**Conference for Food Protection**

**2014 Issue Form**

**Internal Number: 018**

**Issue: 2014 I-027**

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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:**

Ice produced and bulk packaged on-site for resale

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

FDA Food Code Section 3-202.15 establishes the need for FOOD package integrity to ensure that foods packaged by licensed food service and retail operators are protected from potential contaminants and remain unadulterated. The intent of this section is characteristically overlooked and/or diminished when the FOOD being packaged is ice. Food Code Section 4-204.14 provides criteria for equipment that dispenses or vends liquid FOOD or ICE in an unpackaged form, yet it lacks criteria for such equipment where the product produced is subsequently manually packaged and offered for sale in a bulk resale package.

**Public Health Significance:**

Where most foods that licensed operators prepare and package on-site are packaged in air or liquid tight packages, almost all ice packaged in bulk at the retail or food service level is packed by hand using an ICE scoop. Bare hands usually handle the ICE scoops that are then typically pitched into the ice bin for storage. Fast food restaurants, convenience stores, grocery stores and other licensed food service operators are increasingly offering manually packed ICE packages that lack identification labels so far as place of purchase, date, contents, or weight, yet they are typically offered for sale by weight. The bulk ice packages used for this manual packing operation are not sealed to be air or liquid tight and they do not comply with Paragraph 3-303.12(A) of the FDA Food Code. A simple manual twist tie or drawstring is used for package closure. Some of the ice/food within these partially closed bulk packages is thereby exposed and vulnerable to adulterants or potential contaminants.

At least one EQUIPMENT manufacturer of automatic ice machines has solved this problem with the development of an automatic bagging device to remove this risk factor. Their device completely seals the bag and in so doing provides a critical control over potential cross contamination of food contact surfaces by hand or a contaminated scoop. The retail bulk ice package provided is far more likely to be sanitary as it is formed as it is pulled from the roll, and heat-sealed after the ice is automatically packed. The portion of ice in each package is precisely measured and the bags can be printed as the reseller may choose to indicate that the package contains potable ice, its weight, or any other information they deem appropriate. This same equipment is listed dually to both American National Standards Institute (ANSI) National Sanitation Foundation (NSF) Standard 12, the Standard for Automatic Ice Making Equipment and to ANSI NSF Standard 18, the standard for Manual Food and Beverage Dispensing Equipment.

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

that a letter be sent to the FDA recommending amending Section 4-204.13 of the 2013 FDA Food Code by adding a paragraph (F) as follows (new language is in underline format):

(F) When ice produced in an on-site automatic ice making machine is intended to be bulk packaged and offered for sale, that ice shall be packaged by an automatic packaging and sealing device in such a manner as to reduce the likelihood of adulteration from a manual scoop or cross contamination due to partially closed packages. If the ice package is intended to be sold by weight, then appropriate portioning controls shall be a part of the machines standard specification to ensure a reasonably accurate weight for each package. Equipment listed dually by ANSI/NSF Standard 12 and ANSI/NSF Standard 18 is deemed to comply with the requirements of this section.

**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.