

Death Goes Shopping at Mission and Bay

With its long, dimly lit aisles, cluttered shelves and single-family managment, the Bay Mission Market seems little more than an undistinguished Mom and Pop grocery. But the store at 1604 Mission Street has a dark distinction — it is probably the most dangerous place to shop in Santa Cruz County.

Bay Mission's owner, Arthur F. Lam, has found two unorthodox means of maximizing his profits: keeping items on the shelves for years — even decades — past their useful life, and deliberately defacing the expiration dates of perishable foods. Several of the items contain cancer-causing or otherwise hazardous substances that were legally supposed to have been removed from sale years ago.

Among the items recently purchased at Bay Mission by the Express:

- ★ Loud-Mouth Lime and Sir Reginald Lime-Lime powdered drinks. They contain as their main ingredient sodium cyclamate, a cancer-related sweetener that was federally banned in 1970. Both drinks were aimed at the children's market; Bay Mission is across the street from Bay View Elementary School, and does a brisk business in candy and gum.

- ★ A package of Tiger's Milk health drink manufactured in 1964 or '65. Also high in cyclamates.

- ★ Matey Soap for children, in packages dating back to 1960 or '61. Its main active ingredient is Hexachlorophene, which has been a prescription-only substance since 1972. Ironically, Hexachlorophene is most dangerous for children — they can sustain brain damage by swallowing it.

- ★ Rolls of Pillsbury oatmeal cookie dough — where the manufacturer printed the recommended expiration date, Bay Mission had meticulously placed price labels. Peeling off the labels, we found an expiration date of "June 9." Judging from the shriveled condition of the dough, the month referred to was 1980 or '81.

- ★ Borden's Frosty milkshake drinks which carried November '82 expiration dates.

- ★ Other items of obvious antiquity included white sauce (1960 vintage), Jiffy Frosting (circa late '50s) and Nestle's Quik (early '60s). Other items of dubious quality included a leaking container of Metrecal (mid '60s) and a jar of



Potentially hazardous and out-of-date items found on the shelves of Bay Mission Market.

PHOTO: DON FUKUDA

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mold-covered, unrefrigerated bean curd.

How could such merchandise escape the attention of health and sanitation inspectors? "We probably didn't catch it because we didn't expect it," said Kenneth Mabie, a supervising public health sanitarian for the Santa Cruz County Environmental Health Service. "It doesn't seem conceivable to go into a market and buy something 20 years old... how can you make provisions for that?"

The department's file on Bay Mission dates back to 1965. Annual inspections show a number of minor sanitary violations (no soap dispenser in the bathroom, broken glass in the beer cooler), but there is only one reference to foodstuff quality. In 1974 some cans of S&W Baked Beans were noticeably bulging, a possible sign of botulism bacteria. They were ordered off the shelves, although the file contains no notation that the order was

complied with.

In the last inspection of Bay Mission on September 9 of last year, the store's general sanitation was described as "good." The inspector did, however, recommend that Mr. Lam "should consider clearing some clutter in Back Room."

In explanation of such oversights, Mabie cites staff and budget cutbacks that force an emphasis on site cleanliness over consumer protection. "It's entirely possible that an inspector can visit a store and not look at the packages," he said.

"It sounds like a *Twilight Zone* episode," said Karen Erdman, consumer affairs officer at the San Francisco office of the US Food and Drug Administration (FDA). "This is practically without precedence, certainly in this area for this decade."

Acting on information provided by the Express, Environmental

Health Services scheduled a special in-depth inspection of the market for April 8. Coordinated by Mabie, the inspection turned up dozens of other hazardous wares: packages of baking chips with holes apparently caused by insects, strawberry preserves blackened with age, jars of mustard that had hardened into a cake-like substance. Several of the cans were classified as "flippers" (containers that have lost their vacuum seal) while others bulged suspiciously. Among the bulging were cans of S&W Baked Beans — the same item Bay Mission had been cited for in 1974.

"This is just incredible," said Mabie, who added that in his 10 years as a health inspector, "I've never seen a store as bad as this."

While the only insect found was a dead cricket in the frozen foods section, other signs of infestation were present, including moth larvae casings and bits of beetle wing. "I could just about guarantee

that bugs have taken over at least a few of the packages in here," said Mabie.

More numerous were dairy and other semi-perishables with obscured freshness expiration dates. Bottles of Kraft Liquid Margarine read "MAR 80" underneath the neatly placed price labels. It was harder to date the jars of marshmallow cream, which had been more blatantly defaced with a black felt marker. All told, more than 20 instances of date deception were found.

In a brief phone interview a few days after the inspection, Bay Mission owner Lam emphatically denied that his stock included anything unwholesome. At first he claimed that "only some of my liquor" was more than three years old, but when confronted with evidence to the contrary he dismissed the decades-old packages as "specialty items." Finally, after stating that "you can make us out to be a bad store because of freedom of the press and everything," Lam refused further comment or clarification.

What action will be taken against Lam? For selling cyclamates and hexachlorophene in violation of Section 301 of the Food, Drug and Cosmetic Act, he faces up to three years in prison and/or a fine of \$10,000. The other health violations could also lead to sizable fines, and there are legal grounds for charging him with consumer fraud.

Lam, however, will probably avoid paying any fines at all. The County has given him a week to get rid of his questionable stock and if he complies no legal measure will be taken. FDA spokesperson Erdman cites an emphasis on "trying to nail the manufacturers, not the retailers" as the reason why her agency will not pursue the case. At most, San Jose FDA agents will visit sometime this month to see if the banned chemicals are off the shelves.

The Environmental Health Service has reacted swiftly to the potential embarrassment of the Bay Mission case. Its findings have prompted an in-depth review of inspection standards; some of the goods purchased at Bay Mission will be used as instructional aids and officials promise that small market operations will be watched more closely in the future.

"I'm not going to make apologies for this slipping through our fingers," said Mabie. "I am going to make sure it can't happen again."