



DEPARTMENT OF HEALTH AND HUMAN SERVICES

1140151
Food and Drug Administration
Seattle District
Pacific Region
22201 23rd Drive SE
Bothell, WA 98021-4421

Telephone: 425-486-8788
FAX: 425-483-4996

July 28, 2000

VIA FEDERAL EXPRESS

In reply refer to Warning Letter SEA 00-72

Daphne Y. Zortman, Owner
The Growing Business
3839 Ox Yoke Drive
Billings, Montana 59105

WARNING LETTER

Dear Ms. Zortman:

We inspected your firm located at 3839 Ox Yoke Drive, Billings, Montana, on July 10, 2000, and found that you have serious deviations from Title 21 of the Code of Federal Regulations (21 CFR) Part 110 – Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food. A FDA 483 form (copy enclosed) listing the deviations was presented to you at the conclusion of the inspection on July 10, 2000. These deviations, some of which were previously brought to your attention, cause your sprouts to be in violation of Section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the Act). You can find this Act through links in FDA's homepage at www.fda.gov.

Your firm's sprouts are adulterated within the meaning of 402(a)(4) of the Act because they are being produced under insanitary conditions that may render the sprouts injurious to health. The conditions under which the sprouts are being produced are considered insanitary since effective preventive controls, particularly microbial testing of spent irrigation water, have not been adopted and implemented by your firm. In addition, your sprout processing room had wood beams with exposed insulation directly over the product in the staging area and sewage pipes directly over the product in the process area. Also, trays of sprouts were coming in contact with a deteriorating wood support post, and there were submerged water hose ends without backflow prevention devices.

This letter may not list all the deviations at your facility. You are responsible for ensuring that your processing plant operates in compliance with the Act and the Good Manufacturing Practice regulations (21 CFR Part 110). You also have a responsibility to use procedures to prevent further violations of the Federal Food, Drug, and Cosmetic Act and all applicable regulations. We may take further action if you do not promptly correct these violations. For instance, we may take further action to seize your product(s) and/or enjoin your firm from operating.

Daphne Y. Zortman, Owner
The Growing Business, Billings, MT
Re: Warning Letter SEA 00-72
Page 2

Please respond in writing within three (3) weeks from your receipt of this letter. Your response should outline the specific things you are doing to correct these deviations. You may wish to include in your response documentation that would assist us in evaluating your corrections. If you cannot complete all corrections before you respond, we expect that you will explain the reason for your delay and state when you will correct any remaining deviations.

Please send your reply to the Food and Drug Administration, Attention: Lisa M. Elrand, Compliance Officer, 22201 23rd Drive SE, Bothell, WA 98021-4421. If you have questions regarding any issue in this letter, please contact Lisa M. Elrand, Compliance Officer at (425) 483-4913 or via e-mail at leland@ora.fda.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles M. Breen", with a long horizontal flourish extending to the right.

Charles M. Breen
District Director

Enclosures:

Form FDA 483 – 7/10/00

21 CFR PART 110

Section 402 of the Federal Food, Drug, and Cosmetic Act

cc: MSDH with disclosure statement