**Conference for Food Protection**

**2010 Issue Form**

**Internal Number: 039**

**Issue: 2010 I-009**

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| **Council Recommendation:** | Accepted as  Submitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

*All information above the line is for conference use only.*

**Title:**

New Recall Notification Section of the Model Food Code, Section 3-603.12.

**Issue you would like the Conference to consider:**

The Model Food Code recognizes that consumers may not receive adequate, timely information in the event of a food safety recall, and that retailers play an important role in disseminating critical public health information. Grocery stores and vendors selling packaged food should make every reasonable effort to notify consumers in the event of a Class I Recall.

**Public Health Significance:**

Removal of contaminated foods is vital to minimizing the adverse impact on consumers and public health, including reducing the size of associated foodborne illness outbreaks. While retailers play an important role in removing recalled foods from the shelves, this does not address the products that have already been sold. The amendment proposes two approaches to better inform consumers about recalled products.

Posting of recall information in a prominent manner in grocery stores is an important part of protecting the public health from contaminated product. Consumers may purchase product that is later implicated in a recall, and grocery stores can play an integral role in warning consumers not to consume the product. Unfortunately, current warning systems are inadequate to reach consumers. Providing notice in grocery stores would remind consumers of ongoing recalls, so that they may better check their home kitchens for recalled products.

Further, where retailers routinely collect consumer purchase data, that information can be used to assist consumers in the event of a Class I recall. Retailers should be using purchase information and the coordinating consumer contact information to alert consumers to their previous purchases of products that are currently subject to a Class I recall. Such personalized notice will help consumers identify recalled product at home, and will establish the retailer as a source of important public health information.

**Recommended Solution: The Conference recommends...:**

that a letter be sent to FDA recommending the addition of the following Section 3-603.12 of the Model Food Code, Recall Notification.

**3-603.12 Recall Notification.**

(A) Every FOOD ESTABLISHMENT that offers PACKAGED FOOD for purchase by consumers shall, in the event of a Class I Recall of any FDA or USDA product sold by the FOOD ESTABLISHMENT, inform consumers of the recall by way of a DISCLOSURE and REMINDER as specified in sections (1) and (2) of this section.

(1) DISCLOSURE shall include:

* 1. A sign indicating that a Class I Recall is in effect for the relevant product, which shall be:
     1. at the location within the FOOD ESTABLISHMENT where a consumer would ordinarily find the product, such as a shelf, freezer case, or produce cart, and
     2. Within 3 feet of the cash register or point of purchase, and
     3. Within 3 feet of the entrance to the FOOD ESTABLISHMENT.

(2) REMINDER shall include contacting consumers for whom the store has purchasing information (through use of a consumer loyalty card or other data-collection methods) indicating the purchase of the recalled product within the previous 60 days, and for whom the FOOD ESTABLISHMENT has contact information.

**Submitter Information:**

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It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.