



March 27, 2018

Acme Markets  
Acme Markets – N151093  
1812 Marsh Rd.  
Wilmington, DE 19810

Dear Acme Markets:

**Closure of Food Establishment for Imminent Health Hazard**

The Division of Public Health (DPH) formally mandates that you cease and desist all food establishment activities effective immediately at Acme Markets, Wilmington, DE. Delaware law, 16 Del. C § 122 establishes the authority for Department of Health and Social Services to regulate food establishments. On March 20, 2018, imminent health hazards were identified during a complaint inspection. In accordance with 8-404.11 of the State of Delaware Food Code, imminent hazards exist due to a sewage backup in food preparation areas.

Prior to resuming operation, Acme Markets shall be inspected by DPH.

If you have any questions or concerns, please contact Mr. Jae Kim, of the Environmental Health Field Services – New Castle County at [REDACTED]

Sincerely,

  
Karyl T. Rattay MD, MS  
Director

Pc: HSP Administration  
OFF  
EHFS – NCC  
File



**DELAWARE HEALTH AND SOCIAL SERVICES**  
Division of Public Health

Violations cited in this report shall be corrected within the time frames specified below, but within a period not to exceed 3 calendar days for priority items, 10 days for priority foundation items (8-405.11) or 90 days for core items (8-406.11).

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**Food Establishment Inspection Report**

Page 1 of 3

Delaware Division of Public Health Office of Food Protection 417 Federal St., Dover, DE 19901		No. of Risk Factor/Intervention Violations <u>2</u>	Date <u>3-20-18</u>
Establishment <u>Acme Markets</u>		No. of Repeat Risk Factor/Intervention Violations <u>0</u>	Time In <u>10:50am</u>
Address <u>1812 Marsh Rd</u>		Score (optional) <u>NA</u>	Time Out <u>2:15pm</u>
City/State <u>Wilm, DE</u>		Zip Code <u>19810</u>	Telephone
License/Permit # <u>N151093/2-1-19</u>	Permit Holder <u>Acme Markets</u>	Purpose of Inspection <u>Complaint</u>	Risk Category <u>Med</u>
Est. Type <u>FE</u>			

**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item. Mark "X" in appropriate box for COS and/or R. COS=corrected on-site during inspection. R=repeat violation.

Compliance Status	Description	COS	R
<b>Supervision</b>			
1 IN <u>OUT</u>	Person in charge present, demonstrates knowledge, and performs duties		
2 IN OUT N/A	Certified Food Protection Manager		
<b>Employee Health</b>			
3 IN OUT	Management, food employee and conditional employee; knowledge, responsibilities and reporting		
4 IN OUT	Proper use of restriction and exclusion		
5 IN OUT	Procedures for responding to vomiting and diarrheal events		
<b>Good Hygienic Practices</b>			
6 IN OUT N/O	Proper eating, tasting, drinking, or tobacco use		
7 IN OUT N/O	No discharge from eyes, nose, and mouth		
<b>Preventing Contamination by Hands</b>			
8 IN OUT N/O	Hands clean & properly washed		
9 IN OUT N/A N/O	No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed		
10 IN OUT	Adequate handwashing sinks properly supplied and accessible		
<b>Approved Source</b>			
11 IN OUT	Food obtained from approved source		
12 IN OUT N/A N/O	Food received at proper temperature		
13 IN OUT	Food in good condition, safe, & unadulterated		
14 IN OUT N/A N/O	Required records available: shellstock tags, parasite destruction		
<b>Protection from Contamination</b>			
15 IN OUT N/A N/O	Food separated and protected		
16 IN OUT N/A	Food-contact surfaces, cleaned & sanitized		

  

