



DEPARTMENT OF HEALTH & HUMAN SERVICES

m34801
**Public Health Service
Food and Drug Administration**

San Francisco District
1431 Harbor Bay Parkway
Alameda, CA 94502-7070
Telephone: 510/337-6700

VIA FEDERAL EXPRESS

February 25, 2000

Our Reference: 2952739

Chi Thanh Truong, Owner
Chi Thanh Trading Co.
959 Grace Avenue
Oakland, CA 94608

WARNING LETTER

Dear Mr. Truong:

On January 29, 2000, FDA inspection of a shipment offered for entry into the United States by your firm on December 26, 1999 under entry number DZ1-0192595-3, revealed that one of the invoiced items, "Herbal Tea," is actually dried geckoes. The product is packaged in clear plastic boxes which are labeled as, "Herbal Tea." The product was exported by Tsang Fook Kee Med. Co., Hong Kong.

The misrepresentation of this product at the time of entry appears to be an attempt to circumvent our Detention Without Physical Examination action against geckoes shipped by Tsang Fook Kee Med. Co. as covered by Import Alert 99-19, Regulatory Procedures Manual, Chapter 9-79 (copy enclosed), and is a violation of the Federal Food, Drug, and Cosmetic Act, (21 U.S.C. 301, et seq.) and may violate other provisions of law, such as 19 U.S.C. 1592 and 18 U.S.C. 542.

You should take prompt action to correct the violation. Failure to promptly correct the violation may result in regulatory action without further notice. These include seizure and/or injunction.

You should notify this office in writing, within 15 working days of receipt of this letter, of the specific steps you have taken to correct the noted violation. If corrective action cannot be completed within 15 days, state the reasons for the delay and the time at which the correction will be completed.

Your reply should be directed to Ms. Harumi Kishida, Compliance Officer, U.S. Food and Drug Administration, 1431 Harbor Bay Parkway, Alameda 94502-7070. If you have any questions concerning the violations noted, then please contact Ms. Kishida at (510) 337-6824.

Sincerely,



Charles D. Moss
Acting District Director
San Francisco District Office

Enclosure

Cc: Hieu Trieu
EWI Inc., Customs Broker
305 Harbor Way
South San Francisco, CA 94080
(650) 794-1388