



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

12/16/96
SF
d1534b

Food and Drug Administration
7200 Lake Ellenor Drive
Orlando, FL 32809

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Our Ref: FDA Sample No. 3080842
Customs Entry No. D97-00728469-5
Product: Fresh Octopus

WARNING LETTER

FLA-96-6474

November 5, 1996

Bob Walsh, Owner
Dolphin Best Friends
155 Woodlake Drive
Newman, Georgia 30265

Dear Mr. Walsh:

The Food and Drug Administration (FDA) attempted to examine a shipment of fresh octopus offered for entry into the United States by your firm on August 13, 1996, under the above referenced entry number, and found that the shipment was not held intact for FDA examination. Our inspector collected a sample from the shipment on August 14, 1996, but after analysis of the sample, we needed an additional sample from the shipment to make a determination as to whether the product should be released. When our inspector attempted to collect the additional sample, we were informed by the manager of the public storage facility that the shipment had been distributed on August 14, 1996.

Regulation Title 21, Code of Federal Regulations (CFR), Part 1.90, requires the importer to hold an entry intact pending receipt of a "May Proceed Notice" or "Release Notice" from FDA. We have requested the U. S. Customs Service (Customs) to order redelivery of this shipment (copy enclosed).

Failure to promptly correct this violation and prevent future violations may result in regulatory action without further notice such as seizure, injunction, or detention without physical examination of future shipments. It is your responsibility, as the importer, to ensure that imported products meet all requirements of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

Mr. Robert Walsh
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We request a response in writing within fifteen (15) working days of receipt of this letter of the specific actions you will take to prevent the recurrence of this violation.

Your written reply should be addressed to the Food and Drug Administration, Attention: Paul R. Bagdikian, Compliance Officer, P. O. Box 59-2256, Miami, Florida 33159.

Sincerely,



Douglas D. Tolen
Director, Florida District

Enclosure