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Mitchell Hill Farm in Ellsworth Receives First-Ever Felony Conviction Under Michigan's Food Law

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Cider Producer Mitchell Hill Farm in Ellsworth Receives First-Ever Felony Conviction Under Michigan's Food Law

After nearly two years of investigation and legal action, James Ruster, owner of Mitchell Hill Farm in Ellsworth, was sentenced on February 18, 2014, for one felony violation of Michigan's Food Law, the first-ever felony conviction under this law.

Ruster pled guilty to willful misbranding and adulteration of food products and was sentenced to 14 to 48 months in prison, plus fines and court costs.

"It's paramount that we maintain the safety of Michigan's food and agriculture products. Mr. Ruster showed a blatant neglect for not only the safety of his food products, but the health of his customers. It's tragic that people were so greatly impacted by his willful disregard for food safety rules and regulations," said Jamie Clover Adams, MDARD director.

Clover Adams stressed this incident in no way reflects the integrity and food safety record of apple cider producers who are licensed and use Good Manufacturing Practices (GMPs) to produce, safe, wholesome cider.

"No foodborne illness outbreaks have been associated with cider producers following the GMPs or meeting the requirements of the law, and Michigan's apple industry as a whole works closely with regulators to make sure production practices use the best science available to keep products safe," Clover Adams said. "It is unfortunate that it takes a case like this to point out the potential for harm from producing food items in an unsafe manner."

In October, 2011, a Michigan Department of Agriculture and Rural Development (MDARD) food inspector investigated a consumer tip that Ruster was selling apple cider at a local farmers market. Mitchell Hill Farm had been previously licensed as a maple syrup producer but was not approved to produce cider. After repeatedly being informed that he wasn't meeting safe cider production standards, Ruster continued to make and sell cider.

MDARD received notification of an outbreak associated with Ruster's cider on November 6, 2012. Subsequent investigation by the Health Department of Northwest Michigan, MDARD and the Michigan Department of Community Health (MDCH) determined the improperly processed cider caused an E. coli O157:H7 outbreak putting four individuals in the hospital, including two children. Several individuals affected by the outbreak continue to report symptoms today, more than a year after consuming the cider.

The investigation and criminal prosecution were conducted jointly by MDARD, the Health Department of Northwest Michigan, MDCH, Antrim County Prosecutor's Office, Michigan State Police, and the Michigan Department of Attorney General.

During the sentencing proceedings, Ruster was admonished by the judge for being criminally negligent in producing food that caused illness and injury to unsuspecting consumers. These victims are anticipated to have life-long after-effects from the virulent E. coli O157:H7 that caused their illness.

Ruster was given credit for two days served at the time of his initial arrest, and began serving his sentence immediately after the court appearance. He is also under an injunction prohibiting him from producing cider or violating the food law.

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