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Tampa Bay Times

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# Company indicted for mislabeling bad berries



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A federal grand jury returned a 47-count indictment Tuesday against a California food-processing company and its former president, charging them with fraudulently labeling contaminated Mexican-grown strawberries as U.S.-grown before they were sold to lunch programs for schools, where they caused an outbreak of the hepatitis A virus.

The hepatitis outbreak among nearly 200 children and teachers in Michigan in April led the government to quarantine millions of pounds of frozen strawberries in 15 states and the District of Columbia. School officials in several states ordered thousands of children who had consumed strawberries linked to the contaminated shipments to be protectively vaccinated.

The hepatitis outbreaks and the resulting widespread publicity have devastated California's \$550-million strawberry industry this season, even though the tainted berries are believed to have originated in Mexico and were picked more than a year ago. Mexico's strawberry industry also has been hard hit.

U.S. Attorney Alan Bersin announced that the Andrew & Williamson Sales Co. in San Diego and its then-chief executive officer, Frederick L. Williamson, 60, were charged in connection with the sale of 1.7-million pounds of misbranded strawberries for more than \$902,000 to the Agriculture Department for its national school-lunch program.

The charges are conspiracy to defraud the government, issuing false statements and making false claims. Each count against Williamson carries a maximum penalty of five years in prison and a \$250,000 fine. The maximum fine against the

Assistant U.S. Attorney Phillip L. B. Halpern said Williamson and the company, also known as A&W Sales Co., will be arraigned today. He said a company salesman, Richard Kershaw, has pleaded guilty to charges of conspiring to submit false claims, making false statements and introducing misbranded foods into interstate commerce. Kershaw, who cooperated in the investigation, is free on \$100,000 bail pending sentencing Aug. 11, Halpern said.

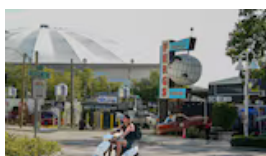
Federal officials said the USDA's Agriculture Marketing Service last year received \$460-million in congressional appropriations to purchase domestic food products for school-lunch programs with the dual aim of providing nutritious meals to children and stabilizing the prices of U.S. agricultural commodities. Under the law, the seller is required to certify that the commodities are grown domestically to assure the removal of surplus food from the marketplace.

The indictment alleges that Williamson and A&W Sales Co. used three unwitting food brokers in California and New York to disguise the fact that the strawberries were not grown domestically. In addition, the company "attempted to conceal the true origin" of the shipments by submitting false certificates of origin to the USDA stating that the strawberries were "100 percent grown in the United States," according to the indictment.

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