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DEPARTMENT OF HEALTH & HUMAN SERVICES

New York District

Food & Drug Administration
850 Third Avenue
Brooklyn, NY 11232

August 27, 1998

WARNING LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Ferguson, President
Midway Airlines
800 West Morgan Street
Durham, NC 27701

Ref: 42-NYK-98

Dear Mr. Ferguson:

During a August 19, 1998 inspection of your aircraft at Stewart International Airport, New Windsor, N.Y., our investigator observed violations of the Public Health Service Act and regulations for the Control of Communicable Diseases and Interstate Conveyance Sanitation (Title 21, Code of Federal Regulations, Parts 1240 and 1250).

At the conclusion of the inspection our investigator presented to Mr. Brett Lenig, Station Manager, a List of Inspectional Observations, Form FDA-483 (copy attached), and discussed the Inspectional Findings. The following deviations were found:

Flight #304/N108ML Final Destination-Raleigh Durham

- **15 of 90 coach class roast beef sandwiches had internal temperatures tested between 56°F - 62°F.**
- **3 of 4 First Class chicken breast had internal temperatures tested between 55°F - 60°F.**
- **2 of 4 First Class roast beef sandwiches had internal temperatures tested between 55°F - 57°F.**
- **2 of 2 Crew meals turkey sandwiches had internal temperatures tested at 62°F.**

- 2 of 2 crew meals chicken breast had internal temperatures tested between 61°F - 62°F.

Midway Airlines

Page 2

These meals were catered in Raleigh Durham and tested in New York and were to be consumed on return route to Raleigh Durham.

The above violations are not intended to be an all-inclusive list of deficiencies which may exist. As a result of this inspection, a "Provisional" classification has been assigned for a period of thirty (30) days at which time a reinspection will be conducted. If significant improvement has not been made at that time, a "Not Approved" classification will be justified.

You should take prompt action to correct these violations. It is your responsibility to ensure that all requirements of the Public Health Service Act and the regulations promulgated thereunder are being met. You should notify this office in writing, within fifteen (15) working days of receipt of this letter, of the specific steps you have taken to correct the noted violations.

Your reply should be sent to the Food and Drug Administration, 850 Third Avenue, Brooklyn, NY 11232, Attention: Fabio Mattiasich, Compliance Officer. Mr. Mattiasich may be reached by telephone at (718) 340-7000 ext. 5292.

Sincerely,



Brenda J. Holman
District Director

Attached: Form FDA-483 (Inspectional Observations)
Form FDA-2465 (Inspectional Summary)

cc: 

cc: Mr. Brett Lenig, Station Manager
Midway Airlines
Stewart Int'l Airport
New Windsor, NY 12553