3717-1-02.4 Management and personnel: supervision.

(A) Person in charge - assignment of responsibility.

(1) The license holder shall be the person responsible for the food service operation or retail food establishment. The license holder may be the person in charge or shall designate a person or persons in charge and shall ensure that a person in charge with applicable knowledge is present at the food service operation or retail food establishment during all hours of operation. This paragraph does not apply to a micro market as defined in Chapter 3717-1 of the Administrative Code.

(2) One year after the effective date of this rule, at least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall obtain the level two certification in food protection according to rule 3701-21-25 of the Administrative Code.

(3) Temporary, mobile, vending and risk level I and risk level II food service operations or retail food establishments are exempt from paragraph (A)(2) of this rule.

The facility does not have at least one employee with level 2 training in food protection as required since March 1, 2017.

3717-1-03.2 Food: protection from contamination after receiving.

(M) Wiping cloths - use limitation.

(1) Cloths that are in use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:

(a) Maintained dry; and

(b) Used for no other purpose.

(2) Cloths that are in use for wiping counters and other equipment surfaces shall be:

(a) Held between uses in a chemical sanitizer solution at a concentration specified under paragraph (N) of rule 3717-1-04.4 of the Administrative Code; and

(b) Laundered daily as specified under paragraph (B)(4) of rule 3717-1-04.7 of the Administrative Code.
(3) Cloths that are in use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.
(4) Dry wiping cloths and the chemical sanitizing solutions specified in paragraph (M)(2)(a) of this rule in which wet wiping cloths are held between uses shall be free of food debris and visible soil.
(5) Containers of chemical sanitizing solutions specified in paragraph (M)(2)(a) of this rule in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service articles, or single-use articles.
(6) Single-use disposable sanitizer wipes shall be used in accordance with EPA - approved manufacturer's label use instructions.

Wet wiping cloths were being kept with spray bottles of sanitizer solution by the slicers and the prep table. Wet wiping cloths shall be kept in a sanitizer solution between use to remove pathogens which may accumulate in the cloth when wiping off surfaces. THE RAGS WERE REMOVED TO CORRECT.

*CRITICAL VIOLATION*
3717-1-03.2 Food: protection from contamination after receiving.
(C) Packaged and unpackaged food - preventing contamination by separation, packaging, and segregation.

Food shall be protected from cross contamination by:
(1) Except as specified in paragraph (C)(1)(c) of this rule, separating raw animal foods during storage, preparation, holding, and display from:
   (a) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables; and
   (b) Cooked ready-to-eat food.
   (c) Frozen, commercially processed and packaged raw animal food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food.
(2) Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
   (a) Using separate equipment for each type; or
   (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented; and
   (c) Preparing each type of food at different times or in separate areas.
(3) Cleaning equipment and utensils as specified under paragraph (B) (1) of rule 3717-1-04.5 of the Administrative Code and sanitizing as specified under paragraph (C) of rule 3717-1-04.6 of the Administrative Code;
(4) Cleaning hermetically sealed containers of food of visible soil before opening;
(5) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
(6) Storing damaged, spoiled, or recalled food being held in the food service operation or retail food establishment as specified under paragraph (D) of rule 3717-1-06.3 of the Administrative Code;
(7) Separating fruits and vegetables, before they are washed as specified under paragraph (G) of this rule from ready-to-eat food; and
(8) Storing the food in packages, covered containers, or wrappings. This provision does not apply to:
   (a) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;
   (b) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;
   (c) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks;
   (d) Food being cooled as specified under paragraph (E)(2)(b) of rule 3717-1-03.4 of the Administrative Code; or
   (e) Shellstock.

A container of cooked egg patties was observed uncovered in the bottom section of the prep table cooler. Food shall be kept covered to prevent potential contamination. THE LID WAS PLACED ON THE CONTAINER TO CORRECT.

*CRITICAL VIOLATION*
3717-1-03.4 Food: limitation of growth of organisms of public health concern.
(F) Time/temperature controlled for safety food - hot and cold holding.

(1) Except during preparation, cooking, or cooling, or when time is used as the public health control as
specified under paragraph (I) of this rule, and except as specified under paragraph (F)(2) and in paragraph (F)(3) of this rule, time/temperature controlled for safety food shall be maintained at a temperature specified as follows:

(a) At one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) or above, except that roasts cooked to a temperature and for a time specified in paragraph (A)(4) of rule 3717-1-03.3 of the Administrative Code or reheated as specified in paragraph (H) (1) of rule 3717-1-03.3 of the Administrative Code may be held at a temperature of one hundred thirty degrees Fahrenheit (fifty-four degrees Celsius) or above; or
(b) At forty-one degrees Fahrenheit (five degrees Celsius) or less.

