

Point 2 is if meat is to be repackaged on Monday that was originally packaged on Friday, you can't, in all honesty and fairness, repackaging it and let people think it was packaged for the first time on Monday. This is what the whole truth in labeling law was all about.

Mr. VITULLI. Mr. Rosenthal, the package, the merchandise that is repackaged is often the best buy that you can get in our stores. Frequently, I can cite many examples.

The meat starts to discolor. We put a new pork roast out. As you know, meat gets better with age. When that is brought back in, I hope you don't misunderstand that it's repackaged as is. The meat butcher or the department head faces that meat off and trims it. Most of what he takes off that cut of meat would ordinarily be a wasteful piece of meat. After that is repackaged, it is the equivalent of a new piece of meat. It has appeal and it's still priced at the same price per pound, with considerably less waste. You will find a steak that is carried over say on Tuesday, every morning they must go through the case and bring in merchandise, in order to make that presentable for sale, because no housewife will purchase a piece of meat that doesn't look appetizing. That means they must trim more of the fat, more of the waste, and cut it down to a better piece of meat. This has—

Mr. ROSENTHAL. And they reweigh it?

Mr. VITULLI. It's reweighed and repackaged.

Mr. ROSENTHAL. But it's not nearly as fresh as it was 3 or 4 days ago.

Mr. VITULLI. Three or 4 days—this is quite an exaggeration. We don't—when we talk about meat, if we can't sell a piece of meat in 2 days, there must be something drastically wrong with the particular store. For example, anything in that meat case today that is retrimmed and put in the case tomorrow, that will be sold. You must have constant turnover with perishables.

Mr. ROSENTHAL. Let me give you another complaint. Congressman Reid bought a lot of frozen food, but none of it was frozen. He was standing around out in front of your store shaking the cans of orange juice, and it felt like water. He bought a container of ice cream that was just completely liquid.

Mr. VITULLI. That, to me is—

Mr. ROSENTHAL. Every vegetable he bought, you could take the package and crush it in your fingers like this. Frozen vegetables, Mr. Vitulli.

Mr. VITULLI. May I ask this—was that merchandise back beyond—this is our responsibility. We have a very, very strong policy that they are not to go over the refrigeration line for two reasons. No. 1, it's detrimental to the equipment. It blocks circulation and the equipment will break down. No. 2, the merchandise will defrost. If they pile it too high. However, under ordinary circumstances that such a thing would happen—

Mr. ROSENTHAL. It was low down in the case. Is there a health problem if food becomes unfrozen and then is refrozen?

Mr. VITULLI. With meats; yes, very definitely.

Mr. ROSENTHAL. How about with orange juice and ice cream?

Mr. VITULLI. No—well, we don't know. This is contrary to what should happen. Is this particular piece of equipment functioning properly at this time? Did you speak to the manager? Did he say this is a commonplace thing?