



McCORMICK & COMPANY, INC. 18 LOVETON CIRCLE, SPARKS, MD 21152-6000 USA / TEL (410) 771-7301 FAX (410) 527-8254

ALAN D. WILSON
PRESIDENT & CEO
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May 30, 2008

The Honorable John D. Dingell
Chairman
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

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

Re: McCormick & Company, Inc. Response to May 8, 2008 Request

Dear Chairman Dingell and Chairman Stupak:

I am writing in response to your May 8th request to provide the House Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations (“the Committee”) with information concerning possible microbiological or chemical contamination of food processed and sold by McCormick & Company, Inc. (“McCormick” or “the Company”).

In preparing this response, we reviewed information in our files concerning microbiological and chemical test results from internal and external lab testing. We also contacted the responsible individuals at our manufacturing facilities and asked them to review the microbiological and chemical contaminant testing data. When available, we reviewed information that dates back to January 1, 2000. Some of our business units, however, transitioned to a new computer system between 2002 and 2004 and we do not have access to records prior to that transition. When compiling our response, we included information in our files from companies that we have acquired or divested since January 1, 2000. Our response covers the information for products that are manufactured and sold domestically. We will be submitting a supplemental response in two weeks that contains the information for products manufactured internationally for U.S. consumption.

We view certain of the information attached to this letter as confidential in that it contains proprietary business information on product testing. We have marked the attachments with such proprietary information as “Confidential.” While we understand the Committee is not legally

bound to protect confidentiality, we ask that you respect the confidential and proprietary nature of this information and provide advance notice before disclosing the information.

Below, we set out each question and our response.

Question #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 microbial or chemical contamination, please identify the contaminant.*

McCormick had three recalls since January 2000 and one of the companies that we acquired, Zatarain's Inc., had one recall that took place prior to our acquisition. Information on each of the recalls is found in Attachment A. We have not issued any "food safety alerts."

Question #2: *For each brand or kind of product, please list all instances 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.*

McCormick is engaged in the manufacture, marketing and distribution of spices, herbs seasonings and flavors. Spices and herbs are raw agricultural commodities that will have the potential to be exposed to microbial contamination during growth, harvest, storage and transportation. It, therefore, is necessary to treat the spices and other raw agricultural products used in our seasonings to ensure the quality and integrity of our finished products. We monitor our spices and other raw materials for *E. coli*, *Salmonella* and *Listeria*. We test for the generic category of *E. coli* and *Listeria*, which includes many strains that are non-pathogenic and considered unharmed. We do not test for the other microorganisms listed in your request.

Attachment B contains a chart that identifies the instances when microbiological testing yielded positive results. When we find positive results on our spices and herbs, we do not release the product. The product will either be (1) retreated with a process that is designed to eliminate the microorganisms, (2) destroyed, or (3) rejected and returned to the supplier. When we retreat the product, it will not be released until subsequent testing demonstrates the microorganism is no longer present. In order to provide the proper context on the extent of our microorganism testing program, since 2002 we performed 302,898 tests for *E. coli* and 73,736 tests for *Salmonella* and found positive results in only about 0.01 percent of these products. We have not had any positive results for *Listeria* during the period covered by our review.

Question #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.*

We reviewed our files and identified only one incident since January 2000 in which one of our products tested positive for a chemical contaminant. We returned the ingredient containing the contaminant to the vendor and destroyed all product that we made using that product. Details on this incident can be found in Attachment C.

Question #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 a chemical or microbiological contaminant in excess of FDA or State regulatory limits.*

As noted in response to Question 2, McCormick conducts routine testing on our spices, many of which are imported, for the presence of generic *E. coli* and *Salmonella* and for *Listeria*. We also will monitor products for the presence of contaminants. We reviewed our files for test results on imported products identifying the presence of either chemical or microbiological contaminants. Attachment D contains the instances in which our testing identified the presence of microbiological or chemical contaminant. When our testing identified the presence of a microbiological contaminant, we further treated the product until the testing verified the microorganism of concern had been destroyed by the processing step. The only chemical contaminant found in an imported product resulted in one of the recalls that we disclosed in response to question 1.

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

We notified FDA of the instances in which our products contained a contaminant that resulted in a recall. In those rare instances in which we found positive results for contaminants we either (1) destroyed the product, (2) reprocessed it until it had been adequately treated, (3) returned the product to the vendor, or (4) recalled the product if it had left our facility. For your convenience, Attachment E presents in aggregate form the disposition of the product in each instance in which McCormick found positive results for contaminants, as identified in response to the above questions. The disposition of each product also can be found in the tables in Attachments A-D.

Question #6: *Please supply a list of all instances 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 of initial 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.*

We reviewed the post inspection reports that FDA and state inspectors generated after inspections of each of our manufacturing facilities. In addition, we reviewed reports prepared by our own personnel of inspections of our U.S. facilities by the FDA or state agencies and have found no references to any situations where entrance to a facility was denied, or access to testing information was denied. Company policy requires that such incidents, if they occur, be included in the internal report. Based on our review of these reports, we are unaware of any instance in which we denied FDA or a state regulatory agency entry to our facilities. While a plant manager may contact the legal department prior to an inspection, it is company policy to permit all inspections. It is also the Company's policy to prohibit the taking of photographs or video inside our facilities. Consistent with that corporate policy, we would not have allowed an inspector to enter one of our facilities until he or she agreed to enter without video equipment.

We also are unaware of any instance in which we have denied FDA or state agencies access to any records regarding microbiological or chemical testing performed on products processed at our facilities.

* * *

McCormick takes great pride in our success in implementing and maintaining controls to prevent or eliminate the introduction into commerce of food containing chemical or microbiological contaminants that would render the food unsafe or adulterated. We are committed to offering the highest quality, safest products to maintain the trust of our customers and believe the information in this response is evidence of that commitment.

We have tried our best to identify all responsive documents and believe we have done so. If we find additional responsive documents, we will file a supplemental response.

Finally, we do not view this submission as waiving, any rights, privileges, or immunities.

If I can answer any questions concerning the information provided herein, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink that reads "Alan D. Wilson". The signature is written in a cursive style. To the right of the signature is a vertical red line.

Alan Wilson
President and Chief Executive Officer
McCormick & Company, Inc.

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

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