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U.S. OBTAINS INJUNCTION AGAINST DEL REY TORTILLERIA AFTER ALLEGING UNSAFE FOOD PRODUCTION PRACTICES

CHICAGO – The United States today obtained an agreed permanent injunction against a Chicago food processing firm, Del Rey Tortilleria, Inc., its president and two general managers after filing a federal lawsuit alleging that Del Rey’s flour tortillas and related products were not being prepared in compliance with federal regulations to protect food against contamination. A consent decree signed by a federal judge today prevents the company from manufacturing and distributing soft-shell flour tortillas until it obtains approval from the Food and Drug Administration, which initiated the enforcement action, announced Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois.

Del Rey Tortilleria, which is based at 5201 West Grand Ave., and has other locations at 1023 West 18th St., and 2701 South Trumbull, all in Chicago, manufactures flour tortillas, fried tortilla chips, tostadas and masa (corn flour). Its products are sold retail and wholesale to restaurants, fast food chains, grocery stores, food processors and distributors.

The lawsuit, also filed today, alleges violations of the Federal Food, Drug and Cosmetic Act and was brought on behalf of the FDA after its investigators found evidence of violations over the course of inspections of the Grand Avenue premises between November 2003 and January 2009. According to the complaint, outbreaks of gastrointestinal illness in school children associated with Del Rey’s flour tortillas occurred in October 2007 in Wisconsin and in September 2003 and May 2004 in Massachusetts.

Also named as defendants were Jeanette A. Toledo, president and sole owner of Del Rey Tortilleria, and Marcellina M. Toledo and Dorothy L. De La Torre, both general managers.

Mr. Fitzgerald recognized the company and its officials for agreeing without further litigation to cease making and selling certain products until FDA approval is obtained, and for agreeing to take other measures such as hiring sanitation and food processing experts to remedy certain deficiencies in its manufacturing process. The consent decree was approved today by U.S. District Judge Rebecca Pallmeyer.

According to the lawsuit, Del Rey was in violation of the FDA's current Good Manufacturing Practice (cGMP) requirements for food, alleging that its manufacturing operations did not adequately protect against the risk of contamination. During the inspections, the FDA found cleaning chemicals stored improperly, unsuitable containers used for food processing and other unsanitary conditions inside the plant.

To obtain FDA approval to resume operations, Del Rey and its sanitation and food processing experts must develop quality control measures and inspect and certify that the company is in compliance with the consent decree and cGMP.

If the defendants fail to comply with the consent decree, the FDA may order them to stop manufacturing and distributing food, recall products or take other corrective action. The defendants also could be ordered to pay \$6,000 a day if they fail to comply with the decree.

Consumers with food safety questions may call the FDA's toll-free Food Safety Hotline at (888) SAFEFOOD, and any problems may be reported to the FDA consumer complaint coordinator in their geographic area. Contact numbers may be found on-line at www.fda.gov/opacom/backgrounders/complain.html

The government is being represented by Assistant U.S. Attorney Donald Lorenzen.

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