

**VIA FEDERAL EXPRESS****Food and Drug Administration
555 Winderley Pl., Ste. 200
Maitland, FL 32751**

Ref: Customs Entry No. 406-0314754-3, Line 002/002
Product: Fresh Red Snapper Fillet

WARNING LETTER**FLA-02-36**

April 19, 2002

Mr. Simon Stern
President, National Fisheries
5151 NW. 165th Street
Miami, Florida 33014

Dear Mr. Stern:

The Food and Drug Administration (FDA) on February 22, 2002, attempted to examine a shipment of red snapper fillets in accordance with the Notice of FDA Action dated February 21, 2002. The shipment was offered for import (imported) into the United States by your firm on February 19, 2002, under the above-referenced entry number, and the red snapper fillets in this entry were found not to be available for FDA examination.

On February 28, 2002, FDA spoke with the broker (Howard S. Reeder, Inc.) via telephone to verify that the product could not be redelivered for examination. The broker stated Mr. Enrigue Taboada, Purchasing Agent for National Fisheries, said the product could not be redelivered since it was already distributed in error. This is a violation of Title 21, Code of Federal Regulations, Section 1.90, which requires the importer to hold an entry intact pending receipt of a "May Proceed Notice" or "Notice of Release" from FDA. We have requested the U. S. Customs Service (Customs) to order redelivery of one hundred and four pounds (104 lbs.) of fresh red snapper fillets referenced above (copy enclosed).

Failure to promptly correct this violation and prevent future premature distribution of imported products may result in requiring the future shipments be held in secured storage. Secured storage will be under the supervision and direction of Customs, such as in a bonded warehouse. You will be responsible for all costs incurred in secured storage.

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. Your response should include an explanation of each step being taken to prevent the recurrence of the violation. In the event that the product is still available for examination, you should inform Customs and FDA if and when redelivery is accomplished.

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,

A handwritten signature in black ink, appearing to read "Emma R. Singleton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Emma R. Singleton
Director, Florida District

Enclosure

cc: Thomas Winkowski
Port Director
U. S. Customs Service
P. O. Box 02-580
Miami, Florida 33102-5280