Minnesota Department of Agriculture
Dairy and Food Inspection Division

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Version #: **1**	Effective Date: 6/30/15
Title: **Retail HACCP Audit Inspection Procedure**	

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1. PURPOSE

The purpose of this procedure is to describe the process used by the Food Inspectors of the Minnesota Department of Agriculture to conduct retail HACCP audits at retail food establishments that require retail HACCP plans under MN Rule 4626.1730 or 4626.1700 (replacing Memo 2006-02).

2. SCOPE

This document applies to all inspections of retail food establishments which require a retail HACCP plan per MN Rule 4626.1730 or 4626.1700. These procedures are not intended to be used in the review of seafood or juice related HACCP plans that are required by 21 CFR 123 or 21 CFR 120 or HACCP plans required by MDA Meat inspection program or USDA inspection programs.

3. BACKGROUND

The Minnesota Food Code requires Retail Food Establishments to implement HACCP Plans in order to conduct certain activities. These activities include cooking foods that do not meet the requirements in MN Rule 4626.0340, conducting specialized processes identified in MN Rule 4626.0415, operating and maintaining molluscan shellfish tanks under MN Rule 4626.0610, removing tags or labels from shellstock under MN Rule 4626.0220 and reduced oxygen packaging of foods under MN Rule 4626.0420. A variance approval may also require the development and implementation of a retail HACCP plan per 4626.1700.

MN Rule 4626.1730 requires new food establishments or those extensively remodeled after July 1, 1999, to submit a HACCP Plan to the regulatory authority before the start of operation for approval in conjunction with the plan review required in part 4626.1720. These plans are reviewed and approved using the procedures identified in FOOD.30.28 HACCP Review Process - Retail Food.

On-going verification of the HACCP plan is conducted by the regulatory authority during on-site inspections. Verification is necessary to ensure that the validated HACCP plan reflects current establishment conditions and that the HACCP plan is functioning effectively. This includes a review of the records that are required to be created and maintained per MN Rule 4626.1730 subp. 3. Records identified in the retail HACCP plan must be maintained by the firm and available for inspection per MS 4626. 1730 subp. 3(B). The firm must maintain records for the typical inspection cycle to allow for review (minimum of one (1) year for retail high risk firm).

4. RESPONSIBILITY

Food Program Manager – The Food Program Manager will assign a Food Inspection Supervisor to oversee the Retail HACCP review process and will review all policies and procedures. The Program Manager will also issue final approval of all food program policies and procedures.

Regulatory, Educational and Outreach Program Coordinator – The Regulatory, Educational and Outreach Program Coordinator will ensure that all staff are trained to carry out the responsibilities of this SOP as it applies to their position.

Food Inspection Supervisor - The Supervisor will ensure all assigned staff in their respective program area receive the appropriate training and follow the procedures described.

Food Inspector – The Inspector will follow the procedures described as applicable to their position and notify their supervisor when the procedures cannot be followed.

5. DEFINITIONS

Critical control point (CCP): "Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Hazard Analysis Critical Control Point (HACCP) Plan: "HACCP plan" means a written document that delineates the formal procedures for following the hazard analysis critical control point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Reduced Oxygen Packaging (ROP): Reduced oxygen packaging" means the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen, displacing the oxygen with another gas or combination of gases, or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is 21 percent oxygen. Reduced oxygen packaging includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging including sous vide. Reduced oxygen packaging does not include packaging that allows oxygen transmission rate of at least 7,200 cubic centimeters per square meter over a 24-hour period.

Retail Food Establishment: any individual, firm, corporation, company, association, cooperative, or partnership who sells food directly to a consumer to include the definition of a "food establishment" (in-part) from the proposed 2013 FDA Model Food Code.

Retail HACCP Plan: A retail HACCP plan is the written materials developed by a Retail Food Establishment to fulfil the requirements in the MN Food Code for specialized processing or as part of the variance approval process.

