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DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service  
Food and Drug Administration

San Francisco District  
1431 Harbor Bay Parkway  
Alameda, California 94102-7070  
Telephone: 510-337-8700

April 10, 1997

Our reference: 29-53392

Scott Gardner  
Petland  
1272 South Nellis  
Las Vegas, Nevada 89104

WARNING LETTER

Dear Mr. Gardner:

During an inspection of your pet shop on October 27, 1996, Investigator Luis C. Chavarria of this office found a serious violation of the Public Health Service Act, Section 361. Your practice of selling undersized turtles is not in conformance with Title 21, Code of Federal Regulations, Part 1240.62. The regulation specifies that viable turtle eggs and live turtles with a carapace length of less than four inches shall not be sold, held for sale, or offered for any type of commercial or public distribution. Because of the presence of harmful levels of salmonella, the sale or distribution of turtle eggs and undersized turtles present a serious health risk.

We are aware that you voluntarily provided Investigator Chavarria all of the illegal turtles in your possession at the time of his inspection. Nevertheless, it is your responsibility to ensure that all requirements of the Act, and regulations promulgated thereunder, are being met. Any future sales or distribution of illegal turtles may result in enforcement action without further notice.

Please advise this office in writing within fifteen (15) days of the receipt of this letter of the specific steps you have taken preclude any future recurrence. Your reply should be directed to John M. Reves, Compliance Officer.

Sincerely,

*Patricia C. Ziobro*  
Patricia C. Ziobro  
District Director