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**DEPARTMENT OF HEALTH & HUMAN SERVICES**  
Food and Drug Administration  
New England District Imports

Food and Drug Administration  
One Montvale Avenue  
Stoneham, Massachusetts 02180  
(617)279-1483 FAX:(617)279-1733

June 13, 1997

**WARNING LETTER**

NWE-11-97W

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Henry Wainer, President  
Sid Wainer & Son  
A Division of Friendly Fruit Inc.  
2301 Purchase Street  
P.O. Box 50240  
New Bedford, MA 02746

RE: FDA sample # 1934549

Dear Mr. Wainer:

On June 4, 1997 we attempted to sample a shipment of anchovies in accordance with our notice of sampling dated May 30, 1997 offered for import into the United States by your firm on May 25, 1997 under entry number AH50042023-9 and found the shipment was not available. An inventory showed only 32 cartons remaining from the invoiced ██████ cartons.

On June 4, 1997, we attempted to wharf examine a shipment of various products in accordance with our notice of sampling dated April 4, 1997 offered for import into the United States by your firm on April 2, 1997 under entry number AH50041214-5 and found the shipment was not available. Entry has 14 line items for a total of 1113 cases of various products with inventory showing only 918 cases remaining.

These instances are violations of 21 CFR1.90 which requires the importer to hold an entry intact pending receipt of the results of examination of the sample. We may request U.S. Customs to order redelivery of the shipment.

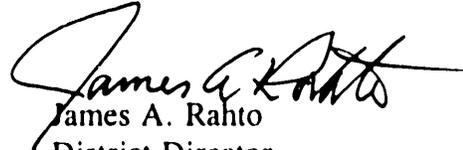
Failure to promptly correct this situation and prevent future violations may result in regulatory action without further notice such as seizure, injunction, or automatic detention of future shipments. It is your responsibility, as the importer of record to ensure that imported products meet all requirements of the Federal, Food, Drug and Cosmetic Act and the regulations promulgated thereunder.

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

You may address your response to Mr. Richard B. Midwood, Compliance Officer, Food and Drug Administration, One Montvale Avenue 4th Floor, Stoneham, Massachusetts 02180.

Sincerely,

  
James A. Rahto  
District Director  
New England District

cc: U.S. Customs  
Attn: Frances Lawson  
10 Causeway Street  
Boston, Ma 02222-1059

cc: B & A Brokers  
One Harborside Drive  
Logan International Drive  
East Boston, MA 02128