

§228.79 (a)(3)(A)

§228.80 (b)(2)

(A) the manufacturer's or processor's label that was provided with the food; [41] or

(B) a card, sign, or other method of notification that includes the information specified under paragraph (2)(A), (B), and (F) of this subsection. [41]

(4) Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if: [41]

(A) a health, nutrient content, or other claim is not made; [41]

(B) the food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction. [41]

(b) Other forms of information.

(1) If required by law, consumer warnings shall be provided. ^{Pf} [26]

(2) Food establishment or manufacturers' dating information on foods may not be concealed or altered. [41]

§228.80. Consumer Advisory.

(a) Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens. Except as specified in section §228.71(a)(3) and (a)(4)(D) and under §228.82(3) of this title, 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 of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in subsections (b) and (c) of this section, using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means. ^{Pf} [26]

(b) Disclosure shall include:

(1) a description of the animal-derived foods, such as “oysters on the half shell (raw oysters),” “raw-egg Caesar salad,” and “hamburgers (can be cooked to order),” ^{Pf} [26] or

(2) identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients. ^{Pf} [26]

§228.80 (c)

§228.82 (1)(B)

(c) Reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states:

(1) regarding the safety of these items, written information is available upon request; ^{Pf} [26]

(2) consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness; ^{Pf} [26] or

(3) consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions. ^{Pf} [26]

§228.81. Contaminated Food, Disposition. Discarding or reconditioning unsafe, adulterated, contaminated food.

(1) A food that is unsafe, adulterated, or not honestly presented as specified under §228.61 of this title shall be reconditioned according to an approved procedure or discarded. ^P [11]

(2) Food that is not from an approved source as specified under §228.62(a)-(g) of this title shall be discarded. ^P [7]

(3) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified under §228.36 of this title (relating to Management and Personnel) shall be discarded. ^P [11]

(4) Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded. ^P [11]

§228.82. Additional Safeguards, Special Requirements for Serving Highly Susceptible Populations.

Pasteurized foods and prohibited re-service, and prohibited food. In a food establishment that serves a highly susceptible population:

(1) The following criteria shall apply to juice:

(A) for the purposes of this paragraph only, children who are age nine or less and receive food in a school, day care setting or similar facility that provides custodial care are included as highly susceptible populations;

(B) prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR §101.17(g), Food Labeling, warning, notice, and