



Steve Troxler  
Commissioner

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

Joseph W. Reardon  
Director

March 9, 2009

Jerry Pope, Owner  
IGA Foodliner #275  
2971 Wendell Blvd.  
Wendell, North Carolina 27571

Dear Mr. Pope:

A reinspection of IGA Foodliner #275 located at 2971 Wendell Blvd., Wendell, North Carolina was conducted on January 9, 10, 11, 12 and 13, 2008 by Food Regulatory Specialists Janna Spruill, Chris Harris, John Marshall and Food Regulatory Supervisor Jim Melvin of this Department. This inspection revealed the continued presence of objectionable and insanitary food storage conditions. We specifically direct to your attention the following inspection observations as documented in official reports FDC 0014239-0014244:

1. The following products with an estimated value of six hundred four dollars and seventeen cents dollars (\$614.17) were placed under State Embargo FDC-0018436 pursuant to the North Carolina Food, Drug, and Cosmetic Act due to being rodent adulterated. These products were voluntarily removed from sale and disposed of by management during inspection:
  - a. Seven (7) bottles of Hinnant Family Vineyards Scuppernong and TarHeel Red Wine
  - b. Three (3) bottles of Glen Ellen Reserve White Zinfandel Wine
  - c. Fifteen (15) - 5 oz. packs of Slim Jims
  - d. Four (4) - one gallon bottles of IGA Vegetable Oil
  - e. One hundred twenty (120) -10 oz. cans of Beverly bulk Sausage
  - f. Nineteen (19) - 15.5. oz cans Bush's Chilli Magic
  - g. Six (6) - #10 cans Stokely's Green Beans
  - h. Five (5) bags Diamond Crystal Salt
  - i. Thirty six - 14.5 oz. cans Hunt's Diced Tomatoes
  - j. Twenty four (24) 15.5 oz. cans of IGA Kidney Beans

- k. Twelve (12) 15 oz. cans Chef Boyardee Beefaroni
  - l. Thirty (30) – 30 oz. jars Hellmann's Mayonnaise
  - m. Twelve (12) – 36 oz. bottles Heinz Tomato Ketchup
  - n. Two (2) – 15.9 Lb. bags Pedigree Small Breed Dog Food
  - o. Six (6) - #10 cans Stokely's Whole Kernel Corn
  - p. Ten (10) – 5 lb. bags Nunn-Better Dog Food
  - q. Four (4) – 12 oz. cans IGA Evaporated Milk
  - r. Thirteen (13) – 14.5 oz. cans Green Giant Cream-Style Corn, Green Beans and IGA Green Beans.
  - s. Fifteen (15) – 5.5 oz. containers LAYS Stacks, cheddar flavored
2. Approximately eleven (11) decomposing mice on the floor beneath the shelf displaying bread, bagged stuffing and ice cream cones located on the west retail wall/northwest corner of the firm.
  3. Approximately ten (10) dead mice on the floor and/or storage bunkers in the stockroom along the north and east walls of the firm.
  4. More than two hundred (200+) rodent excreta pellets on/under retail shelves displaying bread, stuffing and ice cream cones, as well as along the perimeter wall areas adjacent to the bread in the northwest retail corner.
  5. More than twenty (20+) rodent excreta pellets in a cabinet beneath the greeting cards storing bottles of wine with greeting card display unit located adjacent to the retail bread display.
  6. More than ten (10+) rodent excreta pellets on/under retail shelves storing potato chips along the south retail wall, adjacent to the produce prep area.
  7. Thousands (1000's) of rodent excreta pellets on the floor, on storage bunkers, in cases of stored product, on product packaging, on unused equipment/shelving displays and on miscellaneous stored items stored in the stockroom.
  8. Suspect gnawed product packaging and rodent urine stains/grease tracks on food and non-food products stored on bunkers in the stockroom specifically along the north and east walls.
  9. One (1) suspect rodent nest in a box of miscellaneous items along the east wall of the stockroom across from the meat department.
  10. Bloody residues beneath grocery carts and boxes with fresh meat/chicken on the floor of the old dairy cooler and stored with cases of fresh produce.
  11. Four (4) packages of Tom & Ted's smoked bacon and six (6) packages of Gwaltney Center Slice Smoked Ham with printed manufacturer's sell-by dates differing from sell-by dates on IGA labels.
  12. Approximately five (5) fluorescent light bulbs unshielded directly above retail produce displays.

