



INDUSTRY BULLETIN

for Florida's Foodservice Industry



SUBJECT: Consumer Advisory Guidance/Raw or Undercooked Foods Bulletin 2005-04 November 1, 2005

The Division of Hotels and Restaurants has adopted major portions of the 2001 Food And Drug Administration (FDA) Food Code (FC), which includes a consumer advisory requirement. To view the 2001 Food Code and the consumer advisory language, please visit www.MyFlorida.com/dbpr > Hotels and Restaurants. This bulletin is provided for information purposes only, and in the event of conflict, the actual food code language will control.

Excerpts from the 2001 Food Code Section 3-603.11:

3-603.11, FC: "Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens. If an animal food ... that is raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form ... or as a raw ingredient in another ready-to-eat food, the permit holder shall inform consumers 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."

Q: Does the Consumer Advisory have to contain specific language?

A: Yes. The disclosure shall include the description of the animal-derived foods and a reminder that consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase the consumer's risk of foodborne illness.

Q: The code excerpt states that the Consumer Advisory must be "...brochures, deli case or menu advisories, label statements, table tents, placards or other effective written means..."

What is meant by "other effective written means"?

A: As long as the Consumer Advisory is in a written form, contains the language stated in the Food Code and is visible to all consumers from any point inside of the establishment, it should meet the requirement set forth by the Food Code.

Q: If an establishment does not serve undercooked animal food, is the Consumer Advisory applicable?

A: No.

Q: If we do not serve undercooked animal food, and therefore do not provide the Consumer Advisory, but a customer demands undercooked animal food, can we just tell the customer of the significantly increased risk?

A: No, the FDA Food Code specifies that notification must be "written means."

If you need additional information, please visit the Food and Drug Administrations' website: [Implementation Guidance for the Consumer Advisory Provision of the FDA Food Code](http://www.cfsan.fda.gov/~dms/fc99guid.html). (www.cfsan.fda.gov/~dms/fc99guid.html)

If you would like to see a model brochure, please visit the Food and Drug Administrations' website: [4 Ways to Make Safer Food Selections -- Your Guide to Safer Eating Out and Taking Out](http://www.cfsan.fda.gov/~dms/fsrawhaz.html). (www.cfsan.fda.gov/~dms/fsrawhaz.html)

A number of forms, as well as extensive information regarding plan review, inspections, licensing and restaurant disciplinary reports, are available on the division's website at www.MyFlorida.com/dbpr or by calling 850.487.1395.

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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