

Suit filed in death at chocolate plant

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A personal injury lawsuit has been filed against the owners of a Camden chocolate plant, where a worker died last year after falling into a melting vat as he was mixing cocoa, an attorney announced Tuesday. The announcement came a day after federal authorities said they fined the plant \$39,000 for several safety violations, which are also listed in the lawsuit filed Dec. 30 in Philadelphia.

On July 8, Vincent Smith II, a temporary worker, was loading raw cocoa into an eight-foot mixing and melting tank when he fell into the 120-degree liquid and was struck on the head by a rotating paddle.

Thomas R. Kline, representing the Smith family, said there were no guardrails to prevent the fall; the floor around the vat was slippery with melted chocolate; there were no warning signs; there was no emergency shutoff switch on the platform above the vat, and there was no gear for other workers to attempt a rescue.

"This was a sure death," Kline said, describing how Smith was expected to feed chocolate into an open hole. "When he did fall in, he stood no chance of survival."

The lawsuit is filed against Lyons & Sons Inc. and Cocoa Services with offices in New Jersey and Pennsylvania, including Philadelphia, where the suit was filed. The Smith family is also suing numerous others, including the contractors who designed and built the factory.

A woman who answered the phone at a number shared by Lyons and Cocoa Services said officials there had no comment.

Inspectors from the Occupational Safety and Health Administration cited Lyons and Cocoa Services for failing to install railings above the tanks and warning signs.

After the accident, the company was temporarily closed and eventually fined \$1,152 by local authorities after inspectors discovered the plant had been operating without a mercantile license. Inspectors also cited plumbing and electrical violations that company officials said in July had been corrected.

Kline said company officials knew they were operating an unsafe plant.

"This worker was unknowingly invited into a death trap," Kline said. "They ignored any rule of occupational safety or common sense."