



Food Code Implementation Guidance from the Washington State Department of Health Division of Environmental Health Food Safety Program

Consumer Advisory



Food Code References:
3-603.11
3-801.11(D)

Definitions:
Disclosure

Written indication as to which items are raw or undercooked in their entirety, can be ordered raw or undercooked, or that contain an ingredient that is raw or undercooked.



Highly Susceptible Population

Persons more likely than the general population to experience foodborne disease because they are:
(i) Immunocompromised; preschool age children, or older adults; and
(ii) Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.



Reminder

A written statement concerning the health risk of consuming raw or undercooked animal foods or unpasteurized juices of fruits or vegetables.



Menu

Whatever consumers read (table tent, placard, chalk board, or other written means) to make order selections.



A *consumer advisory* is a publicly posted notice informing consumers that certain ready-to-eat foods pose a health risk because the foods are not processed to eliminate pathogens. Food establishments must post a consumer advisory if they serve:

- raw or undercooked foods of animal origin
- unpasteurized fruit and vegetable juices packaged in the food establishment

Note: Since raw and undercooked foods of animal origin and unpasteurized juices may not be served in institutions that feed a HIGHLY SUSCEPTIBLE POPULATION, the consumer advisory requirement does not apply.

A consumer advisory consists of two parts: DISCLOSURE and REMINDER.

DISCLOSURE

Food establishments must identify unpasteurized juices packaged in the food establishment or foods of animal origin that are served raw or undercooked, even if they are made to order. Identification must be at the point where the food is selected by the consumer and may be on a MENU, table tent, placard, or other printed means.

DISCLOSURE is satisfied when:

1. Items are described:
 - Oysters on the half-shell (raw oysters)
 - Raw-egg Caesar salad
 - Our steaks are cooked to order; or
2. A footnote is used that states that the items:
 - Are served raw or undercooked, or
 - Contain (or may contain) raw or undercooked ingredients

REMINDER

In addition to disclosing which foods are served raw or undercooked, food establishments must also remind consumers of the health risk associated with eating these foods. The REMINDER statement must be in the same location as the DISCLOSURE, where customers can easily find it (preferably on the page where the first undercooked item appears).

Food establishments may choose to use a separate consumer advisory document as a REMINDER. If a food establishment chooses this option, the food establishment must:

- Refer to the document on the MENU, **or**
- Make the document readily accessible to consumers prior to ordering. *Readily accessible* means the consumer can get it without having to ask for it. In this case, the REMINDER statement is not required to be on the MENU.

NOTE: This fact sheet is a compilation of major food safety rules regarding the given topic and is not designed to replace reading the Food Code.



MENU EXAMPLES:

MENU	
<u>Hamburgers*</u>	
Bacon Cheeseburger	Jr. Burger
Deluxe Burger	Cheeseburger
* Can be cooked to order. Consuming raw or undercooked meats may increase your risk of foodborne illness.	

MENU
Garden Salad
Chef's Salad
Caesar Salad (contains raw eggs)
NOTICE: Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

MENU	
Sirloin Steak	New York Steak
Filet Mignon	Prime Rib
Our steaks are cooked to order. Consuming raw or undercooked meats may increase your risk of foodborne illness.	

SAMPLE LANGUAGE FOR DISCLOSURES AND REMINDERS:

1. "Oysters on the half-shell are raw. Consuming raw oysters may increase your risk of foodborne illness."
2. "Hamburgers may be cooked to order. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."
3. "Our Caesar salad dressing is made with raw eggs. Consuming raw or undercooked eggs may increase your risk of foodborne illness."
4. "Meats or eggs that are undercooked to your specification may increase your risk of foodborne illness, especially if you have certain medical conditions."
5. "Consuming unpasteurized fruit or vegetable juices may increase your risk of foodborne illness."
6. "Regarding the safety of our eggs and hamburgers that are cooked to order, written information is available upon request."

CUSTOM DESIGNED DOCUMENT:

If establishments choose to make written information available in place of a REMINDER statement, a consumer advisory document must be available for consumers upon request. FDA has provided model text containing the information necessary to communicate risk to consumers: <http://vm.cfsan.fda.gov/~dms/fc99guid.html#brochure>. If food establishments use a custom designed document instead of the FDA brochure, the following essential criteria must be met:

1. The information must be science-based.
2. The hazard must be described.
3. The reason the raw or undercooked food is hazardous must be explained.
4. Consumers at the greatest risk must be identified.
5. Guidance must be given to all consumers, emphasizing those at greatest risk.
6. The information must be clear and easily readable.
7. Sources of additional information must be provided.

READABILITY REQUIREMENTS:

Consumer advisory text must be readable and be in the same language used for the MENU items. Text size for statements on hand-held MENUS or table tents should be visually equivalent to at least 11 point. For placards, statements need to be as easily read as MENU items on the placard and must be readable from the point at which consumers would normally stand. Font samples:

11 point, 22 point, 36 point