



MS203m

**VIA FEDERAL EXPRESS**

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

Ref: Customs Entry No: WKV-0026340-5  
Product: Marlin Loins (Seafood)

**WARNING LETTER**

**FLA-01-36**

February 15, 2001

Rafael Barcia, President  
Lubar Seafood Corporation  
2665 South Bayshore Drive  
Ste. 900  
Miami, Florida 33220

Dear Mr. Barcia:

The Food and Drug Administration (FDA) attempted to examine a shipment of marlin loins offered for entry into the United States by your firm on February 5, 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 (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 marlin loins which have 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.

Rafael Barcia  
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Your written reply should be addressed to the Food and Drug Administration,  
Attention: Magda M. Karlsen, Compliance Officer, P. O. Box 59-2256, Miami,  
Florida 33159-2256.

Sincerely,

  
Emma R. Singleton  
Director, Florida District

Fed

cc: Port Director  
U. S. Customs Service  
P. O. Box 02-580  
Miami, Florida 33102-5280

International Cargo Brokers, Inc.  
10201 N.W. 21<sup>st</sup> Street  
Miami, Florida 33172