



**Ocean County Health Department**  
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### Complaint Memorandum

**Insp Date:** 11/14/18      **Business ID:** 100975  
**Business:** La Scala Bakery & Pastry Shop  
1231 Route 166  
Unit #8  
Toms River, NJ 08753

**Inspection:** OU000821  
**File Number:** 10721  
**Phone:** 732-286-3686  
**REHS:** B-101909 Dwight Gerdes  
**Reason:** 06. COMPLAINT  
**Results:** Complete

**Complaint Number:** C-201811140858-OU

#### Time In / Time Out

| Date     | In       | Out      | Insp | Travel | Total | Mileage | Notes |
|----------|----------|----------|------|--------|-------|---------|-------|
| 11/15/18 | 11:10 AM | 01:00 PM | 1:50 | 0:00   | 1:50  | 0       |       |
| Total:   |          |          | 1:50 | 0:00   | 1:50  | 0       |       |

#### Complaint Information

Type Food Complaint      Date Received 11/14/18      Received By England, Lynn  
Complaint Origin Public      Date Assigned 11/14/18      Assigned Inspector Gerdes, Dwight  
Establishment Municipality 1505 Berkeley      Date Finalized \_\_\_\_\_  
Location \_\_\_\_\_  
Owner, Agent of Responsible Person \_\_\_\_\_

#### Complainant Information

Complainant [REDACTED]      Phone [REDACTED]  
Address [REDACTED]      City [REDACTED]      State NJ      Zip [REDACTED]  
Occupation \_\_\_\_\_      Employer \_\_\_\_\_

Nature of Complaint: 10-14-18 Cannoli Cake had rum in it. Three family members suffered stomach ache.  
Referred from O.C. Dept. of Consumer Affairs.

***This item has Media/Attachments. See Footnote 1 at end of questionnaire.***

#### Footnote 1

## Complaint Memorandum

### Footnote 1 (Continued)

OC Dept Consumer Affairs

Non-Media File Attachment

File Type: Adobe PDF File

Current Path Name:

C:\WinWam5\MediaFiles\OU000126.pdf

Original Path Name:

G:\Scanned Files\La Scala\_201811140843.pdf

#### Complaint Investigation Narratives

Narrative Date 11/14/18

Narrative Author Gerdes, Dwight

11/14/18

Dwight Gerdes, REHS on site with Alfred Scala, Partner. 732-286-3686

Complaint is reviewed and Mr. Scala indicates:

- No knowledge of this complaint.
- By telephone, [REDACTED] (staff) indicates to Mr. Scala that there was a complaint received about an order with cherry filling and rum. Complainant indicated it was not what he wanted. No illness indicated as a result. Rum and cherry didn't taste good together. Wanted almonds on the outside. Mr. Scala indicates that the item was made exactly as requested, but still not right. No refund.
- No staff callouts for illness 9/14/18-10/14/18. However, one staff member worked with a headcold, and another with a sinus infection for which anti-biotics were needed.
- Rum product is used in canoli cake. This is not unusual for his bakery and others.
- Product is made/ packaged by request; this was not a prepackaged product. No labeling provided.
- Reviewed NJDOH labeling compliance document for all prepackaged foods including foods packaged in house.
- Estimate 80% of the rum flavoring is baked off in the making of the product
- For all questions about products or ingredients if not required on a labeled product, staff are available by phone or in person to answer questions.

Findings:

- No Manager's Log Book in use to make owner/ upper management aware of events like complaints
- Walk In refrigerator temperature: 39 degrees F
- Reviewed proper use of 3 compartment sink (Wash/ Rinse/ Sanitize/ Air Dry)
- Vendors (approved sources for the product in question:

Oliveiri & Sons North Bergen

David Rosen Bros. New York

Puglisi Egg Farm Howell

JCG Trading Millstone

Ingredients Review:

- Rum from Torre Products Co is an Artificial Rum Flavor - Alcoholic Artificial Rum (if prepared for use, discarded by end of day)

(Continued from previous page...)

- Sugar
- Water
- Vanilla white cake
- Eggs
- Cake flour
- Baking Powder
- Furfax
- Vegetable Oil
- Vanilla flavor
- Orange oil
- Rigotta
- Impostata
- Cinnamon oil
- Chocolate Chips
- Milk
- Whipped cream
- Heavy Cream

Awaiting a follow up call from Mr. Scala to verify if any such call was received by staff not on stie at this time.

11/15/18

Call to complainant:

Complainant was not available; spouse answering questions.

Placed order in person. Special order. Wanted it to say Happy Birthday. Rum not discussed at the time of ordering; vanilla cake with canoli creme. Never wanted rum.

Soaked with rum; looked like mush. Soaked. May have had too much rum put into it.

Woman spoken to said she was a manager and said to go to the website to find out what the ingredients are. Did not offer information. Woman acted insulted and no offer to make it right. Not apologetic at all. No credit offered, not a good represtative of the store.

Tremendous bakery; going there 40 years. But not any more.

Everyone feeling better now but 3 people were sick with stomache problems for 24 hours; kept having to go to the bathroom..

Correction: Purchase Sunday Nov 4

Complaint of illness Monday Nov 5

Received by OCHD Nov 14

Investigated by OCHD Nov 14

Complaint is reviewed with Alfred Scala. Mr Scala indicates:

- Yes, a complaint call was received by [REDACTED], a staff member but [REDACTED] was new and not in a position to resolve complaints. This was conveyed to the complainant, a mother calling on behalf of her daughter about a cake, similar or the same as the cake in this complaint. [REDACTED] asked for contact information for the manager to call back. Complainant demanded immediate satisfaction, cursed and hung up. Mr Scala indicated that he wanted the opportunity to try to make it right with the complainant and offered his phone number 732-286-3686 and his availability any time after 9 am.

A second call is placed to the complainant. Left a message.

Although the complaint was not verified, complainant indicates that the food wasn't contaminated, just a portion control issue of the rum that created a problem for persons who ate it. No cause for further action by this agency at this time.