

## Companies, Executives Indicted in Dog Food Recall

**Businesses are charged with intentionally mislabeling food that contained poisonous ingredients in last year's dog food recall.**

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Two Chinese businesses and two executives along with a United States company and its owners were indicted by a federal grand jury Wednesday for their roles in the massive cat and dog food recall that resulted in thousands of pet owners reporting serious illnesses and death in their pets after eating the tainted food, according to the U.S. Department of Justice.

Chinese company Xuzhou Anying Biologic Technology Development Co., LTD. (XAC), its owner and manager Mao Linzhun, and Chinese company Suzhou Textiles, Silk, Light Industrial Products, Arts and Crafts I/E Co., LTD (SSC) and President Chen Zhen Hao were charged in a 26-count indictment returned by a federal grand jury in Kansas City, Mo. XAC processes plant proteins and exports those products to the U.S., and SSC is an export broker. Both executives are believed to be residing in China.

In a similar but separate case, Las Vegas-based ChemNutra Inc. and its owners Sally Qing Miller and Stephen S. Miller were charged with a 27-count indictment. ChemNutra imports food products from China and sells those products to companies in the food industry in the U.S.

ChemNutra and the Millers strongly deny any wrongdoing or any intent of wrongdoing in this case. They stated they had no knowledge of the presence of melamine or any other substance in the imported product that would cause harm to animals. They added they "unequivocally support" the government in pursuing those who had knowledge of the contaminated products and are looking forward to proving their innocence at trial.

The indictments allege that ChemNutra contracted with SSC to purchase wheat gluten, a product derived from wheat or wheat flour. Pet food manufacturers use wheat gluten in certain types of pet food to thicken gravy.

SSC agreed to provide ChemNutra with food-grade wheat gluten that was at least 75 percent protein. SSC then entered into a separate contract with XAC to provide the wheat gluten that would fulfill the contract with ChemNutra.

The indictment alleges that XAC intentionally added melamine to the wheat gluten to product to make it appear to have a higher protein content, which was cheaper for the company than actually increasing the protein.

Melamine is not approved as a food ingredient in the United States. It's typically used to create plastics, cleaning products, glues, and fertilizers.

SSC labeled the wheat gluten with an incorrect product code, a code that is not subject to the proper food inspections prior to leaving China. Furthermore, XAC did not declare the product as raw material for food and therefore avoided a mandatory inspection by Chinese officials.

SSC allegedly provided XAC and the Millers with the inaccurate product code. The indictments state that based on Sally Miller's experience, she knew the product would not undergo a mandatory inspection in China and did not disclose that information to ChemNutra customers.

Sally Miller has an engineering degree in food chemistry from Hangzhou University in China. She worked for more than 10 years in China and many of those years she worked as purchasing manager for U.S. companies, the indictment states. She also represented herself as a certified chief auditor in China for an organization that supports the international consensus on quality management practices and standards.

XAC, SSC, Linzhun and Hao face 13 felony charges for the intent to mislead, defraud and deliver adulterated food into interstate commerce. They are charged with 13 additional felonies for introducing misbranded food, as the food did not contain 75 percent protein and melamine was not listed on the label.

ChemNutra and the Millers face 13 misdemeanor charges for delivering adulterated food into the interstate marketplace.



They face 13 more misdemeanor charges for introducing misbranded food into the marketplace. In addition to the 26 charges, ChemNutra and the Millers are charged with participating in a wire fraud conspiracy by concealing material facts from companies that purchased the tainted wheat gluten.

More than 800 metric tons of tainted wheat gluten were exported to the U.S. in at least 13 separate shipments between Nov. 6, 2006, and Feb. 21, 2007, according to the indictment. ChemNutra and the Millers received the product at the port of entry in Kansas City and sold it to their customers. Those customers then used the tainted wheat gluten to manufacture multiple brands of pet food.

The FDA first learned of the problem on March 15, 2007, when pet food manufacturer Menu Foods Inc. reported dogs and cats were becoming sick after eating its products. Eventually, more than 150 brands of dog and cat food were recalled. The FDA has confirmed 16 pet deaths; however, no coordinated tracking system exists to monitor the exact number of deaths. Based on the number of complaints the FDA received from veterinarians and consumers, the actual number is estimated to be between 1,950 and 2,200, according to the Department of Justice.

These cases were investigated by the U.S. Food and Drug Administration Office of Criminal Investigation and U.S. Immigration and Customs Enforcement.

To read more about the dog food recall, [click here](#).