

Executive who shipped tainted peanuts gets 28 years; 9 died of salmonella

By **Brady
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This article has been updated.

Stewart Parnell, a former peanut executive convicted for his role in a nationwide salmonella outbreak in 2008 and 2009 that killed nine people, was sentenced Monday afternoon to 28 years in prison at the federal courthouse in Albany, Ga.

Federal officials had recommended that Parnell receive a life sentence — the harshest punishment ever for a food-related crime.

In court Monday, families of victims poisoned by salmonella after eating products from Parnell's company had urged a judge to impose a stiff sentence on Parnell. Jacob Hurley, who was only 3 when he became seriously ill after eating peanut butter crackers, said it would be okay with him for Parnell "to spend the rest of this life in prison," according to an Associated Press report.

But others showed up to defend Parnell's character. A local television reporter tweeting from the courtroom said Parnell's own mother spoke on his behalf. His daughter described him as a doting grandfather who always put others before himself. His son asked the judge to "please show my father mercy when considering his sentencing," according to a local Fox affiliate.

Jeff Almer was among those arguing that Parnell doesn't deserve mercy from the legal system.

Among the nine victims of the outbreak was Almer's 72-year-old mother. Almer booked a flight south from Minnesota weeks ago. He reserved a hotel room near the courthouse in Albany. On Monday, he got his chance to confront Parnell.

"I really struggled with trying to forgive this guy, because he claims no responsibility whatsoever. . . . We've gone past the point of forgiveness," Almer said. "A strong sentence is what he deserves."

Parnell, who for decades ran the Virginia-based Peanut Corp. of America, was found guilty last year on more than 70 criminal charges, including knowingly shipping tainted food across state lines, obstruction of justice, conspiracy and wire fraud. His company once billed itself as “The Processor of the World’s Finest Peanut Products” with a “remarkable food-safety record,” but in reality its own internal tests turned up salmonella contamination half a dozen times in 2007 and 2008, according to investigators. Parnell approved shipments despite such warnings.

The case is another in a string of high-profile criminal prosecutions pursued by the federal government in recent years. In the past, government prosecutors typically have not pursued criminal charges against food executives. While consumer advocates generally have praised the government’s more aggressive approach, some experts have questioned why certain cases end up in criminal court and others don’t.

“From a fairness point of view, I’m not bothered by the fact he’s going to be facing the rest of his life in prison,” said Bill Marler, a prominent Seattle food-safety lawyer who has filed a civil suit against PCA. He said Parnell’s case is so egregious that it’s difficult to argue against such a sentence. “What bothers me is, are we going to do this to other people who are similarly situated? . . . Where do you draw the line? Is 33 deaths the bar? Is three?”

Marler said that in the past five years, he’s seen as many criminal prosecutions as in the first 20 years of his practice. “I do think [criminal] prosecutions should occur, but they’ve got to be done smartly and fairly,” he said.

Parnell’s attorneys, who declined to comment for this story, had called the proposed sentence much too harsh, even “absurd,” particularly when compared with other companies and executives who have gotten much lighter punishments for food-related transgressions.

ConAgra Foods recently agreed to pay more than \$11 million and plead guilty to a misdemeanor criminal charge in connection with a salmonella outbreak linked to peanut butter in 2006 and 2007. Earlier this year, former Iowa egg executive Austin “Jack” DeCoster and his son received a prison sentence of several months for their role in a 2010 salmonella outbreak that sickened thousands of people; they are appealing the sentence. Last year, a pair of Colorado brothers, Eric and Ryan Jensen, agreed to plead guilty to misdemeanor charges and received five years’ probation after a 2011 listeria outbreak linked to their cantaloupe farm contributed to 33 deaths.

“We hope the judge will see that Stewart Parnell never meant to hurt anyone,” Parnell attorney Ken Hodges told the Associated Press in July. “He ate the peanut butter himself. He fed it to his children and to his grandchildren.”

Still, in a trial that stretched more than two months last year, jurors sided with prosecutors who detailed a litany of troubling, even reckless practices by Parnell and several other employees.

While PCA was based in Lynchburg, Va., its peanut butter and paste were made at a plant in Blakely, Ga. The products were not sold directly to stores but were used by manufacturers around the country in the production of cookies, crackers, peanut butter, cereal, ice cream and even dog biscuits.

Court documents revealed that Parnell approved shipments despite containers that were partially “covered in dust and rat crap.” In one e-mail, after being informed that a customer’s shipment might be delayed because the results of a salmonella test were not yet available, Parnell wrote, ‘S---, just ship it. I can’t afford to loose [sic] another customer.’”

As the salmonella outbreak spread, inspectors from the Food and Drug Administration descended on the Georgia plant and documented a litany of unsanitary conditions, including mold, roaches, dirty equipment, holes big enough to allow rodents inside and a failure to separate raw and cooked products.

The outbreak resulted in one of the largest recalls in the nation’s history, with PCA recalling everything it had produced since 2007. Some of the country’s biggest food makers, including Kellogg, also had to issue recalls for scores of products made with the tainted ingredients.

The outbreak ultimately sickened at least 714 people in dozens of states and contributed to a total of nine deaths, according to the Centers for Disease Control and Prevention. Parnell’s company went bankrupt amid a flurry of lawsuits filed by victims and their families, and he invoked his Fifth Amendment right against self-incrimination when called before lawmakers on Capitol Hill.

The episode helped fuel a push by the Obama administration for the first overhaul of the nation’s food-safety system in generations. Congress passed that law in 2010, and the FDA continues to implement its major provisions.

Parnell’s defense attorneys questioned the sentencing recommendation issued this summer by the U.S. probation office, saying the number of victims and economic losses used to calculate a life sentence were speculative and unreliable. They also sought to exclude testimony from victims and their family members at the hearing Monday.

Michael Parnell, a former company supervisor and Stewart Parnell’s brother, was convicted on fewer counts and faces a potential sentence of more than 20 years in prison. Mary Wilkerson, a quality-control manager at the Georgia plant who was convicted of obstruction of justice, faces a sentence of eight to 10 years.

Ultimately, the decision rested with U.S. District Judge W. Louis Sands. While he was required to consider the sentencing recommendations, he was not bound by them.

Randy Napier was among those in the courtroom Monday. Napier's mother died in January 2009, at 80, after eating contaminated peanut butter at an assisted-living home in Ohio. Napier said his mother raised him to not harbor ill will toward anyone, but Parnell's failure to acknowledge the consequences of his actions has made him a hard man to forgive.

"As far as I'm concerned, he's a murderer. What else can you call him?" he said. "I wouldn't be so harsh if he had just taken responsibility. He has yet to take responsibility. He's getting what he deserves."

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