

**Department of Health and Human Services
DEPARTMENTAL APPEALS BOARD
Appellate Division**

White Dove Groceries, Inc. d/b/a Grafton Shop N Save Express
Docket No. A-19-124
Decision No. 2973
October 8, 2019

**DECISION TO SUMMARILY AFFIRM
ADMINISTRATIVE LAW JUDGE DECISION**

This case is before the Departmental Appeals Board (DAB) on a notice of appeal filed by White Dove Groceries, Inc. d/b/a Grafton Shop N Save Express (Respondent). Respondent appealed a July 30, 2019 Administrative Law Judge (ALJ) initial decision, *White Dove Groceries, Inc. d/b/a Grafton Shop N Save Express*, DAB TB4137 (2019). In that decision, the ALJ entered judgment against Respondent and affirmed an \$11,182 civil money penalty imposed by the Center for Tobacco Products for six violations of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 *et seq.* and its implementing regulations at 21 C.F.R. pt. 1140 within a 48-month period.

In its notice of appeal, Respondent challenges only the amount of the penalty. Respondent reiterates its contentions raised before the ALJ that it made efforts to prevent further violations, and that its business would suffer if it paid the full penalty amount, possibly having to lay off employees. The ALJ addressed these arguments and analyzed all the relevant factors in upholding the penalty amount, and we find nothing in Respondent's appeal to the Board that would alter that analysis. We therefore summarily affirm the ALJ's initial decision.

/s/

Christopher S. Randolph

/s/

Constance B. Tobias

/s/

Leslie A. Sussan
Presiding Board Member