

Current Status of Consumer Advisory Language

Regarding § 3-603.11

The following information is not part of Chapter 3 and is not intended to be included in the codified portion of the Food Code. It is inserted here to provide a summary of recent events surrounding the matter of a consumer advisory, addressed in § 3-603.11 of the Code. In cases where the Food Code is adopted through incorporation by reference, this page may be removed.

A consensus as to what constitutes satisfactory compliance with § 3-603.11 was reached at the 1998 Conference for Food Protection (CFP) meeting. A third option for the consumer "reminder" was added later. This insert page is to alert the reader to the options available to food establishments in advising consumers of the increased possibility of foodborne illness when animal-derived foods are eaten raw or undercooked.

Included in Annex 3 is a full discussion of the evolution of the 1998 CFP consensus, satisfactory compliance, applicability of the Code provision, and the meaning and application of the phrase that appears in § 3-603.11, i.e., "or otherwise processed to eliminate pathogens."

There are two components to satisfactory compliance: Disclosure and Reminder.

Disclosure is satisfied when:

- (1) Items are described, such as:
 - (a) Oysters on the half-shell (raw oysters),
 - (b) Raw-egg Caesar salad, and
 - (c) Hamburgers (can be cooked to order); or
- (2) Items are asterisked to a footnote that states that the items:
 - (a) Are served raw or undercooked, or
 - (b) Contain (or may contain) raw or undercooked ingredients.

Reminder is satisfied when the items requiring disclosure are asterisked to a footnote that states:

- (1) Regarding the safety of these items, written information is available upon request;¹
- (2) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness; 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.

¹Essential criteria for such written information are being developed and will be made available, with a downloadable model brochure, on the CFSAN Web Page at <http://www.cfsan.fda.gov>. All brochures must meet these essential criteria.