



Steve Troxler
Commissioner

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

Joseph W. Reardon
Director

September 26, 2008

CERTIFIED
RETURN RECEIPT REQUESTED

Mr. Ron Nadel, Owner
Amber Grains Bakery
9313 G Monroe Road, Ste. G
Charlotte, North Carolina 28270

Dear Mr. Nadel:

A reinspection of your wholesale bakery was conducted on August 18, 2008 by Food Regulatory Specialist Pam Whistler and Food Regulatory Supervisor Eddie Radford of this Department. This inspection revealed the presence of objectionable and insanitary food processing and storage conditions. Due to the conditions found during the inspection, a follow-up was conducted on September 3, 2008. We specifically direct to your attention the following observations documenting observations made during each inspection.

August 18, 2008

1. Suspect grain beetles were noted in the following:

- approximately 30 lb of cracked wheat in bin of ingredients
- all products produced on 8/18/08 prior to inspection – approximately 600 lb
- four (4) bags of cracked wheat products produced on 8/17/08
- approximately 5 lb each whole wheat flour and rolled oats in bins.

The preceding products were placed under State embargo FDC 0018941 and were voluntarily destroyed with an estimated value of one thousand dollars (\$1,000.00).

2. Suspect live and dead grain beetles were noted in the following:

- more than twenty-five (25+) beetles in a bin of cracked wheat
- one (1) dead beetle in proofer fabric pocket
- more than one hundred (100+) live and dead beetles in and on heads, housing, and bases of two (2) floor mixers
- more than twenty (20+) beetles on formers
- over three (3+) beetles on molder
- more than eight (8+) beetles in bin of rolled oats
- more than five (5+) beetles in bin of whole wheat flour.

3. Miscellaneous insects were noted as follows:

- over three (3+) live house flies on pallets of ingredients in production
- more than five (5+) live fruit flies along wall of pack-out room
- more than three (3+) live spiders on walls behind ice machine and pack-out room
- over five (5+) ants on floor between proofer and wall in production

4. The front screen door not closing completely and screen torn on right side.
5. Exposed insulation on five (5) rectangular holes in the walk-in cooler walls.
6. Holes noted along the floor-wall juncture and loose panel above the door in the walk-in cooler.
7. Old food residues at floor-wall junctures, equipment, tables, baking pans and baking racks throughout the facility.
8. Open bags on the prep table and in the cooler when not in use.
9. Torn cloth baskets on overhead proofer.
10. Condensate dripping from overhead cooling unit in cooler.
11. Approximately eight (8) missing ceiling tiles over proofer and ovens.
12. Employees involved in production wearing earrings.
13. Personal drink cans and cups, approximately six (6), in production area.
14. Floor drain by the oven lacking a cover.
15. Holes approximately 4-6 inches long in walls behind prep table and rack of pans.

We agree with your decision to voluntarily cease production to correct sanitation and structural deficiencies noted during the inspection. These corrections were completed and firm was permitted to resume operations.

September 3, 2008

1. Suspect live and dead grain beetles noted as follows:
 - two (2) dead and one (1) live beetle inside housing around motor of small mixer
 - one (1) dead beetle inside housing of large mixer
 - one (1) live beetle in cloth cup of overhead proofer
 - two (2) live and three (3) dead beetles inside and under metal bin of oatmeal
 - two (2) dead beetles under metal bin of whole wheat flour
 - one (1) live beetle on floor under rack of pans near proofer.
2. Exposed insulation on five (5) rectangular holes in the walk-in cooler walls.
3. Holes noted along the floor-wall juncture and loose panel above the door in the walk-in cooler
4. A moderate amount of old food residues at floor/wall junctures and on mixers.
5. Heavy amount of food residues on floors of cooler and at floor-wall junctures of coolers, on cooler rack, and on roll around racks.
6. Torn cloth baskets on overhead proofer.
7. Approximately eight (8) missing ceiling tiles over proofer and ovens.
8. Floor drain by the oven lacking a cover.
9. Holes measuring approximately 4-6 inches long in walls behind prep table, large mixer and rack of pans.

The preceding evidence of insanitary conditions illustrated by adulterated foods, pest activity, poor employee practices and inadequate facility maintenance found by Ms. Whistler and Mr. Radford in your facility constitutes violations of the following sections of the North Carolina Food, Drug, and Cosmetic Act:

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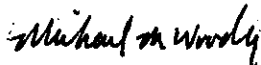
1. §106-129(1)(c) which states **A food is deemed to be adulterated if it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.**
2. §106-129(1)(d) which states **A food shall be deemed to be adulterated if it has been 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.**

Please be advised the above mentioned conditions place you and your firm in violation of the Act.

A review of our records reveals that similar conditions were documented during a previous inspection at your firm conducted on June 26, 2008. We acknowledge efforts taken on your part to correct some of the conditions previously found. This does not, however, relieve you and your company of the responsibility of operating your facility in a clean and sanitary manner at all times.

We have directed this matter to your attention as Owner of Amber Grains Bakery 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 ten (10) days of receiving this letter.

Yours very truly,



Michael M. Woody
Food Compliance Officer

cc: Pam Whistler – Food Regulatory Specialist
Eddie Radford – Food Regulatory Supervisor