

Tyson settles lawsuit, agrees to donate chicken

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ST. LOUIS - Tyson Foods Inc. has agreed to donate up to 1.7 million pounds of chicken to Illinois food banks to settle a lawsuit that claimed the world's biggest meat producer artificially inflated the retail weight of its poultry.

Under the deal approved Wednesday by a judge in Madison County, Ill., the company denies any wrongdoing and agreed to resolve the matter out of court to avoid additional costs related to the nearly eight-year legal tussle.

The suit, originally brought in 2001 by a couple from Hartford and an Arkansas man, claimed that Springdale, Ark.-based Tyson artificially inflated the weight of poultry products sold between 1997 and 2003 through a cold-water immersion chilling process that resulted in absorption and retention of water under the birds' skin and muscle tissues. Federal regulations now require poultry processors to disclose retained water on product labels.

As part of the settlement, a \$2 million fund will be established to settle claims by an unspecified number of individual class members. But few are expected because Tyson keeps no records of retail customers and few consumers eligible for reimbursement would still have required proof that they bought the chicken so many years ago.

So the company has agreed to donate unclaimed funds in the form of fresh poultry, expected to be about 1.7 million pounds, according to John Hoffman, a St. Louis attorney for the plaintiffs.

"We are overjoyed that we have been able to bring it to a successful conclusion," Hoffman said Thursday. "And we're very happy about being able to provide so much tangible relief to the people of Illinois."

The agreement also calls for Tyson to pay \$750,000 in attorneys fees, to be split among six law firms involved in the litigation, Hoffman said.

The chicken will be distributed by Feeding Illinois, formerly the Illinois Food Bank Association, a coalition of eight member food banks that provide food throughout the state.

"We are pleased the outcome will help feed thousands of those in need," Tyson spokesman Gary Mickelson said.

It was not immediately clear Thursday how soon the food banks would get any of the donated chicken.

"It is a particularly difficult time right now, so any time we get food it's a wonderful day," said Pam Molitoris, executive director of the Central Illinois Foodbank, which serves an estimated 100,000 people daily in 21 counties. "And when you look at what we're going to be getting — chicken is a protein item — that's going to be a tremendous blessing to the agencies that we serve."

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