

FoodBytes



Indiana State
Department of Health

Winter, 2001 Volume 1, Issue 4

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Inspectors carry more laws than food code

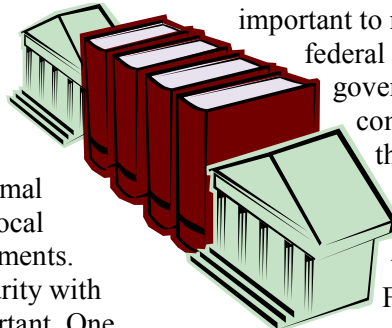
What laws govern food production in Indiana?

There are several of them, often administered by various state and local government agencies, such as the Indiana State Department of Health (ISDH), the Indiana State Board of Animal Health, and local health departments. Some familiarity with them is important. One of the most far-reaching laws is the Indiana Food, Drug and Cosmetic (FD&C) Act (Indiana Code 16-42-1 through 4).

The current Indiana FD&C Act, revised many times, was fashioned mainly to be consistent with the federal FD&C Act in the late 1940's. The state of Indiana had already set the pace for the original federal version with its Pure Food Law in the late 1800s.

The purpose of the current law is to safeguard public health and promote public welfare by protecting consumers from product-

use injury, and by protecting the purchasing public from merchandising deceit flowing from *intrastate* commerce in food, drugs, devices, and cosmetics. It is important to realize that the



federal FD&C Act governs *interstate* commerce of these items.

The four chapters of the Indiana FD&C Act

Inspectors should understand the related laws beyond "410 IAC 7-20".

have several important functions. Among others it:

- Authorizes adoption of regulations created under the federal act;
- Requires registration of businesses which manufacture, process, repack, or do wholesale distribution food, drugs or cosmetics;
- Allows for the collection of samples & access to records;
- Describes legal proceedings for compliance actions;
- Sets a process to embargo or detain adulterated or misbranded merchandise;
- Declares what constitutes a misbranded or adulterated

food, drug, device, or cosmetic;

-Provides for the condemnation or destruction of certain foods; and

(See FD&C Continued on page 2)

Infant formula policy unchanged

After consulting with states surrounding Indiana, plus Minnesota, Scott Gilliam, Food Protection Program manager, says the ISDH policy governing when to mark out-dated infant formula won't change.

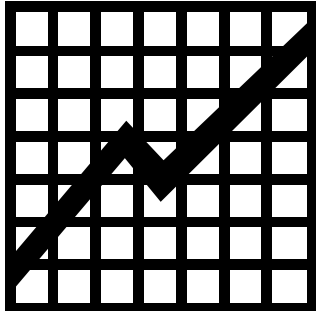
Gilliam said that after discussions with the other states' food program managers, all agreed that marking out-dated formula during inspections should continue.

Gilliam added that this would be marked under Sec. 117 as a Critical violation, if the date on the container has expired.

Water and acidity: two factors affecting bacteria growth

How do pH, water activity (a_w), and nutrients affect bacterial growth in foods? 410 IAC 7-20-59 defines *potentially hazardous foods* (PHF) as “food that is natural or synthetic and requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic micro-organisms; ...” When food has a pH of 4.6 or above *and* a a_w 0.85 or above, the food is potentially hazardous. Examples include high protein foods, such as beans and meats; and moist foods, such as rice, potato salad, cooked pasta, gravy, and stuffing.

Water activity (a_w) is the amount of unbound water in a product. Because microorganisms require water for survival, free water can allow microbial reproduction, travel, and contamination. If the water within a product is held with



enough force, microorganisms will not be able to exert the energy required to obtain the water necessary to perform basic life functions (because water is needed to dissolve nutrients). Thus, a_w is set at 0.85, the minimum amount of available water for most microorganisms to grow.

pH is the negative logarithm of the hydrogen ion concentration measured on a scale of 1 to 14; (7 is neutral; under 7 is acidic; and over 7 is basic). The foods we eat are generally acidic. On average, raw beef’s pH is 5.8, strawberry preserves 3.3, and broccoli 5.2. Every microorganism has an optimal pH range in which life functions are best completed. When a microorganism encounters an environment where the pH falls outside of its optimal range, growth of the microorganism is hindered or prevented. The microorganism then has difficulty absorbing nutrients from its environment. Science has determined that a pH of 4.6 is the minimum amount of acidity for most microorganisms to grow.

