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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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April 30, 2008

DENNIS B. FITZGIBBONS, CHIEF OF STAFF
GREGG A. ROTHSCCHILD, CHIEF COUNSEL

Mr. Chris Neugent
President and CEO
Malt-O-Meal Company
80 S. 8th Street, Suite 2700
Minneapolis, MN 55402

Dear Mr. Neugent:

Under Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating the safety of the Nation's food supply. The recent recall of cereals produced by the Malt-O-Meal Company due to the risk of potential *Salmonella* poisoning is of particular interest in this investigation.

We are in receipt of a copy of the Malt-O-Meal news release dated April 11, 2008, concerning Malt-O-Meal's recall of cereal products. Two statements from that release prompt questions of immediate concern.

First, the company states, "All other Malt-O-Meal products remain unaffected by this [recall] action and are safe for continued sale and consumption." What is the basis for this statement? If the company has a Hazard Analysis and Critical Control Points program that failed to detect *Salmonella* in the puffed rice and wheat products, how can you be certain that other products have not been affected?

Your release also states, "The company also recently instituted an industry-leading program to require its suppliers to provide proof of effective food safety programs and the results of a third-party audit regarding those practices." Was the cereal tainted as the result of a contaminated supply source? If so, what was that source, and where was the contaminated ingredient produced?

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To further assist the Committee in its investigation into the safety of the Nation's food supply, we request that you also provide the Committee with the following information:


1. Describe how and when Malt-O-Meal first become aware of the *Salmonella* contamination of its cereals.
2. Describe where the *Salmonella* contamination was first detected.
3. Describe when Malt-O-Meal first notified, or was first notified by, Federal, State, and local officials of the contamination.
4. Please provide a list of all products that have been recalled due to potential *Salmonella* contamination.
5. Please provide the names of all companies to which Malt-O-Meal has shipped cereal products to in the last 12 months and the dates on which Malt-O-Meal notified those companies of any suspected contamination. Please provide copies of all correspondence with those companies relating to suspected contamination.
6. Please identify and describe the source of the contamination.
7. Describe what steps Malt-O-Meal has taken to prevent further *Salmonella* contamination of its products.
8. Describe the last instance in which Malt-O-Meal's production facility was inspected by the U.S. Food and Drug Administration and State and local food safety officials, providing the dates of such inspections and the names of the officials, as well as all documents associated with those inspections and ongoing inspections. Please also provide all records relating to such inspections of Malt-O-Meal's production facility for the 5 years prior to April 5, 2008.
9. Please provide copies of all of Malt-O-Meal's internal protocols and standards for monitoring and testing its cereal products, including the dates and copies of the results of such monitoring and analyses that tested positive for microbiological contamination for the 5 years prior to April 5, 2008.

Please note that, for the purpose of responding to the above request, the terms "records" and "relating" should be interpreted in accordance with the attachment to this letter. Please supply all requested information no later than the close of business two weeks from the date of this letter.

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If you have any questions relating to this request, please contact David Nelson or Kevin Barstow with the Committee staff at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member
Subcommittee on Oversight and Investigations

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," or "relate" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.