

ChemNutra Pleads Guilty in Dog Food Recall Case

The Las Vegas-based ingredients broker distributed tainted wheat gluten that led to the 2007's mass pet food recalls.

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ChemNutra and its owners, Sally Qing Miller and Stephen Miller, each pleaded guilty to one federal count of selling adulterated food and one count of selling misbranded food on June 16, 2009.

They were originally charged with 13 misdemeanor counts of introduction of adulterated food into interstate commerce, 13 misdemeanor counts of introduction of misbranded food, and one felony count of conspiracy to commit wire fraud.

Sentencing hearings for ChemNutra and the Millers have not yet been scheduled. Under federal statutes, the Millers are each subject to a sentence of up to two years in federal prison without parole, plus a fine of up to \$200,000 and restitution. ChemNutra is subject to a fine of up to \$400,000 and restitution.

Attorneys representing the defendants said in a joint statement that the Millers, ChemNutra, and the government have agreed that probation and a fine are an appropriate sentence for the strict liability misdemeanors.

"The Millers and ChemNutra look forward to putting both this case and this tragic matter behind them, and hope that today's enhanced awareness of food safety issues will prevent this from ever happening again," said attorney Robert Beccera, who represented Sally Miller and ChemNutra.

The charges stem from a February 2008 indictment that alleged ChemNutra imported more than 800 metric tons of melamine-contaminated wheat gluten from China between Nov. 6, 2006, and Feb. 21, 2007, then sold the product to various pet food manufacturers. Melamine has no approved use as an ingredient in human or animal food in the United States. It is typically used to create products such as plastics, glue, and fertilizer.

Two Chinese companies – Xuzhou Anying Biologic Technology Development Co. and Suzhou Textiles, Silk, Light Industrial Products Arts and Crafts I/E Co. – were also indicted. The indictments alleged Xuzhou intentionally added the melamine to make the wheat gluten's protein level appear higher. Suzhou Textiles, an export broker, is alleged to have mislabeled the tainted product with an incorrect product code not subject to food inspections in China.

In 2007, pet food manufacturers recalled more than 150 brands of wet and moist dog and cat food nationwide after pets that ate the tainted food began experiencing health problems. Many cats and dogs reportedly died as a result.

According to the U.S. attorney's office, ChemNutra and the Millers have admitted – by pleading guilty – that the melamine was substituted wholly or in part to make the wheat gluten appear to be of greater value than it was. They also admitted that the labeling of the wheat gluten was false and misleading because the wheat gluten was represented to have a minimum protein level of 75 percent, which it did not. The labeling was also false and misleading, because the melamine was not listed on the label as an ingredient, according to the U.S. attorney's office.

"Millions of pet owners were impacted by the pet food recall in 2007," Matt Whitworth, acting U.S. attorney for the western district of Missouri, said in a statement. "The conduct of these defendants in violating federal health and safety hazards caused the deaths and illness of thousands of family pets, as well as anxiety among dog and cat owners across the country and economic harm to many pet food manufacturers."