



Ohio Department of Agriculture
and
Ohio Department of Health



Governor Ted Strickland
Lieutenant Governor Lee Fisher

ODA Director Robert J. Boggs
ODH Director Alvin D. Jackson, M.D.

To: Health Commissioners, Directors of Environmental Health and Interested Parties

From: Ohio Department of Agriculture, Division of Food Safety
Ohio Department of Health, Bureau of Environmental Health

Date: September 2, 2010

Re: Letter of Opinion 2010-03

Preventing Food and Ingredient Contamination: Exception permitted for commercially packaged frozen raw animal food to be stored or displayed adjacent to or above commercially packaged frozen ready-to-eat food

Food: protection from contamination after receiving.

Packaged and unpackaged food – preventing contamination by separation, packaging, and segregation

Paragraph (C) of rule 3717-1-03.2 of the Ohio Administrative Code states in part:

Food shall be protected from cross contamination by:

- (1) Separating raw animal foods during storage, preparation, holding, and display from:
 - (a) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables, and
 - (b) Cooked ready-to-eat food;
- (2) Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage preparation, holding, and display...

This rule has been interpreted in the past in consultation with United States Food and Drug Administration (FDA) Food Retail Specialists to mean that stored raw commercially packaged foods must be separated from each or from commercially packaged ready to eat products when stored and displayed even if the product is frozen.

In the 2009 FDA Model Food Code language was added to clarify that frozen, commercially processed and packaged raw animal food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food.

Summary

In view of this change and in anticipation of a corresponding future change to the Ohio Uniform Food Safety Code, it is our opinion that paragraph (C) (1) of rule 3717-1-03.2 of the Ohio Administrative Code does allow for frozen raw products to be stored with frozen ready-to-eat food as stated below if the following conditions are met:

An exception is permitted for commercially packaged frozen raw animal food to be stored or displayed adjacent to or above commercially packaged frozen ready-to-eat food. The freezer equipment shall be designed and maintained to keep foods in the frozen state. Corrective action shall be taken if the storage or display unit loses power or otherwise fails.

This "Letter of Opinion" was reviewed and recommended by the Retail Food Safety Advisory Council at their August 24, 2010 meeting.