



Council Recommendation: Accepted as Submitted _____ Accepted as Amended _____ No Action _____

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

All 5 sections below the line must be completed before the Issue will be reviewed for assignment to Council.

PLEASE READ THE INSTRUCTIONS DOCUMENT PRIOR TO COMPLETING THE FORM.

Press Tab key to move forward to the next field and Shift and Tab keys to move backward. You can also use the 4 arrows to navigate within and between text boxes. Boxes will expand to accommodate additional text. Copy and paste may be used.

1. Title: [Briefly describe the purpose of this Issue.]

Consumer Advisory Modification, Section 3-603.11 Supplement to the 2001 Food Code

2. Issue you would like the Conference to consider: [Explain in detail the Issue that concerns you. List relevant references.]

This section requires a mandatory written consumer warning if the establishment serves undercooked (or cooked to order) meats, poultry, fish, eggs, etc. Current research shows that there is little danger when intact meats, fish or eggs are cooked rare or medium rare. In a striking contradiction, other non-animal, potentially hazardous foods which are generally consumed without cooking pose a significant risk to “especially vulnerable” consumers and do not require any warning. Furthermore, FDA research on consumer advisories has shown that consumer advisories in general impart little useful information to consumers and are generally unwanted by consumers at retail.

At the 1998 CFP, a general consensus concerning this issue was reached and was outlined on the page preceding the “Consumer Advisory” section of the 2001 Food Code. The guidance was then included in codified language in the Supplement to the 2001 Food Code. The Supplement requires that food establishments serving raw or undercooked products meet two requirements, disclosure and reminder. Operators are required to disclose that menu items contain raw or undercooked animal products and remind vulnerable consumers of the increased risks associated with consumption of these food products. One option for reminding consumers allows operators to provide informational brochures upon request. However, during the past six years, the FDA has been unable to successfully develop an acceptable consensus brochure for “vulnerable consumers” as identified in the FDA Food Code section 3-603.11.

We strongly feel that to be effective, consumer education must move beyond simple warning statements and scare tactics involving specific food groups at the retail level. Public health education, as related to foodborne illnesses, is a shared responsibility of the



government, food industry, the medical and health care professionals (doctors, nutritionists and dietitians), all levels of academia and public interest groups. It should not be placed solely on the industry with simple point of sale warnings in restaurants and/or supermarkets for only specific stigmatized foods.

3. Public Health Significance: [Completely describe what impact this Issue will have on food service, retail food or vending.]

It is important for foodservice operators to inform consumers when a potentially hazardous, raw or undercooked animal protein is available for sale through disclosure on the menu. For example, when raw eggs are used in a caesar salad, the menu should denote "raw egg caesar salad" or have some other description informing the consumer that raw eggs are an ingredient for that particular menu item. The disclosure of undercooked animal foods on menus is sufficient in effectively communicating with a vulnerable consumer eating in a foodservice operation so that they may make an informed choice when ordering.

FDA's own Working Group's findings indicate that disclosure is sufficient enough, at the restaurant level, to inform the consumer of hazards associated with consuming raw or undercooked animal foods with no other reminder needed.

4. Recommended Solution: [State as precisely as possible what action you would like the Conference to take to address this Issue. Cite the **specific** type of change, location (page and line), and exact wording to be changed in a document, such as the Food Code or Conference document.] **The Conference recommends.....**

The Conference recommends revising Section 3-603.11(A) of the Supplement to the 2001 Food Code to read: (A) Except as specified in Section 3-401.11(C) and Subparagraph 3-401.11(D)(3) and under Section 3-801.11(C), if an animal FOOD such as beef, EGGS, FISH, lamb, milk, pork, POULTRY, or shellfish is served or sold raw, undercooked or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS that these foods are a food choice by way of a DISCLOSURE, as specified in paragraph (B) of this section, using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

The Conference also recommends that 3-603.11(C) be deleted.

5. Submitter:	
Name:	
Organization:	
Address:	
City/State/Zip:	
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E-mail:	

