

# CCDEH

## RETAIL FOOD SAMPLING GUIDELINES

### ***Background***

The California Uniform Retail Food Facilities Law (CURFFL) requires food establishments as defined by Section 113780 to obtain a permit to operate from the enforcement agency prior to commencement of operations. This permit allows the food establishment to handle food for dispensing or sale, directly to the consumer. In an effort to increase sales of a food product or a piece of cooking equipment, samples of a food are sometimes given to the consumer. The food is prepared using similar equipment and ingredients in order to simulate how the food would be prepared in the home by the consumer. In some cases a separate company is contracted by either the manufacturer or food establishment to prepare and distribute these samples.

### ***Scope***

These guidelines are designed to assist the local health departments, retail food establishments that allow sampling and that part of the retail food industry that provides prepared samples to the public at permitted retail food establishments. The guidelines are not intended to be used for sampling at Certified Farmers Markets as permitted by CURFFL Section 114350. Local environmental health agencies that deal with retail food sampling issues are encouraged to adopt these guidelines in the hope that uniform statewide interpretation and enforcement along with professional judgement and a reasonable, practical application of CURFFL will benefit both regulatory and industry interests alike.

### ***Definitions***

For the purpose of these guidelines, the following definitions apply

**Approved:** (a) Approved means acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, current public health principles, practices, and generally recognized industry standards that protect public health.

(b) Approved source means a producer, manufacturer, distributor, or food establishment that is acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health (Refer to CURFFL Section 113740).

**Enforcement Agency:** The State Department of Health Services and any local health department charged with enforcing the provisions of the California Uniform Retail Food Facilities Law.

**Food:** Any raw or processed substance, ice, beverage, including water, or ingredient intended to be used as food, drink, confection or condiment for human consumption. (113775)

**Food Preparation:** Any packaging, processing, assembling, portioning, or any operation which changes the form, flavor or consistency of food. (113790)

**Food Sample Employee:** A person employed or contracted by either the food establishment, manufacturer, distributor, or other company to exclusively prepare food in a food establishment for immediate distribution of a food product to the consumer for taste testing and/or comparing.

**Food Sampling:** The preparation and/or distribution of food for the sole purpose of introducing the consumer to either a food product, method of cooking, or piece of equipment.

**Non-Potentially Hazardous Food:** Any food that is not potentially hazardous.

**Permitted food facility:** Any food establishment, mobile food preparation unit or mobile food facility that has been issued a permit to operate by the enforcement agency.

**Potentially Hazardous Food:** Any food that is in a form capable of either (1) supporting rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications or (2) supporting the growth or toxin production of *Clostridium botulinum*. (113845)

## ***Permit Guidelines***

A permit is required whenever a food facility is open for business. Any time food sampling occurs, it must be done in a permitted food facility such as a food establishment, mobile food preparation unit, mobile food facility or temporary food facility. Any food preparation of the samples must be done in a permitted food facility that has been permitted to allow the type of food preparation proposed. For example, a food establishment, which is permitted to sell prepackaged food only, may not offer samples that require food preparation.

Sampling may occur from a mobile food facility only if the foods being sampled are allowed to be sold from a mobile food facility and the food meets the requisite packaging requirements of Article 11. Please contact the local enforcement agency for specific information on the types of foods that may be sampled from a mobile food facility.

Sampling from a mobile food preparation unit or temporary food facility may occur if the samples are prepared and kept within the structural confines of the facility or are properly prepackaged, held at appropriate temperatures and are supervised.

The enforcement agency may issue a permit to the retail food sample employee or company as necessary to assure that the food is prepared in a pure, safe and unadulterated manner. (113920)

## ***Structural Guidelines***

A large amount of food sampling is done by people who are not employed by the retail food establishment. Instead, they are employees of a company that is contracted by the manufacturer of the product or food establishment to conduct sampling at various retail outlets. Since these employees are not employees of the food establishment, a written agreement shall be provided between the food establishment and the sampling company. The written agreement shall indicate that the employees of the sampling company will have available for their use the sanitary facilities of the food establishment to properly wash, rinse and sanitize the equipment they are using, wash their hands as needed and generally clean up the area where the sampling took place. The agreement shall be kept by the food sampling employee to be provided to the enforcement agency upon request.

The local enforcement agency may require a separate utensil washing/prep area if there is a significant amount of sampling by non-food establishment workers within the food establishment.

