

**BALTIMORE DISTRICT PROCEDURE**FOOD AND DRUG ADMINISTRATION
OFFICE OF REGULATORY AFFAIRS

DOCUMENT NUMBER:

FORM BLT-STATE.001**VERSION NUMBER: 1.0**

Page 1 of 4

STATE CONTRACT FOOD INSPECTION REPORT**EFFECTIVE DATE:**
11 July 2014**FIRM INFORMATION**

FEI Number: 1115142	Phone Number: (301) 927-4444
Legal Firm Name: Berliner Specialty Distributors	Name/Title of Top Management Official: Mr. Guy Berliner, Owner
DBA Name:	Top Management Official Email Address: Guy@berlinerfoods.com
PHYSICAL ADDRESS	MAILING ADDRESS
<input checked="" type="checkbox"/> Mailing address and physical address are the same.	
Street: 5101 Buchanan St	Street:
City: Hyattsville	City:
State: MD	State:
County: Prince Georges	Zip:
Zip: 20781	

INSPECTION DATA**DATE OF INSPECTION:**

08/01/2024

STATE AGENCY	PRODUCT CODE	PAC CODE
<input type="radio"/> MDAG	47---	<input checked="" type="checkbox"/> 03S040 cGMP Inspections
<input checked="" type="radio"/> MDH		<input type="checkbox"/> 03S002 Seafood Inspection (HACCP)
<input type="radio"/> VDACS		<input type="checkbox"/> 03S004 Juice Inspection (HACCP)
<input type="radio"/> WVBPH		<input type="checkbox"/> 03S005 AF/LACF Inspection
<input type="radio"/> WVAG		<input checked="" type="checkbox"/> 03S044

INSPECTION CLASSIFICATIONThe FDA classification for the current inspection is NAI VAI OAI.A compliance follow-up inspection conducted under State authority needs does not need to be scheduled.

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Page 2 of 4

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ENDORSEMENT

This inspection dated August 1, 2024, was conducted in accordance with a contract between the FDA and the Maryland Department of Health. Inspection coverage includes current good manufacturing practices, and requirements set forth for prepackaged foods requiring refrigeration for safety. The previous FDA inspection dated July 9, 2020, was completed under a state contract, and classified "no action indicated." Records show the previous inspection by the Maryland Department of Health is dated August 8, 2023.

The Form FDA 482 "Notice of Inspection" was issued to the owner Mr. Guy Berliner.

Ice cream and frozen novelty products are warehoused and distributed to independent route drivers with ice cream trucks, retail stores, and local markets located throughout the DELMARVA area. Many transactions are "cash and carry." The firm makes deliveries with use of leased climate-controlled vehicles.

Processes pertaining to receiving, storage, and distribution were evaluated. Inspection coverage includes an evaluation of employee food safety and hygiene training, current good manufacturing practices, and modified requirements associated with prepackaged foods requiring refrigeration for safety. Consumer complaint investigations and product recall procedures were addressed as well. Additional details are available by referencing the state inspection report.

No product labeling was reviewed because the facility is a warehouse.

One objectionable condition was observed during this inspection: Verification activities associated with review of temperature monitoring records is not implemented consistently. Some records have not been reviewed and others contain initials indicating review but the records are missing temperatures.

A Form FDA 483 "Inspection Observations" was not issued because a copy of the state inspection report was provided to and discussed with Mr. Berliner, who agreed to correct the objectionable condition within thirty (30) calendar days.

All actions to correct an objectionable observation noted during this or a previous inspection is documented. Any remaining corrections will be verified during the next state or federal inspection.

A sample was not collected, and no refusals were encountered.

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FORM BLT-STATE.001**VERSION NUMBER: 1.0**

Page 3 of 4

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11 July 2014

INSPECTION SUMMARY

Approximately 80% of incoming ingredients or products are received from out-of-state suppliers and 30% products are sold to out-of-state customers. Items are not sold through the Internet. Wholesale transactions account for approximately 100% of gross annual sales revenue.

