

**Conference for Food Protection
2016 Issue Form**

Issue: 2016 III-024

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____
Delegate Action:	Accepted _____	Rejected _____	

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Issue History:

This is a brand new Issue.

Title:

Separation of Packaged Products Displayed at Retail

Issue you would like the Conference to consider:

Retailers have a desire to cross merchandise certain items for customer convenience at point of sale (e.g. packages of cheese singles displayed adjacent to modified atmosphere packages (MAP) of raw preformed hamburgers, cooked bacon packages near raw bacon packages). Additionally, packaged salads may contain packets of portioned salad dressing within the package of salad greens. The 2013 FDA Food Code Section 3-302.11 has been used as the basis for not allowing this type of product merchandising.

Modern package integrity has improved and is less likely to leak when compared to historical packaging. This improved packaging mitigates the cross-contamination concerns over juices spilling from a package containing one species of meat/poultry onto another package containing another species. Package integrity is a food safety and quality issue and defects are corrected immediately.

Public Health Significance:

The FDA Food Code requires separation of products to protect from cross contamination. While prevention of cross contamination is critical, we are not aware of any documented foodborne illnesses from cross contamination from packaged product in retail stores due to contact with other packaging. In the event that packaging integrity is compromised, products are removed and the area is cleaned and sanitized. Therefore, the public health impact of this provision is minimal and the proposed change would be minimal.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2013 Food Code Section 3-302.11 (A) be amended and for the word "AND" to be changed to an "OR" in section (B) (7) as follows (language to be added is in underline format)

3-302.11

A) FOOD shall be protected from cross contamination by:

(1) Except as specified in (1)(c) and (d) below, separating raw animal FOODS during storage, preparation, holding, and display from:

(a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables, ^P and

(b) Cooked READY-TO-EAT FOOD; ^P

(c) *Frozen, commercially processed and packaged raw animal FOOD may be stored or displayed with or above frozen, commercially processed and packaged, ready-to eat food.*

(d) Food that is adequately packaged to prevent the entry of microbes and other contaminants such as chemicals, and displayed in a manner that would further reduce the likelihood of contamination such as a physical barrier or any other effective means.

(2) *Except when combined as ingredients*, separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by:

(a) Using separate EQUIPMENT for each type, ^P or

(b) Arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented, ^P and

(c) Preparing each type of FOOD at different times or in separate areas; ^P

(3) Cleaning EQUIPMENT and UTENSILS as specified under ¶ 4-602.11(A) and SANITIZING as specified under § 4-703.11;

(4) Except as specified under Subparagraph 3-501.15(B)(2) and in ¶ (B) of this section, storing the FOOD in packages, covered containers, or wrappings;

(5) Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening;

(6) Protecting FOOD containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;

(7) Storing damaged, spoiled, or recalled FOOD being held in the FOOD ESTABLISHMENT as specified under § 6-404.11; ~~and~~ OR

(8) Separating fruits and vegetables, before they are washed as specified under § 3-302.15 from READY-TO-EAT FOOD.

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