

KITCHEN CONFIDENTIAL: DO YOU KNOW IF YOUR RESTAURANT MAKES THE GRADE?

INTRODUCTION

There are many food venues in San Luis Obispo County ranging from service station mini-marts to school cafeterias, through franchised fast-food outlets to wineries and fine dining establishments. One of the many responsibilities of the County Health Agency (Health Agency) is to inspect food facilities for food safety and cleanliness (food safety). Because this was a topic of a 2010-2011 Grand Jury report, the restaurant inspection process was not investigated and will not be reported on by this Grand Jury. Instead, this report focuses on how the Health Agency informs the public about restaurant food safety.

ORIGIN

The 2013-2014 Grand Jury (Grand Jury) initiated this investigation of its own volition, not from a citizen complaint. In a local restaurant kitchen, a Grand Jury member observed what appeared to be an unsanitary condition. This was the impetus behind the Grand Jury looking into how the dining public is informed about the food safety status of their favorite eatery. Once a restaurant's inspection is completed, how does the Health Agency inform and educate consumers, both local and tourist, about the restaurant's food safety conditions?

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of a county officer, department or function.

METHOD

The Grand Jury used several methods to obtain information about the Health Agency's public education efforts, including:

1. Interviewing
 - The Supervisor of the Consumer Protection section of the Environmental Health Agency.
 - The Director of the San Luis Obispo County Health Agency.
 - The Supervisor of the Food Section of the Health Agency.
2. Reviewing
 - The 2010-2011 Grand Jury report on the Health Department Restaurant Inspection program, *Restaurant Inspections – What's Cooking?*
 - The Health Agency website.
3. Observing an on-site restaurant inspection reporting process by Health Agency field staff.
4. Gathering information from two other California county health departments.

NARRATIVE

The 2010-2011 Grand Jury wrote a report on the Health Agency Restaurant Inspection program and most of their recommendations were implemented by the Health Agency. The focus of this report will be on two issues not fully addressed in the previous report: the notification and the education of county restaurant patrons about the health conditions of their eatery of choice.

Posting Inspection Reports

California law¹ requires the most current inspection report “be available” to the consumer. Where is the report kept? The inspection report may be posted on a wall, stored in a cabinet or kept in the back office – as long as it is “available” to the dining public.

¹ California Retail Food Code §113725.1.

By not requiring the restaurant to prominently display its inspection report (Appendix A), how is the Health Agency educating the public regarding restaurant food safety standards? The Grand Jury learned that the Health Agency contracted with a company to facilitate posting inspection reports on-line in real-time. The Grand Jury found the website is not user-friendly. It includes not only restaurants, but hundreds of other food related facilities inspected by the Health Agency. The website also requires specificity of the restaurant's name and does not allow for search of restaurants by locale. The Health Agency acknowledged that better programs are available, but at additional cost which could result in increased inspection fees.

Communicating with Consumers

The Health Agency's Mission Statement² is not focused on communication with the consumer. Solving the following issues regarding communication efforts would benefit the public:

- The Health Agency has an Award of Excellence Program, an incentive program that identifies and awards a certificate to food establishments that routinely exhibit excellent food safety and sanitation practices. This is not effectively promoted.
- The current website is searchable only by precisely spelling the facility name and cannot be sorted by local area or numerical inspection rating.
- The Health Agency does not have a simple, stand-alone restaurant website displaying rating information.
- The Health Agency's websites are not accessible by QR (Quick Response) codes, an increasingly common smartphone website access tool which could display specific restaurant information.

² The Public Health Department (of the County Health Agency) mission is to promote, preserve and protect the health of all San Luis Obispo residents through disease surveillance, health education, direct services and health policy development. www.slocounty.ca.gov/publichealth.

A Health Agency administrator stated the Agency is looking into the possibility of using Yelp.com, a social network review site. When asked about the possible use of a visible placard system with a letter, grade, color or number, as used in several California counties³, the administrator claimed the Health Agency does not endorse this means of notification because of additional workload and costs.

CONCLUSIONS

The Grand Jury is aware that the Health Agency is committed to their food safety program and its efforts to educate the restaurant owner/manager about violations of health and food safety standards. However, the Health Agency is deficient in communicating to the consumer regarding restaurant inspections or ratings.