Specialized Process: Foods produced as described under Minnesota Food Code 4626.0415 (Specialized Processing HACCP Requirements) and 4626.1730 (When a HACCP Plan is required).

Variance: A dispensation to ignore or deviate from certain regulatory requirements as described in MN Rule 4626.1690 – 4626.1715 and as provided for in MN Statues 14.05 subd 4.

6.0 PROCEDURES

6.1 For all retail food establishments performing activities that require a retail HACCP plan, conduct a complete Retail HACCP Audit **at least once annually**.

6.1.1 Conduct the Retail HACCP Audit in conjunction with the routine inspection schedule when possible.

a. A separate, unannounced inspection can be conducted or set up in cases when the routine inspection is conducted by an inspector not yet trained in Retail HACCP.

b. Announced inspections/appointments are limited to specific instances when no retail HACCP processing will be occurring during the routine inspection or in the absence of a specific individual.

6.1.2 If it is noted that a firm has begun using a process which requires a retail HACCP plan but no major remodeling or menu change has occurred which would require a plan review submittal per MR 4626.1730 subp. 2(B), conduct a retail HACCP audit as soon as the need for a retail HACCP plan is identified. See section 6.9.3. for collection and submission of plans.

6.2 Review of Facility Files

6.2.1 Prior to the inspection, review the applicable documents and inspection history related to the firm and the retail HACCP plan. The purpose of the review is to gain a better understanding of the food safety management system in place as well as identify an appropriate time for conducting the inspection to observe active retail HACCP processing.

6.2.2 This review must include all of the following documents when they are available:

a. Past inspection reports and retail audit forms

b. Prerequisite programs when required

c. Training programs when required

d. Approved retail HACCP plan

6.3 Initial Interview

6.3.1 During the initial interview of the inspection, request the Person-In-Charge (PIC) identify the following physical locations in the firm: the written HACCP plan, any associated variances, HACCP monitoring records, and any product currently in process or stored product within the facility that was made using those procedures.

6.3.2 Interview the PIC regarding what items they produce, including items that may not be available during the current inspection.

6.3.3 Based on the information provided by the PIC, determine if there have been any menu changes, process additions or changes to the written retail HACCP plan.

6.4 Review the Process Flow

6.4.1 Identify specific product(s) which require a retail HACCP plan that are actively being produced during the inspection.

6.4.1.1 If no products are being actively produced, identify specific products in-process, being stored or offered for sale.

6.4.1.2 If no products are on site, identify the highest risk retail HACCP products produced by the firm based on interview.

6.4.2 Develop a detailed flow chart for the complete process of the identified product(s) through interview and direct observation of the PIC and other applicable food employees. For instances when no active production is occurring, a physical review of the equipment and facilities used is still required.

6.4.3 Identify CRITICAL CONTROL POINTS (CCPs) where food safety hazards are reasonably likely to occur in the flow chart.

6.4.4 Compare the developed flow chart and identified CCPs against the firm's flow chart to determine if discrepancies exist.

6.4.5 If discrepancies are identified, determine if the discrepancies create a significant public health risk.

a. Consider the following question: Are there hazards that were not identified and subsequently not controlled? Discuss the reason for the discrepancy with the PIC and continue by observing monitoring occurring at that CCP.

b. If discrepancies are not a significant public health risk, make note in the inspection report comments. For example: issues that do not affect the identification of hazards related to the process such as combining packaging and labeling into one step.

6.5 Observe CCP Monitoring

6.5.1 Observe all CCP monitoring that is occurring during the inspection including how the results are recorded in the CCP monitoring records. Determine if critical limits are being met and that critical limits are monitored according to the procedures noted in the HACCP plan.

6.5.2 If no active CCP monitoring is occurring, request employee(s) demonstrate what is monitored, how it is monitored, and how the monitoring activities are recorded.

6.5.3 Take CCP measurements using assigned inspection tools when available to verify the measurements taken by employees. Examples of inspection tools that may not be available are pH meters and scales.

