



Department of Justice

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Northern District of California

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United States Files Action to Seize and Destroy Contaminated Food From the San Francisco Herb & Natural Foods Company

SAN FRANCISCO – The United States has filed a complaint for forfeiture *in rem* against food products at the San Francisco Herb & Natural Foods Co. located in Fremont, Calif., United States Attorney Melinda Haag announced. The United States has asked the Court to order the destruction of the food products.

According to the complaint, a Food and Drug Administration inspection that was conducted jointly with investigators from the California Department of Public Health, Food and Drug Branch, on July 3 through July 16, 2012, revealed a widespread and active rodent infestation in the warehouse. During the inspection, investigators observed live rodents on and around food; dead rodents throughout the warehouse and in food; numerous gnawed and urine stained packages of food; live and dead insects on food and food packages; numerous rodent excreta pellets on, in, and around food products; and apparent rodent nesting materials in food. Investigators also observed building defects, such as gaps in exterior doors and holes leading to the outside, permitting easy pest access to the entire facility. The San Francisco Herb & Natural Foods Co. has been closed indefinitely since July 11, 2012.

The complaint, captioned *United States v. 24/94 kg bags, more or less, of an article of food, labeled in part: “*** SENNA PODS *** PRODUCE OF INDIA *** NETT 94 KGS *** Item# W1520 *** Lot # 110220 *** Nt. Wt. # 211.2 LBS *** Country of Origin: INDIA ***” et al.*, Civil Action No. 12-4369 EDL (N.D. Cal.), was filed under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, *et seq.*, and the Supplemental Rules for Certain Admiralty and Maritime Claims (Supplemental Rules) of the Federal Rules of Civil Procedures, Supplemental Rule G. Supplemental Rule G governs forfeiture actions *in rem* arising from a federal statute. Following the filing of the complaint, the Court issued a warrant instructing the U.S. Marshal to seize the food products. That action was completed late yesterday afternoon. Interested parties will have thirty days to assert an interest in the food products.

Assistant United States Attorney Melanie L. Proctor is prosecuting the case, with the assistance of Paralegal Tiffani Chiu. The investigation was conducted by the Food and Drug Administration and the California Department of Public Health, Food and Drug Branch.

Please note, the claims asserted in the complaint are allegations only. There has been no determination of liability.

Further Information:

Case #: CV 12-4369 EDL

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Jack Gillund at (415) 436-6599 or by e-mail at Jack.Gillund@usdoj.gov.

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