Compliance Status	Description	COS	R
17 IN OUT	Proper disposition of returned, previously served, reconditioned & unsafe food		
<b>Time/Temperature Control for Safety</b>			
18 IN OUT N/A N/O	Proper cooking time & temperatures		
19 IN OUT N/A N/O	Proper reheating procedures for hot holding		
20 IN OUT N/A N/O	Proper cooling time and temperature		
21 IN OUT N/A N/O	Proper hot holding temperatures		
22 IN OUT N/A N/O	Proper cold holding temperatures		
23 IN OUT N/A N/O	Proper date marking and disposition		
24 IN OUT N/A N/O	Time as a Public Health Control; procedures & records		
<b>Consumer Advisory</b>			
25 IN OUT N/A	Consumer advisory provided for raw/undercooked food		
<b>Highly Susceptible Populations</b>			
26 IN OUT N/A	Pasteurized foods used; prohibited foods not offered		
<b>Food/Color Additives and Toxic Substances</b>			
27 IN OUT N/A	Food additives: approved & properly used		
28 IN OUT N/A	Toxic substances properly identified, stored, & used		
<b>Conformance with Approved Procedures</b>			
29 IN OUT N/A	Compliance with variance/specialized process/HACCP		

Risk factors are important practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public health interventions are control measures to prevent foodborne illness or injury.

**GOOD RETAIL PRACTICES**

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods. Mark "X" in box if numbered item is not in compliance. Mark "X" in appropriate box for COS and/or R. COS=corrected on-site during inspection. R=repeat violation.

Compliance Status	Description	COS	R
<b>Safe Food and Water</b>			
30	Pasteurized eggs used where required		
31	Water & ice from approved source		
32	Variance obtained for specialized processing methods		
<b>Food Temperature Control</b>			
33	Proper cooling methods used; adequate equipment for temperature control		
34	Plant food properly cooked for hot holding		
35	Approved thawing methods used		
36	Thermometers provided & accurate		
<b>Food Identification</b>			
37	Food properly labeled; original container		
<b>Prevention of Food Contamination</b>			
38	Insects, rodents, & animals not present		
38	Contamination prevented during food preparation, storage & display		
40	Personal cleanliness		
41	Wiping cloths: properly used & stored		
42	Washing fruits & vegetables		

  

Compliance Status	Description	COS	R
<b>Proper Use of Utensils</b>			
43	In-use utensils: properly stored		
44	Utensils, equipment & linens: properly stored, dried, & handled		
45	Single-use/single-service articles: properly stored & used		
46	Gloves used properly		
<b>Utensils, Equipment and Vending</b>			
47	Food & non-food contact surfaces cleanable, properly designed, constructed, & used		
48	Warewashing facilities: installed, maintained, & used; test strips		
49	Non-food contact surfaces clean		
<b>Physical Facilities</b>			
50	Hot & cold water available; adequate pressure		
51	Plumbing installed; proper backflow devices		
52	Sewage & waste water properly disposed		
53	Toilet facilities: properly constructed, supplied, & cleaned		
54	Garbage & refuse properly disposed; facilities maintained		
55	Physical facilities installed, maintained, & clean		
56	Adequate ventilation & lighting; designated areas used		

Person in Charge (Signature) [Signature] Date: 3-20-18

Inspector (Signature) [Signature] Follow-up: YES NO (Circle one) Follow-up Date:





### Inspection Report

Page 2 of 3

Delaware Division of Public Health  
Health Systems Protection  
417 Federal St., Dover, DE 19901

License/Permit #  
N151093

Date 3-20-18

Establishment <u>Acme Market</u>	Address <u>1812 Marsh Rd</u>	City/State <u>Wilm, DE</u>	Zip Code <u>1980</u>	Telephone
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**OBSERVATIONS AND CORRECTIVE ACTIONS**

Item Number	
	<u>Complaint</u>
	Complainant states [redacted] at the Marsh Road Acme overheard the deli people talking about how they cant wash their hands because the drains are clogged up.
	<u>Observations</u>
	Upon inspection spoke with Manager in charge (PIC) regarding complaint. Manager initially stated that there was an issue with the grease trap backing up the day prior, but the plumbers came out and corrected the issue. Upon inspection of draining/plumbing inspector observed floor drain began to back/overflow with live sewage. Inspector was informed by a [redacted] that the plumbers did not correct the issue and they were <del>inspected</del> <sup>expected to</sup> return and complete the job tonight. [redacted] stated that the staff was instructed to not use any of the plumbing in the entire Deli/Bakery area, and to wash their <sup>hands</sup> using a catch bucket in hand sinks with soap/paper towels. Inspector observed full food preparation operation occurring such as sandwiches being prepped, cake prep, cookies, and deli slicing. Inspector informed manager in charge to cease operation effective immediately. Inspector informed employees to discard food items in close proximity of live sewage. Inspector informed manager Deli and Bakery must close and remain closed until issue is resolved and approval to reopen by Health Dept. Inspector inspected seafood and Meat Dept, those areas are unaffected by sewage backup.

