

FOREIGN SUPPLIER VERIFICATION PROGRAM COMPLIANCE REQUIREMENTS

Robinson Fresh is committed to complying with the relevant portions of the U.S. Food and Drug Administration (FDA) Foreign Supplier Verification Program (FSVP) (21 C.F.R. Part 1, Subpart L) (“Regulation”). Grower/Suppliers who provide, whether directly to Robinson Fresh as a result of purchase and sale transactions, or indirectly through Robinson Fresh as a result of sales agent/account of sale transactions, food items that are manufactured, processed, and/or grown outside of the United States (“Food Items”), are required to maintain compliance with the applicable portions of the Regulation. Robinson Fresh or Grower/Supplier, depending on which of the parties initiated the import of food items into the United States, agree to comply with the following:

1. In the event Robinson Fresh purchases Food Items from Grower/Supplier or markets Food Items on Grower/Supplier’s behalf and Robinson Fresh arranges to import those Food Items into the United States, Robinson Fresh agrees to be the U.S. Customs Importer of Record and be responsible for filing the U.S. Customs entry. Robinson Fresh shall be named the FSVP Importer and comply with the relevant portions of the Regulation.
2. In the event Robinson Fresh purchases Food Items from Grower/Supplier or markets Food Items on Grower/Supplier’s behalf and Grower/Supplier arranges to import those Food Items into the United States, Grower/Supplier agrees to be the U.S. Customs Importer of Record and be responsible for filing the U.S. Customs entry. Grower/Supplier shall be named the FSVP Importer and comply with the relevant portions of the Regulation. Grower/Supplier must provide Robinson Fresh with the necessary information and documentation to evidence Grower/Supplier’s compliance with the Regulation. Grower/Supplier may not name Robinson Fresh as the FSVP Importer. If Grower/Supplier is unable to comply with the FSVP Regulation, Grower/Supplier will notify Robinson Fresh in writing and obtain prior written consent from Robinson Fresh in order to identify Robinson Fresh as the FSVP Importer.
3. In the event Robinson Fresh purchases Food Items from Grower/Supplier or markets Food Items on Grower/Supplier’s behalf and Grower/Supplier has already arranged to import those Food Items into the United States, Grower/Supplier agrees that is shall be the U.S. Customs Importer of Record and be responsible for filing the U.S. Customs entry. Grower/Supplier shall be named the FSVP Importer and comply with the relevant portions of the Regulation. Grower/Supplier must provide Robinson Fresh with the necessary information and documentation to evidence Grower/Supplier’s compliance with the Regulation. Grower/Supplier may not name Robinson Fresh as the FSVP Importer. If Grower/Supplier is unable to comply with the FSVP Regulation, Grower/Supplier will notify Robinson Fresh in writing and obtain prior written consent from Robinson Fresh in order to identify Robinson Fresh as the FSVP Importer.
4. With regard to Food Items already imported into the United States, in the event Grower/Supplier is not the U.S. Customs Importer, Grower/Supplier shall take all reasonable steps to ensure, including the use of contractual requirements, that Grower/Supplier’s underlying supplier of Food Items has complied with the Regulations, and that Grower/Supplier can provide the necessary information and documentation to evidence such compliance upon request.

[END OF GROWER/SUPPLIER FOREIGN SUPPLIER VERIFICATION PROGAM COMPLIANCE REQUIREMENTS]