

NEWS

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Newark Store Owner Admits Selling Rat-Adulterated, Putrid Food

(More)

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CAMDEN – A Newark man pleaded guilty today to selling rat-adulterated poultry at his business, Triple A Foods and Cosmetics, at 23-27 Joseph Street in Newark, U.S. Attorney Christopher J. Christie announced.

Ben A. Abit, 51, pleaded guilty to a one-count Information charging him with storing and offering for sale adulterated poultry products at Triple A in August 2006, according to Assistant U.S. Attorney Scott B. McBride. Following the guilty plea, U.S. District Judge Joseph E. Irenas set sentencing for Oct. 31.

The defendant faces a maximum sentence of three years in federal prison and a \$10,000 fine on the sole count of the Information.

Abit admitted that, on Aug. 8, 2006, in a walk-in cooler, he stored over 6,600 pounds of frozen, raw chicken that had visible signs of rodent gnawing, feces, hair and urine on it. He further admitted that a pest control service had shown him on numerous occasions where rats had been entering his store, but that he failed to fix the problem and ultimately stopped paying the pest control company altogether in December 2005. Abit admitted having no pest control service at Triple A from December 2005 until August 2006.

At the plea hearing today, Judge Irenas granted the United States' motion to enjoin Abit from further operation of his store, as a condition of release on a \$10,000 unsecured appearance bond. The United States alleged that, as recently as July 7, 2008, Abit was still selling putrid meat and other food products unfit for human consumption. Abit is allowed to continue selling non-refrigerated canned goods. Abit may petition the Court for a change in this order, on the condition that the U.S. Department of Agriculture Food Safety and Inspection Service and the Court's Pretrial Services Agency can certify that conditions at the store are satisfactory and no longer pose a danger to the public.

State authorities also have been aware of conditions at the store.

Under an Information, a defendant waives the right to have his case presented to a grand jury and, instead, pleads guilty to charges presented by the United States.

In determining an actual sentence, Judge Irenas will consult the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The Judge, however, is not bound by those guidelines in determining a sentence. Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

U.S. Attorney Christie credited Investigators from the Food Safety and Inspection Service of the Department of Agriculture for their investigation of Abit and his store.

The case is being prosecuted by Assistant U.S. Attorney Scott B. McBride of the U.S. Attorney's Government Fraud Unit in Newark.

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Defense Counsel: Gregg Mele, Esq., Summit