

# INDUSTRY BULLETIN

## for Florida's Food Service Industries



**SUBJECT: REVIEW OF 2009 FDA FOOD CODE CHANGES**

Bulletin 2013-01

July 17, 2013

Effective January 01, 2013, the Division of Hotels and Restaurants adopted major portions of the 2009 Food and Drug Administration (FDA) Food Code (FC), which establishes practical, science-based guidance and enforceable provisions for reducing risk factors known to cause or contribute to foodborne illness. Food service operators licensed by the division should carefully review these changes to ensure they are in compliance. To view the 2009 Food Code in its entirety, please visit our website at [www.myfloridalicense.com/foodcode](http://www.myfloridalicense.com/foodcode).

A few major changes are discussed below.

**Children's Menu** – raw or undercooked comminuted meat, such as hamburgers, may not be served from a children's menu, even if ordered for an adult. Other raw or undercooked animal foods, such as eggs, may still be served from a children's menu provided a consumer advisory is in place.

**Parasite Destruction** – fish that are served raw or undercooked require parasite destruction (unless exempt). Parasite destruction is achieved by freezing the fish to a specific temperature and holding the fish at that temperature for a specified period of time (3-402.11, FC). Operators who choose to conduct parasite destruction onsite must have an electronic time/temperature monitoring device in order to produce the records necessary to ensure the time/temperature parameters have been met.

**Definition of Time/Temperature Control for Safety (TCS) Foods** (previously potentially hazardous foods) – cut leafy greens and cut tomatoes are now considered TCS foods. Cut leafy greens include iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, escarole, endive, spring mix, spinach, cabbage, kale, arugula, chard, collard greens, mustard greens and turnip greens. (Herbs, such as cilantro and parsley, are not considered leafy greens.) In addition, the points at which pH and/or water activity may render a food nonTCS have changed – see Table A and Table B in the 2009 FDA Food Code definition of potentially hazardous (time/temperature control for safety) food. The change in definition affects cold holding, hot holding, cooling, cooking, and reheating for hot holding of foods that previously had no time or temperature requirements. These items must also be date marked if held for more than 24 hours and must be served or discarded within seven days. Operators may need to prepare smaller batches of product more often and/or change the methods they use to hold, cool and reheat these newly affected foods. Examples:

- Salsa, lettuce, coleslaw, and garnishes (such as kale) must now be cooled from room temperature to 41°F within 4 hours (if prepared onsite) and held cold at 41°F or below (unless time as a public health control is used).
- Homemade marinara, pizza sauce and spaghetti sauce must now be cooled from 135°F to 70°F within two hours and 135°F to 41°F within a total of six hours; reheated for hot holding to 165°F within two hours; and held hot at 135°F or above (unless time as a public health control is used).

**Date Marking** – date marking is required for ready-to-eat, time/temperature control for safety foods that will be held for more than 24 hours after opening (if commercially processed) or preparation (if prepared from fresh ingredients onsite). Due to the low risk of *Listeria Monocytogenes*, the following commercially processed items are exempt from date marking: hard and semi-soft cheeses, preserved fish, deli salads, yogurt, sour cream, buttermilk, dry fermented sausages, and salt-cured products (such as prosciutto and Parma ham).

**Storage of Frozen Foods** – foods that are received frozen in commercially sealed packages to prevent leakage, and remain frozen in the original unopened packages are exempt from the requirements to separate raw and ready-to-eat foods. All frozen, unopened, commercially packaged foods may be stored together.

Other important changes occurred relative to food allergen awareness, employee health, time as a public health control and partially cooking raw animal foods (non-continuous cooking). Detailed information on these subjects is available on our website at <http://www.myfloridalicense.com/DBPR/hotels-restaurants/forms-publications/>

Operators may call the Customer Contact Center at 850.487.1395 or contact local District Offices for questions or additional information. Locate your District Office at <http://www.myfloridalicense.com/DBPR/hotels-restaurants/division-offices/>

### FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Rick Scott, *Governor*

Division of Hotels and Restaurants

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