



**Bumble Bee Foods, LLC**  
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May 29, 2008

Via Email Only

The Honorable Bart Stupak,  
Chairman,  
Subcommittee on Oversight and Investigations,  
Committee on Energy and Commerce,  
Room 316  
Ford House Office Building  
Washington, DC 20515  
Attention: David Nelson

Dear Mr. Stupak:

This letter shall serve as Bumble Bee Foods, LLC's initial response to your letter dated May 8, 2008 (the "May 8 Letter") with respect to your investigation of issues related to the safety of the Nation's food supply and specifically issues involving microbiological and/or chemical contamination. Bumble Bee Foods, LLC and its affiliates are collectively referred to herein as the "Company". We intend to provide our remaining responses to you no later than June 5, 2008.

Please note that many of the documents included in our response contain proprietary information and thus are confidential; they have been stamped "Confidential"; and we respectfully request that they be treated as confidential.

In addition to facilities owned or operated by Bumble Bee, our responses include Blacks Harbour, New Brunswick, Canada, a sardine-processing facility owned by an affiliate of Bumble Bee to the extent that there is responsive information that relates to products imported into the United States. Our responses also include tuna loin processing facilities located in Fiji and Trinidad to the extent that there is responsive information that relates to products imported into the United States. These loining facilities are not owned by Bumble Bee, but Bumble Bee provides oversight with respect to, and approves, their quality assurance procedures and protocols. Also, Bumble Bee owns a facility in Violet, Louisiana that was destroyed in Hurricane Katrina in 2005. No records are available for this facility. We have not included products that are not for human consumption (e.g., fish meal). Finally, our response to Question #1 only includes recalls in the United States of products regulated by the FDA or USDA.

We received from Mr. David Nelson the following clarifications of the May 8 Letter: (i) the six requests in the letter are limited to products regulated by the Food and Drug Administration, and do not include products regulated by the U.S. Department of

Agriculture; (ii) request 6 does not cover a situation where FDA or a state agency requested documents, the Company asked that the request be put in writing, the request was put in writing, and the Company complied with the request; (iii) although the May 8 Letter requests production of documents by May 22, 2008, it is acceptable if production begins on May 29, 2008 and is completed shortly thereafter; and (iv) the Committee would prefer that documents provided previously be provided again, and that documents be produced in an electronic format. Notwithstanding the foregoing, our responses include products regulated by the USDA.

1. ***A list of all food recalls and food safety alerts issued by your company. For each recall or safety alert, please provide the date of the recall or alert, the product and brand affected, and the reason for the recall or alert. If the food was affected by microbiological or chemical contamination, please identify the contaminant.***

RESPONSE: On July 18, 2007, the Company initiated a recall of ten products with “best by” dates from April 30, 2009 through May 22, 2009. On July 21, 2007, the Company expanded the recall to include over 90 products produced over a two year period (the “July Recall”). The July Recall was initiated due to the potential risk of contamination with *botulinum* toxin, a bacterium that can cause botulism. FDA and USDA were both notified of the Recall. Please see attached document, “List of All Recalled Product” (CBF 000001 – 02).

2. ***For each brand or kind of product, please list all instance when internal microbiological testing was found to be positive for the presence of E. coli, Salmonella, Cyclospora cayetanensis, Cryptosporidium, hepatitis A, Clostridium botulinum, or Listeria in excess of the highest limit acceptable to the Food and Drug Administration (FDA) or any State regulatory authority.***

RESPONSE: On July 18, 2007, FDA took samples of May 8, 2007 hot dog chili sauce produced by the Company 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. USDA was also notified of these test results.

Please also see attached document, “Microbiological Test Results” (CBF048079-80, 048083-4 and 048087), which includes positive results for listeria previously provided to the Committee. These test results were provided to USDA as they related to a USDA regulated product. This product is no longer produced by the Company.

3. ***For each brand or kind of product, please list the instances when internal testing was found to be positive for the presence of a chemical contaminant at levels in excess of the highest limit acceptable to FDA or any State regulatory authority.***

RESPONSE: With respect to chemical contaminants, the Company tests for (A) histamine, (B) mercury and (C) aquaculture drugs. With respect to item (A) we are still reviewing records and intend to provide the requested information no later than June 5, 2008. With respect to both items (B) and (C), the Company's response is none.

4. ***For products imported into the United States for handling or processing by any facility operated by your firm, please list the instances when internal or outside laboratory testing was positive for the presence of either chemical or microbiological contaminant in excess of FDA or State regulatory limits.***

RESPONSE: With respect to anchovies, which are imported from Morocco, we have attached a list of five test results where the product tested positive for histamines at levels greater than 50 parts per million. The FDA was not notified of these results as there is not a requirement to notify FDA of such test results. See attached document, "Anchovy Test Results" (CBF 049000). The Company intends to provide the requested information for other imported products no later than June 5, 2008.

5. ***For each of the above items, please specify whether FDA was notified, and if not, why not.***

RESPONSE: See Response to Questions #1, #2 and #4. The Company intends to provide any additional responsive information no later than June 5, 2008.

6. ***Please supply list of all instance where FDA or any State regulatory authority was denied entrance to any facility, foreign or domestic, or denied access to any records regarding microbiological or chemical testing performed on products processed at the facility. This request encompasses denials or requests for entry or any such testing record regardless of whether the plant or its records were to be made available for inspection at a later date.***

RESPONSE: None.

Sincerely,



Christopher Lischewski  
President & CEO  
Bumble Bee Foods, LLC