



Implementing A Consumer Advisory Statement

INTENT

To assure that all consumers are informed about the increased risk to especially vulnerable populations of eating raw or undercooked animal foods

APPLICABILITY

All food establishments where raw or undercooked animal foods or ingredients are sold or served for human consumption in a raw or undercooked form

DOES MY OPERATION REQUIRE A CONSUMER ADVISORY STATEMENT?

OAC 3717-1 3.5E

If an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is raw, undercooked, or otherwise processed to eliminate pathogens is offered in a **ready-to-eat form** as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the **license 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 **EXCEPT:**

- A raw or undercooked **whole-muscle, intact beef steak** may be served or offered for sale in a ready-to-eat form **if:**
 - the population being served is not highly susceptible, **and**
 - the steak is cooked on both the top and bottom to a surface temperature of 145° F (63° C) or above and a cooked color change is achieved on all external surfaces.
- A raw or undercooked animal food (other than the beef steaks specified above) may be served or offered for sale in a ready-to-eat form if ODA or ODH grants a **variance.**

FORMATTING:

Language: The language for the menu items is to match the language used for the *disclosure* and the *reminder*. For example, a menu written in English would have the *disclosure* and the *reminder* in English. The *disclosure* and *reminder* may also be in other languages.

Text size: Text size for statements on hand-held *menus* or table tents is to be visually equivalent to a minimum of 11 point. For statements on a placard, the statements are to be equally readable as menu items that are on the placard. Whether the placard is also a *menu* or it is used solely for the *reminder*, the text size must be readable from the point at which consumers would normally stand to read it.

For statements on labels affixed at the retail level, a good guideline is the CFR pursuant to the Fair Packaging and Labeling Act, 21CFR 101.2 which addresses text size relative to the size of the display panel. Other factors can also affect readability, such as type of font and background versus type color.

SATISFACTORY COMPLIANCE...

Is fulfilled when both a *disclosure* and *reminder* are provided in a manner that is consistent with this guidance. The information contained in both the *disclosure* and *reminder* is to be *publicly available* and readable so that consumers have benefit of the total message (*disclosure* and *reminder*) before making their order selections.

DEFINITIONS:

Disclosure means a written indication as to which items are, or can be ordered, raw or undercooked in their entirety, or items that contain an ingredient that is raw or undercooked.

Publicly Available means readily accessible to consumers (without their having to request it) prior to their placing their food orders or making their selections.

Reminder means a written statement concerning the health risk of consuming raw or undercooked animal foods.

DISCLOSURE

Disclosure must:

- be on the *menu* or be presented in writing to consumers, and
- identify the food items that require *disclosure*, and
- specify that those food items are or contain raw or undercooked animal-derived foods.

Methods of compliance:

Disclosure by description: Items are described, such as:

Oysters on the half-shell (raw oysters),
Raw-egg Caesar salad, and
Hamburgers (can be cooked to order); or

Disclosure by asterisking the food items to a footnote that states that the items:

"Are served raw or undercooked," or
"Contain (or may contain) raw or undercooked ingredients"; and

REMINDER

If either of the *reminder* statements containing the actual advisory information is used, the statement must be in conjunction with the *disclosure* and placed according to one of the following:

- at least once on any page of the *menu* (preferably the first or last page) and located within the *menu* so that the consumer may easily find it, or
- on a placard, table tent, or by other written means.

Methods of compliance:

Use one of the two *reminder* statements containing the actual advisory:

- "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness"; or
- "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."

Use a consumer advisory brochure.

- The 1999 Food Code provides an option to have the disclosed items footnoted to a *reminder* statement that refers the reader to a consumer advisory brochure:
"Regarding the safety of these items, written information is available upon request." *

*When the brochure is not publicly available, the above *reminder* statement has to be on the *menu*.

*When the brochure is is publicly available, the above *reminder* statement does not have to be on the *menu*.

- Use the text of the FDA model brochure (available from DGHD), or