Hours of operation vary depending on the season. Office hours are 7:00-2:00 PM, Monday-Friday. The number of people employed by the firm is approximately 12 (Seasonal, number fluctuates.) Gross annual sales classify the firm as FDA Establishment Size 5.

There have not been administrative changes associated with the firm since the previous inspection.

The facility is registered in accordance with the Bio-Terrorism and Food Safety Modernization Acts.

Mr. Guy Berliner was provided with a FDA Firm Resources handout.

Consumer complaints are not documented.

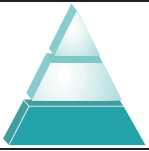
There are written procedures for implementing a recall. Since the previous inspection, the firm has not been involved in a recall.

Processes pertaining to warehousing and distribution of frozen ice cream novelty items were covered during this inspection.

Frozen product received -> employee inspects product -> stores product in freezer -> Picked up by customers/distribute under refrigeration.

Records reviewed include: "Warehouse Agreement" (07/05/24), "Berliner Special Events: Food Allergens", "Berliner Special Events: Recall", "Mock Trace Exercise Summary"(09/15/23), "Restroom Cleaning Sign Off"(01/01/23 to 07/31/24), and "Daily Freezer/ Refrigerator Temperature Log" (01/01/23 to 07/31/24.)

MD Department of Health conducted the previous (non-contract) inspection dated August 8, 2023. No objectionable conditions were observed.

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Page 4 of 4

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11 July 2014

ATTACHMENTS/EXHIBITS

- | | |
|---|--|
| <input checked="" type="checkbox"/> State Inspection Report | <input type="checkbox"/> Laboratory Analysis/Worksheet |
| <input checked="" type="checkbox"/> Form FDA 482 (Notice of Inspection) | <input type="checkbox"/> Sample Collection Report: |
| <input type="checkbox"/> Product Labeling | <input type="checkbox"/> Chain of Custody |
| <input type="checkbox"/> Form FDA 483 (Inspection Observations) | <input type="checkbox"/> Other: <input type="text"/> |
| <input type="checkbox"/> Photographs | |

For Preventive Controls Inspection also include:

-
- Inspector's Hazard Analysis
-
-
- Other:
-

For Seafood Inspection also include:

-
- FDA Form 3501 (Domestic Seafood HACCP Report)
-
-
- Copy of Firm's Seafood HACCP Plan
-
-
- Inspector's Hazard Analysis

For Juice Inspection also include:

-
- Copy of Firm's Juice HACCP Plan
-
-
- Inspector's Hazard Analysis

For Acidified Food Inspection also include:

-
- FDA Form 3511-2 (FDA Acidified Food Inspection Report)
-
-
- FDA Form 482a (Demand for Records)
-
-
- FDA Form 482b (Request For Information)
-
-
- Copy of Firm's Scheduled Process for Product Inspected

For Audits of Contract Inspections also include:

-
- FDA Form 3610 (Contract Audit)
-
-
- Training and/or Verification Memo
-
-
- OHAFO State Contract Report
-
- Quality Factor Checklist FORM-000585

Comments:**REPORT WRITTEN BY:**

Name and Title:

Timilehin Idris, LEHS

Date:

08/01/2024

REPORT APPROVED BY:

Name and Title:

Anthony Lattanzi, Section Head

Date:

08/29/2024



Statement of Commitment

Berliner Special Events, Inc.

Audit Date:
21-SEP-2023

Audit Score:
99.27

Expiration Date:
05-NOV-2024

5101 Buchanan St
Hyattsville Maryland 20781 United States

This document demonstrates that Berliner Special Events, Inc. has shown commitment to food safety through the successful completion of the:

Good Distribution Practices Audit

as well as through the submission of effective corrective action responses to the non-conformances identified during the audit.

Signed on behalf of
NSF International

A handwritten signature in black ink, appearing to read "SKrol", is written over a light blue background.

