

DEPARTMENT OF HEALTH AND HUMAN SERVICES FOOD AND DRUG ADMINISTRATION		1. DISTRICT OFFICE ADDRESS & PHONE NO. 212 3 rd Avenue South Minneapolis, MN 55401 612-334-4100	
TO	2. NAME AND TITLE OF INDIVIDUAL Howard P. Gunderson, Plant Manager		3. DATE 1/4/06
	4. FIRM NAME Happy Farms Cheese		5. HOUR 7:30 a.m. p.m.
	6. NUMBER AND STREET 123 County Road 23		
	7. CITY AND STATE & ZIP CODE Eau Claire, WI 54703		8. PHONE # & AREA CODE 715-223-4567
<p>Notice of Inspection is hereby given pursuant to Section 704(a)(1) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 374(a)(1)]¹. Written request is hereby given to access and/or copy the records described below, pursuant to the Federal Food, Drug and Cosmetic Act, Section 414(a) [21 U.S.C. 350c]² and Title 21 Code of Federal Regulations, Section 1.361³.</p>			
9. SIGNATURE (<i>Food and Drug Administration Employee(s)</i>) Sidney H. Rogers		10. TYPE OR PRINT NAME AND TITLE (<i>FDA Employee(s)</i>) Sidney H. Rogers, Investigator	
<p>Applicable portions of Sections 704 and 414 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 374 and 350c) and Title 21 of the Code of Federal Regulations, are quoted below:</p> <p>¹Sec. 704.(a)(1) For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or after such introduction, or to enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; and (B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers and labeling therein. In the case of any person (excluding farms and restaurants) who manufactures, processes, packs, transports, distributes, holds, or imports foods, the inspection shall extend to all records and other information described in section 414 when the secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals, subject to the limitations established in section 414(d). In the case of any factory, warehouse, establishment, or consulting laboratory in which prescription drugs or restricted devices are manufactured, processed, packed, or held, the inspection shall extend to all things therein (including records, files, papers, processes, controls, and facilities) bearing on whether prescription drugs or restricted devices which are adulterated or misbranded within the meaning of this Chapter, or which may not be manufactured, introduced into interstate commerce, or sold, or offered for sale by reason of any provision of this Chapter, have been or are being manufactured, processed, packed, transported, or held in any such place, or otherwise bearing on violation of this Chapter. No inspection authorized by the preceding sentence or by paragraph (3) shall extend to financial data, sales data other than shipment data, pricing data, personnel data (other than data as to qualifications of technical and professional personnel performing functions subject to this Act), and research data (other than data, relating to new drugs, antibiotic drugs and devices and, subject to reporting and inspection under regulations lawfully issued pursuant to section 505(i) or (k), section 507(d) or (g), section 519, or 520(g), and data relating to other drugs or devices which in the case of a new drug would be subject to reporting or inspection under lawful regulations issued pursuant to section 505(k) of the title. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.</p> <p>²Sec. 414(a) Records Inspection. If the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article that are needed to assist the Secretary in determining whether the food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals. The requirement under the preceding sentence applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location).</p> <p>³21 CFR 1.361 What are the record availability requirements? When FDA has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals, any records and other information accessible to FDA under section 414 or 704(a) of the act (21 U.S.C. 350c and 374(a)) must be made readily available for inspection and photocopying or other means of reproduction. Such records and other information must be made available as soon as possible, not to exceed 24 hours from the time of receipt of the official request, from an officer or employee duly designated by the Secretary of Health and Human Services who presents appropriate credentials and a written notice.</p>			