**Conference for Food Protection**

**2020 Issue Form**

**Issue: 2020 I-018**

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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 the Food Code to Require Consumer Notification of Food Recalls

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

The Conference recommends that a letter be sent to the FDA requesting that the Food Code be amended to add, after Section 3-603.11 (Consumer Advisory), a section requiring that food establishments post notification to consumers when food sold for consumption off the premises is later subject to a recall. This new section should be harmonized with the requirements of Section 211 of the Food Safety Modernization Act and generally conform to the following criteria:

Consumer-oriented recall notices should be developed in conformance with the FDA's guidance on Public Warning and Notification of Recalls, which generally recommends a public warning be issued for recalls that are likely to be classified as Class I recalls unless specific circumstances indicate that the warning would not be benefical to the public. https://www.fda.gov/media/110457/download.

Such notices should be posted for a minimum of two weeks and should be prominently and conspicuously located at the primary point of display for the recalled food, at the register, or other such locations and manners as will provide comparable notification to consumers.

If the food establishment maintains purchase history information for individual consumers, the notices may also be directed to such consumers via email, phone, mail, print-out at the register, or other such methods as will provide comparable notification to consumers.

The content for such notices should include a product description, identification code such as a UPC or sell by/use by date, contact information for the party responsible for the recall, as well as the reason for the recall, if known (such as undeclared allergen, specific pathogen, or foreign material contamination).

Instructions for enforcement of this section should be added to Annex 5 after 3.G.12. (Assessing Compliance with Consumer Advisory). The instructions should establish a process whereby the inspector may verify compliance with the requirement using either records provided by the Food and Drug Administration or records requested from the person in charge at the food establishment.

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.