



Steve Troxler
Commissioner

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

Joseph W. Reardon
Director

November 20, 2008

Mr. Steve Jarvis, President
Jarvis Food Markets, Inc.
P.O. Box 236
North Wilkesboro, NC 28659

Dear Mr. Jarvis:

A re-inspection of Village Food Mart # 3 located at 3181 Hwy 16 South, Moravian Falls, North Carolina 28645 was conducted on November 04, 2008 by Food Regulatory Specialist Jody Reid of this Department. This inspection revealed the continued presence of over the counter medications beyond the stated label "Use By" Date. We specifically direct to your attention the following inspection observations:

1. Two (2) Good Sense Sinus Congestion & Pain Non-Drowsy- 24 caplets - Exp 09/08.
2. Two (2) Woman's Tylenol Menstrual - 24 caplet - Exp 05/08.
3. One (1) Pamprin Cramp Menstrual Pain Relief - 16 caplet - Exp 11/08.
4. Three (3) Good Sense Hemorrhoid Ointment - 2 oz. - Exp 01/2008 & 06/2008.
5. Two (2) Excedrin Sinus Headache - 2 caplet - Exp 09/08.
6. Eight (8) Nyquil Liquicap Cold/Flu Relief - 2 liquicap - Exp Jn 07, Jn 08, No/08.

Your inspections of April 23, 2008 and August 14, 2008 revealed similar out of date medication issues. A letter from this Department concerning this matter was written to you on September 26, 2008. Your response, received on October 06, 2008, states, "We have decided to have our stores take the responsibility to check dates once a week; try a different supplier who will work more diligently to see product is fresh; and not carry the more expensive products that take longer to sell and are more apt to go out of date."

The continued sale of outdated over the counter medications constitutes a violation of the following section of the North Carolina Food, Drug and Cosmetic Act (the Act):

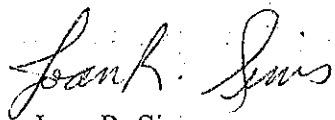
- Section §106-133(2) of the Act states: **"A drug or device shall be deemed to be adulterated if it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium.**

Mr. Steve Jarvis, President
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We will reinspect your facility in the near future to assure that violations of the North Carolina Food, Drug and Cosmetic Act have been eliminated. Further documentation of outdated over the counter medications in your retail store by our Agents will warrant strong and immediate action on our part to prevent out dated over the counter medications from reaching the consumer. We strongly encourage your immediate and diligent efforts to correct the above referenced condition.

We direct this matter to your attention as President of Village Food Mart #3 and request a written response from you detailing your procedures regarding out-of-date medications. Significant actions should be taken on your part to correct the above mentioned condition to assure an operation in continual compliance with the North Carolina Food, Drug and Cosmetic Act. Your written response outlining further actions to ensure these type products are no longer offered for sale will be anticipated by this office within ten (10) days of receiving this letter.

Sincerely,



Joan R. Sims
Food Compliance Officer

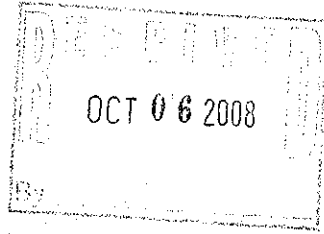
cc: Jody Reid - Food Regulatory Specialist
Mark Blackburn - Manager

JARVIS FOOD MARKETS, INC. dba Village Market

Village Market ~ P.O.Box 236 ~ N. Wilkesboro, NC 28659
Phone 336-838-3555 ~ Fax 336-838-9257

October 03, 2008

Joan R. Sims
Food Compliance Officer
NC Department of Agriculture
1070 Mail Service Center
Raleigh, NC 27699-1070



Dear Joan R. Sims:

In regards to your letter dated September 26, 2008 concerning out-of-date medications. You ask for our company's policy and steps we are taking to ensure expired products will not be offered for sale in the future. In the past we have relied upon the supplier to work and pull outdated product. Since this has not always worked well we have decided to

1. Have our stores take the responsibility to check dates once a week
2. Try a different supplier who will work more dilligently to see product is fresh
3. Not carry the more expensive products that take longer to sell and are more apt to go out of date

Thank you for working with us to help solve the problem.

Sincerely,

Steve L. Jarvis
President



Steve Troxler
Commissioner

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

Joseph W. Reardon
Director

September 26, 2008

Mr. Steve Jarvis, Owner
Jarvis Food Markets
71 Sparta Road
North Wilkesboro, NC 28659

Dear Mr. Jarvis:

A re-inspection of Village Food Mart # 3 located at 3181 Hwy 16 South, Moravian Falls, North Carolina 28645 was conducted on August 14, 2008 by Food Regulatory Specialist Jody Reid of this Department. This inspection revealed the presence of over the counter medications beyond the stated label "Use By" Date. We specifically direct to your attention the following inspection observations:

1. Sixty Five (65) Tylenol Allergy Multi-Symptom Pain Reliever Cool Burst - 2 caplet ct. Exp. 06/08 & 08/08
2. Three (3) Maximum Strength Tylenol Flu Non Drowsy - 2 gelcap ct. Exp 04/07
3. Five (5) Extra Strength Tylenol PM- 2 gelcap ct. Exp 04/08
4. One (1) Good Sense Pain Relief Allergy Multi-Symptom - 24 caplet ct. Exp 08/08
5. One (1) Well Patch Backache Pain Reliever Pads - 3 pad ct. Exp 01/08

The above referenced over the counter medications with an estimated value of eighty dollars (\$80.00) were placed under State Embargo FDC 0018662 and were voluntarily removed from sale and disposed of by management during inspection.

Our records indicate that similar conditions involving the sale of regarding out-of-date medications were observed during a previous inspection of your facility conducted on April 23, 2008. Please be advised that the sale of outdated over the counter drugs constitutes a violation of §106-133(2) of the North Carolina Food, Drug and Cosmetic Act.

We request a written response from you detailing your company's policy regarding out-of-date medications and the steps you are taking to ensure that expired products will not be offered for sale in the future. This office will anticipate this response within fifteen (15) days of receiving this letter.

Sincerely,

Joan R. Sims
Food Compliance Officer

cc: Jody Reid, Food Regulatory Specialist
Joyce Jenkins, Manager