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IGA Foodliner #275  
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13. Suspect mold-type residue on the gasket affixed to the inside of the ice machine door.
14. Heavy suspect mold/dust on the fan covers in the old dairy cooler now utilized to store meat.
15. Accumulations of dust, floor filth as well as animal feed and dog food spillage on retail aisle 9.
16. Accumulations of unused equipment, boxes of packaging materials and miscellaneous items in a disorganized manner in the stockroom, produce prep area and in retail corners.
17. More than twenty (20+) openings/holes along the north and east wall perimeter of the stockroom as a result of deteriorating expansion gaskets.
18. The rear double loading dock doors along the northeast section of the stockroom were ill-fitting along the bottom and vertically between the doors.
19. The drain pipe and elbow were disconnected at the floor/wall juncture on the right side of the door to the walk-in produce cooler.
20. An approximate four inch by four inch (4"x4") opening at the floor/wall juncture at the right of the doorway separating the meat department from the stockroom.
21. Dripping water originating from the ceiling/roof in the center area of the stockroom with leaks appearing to be on the same seam in the roof paneling.
22. Dust around four (4) ceiling air vents in the retail area.
23. Heavy accumulations of unused metal equipment stored at the rear exterior of the firm.
24. A damaged exterior drain line along the southeast corner of the firm.

A re-inspection of the facility conducted on October 29 and 30, 2008 by Food Regulatory Specialists Janna Spruill and John Marshall of this Department revealed the continued presence of similar, objectionable and insanitary conditions. The objectionable conditions were brought to your attention by a letter from this Department on November 5, 2008. To date, we have not received a response to this letter outlining the steps you are taking to correct the insanitary and objectionable conditions we observed in your firm.

The evidence of rodent activity as documented by Ms. Spruill, Mr. Harris, Mr. Marshall and Mr. Melvin creates objectionable and insanitary food storage conditions. These conditions constitute violations of the following sections of the North Carolina Food, Drug and Cosmetic Act:

1. §106-129(1)(c) which states **A food shall be deemed to be adulterated if it consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or it is otherwise unfit for food.**
2. §106-129(1)(d) which states **A food shall be deemed to be adulterated if it has been produced, prepared, packed or held under insanitary conditions whereby it may have been rendered diseased, unwholesome, or injurious to health.**
3. § 106-122(1) certain acts prohibited: **The manufacture, sale or delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded.**

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IGA Foodliner #275  
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Please also be advised that the North Carolina Food, Drug, and Cosmetic Act (the Act) prohibits changing the sell-by date of meat, meat products, poultry, or seafood by manufacturers, packers, distributors, or retailers unless the product has had its shelf-life extended through freezing, cooking or other additional processing that extends the shelf life of the product.

§ 106-130 (15) of the Act states: **A food shall be deemed to be misbranded if the labeling provided by the manufacturer, packer, distributor, or retailer on meat, meat products, poultry, or seafood includes a 'sell by' date or other indicator of a last recommended day of sale, and the date has been removed, observed, or altered by any person other than the consumer.**

Significant actions must be taken on your part to correct the above mentioned conditions at the earliest moment to assure a sanitary operation of the facility. This Department will conduct an inspection of your facility to verify the corrective actions prior to allowing for the resumption of operations at your facility. Your written response outlining the actions you are taking to correct the above referenced conditions will be anticipated by this office within ten (10) days of receiving this letter.

Sincerely,



Melanie Mhorsson  
Food Compliance Officer

cc: Jim Melvin, Food Regulatory Supervisor  
Janna Spruill, Food Regulatory Specialist  
John Marshall, Food Regulatory Specialist  
Chris Harris, Food Regulatory Specialist  
Miguel Velasquez, Manager



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Food and Drug Protection Division

Joseph W. Reardon  
Director

FDC NO: 0014239 Raleigh, N.C. January 14, 2009

An OFFICIAL SAMPLE, represented or sold as Filth obtained by

Janna Spruill an officer of this Department on January 9, 2009

Labeled: Suspect rodent droppings collected from the retail potato chip aisle.

