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DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service  
Food and Drug Administration

D/220BB

Refer to: CFN 1124773

Baltimore District  
900 Madison Avenue  
Baltimore, Maryland 21201  
Telephone: (410) 962-4012

February 24, 1997

WARNING LETTER

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard S. Fuller, President  
Smithfield Companies  
Smithfield Building, Suite 203  
311 County Street  
Portsmouth, Virginia 23704

RE: Williamsburg Foods  
8012 Hankins Industrial Park  
Toano, Virginia 23168

Dear Mr. Fuller:

During an inspection of your Toano, Virginia facility conducted by a representative of the Food and Drug Administration (FDA) on February 6 and 10, 1997, labels of your products were collected for review. We have determined that Peanut Shop and Smithfield Tavern brands of Peanuts, Cashews, Mixed Nuts, and Pistachios, packaged by your firm are misbranded, in that they fail to bear nutrition labeling, as required under Section 403(q)(1) of the Federal Food, Drug, and Cosmetic (FD&C) Act and Title 21, Code of Federal Regulations, (CFR) Part 101.9. These products are currently labeled with the nutrient content claims "lightly salted" and "salt free," and are not exempt under section 403(q)(5) of the FD&C Act from this requirement, and have been labeled on or after August 8, 1994.

A food product is considered to be misbranded within the meaning of Section 403(I) of the Act, if it fails to bear the common or usual name of each such ingredient. Food products are required to bear an ingredients statement listing the ingredients by common or usual name, and in descending order of predominance by weight; see 21 CFR 101.4(a)(1). Our review of the above product labels found that they fail to meet this requirement, in that "lightly salted," and "cooked in pure peanut oil," as listed in the ingredient statement, are not the common or usual name for these ingredients. Additionally, "soda," as listed on the label in the ingredient statement of your Peanut Shop brand "Handmade Peanut Brittle," is not the common or usual name of that ingredient.

Mr. Richard S. Fuller

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These violations concern certain new and current labeling requirements and are not meant to be an all-inclusive list of deficiencies on your labels. Other label violations can subject the food to legal action. It is your responsibility to assure that all of your products are labeled in compliance with all applicable regulations enforced by FDA. Enclosed is a copy of "A Food Labeling Guide" for your reference.

You must notify this office in writing, within 15 working days of receipt of this letter, of the specific steps you have taken to correct the noted violations, along with a copy of the revised label. If corrective action cannot be completed within 15 days, state the reason for the delay and the time within which the corrections will be completed. Further violations may result in regulatory actions such as seizure, injunction and/or prosecution.

Your reply should be sent to the Food and Drug Administration, Richmond Resident Post, at 10710 Midlothian Turnpike, Suite 424, Richmond, Virginia 23235, to the attention of Scott J. MacIntire, Compliance Officer.

Sincerely,



George R. Brubaker, Ph.D.  
Acting Director, Baltimore District

Enclosure

cc: Belton J. Joyner, Manager  
Williamsburg Foods  
d/b/a The Peanut Shop of Williamsburg  
8012 Hankins Industrial Park  
Toano, Virginia 23168

VDACS  
Division of Food Inspection  
P.O. Box 1163  
Richmond, Virginia 23209

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