



DEPARTMENT OF HEALTH & HUMAN SERVICES

m-3895n

New York District

Food & Drug Administration  
158-15 Liberty Avenue  
Jamaica, NY 11433

**WARNING LETTER**

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

Trinh Mayoski, President  
New York's Bean Sprout, Inc.  
13-17 Crosby Street  
New York, NY 10013

June 28, 2000

Ref: NYK-2000-80

Dear Ms. Mayoski:

We inspected your bean sprout production facility located at the above address on May 23 through June 1, 2000. We found that you have failed to adopt effective preventive controls to reduce the risk of raw sprouts serving as a vehicle for foodborne illness and to assure that sprouts are not adulterated under the food safety provisions of the Federal Food, Drug, and Cosmetic Act ("the Act"). Your failure to adopt effective controls causes your sprouts to be in violation of section 402(a)(4) of the Act.

Specifically, your sprouts are adulterated within the meaning of section 402(a)(4) of the Act because they are being produced under insanitary conditions that may render the sprouts injurious to health. The conditions under which the sprouts are being produced are considered insanitary since effective preventive controls, particularly microbial testing of spent irrigation water, have not been adopted and implemented by your sprouting facility.

We may take further action if you do not promptly correct this violation. For instance, we may take further action to seize your products and/or enjoin your firm from operating. Please respond within three weeks from your receipt of this letter. Your response should outline the specific things you are doing to correct this violation. You may wish to include in your response documentation or other useful information that would assist us in evaluating your corrections. If you cannot complete all corrections before you respond, we expect that you will explain the reason for your delay and state when the corrections will be completed.

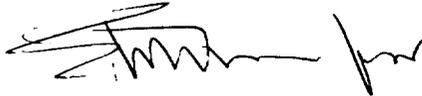
This letter may not list all the violations at your facility. You are responsible for ensuring that your facility operates in compliance with the Act and the Good Manufacturing Practice Regulations (Title 21, *Code of Federal Regulations*, Part 110). You also have a responsibility to use procedures to prevent further violations of the Act and all applicable regulations. You can

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find this Act and guidance for the bean sprout industry through links on FDA's home page at [www.fda.gov](http://www.fda.gov). For your information, we are also enclosing copies of the following industry guidance documents: "Reducing Microbial Food Safety Hazards for Sprouted Seeds" and "Sampling and Microbial Testing of Spent Irrigation Water During Sprout Production"

Please send your reply to the Food and Drug Administration, Attention: Bruce A. Goldwitz, Compliance Officer, 158-15 Liberty Avenue, Jamaica, NY 11433. If you have any questions regarding any issue in this letter, please contact Mr. Goldwitz at 718/340-7000 ext. 5582.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda J. Holman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brenda J. Holman  
District Director

Enclosures: as stated