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August 17, 2007

Via Email and First-Class U.S. Mail

The Honorable Bart Stupak,
Chairman,
Subcommittee on Oversight and Investigations,
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Stupak:

This letter shall serve as our initial response to your letter dated July 27, 2007 (the "July 27 Letter") with respect to your investigation into the botulism contamination potentially involving products sold by Bumble Bee Foods, LLC/Castleberry's Food Company (the "Company"). We will endeavor to have the remainder of our responses to you no later than Friday, August 31st.

1. ***How and when did Bumble Bee Foods, LLC and Castleberry's Food Company first become aware that botulinum toxin might be in its products?***

RESPONSE: On Friday, July 13, 2007, Tom Roberts, a U.S. Department of Agriculture ("USDA") inspector, contacted Company employees Bill Thomas and William Conley at the Company's Augusta, Georgia facility to inquire as to whether the Food & Drug Administration ("FDA") had contacted the Company concerning possible botulinum toxin in a can of Castleberry's 10 oz. hot dog chili sauce. The Company advised the USDA that it had not received any such notification from FDA. Msrs. Conley and Thomas then called McKenzie Andre of the USDA's Food Safety and Inspection Service's ("FSIS") epidemiology group in Washington, DC; but he was unable to provide further information. Msrs. Conley and Thomas then called the Atlanta FSIS office, which also had little information to share. On Tuesday, July 17, 2007, Russell Zablan of the FDA Atlanta District Office notified Mr. Conley by telephone that there was an investigation into two potential botulism incidents, one in Texas and one in Indiana. The FDA did not, at this time, tell the Company when these cases were first identified as botulism cases.

2. ***Where and when was the botulism contamination first detected?***



RESPONSE: On Tuesday, July 17, 2007, Russell Zablan of the FDA Atlanta District Office advised the Company by telephone that there were four reported illnesses believed to be botulism. One case involved two individuals located in Texas, and one case involved two individuals located in Indiana. On Wednesday, July 18, 2007, Linda Stewart and Bob Neligan of FDA and Chad McCord of the Georgia Department of Agriculture also notified the Company by telephone that there were two cases in Indiana and two cases in Texas that showed physical symptoms of botulism. In a subsequent conference call, also on July 18, 2007, the FDA and the Centers for Disease Control and Prevention ("CDC") advised the Company of the four reported illnesses believed to be botulism. The information provided in this call was that CDC was working with the Indiana Department of Health and Texas health officials to investigate the suspected botulism cases. They shared that there were a husband and wife on ventilation in Indiana with classic botulism symptoms. The onset of these illnesses was reported to be July 9 and July 11, 2007, respectively. The patients had tested positive for type A bot. Food histories indicated that, among other items, Castleberry's hot dog chili sauce had been consumed. The code date involved was May 8, 2007. The Texas case involved two siblings, ages twelve and thirteen. Both patients were on ventilators with classic symptoms of botulism. Neither had tested positive for toxin. Food histories had shown that, among other foods, Austex (a Castleberry's owned brand) hot dog chili sauce was consumed. The code date assumed to be involved was May 7, 2007 from the code of an unopened can in the family home. The onset of these illnesses was reported to be June 29, 2007.

In addition, on July 18, 2007, FDA took samples of May 8, 2007 hot dog chili sauce for testing. Also on July, 2007, the Company took companion samples and submitted them to an outside laboratory for botulinum toxin testing. On July 20, 2007, the laboratory informed the Company that four of the six samples submitted by the Company tested positive for botulinum toxin. The Company informed Bob Neligan of FDA and Jan Brown of USDA by telephone of those findings on the evening of July 20, 2007. On July 21, 2007, FDA informed the Company that sixteen of the seventeen samples they had pulled had presumptively tested positive for botulinum toxin.

3. ***When did Bumble Bee Foods, LLC and Castleberry's Food Company first notify, or when were they first notified by, Federal, State and local officials of the contamination?***

RESPONSE: Please see Responses to Questions Numbers 1 and 2 above. In addition, after the July 18, 2007 conference call described in the Response to Question Number 2 above, it was determined that the Company's points of contact were to be Jan Brown, the FSIS recall coordinator, and Larry Howell, the FDA recall coordinator. Further, on July 19, 2007, FDA requested that the Company refer any communications from state and local health departments to their local FDA or USDA office as FDA wanted to ensure that consistent information was provided, and believed that the local FDA or USDA office would have the most up-to-date information.

