**Conference for Food Protection**

**2016 Issue Form**

**Issue: 2016 I-028**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Council Recommendation:** | Accepted as  Submitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

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

**Issue History:**

This is a brand new Issue.

**Title:**

Amend Returned Food and Re-Service of Food

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

Request an interpretation from FDA that clarifies the intent of the 2013 Food Code Section 3-306.14(A) allowing for food that is immediately served and in possession of a consumer to be returned for further cooking before being returned to the same consumer.

**Public Health Significance:**

Food that is returned by the consumer after immediate service for further cooking, would not pose a risk when cooked to a higher temperature and returned to the same consumer.

Any potential contamination would be eliminated by the temperature of the cooking equipment, such as a grill. Separate single use utensils may be used for a returned item and then wash, rinsed, sanitized and air dried.

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

that a letter be sent to FDA requesting an interpretation that clarifies/explains Section 3-306.14(A) of the 2013 Food Code and allows for return of food that is immediately served to a specific consumer back to the same consumer after further cooking. The letter shall also request that FDA post their final interpretation document to the FDA Food Code Reference System.

**Submitter Information:**

|  |  |  |  |
| --- | --- | --- | --- |
| Name: | Christopher Melchert | | |
| Organization: | National Restaurant Association | | |
| Address: | 2055 L Street NWSuite 700 | | |
| City/State/Zip: | Washington, DC 20036 | | |
| Telephone: | 202-973-3960 |  |  |
| E-mail: | cmelchert@restaurant.org |  |  |

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.