Mfr. or Dist. \_\_\_\_\_

Retail Dealer IGA Foodliner #275, 2971 Wendell Blvd., Wendell, NC 27591

RESULTS OF ANALYSIS:

Seven (7) rat or mouse excreta pellets

CONCLUSION: Product has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

TO: Janna Spruill  
IGA Foodliner #275

*Larry D. Gabriel*

Larry D. Gabriel, Food Administrator  
BY: Melanie Mhorsson  
Food Compliance Officer



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FDC NO: 0014240 Raleigh, N.C. January 14, 2009

An OFFICIAL SAMPLE, represented or sold as Filth obtained by  
Janna Spruill an officer of this Department on January 9, 2009

Labeled: Suspect rodent droppings collected from a china saucer stored on cases of food product in the stockroom.

Mfr. or Dist. \_\_\_\_\_

Retail Dealer IGA Foodliner #275, 2971 Wendell Blvd., Wendell, NC 27591

RESULTS OF ANALYSIS:

Thirty-four (34) rat or mouse excreta pellets

CONCLUSION: Product has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

TO: Janna Spruill  
IGA Foodliner #275

*Larry D. Gabriel*

Larry D. Gabriel, Food Administrator  
BY: Melanie Mhorsson  
Food Compliance Officer



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FDC NO: 0014241 Raleigh, N.C. January 14, 2009

An OFFICIAL SAMPLE, represented or sold as Filth obtained by

Janna Spruill an officer of this Department on January 9, 2009

Labeled: 6 oz. can of Bumble Bee Chunk Light Tuna with suspect rodent urine stains and gnawed product packaging/label.

Mfr. or Dist. Bumble Bee Foods, LLC, San Diego, CA 92186

Retail Dealer IGA Foodliner #275, 2971 Wendell Blvd., Wendell, NC 27591

RESULTS OF ANALYSIS:

Dirty area on top of the retail can with rodent hairs attached;  
One (1) small gnawed area with rodent teeth markings on the side label of the can, measuring approximately 3.5cm x 5mm;  
The BTB urease test on the dirty areas was positive.

CONCLUSION: Product has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

TO: Janna Spruill  
IGA Foodliner #275

*Larry D. Gabriel*

Larry D. Gabriel, Food Administrator  
BY: Melanie Mhorsson  
Food Compliance Officer



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FDC NO: 0014242 Raleigh, N.C. January 14, 2009

An OFFICIAL SAMPLE, represented or sold as Filth obtained by

Janna Spruill an officer of this Department on January 9, 2009

Labeled: Suspect gnawed nesting material collected from a box of miscellaneous items stored in the stockroom.

Mfr. or Dist. \_\_\_\_\_

Retail Dealer IGA Foodliner #275, 2971 Wendell Blvd., Wendell, NC 27591

RESULTS OF ANALYSIS:

The bag contained 5.4g of gnawed and tattered paper with rodent hairs attached;  
The BTB urease test on the paper was positive;  
Seven (7) rat or mouse excreta pellets;

CONCLUSION: Product has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

TO: Janna Spruill  
IGA Foodliner #275

*Larry D. Gabriel*

Larry D. Gabriel, Food Administrator

BY: Melanie Mhorsson

Food Compliance Officer





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FDC NO: 0014243 Raleigh, N.C. January 14, 2009

An OFFICIAL SAMPLE, represented or sold as Filth obtained by

Janna Spruill an officer of this Department on January 9, 2009

Labeled: Suspect rodent droppings; gnawed foam insulation collected from the floor of the stockroom.

Mfr. or Dist. \_\_\_\_\_

Retail Dealer IGA Foodliner #275, 2971 Wendell Blvd., Wendell, NC 27591

RESULTS OF ANALYSIS:

More than one hundred (100) rat or mouse excreta pellets  
Insect fragments

CONCLUSION: Product has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

TO: Janna Spruill  
IGA Foodliner #275

*Larry D. Gabriel*

Larry D. Gabriel, Food Administrator  
BY: Melanie Mhorsson  
Food Compliance Officer



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FDC NO: 0014244 Raleigh, N.C. January 14, 2009

An OFFICIAL SAMPLE, represented or sold as Filth obtained by  
Janna Spruill an officer of this Department on January 9, 2009

Labeled: Piece of cardboard box with suspect rodent droppings and urine stains.

