



DND

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

January 30, 2009

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Ms. Thuy Tran
Que Huong Oriental Market
3312 Capital Blvd.
Raleigh, NC 27604

Dear Ms. Tran:

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 meat products that you processed, stored, offered for sale and sold to the general public. Specifically, the NCDACS investigation found approximately 55 lbs. of misbranded meat products with no NCDA or USDA mark of inspection or required labeling. In a signed statement dated January 3, 2009, you admitted that you purchased pork liver, pork hearts, pork ribs, pork side meat, beef tendons and beef meat in large boxes marked with USDA marks of inspection from Nahunta Pork Center in Pikeville, NC and L&V Food Supply in Houston TX. You further admitted that you repackaged the products into smaller retail size packages and sold them to your retail customers for approximately one year. These products did not bear any mark of inspection and were thus misbranded. Your store does not operate under count, state or federal inspection.

Please be advised that the sale of misbranded and/or uninspected meat is a violation of North Carolina General Statute (N.C.G.S.) §106-549.23 with civil and 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 meat 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

RECEIVED
FEB 03 2009

NCDA&CS
MEAT & POULTRY INSPECTION

AJB/alh
cc: Mr. Donald H. Delozier, MPID Director

2/10/09 cc: D. Moody + Wake Co. Health Dept

CONTINUATION SHEET
C&E-1 (page 2)
Que Huong Oriental Market

PREDICATION

This investigation is a result of findings while performing a random compliance review at Que Huong Oriental Market, 3312 Capital Blvd., Raleigh, North Carolina 27604, on January 03, 2009 by North Carolina Department of Agriculture and Consumer Services (N.C.D.A. & C.S.), Meat and Poultry Inspection Division (M.P.I.D.) Food Compliance Officer Daniel E. Moody Jr.

SYNOPSIS OF FACT

During a random compliance review conducted on January 03, 2009 at Que Huong Oriental Market, 3312 Capital Blvd., Raleigh, North Carolina 27604, N.C.D.A. & C.S., M.P.I.D. Food Compliance Officer Daniel E. Moody Jr. observed misbranded (no mark of inspection or required labeling) pork liver, pork hearts, pork ribs, pork side meat, beef tendons and beef meat bearing no label and no N.C.D.A. or U.S.D.A. mark of inspection being offered for sale to the general public. An estimated 55 pounds (33 packs) of misbranded meat products were NC Detained (Tag #3802) and photographed. Que Huong Oriental Market does not operate under county, state, or federal inspection. In a signed statement dated January 03, 2009, Ms. Thuy Tran, owner/operator of Que Huong Oriental Market stated that the meat products were purchased in boxes with U.S.D.A. marks of inspection, from the following companies: Nahunta Pork Center, 200 Bertie Pierce Road, Pikeville, NC, and L&V Food Supply, 300 Polk Street, Houston TX 77003. Ms. Thuy Tran stated she repackaged (in white Styrofoam trays with clear plastic wrap) the misbranded pork liver, pork hearts, pork ribs, pork side meat, beef tendons and beef meat into smaller retail size packages without the benefit of required inspection.

SEE 2ND CONTINUATION SHEET

2ND CONTINUATION SHEET

C&E-1 (PAGE 2)

Que Huong Oriental Market

Que Huong Oriental Market inturn offered for sale and sold the individual packages of misbranded pork liver, pork hearts, pork ribs, pork side meat, beef tendons and beef meat for sale to the general public without the required labeling or the N.C.D.A. or U.S.D.A. mark of inspection.

SEE CASE EXHIBIT 1. Preliminary Notice of Detention.

SEE CASE EXHIBIT 2. Notice of Detention.

SEE CASE EXHIBIT 3. Compliance Photographic Exhibits 1-14.

SEE CASE EXHIBIT 4. Signed Statement dated January 03, 2009 by Ms. Thuy Tran .

Ms. Thuy Tran stated in a signed statement dated January 03, 2009 that she processed, stored, offered for sale and sold the misbranded meat products to the general public for approximately one year. The NC Detained meat products appeared wholesome, were labeled "Not For Sale" and released to Ms. Thuy Tran for her personal use after signing form C&E 15 (Release of Detained Product). Ms. Thuy Tran was issued an on-site cease and desist letter for the selling of misbranded meat products to the general public.

SEE CASE EXHIBIT 4. Signed Statement dated January 03, 2009 by Ms. Thuy Tran .

SEE CASE EXHIBIT 5. Notice of Termination of Detention.

SEE CASE EXHIBIT 6. Release of Detained Product.

SEE CASE EXHIBIT 7. On Site Cease and Desist Letter for Meat Products.