

477 Michigan Avenue, Room 200
Detroit, MI 48226



**U.S. Customs and
Border Protection**

JUN 11 2009

2009-3807-100649-01 (GTO)

Mr. Joseph F. Paris
609 Ventura Blvd.
Enowell, NY 13760

Dear Mr. Paris:

This is your office al **Notice of Seizure** and explanation of your right to contest forfeiture. On May 19, 2009, U.S. Customs and Border Protection officers at the Detroit Metropolitan Airport in Romulus, Michigan seized one (1) bottle of Absinthe. The item was seized and is subject to forfeiture pursuant to Title 19, United States Code, section 1595a(c), as an importation contrary to law because Absinthe contains the chemical compound Thujane, which has been banned by the U.S. Food and Drug Administration under Title 21, Code of Federal Regulations, part 172.510.

Under title 19, United States Code, section 1618, you have the right to seek relief from the forfeiture by submitting a petition, in duplicate, within thirty (30) days from the date of this notice. Your petition need not be in any specific form but must show your interest in or title to the property claimed. Your petition should be sent to the following address:

U.S. Customs and Border Protection
Fines, Penalties and Forfeitures Office
477 Michigan Avenue, Room 200
Detroit, MI 48226-2569

Enclosed is a **NOTICE OF SEIZURE AND INFORMATION FOR CLAIMANTS** which explains the options available to you. Please sign and return this form together with your petition. You must mark the first block and sign the **ELECTION PROCEEDINGS** form in order for this office to process your petition.

Sincerely,

Wanda Vela

Wanda Vela
Fines, Penalties, and Forfeitures Officer

Enclosures

**NOTICE OF SEIZURE AND INFORMATION FOR CLAIMANTS
FORM AF**

PLEASE TAKE PARTICULAR NOTE OF INFORMATION FOLLOWING CHECKED BOXES

To the Party Named in the Attached Letter:

You are hereby notified that the merchandise, conveyances, monetary instruments, or other property shown on the attached document(s) were seized for violation of the Customs laws or the other laws enforced or administered by Customs and Border Protection, as indicated on the attachment.

The facts available to Customs and Border Protection indicate that you have an interest in the seized property. The purpose of this letter is to advise you of the options available to you concerning this seizure.

- 1. You may choose to take no action. If you take no action, Customs and Border Protection will seek to forfeit the property by administrative action in accordance with section, 607, Tariff Act of 1930, as amended (19 U.S.C. 1607) and section 162.45, Title 19, Code of Federal Regulations. If the value of the merchandise is greater than \$2,500.00, then, in order to obtain forfeiture, Customs and Border Protection must publish a notice of seizure and intent to forfeit in a newspaper for three successive weeks. After that time, the Government acquires full title to the seized property. If the value of the merchandise is less than that amount, forfeiture is perfected by posting the notice in a conspicuous place accessible to the public at the customhouse nearest the point of seizure and at the headquarters for the service port. The notice will be posted for three successive weeks. The first notice will be posted on or about July 2, 2009, in the Customhouse lobby; or**
- 2. You may request the Customs Fines, Penalties and Forfeitures Officer to post the first notice sooner than the scheduled date that appears above.**

In either case (#1 OR #2 above), once the first notice is posted, and within 20 days of the publication, you may appear before the Customs Fines, Penalties and Forfeitures Officer and file claim and a bond in the amount of \$5,000.00 or 10 per cent of the value of the claimed property, whichever is lower, but not less than \$250.00. If you file the claim and bond, the matter will immediately be referred to the appropriate United States Attorney for the institution of judicial proceedings in Federal court to forfeit the seized property, in accordance with section 608, Tariff Act of 1930, as amended (19 U.S.C. 1608) and section 162.47, Title 19, Code of Federal Regulations. If you wish the Government to seek judicial forfeiture proceedings but cannot afford to post the bond, you should contact the Customs Fines, Penalties and Forfeitures Officer prior to expiration of the 20 days period to obtain a waiver of the bond requirement. Upon satisfactory proof of financial inability to pay the bond, it will be waived; or

- 3. If you wish to seek administrative relief, you must, within 30 days from the date of the attached letter (unless some other period is stated in the letter), file a completed copy of the attached form waiving your right to prompt commencement of administrative forfeiture proceedings in accordance with section 609, Tariff Act of 1930 as amended (19 U.S.C. 1609) and request administrative action, and:**

(a) File a petition for administrative relief with the Customs Fines, Penalties and Forfeitures Officer in accordance with section 618, Tariff of 1930, as amended (19 U.S.C. 1618) and section 171.11, Title 19, Code of Federal Regulations; or

(b) Submit an offer in compromise to the Customs Fines, Penalties and Forfeitures Officer in accordance with section 617, Tariff Act of 1930, as amended (19 U.S.C. 1617) and section 161.5, Title 19, Code of Federal Regulations; or

(c) Unless the seized property is prohibited entry in the United States, submit an offer to pay the appraised domestic value of the seized property accompanied by payment or an irrevocable letter of credit with the Customs Fines, Penalties and Forfeitures Officer in accordance with section 614, Tariff Act of 1930, as amended (19 U.S.C. 614) and section 163.44, Title 19, Code of Federal Regulations. If Customs and Border Protection accepts your offer, the property will be immediately released, the security will be substituted for the seized property, and you may still petition for relief {see 3 (a) above} or submit an offer in compromise {see 3 (b) above}.

