BRIEF

FDA won't name grocery stores that sold contaminated food

By Megan Poinski • March 14, 2017

Dive Brief:

- As a recall of I.M. Healthy SoyNut Butter contaminated with E. coli expands, the Food and Drug Administration is not releasing the names of the grocery stores that sold the product, The Washington Post reports. The FDA interprets this as "confidential commercial information" that is exempt from disclosure.

- An FDA spokesman told The Washington Post this information can include lists of raw material suppliers, finished product customers and trace-back information. An attorney working with a victim of the contamination said manufacturers are afraid that if the competition knows where they sell, they will swoop in to undercut them.

- According to the Centers for Disease Control and Prevention, 16 people in nine states have been sickened in this outbreak so far. Fourteen of the total are children. Half of them have required hospitalization and five have reported a type of kidney failure.

Dive Insight:

Sometimes, the balance between public information and trade secrets is difficult to find. But in a case that involves food safety, that balance should be much easier to strike.

Grocery stores have abundant reasons for keeping details of their suppliers and purchases out of the public eye. In a pending federal court case seeking to force U.S. Department of Agriculture to release how much money grocery retailers in the food stamp program make each year, the Food Marketing Institute (FMI) was successfully able to intervene on behalf of its members, arguing that the information would reveal trade secrets. According to FMI's arguments, stores like H-E-B decided not to apply for certain tax incentive programs because they would force disclosure of sales information that retailers would rather keep secret.

Food safety is completely different, and critics argue public health concerns outweigh those of corporate confidentiality. Through online searches, the website eFoodAlert compiled a list of some of the retailers where the products were sold. But that list is not official and could be missing some information that the federal government could easily fill in.

A similar issue surfaced in food manufacturing last year when the Food and Drug Administration announced a massive sugar recall. Metal shards were discovered in some sugar used in P.F. Chang's frozen entrees, as well as baked goods at Weis and Shoprite supermarkets — all of which were recalled. However, the FDA never disclosed which sugar supplier was at fault, meaning manufacturers and consumers had no way of being certain that their supply was not compromised.

Analysts say that food recalls can be devastating for companies, but consumers are forgiving if the issue is addressed quickly and honestly.

In the same vein, shoppers are also likely to be forgiving if contaminated products are sold at their favorite stores. According to a study from FMI and The Hartman Group, 86% of shoppers are confident their grocery stores will sell them safe food. Those numbers can easily be eroded if they feel like information about recalls is being kept from them.

While loyalty programs and shopper data can help stores track down consumers who purchased products that are being recalled, it looks better to consumers if information about recalls is being publicized. After all, transparency builds trust.

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