What she ate almost killed her

BUT IT DIDN'T HAVE TO HAPPEN.
How our food-safety system failed one little girl...and threatens us all. A story that will shock you, scare you, and make you mad.

by Madeline Drexler

Savana Thacker—“Vanny” to her parents and three older brothers—was the megawatt star of her family. “Nine hundred miles an hour, never stopped,” says her mother, Kristi, a registered nurse in the rural town of Eldon, Missouri. “Vanny was always outside, always following her brothers, looking for bugs and worms and snakes and other good things. When she wasn’t running around being ornery and the center of attention, then we were trying to figure out what was wrong.”

On August 19, 2002, something was seriously wrong. For five days, five-year-old Savana had been sick, the last two with non-stop vomiting. Now she was barely able to keep her eyes open. Most alarming to her mother, she was silent.

At 8:00 a.m., Kristi took her daughter to a family medical clinic; in the waiting room, the doctor noticed that Savana was quickly becoming jaundiced. He instructed Kristi to drive immediately to the hospital in Jefferson City—30 miles away. There, an emergency room physician told Kristi, “We have a big problem.” Savana’s kidneys and liver had shut down. An ambulance rushed the little girl to the university hospital in Columbia—another 30 miles away.
If Savana Thacker had arrived at the hospital only

Not long after doctors there began working on Savana, a pediatric kidney specialist gently pulled Kristi aside and gave her grave news. Her daughter had hemolytic uremic syndrome, or HUS. This devastating disease is a complication of food poisoning. It comes from meat that has been contaminated with certain strains of the bacterium E. coli—in this case, the strain called O157:H7. While anyone can become ill from eating this tainted meat, for small children it can be deadly. (HUS sprang onto the public stage in 1993 with an outbreak traced to fast food from Jack in the Box.)

"It's going to get worse before it gets better," the kidney specialist warned Kristi.

"Usually, I take things as they roll," Kristi says now. "But this time, I literally felt ill." Her husband, Shelby, got mad. "He wanted to know why, where, how. Who could have done this to us?"

The Thackers began the difficult search to find out. What they eventually discovered made them even sicker—and more angry.

Each year, 76 million Americans become ill after consuming contaminated food; 325,000 are hospitalized, and more than 5,000 people die. How can so much bad food reach our tables? All too easily, despite elaborate safeguards. The United States has a vast food-safety system in place, with the Department of Agriculture overseeing meat, poultry, and some egg products, and the Food and Drug Administration monitoring produce, seafood, eggs, and other items. The system involves inspections at slaughterhouses and packing plants, as well as by local officials at supermarkets and restaurants. As a last—and critical—barrier, there is the food recall, the removal of questionable products from the market after a problem is uncovered. While there are shortcomings at every point, it is the recall system—the final safety net—that has some of the most dangerous flaws.

For one, recalls are voluntary. No federal agency can order a manufacturer to pull a contaminated food product from the market, with the exception of infant formula; it can only request that the item be removed.

More alarming, the process is shrouded in secrecy. You may hear the name of the manufacturer mentioned on a TV report or read about it in the paper. But unless your local market chooses to identify itself, you won't learn that the store has sold potentially lethal meat. It is no surprise, then, that only a small percentage of recalled foods is ever accounted for. The rest may have already been consumed or disposed of by the retailer or restaurant. Or it may wait in freezers in private homes.

So...exactly whom is the government protecting?

At the hospital, E. coli O157:H7 bacteria were destroying Savana's red blood cells. The little girl's platelet count had dropped so low, her blood was unable to clot. Because the slightest touch could cause bleeding, Savana wasn't permitted to get out of bed,
two hours later, she would have died

brush her teeth, or even have her hair combed. Her tongue turned green. Her already slight frame shrank from 35 pounds to a frail 27.

For several days, the little girl hovered near death. Then, miraculously, she began to recover, and after eight days, she was able to leave the hospital. The onslaught of the infection had been so rapid, her doctors later explained, that had Savana arrived at the hospital only two hours later, she would have died.

Soon after Savana returned home, Kristi set about trying to find out what food had nearly killed her daughter. The county health department said that no other E. coli O157-H7 cases had been reported. The 4-H booth at a fair where the family had eaten checked out clean.

But a few days later, in early September, a friend of Kristi’s happened to mention a meat recall from Gerbes, a local grocery store. “I wonder if Savana’s illness could have had anything to do with that,” she said.

Kristi hadn’t heard about the problem. That same day, though, she asked the store manager if there had been any meat recalls in August. No, the manager answered—but there had been one in June and one in July. She handed Kristi information about a massive recall from meat-packing giant ConAgra Beef Company.

