US Department of Labor press release: "Los Villatoros Harvesting LLC employed workers to harvest watermelons for Carlton Farms Inc., operating as Sun Fresh Farms Inc. in Wauchula, Florida, for sale to Walmart and Kroger locations. In Indiana, the employer provided crews for Cardinal Farms in Oaktown and Wonning Melons in Vincennes to pack melons for sale through a distributor to chains including Kroger, Schnucks and Sam's Clubs… The prosecution is part of an investigation begun in 2017 by federal agencies in several states. Workers who escaped their unhealthy living and forced labor conditions first reported the violations to the Coalition of Immokalee Workers, a community-based human rights organization in Florida…"

US Wage and Hour Division Regional Administrator Juan Coria in Atlanta: "Human trafficking is a scourge caused by unscrupulous employers who profit by exploiting vulnerable workers, many of whom are afraid to complain about the awful situation in which they find themselves."

Last month, we **shared the news** of the successful prosecution of a multi-state forced labor operation in which hundreds of farmworkers were brutalized by a criminal organization led by Bladimir Moreno and his co-conspirators. Moreno was the ringleader of a labor contracting firm that, over the course of several years, brought workers to this country on temporary work visas, forced those workers into insurmountable debts, isolated them on labor camps surrounded by barbed wire, and threatened them with arrest and deportation if they tried to flee.

Last week, in a **major press release**, the United States Department of Labor identified several large grocery chains that bought — and sold — the produce picked by these exploited workers, profiting from their suffering, companies including the longtime Fair Food Program holdout Kroger.

Last week's press release from the Department of Labor — which we encourage you to read in full, below — is remarkable for one simple reason: While most forced labor prosecutions end with the announcement of long prison sentences for the farm labor bosses directly involved in the brutal schemes, this release took the unusual step of tracking the path of the produce picked in those brutal conditions all the way to the top of the trillion-dollar food industry, to the retail food chains that have, for far too long, escaped accountability for their role in the generations-old scourge of forced labor in our country's fields.

Make no mistake, forced labor is a profitable business, and it is on the rise today. And with each farmworker forced into modern-day slavery, the crops planted, picked, and packed by their hands make their way through this country's market and eventually onto *our* tables via multi-billion dollar food corporations like Kroger. Those corporations carefully curate their brands' reputations as social responsibility leaders when in fact they stubbornly, and unconscionably, turn their backs on the Fair Food Program, the one proven solution for not just fixing, but actually *preventing*, a long list of farm labor abuses, from forced labor to sexual harassment and assault, systemic wage theft, violence, humiliation, and harsh and dangerous working

conditions. As a result, and as once again documented in the Moreno case, countless farmworkers at the end of those company's produce supply chains continue to needlessly suffer at the hand of their farm bosses, day after day, year after year.

In light of these latest revelations, some **historical context on Kroger's longstanding refusal to join the Fair Food Program** is, perhaps, in order. Here is an extended excerpt from an exchange between the CIW's Julia Cruz, a farmworker herself and member of the Fair Food Program's worker-to-worker education team, and Kroger's CEO, Rodney McMullen, at the 2015 Kroger shareholder meeting in Cincinnati, Ohio. The question, and Mr. McMullen's answer, shed a stark light on last week's revelation of Kroger's relationship to the Moreno operation *almost 8 years later*:

CIW: *Good morning, my name is Julia de la Cruz. I'm here today representing the Coalition of Immokalee Workers, an organization of farmworkers internationally recognized for our work to end a long history of abuse in the fields. Just this year, the White House awarded us with the Presidential Medal for Extraordinary Efforts in Combating Modern Slavery.*

It's the sixth year that we've come here to this meeting to call on Kroger to join the Fair Food Program and uphold the highest ethical standards in your US tomato supply chain. Thirteen corporations are participating, including the world's largest retailer, Walmart, in what was called "the best workplace monitoring program… in the US" on the front page of the New York Times.

But Kroger's commitment is necessary in order to ensure that workers at the base of your supply chain aren't excluded from these protections. Meanwhile, participating in the program will enable Kroger's to mitigate risk and to give your consumers a product that you can stand behind.

