



Steve Troxler
Commissioner

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

Joseph W. Reardon
Director

April 13, 2009

Mr. Rob Ferentz, District Manager
Lowe's Food Stores, Inc.
P.O. Box 24908
Winston-Salem, North Carolina 27114-4908

Dear Mr. Ferentz:

A reinspection of your Lowe's Foods #217 located at 10828 Providence Road in Charlotte, North Carolina was conducted on March 5, 2009 by Food Regulatory Specialist Pam Whistler of this Department. This reinspection revealed the continuing presence of objectionable food storage conditions. We specifically direct to your attention the following observations.

1. One (1)- twenty-four Caplet Top Care Allergy Multi-Symptom Exp 02/09.
2. Three (3)- 12.9 oz Enfamil LactoFree Lipil- 1 Feb 09.
3. Nine (9)- 13 fl oz Similac Isomil Advance Soy Formula- Use By 1 Mar 2009.
4. Three (3)- 13 fl oz Nestle Good Start Supreme Infant Formula with Iron- Use By 04 Mar 2009.
5. One (1)- Qt Similac Alimentum Hypoallergenic Formula DHA/ARA 1 Jan 2009.

The preceding products were placed under State embargo FDC No. 0019215 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.

The sale of outdated infant formula and over the counter drug products as documented by Ms. Whistler constitutes 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.

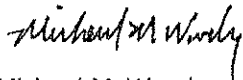
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- Section §106-133(2) of the North Carolina Food, Drug and Cosmetic Act states: "A drug or device shall be deemed to be adulterated if it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its 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 outdated infant formula and over the counter medications were documented during a previous inspection of your facility by Ms. Whistler on December 17, 2008.

We have directed this matter to your attention as District Manager of Lowe's Food Stores, Inc. 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: Pam Whistler – Food Regulatory Specialist
Frank Locicero – Store Manager, Lowe's Foods #217