From: **Williams,Joe (DSHS)** Joe.Williams@dshs.texas.gov
Subject: RE: Walmart #131 (Mount Pleasant) — Continued non-abatement: dented infant formula can, refuse/“claims” next to food totes, and refrigeration/drainage & sanitation hazards (10/04–10/08/2025)
Date: October 9, 2025 at 8:34 AM
To: DSHS Food Establishments FoodEstablishments@dshs.texas.gov
Cc: Guzman,Jason J (DSHS) Jason.Guzman@dshs.texas.gov, Vela,Kendall (DSHS) Kendall.Vela@dshs.texas.gov, Stifflemire,Sofia (DSHS) Sofia.Stifflemire@dshs.texas.gov

JW

Thanks, JD.

I have some questions:

- Have we informed this complainant that we have no jurisdiction over the Retail Food aspect of this store—that it is under the city?
- Are we referring these emails back to the City of Mount Pleasant?
- I believe we have also included Manufactured Foods in the discussions with this gentleman?

Unfortunately, because the store holds both a Retail Food Permit from the Local and a DSHS Food Mfg License, it isn’t quite as cut and dried as the situation that we had with the other gentleman earlier in the summer.

Thanks.

Perry Joe Williams RS
Director
Food Safety Unit
TX Dept. of State Health Services
Cell: 512-800-5343

TEXAS Health and Human Services | Texas Department of State Health Services

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From: DSHS Food Establishments <FoodEstablishments@dshs.texas.gov>
Sent: Thursday, October 9, 2025 7:35 AM
To: Williams,Joe (DSHS) <Joe.Williams@dshs.texas.gov>
Cc: Guzman,Jason J (DSHS) <Jason.Guzman@dshs.texas.gov>; Vela,Kendall (DSHS) <Kendall.Vela@dshs.texas.gov>
Subject: FW: Walmart #131 (Mount Pleasant) — Continued non-abatement: dented infant formula can, refuse/“claims” next to food totes, and refrigeration/drainage & sanitation hazards (10/04–10/08/2025)
Importance: High

Good morning, Sir.

We received another email from Mr. Moring regarding the Walmart in Mount Pleasant. Thank you.

Respectfully,

JDM

James McCracken, R.S.
Training and Quality Assurance Officer
Retail Food Safety Operations
Texas Department of State Health Services
P. O. Box 149347
Austin, TX 78714-9347
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DSHS is on Twitter, Facebook, Instagram, and YouTube
#HealthyTexas

From: Kyle Moring <_____ _____>
Sent: Thursday, October 9, 2025 6:09 AM
To: DSHS Food Establishments <FoodEstablishments@dshs.texas.gov>; DSHS Food Complaints <FoodComplaints@dshs.texas.gov>; DSHS Foods Regulatory <foods.regulatory@dshs.texas.gov>
Cc: Guzman,Jason J (DSHS) <Jason.Guzman@dshs.texas.gov>; Anguiano,Mari (DSHS) <Mari.Anguiano@dshs.texas.gov>
Subject: Walmart #131 (Mount Pleasant) — Continued non-abatement: dented infant formula can, refuse/"claims" next to food totes, and refrigeration/drainage & sanitation hazards (10/04–10/08/2025)

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Good morning,

I submit this continued non-abatement report for Walmart Store #131 (2311 S. Jefferson Ave., Mount Pleasant, TX) based on observations documented October 04–08, 2025. These conditions persist despite prior complaint handling (DSHS Complaint No. 1524250148/Inspection No. 308620 – "Substantiated") and "no violations" close-outs by the City.

1. Immediate hazard — dented infant formula can on the sales floor (October 08, 2025)

The attached images show an Enfamil Gentlease infant formula can with a deep dent at or near the rim/seam while on display for sale. Seam-area damage is a packaging integrity failure and presents a potential adulteration risk for infant formula.

Requested actions (infant formula):

- Immediate embargo/removal of the damaged container and shelf-wide audit of infant formula for additional compromised units;
- Require the store to provide disposition documentation (pull sheet/claims) and re-training records for damaged-product handling;
- Provide DSHS written confirmation (date, time, counts) of removal/audit completion.

