

Toddler's death tied to *E. coli*

Mother says he had spinach smoothie

By Rebecca Boone and Lisa Leff

Associated Press

BOISE, Idaho — A 2-year-old boy who died of kidney failure last month had been infected with the same strain of *E. coli* bacteria that prompted a nationwide consumer warning on fresh spinach, health officials said Thursday.

Kyle Allgood was the second confirmed death in the outbreak, which also killed an elderly Wisconsin woman and made at least 190 other people ill.

"This confirms what we suspected for quite some time," said Ross Mason, a spokesman for the Idaho Department of Health and Welfare.

The boy died Sept. 20 in Salt Lake City after developing a type of kidney failure caused by *E. coli*. Health officials had to wait for the results of genetic testing on the bacteria to determine whether his illness was tied to the outbreak.

The toddler fell ill after having a fresh spinach smoothie, said his mother, Robyn Allgood. Last week, the Food and Drug Administration lifted a consumer warning on fresh spinach. On Wednesday, the FBI searched two California produce companies for evidence of possible fel-

ony violations of federal environmental laws.

Federal agents are following a script first written a decade ago to hold companies responsible for mass food poisoning.

In 1996, authorities won the first criminal conviction in a food poisoning case when juicemaker Odwalla Inc. was fined for tainted apple juice that killed a baby. A case against Sara Lee Corp. five years later led to a fine for tainted hot dogs and lunch meats that killed 15.

Federal officials do not think anyone deliberately contaminated the spinach with *E. coli*. Instead, the probe is focused on whether the companies did enough to ensure their products were safe to eat.

FBI and FDA agents spent 11 hours Wednesday searching Natural Selection Foods LLC and Growers Express, sifting through records for evidence that the producers skirted proper food-handling procedures.

"We are looking more toward the food-safety issue at this point," FBI spokesman Joseph Schadler said Thursday.

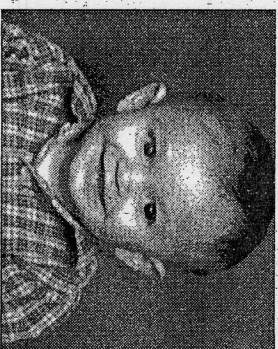
Legal experts say the companies do not need to have known that their products were contaminated to be convicted of criminal charges, only negligent in their duties to keep tainted foods from the market.

Lawyers involved in previous food-poisoning cases said the government will likely try to charge the companies under the

1938 Federal Food Drug and Cosmetics Act, which makes it a crime to sell or distribute "adulterated" products—any item deemed unsafe for human or animal consumption.

Distributing contaminated food through interstate commerce is usually a misdemeanor, but it can rise to a felony if authorities find evidence that company officials knowingly took action to compromise the safety of the food supply. Penalties can include jail time.

Tests on spinach, recalled from grocers point to nine spinach farms that supplied produce to Natural Selection. The company issued a statement saying it was confident in the cleanliness of its plant and pointing the



AP photo from KPIV-TV
Kyle Allgood, 2, who died Sept. 20 in Salt Lake City, was the second confirmed death traced to tainted spinach.

finger at growers.

Growers Express operates a food-safety program in which small-scale farmers pay the company to provide health and safety inspections and maintain databases of audit reports. The reports were given to the FDA and FBI on Wednesday.

Boone reported from Boise, Idaho, and Leff from San Francisco.