On June 30, 2002, the company had announced a recall of 354,200 pounds of ground beef. USDA inspectors had traced E. coli O157-H7-contaminated meat to a ConAgra facility in Greeley, Colorado. Ultimately, the tainted meat would be blamed for at least 46 cases of E. coli infection and possibly one death.

Then, on July 19, after inspectors looked into plant practices and company records, the recall was expanded to 18 million pounds. (ConAgra denies that anyone got sick from the meat that was included in the second recall.)

When Kristi learned the details of the recalls, she was stunned. Every week, she purchased ground beef at Gerbes, including a five-pound package on July 16—just three days before the second recall, when it was taken off store shelves. For a full month, the deadly meat sat in her freezer. She had served it to her family at least three times, in hamburgers, in casseroles, and in meatloaf.

Kristi asked the manager how the grocery store notifies the public about meat recalls. She told Kristi that notices were posted in the meat department.

“Where?” said Kristi, who prided herself on being an alert shopper. At the window where customers order special cuts, she remembers the manager saying.

No wonder Kristi had missed the sign in the weeks after she had bought the ground beef but before Savana got sick. That window wasn’t near the large refrigerator case where she had reached down to grab the package. What’s more, the store had been instructed to post the notice for one week only.

The Department of Agriculture issues press releases and lists recall notices on its Web site. But the USDA doesn’t tell the public where recalled foods were sold. It doesn’t even tell most state health departments. Company distribution lists are considered business secrets.

“As we understand it from our legal team, it is proprietary information,” says Elsa Murano, Ph.D., the USDA’s undersecretary for food safety.

The agency maintains that guaranteeing the anonymity of the supply chain helps speed up the recall process by assured cooperation from food companies.
Ground beef is fraught with danger. That's policy also safeguards meat and poultry manufacturers from competitors who might benefit from knowing the names on the company's customer lists.

OK, some state officials can be told which stores carried the meat, but they can't tell anyone else.

Just weeks before Savana became ill, a new feature was added to the USDA's nondisclosure policy. The agency offered states the chance to sign a Memorandum of Understanding (MOU) agreement, which permits the USDA to share recalled product distribution records with state officials. The change was designed to help authorities search for contaminated food in stores and in restaurants. But there's one hitch: The officials must promise not to share the distribution list with local health officers—or with the public.

Today, 11 states* have signed these double-edged agreements. And what about the other 39 states that, for a variety of reasons, haven't signed the memo? What do they get? "They don't get any information on where contaminated meat was sold," says Ken Kelly, staff attorney for the Center for Science in the Public Interest. "They're completely clueless."

The USDA's Elsa Murano disagrees. Referring to the most serious "Class I" recalls, where there's a reasonable chance that the implicated food will cause illness or death, Murano says, "I honestly believe that people are getting the information they need. Every Class I recall that we've overseen, the minute the recall begins, there are no new cases of illness, which tells me that people get the message."

But do they? That certainly doesn't seem to be the case, given the near-death experience of Savana Thacker. If knowledge is power, then Americans are in fundamental ways powerless during a recall.

So are public health doctors—many feel they can't be as responsive as they'd like during a crisis. In cases such as Savana Thacker's, every minute counts. "The disease can become very serious very rapidly," says one such official, Anthony Iton, M.D., the health officer for Alameda County, California. That's why he and other health authorities want to lift the lid on secret recalls. "There's nothing in what we do as public health officials that compromises the privacy of food companies, he says. "We're interested only in the retailer. We want to tell customers where they may have come into contact with the contaminated product."

Letting the public in on the supply chain can save lives, Dr. Iton insists, and knowing about possible risk has prevented infections in the first place. It has also alerted people to a potential diagnosis, so that they'll seek treatment sooner, as Kristi Thacker could have done if she had known what was making her little daughter so ill.

Ground beef is especially fraught with danger, which is why recalls are often so huge. Typically, meat from scores of animals is ground together at the packing plant. If it turns out one carcass was contaminated, bacteria can spread throughout the batch and continue to grow as the meat is being shipped to stores across the country.

Then there may be an expanded recall, as there was with ConAgra. Under the voluntary policy, companies frequently underestimate the extent of the problem. But once government investigators look more closely, they may find that a food plant has a long-standing sanitation or manufacturing issue—perhaps going back many months and affecting far more meat than previously announced. Or a company may want to be extra sure that all suspect products have been taken off the market. At that point, the size of the recall often jumps to a much greater magnitude. Meanwhile, days or weeks can pass before the expanded recall is announced. And all this time, unsuspecting customers—Kristi Thacker says that she is one—keep buying, storing,
and serving the contaminated foods.

