**Conference for Food Protection**

**2014 Issue Form**

**Internal Number: 016**

**Issue: 2014 I-023**

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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:**

Raw Animal Foods- Consumer Advisory

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

Section 3-401.11(D) in the 2013 FDA Food Code allows a food establishment to serve animal food raw or undercooked, by disclosing which animal foods it will serve raw or undercooked pursuant to the consumer advisory in section 3-603.11.

However, neither 3-401.11(D) nor 3-603.11 require that the food establishment provide language informing the consumer **HOW TO** order food undercooked.

If, for example, a food establishment uses the terms rare, medium-rare, medium, medium-well and well done for placing an order they need to be able to convey to the consumer and the regulatory authority which of those terms will result in the food being undercooked and which terms will result in the food being cooked pursuant to 3-401.11(A)(B). There is no national standard for what those terms mean.

**Public Health Significance:**

Section 3-401.11(D) increases the risk that people who want their animal food **COOKED SAFELY** may receive it undercooked.

Food establishments that utilize the consumer advisory should have an ordering system in place to inform the consumer how to order their animal food undercooked or safe.

By revising Section 3-401.11 it will:

1. Enable consumers to order raw animal foods cooked safely for those animal foods that are subject to a consumer advisory.
2. Enable consumers to continue to order animal foods raw or undercooked.
3. Allow each food establishment that utilizes the consumer advisory to define their own ordering language to comply with this requirement.
4. Give regulators a way to hold the permit holder accountable to the temperature requirements of section 3-401.11(A)(B) for those menu items that have a consumer advisory.

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

that a letter be sent to the FDA requesting the 2013 Food Code be amended to include the following (new language in underline format):

Section 3-401.11 Consumer Advisory - Raw Animal Foods

3-401.11(D)(3) The FOOD ESTABLISHMENT has, in writing and available to the CONSUMER and REGULATORY AUTHORITY ordering information that will give the CONSUMER an effective means of ordering the raw animal FOOD cooked pursuant to 3-401.11(A)(B) of this section, if that is an option; Pf and

Renumber 3-401.11(D)(3) to 3-401.11(D)(4).

Renumber 3-401.11(D)(4) to 3-401.11(D)(5)

**Submitter Information:**

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