

OF CRIME & CRIMINALS
6-1-92 p10
✓ Register

Aptos man charged in bootleg clam case

LOS ANGELES TIMES

Felony criminal charges were filed last week against three principals in a California fish-processing company for selling more than 100,000 pounds of highly contaminated clams over several months in 1991, according to state health officials and the Tulare County district attorney's office. The allegations are among the most serious ever brought against a food company in the state.

The violations involved baby or fresh-water clams, a specialty item. The defendants were the only ones in California licensed to harvest the fresh-water bivalves, but the vast majority of baby clams sold commercially are of the salt-water variety. Some salt-water clams — Manila clams and butter clams — are also known as baby clams, but these varieties were unaffected by the state's action.

The shellfish were sold primarily to Asian restaurants and markets in Los Angeles. Investigators believe as much as \$300,000 was generated from the illegal and potentially hazardous catch.

The three, owner Danny Lee Burns of Aptos, manager Sarah Bobbie Bebee of Pixley, and supervisor Earl Dean McKee of Marysville, were charged with conspiracy to commit acts injurious to the public and for obstructing justice, both felonies. Several misdemeanor charges, including selling adulterated food and taking shellfish from uncertified waters, were also filed against the defendants and their company, Fresh Fish Co., Inc., of Pixley.

"Where you obtain clams is important and it is especially important that the water be uncontaminated," said Tulare County deputy district attorney Clark Hiddleston, who is prosecuting the case. "Clams have an intestinal filtering system, in which they filter the water of their habitat. Anything in that water will also wind up in the clam and people will eat (these same potential contaminants)."

Hiddleston said that the defendants were no longer in business

cessful.

The action, the culmination of a lengthy investigation, comes at a time when the seafood industry is trying to minimize claims that contaminated fish and shellfish products are entering consumer channels. Further, the filing of felony charges against food processors is considered rare, as most industry violations are considered misdemeanors, according to Greg Lewis, spokesman for the California Health Services Department in Sacramento.

"Most of the regulatory actions taken against (food) firms are a matter of sanitation or misbranding, usually a case where they have made mistakes but haven't corrected them," said Jim Waddell, regional administrator for the Health Services Department's Food and Drug Branch. "When a company is certified to harvest shellfish, then that conveys a considerable responsibility to them, and there is the potential for a public health hazard. When they are not in compliance, then we do consider it quite serious."