6.6 Record Review

6.6.1 Review CCP monitoring records that have been created within the last 12 months or since the last routine inspection, whichever is shorter. This review is to determine if critical limits are being met and CCP monitoring records are consistently kept per the HACCP plan. Focus the record review on the process(s) observed during the inspection.

a. Select one specific product <u>offered for sale</u> during the inspection and review the complete set of production records for that product. A complete set of records follows the entire process flow for producing a single product.

b. For example, a complete set of records for beef sticks may include all of the following: cure record, a smoking record, a cooling record, and ROP packaging record, a cold storage record and a pull/discard log record.

c. Additionally, select one complete set of records for every other month of production from the last 12 months or since the last routine inspection for the specific products being produced. A minimum of 6 complete record sets must be reviewed (when available).

d. For example, a seasonal operation open six months annually would require one set of records for each month to total six more sets of records to review. Additional records must be reviewed as needed when record deficiencies are identified to determine trends.

6.6.2 Review all Corrective Action records that have been created within the last 12 month or since the last routine inspection, whichever is shorter. This review is to determine if corrective actions are taken and recorded when critical limits are not met.

6.6.3 If no corrective actions have been taken since the last routine inspection and the CCP monitoring records indicate that no corrective actions were necessary, interview the PIC regarding when and what actions would be taken if critical limits are not met.

6.6.4 Review Verification records that have been created in the past 12 months or since the last routine inspection, whichever is shorter. This review is to determine if verification of CCP monitoring records and monitoring equipment are taking place and being recorded per the HACCP plan.

a. Select verification records for CCP monitoring records and monitoring equipment accuracy that related specifically to the CCP monitoring records that were selected for review in 6.6.1.

b. Some verification records may be included in the CCP monitoring form, such as with a batch record verification signature.

c. Some verification records may be separate, such as scale accuracy checks and thermometer calibrations.

6.7 Evaluate Other Applicable Procedures

6.7.1 For all HACCP plans, compare incoming materials and added ingredients noted from the process flow review in section 6.4. to the finished product label to determine if discrepancies exist.

6.7.2 For ROP HACCP plans, review finished products, written materials and implementation for the specific requirement in MR 4626.0420 "Reduced Oxygen Packaging Criteria" to determine if discrepancies exist. Review the following:

i. Foods are limited to those allowed for ROP (unless variance is approved) – Refer to *Attachment A: Food Products that Can/Can Not be ROP at Retail* and *Attachment B: Use of Gases in MAP and CAP*.

ii. Products are adequately labeled – Refer to *Attachment C: Retail HACCP ROP Labeling Requirements*.

iii. Operational procedures for preventing contamination from hands, prevention of cross contamination, restriction of equipment and facilities to trained personnel, and sanitation procedures for food contact surfaces.

iv. Training program for ROP employees on operational procedures

6.7.3 For plans that have associated approved variances, refer to *FOOD.30.18 Variance Review SOP*.

6.8 Evaluate Knowledge and Training

6.8.1 Using open ended questions and observations from the inspection, determine if the PIC and other employees responsible for implementation of the HACCP plan understand the hazards, controls and applicable procedures. Employees should be able to identify deviations and understand the required corrective action to be taken as specified in the HACCP plan.

6.8.2 Ask the owner/overall manager about their knowledge of the regulatory need and responsibilities related to the retail HACCP plan.

6.8.3 Ask the PIC questions regarding specific CCPs and why control is necessary.

6.8.4 Ask the monitoring employees what actions are taken when critical limits are not met and deviations occur. If employees reference specific occurrences of corrective actions being taken, compare with corrective action records.

6.9 Retail HACCP Audit Form(s)

6.9.1 Complete the Retail Food HACCP System Routine Audit in USAFS based on the observations and information gathered during the inspection.

a. This form is a tool to capture your evaluation of the implementation of the HACCP plan and should be completed prior to the routine retail inspection report.

b. Signatures from the PIC are not required on this form and the form should only be reviewed with the PIC if it assists in the communication of issues related to the plan.

c. This form will identify deficiencies that require orders to be written in the routine Retail Food inspection report. Reference the *Retail HACCP Routine Audit Form Guide* regarding the intent of questions and examples of comments to note.