Through the Award of Excellence certificate, the Health Agency is attempting to make the public aware of its restaurant inspection program. It does not appear that educating the public beyond this incentive program is one of its goals.

The Health Agency's website is another necessary element; making it more user-friendly would be helpful. This may not be enough to communicate with the public on the health ratings of local restaurants. An additional and easily accessible website, solely dedicated to county/neighborhood restaurants does not exist at this time.

The 54-item Health Agency restaurant inspection form, although an effective tool for the Agency, is too detailed and complex for the dining public. Having a completed inspection form available at the food facility for consumer review may be all that is required by California law, but that does not prevent counties from imposing more stringent posting requirements. Although the Health Agency states a visible system would increase workload and costs, the Grand Jury suggests administrative policy changes could mitigate these expenses. The cost of a placard is

³ Both Ventura and San Diego Counties reported they are satisfied with their usage of a visible restaurant rating placard system.

minimal and a restaurant's subsequent request for a re-inspection could be charged back to the restaurant.

Even with a thorough inspection form, website improvement and the inclusion of social media links, there remains a missing component to the Health Agency's public education efforts - public notice. The San Luis Obispo County Health Agency could, and should, go beyond what is required by devising and implementing an efficient system that is easily recognizable and accessible to the public. More importantly, a usable system should be created that includes a visible placard in all county restaurants and a website to inform the public on their food safety.

FINDINGS

- F1: The Health Agency inspection form, a checklist of 54 items, is too complex for the dining public.
- F2: The Health Agency does not utilize a standardized visible restaurant rating system in San Luis Obispo County.
- F3: The Health Agency's existing website is not user-friendly in informing the public about restaurant food safety ratings.
- F4: The Health Agency currently does not have a simple dedicated website to inform the public regarding restaurant food safety ratings.
- F5: The Health Agency does not use social media to inform the public about restaurant food safety ratings.
- F6: The Health Agency's Award of Excellence Program is not effectively promoted.

RECOMMENDATIONS

- R1: The Health Agency should develop an easily visible restaurant rating system that all County food establishments be required to display including how to find restaurant inspection information on-line.

R2: The Health Agency should improve its existing website so the public can easily access County restaurant food safety inspection reports by name or local area.

R3: The Health Agency, using their current database, should develop an additional simple website or webpage solely dedicated to county restaurants.

R4: The Health Agency's dedicated website or webpage should be linkable to social media.

R5: The Health Agency's Award of Excellence Program should be more effectively promoted.

COMMENDATIONS

The Grand Jury commends the Health Agency for its Award of Excellence program because it does encourage restaurants to improve food safety.

REQUIRED RESPONSES

The San Luis Obispo County Health Agency is required to respond to Findings 2 - 6 and Recommendations 1-5.

The Board of Supervisors is required to respond to F2 - 6 and Recommendations 1-5.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

APPENDIX



San Luis Obispo County Environmental Health Services Food Inspection Report

2 156 Sierra Way, P.O. Box 1489, San Luis Obispo, CA 93406-1489
(805) 781-5544 F (805) 781-4211

Date:	Page 1 of _____
Time in:	_____
Time out:	_____

Facility Name:	Address:	City:	Zip Code:
FA ID:	Permit Exp. Date:	Person In Charge:	Service:
PR ID:	Program Element:	Permit Holder:	Score

In = In Compliance; N/O = Not Observed; N/A = Not Applicable; COS = Corrected On-Site; MAJ = Major Violation; OUT = Items not in compliance; PL = Points Lost
Items in red represent the top food borne risk factors.