Mr. McMullen, why refuse to give the opportunity to your shareholders to rest assured that Kroger is participating in this program, ensuring the elimination of farmworker abuses in Kroger's supply chain?

CEO Rodney McMullen: *Thank you and obviously you understand that our relationships with our suppliers are very important, and every year we continue to invest money with our suppliers in terms of audits, and making those audits unannounced, as well as announced. And we expect all our suppliers, as I mentioned before, to follow our strict code of conduct. And whenever we find a supplier that doesn't follow those strict codes, we stop doing business with them.*

And we applaud the efforts of the folks — the suppliers in the Immokalee region — for the improvements they have made and we really do believe some of those improvements is [sic] due to your organization. But we really do believe our responsibility is to our customers and shareholders to negotiate directly with suppliers rather than going through a third party. So, appreciate the feedback and comments.

A **follow-up question** by Elena Stein of the Alliance for Fair Food is every bit as relevant today as it was then:

Alliance for Fair Food: *Good morning, my name is Elena Stein and I am here on behalf of the Alliance for Fair Food.Mr. McMullen, you just justified Kroger's refusal to join the Fair Food Program by insisting that Kroger's monitors its own supply chain with its own code of conduct and that it has — at some unidentified point in the past — audited in Florida's fields. When? Where? How frequently? With what standards, what auditors, and what consequences for non-compliance?*

If Kroger was capable of having the resources to audit one of its many supply chains on its own, surely it would have been aware that nine cases of federally prosecuted slavery, involving over a thousand people, occurred in Florida agriculture before the Fair Food Program went into place. Surely it would have been aware of sexual violence in the fields, reported in one study as affecting as many as 80% of women in fields outside the Program's protections. And yet, in all those years, did Kroger ever shift their purchases away from those farms? Or did you continue to purchase, turning a blind eye to this egregious abuse of the people who make possible the produce — referenced earlier as Kroger's prized product — sold in your stores?

We aren't asking you to design your own solution. The Coalition of Immokalee Workers has already done it. If Kroger were serious in any way whatsoever about eliminating abuses in its supply chain, it would take the simple step of joining the Fair Food Program, an

established, proven solution to decades of abuses that are finally on their way to eradication from the fields. It asks remarkably little of participating buyers; quite on the contrary, it helps corporations like Kroger mitigate potential risk by ensuring that competent auditors are doing the job that a corporation of Kroger's size simply does not have the resources to do well. Walmart joined voluntarily because they knew it was smart for business.

Mr. McMullen, it's a simple choice: Do you want to continue to hold responsibility for the abuses that exist in your supply chain, growing the discontent from your consumers around the country as they call into question your corporation's integrity — as with the protest outside today — or do you want to give your shareholders the assurance that you have joined an existing program designed to ensure the highest human rights standards?

Mr. McMullen's response? He repeated his earlier answer to Ms. Cruz, and added, weakly, "We audit our suppliers once a year."

The Moreno operation was uncovered after two farmworkers escaped from a labor camp in Pahokee, Florida, by hiding in the trunk of a car. Once free from Moreno's control, those workers called the CIW for help. The CIW then collaborated with both the DOL and the US Department of Justice to finally bring an end to Moreno's forced labor conspiracy, marking the 13th such successful collaboration since the 1990's between the CIW and federal authorities ending in long prison sentences for abusive farm bosses and their acolytes.

Farmworkers from Immokalee — who created the groundbreaking Fair Food Program through decades of hard work and struggle — and their consumer allies will gather outside that same labor camp in the small farm town of Pahokee next month to launch the **5-day Build a New World March.** And it is in that spirit of fighting for farmworker freedom, for workers who remain vulnerable to modern-day slavery schemes like Moreno's when massive retail food chains refuse to support the proven protections of the Fair Food Program, that the marchers will demand Kroger, Wendy's, and Publix finally join the Fair Food Program and do their part to help eradicate the scourge of modern-day slavery once and for all.