



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

August 7, 1997

Ref: 97-DAL-WL-38

**WARNING LETTER**

**FEDRAL EXPRESS**

Mr. Harry Battat, President  
Liberty Gold Fruit Co., Inc.  
P.O. Box 2187  
South San Francisco, CA 94083

Dear Mr. Battat:

On July 7, 1997, the Food and Drug Administration electronically notified your broker that a shipment of canned peaches imported by your firm, Entry No. 231-2315522-0, was to be held intact for sampling. Numerous calls were made to your customs broker as to the location and availability of the merchandise, however your broker indicated the shipment was not yet available. Your broker indicated to our inspector that the FDA would be notified as soon as the merchandise was located. Several weeks passed before your broker notified the FDA inspector that the shipment had been distributed and would not be available for inspection. Failure to hold an entry intact pending receipt of the results of examination is a violation of 21 CFR 1.90. We have requested U.S. Customs to order redelivery of this shipment.

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 future shipments. It is your responsibility, as the importer, to ensure that imported product meets all requirements of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

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Within 15 working days of receipt of this letter, notify this office in writing of the specific steps you have taken to correct the violation, including an explanation of each step being taken to prevent the recurrence of the violation. In addition, you should inform Customs and FDA if and when redelivery is accomplished.

Your reply should be addressed to the Food and Drug Administration, Attention: Stella A. Notzon, Compliance Officer.

Sincerely yours,



for

Joseph R. Baca  
Dallas District Director

cc: Thomas Battat  
Import Manager