6.9.2 For HACCP plans that have been significantly changed since approval, have been in use more than 3 years since approval or have not been fully reviewed within the last 3 years, use the HACCP System Audit Form (4 page form) to review the complete plan for adequacy and implementation rather than completing the Retail Food HACCP System Routine Audit form (1 page).

a. This review can be conducted off site and with the consultation of assigned retail HACCP review staff if needed. However, any deficiencies must still be addressed with orders issued to the firm in an inspection report.

b. A copy of the Retail HACCP Plan in use must be collected from the firm (can be electronic submission).

c. References that can be used for this review also include, but are not limited to, the *MN Food Code*, *MDA Model Retail HACCP Templates* and *Evaluation Tool for Acidified Rice Plans Guidance Document*.

6.9.3 For HACCP plan(s) that have never gone through the review process or where significant unresolved deficiencies exist, collect an electronic (preferred) or hard copy of the plans and submit to www.MDA.HACCP.Variance@state.mn.us or mail to assigned retail HACCP support staff for complete review per FOOD.30.28 HACCP Review Process – Retail Food.

6.10 Documenting Retail HACCP Audit in Inspection Report

6.10.1 Collect a copy of the HACCP plan in use if not currently recorded in USA Food Safety (USAFS). Notify the firm of their rights to mark information as confidential.

6.10.2 Issue orders for all deficiencies noted from the inspection observations, Retail Food HACCP System Routine Audit Form or HACCP System Audit Form. If deficiencies were identified from inspection interview rather than direct observation, make sure the report clearly identifies the issue as well as the source of the violation.

6.11 Product Disposition and Compliance Actions

6.11.1 Request an immediate corrective action be taken if the situation poses a possible/ immediate threat to public health, such as a CL not being met at a CCP during the inspection.

6.11.2 Verify that the firm has corrected the identified operational problem. Do not continue on the inspection until confidence is established that the firm is taking the appropriate corrective action. Take detailed notes and collect evidence of the observation and corrective action(s) taken.

6.11.3 In cases when the firm does not have control over a process, inform the PIC they must discontinue that type of production and issue the relevant orders. This may apply in instances when a HACCP plan is not in place and the firm is not actively monitoring and controlling hazards.

6.11.4 In cases when the firm has a HACCP plan in place but the CCPs are not in control, inform the PIC to discontinue the process, make adjustments to the HACCP and/or comply with the HACCP plan based on the specific deficiencies. Consult with your supervisor as needed.

6.11.5 Evaluate the situation to determine proper disposition of the product or recalls must be issued. This must be considered when CLs have not been met. Refer to *FOOD.30.27 Field Compliance Actions* and consult Food Inspection Supervisors as needed for this determination.

6.11.6 An additional inspection may be necessary, refer to FOOD.30.02 Reinspection SOP for specific direction.

7.0 RELATED DOCUMENTS (includes References, Attachments)

Attachment A – Food Products that Can/Can Not be ROP at Retail

Attachment B – Use of Gases in MAP and CAP

Attachment C: Retail HACCP ROP Labeling Requirements

Evaluation Tool for Acidified Rice Plans Guidance Document

FOOD.30.02 Reinspection SOP

FOOD.30.18 Variance Request (Retail) SOP

FOOD.30.27 Field Compliance Actions

FOOD.30.28 HACCP Review Process – Retail Food

MN Rule 4626 – MN Food Code

MDA Model Retail HACCP Plan Templates

Retail Food HACCP System Routine Audit Form (in USAFS)

Retail HACCP Routine Audit Form Guide

8.0 EQUIPMENT/MATERIALS NEEDED

USA Food Safety – electronic inspection system

Inspection equipment

9.0 SAFETY

N/A

10.0 CIRCULATION

This policy will be circulated to the following individuals: Food Compliance Officers, Food Compliance Supervisor, Food Program Inspectors, Food Program Supervisors, Food Program Manager, and Training and Outreach Coordinator. A standing version is stored electronically on the DFID server.