## **Equipment**

All equipment and food preparation surfaces (including countertops and tabletops) where retail food sampling is occurring, shall be smooth, easily cleanable and non-absorbent. The surfaces shall be of an adequate size to permit the preparation and dispensing activities. All utensils, display cases, windows, counters, shelves, tables, refrigeration units, sinks, dishwashing machines, and other equipment or

utensils used in the preparation, sale, service, and display of food shall be made of nontoxic, noncorrosive materials, shall be constructed, installed, and maintained to be easily cleaned, and shall be kept clean and in good repair. (114090)

All food-related equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program. In the absence of an applicable ANSI sanitation certification, food-related and utensil-related equipment shall be approved by the enforcement agency. Examples of an accredited program include National Sanitation Foundation (NSF), Underwriters Laboratory (UL) and Edison Testing Laboratory (ETL). (114065)

If ice chests are approved for use by the enforcement agency, they shall be easily cleanable, leakproof, smooth, and nonabsorbent. Use of Styrofoam type ice chests shall not be allowed.

Equipment may be stored at the home of the retail food sampling employee if approved by the enforcement agency. The equipment shall be properly washed, rinsed and sanitized at the food establishment prior to use.

### **Storage**

Adequate and suitable space shall be provided for the storage of food. Food shall be stored at least 6 inches off of the ground. Any opened packages shall be kept in covered or closed containers to prevent contamination of the food. The display shall be kept under constant supervision. (114080)

Unpackaged food may be displayed for customer self-service under the following conditions:

- ! The food displayed for customer self service shall be individually portioned into single use containers.
- ! There shall be constant supervision of the food displayed for customer self service by either a food establishment employee or retail food sampling company employee.

Proper sneeze guards may be required by the enforcement agency to shield the food so that a direct line between the customer's mouth and the food is intercepted. (114080)

### **Cleaning and Sanitizing of Utensils and Equipment**

An approved three compartment sink or dishwasher shall be used to properly wash, rinse and sanitize the utensils and equipment to be used in the preparation of the food to be sampled. The sink or dishwasher shall have dual integral drainboards and be constructed to the appropriate sanitation standards. If a three compartment sink or dishwasher is not available the enforcement agency may approve the use of a one or two compartment sink for washing, rinsing and sanitizing the utensils and equipment.(114065 & 114090)

### **Establishment Facilities**

The retail food establishment shall have available the following items that meet the appropriate CURFFL sections:

- ! Toilet facilities meeting the requirements of CURFFL Section 114105.
- ! Handwashing facilities meeting the requirements of CURFFL Section 114115.
- ! Janitorial facilities meeting the requirements of CURFFL Section 114165.
- ! An adequate water supply of both hot (at least 120 degrees Fahrenheit) and cold

potable water meeting the requirements of CURFFL Section 114095.

### **Floors, Walls & Ceilings**

The floors, walls and ceilings around the area where the food samples are being prepared and served, shall be smooth, easily cleanable and non-absorbent. (114150 & 114155)

### **Lighting**

Adequate lighting shall be provided in the area where the retail food samples are being prepared. Light fixtures over this area shall be shatter proof or protected with shatter proof shields. (114170)

## ***Operational Guidelines***

### **Food Sources**

All food intended for consumption shall be from an approved source. Approved sources include but are not limited to an approved producer, manufacturer, distributor, permitted food establishment or Certified Farmers Market. (113740)

### **Food Storage**

All food shall be prepared, stored, displayed, dispensed, placed, transported, sold, and served as to be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage or other contamination. (114010)

Adequate and suitable space shall be provided for the storage of food. Except for large or bulky food containers, all food shall be stored at least 6 inches off the floor or under other approved conditions. (114080)

Food may be kept in a private home if the food meets all of the following conditions:

- ! The food is prepackaged.
- ! The food is not potentially hazardous.
- ! The food does not show any signs of becoming spoiled or rancid.
- ! The food has not exceeded the labeled shelf life date recommended by the manufacturer. (114015.a.4)

### **Food Preparation and Temperature Control**

All potentially hazardous food, excluding raw shell eggs, pasteurized milk and pasteurized milk products, shall be held at or below 41EF or shall be kept at or above 140EF at all times. Raw shell eggs, pasteurized milk and pasteurized milk products in their original sealed containers shall be held at or below 45° F except under certain conditions as specified in CURFFL Section 113997. (113995 & 113997)