Sarah Krol
Senior Managing Director,
Global Supply Chain

NSF International
789 N. Dixboro Road, Ann Arbor, MI 48105 USA

The services are in no way a guarantee about food safety and are not a substitute for the facility's obligations regarding food safety. No testing was conducted as part of this audit. The facility is solely responsible for providing notices, warnings, or information learned from Services performed by NSF to any regulatory agency or to the general public as may be required by law, including recalling product as necessary. This agreement is for the benefit of the parties hereto and is not entered into for the benefit of any other person or entity.

Maryland Department of Health, Office of Food Protection

6 St. Paul Street, Suite 1301, Baltimore, MD 21202

Authority: Health-General Article §§21-211, 21-313 and 21-314, Annotated Code of Maryland

Food Processing Plant Inspection Report

Establishment Berliner Mobile Vending LLC			Address 5101 Buchanan St Hyattsville MD 20781		
Date 8/1/2024	Time In 12:00 AM	Time Out 2:00 PM	Facility Type Cold Food Warehouse	Priority Moderate	Purpose of Inspection Routine Inspection/ FDA Contract Investigation
License # P-11458	Exp 12/31/2024	Disposition Substantial Compliance			Follow Up N/ A

Violations **V** = Violation, **COS** = Corrected on-site during inspection, **R** = Repeat violation
 Based on an inspection this date, the items marked below and the corresponding observations identify violations of the Code of Maryland Regulations (COMAR) Title 10, Subtitle 15 "Food" to include Chapters .01, .02, .04, .07, .10, .11, and .12. Failure to remedy a violation within the stated time limit may result in suspension or revocation of your Food Processing Plant License and may subject you to other penalties specified in Health-General Article §§21-1214 and 21-1215, Annotated Code of Maryland.

Critical Items

#	V	Food Source and Protection	COS	R
1	<input type="checkbox"/>	Food obtained from approved sources	<input type="checkbox"/>	<input type="checkbox"/>
2	<input type="checkbox"/>	Food separated and protected from adulteration, spoilage, and contamination	<input type="checkbox"/>	<input type="checkbox"/>
Food Worker Sanitation				
3	<input type="checkbox"/>	Effective hand washing; Absence of illness transmissible through food	<input type="checkbox"/>	<input type="checkbox"/>
Food Process				
4	<input type="checkbox"/>	HACCP Plan provided, when required; Proper control at critical points	<input type="checkbox"/>	<input type="checkbox"/>
5	<input type="checkbox"/>	Equipment adequate for proper processing and sanitation	<input type="checkbox"/>	<input type="checkbox"/>
Food Packaging and Labeling				
6	<input type="checkbox"/>	Food packaged and labeled for safety; Allergen labeling	<input type="checkbox"/>	<input type="checkbox"/>
Water and Sewage				
7	<input type="checkbox"/>	Potable hot and cold running water provided	<input type="checkbox"/>	<input type="checkbox"/>
8	<input type="checkbox"/>	Sewage discharged in accordance with all applicable State and local codes	<input type="checkbox"/>	<input type="checkbox"/>