CRITICAL RISK FACTORS								
DEMONSTRATION OF KNOWLEDGE				COS	MAJ	OUT	RPT	PL
<input type="checkbox"/> In <input type="checkbox"/> N/O	1. Valid food safety cert. demonstration of knowledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3/5
EMPLOYEE HEALTH & HYGIENIC PRACTICES								
<input type="checkbox"/> In	2. Communicable disease: report, restrict, exclude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5
<input type="checkbox"/> In <input type="checkbox"/> N/O	3. No discharge from eyes, nose, and mouth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/2
<input type="checkbox"/> In <input type="checkbox"/> N/O	4. Proper eating, drinking or tobacco use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
PREVENTING CONTAMINATION BY HANDS								
<input type="checkbox"/> In <input type="checkbox"/> N/O	5. Proper handwash procedures and glove use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
<input type="checkbox"/> In <input type="checkbox"/> N/O	6. Adequate handwash facilities supplied	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2
TIME AND TEMPERATURE RELATIONSHIPS								
<input type="checkbox"/> In <input type="checkbox"/> N/O	7. Proper hot and cold holding temperatures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3/6
<input type="checkbox"/> In <input type="checkbox"/> N/O	8. Procedures for time as public health control method	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/2
<input type="checkbox"/> In <input type="checkbox"/> N/O	9. Proper cooling methods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3
<input type="checkbox"/> In <input type="checkbox"/> N/O	10. Proper cooking time & temperatures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3
<input type="checkbox"/> In <input type="checkbox"/> N/O	11. Proper reheating procedures for hot holding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3
PROTECTION FROM CONTAMINATION								
<input type="checkbox"/> In <input type="checkbox"/> N/O	12. Returned and reservice of food	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2
<input type="checkbox"/> In	13. Food in good condition, safe & unadulterated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/2
<input type="checkbox"/> In <input type="checkbox"/> N/O	14. Food contact surfaces: clean & sanitized	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2/3
FOOD FROM APPROVED SOURCES								
<input type="checkbox"/> In	15. Food obtained from approved sources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5
<input type="checkbox"/> In <input type="checkbox"/> N/O	16. Shell stock tags: quality, storage, tags	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/2
<input type="checkbox"/> In <input type="checkbox"/> N/O	17. Compliance with Gulf Oyster Regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2
CONFORMANCE WITH APPROVED PROCEDURES								
<input type="checkbox"/> In <input type="checkbox"/> N/A	18. HACCP/ variance required: approved records kept	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/2
CONSUMER ADVISORY								
<input type="checkbox"/> In <input type="checkbox"/> N/O	19. Consumer advisory provided for raw or undercooked foods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/2
HIGHLY SUSCEPTIBLE POPULATIONS								
<input type="checkbox"/> In <input type="checkbox"/> N/A	20. Schools/LHC facilities: prohibited foods not used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
WATER/HOT WATER								
<input type="checkbox"/> In <input type="checkbox"/> N/A	21. Hot and cold water available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3/5
LIQUID WASTE DISPOSAL								
<input type="checkbox"/> In <input type="checkbox"/> N/A	22. Sewage and wastewater properly disposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
VERMIN								
<input type="checkbox"/> In	23. No rodents, insects, birds or animals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3/5