2. Service Desk/Return-to-Floor tote area — refuse, "claims," and food protection issues (non-abatement October 04 → October 07 → October 08)

- **October 07, 2025 evidence:** Large open refuse container positioned immediately adjacent to racks of blue food totes used to store product ready to be returned to the sales floor; uncovered/loosely covered product staged on the rack; "DAIRY CLAIMS" and "BAKERY CLAIMS" totes located next to general "GROCERY" racks. These conditions present contamination and pest attraction, and are inconsistent with baseline sanitation and separation controls.
- **October 04, 2025 evidence:** Open trash can and a full trash bag on the floor next to the same return tote racks.
- **October 08, 2025 evidence:** Same zone again shows a full trash bag staged at the end of the tote rack, confirming continued non-abatement after October 07, 2025.

Requested actions (Service Desk/Returns)

- Remove refuse from the tote area and require closed, covered containers located away from food tote handling lines;
- Physically separate and clearly label storage for "claims/returns" totes vs. clean/active food totes, with procedures to prevent cross-contamination;
- Implement documented cleaning/sanitizing of floors and contact surfaces at appropriate frequency, with DSHS verification;
- Evaluate overhead ceiling staining for ongoing moisture intrusion; require corrective maintenance.

3. Garden Center (October 08, 2025) – food items merchandised with pesticides/toxics in an open-air area

Multiple images show edible food items (seasonings/spices, e.g., "Honey Garlic," "Steak King" rubs) displayed among and immediately adjacent to pesticides and other toxic products (aerosol insecticides/wasp & hornet sprays, mosquito larvicides such as "Mosquito Dunks," glue traps/rodent control, pool/household chemicals) on

sprays, mosquito larvicides such as "Mosquito Dunks," glue traps/rodent control, pool/household chemicals) on the same shelving in the Garden Center patio. One spice bottle appears lying on its side on a lower shelf adjacent to chemical products. The Garden Center patio is an open-air/partially enclosed environment. These photos reflect the location and commingling of food with toxic chemicals in an area exposed to environmental contamination (dust/pests).

Requested actions (Garden Center):

- Immediate removal/embargo of all edible items from the Garden Center and any other chemical or outdoor sales area;
- Shelf-wide audit of affected SKUs for potential chemical exposure/contamination, with documentation of pulls/disposition and employee re-training on segregation of toxics from food;
- Require planogram/procedure changes that prohibit co-merchandising food with pesticides, rodent control, pool chemicals, or other toxics, and prohibit placing food for sale in open-air garden zones;
- Include the Garden Center in the state-led re-inspection, with photo-verification of corrected merchandising and written SOP confirmation.

4. Refrigeration, drainage, and sanitation conditions (October 08, 2025)

- **Refrigeration/drainage:** Photos show persistent water presence around cases, moisture migration at slab joints, absorbent materials at case bases, and what appears to be an open drain/unfinished floor opening near refrigerated equipment—conditions inconsistent with controlling contamination and slip hazards.
- **Sanitation:** Images depict fouled case wells/shelves and general housekeeping deficits in grocery areas (accumulated debris/soils).
- **Contextual food case images** from meat/produce/grocery areas are included to show how these maintenance/sanitation conditions intersect with active merchandising.

Requested actions (refrigeration/drainage & sanitation):

- Conduct a state-led re-inspection (unannounced as appropriate) to verify cold-holding (TCS) with numeric product/case temperatures and thermometer calibration check;
- Require drain repair/covering, sealing of penetrations/joints, removal of absorbent socks, and documented deep-cleaning of case wells/shelving;
- Provide written verification of corrective actions and dates.

Response requested

Please acknowledge receipt and advise whether DSHS will (a) require immediate infant formula removal/audit, and (b) conduct a state-led re-inspection that includes the Service Desk returns tote area and the refrigeration/drainage/sanitation items above, with photo verification and numeric temperature/calibration documentation.

For transparency, I have also contacted Representative Cole Hefner and State Senator Bryan Hughes to request oversight and coordination regarding these issues with DSHS and the City of Mount Pleasant.

I can provide original, full-resolution photos/video (with metadata) upon request and will cooperate fully with any inspection.

Respectfully submitted in good faith,

Respectfully submitted in good faith,

/s/ Kyle Douglas Moring

Kyle Douglas Moring, M.S., LPC-Associate

Former Asset Protection Investigator — Walmart Store #131

Designated Representative of Walmart Store #131 Current Employees

- _____ _____

2025-10-09 - DSHS - Evidence Binder (1).pdf