Good Manufacturing Practices

#	V	Food Protection	COS	R	#	V	Building Facility	COS	R
9	<input type="checkbox"/>	Perishable foods handled, stored, and transported to prevent deterioration	<input type="checkbox"/>	<input type="checkbox"/>	24	<input type="checkbox"/>	Garbage/refuse: properly disposed; containers/facilities maintained	<input type="checkbox"/>	<input type="checkbox"/>
10	<input type="checkbox"/>	Physical protection of food, food contact surfaces, and food packaging materials	<input type="checkbox"/>	<input type="checkbox"/>	25	<input type="checkbox"/>	Plumbing: designed, installed, maintained; proper backflow devices	<input type="checkbox"/>	<input type="checkbox"/>
11	<input type="checkbox"/>	Labeling: accurate, truthful, complete, not misleading	<input type="checkbox"/>	<input type="checkbox"/>	26	<input type="checkbox"/>	Toilet facilities: provided, properly constructed, and maintained	<input type="checkbox"/>	<input type="checkbox"/>
12	<input type="checkbox"/>	Food in storage: protected; morgue area	<input type="checkbox"/>	<input type="checkbox"/>	27	<input type="checkbox"/>	Hand washing facilities: provided where required; accessible; maintained and supplied; hand sanitizer provided, when required	<input type="checkbox"/>	<input type="checkbox"/>
13	<input type="checkbox"/>	Measurement devices: provided; used; calibrated	<input type="checkbox"/>	<input type="checkbox"/>					
Hygiene of Workers									
14	<input type="checkbox"/>	Personal habits: tobacco use; eating/drinking; personal storage	<input type="checkbox"/>	<input type="checkbox"/>	28	<input type="checkbox"/>	Floors, walls and ceilings: properly designed and constructed, maintained	<input type="checkbox"/>	<input type="checkbox"/>
15	<input type="checkbox"/>	Clean outer clothes; proper hair restraints; no jewelry	<input type="checkbox"/>	<input type="checkbox"/>	29	<input type="checkbox"/>	Lighting: provided, adequate, and maintained	<input type="checkbox"/>	<input type="checkbox"/>
					30	<input type="checkbox"/>	Ventilation: provided, adequate, and maintained	<input type="checkbox"/>	<input type="checkbox"/>
Toxic Chemicals					31	<input type="checkbox"/>	Building and Facilities: maintained; SSOPs monitored	<input type="checkbox"/>	<input type="checkbox"/>
16	<input type="checkbox"/>	Labeled; properly stored	<input type="checkbox"/>	<input type="checkbox"/>					
17	<input type="checkbox"/>	Used in accordance with GMP's and manufacturer's instructions	<input type="checkbox"/>	<input type="checkbox"/>	32	<input type="checkbox"/>	Non-food contact surfaces; properly designed and constructed, maintained	<input type="checkbox"/>	<input type="checkbox"/>
Equipment and Utensils					Miscellaneous				
18	<input type="checkbox"/>	Food-contact surfaces and equipment: properly designed, constructed, stored, and maintained	<input type="checkbox"/>	<input type="checkbox"/>	33	<input type="checkbox"/>	Required postings: valid license; hand washing posters, when required	<input type="checkbox"/>	<input type="checkbox"/>
19	<input type="checkbox"/>	Proper wash, rinse, and sanitation	<input type="checkbox"/>	<input type="checkbox"/>	34	<input checked="" type="checkbox"/>	HACCP Plan, Preventive Controls, and monitoring records: maintained, accurate, and available	<input type="checkbox"/>	<input type="checkbox"/>
20	<input type="checkbox"/>	Instrumentation and controls provided and maintained	<input type="checkbox"/>	<input type="checkbox"/>					
21	<input type="checkbox"/>	Test strips for sanitizers: provided used	<input type="checkbox"/>	<input type="checkbox"/>	35	<input type="checkbox"/>	SSOP and monitoring records: written, maintained, accurate and available	<input type="checkbox"/>	<input type="checkbox"/>
Vermin Control									
22	<input type="checkbox"/>	Insects, rodents, and animals: not present	<input type="checkbox"/>	<input type="checkbox"/>					
23	<input type="checkbox"/>	Plant adequately vermin proof	<input type="checkbox"/>	<input type="checkbox"/>					

Mark Violations on Cover Sheet

Maryland Department of Health, Office of Food Protection

6 St. Paul Street, Suite 1301, Baltimore, MD 21202

Authority: Health-General Article §§21-211, 21-313 and 21-314, Annotated Code of Maryland

Food Processing Plant Inspection Report

Critical Limit Observations	
Item and Location	Observations
Ambient/ walk in freezer	-9°F

