

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
FOOD AND DRUG ADMINISTRATION**

DISTRICT ADDRESS AND PHONE NUMBER

250 Marquette Avenue, Suite 600
Minneapolis, MN 55401
(612) 334-4100 Fax: (612) 334-4134
Industry Information: www.fda.gov/oc/industry

DATE(S) OF INSPECTION

11/17/2009 - 12/21/2009*

FEI NUMBER

3007926870

NAME AND TITLE OF INDIVIDUAL TO WHOM REPORT ISSUED

TO: Mark A. Reisdorf, President

FIRM NAME

Mid-States Closeouts, Inc

STREET ADDRESS

254 S Chestnut St

CITY, STATE, ZIP CODE, COUNTRY

Ellsworth, WI 54011

TYPE ESTABLISHMENT INSPECTED

Warehouse

This document lists observations made by the FDA representative(s) during the inspection of your facility. They are inspectional observations, and do not represent a final Agency determination regarding your compliance. If you have an objection regarding an observation, or have implemented, or plan to implement, corrective action in response to an observation, you may discuss the objection or action with the FDA representative(s) during the inspection or submit this information to FDA at the address above. If you have any questions, please contact FDA at the phone number and address above.

DURING AN INSPECTION OF YOUR FIRM WE OBSERVED:

OBSERVATION 1

Effective measures are not being taken to protect against the contamination of food on the premises by pests.

Specifically, what appeared to be live rodents, rodent nesting, rodent gnawing, rodent excreta pellets and insects were observed in the following areas, where food products are stored, throughout the three stories of the building on 11/17/09, 11/20/09, 11/23/09, 11/24/09, and 11/30/09.

Seven live rodents were observed on 11/20/09, 11/23/09, and 11/24/09 in an office area and in the south gymnasium.

- What appeared to be a mature rodent was observed exiting the nesting location while what appeared to be three live baby rodents were nesting in a case of napkins on 11/23/09. Directly above the case of napkins was a box of (b) (4) (b) (4). The box had rodent-like gnawing and rodent-like excreta pellets and the ten bags of (b) (4) were empty. Rodent-like pellets and nesting materials were observed near and around the rodent-like nest which was located in the northeast corner of the south gymnasium.
- What appeared to be a mature rodent was observed running out from beneath a pallet of (b) (4) Coconut Biscuits located along the southwest side of the south gymnasium on 11/23/09.
- What appeared to be a mature rodent was observed running in the main area of the south gymnasium on 11/24/09.
- What appeared to be one live adult rodent was observed running in an office area located adjacent to the west wall of

**SEE REVERSE
OF THIS PAGE**

EMPLOYEE(S) SIGNATURE

Maria E. Kuhn, Consumer Safety Officer *Maria E Kuhn*
Frank S. Sedzielarz, Consumer Safety Officer
Karla J. Youngberg, Consumer Safety Officer *Karla J Youngberg*
Sandra Sejdinovic, Consumer Safety Officer
Tara C. Singh, Consumer Safety Officer
Paola E. Lathrop, Consumer Safety Officer
Amy L. McIntyre, Consumer Safety Officer *Amy L McIntyre*

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the south gymnasium on 11/20/09.

Storage room 109 located on the first floor of the building:

- Rodent-like gnawing was observed on a case of sponges on 11/17/09 and 11/23/09. The case was located approximately six feet from a case of (b) (4) Toast, a case of bulk packaged chocolate chips and a case of single serve (b) (4) Grape Jelly; items were located in the center of room 109.
- Rodent-like gnawing was observed on two bulk packaged bags of chocolate chips on 11/23/09. The chocolate chips were located in the center of room 109.
- Rodent-like excreta pellets and rodent-like gnawing was observed on a package of wafer cookies on 11/23/09; wafer cookies were located in a box of hammers and other miscellaneous items near doorway of room 109.

