



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

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Food and Drug Administration
555 Winderley Place, Suite 200
Maitland, Florida 32751

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ref: Customs Entry No. AZ2-0700545-5
Asparagus

WARNING LETTER

FLA-98-50

June 5, 1998

Mr. Jose Trinidad
Agricorp, Inc.
18105 N.E. 19th Avenue
North Miami Beach, Florida 33162-1605

Dear Mr. Trinidad:

The Food and Drug Administration (FDA) attempted to examine a shipment of asparagus offered for entry into the United States by your firm on May 11, 1998, under the above referenced entry number. Your firm was advised on May 18, 1998, that failure to make the entry available for FDA examination by May 19, 1998, would result in FDA's request for a U. S. Customs Service (Customs) order demanding redelivery for the entry. As of May 22, 1998, your firm failed to make the entry available for FDA examination. In your electronic messages which you sent on May 23, 1998, to FDA Compliance Officer Benjamin L. England and Consumer Safety Officer Maria Medina, you admit that your firm did not hold the entry but distributed it into U. S. commerce.

Regulation 1.90, Title 21, Code of Federal Regulations (21 CFR 1.90), requires the importer to hold an entry intact pending receipt of a "May Proceed Notice" or "Release Notice" from FDA. On May 22, 1998, we requested a Customs order demanding 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 automatic detention of further shipments. It is your responsibility, as the importer, to ensure that imported products meet all the requirements of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

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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.

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

Sincerely,



Douglas D. Tolen
Director, Florida District

Enclosure

cc: District Director
U. S. Customs Service
P. O. Box 52-3215
Miami, Florida 33152-3215

Oregon International Airfreight
Miami, Florida