



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

T2087M

Food and Drug Administration
555 Winderley Place, Suite 200
Maitland, Florida 32751

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ref: Customs Entry Nos: WJ9-0000585-3/WJ9-0000590-3/WJ9-0000609-1
Product: Asparagus

WARNING LETTER

FLA-98-76

September 21, 1998

Mr. Peter Ullrich
President, Desert Gourmet, Inc.
1800 N.W. 89th Place
Miami, Florida 33172-2635

Dear Mr. Ullrich:

The Food and Drug Administration (FDA) attempted to examine three shipments of asparagus offered for entry into the United States by your firm on or about July 14, 1998, under the above referenced entry numbers and determined that these shipments were not available for FDA examination. Title 21, Code of Federal Regulations (21 CFR) Part 1.90, requires the importer to hold an entry intact pending receipt of a "May Proceed" notice or "Notice of Release" from FDA. We have requested the U. S. Customs Service (Customs) to order redelivery of these shipments (copy enclosed).

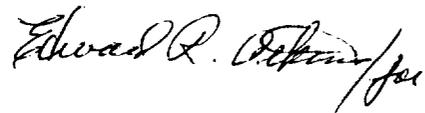
Failure to promptly correct this violation and prevent future violations may result in regulatory action without further notice such as seizure, injunction, or automatic detention of future shipments. It is your responsibility, as the importer, to ensure that imported products meet all requirements of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

We request a response in writing within fifteen (15) working days of receipt of this letter 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.

Mr. Peter Ullrich
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Your written reply should be addressed to the Food and Drug Administration, Attention:
Paul R. Bagdikian, Compliance Officer, P. O. Box 59-2256, Miami, Florida 33159-2256.

Sincerely,

A handwritten signature in cursive script, appearing to read "Douglas D. Tolen".

Douglas D. Tolen
Director, Florida District

Enclosure