11.0 APPROVAL/DOCUMENT HISTORY

Document History		
Version #	**Status (I, R)**	**Change History**
1	**I**	**Initial Policy Drafting.**

2015.06.30 08:37:00 -05'00'

Approved By:	**Date**
Approved By:	**Date**

I = Initial document; R = Revised document

MINNESOTA DEPARTMENT OF AGRICULTURE
DAIRY AND FOOD INSPECTION

Attachment A

Food Products That Can/Can Not Be ROP at Retail (MN Food Code Requirements)

Incorporating multiple barriers (refrigeration plus a secondary barrier) deters the growth of infectious or toxigenic microorganisms including *Clostridium botulinum* during extended shelf life or during potential product abuse between processing and consumption. The MN Food Code 4626.0420 3-502.12 B. (2) states that the HACCP plan shall limit the food packaged to a food that does not support the growth of Clostridium botulinum because the food:

(a) has a water activity of .91 or less

– Each organism has a minimum a_w below which it will not multiply. In the case of toxigenic organisms, there is a minimum a_w below which the organisms will not produce toxins. Few (if any) pathogens will grow or produce toxin at or below .91 a_w

(b) has a pH of 4.6 or less

– Low pH can serve to extend shelf life in two ways: by directly inhibiting microbial growth and by reducing microbial resistance in foods that will subsequently be heat processed. A pH of 4.6 or less is a distinct safety barrier because it completely inhibits the grown of *Clostridium botulinum*.

(c) is a food with a high level of competing organisms, including raw meat, raw poultry or a naturally cultured standardized cheese; OR

- Competing organisms, particularly when present in high numbers, tend to overgrow pathogenic organisms and often lower the pH of the food as well. Fermented foods, such as certain cheeses, raw meat and pickled foods, either depend on the use of "starter cultures or natural flora" that are present in the food. In foods such as active cheese cultures, these microorganisms are still viable and will continue to grow under anaerobic conditions. It is the natural competition of these organisms along with the continued lowering of pH that inhibit the growth and toxin production of pathogens such as *Clostridium botulinum.*

(d) is a meat or poultry product:

i. Cured at a food processing plant regulated by the USDA and received in an intact package; or

ii. Cured using substances specified in CFR Title 9 Section 318.7 and 381.147 *(This reference is now located at 9CFR 424.21)*

- Curing has different connotations for different foods. In cured meat and poultry, salt and nitrate or nitrite are always added to the product. In cured fish, salt is always added, but nitrite rarely. Curing salts (sodium chloride – table salt and sodium and potassium nitrate or nitrite) alter a foods basic color, flavor, texture and susceptibility to microbial growth. At levels and under conditions commonly used to cure meat and poultry products, curing agents do not destroy microorganisms. Instead, they retard or prevent growth of undesirable organisms and prevent the germination and outgrowth of spores that survive the cooking process.

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Attachment A

ROP Approved Products List*

**** This list is a general guide – specially formulated products may need to be evaluated to ensure the criteria required by Code are met***

Meat:

Raw Meat or Poultry

Including marinated and/or cured meat or poultry products

Cured Cooked Meat Products:

Abessandri Salami	**Cooked Salami**	**Kielbasa**	**Pimento Loaf**
Amas Sausage	**Coppa**	**Kippered Beef**	**Polish Sausage**
Arennino Sausage	**Corned Beef**	**Knackwurst**	**Poultry: Certain traditionally cured beef/pork products now made with poultry ie. Turkey bacon, chicken brats**
Bacon	**Cotto Salami**	**Knockwurst**	**Poultry Sausage**
Bacon – Cottage Style	**Cured Beef Tongue**	**Knockblauch**	**Pressed Ham**
Bacon – Canadian Style	**Daisy**	**Koro**	**Prosciutto**
Beef Bacon	**Deviled Ham**	**Krakow**	**Prosciutto, cooked**
Beef Jerky	**Dried Beef**	**Landjaeger**	**Prosciutto, Coto**
Beerwurst	**Dry Salami**	**Lebanon Bologna**	**Ring Bologna**
Berliner	**Fleisch Kaese**	**Linouica**	**Salami – Beef**
Beerliner Blood Sausage	**Frankfurters**	**Liver Sausage**	**Salami – Beer**
Ber Schinken	**Fried Bacon Skins**	**Liverwurst**	**Salami – Cooked**
Bloodwurst	**Garlician Sausage**	**Longaniza**	**Salami – Cotto**
Bohemian Peesky	**Garlic Bologna**	**Lyons Sausage**	**Salchichia**
Bologna	**Genoa Salami**	**Metz Sausage**	**Saricisse**
Bologna Loaf	**Goose Liver Sausage**	**Minced Ham Loaf**	**Sarno**
Braunschweiger	**Goose Braunschweiger**	**Minced Luncheon**	**Savelog**
Calabrese	**Goteburg**	**Mortadella**	**Smithfield Ham**
Capacola	**Ham**	**New England Sausage**	**Snack Sticks**
Cervelat	**Ham, water added**	**Olive Loaf**	**Soppresata**
Chicharones	**Ham Loaf**	**P&P Loaf**	**Summer Sausage**
Chopped Ham	**Ham Patties**	**Pancetta**	**Souse**
Chorizos	**Ham Sausage**	**Parma Ham**	**Thuringer**
Chourico	**Head Cheese**	**Pastrami**	**Turkey (smoked)**
Cocktail Weiners	**Hot Dogs**	**Pepper Loaf**	**Vienna Sausage**
Cooked Ham	**Italian Style Salami**	**Pepperoni**	**Weiners**
Beef Sticks	**Italian Style Sausage**	**Pigs Feet (cured)**	

Cheese Products: Hard 21CFR 133.150 & Semi Soft 21 CFR 133.187)

Asiago medium	Edam	Mozzarella (low moisture)	Sap sago
Asiago old	Gouda	Monterey Jack	Swiss & Emmentaler
Asiago fresh and soft	Jarlsburg	Muenster	String Cheese
Blue	Limburger	Parmesan	Cheese Curds
Brick	Farmer	Provolone	
Cheddar	Gorgonzola	Romano	
Colby	Gruyere	Roquefort	

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Attachment A

Other Foods:
Pickled Foods, Uncooked Vegetables

ROP – NOT Approved Products List

Meats:
No cooked, uncured meats such as:

- Cooked fresh bratwurst
- Cooked chopped roast beef, roast pork, turkey
- Turkey Breast (not smoked)
- Cooked Chicken or Turkey parts (not smoked)
- Luncheon Meats such as roast beef, turkey, chicken, pork

Soft Cheese including:
Brie, Camembert, Ricotta, cottage cheese, Teleme, cream cheese, cheese spreads, processed cheese, combinations of cheese and ingredients such as vegetables or meat

Fish
Raw, Cooked or Smoked Fish can ONLY be ROP'd if frozen before during and after packaging. This includes Lutefisk.

Other foods:
Sandwich spreads (including ham salad, chicken salad, tuna salad, egg salad)
Processed Salads (potato salad, cole slaw etc.)
Lefse
Peeled Hard Boiled Eggs
Baked Potatoes
Any cooked vegetable
Raw seed sprouts
Cut/processed melon

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Attachment B

Use of Gases in MAP and CAP

Gases used in modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP) should be tailored to each individual product if the packaging goes beyond drawing a simple vacuum. One or more of three different gases are typically used when "back flushing" occurs after a vacuum is drawn on a package.