What's more, in most cases, only the name of the original meatpacker is publicized, though ground beef is often repackaged under store-brand names. So shoppers don't realize the hamburger they bought is part of the problem. "I've got tons of examples of people who are contaminated meat during the course of an outbreak because they thought, 'Oh, I didn't buy my meat from ConAgra. I bought it from a different store," says William Marler, a Seattle attorney who exclusively represents clients sickened by contaminated food.

Most victims of foodborne infections don't see a doctor. They may suffer a brief bout of diarrhea or vomiting, never linking their illness to a particular purchase. Why would they? But that makes it harder for state and local health departments to control or even keep track of infections. If these officials could learn where contaminated food was sold, they could target particular counties for more surveillance and active reporting of cases, explains Jeff Farrar, chief of the food safety division of the Food and Drug Branch in the California Department of Health Services. "If we knew that contaminated meat went to County X, we could call laboratories in County X and ask them to immediately tell us about any cases of O157 illness that they diagnose."

This mad cow went to market. But where?

In December 2003, meat and bones from a cow infected with bovine spongiform encephalopathy—better known as mad cow disease—were distributed to six states. It was the first known case of a cow with the disease in this country, and people were scared. "We were getting frantic calls from members of the public wondering whether they had purchased and eaten the meat in question," says Mike Govro, assistant administrator for the food safety division of the Oregon Department of Agriculture.

But he couldn't tell the worried callers anything. He didn't even know himself—Oregon had not signed the Memorandum of Understanding. As for consumers in MOU states, they weren't much better off: Their officials did know where the beef had been sold, but they were under a gag order.

California was one of those MOU states. When the mad cow threat erupted, many health agents were incensed that they weren't permitted to share crucial retail information with citizens. After several conversations with the USDA, state officials were able to persuade the federal agency to let them at least tell agents in affected local areas, says Farrar. But the USDA still insisted that those county health officials could not reveal the names of stores or restaurants to the public. "It was the best compromise we could get at that time," Farrar explains. State officials have now repeatedly asked the Agriculture Department to change the MOU when there's a legitimate health need.

The USDA's Elsa Murano recently said the agency might amend the state's MOU to permit giving more facts to local officials. But Farrar says he's heard nothing. In any case, California isn't waiting. A bill currently in the legislature would compel the beef and poultry industry in California to notify state health officials of retailers that have received recalled meat. The officials would share that information at the local level and notify the public.

Why didn't they think of that? How to make the system safer.

In August 2001, a year before Savana Thacker became sick, Kevin Kowalczyk contracted an E. coli infection. But the two-and-a-half-year-old boy's illness ended tragically. "Kevin went from (CONTINUED ON PAGE 254)
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being perfectly healthy to being dead in 12 days," says his mother, Barbara Kowalczyk, a biostatistician who lives with her husband, Michael, and their three surviving children in Mount Horeb, Wisconsin.

What had happened to her little boy, who was "so gentle and kind"? Lab tests revealed that Kevin's particular strain of E. coli matched that from a recalled batch of meat manufactured by Green Bay Dressed Beef (which does business under the name American Foods Group). But when Barbara tried to find out where the firm had distributed the meat, she was stonewalled by state health officials—Wisconsin is an MOU state.

Last July, with no other way to get the information, her attorney, William Marler, filed a lawsuit against American Foods Group and against the grocery store where Barbara regularly bought ground beef. "It is ridiculous that a grieving family would have to jump through the number of hoops we've had to, to find out what made our son sick," Barbara says. "They don't understand that when something like this happens to your child, you need to know." (American Foods Group says the company is unable to comment on this case because of the recently filed legal action.)

In January 2004, Barbara joined a group of food safety advocates for a meeting with Secretary of Agriculture Ann Veneman. There, Barbara raised the secrecy issue. Veneman's answer, says Barbara, was "Well, we have to worry about people's legal rights."

Distressed, Barbara replied, "Who is worried about the legal rights of my family? Who's worrying about justice for my son?"

Some members of government are.

In 2003, Iowa Senator Tom Harkin introduced a bill—the Meat and Poultry Pathogen Reduction and Enforcement Act, subsequently dubbed "Kevin's Law"—to enforce safety and sanitation standards in meat and poultry plants. "Kevin was a very remarkable little boy," says his mother. "We believe that he was destined to make a difference in the world. He did not get that opportunity. As his parents, we must do that for him."