If you complete and submit the attached waiver requesting administrative processing, together with any of the options in 3(a), (b), or (c) above, you will be requesting Customs and Border Protection NOT to begin administrative forfeiture proceedings by posting of the notice of seizure and intent to forfeit while your petition or offer is pending administratively, or to halt proceedings if they have already commenced. However, if the matter has been referred to the United States attorney for the institution of judicial forfeiture proceedings because a claim and bond were filed with Customs, your petition or offer will be forwarded to the United States attorney for consideration under Department of Justice Regulations.

If your petition or offer is NOT accompanied by the attached waiver, or you request immediate commencement of administrative forfeiture proceedings on that form, publication of the notice of seizure and intent to forfeit will begin promptly, unless the matter has been referred to the United States Attorney because a claim and cost bond were filed by another party. If a claim and cost bond have been filed, your petition or offer will be forwarded to the United States Attorney for consideration.

If you decide to file a petition for relief, an offer in compromise, or an offer to pay the value to obtain release, Customs and Border Protection, you should address it to the Commissioner of Customs and submit it in duplicate (2 copies) to the Customs Fines, Penalties and Forfeitures Officer at the address shown in the attached letter.

If you follow any of the options in #3 above and you do not believe that Customs and Border Protection is acting expeditiously on your request, you may notify the Customs Fines Penalties and Forfeitures Officer in writing that you are withdrawing your request and Customs and Border Protection will, within 14 days from the receipt of your notice, begin to post the notice of seizure and intent to forfeit in the Customs Port Lobby (see #1 and #2 above).

If you have any questions concerning the reasons for, or the circumstance surrounding the seizure, or the procedures to be followed in connection with this matter, or if you require additional information, you may request an informal conference with the Customs Fines, Penalties and Forfeitures Officer or one of his designated employees.

**SPECIAL NOTICE TO MULTIPLE CLAIMANTS AND
HOLDERS OF LIENS OR SECURITY INTERESTS**

The information available to Customs indicates that another party has an ownership interest in the seized property identified on the attachment. Although you may avail yourself of the options listed above, no relief will be granted to you until AFTER forfeiture unless your petition, offer, or request is accompanied by an agreement to hold the United States, its officers and employees harmless, and a release from the registered owner, and/or the person from whom the property was seized [contact the Customs Fines, Penalties and Forfeitures Officer for details]. If you do not submit the hold harmless agreement and release(s), the administrative forfeiture proceedings will proceed, unless you file a claim and a bond in the amount of \$5,000.00 or 10 per cent of the value of the claimed property, whichever is lower, but not less than \$250.00, in which case the matter will be referred to the United States attorney for the institution of judicial forfeiture proceedings.

PENALTY INFORMATION

In addition to the seizure(s) and forfeiture liability, a civil penalty has been or will be assessed in this matter. Details on the civil penalty are:

- in the attached letter ; or
- being prepared and will be mailed shortly.

**ELECTION OF PROCEEDINGS
FORM AF-POST**

NOTE: READ THE ATTACHED "NOTICE OF SEIZURE AND INFORMATION FOR CLAIMANTS" BEFORE YOU FILL OUT THIS FORM. THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR PETITION OR OFFER. IF YOU DO NOT COMPLETE AND RETURN THIS FORM, WE SHALL PROCEED TO FORFEIT THE PROPERTY ADMINISTRATIVELY, REGARDLESS OF WHETHER YOU FILE A PETITION OR OFFER.

TO: CUSTOMS FINES, PENALTIES AND FORFEITURES OFFICER: _____

I understand the property in which I have an interest has been seized by Customs and Border Protection, under Case Number: 2009-3807-10064901

Check **ONLY ONE** of the following choices:

- I REQUEST THAT THE CUSTOMS SERVICE CONSIDER MY PETITION OR OFFER ADMINISTRATIVELY. That document is attached. By making this request, I understand that I am giving up my right to: (1) Begin administrative forfeiture proceedings immediately, as provided by title 19, United States Code (U.S.C.), section 1607 and title 19, Code of Federal Regulations (C.F.R.), section 162.45, or (2) Immediate referral of the case to the U.S. Attorney for court action, as provided by 19 U.S.C. 1608 and 19 C.F.R. 162.47. If administrative forfeiture has begun, it will be stopped until my petition or offer is considered. However, I understand that at any time I can request, in writing, that you begin administrative forfeiture proceedings, and you will continue to consider my petition or offer. I also understand that at any time I can file a claim and cost bond with you, and Customs consideration of my petition or offer will stop and the case will be sent to the U.S. Attorney for court action.
- I REQUEST THAT CUSTOMS AND BORDER PROTECTION BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY. Please immediately begin the posting of the notice of seizure and intent to forfeit the property, and consider my petition or offer, if any. I understand that within 20 days of the first posting of the notice, I can request that you send the case to the U.S. Attorney for court action.
- I REQUEST THAT CUSTOMS AND BORDER PROTECTION REFER THE CASE FOR COURT ACTION. Please immediately refer the case to the U.S. Attorney for a court decision. I am filing/will file a claim and cost bond with you.

Signature

Date