Carbon Dioxide (CO_2) is useful for preventing microbial spoilage at refrigerated temperatures because it restricts the growth of most molds, many types of yeast and some bacteria. To be effective, it must dissolve in solution in the product. This changes the pH, but it is believed that the inhibitory action is based on interference with the cell membrane action of the organism.

Nitrogen (N_2) is a filler gas used to reduce the concentration of other gases that may dissolve in solution. Nitrogen helps prevent the rancidity that develops when fats oxidize and is also used simply to keep packaging from collapsing on delicate products.

Oxygen (O_2) inhibits the growth of anaerobic pathogens but does not directly extend the shelf-life of the product. It also helps maintain the red color of fresh meat. Oxygen scavengers can be used to drop oxygen levels low enough to inhibit mold growth (less than 0.5% O_2).

If any gases are used in the reduced oxygen packaging of the product, the following information needs to be noted:

- The type and proportion of gases
- The source of gases
- Quality of (food grade or hospital grade) gases

It is also important that only stainless steel regulator valves be used on gas cylinders. Cylinders should always be secured to prevent accidents.

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Attachment C

Retail HACCP ROP Labeling Requirements

Reference:

The Minnesota Food Code 4626.0420 – 3-502.12 B. (4) (a) and (b) states that the HACCP plan for Reduced Oxygen Packaging shall:

(4) describe how the packages will be prominently and conspicuously labeled on the principle display panel in bold type on a contrasting background, with instructions to:

(a) keep refrigerated or frozen; and

(b) discard the food if within 14 calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption unless a variance, including a HACCP plan, has been granted by the regulatory authority under parts 4626.1690 to 4626.1715;

Requirements:

Any firm conducting Reduced Oxygen Packaging (ROP) operations must address in the Standard Operating Procedures for the ROP, HACCP plan information on how the firm labels the ROP packages to inform the consumer that the food must be kept refrigerated (or frozen) and that it must be consumed or discarded by the date indicated on the package. The document in the HACCP plan should be a written description on how the ROP products are labeled and should include examples of the labels that are being used to verify that they are meeting these requirements.

1. These special labeling requirements must be:
   a) On the principle display panel of the package (this can be anywhere on the front of the package, not limited to the primary label; add-on labels could be used); and
   b) In bold type, (**Keep Refrigerated** vs. Keep Refrigerated) or highlighted; and
   c) On a contrasting background (black letters on a white or other light colored background; black letters on a red (beef) colored background is not acceptable.)
2. A statement 'Keep Refrigerated' or 'Keep Refrigerated or Frozen' (either is acceptable) is required. If 'Safe Handling Statements' are used on these products and they meet the above 3 requirements, they will satisfy the requirement. If they do not meet these three requirements, an additional statement on the primary label or an add-on label will be required.
3. The 'discard' statement must make it clear to the consumer that the food is to be consumed or thrown away by the date indicated. This is a food safety issue, not a food quality issue. Any of the following open dating examples would be acceptable:
   - **Discard By: 12/19/02**
   - **Use By: 12/19/02**
   - **Consume By: 12/19/02**
4. Limit the shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first, **unless a variance- including a HACCP plan- has been approved.** Refer to Minnesota Food Code 4626.0420 B (5) for requirements.

Attachment C

5. A "Sell By" date is commonly used as a quality assurance date; the intent of this section (4626.0420) of the Food Code is for the labeling instructions to be more prescriptive. **The use of a "Sell By" date alone is NOT acceptable.** If the date is presented in this manner (as on some pre-printed labels), any of the following additions to the open dating would be acceptable and must be included on the principle display panel:
   - **Discard by the Sell By Date**
   - **Use by the Sell By Date**
   - **Consume by the Sell By Date**
6. If the label does not have adequate space, this could be added by the use of a rubber stamp or with an add-on or day glow sticker. These statements must then meet the requirements of being on the principle display panel, in bold type, and on a contrasting background (see above).

If you have any further questions on these issues, please contact your supervisor.