

**Conference for Food Protection
2014 Issue Form**

**Internal Number: 061
Issue: 2014 I-022**

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:

Addition of whole raw fish and raw crustacean shellfish to Section 3-306.11

Issue you would like the Conference to consider:

Add whole raw fish and raw crustacean shellfish to the list of items exempted from protection from consumer contamination as stated in the FDA Food Code 3-306.11 Food Display.

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the CONSUMER before consumption, FOOD on display shall be protected from contamination by the use of PACKAGING; counter, service line, or salad bar FOOD guards; display cases; or other effective means.

Public Health Significance:

Seafood markets in many major metropolitan areas around the United States, including Seattle, San Francisco, New York and Boston, display fresh seafood such as whole fresh fish on ice without protection from potential customer contamination. This method of merchandising conveys to the customer that seafood is abundant, fresh and high quality. In many cases the seafood receives little or no processing (although evisceration is recommended [*evisceration for species like whiting, sardines, and mackerel may not be typical*]). Therefore, raw whole fish with head and tail intact that have not been scaled, skinned, cleaned, filleted, and raw shell-on crustacean shellfish (shrimp) should be considered no different than nuts in the shell or whole, raw fruits and vegetables that are intended for hulling, peeling, washing or otherwise processed before consumption. The skin or shell of these seafood products is considered "other effective means" and the risk of contamination of the meat of the fish or crustacean shellfish is very low. Additionally, these seafood items are intended to be cooked before consumption.

Although this method of merchandising brings the customer closer to the seafood, these products are handled and serviced for the customer by employees of the market. Direct customer handling of the product is minimized in this manner and product safety and quality are maintained. To further minimize the potential for foodborne illness related to seafood merchandised in this manner Good Retailing Practices are to be followed including maintaining proper temperature through use of drained ice tables with periodic icing, or other mechanical refrigeration methods, along with adherence to employee illness policies and good employee hygiene.

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA requesting that the 2013 FDA Food Code be amended as follows (new language is in underline format):

1. Section 3-306.11 Food Display

Except for raw whole finfish (head and tail intact), raw crustacean shellfish (shell intact) intended to be cooked, nuts in the shell, and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the CONSUMER before consumption, FOOD on display shall be protected from contamination by the use of PACKAGING; counter, service line, or salad bar FOOD guards; display cases; or other effective means.

2. Annex 3 Section 3-306.11 Food Display as follows:

During display, food can be contaminated even when there is no direct hand contact. Many microbes can be conveyed considerable distances on air currents through fine sprays or aerosols. These may originate from people breathing or sneezing, water sprays directed at drains, or condensate from air conditioners. Even wind gusts across sewage deposits and fertilized fields have been known to contaminate food in adjacent establishments where food was unprotected. Foods that are intended for hulling, peeling, or washing by the consumer before consumption are considered protected by "other effective means." Raw fish or shell-on raw shrimp are intended to be cleaned, scaled, filleted, and cooked before consumption. The risk of contamination of the edible portions of these foods is considered very low.

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Attachments:

- α "Sample Photos"

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