



Food and Drug Administration
Southwest Import District
4040 N. Central Expy, Suite 300
Dallas, Texas, 75204

Telephone: 214-253-5330
FAX: 214-253-5316

April 24, 2003

Ref: 2003-SWID-WL-08
Entry # 918-0322268-5

WARNING LETTER

VIA Federal Express

Mr. Bruce Taylor, President
Taylor Farms California, Inc.
911 Blanco Circle, Suite B
Salinas, CA 93901

Dear Mr. Taylor:

On April 7, 2003, the Food and Drug Administration (FDA) attempted to examine a shipment of [REDACTED] cartons of [REDACTED] kg of Cored Iceberg Lettuce consigned to your Dallas, Texas facility as referenced on Taylor Farms de Mexico, S. de R.L. Invoice No. 1988 dated April 05, 2003. This shipment was not made available for FDA to examine or sample as required.

This shipment of lettuce was offered for import into the United States on behalf of your firm on Sunday, April 6, 2003 under entry number 918-0322268-5. FDA's electronic review system immediately transmitted this entry as FDA hold. Monday morning, April 21, 2003, FDA staff in Laredo, Texas requested entry documents both electronically and by phone to set up the physical examination of this lettuce. Laredo FDA was informed the lettuce had gone to destination in Dallas, Texas and was distributed into commerce.

That morning, I contacted your broker regarding the entry who told me the lettuce was being processed in Dallas. I told him that if the lot is still intact, FDA would attempt to examine this in Dallas. Your broker later that day gave me the contact number in Dallas and told me the lettuce was not yet off-loaded and would be held for FDA examination. However, when Dallas FDA staff contacted your firm the same day they were informed that the shipment was processed and not available for examination in its original condition as entered in the United States. FDA Investigator George Jackson confirmed this information in a visit to Taylor Farms, Texas Inc., 2500 S. Good Latimer, Dallas, Texas 75215. Mr. Jackson determined that all the product had been processed and was no longer available for examination.

Title 21 of the Code of Federal Regulations Section 1.90 requires the importer to hold an imported article and not distribute it pending receipt of the results of an FDA examination by the receipt of an electronic or paper release.

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Taylor Farms California, Inc.
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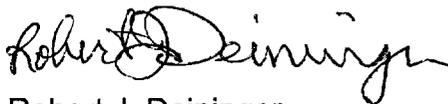
Failure to prevent future premature distributions of imported produce may result in an FDA recommendation to Customs that future shipments be held in secured storage. Secured storage would be under the supervision and direction of Customs, such as in a bonded warehouse. You would then be responsible for all costs incurred in secured storage.

In addition, FDA has requested that Customs order redelivery of this shipment. This failure to redeliver missing produce into Customs' custody may result in the assessment of liquidated damages at a later date.

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

Your response should be addressed to Deborah M. Floyd, Compliance Officer, at the address noted in the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Deininger". The signature is fluid and cursive, with a large initial "R" and "D".

Robert J. Deininger
District Director