



U.S. FOOD AND DRUG ADMINISTRATION

NEW YORK DISTRICT
850 THIRD AVENUE, BROOKLYN, NEW YORK 11232

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Telephone: [718] 965-5300 [Ext 5301]

WARNING LETTER

DEC 6 1996

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Frederick K. Becker
71 Troy Drive
Short Hills, New Jersey 07878-1365

Ref. 20-NYK-97

Dear Mr. Becker:

On 7 November 1996, we issued a Notice of Sampling requesting the location of the lot of beluga caviar which you imported under entry N^o 938-0015047-1 on 5 November 1996 so that the Food and Drug Administration (FDA) could collect a sample.

On 13 November 1996, we were advised by your customhouse broker, Meridian Shipping Inc., that the caviar had already been consumed.

Your distribution and consumption of an article subject to the jurisdiction of the FDA without obtaining a May Proceed or Release Notice is a violation of regulation, 21 CFR 1.90 which requires that an importer hold an entry intact pending receipt of such a signed May Proceed or Release Notice.

We have, as a result of the above violation requested that the U.S. Customs Service issue a redelivery request for the purpose of instituting a penalty action against your import bond.

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

Within fifteen (15) working days of receipt of this letter, notify this office in writing of the specific steps you have taken to correct the violation, including an explanation of each step being taken to prevent the recurrence of this violative practice.

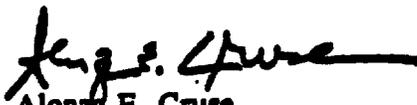
A copy of this letter, except for any confidential, personal or commercial information,

Mr. Frederick K. Becker -2-

will be placed on public display at this office no earlier than fifteen (15) days after the date of this letter. Your response will also be on public display with any confidential, personal, or commercial information purged.

You may address your response to Robert K. Hering, Senior Compliance Officer, JFK Resident Post, 75 North Hangar Road, Room 207, JFK International Airport, Jamaica, New York 11430-1705.

Sincerely yours,



Alonza E. Cruse
Acting District Director
New York District Office