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**VIA FEDERAL EXPRESS**Food and Drug Administration  
555 Winderley Pl., Ste. 200  
Maitland, FL 32751Ref: Customs Entry No.: DF2-0849899-1  
Product: Fresh Asparagus**WARNING LETTER****FLA-00-11**

November 29, 1999

Jim House, Vice President  
Spencer Fruit Company  
P. O. Box 1246  
Firebaugh, California 936544-1246

Dear Mr. House:

The Food and Drug Administration (FDA) attempted to examine a shipment of fresh asparagus [13750 kg (8,250 lbs.)] offered for entry into the United States by your firm on October 11, 1999, under the above referenced entry number, and found that the entire shipment was not available for FDA examination. Title 21, Code of Federal Regulations (21CFR), Section 1.90 requires the importer to hold an entry intact pending receipt of a "May Proceed Notice" or "Release Notice" from FDA. Since the product was not held intact, we have requested the U. S. Customs Service (Customs) to order redelivery of the fresh asparagus which has been distributed without a release from FDA (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.

We request a response in writing within fifteen (15) working days of receipt of this letter outlining 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.

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

Sincerely,

A handwritten signature in black ink that reads "Douglas D. Tolen". The signature is fluid and cursive, with a large loop at the end of the last name.

Douglas D. Tolen  
Director, Florida District

cc: Hellman Perishable Logistics  
1300 Northwest 78<sup>th</sup> Avenue  
Miami, Florida 33126-1606