



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

Steve Troxler
Commissioner

Joseph W. Reardon
Director

November 4, 2008

Mr. Jerry Rayfield, Vendor
2225 W. 7th Avenue
Gastonia, NC 28057

Dear Mr. Rayfield:

A re-inspection of your business located at Wholesale Alley Farmer's Market, 308 Berrier Avenue, Lexington, North Carolina 28295 was conducted on October 21, 2008 by Food Regulatory Supervisor Eddie Radford and Food Regulatory Specialist Lisa Bolds 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:

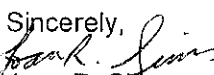
1. Four (4) boxes – 50 caplets/box – Tylenol Extra Strength – Code: 08/08 MLA114
2. Three (3) boxes – 365 tablets/box – Ecotrin Low Strength Aspirin – Code: 11/07 6B06
3. One (1) box - 50 caplets/box – Tylenol Arthritis Pain – Code: 03/2008 23748
4. One (1) box - 100 caplets/box – Bayer Extra Strength – Code: 08/08 234916L
5. One (1) box - 100 caplets/box – Bayer – Code: 10/07 229056H
6. Two (2) box - 4 tablets/box – Zantac 75 Acid Reducer – Code: 09/2008 A13410
7. One (1) box Suppress Cough Suppressants – 2/24 strips - Code: 07/08 31361
8. One (1) box – 5 tablets/ box – Non Drowsy Claritin 24 Hour Allergy – Code: 03/07 641100
9. Two (2) box – 8 fl oz./box – Rite Aid Cold & Allergy Elixir – Code: 08/08 26536
10. Two (2) box – 4 fl oz./box – Robitussin Cough/Cold Nitetime – Code: 09/08 B71416
11. Three (3) boxes – 4 fl oz./box – Rite Aid Cold & Allergy Children's Elixir – Code: 09/08 7AK0451
12. One (1) tube – .33 oz./tube – Baby Anbesol - Code: 03/08 B100761

The above referenced over the counter medications with an estimated value of thirty-six (36) dollars were placed under State Embargo FDC 0018072 and were voluntarily removed from sale and disposed of during the inspection.

Our records indicate that similar conditions involving the sale of regarding out-of-date medications were observed during a previous inspection of your business conducted on August 5, 2008. Please be advised that the continued sale of outdated over the counter medications constitutes a violation of the following section of the North Carolina Food, Drug and Cosmetic Act (the Act):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.**

Significant actions must be taken on your part as to correct the above mentioned conditions at the earliest moment to assure compliance of your facility. We request a written response from you detailing 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 ten (10) days of receiving this letter.

Sincerely,

Joan R. Sims
Food Compliance Officer

cc: Eddie Radford, Eddie Radford
Lisa Bolds, Food Regulatory Specialist
Nathan Beard, Market Manager