



Steve Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Food and Drug Protection Division*

Joseph W. Reardon  
Director

September 26, 2008

Mr. Frank Timberlake, Owner  
Rich Square Market  
Post Office Box 556  
Rich Square, North Carolina 27869

Dear Mr. Timberlake:

A reinspection of your retail grocery store Rich Square Market, located at 508 South Main Street in Rich Square, North Carolina was conducted on August 15, 2008 by Food Regulatory Specialist Je'Velle B. Leavens of this Department. This inspection revealed the presence of objectionable and insanitary food processing and storage conditions. A previous inspection of your firm conducted on May 22, 2008 revealed similar conditions. We specifically direct to your attention the following observations.

1. The following products with expired code dates were observed offered for sale:
  - four (4)- 32 oz cans of Enfamil ProSobee Lipil Soy Infant Formula exp Use By 1 Jul 08
  - one (1) package of Allergy Relief Lortadine Exp 09/07
  - two (2) packages of Our Family Women's Laxative Exp 06/08
  - five (5) packages of Goody's Body Pain Exp 01/08
  - fifteen (15) packages of Children's Fruit Flavored Non-aspirin Acetaminophen Exp 03/08
  - twenty-seven (27) packages of Extra Strength Non-aspirin Acetaminophen Exp 11/07
  - five (5) packages of Extra Strength Non-aspirin Pain Relief Exp 05/08

The preceding products were placed under State embargo FDC No. 0017847 pursuant to the North Carolina Food, Drug, and Cosmetic Act due to their being offered for sale after the "Use By" date appearing on the product label.

2. Several bottles of bleach products and household chemicals were noted stored on the same storage shelf adjacent to cases of food products.
3. Several cases of Clorox were noted stored adjacent to bags of sugar on the top storage shelf in the stock room.
4. The frozen foods grocery walk-in freezer was noted disorganized and product spillage was noted on the floor.
5. A damaged and/or torn metal strip was noted at the bottom of the exterior framework of the frozen foods grocery walk-in freezer.

Mr. Frank Timberlake, Owner  
Rich Square Market  
September 26, 2008  
Page 2

6. Unshielded fluorescent bulbs were noted over exposed produce in the retail produce display case.

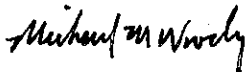
The sale of outdated infant formula and over the counter drug products as documented by Ms. Leavens is a violation of the following sections of the North Carolina Food, Drug, and Cosmetic Act and the North Carolina Administrative Code:

- Section §106-130(8) of the North Carolina Food, Drug and Cosmetic Act states: **"A food shall be deemed to be misbranded if it purports to be or is represented as a food for which a standard of quality has been prescribed by regulations as provided by G.S. 106-128.**
- Section 09N .0101 of the North Carolina Administrative Code states: **"Infant formula shall not be sold, held for sale or offered for sale after the "use by" date appearing on the label.**
- Section §106-133(2) of the North Carolina Food, Drug and Cosmetic Act states: **"A drug or device shall be deemed to be adulterated if it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium.**

A review of our records reveals that similar conditions involving the sale of infant formula and over the counter medications were documented during a previous inspection of your facility on 5/22/08.

We have directed this matter to your attention as Owner of Rich Square Market in order that you might take immediate steps to correct the above-mentioned conditions and assure a continual safe and sanitary operation. Your written response outlining the actions you are taking will be anticipated by this office within fifteen (15) days of receiving this letter.

Sincerely,



Michael M. Woody  
Food Compliance Officer

cc: Je'Velle B. Leavens – Food Regulatory Specialist