



Food and Drug Administration
7200 Lake Ellenor Drive
Orlando, FL 32809 d1693b

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ref: FDA Sample No. 3107888
Customs Entry No. D97-0082850-9
Dolphin/Mahi-Mahi

WARNING LETTER

FLA-97-06

November 22, 1996

Mr. Peter Durant
Owner, Tasty Seafood Company, Inc.
13 Industrial Drive
Mattapoisett, Massachusetts 02739

Dear Mr. Durant:

The Food and Drug Administration (FDA) attempted to examine a shipment of fresh dolphin/mahi-mahi offered for entry into the United States by your firm on November 5, 1996, under the above referenced entry number, and found that the shipment was not available. Only 35 cases of fresh dolphin/mahi-mahi were present at the time of inspection. Documentation indicates that the 35 cases of dolphin/mahi-mahi examined do not represent the product from this shipment. 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 entry which have been distributed without a release from FDA.

Failure to promptly correct this violation and prevent future violations may result in regulatory action without further notice such as seizure, injunction, or automatic detention of future shipments. FDA may also request Customs to revoke immediate delivery privileges. 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.

We request a response in writing within fifteen (15) working days of receipt of this letter of the specific steps you have taken to correct the violation, including an explanation of each step being taken to prevent the recurrence of the violation. In addition, you should inform Customs and FDA if and when redelivery is accomplished.

Mr. Peter Durant
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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 33159-2256.

Sincerely,



Douglas D. Tolen
Director, Florida District