



5160

Food and Drug Administration
555 Winderley Pl., Ste. 200
Maitland, Fl 32751

VIA FEDERAL EXPRESS

Ref: Customs Entry No. 462-0116329-5
Product: Exxir Carbonated Beverages

WARNING LETTER

FLA-01-31

February 6, 2001

Jeffrey Brown, President
Jeby Enterprises
660 Island Way, #801
Clearwater, Florida 33676

Dear Mr. Brown:

The Food and Drug Administration (FDA) attempted to examine a shipment of carbonated beverages offered for entry into the United States by your firm on January 4, 2001, under the above referenced entry number, and found that the entire shipment was not available for FDA examination. Title 21, Code of Federal Regulations (21 CFR), Section 1.90 requires the importer to hold an entry intact pending receipt of a "May Proceed Notice" or "Release Notice" from FDA.

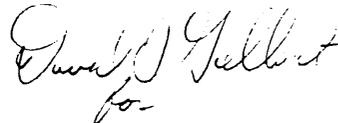
Failure to promptly correct this violation and prevent future violations may result in regulatory action without further notice such as seizure, injunction or automatic detention of further shipments. It is your responsibility, as the importer, to ensure that imported products meet all the requirements 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.

Mr. Jeffrey Brown
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Your written reply should be addressed to the Food and Drug Administration,
Attn: Rebecca A. Gastel, Legal Instruments Examiner, Food and Drug
Administration, 555 Winderley Place, Ste. 200, Maitland, Florida 32751.

Sincerely,

A handwritten signature in cursive script, appearing to read "Emma R. Singleton".

Emma R. Singleton
Director, Florida District

cc: J. Cortina
Customhouse Brokers
P. O. Box 603
Tampa, Florida 33601