(FD&C Continued from page 1)

-Sets penalties for obstructing or interfering with enforcement of law.

What does this mean? Many important food regulatory functions such as rule creation, inspections, food sample collection, registration of food establishments, and destruction of adulterated food can be traced back to this law. Knowingly or unknowingly, its use impacts practically everyone who consumes food in and from Indiana every single day.

To learn more about laws relating to food in Indiana contact your regional ISDH representative or visit the ISDH website at ‘www.ai.org/isdh’. Dan Miller

(See PHF Continued on page 3)

Grocers Adopt Food Safety Training

The Indiana Grocery and Convenience Store Association (IGSCA) is finalizing its endorsement of the “Essentials for Food Safety” certification program. This program, co-authored by David McSwane, Nancy Rue and Richard Linton, covers the basics of safe handling of potentially hazardous foods, preventing cross contamination and personal hygiene.

The course has been adopted by several national grocery chains and

will be implemented in retail groceries/convenience stores throughout Indiana beginning in 2001. The IGSCA and the Midwest Grocers Foundation feel there is a need for certification that will provide employees in the industry with the food handling and illness prevention knowledge to effectively manage their businesses. Joe Lackey, President of the Association, has requested that county health specialists be advised of this plan.

FoodBytes is published quarterly by the Food Protection program, Indiana State Department of Health. Comments may be directed to:

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But does he need a hair restraint?

Flipper, a yellow, one-armed robot drew lots of attention at the recent National Restaurant Association show in Chicago. With the dexterity of a human wrist, Flipper placed hamburgers on a griddle, salted them, turned them, and pressed them. It changed tools and squirted pancake batter on a second grill. Then it changed tools again and went back to the burgers. In under five and a half minutes, Flipper made 9 hamburgers and 12 pancakes. Flipper won't complain, ask for a raise, or call in sick, but has he learned to wash his hands?

Indianapolis Star

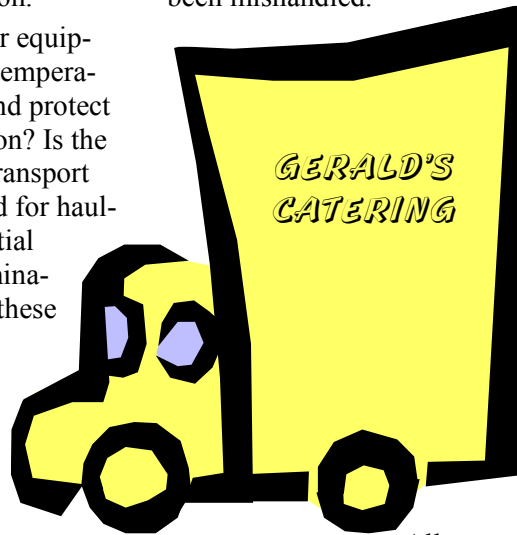
“Does this food establishment cater?”

That's one of the questions you should ask a food establishment operator on his retail food establishment permit application. A business that caters means inspectors should seek additional information.

Is there proper equipment to keep the temperature of the food and protect from contamination? Is the vehicle used for transport clean and not used for hauling trash or potential sources of contamination? Answers to these questions must be “yes”.

Food carried in cardboard boxes in the back of a pickup truck or in a car trunk is unacceptable! All food transported to other locations should be completely covered or sealed and there needs to be adequate means of keeping the hot foods hot and the cold foods cold. At

no time should milk or meat be sitting in the back of a van or truck without adequate protection against temperature abuse. Customers should not be expected to eat any food that has been mishandled.