Potentially hazardous food may be kept at ambient temperatures for the purposes of preparing and serving only if adequate documentation is kept regarding the time the food is kept at ambient temperatures. If the potentially hazardous food is under diligent preparation or on display, the time that it may be held at ambient temperatures must not exceed two hours. After that time has expired the food must either be placed under refrigeration, thoroughly cooked or discarded. Leftover displayed food shall be discarded, unless an approved HACCP plan is in place and is being followed. No unpackaged food that has been served and touched by a consumer shall be served again or used in the preparation of other food. (113995)

Frozen, potentially hazardous food shall be stored and displayed in their frozen state unless being thawed. Potentially hazardous foods shall be thawed only by the following methods:

- ! In refrigeration units
- ! Under cool, running water (75°F or less) for no more than 2 hours
- ! As part of the cooking process
- ! In a microwave oven (114085)

To assure that refrigeration units and or ice chests (if allowed) are operating correctly, a readily visible thermometer, accurate to plus or minus 2 degrees Fahrenheit, shall be provided in each refrigeration unit. In order to test the temperature of all foods, an accurate, easily readable, metal probe thermometer shall be readily available to the food sample employee. (113995)

It is recommended that the company responsible for preparing the food samples use a food safety plan that has been approved by the enforcement agency to assure that proper food handling practices are followed. This plan must outline how the food will be prepared, stored, and served. (114080)

All food which contains raw or incompletely cooked animal products may need to be heated to a specific internal temperature depending on the type of animal product. The following is a list of animal products and their required internal cooking temperatures:

- ! All food prepared from or containing raw or incompletely cooked ground meat shall be heated to an internal temperature of 157 degrees Fahrenheit or optionally, 155 degrees Fahrenheit for 15 seconds.
- ! All food prepared from or containing raw or incompletely cooked eggs shall be heated to an internal temperature of 145 degrees Fahrenheit.
- ! All food prepared from or containing raw or incompletely cooked pork shall be heated to an internal temperature of 155 degrees Fahrenheit.
- ! All food prepared from or containing raw or incompletely cooked poultry, ground poultry, stuffed meat, stuffed fish or stuffed poultry shall be heated to an internal temperature of 165 degrees Fahrenheit.

If a microwave is used to cook any one of the foods listed in the previous four paragraphs, the internal temperature shall be 25 degrees Fahrenheit above the temperature specified and shall be completely enclosed. During the cooking process, the food shall be stirred or rotated to assure even heat distribution. Upon completion, the food shall be left to stand for a minimum of two minutes to assure the even distribution of heat throughout the food. (113996)

### **Food Handlers**

No employee shall commit any act that may result in the contamination or adulteration of food, food contact surfaces or utensils. All employees preparing, serving, or handling food or utensils shall wear clean, washable outer garments, or uniforms. All employees shall wear hairnets, caps, or other suitable coverings to confine all hair so as to prevent the contamination of food, equipment, or utensils. All employees shall thoroughly wash their hands and any exposed areas of the arms that may contact food by vigorously rubbing them with cleanser and warm water, paying particular attention to areas between the fingers and around and under the nails, then rinsing with clean water. (114020)

When information as to the possibility of disease transmission is presented to an enforcement officer, he or she shall investigate conditions and take appropriate action. The enforcement officer may, after investigation and for reasonable cause, require the immediate exclusion of any food handler. (114022)

### **Washing and Sanitizing**

All food facilities and all equipment, utensils, shall be kept clean, fully operative, and in good repair.  
(114050)

All utensils and equipment shall be scraped, cleaned, and sanitized as circumstances require. The handling of utensils, equipment, and kitchenware shall be undertaken in a manner, which will eliminate possible contamination of cleaned items by soiled items. All equipment used in the preparation, sale, service, and display of food shall be made of nontoxic, noncorrosive materials, shall be constructed, installed, and maintained to be easily cleaned, and shall be kept clean and in good repair. Utensils and equipment shall be protected from contamination during handling and storage. Single-service utensils shall be obtained in sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used only once. (114090)

### **Linens and Cleaning Cloths**

Adequate and suitable space shall be provided for the storage of clean linens, including apparel, towels, and cleaning cloths. Soiled linens, apparel, towels, tablecloths, and cleaning cloths shall be kept in cleanable containers provided only for this purpose and shall be laundered after each use. Cleaning cloths used to wipe counters, scales, and other surfaces that may directly or indirectly contact food shall be used only once between launderings, or may be used repeatedly if held in a sanitizing solution with a concentration of one of the following: 100 PPM available chlorine, 25 PPM available iodine, or 200 PPM available quaternary ammonium. The sanitizing solution should be changed frequently enough to remain clean and clear. (114160 & 114060)