Tightening up sanitation is only part of the solution, however. For years, consumer advocates have lobbied for a food-safety department that would be fully independent of the agriculture industry—to avoid any potential conflict of interest. Several years ago, the prestigious National Academy of Sciences went a step further: It called for a single agency, with a single budget and a single leader, to replace the fragmented system we now have.
Concerned individuals also want to give the government mandatory recall authority, which would speed up the process. "The voluntary system and the MOU reflect the same underlying principle, which is that we're protecting industry instead of consumers," says Karen Taylor Mitchell, executive director of STOP (Safe Tables Our Priority), a consumer organization devoted to preventing foodborne illness. The USDA technically has the power to seize suspect products if a company won't cooperate. But that could take a long time, even longer than a voluntary recall.

Above all, advocates want consumers to have every relevant piece of information during a recall: the names of stores and restaurants that received contaminated products, and prominently located signs about food recalls posted on the shelf, cooler, or freezer where the products were sold.

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**Are you angry?**

**JOIN THE GH CAMPAIGN FOR SAFE FOOD!**

Every year, millions of people become ill from eating contaminated food. Thousands die. Yet even when food is recalled, consumers cannot get vital information to protect their health. Often, they cannot find out if their local supermarkets or restaurants carried the dangerous item.

This secrecy has to stop! Good Housekeeping calls on federal authorities to safeguard families. We need a recall system that tells shoppers where contaminated foods were sold. GH applauds the retailers and restaurants that voluntarily make this information public. Now public health officials must be authorized to give everyone the lifesaving facts.

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Recall Warning, Part 1: An Update

Dangerous medical devices

Last March, Good Housekeeping published the first in a two-part series on recalls: “Warning! The Medical ‘Miracles’ that May Be Hazardous to Your Health.” This report revealed that implants—including such critical devices as heart valves, artificial hip joints, jaw implants—can come to market without adequate testing. And if a device is found to be defective? As with food recalls, consumers may be the last to know. Only doctors and hospitals are notified directly. If patients are no longer in contact with their doctor, they may never find out their implant has been recalled—or they find out after it has already caused damage.

GH launched a campaign to make sure that patients are notified when their implants have been recalled or put on safety alert. So far, more than 10,000 readers have joined us. You can still sign up by visiting goodhousekeeping.com and filling out the coupon (“Medical Implant Recalls”). The full text of the article is also available on our Web site.

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And why not make it mandatory to directly notify shoppers who have bought suspect products? Preferred customer or membership cards would make that feasible, as Costco demonstrated last spring when the warehouse club mailed out more than one million recall notification letters to members who had purchased raw almonds possibly contaminated with Salmonella. The result? About 40 percent of the almonds were returned. Other stores, including the Wegman’s and Harris Teeter chains, have also used customer cards to notify shoppers of recalls or have publicized recalls through press releases to the media.

Is the USDA listening to the reformers? “The mission and goal that we have to protect public health is one that nobody should at all doubt,” says Elsa Murano. In a recent interview, she noted that the USDA may finally break its longstanding rules of nondisclosure. “For some folks,” she conceded, “it might be useful to have the name of the retailer. It’s something that we are looking at very closely...so that we can leave no stone unturned.”

But, Murano also points out, “once you do a recall, it’s too late. My emphasis is to do the preventive stuff and anticipate problems. My goal is to not have recalls.”

“A lawsuit goes against my moral ideals, but...”

Savana Thacker, now seven years old, is back to her old active self, though she has some “quiet, withdrawn moments,” says her mother. She’s had one serious kidney infection since her illness, and no one can say for sure what her future health will be.

Reluctantly, the Thackers have decided to sue the beef manufacturer, primarily to recover medical expenses that they had to pay themselves. “I never thought about a lawsuit in my whole life,” Kristi says. “In fact, I’m kind of anti-suing: I don’t like that attitude. It goes against my moral ideals. I think people should be able to make mistakes.” But in this situation, Kristi adds, “everything was swept under the rug. It was a big cover-up. I guess my hackles have been raised.”

Kristi wants her local grocer to notify customers about recalls through preferred-customer cards. “It was four weeks after the recall that my child was fed bad hamburger. How many other kids are it too?” she asks.

On learning about USDA nondisclosure policies and the fact that her child’s foodborne illness may have resulted from a policy of government secrecy, Kristi is aghast. “It makes no sense,” she says. “I wonder how many people have died because of that?”

Until our food-safety system is reformed, that’s a question the rest of us have to wonder about too.