4. ***Please provide a list of all products that have been recalled due to potential botulism contamination?***

RESPONSE: Please see enclosed document, "List of All Recalled Product" (CBF 000001 – 02).

5. ***Please provide the names of all companies to which Castleberry's Food Company has shipped canned food products and pet food in the last 12 months and the date on which Castleberry's Food Company notified those companies of any suspected contamination. Please provide copies of all correspondence with those companies pertaining to suspected contamination.***

CLARIFICATION: On August 10, 2007, in response to our inquiry, your staff advised that (i) Paragraph 5 of the July 27 Letter is intended to request the specified information with respect to canned food products and pet food that are subject to the current recall, and not with respect to canned food products and pet food that are not subject to the recall, and (ii) it will be acceptable for the Company to provide the specified information for the last 24 months rather than for the last 12. The staff also advised that it would be acceptable for the Company to provide requested documents by August 31, 2007.

RESPONSE:

The Company intends to provide the requested information no later than August 31, 2007. The Company is collecting copies of all correspondence to customers pertaining to the suspected contamination, and intends to forward such copies under separate cover no later than August 31, 2007.

6. ***Please identify the source of the contamination in the Augusta, Georgia plant and describe what inspections Bumble Bee Foods, LLC and Castleberry's Food Company have undertaken to detect contamination in its other facilities since alerted to the problems at the Augusta plant.***

RESPONSE: Investigations are ongoing, but the Company is endeavoring to provide a response to the first part of this question no later than August 31, 2007. With respect to inspections that have been undertaken to detect contamination at other facilities since the Company was alerted to the problem at the Augusta plant, the Company has scheduled, or is in the process of scheduling, independent third party audits at its other facilities. Please see enclosed document, "Schedule for 3rd Party Inspections" (CBF 000003).

7. ***What steps has Bumble Bee Foods, LLC and Castleberry's Food Company taken to prevent further botulism contamination in its products?***

RESPONSE: The Company has temporarily ceased all production in its Augusta, GA facility. Investigations are ongoing, but we intend to provide a full response to this question no later than August 31, 2007. As noted in the Response to Question Number 6

above, the Company is also scheduling independent third party audits of its other facilities.

8. ***When was the last time that Castleberry's Food Company's production facility in Augusta was inspected by the U.S. Food and Drug Administration, the U.S. Department of Agriculture, and State and local food safety officials? Please provide the dates of such inspections and the names of the officials, as well as all documents associated with those inspections and ongoing inspections.***

RESPONSE: The Company is collecting documents associated with those inspections, and will endeavor to provide the same no later than August 31, 2007.

9. ***Please provide all records relating to such inspections of any Bumble Bee Foods, LLC food processing facility for 5 years prior to July 18, 2007.***

CLARIFICATION: On August 9, in response to our inquiry, your staff advised that Paragraph 9 of the July 27 Letter does not call for the Company to provide documents that reflect implementation of corrective actions referred to in a response to inspectional observations (e.g., documents relating to the purchase of a new piece of equipment referred to in such a response), except that, if a response refers to an amended or new SOP, the amended or new SOP is called for.

RESPONSE: The Company is in the process of gathering these records, and intends to provide them no later than August 31, 2007.

10. ***Please provide copies of all Bumble Bee Foods, LLC and Castleberry's Food Company internal protocols and standards for monitoring and testing in its food products and pet food, including the dates and copies of the results of such monitoring and testing that tested positive for microbiological contamination for 5 years prior to July 18, 2007.***

CLARIFICATION: On August 9, in response to our inquiry, your staff advised that, with respect to paragraph 10 of the letter: (i) the "internal protocols and standards for monitoring and testing" are the protocols and standards that relate to microbiological contamination, and not other protocols and standards; (ii) the Company should produce the requested protocols and standards at the corporate level and those at the Augusta, GA facility; as to protocols and standards at each of the Company's other facilities, the Company may either produce the requested facility-level protocols and standards or certify that those protocols and standards are consistent with the corporate-level protocols and standards; and (iii) in addition to producing copies of any and all test reports that are positive for microbiological contamination and that result from monitoring, the Company should produce any and all test reports that are positive for microbiological contamination and that result from testing in response to consumer complaints.

RESPONSE: The Company is in the process of gathering these records, and intends to provide them no later than August 31, 2007.

Sincerely,

A handwritten signature in black ink, appearing to be 'CL', written in a cursive style.

Christopher Lischewski
President & CEO
Bumble Bee Foods, LLC.