

INDUSTRY BULLETIN

for Florida's Foodservice Industry



SUBJECT: Consumer Advisory / Raw or Undercooked Animal Foods

Bulletin 2012-01

February 8, 2012

The Division of Hotels and Restaurants currently utilizes the 2001 Food And Drug Administration (FDA) Food Code (FC), which includes a consumer advisory requirement related to offering raw or undercooked animal foods.

Section 3-603.11, 2001 FC, requires a written consumer advisory "if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a ready-to-eat" form as a sole ingredient or as an ingredient in another ready-to-eat food".

Consumers may be informed "by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means of the significantly increased risk associated with certain especially vulnerable consumers eating such foods in raw or undercooked form."

If **oysters** are offered raw or undercooked, a very specifically worded oyster warning consumer advisory is required by Section 64D-3.040(8), Florida Administrative Code (FAC). The oyster warning consumer advisory must be provided wherever oysters are offered within an establishment. If there is a separate bar area where oysters can be ordered without a menu, the oyster warning consumer advisory must be provided within sight of these customers also.

A general consumer [advisory sign](#), the specific [oyster warning consumer advisory sign](#) and additional information concerning the health risks of eating raw oysters ([Raw Oysters Health Risk 2011 – Industry Bulletin 2011-02](#)) are available on the division's website or by calling 850.487.1395.

If an establishment does not offer raw or undercooked animal foods, a consumer advisory is not required. However, if a customer can request an animal food be cooked to order (e.g., rare steak), a written consumer advisory **must** be provided.

Operators must be mindful of any "hidden" raw or undercooked animal ingredients that may be added to a menu item. In addition to a consumer advisory, a disclosure or description of the "hidden" raw or undercooked animal ingredient **must** be provided at each menu item for foods that consumers would not expect to contain a raw or undercooked animal food (e.g., Caesar dressing, hollandaise sauce, homemade mousse, adding raw meat slices to hot soup, raw duck blood, etc.).

Sushi/sashimi items containing raw or undercooked fish may be designated by separating these items on the menu and identifying them as containing raw or undercooked fish, or by placing a picture (or other identifying character) next to each of these items and providing a legend in the same area of the menu indicating the menu items with a picture (or character) contain raw or undercooked fish.

If multiple menus are utilized within an establishment, any needed consumer advisories must appear on each of the menus.

Q: Must the Consumer Advisory contain specific language?

A: Yes. The general consumer advisory has no specific verbiage that must be used; however it must include a description of the animal foods and a reminder that consuming the described raw or undercooked animal foods may increase the consumer's risk of foodborne illness. The oyster warning consumer advisory must contain the exact verbiage specified in 64D-3.040(8), FAC. The general consumer advisory may be added to the oyster warning consumer advisory if both advisories are required.

Q: The Food Code allows for the general consumer advisory to use "other effective written means" – what does this mean?

A: As long as the general consumer advisory is in a **written** form, contains the disclosure and reminder stated in the Food Code and is **visible** to all consumers from any point inside of the establishment where food can be ordered, it should meet the requirement set forth by the Food Code.

Examples

MENU

Garden Salad
Chef's Salad
Caesar Salad (contains raw eggs)

NOTICE: Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

MENU

Hamburgers*

Bacon Cheeseburger Jr. Burger
Deluxe Burger Cheeseburger

*** Can be cooked to order. Consuming raw or undercooked meats may increase your risk of foodborne illness.**

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Rick Scott, *Governor*

Division of Hotels and Restaurants

Ken Lawson, *Secretary*