THE WALL STREET JOURNAL.
WSJ

Biden's Baby Formula Shortage

A Michigan plant has been closed for months, despite no evidence it caused infant illness.

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May 13, 2022

Some lawmakers are asking whether the U.S. Food and Drug Administration has done enough to counter the nationwide shortage of baby formula. An even better question is why the Biden FDA caused it.

In the name of safety, the federal bureaucracy has turned a supply-chain challenge into a full-blown crisis. Few things are as disturbing as being a new parent and learning that your infant child is not thriving. For any number of reasons, some little ones need baby formula, and right now America doesn't have enough of it. In this era it has sadly become common to see empty market shelves once occupied by various items. But this is not just any other product.

Like many other goods in the era of lockdowns and Covid regulations, baby formula has been subject to supply constraints. But there is one specific event that created the current crisis. On Feb. 17 of this year, the FDA announced:

Today, the U.S. Food and Drug Administration announced it is investigating consumer complaints of *Cronobacter sakazakii* and *Salmonella* Newport infections. All of the cases are reported to have consumed powdered infant formula produced from Abbott Nutrition's Sturgis, Michigan facility. As a result of the ongoing investigation, along with the U.S. Centers for Disease Control and Prevention and state and local partners, the FDA is alerting consumers to avoid purchasing or using certain powdered infant formula products produced at this facility. This is an ongoing investigation, and the firm is working with the FDA to initiate a voluntary recall of the potentially affected product.

Ever since, while the plant has remained idle, various Washington officials have continued to insist on calling it a "voluntary recall." But what choice did the manufacturer have after the FDA investigated and decided to warn consumers not to buy the product?

White House economist Brian Deese seems to have given away the game during a Friday morning appearance on CNN. Here's a portion of the network's transcript in which Mr. Deese is interviewed by CNN's Kaitlan Collins:

COLLINS: And I believe the first complaints about this facility happened last fall. I don't think the FDA started interviewing whistleblowers until maybe December or so. Of course, as you

noted, the recall started earlier this year. And so I'm wondering if the sense inside the White House is that the FDA moved quickly enough on this issue?

DEESE: Well, those are independent scientific judgments that I will leave to the FDA. What I can tell you is that they took action to put in place that recall. And we have been working closely on this issue, in the wake of that recall, to try to address the attending impacts of that.

Sorry, *who* put in place that recall? And more importantly, *why* did they put in place a recall given the danger of leaving parents without formula? Finding a common bacteria somewhere in a factory does not automatically mean that babies were ever at any risk. And what about the risk of having no formula when a major producer of a highly regulated product is idled for months?

To this day, while Abbott's plant remains idle and is awaiting the FDA's blessing to resume production—and while parents desperately seek formula—the White House remains confused about what exactly the FDA found in Michigan and who exactly initiated that "voluntary" recall.

At a Thursday press conference, White House press secretary Jen Psaki claimed "the issue here is that a manufacturer was taken offline because they did not produce a safe baby formula." Ms. Psaki added:

This issue is because there was unsafe product that the FDA recalled to save babies' lives.

That does not appear to be true. The Journal's Joseph Walker reports:

In recent weeks, Abbott has strongly denied that the cronobacter infections were caused by contamination at its plant, despite the presence of the bacteria there found by the company and FDA inspectors. Where inspectors did find traces of the bacteria, the areas weren't in contact with formula products, the company said.

Cronobacter is commonly present in the environment, and has been found on refrigerators, kitchen sinks and countertops, food safety experts have said.

The Centers for Disease Control and Prevention performed genetic testing on formula samples from two of the sick infants and found they didn't match cronobacter strains discovered in Abbott's plant. "It is possible that the cases included in this investigation occurred due to contamination of the formula after it was opened, which is how cronobacter often gets into powdered formula," a CDC spokeswoman told the Journal in April.

Abbott said on Wednesday that all finished products made at the Michigan plant tested negative for cronobacter.

Open containers from the four infants were tested, and three of them tested negative, Abbott said. One container tested positive for two strains of cronobacter, one of which matched the strain that caused the infant's infection and the other that matched a strain found on a bottle of distilled water that was used to mix the formula. Neither strain matched those found in Abbott's Michigan plant, the company said.

"After a thorough review of all available data, there is no evidence to link our formulas to these infant illnesses," Abbott said.

Yet each time this issue pops up in the news cycle, all Team Biden and its allies on Capitol Hill do is call for more investigation of business. Now the president wants the Federal Trade

Commission to search for evidence of price-gouging and House Democrats want testimony from formula manufacturers. How about investigating the FDA and letting people who are able to make baby formula feed hungry newborns?

On Tuesday this column noted the work of the Cato Institute's Gabriella Beaumont-Smith describing the significant government barriers to the import of baby formula. The FDA has also erected large regulatory barriers to any potential new domestic competitors, so for the moment parents and babies will have to rely heavily on existing producers to end the shortage. Thank goodness the men and women of private U.S. businesses are not moving at FDA speed but instead running factories around-the-clock to end the shortage.

Some product is coming from overseas, but U.S. red tape prevents much needed supply. The Atlantic's Derek Thompson writes:

FDA regulation of formula is so stringent that most of the stuff that comes out of Europe is illegal to buy here due to technicalities like labeling requirements. Nevertheless, one study found that many European formulas meet the FDA nutritional guidelines—and, in some ways, might even be better than American formula, because the European Union bans certain sugars, such as corn syrup, and requires formulas to have a higher share of lactose.

Some parents who don't care about the FDA's imprimatur try to circumvent regulations by ordering formula from Europe through third-party vendors. But U.S. customs agents have been known to seize shipments at the border.

Perhaps the White House will now refer to them as voluntary seizures. But parents would not have to go to such lengths if government allowed the abundance that willing manufacturers can provide.