**Conference for Food Protection**

**2016 Issue Form**

**Issue: 2016 I-037**

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

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

**Title:**

Amend Food Code - Additional Requirements for Consumer Advisories

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

that a letter be sent to the FDA recommending the 2013 Food Code be amended to include clarifying language for written procedures as follows (new language is underlined):

**3-603.11 Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.**

(A) Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(4) and under ¶ 3-801.11(C), if an animal FOOD such as beef, EGGS, FISH, lamb, milk, pork, POULTRY, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS of the significantly increased RISK of consuming such FOODS by way of a DISCLOSURE and REMINDER, as specified in ¶¶ (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means, supplemented with verbal confirmation. Pf

Those who are communicating to consumers must be trained in the hazards and risks associated with consuming raw or undercooked animal foods not otherwise processed to eliminate hazards and how to convey risk messages verbally to consumers.

(B) DISCLOSURE shall include:

(1) A description of the animal-derived FOODS, such as "oysters on the half shell (raw oysters)," "raw-EGG Caesar salad," and "hamburgers (can be cooked to order)"; Pf or

(2) Identification of the animal-derived FOODS by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients. Pf

(3) State there is a risk for foodborne illness associated with what they are ordering

(4) provide a safe temperature guideline so the consumer can request that temperature if desired, with a statement of how to significantly reduce risk (i.e., ordering cooked to above a certain endpoint temperature).

(5) State that color is not an indicator of doneness.

(C) REMINDER shall be conducted verbally include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote that states:

(1) Regarding the safety of these items, written information is available upon request; Pf

(2) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness;Pf or

(3) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne Pf illness, especially if you have certain medical conditions.

(4) The verbal statement must include that ordering /purchasing raw undercooked product increases risk of foodborne illness. All references to determining safety and doneness of a product should be made to temperature, not color or other indicators that are not reliable.

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.