

**Conference for Food Protection  
2012 Issue Form**

**Internal Number: 066  
Issue: 2012 I-022**

<b>Council Recommendation:</b>	Accepted as Submitted _____	Accepted as Amended _____	No Action _____
<b>Delegate Action:</b>	Accepted _____	Rejected _____	

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

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**Title:**

New Recordkeeping Section of the FDA Food Code (Section 3-603.13)

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

The 2009 FDA Food Code recognizes that records kept by retailers in the ordinary course of business for marketing or promotional purposes can be extremely useful for public health officials investigating a foodborne illness outbreak and attempting traceback and attribution. Retailers should make every reasonable effort to give public health officials timely access to such records to assist in an outbreak investigation or for other such lawful and reasonable public health purposes.

**Public Health Significance:**

Where retailers routinely collect consumer purchasing data, that information is critical to identifying consumers who may have purchased products that are later implicated in an outbreak. That data has also proven to be of great importance to public health officials in performing traceback investigations and food attribution during and after an outbreak. Rapid identification of at-risk consumers (those who have purchased recalled product) is essential to curtailing the size and impact of an ongoing outbreak from contaminated products. Retailers should provide public health officials with customer purchasing data that may be helpful in the course of an outbreak investigation, in an effort to assist with attribution and containment of foodborne illness.

**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):

3-603.13 Recordkeeping, Public Health Significance.

(A) Every FOOD ESTABLISHMENT that offers PACKAGED FOOD for purchase by consumers, and collects data on the purchasing of that food (through customer loyalty cards or other data collection methods), shall, provide public health officials upon request with timely access to customer purchasing data to assist in a public health investigation or for other such lawful purposes.

**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.*