

Court denies appeal for egg executives in salmonella case

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A father and son whose Iowa-based egg production company caused a massive 2010 salmonella outbreak cannot further appeal their sentences for misdemeanor food safety violations, according to the U.S. Supreme Court.

The highest U.S. court declined to hear the appeals of Austin "Jack" DeCoster and his son, Peter DeCoster, without comment Monday.

U.S. District Judge Mark Bennett sentenced the DeCosters each to three months in prison in April 2015, saying they knew or should have known about the risks posed by the presence of salmonella in and around millions of egg-laying hens. But he allowed the DeCosters to stay free while they appealed the sentences, which they argued were unconstitutional and unreasonably harsh.

The 8th Circuit Court of Appeals upheld the sentences last July and stayed any action until the U.S. Supreme Court appeal was resolved. The case will now return to the 8th Circuit where judges will likely lift the stay and the DeCosters will be required to serve their sentences.

The DeCosters, who owned and operated Quality Egg LLC, had pleaded guilty to violating the law by introducing adulterated eggs into interstate commerce. They said they didn't know the eggs were contaminated but acknowledged they were in a position to stop the problems had they known.

Court records show 8th Circuit judges concluded the DeCosters were aware of unsanitary conditions at their sprawling Iowa egg farms but failed to improve them before the outbreak, which sickened up to 56,000 people and left some consumers with permanent injuries.

Attorneys for both sides declined to comment.

The case has been closely watched by advocates for consumer safety and food and drug manufacturers because it holds corporate executives criminally liable for the actions of people in their company and sentences them to prison.

Business groups, including the National Association of Manufacturers, the Pharmaceutical Research and Manufacturers of America and the libertarian Cato Institute think tank filed friend-of-the-court briefs backing the DeCosters' appeal. They argued that it would be unfair to send corporate executives to prison for violations that they were either unaware of or that were committed by subordinates.

Quality Egg paid a \$6.8 million fine after pleading guilty to felony charges of shipping eggs with false processing and expiration dates and bribing a U.S. Department of Agriculture inspector to approve sales of poor-quality eggs.