**Conference for Food Protection**

**2012 Issue Form**

**Internal Number: 063**

**Issue: 2012 I-025**

**Title:**

Addition to Consumer Advisory, Section 3-603.11 of the Model Food Code

**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), Section 3-603.11, be amended as follows (new language shown with underline):

**3-603.11 Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise** **Processed to Eliminate Pathogens.\***

(D) Every FOOD ESTABLISHMENT that offers raw oysters harvested from the Gulf of Mexico (any oyster harvested from the Gulf waters bordering the states of Alabama, Florida, Louisiana, Mississippi, or Texas) shall provide a written warning to any person who orders raw oysters, stating:

WARNING

THIS FACILITY OFFERS RAW OYSTERS FROM THE GULF OF MEXICO. EATING THESE OYSTERS MAY CAUSE SEVERE ILLNESS AND EVEN DEATH IN PERSONS WHO HAVE LIVER DISEASE, CANCER, DIABETES, OR OTHER CHRONIC ILLNESSES THAT WEAKEN THE IMMUNE SYSTEM. If you eat raw oysters and become ill, you should seek immediate medical attention. If you are unsure if you are at risk, you should consult your physician.

(E) Warnings under subsection (D) are not required whenever the FOOD ESTABLISHMENT has received a copy of a current verification letter from the dealer and tags or labels are as required by Section 3-202.18 of this Code demonstrating that the oysters have been subjected to an oyster treatment process sufficient to reduce Vibrio vulnificus to an undetectable level, as defined in the U.S. Food and Drug Administration Bacteriological Analytical Manual, 2004 Edition.

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.