

The Gazette

Newstrack: DeCosters appeal jail time in tainted egg case

Iowa egg barons pay more than \$6 million in fines and restitution

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Austin “Jack” DeCoster and Peter DeCoster were sentenced April 13, 2015 to three months in prison for introducing adulterated food into interstate commerce after eggs from their Iowa farms were linked to a 2010 national salmonella outbreak.

U.S. District Court Judge Mark Bennett required the father and son to complete a year of probation following prison and pay \$100,000 each. The DeCosters’s former company, Quality Egg LLC, was fined nearly \$6.8 million.

More than 1,900 people across the country reported getting sick from Salmonella enteritidis linked to tainted eggs supplied by Quality Egg. The companies recalled 550 million eggs nationwide.

Quality Egg pleaded guilty in June 2014 to bribing public officials and misbranding eggs to make them appear fresher.

The DeCosters’s sentences — especially the prison time — were viewed as a warning to other food producers.

What’s happened since

Jack DeCoster, 82, of Turner, Maine, and Peter DeCoster, 52, of Clarion, are now trying to get out of their jail time. They filed an appeal April 27, 2015, asking the U.S. District Court of Appeals 8th Circuit to remove incarceration from their sentence.

“They’re arguing that, based upon the type of offense, any sentence of jail time is not appropriate,” Assistant U.S. Attorney Peter Deegan said last week.

Pro-business groups, including the Cato Institute and the National Association of Manufacturers, filed briefs in support of the DeCosters, arguing executives shouldn’t serve jail time for this type of crime.

“If executives can be imprisoned for criminal violations of strict liability laws by virtue of the position they hold within a company, the United States economy would suffer,” attorneys for Cato and the manufacturing association argued. “Executive business decisions would be motivated less by good business principles and more by fear of possible future prison sentences.”

Peter DeCoster’s attorney, Stuart Dornan, in a sentencing memo filed in April 2015 asked that his client, a father who has done missionary work, be allowed to “avoid the costly and vacuous nature of a prison term” in favor of probation and community service.

The 8th Circuit heard oral arguments in the appeal March 17 in St. Paul, Minn., and the parties are now waiting for a decision.

Meanwhile, the DeCosters have paid their fines and restitution. This includes \$83,000 in restitution to victims of the tainted egg outbreak.

At the sentencing hearing last year, Bennett heard from some of these people, including a Texas boy who was hospitalized in 2010 when the salmonella bacterium lodged in his hipbone, according to Bill Marler, a Seattle-based lawyer who represents people, including the Texas boy, in foodborne illness cases.

None of the victims to receive money live in Iowa, Deegan said.

Salmonella causes diarrhea, fever and abdominal cramps that usually last just a few days. But the illness is linked to 19,000 hospitalizations and 380 deaths a year, Atlanta-based Centers for Disease Control and Prevention reported.