

Chipotle's Record \$25 Million Fine Sends Tough Message as the Restaurant Industry Begins Reopening

"Chipotle Mexican Grill Inc. agreed to pay a \$25 million criminal fine, the largest ever in a food safety case, to resolve criminal charges related to the company's involvement in foodborne illness outbreaks that sickened more than 1,100 people between 2015 and 2018, the Department of Justice announced last week. This news is a wake-up call for the nation's restaurant industry as it prepares to reopen this week in several states amid concerns about employee and customer safety. The message is simple: despite the burdens of reopening under 'social distancing' guidelines, this is no time for restaurants to cut corners on food safety, particularly with food inventories that pre-date the shutdown and working capital stretched to the breaking point," warns Samuel Lanier Felker and Joel R. Buckberg in Baker Donelson's *News & Events*.

"The Newport Beach, California-based company agreed to a three-year deferred prosecution agreement (DPA) that will allow it to avoid conviction for adulterating food in violation of the Federal Food Drug and Cosmetic Act, if it complies with an improved food safety program."

"According to the facts recited in the DPA and confirmed by Chipotle, the company was implicated in at least five foodborne illness outbreaks between 2015 and 2018 connected to restaurants in the Los Angeles area, Boston, Virginia, and Ohio. These incidents primarily stemmed from store-level employees' failure to follow company food safety protocols at company-owned restaurants, including a Chipotle policy

requiring the exclusion of employees who were sick or recently had been sick. As set out in the DPA, some store-level Chipotle employees from the 2015 to 2018 time period reported inadequate staffing and food safety training. Employees also reported pressure to work while sick, even though that was against Chipotle's sick-exclusion policies."

Read the article.