

**Conference for Food Protection
2012 Issue Form**

**Internal Number: 065
Issue: 2012 I-021**

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 FDA Food Code (Section 3-603.12)

Issue you would like the Conference to consider:

The 2009 FDA 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. Records kept by retailers in the ordinary course of business for marketing or promotional purposes can be extremely useful for notifying consumers and curtailing the spread of an outbreak. Grocery stores and vendors should, when otherwise maintaining customer purchasing data, 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' actions are essential for rapid removal of recalled foods from shelves, this does not address products that have already been sold. A proposed Food Code amendment offers a solution to better inform consumers about outbreak-associated and recalled products.

Where retailers routinely collect consumer purchasing data, that information can be useful in identifying consumers who may have recalled product still in their homes. Retailers should access purchasing data and the associated consumer contact information to alert consumers to their previous purchases of products that are later associated with 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 the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline):
3-603.12 Recall Notification.

(A) Every FOOD ESTABLISHMENT that offers PACKAGED FOOD for purchase by consumers, and that collects data on the purchasing of that food (through customer loyalty cards or other data collection methods), shall, in the event of a Class I Recall of any FDA or USDA product sold by the FOOD ESTABLISHMENT, contact those consumers for which

data is available to indicate the purchase of a product, within the previous 60 days, that is now subject to a recall. Consumers may be contacted via email, text message, telephone, or regular mail, and contact must be initiated within a reasonable time from when the FOOD ESTABLISHMENT receives notice that the FOOD ESTABLISHMENT sold recalled product, not to exceed 2 days from that notice.

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