



DEPARTMENT OF HEALTH & HUMAN SERVICES g 1412d

New York District

Food & Drug Administration
158-15 Liberty Avenue
Jamaica, NY 11433

WARNING LETTER

MAY 30 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Gene Kaplan, President
Amazon Coffee & Tea Co., Inc.
De Choix Specialty Foods Division
58-25 52nd Avenue
Woodside, NY 11377

Ref: NYK 2001-74

Dear Mr. Kaplan:

The Food and Drug Administration (FDA) has information which shows that your firm has violated the Federal Food, Drug and Cosmetic Act.

The Food and Drug Administration recently attempted to examine an entry of ~~██████~~ cartons of cheese which your firm offered for entry into the United States from Italy. The entry arrived on or about 3/28/01 under entry DL8-0021525-3. Repeated requests were made over a period of several weeks to your Customhouse broker, Sadiah Mohammed, for copies of the entry documents and the location of the goods. Finally on 4/27/01 we were advised by your broker that the cheese had been delivered to Amazon. We contacted Carey Franco, Import Specialist at Amazon on that same date, and were advised that the cheese from this entry had been distributed in its entirety. Such distribution was carried out without a release from FDA. The failure to hold a shipment intact pending receipt of a May Proceed or Release Notice from FDA is a violation of the Federal Food, Drug and Cosmetic Act. We are hereby requesting U.S. Customs to order redelivery of this shipment (copy enclosed).

Failure to promptly correct this violation and prevent future violations may result in a requirement that future shipments be held in secured storage. Secured storage will be under the supervision and direction of the U.S. Customs Service, such as in a bonded warehouse. You will be responsible for all costs incurred in secured storage.

Failure to promptly correct this violation and prevent future violations may also result in additional regulatory action without further notice, such as seizure, injunction, or detention without physical examination, to ensure that the product is held intact until released by FDA.

Within 15 working days of receipt of this letter, notify this office in writing of the specific steps you have taken to correct the violations, including an explanation of each step being taken to prevent the recurrence of such violations.

Your response should be directed to Mr. Kenneth M. Klein, Compliance Officer, Food and Drug Administration, 158-15 Liberty Avenue, Jamaica, NY 11433.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert L. Hart". The signature is written in a cursive style with a large initial "R" and "H".

**Robert L. Hart
Acting District Director
New York District Office**