The south gymnasium located on the first floor of the building:

- On 11/23/09, a case containing 10 bags of (b) (4) with Spinach and Kale bag was observed to have rodent-like gnawing, rodent-like excreta pellets, and no product remained; product was found along wall in the northeast section area of the south gymnasium.
- Rodent-like gnawing and rodent-like excreta pellets were observed in two cases of (b) (4) Coconut Biscuits on 11/23/09. These cases are part of a pallet located on the southwest wall of the south gymnasium.
- Three rodent-like excreta pellets and rodent-like gnawing was observed in what appeared to be a bar of chocolate located in a tote of candy near the northeast area of the south gymnasium on 11/20/09.
- Rodent-like nesting material and rodent-like excreta pellets were observed on a pallet of (b) (4)

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located in the southeast corner of the south gymnasium.

The north gymnasium located on the first floor of the building:

- Two packages of (b) (4) Candy were observed to have rodent-like gnawing and rodent-like excreta pellets in them on 11/23/09. These packages were located in a case along the west wall of the north gymnasium.
- Rodent-like gnawing and rodent-like excreta pellets were observed in a package of (b) (4) Pasteurized Process Cheese Spread on 11/24/09, located in the middle of the north gymnasium.
- Rodent-like excreta pellets and what appeared to be shredded candy wrappers were observed in the northeast part of the north gymnasium on 11/23/09.

Storage room 312 located on the second floor of the building:

- Rodent-like excreta pellets and fluorescing stains were observed on a chalk tray on 11/23/09 which ran directly above stacked unlabeled boxes of (b) (4) Dark Chocolate with Espresso candy and stacked unlabeled boxes (b) (4) Peppermint Bark candy. Cases of (b) (4) were located in front of the chalk tray and beside the candy in room 312.
- Rodent-like gnawing, rodent-like excreta pellets, and fluorescing stains were observed on individually wrapped (b) (4) Rich Dark Chocolate with Espresso candy located in one of seven unlabeled cardboard boxes near the south end of room 312 under a chalkboard on 11/23/09.
- Rodent-like gnawing, rodent-like nesting material, and rodent-like excreta pellets were observed on individually wrapped (b) (4) Peppermint Bark candy located in one of eight unlabeled cardboard boxes near the south end of the

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room 312 under a chalkboard on 11/23/09.

Rodent-like excreta pellets were observed in an unlabeled package of cookies that appeared to be open and upside down on top of a rodent control device inside the doorway of storage room 9 located in the south end basement on 11/23/09.

On 11/17, 20, 23, 24, 30/09 and 12/01, 03/09 dead insects were observed in the firm. On 11/23/09, two live fly-like insects were found on a case of (b) (4) Grape Jelly in storage room.

Rodent-like excreta pellets (REP's) too numerous to count were observed outside of the old kitchen on the first floor at the northern most area of the hallway area on 11/17/09 and 11/30/09. The REP's were located directly in front of a box of baskets located approximately 6 feet from a pallet that contained a box of cappuccino mix.

A damaged corner of a case of (b) (4) Biscuits was observed having a package of cookies with rodent-like gnawing and containing rodent-like excreta pellets in a room on the first floor across from the machine shop door in the northwest section of the building on 11/30/09.

OBSERVATION 2

Failure to maintain buildings and physical facilities in repair sufficient to prevent food from becoming adulterated. Specifically, standing/leaking water, holes in the ceiling, and gaps in the doors were observed throughout the three stories of the building on 11/17/09, 11/20/09, 11/23/09, 11/24/09, 11/30/09, 12/01/09, and 12/03/09.