Mfr. or Dist. \_\_\_\_\_

Retail Dealer IGA Foodliner #275, 2971 Wendell Blvd., Wendell, NC 27591

RESULTS OF ANALYSIS:

The plastic bag contained one (1) piece of brown cardboard.  
This cardboard measured approximately 3.0 inches x 6.5 inches;  
In the plastic bag containing the sample: Three (3) rat or mouse  
excreta pellets 3mm in length; Two (2) rat or mouse excreta pellets  
attached to the cardboard; Stray rodent hairs attached to the cardboard;  
Spots on cardboard tested positive for the BTB urease test.

CONCLUSION: Product has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

TO: Janna Spruill  
IGA Foodliner #275

*Larry D. Gabriel*

Larry D. Gabriel, Food Administrator  
BY: Melanie Mhorsson  
Food Compliance Officer



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Director

November 5, 2008

Jerry Pope, Owner  
IGA Foodliner #275  
2971 Wendell Blvd.  
Wendell, North Carolina 27571

Dear Mr. Pope:

A reinspection of IGA Foodliner #275 located at 2971 Wendell Blvd., Wendell, North Carolina was conducted on October 28 and 29, 2008 by Food Regulatory Specialists Janna Spruill and John Marshall of this Department. This inspection revealed the continued presence of infant formula being offered for sale past the use-by date and other objectionable and insanitary food storage conditions. We specifically direct to your attention the following inspection observations:

1. The following products with an estimated value of one hundred eighty nine dollars (\$189.00) were placed under State Embargo FDC 0015661 pursuant to the North Carolina Food, Drug, and Cosmetic Act. These products were voluntarily removed from sale and disposed of by management during inspection:
  - a. Nine (9) cans 12.9 oz Enfamil Prosobee Soy Infant Formula Powder Exp. 1 Oct 08.
  - b. Food products with visible mold and bloated packages:
    - i. Six (6) 16 oz. packages Johnsonville breakfast sausages
    - ii. Six (6) 16 oz. packages Shadybrook breakfast sausages.
    - iii. Two (2) Smithfield smoked hams.
2. Two (2) fresh tomatoes with suspect mold type growth in fresh produce display section.

3. More than nine (9+) packages of Tom & Ted's smoked bacon with manufacturer's sell-by date printed on the package with IGA labels with a different (extended) sell-by date.

Please be advised that the North Carolina Food, Drug, and Cosmetic Act (the Act) prohibits changing the sell-by date of meat, meat products, poultry, or seafood by manufacturers, packers, distributors, or retailers unless the product has had its shelf-life extended through freezing, cooking or other additional processing that extends the shelf life of the product.

§ 106-130 (15) of the Act states:

A food shall be deemed to be misbranded if the labeling provided by the manufacturer, packer, distributor, or retailer on meat, meat products, poultry, or seafood includes a 'sell by' date or other indicator of a last recommended day of sale, and the date has been removed, observed, or altered by any person other than the consumer.

4. Suspect mold type residue inside the door of icemaker, and in the ice bin in the fresh produce prep area.
5. White poly table top cutting board in the fresh produce prep area was discolored/gouged/not smooth or easily cleanable.
6. Frozen packaged meats stored/stacked on top of bagged ice in the ice storage freezer.
7. Heavy suspect dust/mold type residue was observed on the fan covers in the dairy cooler.
8. Frozen vegetable spillage in the frozen vegetable display case located on the north retail wall.
9. Drain pipe and elbow disconnected at the floor/wall juncture at the right of the door to the walk-in vegetable cooler.
10. An approximate four inch by four inch (4"x4") hole at the floor/wall juncture at the right of the doorway that separates the meat department from the stockroom.
11. Deteriorated gutters and downspouts along the entire rear exterior wall and an accumulation of unused metal equipment in the vicinity of the rear exterior of the firm.

Jerry Pope, Owner  
IGA Foodliner #275  
November 5, 2008  
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Review of our records reveals that similar objectionable conditions were documented at the facility during an inspection on July 28, 2008 by Food Regulatory Specialist Janna Spruill of this Department.

We have directed this matter to your attention as Owner of IGA Foodliner #275 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,



Melanie Mhorsson  
Food Compliance Officer

cc: Janna Spruill, Food Regulatory Specialist  
John Marshall, Food Regulatory Specialist  
Miguel Velasquez, Manager

IGA Wendell

Owner Jerry Pope says he has resolved the contamination issues in the report and he's working with inspectors to make sure it doesn't happen again.