

HFI-35

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Food and Drug Administration

D1143B

Refer to: 1124876

Baltimore District
900 Madison Avenue
Baltimore, Maryland 21201
Telephone: (410) 962-4040

January 29, 1997

WARNING LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Josue Alvarado, Owner
Rio Grande Products, Inc.
10820 B&C Hanna Street
Beltsville, Maryland 20705

Dear Mr. Alvarado:

During a Food and Drug Administration (FDA) inspection of your food warehouse conducted on January 14-16, 1997, our investigator observed significant insanitary conditions and misbranding of food articles. At the conclusion of the inspection you were issued a Form FDA-483, "Inspectional Observations," which delineated a number of gross insanitary conditions present in your warehouse. These conditions cause food products stored in your facility to be adulterated within the meaning of Section 402(a)(4) of the Food, Drug, and Cosmetic Act (the Act).

The following is a list of the insanitary conditions observed by our investigator during the inspection:

1. At least 10 live sparrow-like birds were observed flying, feeding on spilled rice, and defecating on multiple food products throughout storage warehouses B and C.
2. Apparent bird excreta was observed on a lot consisting of 14 pallets of rice, 8 of which had at least one or more bags bearing apparent bird excreta on the outer portions of two-layer paper bags, labeled in part: "****6/10 LB. POLY BAGS PAR EXCELLENCE ENRICHED LONG GRAIN PARBOILED RICE****," located in the southern area of warehouse B.
3. A pallet holding 16/100 lb. plastic polyweave bags of imported red beans (labeling illegible) was observed with at least one apparent bird excreta stain on the outer portion of four bags located in warehouse C, south of the office.

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4. Apparent bird excreta was observed on the outside cartons of at least 10 different food product types throughout warehouse B.
5. The loading dock door of warehouse C had a gap opening at the base measuring approximately 4" x 2".

Also, during our inspection, labeling for your "RIO GRANDE ... SMALL RED SALVADOREAN BEANS," packaged into 1 pound 8 ounce plastic bags, was collected for review. We have determined that this product is misbranded, in that it fails to bear any nutrition labeling as required under Section 403(q)(1) of the Act and Title 21, Code of Federal Regulations (CFR), Part 101.9, and is not exempt under Section 403 (q)(5) from this requirement.

Final regulations codified under the Nutrition Labeling and Education Act of 1990 became effective on August 8, 1994. Products labeled on or after this date must comply with the new nutritional labeling requirements.

Enclosed is a copy of "A Food Labeling Guide" for your reference.

This letter is not intended to be an all-inclusive list of deficiencies at your facility. It is your responsibility to ensure adherence to each requirement of the Act and regulations.

You must notify this office in writing, within 15 working days of receipt of this letter, of the specific steps you have taken to correct the noted violations, along with copies of the revised labels. If corrective action cannot be completed within 15 days, state the reason for the delay and the time within which the corrections will be completed. Further violations may result in regulatory actions, such as injunction and/or prosecution.

Your reply should be sent to the U.S. Food and Drug Administration, Attention: Gerald W. Miller, Compliance Officer, 101 West Broad Street (Suite 400), Falls Church, Virginia 22046-4200.

Sincerely,

William M. Ment

William M. Ment
Acting Director, Baltimore District

Enclosure