Food Safety Certified Employee: _____

Certification Date: _____

GOOD RETAIL PRACTICES					
SUPERVISION			OUT	RPT	PL
24. Person in charge present and performs duties			<input type="checkbox"/>	<input type="checkbox"/>	0.5
PERSONAL CLEANLINESS					
25. Personal cleanliness and hair restraints			<input type="checkbox"/>	<input type="checkbox"/>	0.5
GENERAL FOOD SAFETY REQUIREMENTS					
26. Approved thawing methods used, frozen food			<input type="checkbox"/>	<input type="checkbox"/>	0.5
27. Food separated and protected			<input type="checkbox"/>	<input type="checkbox"/>	1
28. Washing fruits and vegetables			<input type="checkbox"/>	<input type="checkbox"/>	1
29. Toxic substances properly identified, stored, used			<input type="checkbox"/>	<input type="checkbox"/>	1
FOOD STORAGE/DISPLAY/SERVICE					
30. Food storage: food storage containers identified			<input type="checkbox"/>	<input type="checkbox"/>	0.5
31. Consumer self-service			<input type="checkbox"/>	<input type="checkbox"/>	0.5
32. Food properly labeled & honestly presented			<input type="checkbox"/>	<input type="checkbox"/>	0.5
EQUIPMENT/UTENSILS/LINENS					
33. Nonfood contact surfaces clean			<input type="checkbox"/>	<input type="checkbox"/>	0.5
34. Warewashing facilities/test strips: adequate, used			<input type="checkbox"/>	<input type="checkbox"/>	1
35. Adequate/approved equipment/utensils, maintained			<input type="checkbox"/>	<input type="checkbox"/>	1
36. Equipment, utensils and linens: storage and use			<input type="checkbox"/>	<input type="checkbox"/>	1
37. Vending machines			<input type="checkbox"/>	<input type="checkbox"/>	0.5
38. Approved lighting/ventilation: adequate, used			<input type="checkbox"/>	<input type="checkbox"/>	0.5
EQUIPMENT/UTENSILS/LINENS CONTINUED					
39. Thermometers provided and accurate			<input type="checkbox"/>	<input type="checkbox"/>	1
40. Wiping cloths: properly used and stored			<input type="checkbox"/>	<input type="checkbox"/>	1
PHYSICAL FACILITIES					
41. Plumbing: proper backflow devices			<input type="checkbox"/>	<input type="checkbox"/>	0.5
42. Proper waste disposal; facilities maintained			<input type="checkbox"/>	<input type="checkbox"/>	0.5
43. Approved toilet: maintained, accessible, clean			<input type="checkbox"/>	<input type="checkbox"/>	0.5
44. Premises: personal/cleaning items; vermin-proofing			<input type="checkbox"/>	<input type="checkbox"/>	0.5
PERMANENT FOOD FACILITIES					
45. Floor, walls and ceilings: built, maintained, and clean			<input type="checkbox"/>	<input type="checkbox"/>	0.5
46. No private home/living/sleeping in food prep areas			<input type="checkbox"/>	<input type="checkbox"/>	0.5
SIGNS/REQUIREMENTS					
47. Signs posted; last inspection report available			<input type="checkbox"/>	<input type="checkbox"/>	0.5
COMPLIANCE & ENFORCEMENT					
48. Plan Review			<input type="checkbox"/>	<input type="checkbox"/>	0.5
49. Permits Available			<input type="checkbox"/>	<input type="checkbox"/>	0.5
50. Impoundment			<input type="checkbox"/>	<input type="checkbox"/>	0.5
51. Permit Suspension			<input type="checkbox"/>	<input type="checkbox"/>	0.5
STORMWATER					
52. Stormwater pollution			<input type="checkbox"/>	<input type="checkbox"/>	0
REPEAT VIOLATIONS					
53. Repeat Violations - Critical (1 - 23)			<input type="checkbox"/>	<input type="checkbox"/>	5
54. Repeat Violations - Good Retail Practices (24-51)			<input type="checkbox"/>	<input type="checkbox"/>	2

Award of Excellence Issued: Yes

Received by (Signature): _____

Facility Phone: () _____

Specialist (Print): _____

Reinspection Date: _____

A

GENERAL REQUIREMENTS. THE DEPARTMENT MAY CITE ADDITIONAL SECTIONS AS APPLICABLE.

