Statement for Mandie Trimble
from John Lowe

In 2008, Jeni's realized it had not been sending ingredient information on the small amount of ice cream it then shipped to customers' homes. Jeni and Charly worked with the FDA to send that information out to customers, and the matter was closed.

In January of 2013, the FDA accused the Company of claiming that our "Influenza Sorbet" cures the flu. We strongly disagreed with that position, but we told the FDA at the time, "We are law-abiding citizens. We like, respect, and believe in a strong FDA. We like that we have laws preventing false claims about drugs and foods." We stated that while we did not believe anyone took our naming of "Influenza Sorbet" as claiming that we had figured out a way to cure the flu, we would nonetheless change the name to "Hot Toddy Sorbet." We immediately threw out all of the Influenza Sorbet we had and started making "Hot Toddy Sorbet."

The next week, the FDA showed up to inspect our production kitchen. They inspected from January 25, 2013 to February 5, 2013. The grand total of all inspection finding/observations was: "there is a buildup of condensate/ice on the ceiling in the large freezer located near the refrigeration units. We observed condensate/ice on the shipping containers [boxes] of various finished ice cream products such as Queen City Cayenne Ice Cream packaged in pint sized containers." In other words, after inspecting for 10 days, the only adverse finding was related to finding ice in the freezer.

A year and a half later, on August 19, 2014, an FDA inspector arrived and informed us that she was there to to discuss the "recall" of Influenza Sorbet and to discuss the 2008 "recall that still hasn't been closed out."

We asked ourselves, why were they now talking about an issue from 2008? Why were they now calling the Influenza Sorbet issue a "recall"?

We weren’t sure, but we knew this had nothing to do with food safety or helping us better run our facilities. As a result, we made the decision to fully cooperate with the FDA, and to provide every piece of information to which the FDA was entitled -- but to not go above and beyond in providing information as we normally would. That is why the August 21, 2014 inspection report states repeatedly that we refused to provide documents, and ends with the inspector's clear statement: "No refusals of records or documents that I was entitled to were encountered."

This August 2014 inspection was completed with zero adverse finding against the production kitchen.

On October 31, 2014, we received a letter telling us that the FDA "considers the [2008] recall terminated."

When the listeria issue arose, we welcomed the FDA into our facility and provided them with every document they wanted to see. Beyond that, we had the option of immediately shutting the facility, but we instead kept it operating for two days with no intention of ever selling the ice cream we made, solely so that the FDA and our experts could see our processes and provide insights on how to improve the facility.

In summary, our facility was repeatedly inspected by the FDA. We have always cooperated with the FDA. We believe in a strong and empowered FDA.