All food should be stored off the floor in the transport vehicle just as in the establishment storage areas. There should be no signs of rodents or insects.

The “transport” vehicle

is part of the establishment and therefore part of the inspection. Ask to see the transport equipment and vehicles. It all should be clean and in good repair.

It is also a good idea for the establishment to maintain temperature logs. Someone can check temperatures of any potentially hazardous foods during preparation for transporting. Temperatures can also be logged after arrival to determine if any corrective action is needed. *Time* can be used as a “public health control” if an approved written plan is developed.

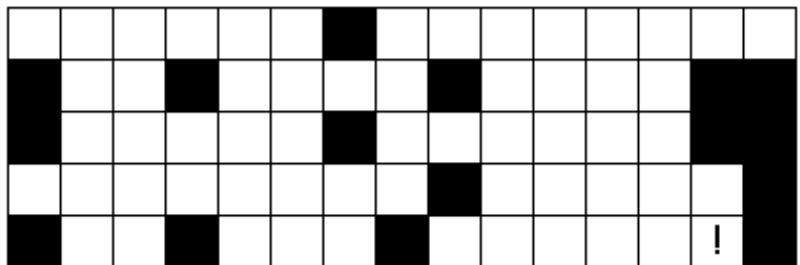
(PHF Continued from page 2)

The challenge is to limit the growth of microorganisms in food. If alterations to pH and a_w cannot be made, then other barriers can be used such as time or temperature control. Questions may be referred to your area representative or ISDH.

Michelle Glunt

ANOTHER FOOD SAFETY PUZZLE!

Place the letters in each column in one of the squares directly above that column. Each letter is used one time. (Example: the first square in the upper left will be either an “H” or “A”. The blank square below that square will be the other letter not used.) The finished puzzle will be a complete sentence about food safety!



T A W A M E M S
 H O D S B O E U D
 L W A L I S H E F O A E
 H A N N Y A T G F Y O R B Y
 A T O D E S N R E R O D R E R

"Ask Scott"

Q. There is a "mega" store in our community that includes a food store. I've found that the bakery section is displaying some bread in open paper bags with part of the product exposed. Is this a violation of the code?

A. It certainly could be. Sec. 156 says food on display must be protected from contamination by using packaging, food guards, display cases, or other *effective* means. If the bread is displayed so that a customer could touch it before purchase, it is probably a violation under this section and should be marked.

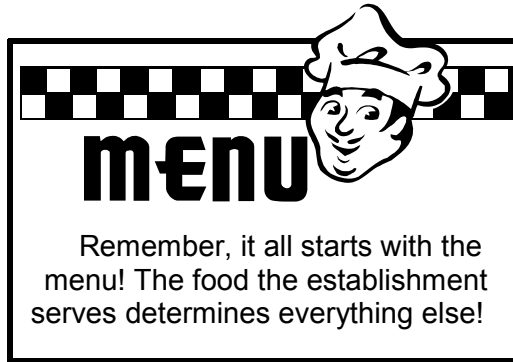
Q. Can I find the new Indiana Retail food code on the web?

A. Yes, at this internet address: <http://www.state.in.us/isdh/regsvcs/foodprot/index.htm>

If an establishment can readily access the internet and find the code, then this does meet the requirement of having a copy of the code on site.

Q. A food service recently suffered a broken water pipe and closed to make the repair. Can they reopen when they want?

A. Look at Sec. 429. Two things (at least) should happen if a business closes because of an "emergency". The establishment operator needs to notify the health department of the situation, and a health department inspector needs to give approval for the food establishment to reopen to be sure that any public health concerns are addressed.



Tip of the month

Every inspection should include an interview of the "person in charge". Asking questions is part of every food establishment inspection. "Where did this food come from?" "How long has it been here?" "Where is it going next?" "What's in this container?" Answers will determine what you do next!

Send your questions to Scott Gilliam at "food@isdh.state.in.us", or use the address on page 2.