Person in Charge (Signature) <u>[Signature]</u>	Date: <u>3-20-18</u>
Inspector (Signature) <u>Kenneth Whittaker, EHSE</u>	Date: <u>3-20-18</u>



### Inspection Report

Delaware Division of Public Health  
Health Systems Protection  
417 Federal St., Dover, DE 19901

License/Permit #  
N151093

Date 3-20-18

Establishment  
Arme Markets

Address  
1812 Marsh Rd

City/State  
Wilm, DE

Zip Code  
19810

Telephone

#### OBSERVATIONS AND CORRECTIVE ACTIONS

Item Number	
	Inspector informed management that in the event of an imminent health hazard such as sewage backup, they must discontinue operation immediately and contact Health Dept; Inspector advised management to review SOP's for proper food safety in these types of events and to educate staff.
	<u>Violations</u>
8-404.11 (B)	Imminent health hazard sewage backup
2-102.11 (FF)	Lack of demonstration of knowledge
*	Deli and Bakery departments are CLOSED and must remain closed until sewage issue is resolved. The entire kitchen area of Deli and Bakery must be cleaned and sanitized including all equipment. Kitchens must not reopen until approval to reopen by Health Dept.
* 8-601.10	Re-inspection fee assessed in the amount of \$50.00 due to violations 8-404.11, 2-102.11. *

Person in Charge (Signature) *Chris Duffy*

Date: 3-20-18

Inspector (Signature) *Kenneth Whiteley, EHSH*

Date: 3-20-18





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## Food Establishment Inspection Report

Page 1 of 2

Delaware Division of Public Health Office of Food Protection 417 Federal St., Dover, DE 19901		No. of Risk Factor/Intervention Violations: <u>0</u>		Date: <u>3-22-18</u>
		No. of Repeat Risk Factor/Intervention Violations: <u>0</u>		Time In: <u>10:45</u>
		Score (optional): <u>NA</u>		Time Out: <u>11:10 AM</u>
Establishment: <u>Acme Markets</u>	Address: <u>1812 Marsh Rd</u>	City/State: <u>Wilmington, DE</u>	Zip Code: <u>19810</u>	Telephone: _____
License/Permit #: <u>N151093/2-1-19</u>	Permit Holder: <u>Acme Markets Inc</u>	Purpose of Inspection: <u>Follow Up</u>	Est. Type: <u>FC</u>	Risk Category: <u>Med</u>

### FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

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IN=in compliance    OUT=not in compliance    N/O=not observed    N/A=not applicable

COS=corrected on-site during inspection    R=repeat violation

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Person in Charge (Signature): <u><i>Carol Royson</i></u>	Date: <u>3-22-18</u>
Inspector (Signature): <u><i>Renee Whitaker HASI</i></u>	Follow-up: YES <input type="radio"/> NO <input checked="" type="radio"/> (Circle one)    Follow-up Date: _____





**Inspection Report**

Delaware Division of Public Health  
Health Systems Protection  
417 Federal St., Dover, DE 19901

License/Permit #  
N151093

Date 3-22-18

Establishment  
Acme Markets

Address  
1812 Marsh Rd

City/State  
Wilm DC

Zip Code  
19810

Telephone

**OBSERVATIONS AND CORRECTIVE ACTIONS**

Item Number	
8-404.11	Imminent Health Hazard no longer exist. Sewage back discrepance resolved and fully repaired.
1 2-102.11	Knowledge demonstrated. All staff and PIC educated on Sewage back up SOPs
	Deli and Bakery Departments approved to reopen and operate. Drain lines were jettied and sewage back up issue resolved. The entire kitchen area of bakery and Deli Dept thoroughly cleaned and sanitized.

Person in Charge (Signature) Chris [Signature]

Date: 3-22-18

Inspector (Signature) Rennew Whitely FHSII

Date: 3-22-18