1. All food employees shall have adequate knowledge of and be trained in food safety as it relates to their assigned duties. (113947) Food facilities that prepare, handle or serve non-prepackaged potentially hazardous food, shall have an employee who has passed an approved food safety certification examination. (113947-113947.1)
2. Employees with a communicable disease shall be excluded from the food facility / preparation of food. Gloves shall be worn if an employee has cuts, wounds, and rashes. No employee shall commit any act that may contaminate or adulterate food, food contact surface, or utensils. (113949.5) The permit holder shall require food employees to report incidents of illness or injury and comply with all applicable restrictions. (113949.2, 113950, 113950.5, 113973(a))
3. Employees experiencing sneezing, coughing, or runny nose shall not work with exposed food, clean equipment, utensils or linens. (113974)
4. No employees shall eat, drink, or smoke in any work area. (113977)
5. Employees are required to wash their hands: before beginning work; before handling food / equipment / utensils; as often as necessary, during food preparation, to remove soil and contamination; when switching from working with raw to ready to eat foods, after touching body parts; after using toilet room; or any time when contamination may occur. (113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f))
6. Handwashing soap and towels or drying device shall be provided in dispensers; dispensers shall be maintained in good repair. (113953.2) Adequate facilities shall be provided for hand washing, food preparation and the washing of utensils and equipment. (113953, 113953.1, 114067(f))
7. Potentially hazardous foods shall be held at or below 41/ 45°F or at or above 135°F. (113996, 113998, 114037, 114343(a))
8. When time only, rather than time and temperature is used as a public health control, records and documentation must be maintained (114000)
9. All potentially hazardous food shall be RAPIDLY cooled from 135°F to 70°F, within 2 hours, and then from 70°F to 41 °F, within 4 hours. Cooling shall be by one or more of the following methods: in shallow containers; separating food into smaller portions; adding ice as an ingredient; using an ice bath, stirring frequently; using rapid cooling equipment; or, using containers that facilitate heat transfer. (114002, 114002.1)
10. Comminuted meat, raw eggs, or any food containing comminuted meat or raw eggs, shall be heated to 155°F for 15 sec. Single pieces of meat, and eggs for immediate service, shall be heated to 145°F for 15 sec. Poultry, comminuted poultry, stuffed fish / meat / poultry shall be heated to 165°F. Other temperature requirements may apply. (114004, 114008, 114010)
11. Any potentially hazardous foods cooked, cooled and subsequently reheated for hot holding or serving shall be brought to a temperature of 165°F. (114014, 114016)
12. No unpackaged food that has been served shall be re-served or used for human consumption. (114079)
13. Any food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health. (113967, 113976, 113980, 113988, 113990, 114035, 114254(c), 114254.3, 114117, 114125(b))
14. All food contact surfaces of utensils and equipment shall be clean and sanitized. (113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101 (b-d), 114105, 114109, 114111, 114113, 114115 (a, b, d), 114117, 114125(b) 114135, 114141)
15. All food shall be obtained from an approved source. (113980, 113982, 114021-114031, 114035, 114041)
16. Shell stock shall have complete certification tags and shall be properly stored and displayed. (114039 - 114039.5)
17. Comply with Gulf Oyster warning seasonal requirements. (Title 17 CA Code of Regulations §13675, Cal Code Section 113707)
18. HACCP Plan is a written document that delineates the formal procedures developed for safe food handling approved by the National Advisory Committee on Microbiological Criteria for Foods. (114419) A written document approving a deviation from standard health code requirements shall be maintained at the food facility. (114057, 114057.1)
19. Ready-to-eat food containing undercooked food or raw egg and unpackaged confectionery food containing more than ½% alcohol may be served if the facility notifies the consumer. (114012, 114093)
20. Prohibited foods may not be offered in licensed health care facilities/public and private schools. (114091)
21. An adequate, protected, pressurized, potable supply of hot water and cold water shall be provided at all times. (113953(c), 114099.2(b) 114101(a), 114189, 114192, 114192.1, 114195)
22. All liquid waste must drain to an approved fully functioning sewage disposal system. (114197)
23. Each food facility shall be kept free of vermin: rodents (rats, mice), cockroaches, flies. (114259.1, 114259.4, 114259.5)
24. A person in charge shall be present at the food facility during all hours of operation. (113945-113945.1, 113984.1, 114075)
25. All employees preparing, serving or handling food or utensils shall wear clean, washable outer garments or uniforms and shall wear a hairnet, cap, or other suitable covering to confine hair. (113969, 113971)
26. Food shall be thawed under refrigeration; completely submerged under cold running water of sufficient velocity to flush loose particles; in microwave oven; during the cooking process. (114018, 114020, 114020.1)
27. All food shall be separated and protected from contamination. (113984 (a, b, c, d, f), 113986, 114060, 114067(a, d, e, j), 114069(a, b), 114077, 114089.1 (c), 114143 (c))
28. Raw, whole produce shall be washed prior to preparation. (113992)
29. All poisonous substances, detergents, bleaches, and cleaning compounds shall be stored separate from food, utensils, packing material and food-contact surfaces. (114254, 114254.1, 114254.2)n
30. Food shall be stored in approved containers and labeled as to contents. Food shall be stored at least 6" above the floor on approved shelving. (114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b))
31. Unpackaged food shall be displayed and dispensed in a manner that protects the food from contamination. (114063, 114065)
