**Conference for Food Protection**

**2018 Issue Form**

**Issue: 2018 I-033**

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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.*

**Issue History:**

This is a brand new Issue.

**Title:**

Amend Food Code - Shellstock Maintaining Identification

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

A bag of shellstock, sold at retail to a customer, shall be sold to that customer with the tag attached to the bag. There is no specific language in the FDA Food Code to state that if the entire bag of shellstock is sold at retail, the information from the tag must be either copied or the tag retained by the seller for 90 days as it would be if the shellstock from a container or bag was sold piece-by-piece or in smaller lots.

**Public Health Significance:**

The intent of keeping the tags for 90 days is to ensure the ability to do a traceback if there is an illness associated with consumption of any of the shellstock in a particular lot. If a bag goes out with the tag, it is possible that the seller may have sold more than one bag from more than one location and may not be able to identify the bag simply from invoices.

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

that a letter be sent to the FDA requesting language be amended to the most current edition of the Food Code as follows (new language is underlined):

§ 3-203.12 (C) (2)

(c) "If the entire container of shellstock is sold to one customer, the tag or label shall be retained by the seller as specified in ¶ C of this section, marked with date of sale, and a dated invoice be provided to the customer with the information from the tag or label."

**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.