

# GUELPH MERCURY

## Guelph Mercury

Business, Friday, December 13, 2002, p. A11

### **Toronto woman suing Campbell's soup over ingredients not on label**

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Toronto Star

TORONTO - Lisa Matheson, working late at a credit collections office and fighting a cold, says she got more than she bargained for when she purchased a cheap dinner.

At the grocery downstairs, she bought a single-serving container of Campbell's Hearty Noodles Roasted Chicken dried soup product.

Matheson added hot water, plunked herself in front of a TV in the employee lounge and proceeded to eat. But she says she began to worry when she couldn't find any vegetables and noticed something dark in the Styrofoam cup.

Finally she asked co-worker John Luke Kinnear to take a look. Infested with maggots, he pronounced. He advised Matheson to vomit. No further urging was required.

"I was nearly hysterical," Matheson said. "He threw up, too."

Swallowing a few maggots doesn't seem like a big deal "until it happens to you," she said. "It's devastating. For the next two weeks I ate next to nothing."

Matheson left work to take herself and the remaining soup to St. Joseph's Health Centre on The Queensway. A doctor there opined that the "extraneous matter" might be from cockroaches.

The next day, Oct. 3, Matheson called the Campbell's soup hotline and reported her unhappy experience. She received, several days later, a letter of condolence, a cheque for \$10 US and a suggestion that she use it to buy more Campbell's soup.

Instead, Matheson has taken her beef to Ontario's Superior Court of Justice, asking that her case be certified as a class-action lawsuit to encompass everyone who purchased packages from the same batch of soup. She's asking for \$15 million in special, general and punitive damages from Campbell Soup Company Ltd. in both Canada and the United States. Such actions must be certified by a judge before they can proceed.

The statement of claim contains allegations that have not been proved in court.

On Oct. 30, Matheson's lawyer, Ted Charney arranged to buy all of Campbell's Hearty Noodles from the shelves of the Newmarket Place grocery store near Matheson's office, where she made the original purchase.

The lawyer says his office tested a package of Hearty Noodles Roasted Chicken -- best before May, 2003, code 55B 08:17 8 RSTD CHIX 05282 -- and found it infested. An entomologist, Chris Darling of the Royal Ontario Museum, identified the "maggots" in that sample as moth larvae. Charney says he still has two unopened packages from the same batch of soup.

According to Charney, the deadline for Campbell Soup to reply to Matheson's statement of claim has passed. This week, the company assigned an insurance adjuster to investigate the complaint.

Charney said he and Matheson will extend the deadline if Campbell Soup agrees to share information about the origin, size and distribution of the questionable production run.

Matheson said she finds it disturbing that the company appears to have taken no action to remove a contaminated product from store shelves.

At Campbell Soup headquarters in Camden, N.J., a spokesperson said the company takes all complaints seriously, but it won't discuss this one.

"We don't comment on matters in litigation," Michelle Davidson said.

Bruce Bowen of the Canadian Food Inspection Agency said Campbell Soup has a good reputation and uses superior techniques, and valid complaints against it are extremely rare.


Any live infestation of food is unacceptable, Bowen said, but the agency reserves its greatest concern for extraneous materials, which could cause physical injury or disease.

Moth larvae, he indicated, are more an aesthetic problem than a direct health threat. An infestation, if such is confirmed, is likely to be the result of improper storage of the dried soup product before packaging.

**Category:** Economy  
**Uniform subject(s):** Court and administration of justice  
**Story type(s):** News  
**Edition:** Final  
**Length:** Medium, 489 words

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Doc.: 20021213GU0047

**Public**  [20021213GU0047](#)

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