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Standing/leaking water was observed throughout facility:

- Standing water was observed on the first floor east of the north gymnasium in the hallway on 11/17/09, 11/30/09, 12/01/09, and 12/03/09. In the standing water on 11/30/09 a pallet was observed which held one case of (b) (4) Chocolate Wafers.
- In the stairwell, near room 307, water was observed standing on the floor, leaking from the ceiling into catch basins which sometimes overflowed, and was running down the stairs to the floor below on 11/30/09.
- Standing water was observed on the floor and in catch basins outside the band room in the hallway on the second floor on 11/20/09 and 11/30/09. The water on the floor appeared to have brown, white, and grey mold-like substances in it on 11/20/09. The water in the catch basin was observed to be brown colored and appeared to have floating debris on 11/30/09.
- A pipe located on the ceiling was dripping water onto a pallet on 11/30/09 and 12/01/09, in the northeast corner of the south gymnasium, approximately 50 feet from where (b) (4) are stored.
- Water was observed on the floor below a hole in the ceiling on 11/30/09, in the north gymnasium.

Holes/gaps in doors, windows and walls were observed throughout the facility:

- An approximate 3/4" gap was observed on the frame of the shipping/receiving door to the building located in the southwest corner of the south gymnasium on 11/23/09 and 11/24/09.
- A gap was observed at the bottom of the doorway on the west side of the north gymnasium on 11/23/09.
- An extension cord from the interior of the building was found to be running to the exterior of the building through an

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open vent in a window which was covered with slates of material on 11/30/09.

- A hole, approximately the size of a golf ball, was noted through a window in the southern second floor teachers' lounge on 11/30/09.

Damaged ceiling tiles and holes were observed through out the facility; some areas contain food products:

- Holes were observed in the ceiling tile in the northeast and southeast corners of the north gymnasium on 11/30/09.
- In the hallway between the north and south gymnasiums a ceiling tile was observed missing on 11/30/09.
- Ceiling tiles were observed as missing or moved from their location in the old lunch room on the first floor in the northern part of the building. (b) (4) chips were observed stored in this room on 11/30/09.
- On 11/30/09, in the hallway running north/south and the attached stairwell on the northern end on the second floor running from room 301 to 307 there are ceiling tiles missing. Foods, such as (b) (4) Pasteurized Processed Cheese Spread and (b) (4) Cookies, are stored in various areas in the southern half of the hallway.
- On 11/30/09, in room 310 a ceiling tile was observed to have fallen from the ceiling. A portion was observed lying on a desk still in the room; this portion appeared to have a black colored mold-like substance on it.
- On 11/20/09 and 11/30/09, the band room and attached rooms located on the second floor at the northeastern most point of the building, multiple ceiling tiles were observed to have fallen into the room. The ceiling tiles present on the ground in these rooms were observed to have a black and white colored mold-like substance on them.

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OBSERVATION 3

Failure to remove litter and waste and cut weeds or grass that may constitute an attractant, breeding place, or harborage area for pests, within the immediate vicinity of the plant buildings or structures.

Specifically, the following possible harborage areas for pests were observed on 11/23/09 and 11/30/09:

- In the northeast corner of the building, near the machine room, a pile of wood and other miscellaneous items these items include: a pallet against the wall with bricks stacked on it, vegetation, buckets, ladders, and other miscellaneous debris were noted in front of and around the overhead door into the building.
- Wooden pallets were observed stacked outside along the south wall of the building. Pallets were located approximately five feet from a gap in the loading dock door in the south gymnasium.
- Near door labeled 3 a pile of pallets and a cardboard box was observed along the west wall. Door labeled 4 is located approximately 30 feet from door 3; door 4 was observed to have a gap in bottom of door.
- An open bed truck containing carpet/rugs, plush toys, cardboard, and wood was backed up within one foot of the wall which is located along the northern section of the east wall. The truck bed was directly under a vent into the building.
- A pile of debris consisting of wood and plastic was observed next to the building along with vegetation along the southern section of the east wall of the building.
- Leaf litter was observed against the building along the north wall of the building.

*** DATES OF INSPECTION:**

11/17/2009(Tue), 11/20/2009(Fri), 11/23/2009(Mon), 11/24/2009(Tue), 11/30/2009(Mon), 12/01/2009(Tue), 12/03/2009(Thu), 12/21/2009(Mon)

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