

Food Code Fact Sheet #6

What you should know about the Code

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/FOODSAFETY

Consumer Advisory

OAR 333-150-0000, CHAPTER 3-603.11(A)

(A) Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(4) and under ¶ 3-801.11(C), 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 ¶¶ (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means. ^{Pf}

(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} 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}

(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}

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

PUBLIC HEALTH REASONS:

Animal-derived foods that are not subjected to adequate heat treatment pose a risk to consumers because they may contain biological agents that cause foodborne disease. The intent of the advisory is to assure that all consumers are informed about the increased risk of eating raw or undercooked animal foods.

Foods from animals such as meat, poultry, fish, shellfish, and eggs when eaten raw or undercooked sometimes contain harmful viruses and bacteria that can pose a risk of foodborne illness. Young children, pregnant women, older adults and those with compromised immune systems are particularly vulnerable.

The Oregon Food Sanitation Rules require a written consumer advisory to assure that all consumers are informed about the increased risk of eating raw or undercooked animal foods. The consumer advisory consist of two parts: **Disclosure and Reminder.**

Disclosure is a written statement that clearly identifies animal foods which are (or can be ordered) raw or undercooked, or that contain an ingredient that is raw or undercooked. The disclosure must include:

- 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)," **or...**
- Identification of the animal-derived foods by asterisking (*) them to a footnote that states the items are served raw or undercooked, or contain raw or undercooked ingredients

Reminder is a written statement concerning the health risk of consuming animal foods raw, or undercooked. The reminder must include asterisking the animal-derived foods requiring disclosure to a footnote that states:

- "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", **or**

Consumer Advisory, cont.

- “Regarding the safety of these items, written information is available upon request”

The consumer advisory can be presented by using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

Note: If you cannot provide documentation to your local health inspector that beef steak served is whole-muscle intact beef, then you must provide a consumer advisory.

There are several disclosure and reminder combinations that can be used. The examples shown below are only some of the options.

Examples of food types that would require a Consumer Advisory:

Raw Eggs

- Dressings or sauces such as Hollandaise or Caesar made with shell eggs, soft cooked eggs
- Meringue pie, some puddings and custards, mousse, eggnog
- Mayonnaise “from scratch”
- Aioli
- Tiramisu

Raw or rare meat

- Hamburgers cooked “medium, medium rare, rare”
- Carpaccio
- Steak tartare
- Tenderized steaks (pinning, jaccarding, or needling)

Raw or undercooked molluscan shellfish

- Raw clams
- Oysters on the half shell

Raw fish

- Sushi
- Ceviche
- Tuna Carpaccio
- Roe
- Gravlax

Note: Consumer advisory text is recommended to be in the same language used for the menu items and at least 11 point font on hand-held menus or table tents.

For more information, look at the FDA document “[Implementation Guidance for the Consumer Advisory Provision of the FDA Food Code](#)”



Example A Disclosure as a Description/ Reminder to a Footnote:

Menu

Chef's Salad
Spinach Salad
Caesar Salad (contains raw eggs)*

(At bottom of page)

*Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have a medical condition.

Example B Disclosure and Reminder to a Footnote:

Menu

Hamburgers*
Cheeseburger*
Bacon Burger*

(At bottom of page)

* Hamburgers are cooked to order. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

Example C Disclosure as a Description/ Reminder to a brochure:

Menu

Oysters on the Half Shell (raw oysters)*

(At bottom of page)

*Regarding the safety of these items, written information is available upon request.