



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service  
Food and Drug Administration

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Dallas District  
3310 Live Oak Street  
Dallas, Texas 75204-6191

November 15, 2000

Ref: 01-SWID-WL-01

WARNING LETTER

FEDERAL EXPRESS

Mr. Ray Walker, CEO  
Value Frozen Foods, Inc.  
100 West Las Palmas Avenue  
Patterson, CA 95363-0114

Dear Mr. Walker:

On October 27, 2000, a Food and Drug Administration (FDA) laboratory analysis of a shipment of fresh mustard greens in bulk imported into the United States by your firm on October 25, 2000 under entry number HP7-0006814-8 (XXX-0006814-9) found that the product was violative for the presence of the pesticide chemical permethrin. There is no tolerance for the presence of the pesticide chemical permethrin on mustard greens. Your firm was notified by telephone of this violation on October 27, 2000. On October 30, 2000, the FDA received telephone calls and a facsimile from your firm attempting to re-identify the product as Savannah turnip greens, a raw agricultural commodity that has a 20-ppm tolerance for permethrin. However, the entry invoice submitted to the FDA inspector in Pharr, Texas and product labeling collected by our inspector on November 9, 2000 both identified this product as mustard greens.

The information provided by your firm on October 30, 2000 after FDA's notification that the product was found violative appears to be an attempt to circumvent FDA's detention of the fresh mustard greens. Such misrepresentation 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.

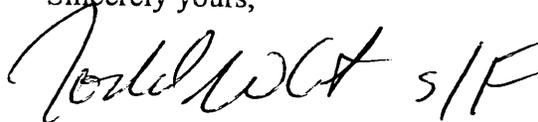
Failure to promptly correct this situation and prevent future violations may result in regulatory action without further notice such as seizure, injunction, or other actions as appropriate. It is your responsibility, as the importer, to ensure that imported products meet all requirements of the Federal,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

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

Page 2, Mr. Walker  
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Your written reply should be addressed to Food and Drug Administration, Attention:  
Michelle Hawkins, Acting Compliance Officer.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert J. Deininger s/f". The signature is written in a cursive style with a large initial "R" and a stylized "D".

Robert J. Deininger  
District Director

cc: Larry Griffin, General Manager  
Roy Woods, Field Manager  
Jesus M. Munoz, U.S. Customs Broker