Item #	COS	Repeat	Observations, Violations and Corrective Actions	Correct By Date
			<p>General Information:</p> <p>This is a routine Maryland Department of Health (MDH) inspection and FDA contract investigation of a firm that operates a cash and carry and vending operation from this location. Firm distributes products (ice cream and frozen specialty products) to ice cream delivery drivers (ice cream trucks), retail stores, and local markets.</p> <p>The firm is 100% wholesale. 80% of incoming product comes from out of state suppliers. Approximately 30% of product is distributed out of state to DC and VA. Delivery is done using leased climate control vehicles.</p> <p>Timilehin Idris From the Center for Food Processing. The inspection was conducted with Marcus Strong, Manager and discussed with Guy Berliner, Owner.</p> <p>Hours of operation: Vary depending on the season, office hours are 7:00-2:00 PM, Monday-Friday. Number of employees: Approximately 12 (Seasonal, number fluctuates) License is posted, Expires: 12/31/24</p> <p>FDA form 482 was emailed to owner at the start of inspection. Confirmation of receipt obtained. Firm is FDA size 5 for gross annual sales. Firm falls under FDA modified requirements as a warehouse and is registered in accordance with the Bio-Terrorism and Food Safety Modernization Acts.</p> <p>Employee Training Program</p> <p>Employees sign a Warehouse Agreement upon completion of onboarding training. Last Onboarding occurred on 07/05/24. Discussed adding a food safety and sanitation component to the agreement. Also discussed adding allergen statement.</p> <p>Warehousing Operations (Process Flow):</p>	

The firm observed warehousing and distributing at the time of inspection.

Firm receives frozen product → inspects product → stores product in freezer → Picked up by customers/distribute under refrigeration.

Refrigerated Packaged Foods:

Firm is a frozen in frozen out operation. All items remain in original boxes and packaging. Freezer is monitored through petty bond alarm systems. Alerts are via email and text. Manual records are taken daily.

Note: firm is in the process of installing additional remote monitoring device that is monitored through cell phone app.

Food Allergen Procedures:

Firm has an in-depth documented allergen control plan. Firm warehouses soy, peanuts, tree nuts, egg, and milk. Additional allergens of Fish and Shellfish are not stored by the firm but by warehouse space tenants. Tenants are separately licensed By MDH.

Sanitation Procedures:

Firm has dedicated cleaning staff that performs daily sanitation. In depth cleaning performed daily. Sanitation record maintained. All employees are also responsible for facility maintenance of their assigned work areas.

Erlich performs routine pest control monthly.
Restrooms, Dumpster, and Outside of Building-Ok

Recall Plan/ Consumer Complaints:

Firm has a written recall plan. Firm performs annual mock recall test. Last test was 12/12/23 and record reviewed. No recall since last inspection. Firm refers all product complaints to specific manufacture/processor, no complaints since last inspection.

Records reviewed:

"Warehouse Agreement" (07/05/24), "Berliner Special Events: Food Allergens", "Berliner Special Events: Recall", "Mock Trace Exercise Summary"(09/15/23), "Restroom Cleaning Sign Off"(01/01/23 to 07/31/24), and "Daily Freezer/ Refrigerator Temperature Log" (01/01/23 to 07/31/24) were reviewed at the time of inspection.


Previous Inspection:

No violations noted on the previous routine MDH inspection dated 08/08/23.

Discussion w/ Management:

The following violations observed today are to be corrected by dates indicated; corrections will be followed up at next routine inspection. This report will not be signed. A confirmation of receipt email will be sent when this report is received.

34	<input type="checkbox"/>	<input type="checkbox"/>	Some temperature records observed without initials, or initials without temperature.	8/29/2024
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I have inspected the establishment listed above and have reviewed the inspection findings with the Person-in-Charge.			
<i>Inspector's Signature</i> 	<i>Name</i> Timilehin Idris	<i>Email</i> Timilehin.idris1@maryland.gov	<i>Phone</i> (443)615-5037
As the Person-in-Charge, I have received a copy of this inspection report.			
<i>Person-in-Charge Signature</i> Confirmation of Receipt Email Requested	<i>Name</i> Guy Berliner Marcus Strong	<i>Email</i> Guy@berlinerfoods.com Marcus@berlinerfoods.com	<i>Phone</i> 301-927-4444