alone would have been responsible for illnesses that its employees transmitted to customers. If the disease vector is contaminated inputs, the liability is shared, according to the attorneys. Handling practices along the supply chain were considered in the effort to clarify potential liability. A statement made on behalf of a distributor, Castellini Co., on December 3, 2003:

> “Castellini Co. received the green onions packaged in master cartons, ready for shipment to its customer in the Pittsburgh area,” it said in a statement. “That customer may have supplied the green onions to the restaurant in question. The cartons in question remained intact in the Castellini Co. warehouse until shipment to the Castellini Co. customer. Neither Castellini Co. nor any of its affiliates unpacked or processed the green onions in the cartons.”

During the 4 to 6 months after the outbreak, a few public statements confirmed that the restaurant company was in serious discussion with its suppliers about liability. In early spring, the tone is negotiation. On Feb. 4, 2004:

> "We are hopeful that this will allow all the parties at the table to determine their relative responsibility," said Chi-Chi's attorney David Ernst. "We think that's a positive development for Chi-Chi's ... and we think that getting all the parties together, that it will be helpful to have the growers and suppliers take part in those discussions."

And in April, talks were still characterized positively. On Apr. 29, 2004:

> "We’re very pleased that this process is under way ... and we look forward to the growers and shippers, the suppliers of the green onions, stepping up to the plate and partnering with us to help the victims of the outbreak," said Chi-Chi's attorney, David Ernst. "But Chi-Chi's is having to fund these settlements (alone) and that's not right."

Nine months after the disease outbreak, it seems that negotiations had been exhausted and public statements by attorneys indicated that legal action against suppliers was forthcoming. The names of the supplier companies were used in the press reports for the first time on August 3, 2004.

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“Late last month, Chi Chi’s filed suit against three suppliers, Castellini Co. of Wilder; Sysco Corp. of Houston; and one of Sysco’s subsidiaries, Sygma Network, Inc. of Lakewood, Colo.”

The only published statement by a Sysco representative that we are able to find appears in the same article:

“Toni Spigelmyer, a Sysco spokeswoman, said the company "followed all applicable standards and FDA requirements" in supplying the onions.

"It's always regrettable when events like this happen. As a food service provider, we value the safety of our customers," Spigelmyer said. But she said, "Chi-Chi's received green onions from other suppliers, too, and it's not clear that the tainted onions came through Sygma from Castellini."

In the same newspaper article, a Chi-Chi’s representative reacts with specific points about the contracts:

“Frederic Gordon, a Chi-Chi's attorney, said that's not true. Federal and state officials determined that the Beaver County Chi-Chi's received a single green onion shipment from another supplier -- but those onions didn't arrive until after the outbreak, Gordon said. Castellini and the others are being sued because Chi-Chi's has written sales agreements with those companies that include product warranties, Gordon said. If the wholesaler wish, they could, in turn, sue the Mexican growers or others "upstream" in the supply chain, Gordon said.”

May 7, 2005

"One of the things that you have to remember is our, Chi-Chi's, contractual relationships were not directly with the farms in Mexico," said Chi-Chi's attorney, Fred Gordon. "Our contracts were with Sysco and Castellini--Sysco as the deliverer and Castellini as the procurer of what are required by law to be safe and wholesome foods."
Role of Government in Communications about the Outbreak

At least four government agencies, in two countries, were referenced in public communications regarding the hepatitis A outbreak. Government sources provided scientific information, particularly about the source of the illness and origin of contamination. Government played a key role in offering the intelligence that led to the rapid determination of what led to the outbreak. In the aftermath, some industry sources referenced government as support for their points.

Other sources questioned the effectiveness of the government actions. While we found no critique of the local government’s response, national television media criticized the U.S. federal response. Mexican government sources also critiqued the US FDA’s scientific procedures.

The government communication is at its peak early in the outbreak, during November 2003. The most important departments are the Pennsylvania Department of Health and CDC, the U.S. Centers for Disease Control. Early in the outbreak, the medical information and advice provided by these agencies was important for consumers who may have been exposed, to encourage those consumers to take appropriate precautions.

FDA issued a national advisory regarding the risks associated with consuming green onions in raw form, following its determination that the source was green onions imported from Mexico.

State Health Agency Response

Due to the quick response of a doctor and nurse at The Medical Center in Beaver, Pennsylvania, “the State Department of Health was able to administer about 10,000 Immune Globulin shots to Chi-Chi’s patrons who might have been exposed to the virus.”

“Public health agencies don’t maintain a stockpile of the shots, and that fact created some financial and logistical problems, said Joel Hersh, the director of epidemiology, during a recent symposium about the outbreak at the University of Pittsburgh’s Graduate School of Public Health.”

“The health department also had to find about $145,000 to buy the immune globulin, and wound up taking money intended for education programs about hepatitis C. Noting that the immune globulin purchases might not have conformed with state regulations, Hersh said at the symposium: This was one of those times when it was better to ask for forgiveness than permission.”

“The state filed a lawsuit in July [2004] seeking reimbursement, and Chi Chi’s agreed to pay $95,297 just last week.”

Conclusions

This chronology is based on publicly available comments regarding an important food safety related crisis. The evidence was collected beginning in August, 2005, exclusively from reports gathered from internet sources. While most of the reports are originally from news media, some of them are archived by library reference databases and others made available through a plaintiff’s attorney web site.

The key role of local public health authorities in this food safety event is notable. Quick action and clear communication about health risks was important, and required flexibility in budgeting for public health activities that aimed to limit the transmission of illness. Compensation from the businesses involved in the contamination was delayed for at least nine months. While it is possible that the delay was due to the bankruptcy status of the restaurant, the legal process itself may be the source of delays in payment from private entities to public agencies.

Federal agencies’ roles were marked by the division of labor between the U.S. health-oriented agency (CDC) and the regulatory agency that has responsibility for the safety of imported foods (FDA). There was no evidence of contradictory statements or conflicts between the two agencies on this case. The key role of U.S. government agencies in pinpointing the source of the contamination led to a change in the content of communication by the businesses involved.

The restaurant company at which consumers ate the contaminated green onions responded immediately, stating in the local news media that the restaurant was voluntarily closed. The messages conveyed by company representatives did not lead to consistent reports in the media. A company representative offered a hypothesis about the source of the outbreak which later scientific evidence did not support. When U.S. government agencies offered evidence that the contamination originated with imported foods, the communications by business sources turned to investigation of the supply chain and the extent to which liability is shared by the companies that distributed the products to the restaurant.