32. Any food is misbranded if its labeling is false or misleading, if it is offered for sale under the name of another food, or if it is an imitation of another food for which a definition and standard of identity has been established by regulation. (114087, 114089, 114089.1(a, b), 114090, 114093.1)
33. All nonfood contact surfaces of utensils and equipment shall be clean. (114115 (c))
34. Food facilities that prepare food shall be equipped with warewashing facilities. Testing equipment and materials shall be provided to measure the applicable sanitization method. (114067(f) & (g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125)
35. All utensils and equipment shall be fully operative and in good repair. (114175). All utensils and equipment shall be approved, installed properly, and meet applicable standards. (114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114177, 114180, 114182)
36. All clean and soiled linen shall be properly stored; non-food items shall be stored and displayed separate from food and food-contact surfaces. (114185.3 - 114185.4) Utensils and equipment shall be handled and stored so as to be protected from contamination. (114074 - 114075, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.5)
37. Each vending machine shall have posted in a prominent place, a sign indicating the owner's name, address, and telephone number. A record of cleaning and sanitizing shall be maintained by the operator in each machine and shall be current for at least 30 days. (114145)
38. Exhaust hoods shall be provided to remove toxic gases, heat, grease, vapors and smoke and be approved by the local building department. Canopy-type hoods shall extend 6" beyond all cooking equipment. All areas shall have sufficient ventilation to facilitate proper food storage. Toilet rooms shall be vented to the outside air by a screened operable window, an air shaft, or a light-switch activated exhaust fan, consistent with local building codes. (114149, 114149.1) Adequate lighting shall be provided in all areas to facilitate cleaning and inspection. Light fixtures in areas where open food is stored, served, prepared, and where utensils are washed shall be a shatterproof construction or protected with light shields. (114149.2, 114149.3, 114252, 114252.1)
39. An accurate easily readable metal probe thermometer suitable for measuring temperature of food shall be available to the food handler. A thermometer +/- 2 °F shall be provided for each hot and cold holding unit of potentially hazardous foods and high temperature warewashing machines. (114157, 114159)
40. Wiping cloths used to wipe service counters, scales or other surfaces that may come into contact with food shall be used only once unless kept in clean water with sanitizer. (114135, 114185.1, 114185.3 (d-e))
41. The potable water supply shall be protected with a backflow or back siphonage protection device, as required by applicable plumbing codes. (114192) All plumbing and plumbing fixtures shall be installed in compliance with local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair. Any hose used for conveying potable water shall be of approved materials, labeled, properly stored, and used for no other purpose. (114171, 114189.1, 114190, 114193, 114193.1, 114199, 114201, 114269)
42. All food waste and rubbish shall be kept in leak proof and rodent proof containers. Containers shall be covered at all times. All waste must be removed and disposed of as frequently as necessary to prevent a nuisance. The exterior premises of each food facility shall be kept clean and free of litter and rubbish. (114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8)
43. Toilet facilities shall be maintained clean, sanitary and in good repair. Toilet rooms shall be separated by a well-fitting self-closing door. Toilet tissue shall be provided in a permanently installed dispenser at each toilet. TI number of toilet facilities shall be in accordance with local building and plumbing ordinances. Toilet facilities shall be provided for patrons: in establishments with more than 20,000 sq ft.; establishments offering on-site liquor consumption. (114250, 114250.1, 114276)
44. The premises of each food facility shall be kept clean and free of litter and rubbish; all clean and soiled linen shall be properly stored; non-food items shall be stored and displayed separate from food and food-contact surfaces; the facility shall be kept vermin proof. (114067 (j), 114123, 114143 (a) & (b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282)
45. The walls / ceilings shall have durable, smooth, nonabsorbent, light-colored, and washable surfaces. All floor surfaces, other than the customer service areas, shall be approved, smooth, durable and made of nonabsorbent material that is easily cleanable. Approved base coving shall be provided in all areas, except customer service areas and where food is stored in original unopened containers. Food facilities shall be fully enclosed. All food facilities shall be kept clean and in good repair. (114143 (d), 114266, 114268, 114268.1, 114271, 114272)
46. No sleeping accommodations shall be in any room where food is prepared, stored or sold. (114285, 114286)
47. Handwashing signs shall be posted in each toilet room, directing attention to the need to thoroughly wash hands after using the restroom (113953.5) (b) No smoking signs shall be posted in food preparation, food storage, warewashing, and utensil storage areas (113978). (c) Consumers shall be notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets. (d) Any food facility constructed before January 1, 2004 without public toilet facilities, shall prominently post a sign within the food facility in a public area stating that toilet facilities are not provided (113725.1, 114381 (e)).
48. A person proposing to build or remodel a food facility shall submit plans for approval before starting any new construction or remodeling of any facility for use as a retail food facility. (114380)
49. A food facility shall not be open for business without a valid permit. (114067(b) & (c), 114381 (a), 114381.2, 114387)
50. An enforcement officer may impound food, equipment or utensils that are found to be unsanitary or in disrepair. (114393)
51. If an imminent health hazard is found, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed. (114409, 114405)