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ROY COOPER
ATTORNEY GENERAL

State of North Carolina
Department of Justice
9001 Mail Service Center
RALEIGH, NORTH CAROLINA
27699-9001

REPLY TO:
ANNE J. BROWN
SERVICE TO STATE AGENCIES
PHONE: (919) 716-6800
FAX: (919) 716-6755
E-MAIL: ABROWN@NCDOJ.GOV

April 30, 2009

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Assim Boudib
New Bern Mini Mart
1601 New Bern Avenue
Raleigh, NC 27610

Dear Mr. Boudib:

This Office represents the North Carolina Department of Agriculture and Consumer Services (hereinafter, "NCDACS") and this letter is written in that capacity.

We recently received information from NCDACS concerning misbranded poultry products which you processed, stored, offered for sale, and sold to the general public. Specifically, the NCDACS investigation found approximately 40 pounds of misbranded poultry products (whole chickens) bearing no NCDA or USDA mark of inspection or required labeling. In a signed statement dated March 9, 2009, you admitted that you purchased whole chickens from Scruggs Poultry in Rocky Mount, NC in large boxes with USDA mark of inspection. You further admitted that you removed the chickens from their original container, repackaged them into smaller retail size ziplock bags and offered them for sale to your retail customers. Your store is not under county, state or federal inspection.

Please be advised that the sale of misbranded and/or uninspected poultry products is a violation of N.C.G.S. §106-549.56 with criminal penalties. Please understand that you will not receive any further warning with regard to this violation. If you should continue to sell misbranded and/or uninspected poultry products, the NCDACS will pursue legal action against you to invoke the penalties associated with these continued violations. I certainly hope this expensive action will not be necessary.

Sincerely,

Anne J. Brown
Special Deputy Attorney General

AJB/alh

cc: Mr. Donald H. Delozier, MPID Director

5/8/09 cc: D. Moody
Wake Co. H.D.

RECEIVED
MAY 04 2009
NCDA&CS
MEAT & POULTRY INSPECTION

REVIEW AND COMPLIANCE RECORD

New Bern Mini Mart

AL
DHD

PART I

NATURE OF ACTION

A

A = Add New Firm
BC = Update Based Upon Review

C = Change Form
D = Delete Form

DATE OF THIS REVIEW

Month	Day	Year
03	09	09

PART II

NAME OF FIRM/INDIVIDUAL

New Bern Mini Mart

AREA

453-NE

ESTABLISHMENT NUMBER

N/A

STREET ADDRESS OR R.F.D. NUMBER

1601 New Bern Avenue

CITY

Raleigh

STATE ABBREV.

NC

ZIP CODE

27610

COUNTY CODE

Wake

REGION

NE

RISK CATEGORY

1 1 2 3 9

TYPE OF PRODUCT

P M = MEAT
P = POULTRY
B = MEAT AND POULTRY

TYPE OF BUSINESS (code* in order of prominence)

06

None

None

INSPECTION PROGRAM

N N = NONE F = FEDERAL S = STATE
C = COUNTY T = TALMADGE-AIKEN

GRADING CODE

N N = NONE
F = FEDERAL
S = STATE

PART III

MANAGING OFFICIALS

NAME	NAME
Mr. Assim Boudib	N/A
ADDRESS	ADDRESS
Same as above	N/A

SOURCE(S) OF INFORMATION, ADDITIONAL REMARKS, AND OTHER PERTINENT INFORMATION (Include names and addresses where appropriate.)

The above named firm was found to be processing, storing, offering for sale and selling misbranded (no N.C.D.A. or U.S.D.A. mark of inspection or required labeling) poultry products to the general public.

This violation is being issued for the processing, storing, offering for sale and selling of misbranded (no N.C.D.A. or U.S.D.A. mark of inspection or required labeling) poultry products to the general public in violation of the North Carolina Compulsory Meat Inspection Law, General Statutes 106-549.23.(3).a.b.

N.C.D.A. & C.S., M.P.I.D. Food Compliance Officer Daniel E. Moody Jr. submitted Form C&E-1, Report on Apparent Violation, on March 23, 2009.

RECOMMENDATIONS

**LETTER OF WARNING FROM THE NORTH CAROLINA ATTORNEY GENERAL'S OFFICE
RISK CATEGORY 1 / REVIEW 2ND QUARTER 2009**

AREA OFFICE	SIGNATURE OF OFFICER	BADGE NUMBER
Raleigh, NC	<i>Daniel E. Moody Jr.</i>	12

*CODES: 01-Processor; 02-Distributor; 03-Renderer; 04-Broker; 05-4-D; 06-Retailer; 07-Transporter; 08-Custom; 09-Restaurant; 10-Abattoir; 11-Animal Food; 12-Warehouse; 13-Salvage; 14-Miscellaneous