(2) Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit (seven degrees Celsius) or less.

(3) Time/temperature controlled for safety food in a homogenous liquid form may be maintained outside of the temperature control requirements, as specified under paragraph (F) (1) of this rule, while contained within specially designed equipment that complies with the design and construction requirements as specified under paragraph (P)(5) of rule 3717-1-04.1 of the Administrative Code.

Meatballs were observed at 113F and broccoli and cheese soup was observed at 118F in the counter top warmer. Hot held foods must be kept at 135F or above to prevent rapid pathogen growth. PRODUCTS WERE RE-HEATED AND UNIT TURNED UP TO CORRECT.

*CRITICAL VIOLATION*

3717-1-03.4 Food: limitation of growth of organisms of public health concern.

(G)Ready-to-eat, time/temperature controlled for safety food - date marking.

(1) Except when packaging food using a reduced oxygen packaging method as specified under paragraph (K) of this rule, and except as specified in paragraphs (G)(4) and (G)(5) of this rule, refrigerated, ready-to-eat, time/temperature controlled for safety food prepared in a food service operation or in a retail food establishment for more than twenty-four hours, shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded when held at a temperature of forty-one degrees Fahrenheit (five degrees Celsius) or less for a maximum of seven days. The day of preparation shall be counted as day one.

(2) Except as specified in paragraphs (G)(5) to (G)(7) of this rule; refrigerated, ready-to-eat time/temperature controlled for safety food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food service operation or retail food establishment and if the food is held for more than twenty-four hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combination specified in paragraph (G)(1) of this rule and:

(a) The day the original container is opened in the food service operation or retail food establishment shall be counted as day one; and

(b) The day or date marked by the food service operation or retail food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

(3) A refrigerated, ready-to-eat, time/temperature controlled for safety food ingredient or a portion of a refrigerated, ready-to-eat, time/temperature controlled for safety food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

(4) A date marking system that meets the criteria stated in paragraphs (G)(1) and (G)(2) of this rule may include:

(a) Using a method approved by the licensor for refrigerated, ready-to-eat time/temperature controlled for safety food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;

(b) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under paragraph (G)(1) of this rule;

(c) Marking the date or day the original container is opened in a food service operation or retail food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under paragraph (G)(1) of this rule;

(d) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the licensor upon request.

(5) Paragraphs (G)(1) and (G)(2) of this rule do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

(6) Paragraphs (G)(1) and (G)(2) of this rule do not apply to shellstock

(7) Paragraph (G)(2) of this rule does not apply to the following foods prepared and packaged by a food processing
plant under inspection:
(a) Deli salads manufactured in accordance with 21 C.F.R. 110, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad;
(b) Hard cheeses containing not more than thirty-nine per cent moisture as defined in 21 C.F.R. 133, such as cheddar, gruyere, parmesan and reggiano, and romano;
(c) Semi-soft cheeses containing more than thirty-nine per cent moisture, but not more than fifty per cent moisture, as defined in 21 C.F.R. 133, such as blue, edam, gorgonzola, gouda, and monterey jack;
(d) Cultured dairy products as defined in 21 C.F.R. 131, such as yogurt, sour cream, and buttermilk;
(e) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 C.F.R. 114;
(f) Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and
(g) Shelf stable salt-cured products such as prosciutto and Parma (ham)

An open pack of buffalo chicken meat was observed in the prep table cooler with a date of 9-4 on it, which exceeds the seven day use by period. Ready to eat foods which are temperature controlled for safety must be dated when they are opened from their original package, thawed, or prepared from scratch to accurately track their seven day use by period. THE DATE WAS WHEN THE PRODUCT WAS PLACED IN THE FREEZER AND NOT THE THAWED DATE. THE DATE THE PRODUCT WAS THAWED WAS KNOWN AND PLACED ON THE PRODUCT TO CORRECT.

3717-1-03.5 Food: food identity, presentation, and on premises labeling.
(C)Food labels.
(1) Food packaged in a food service operation or retail food establishment, shall be labeled as specified in 21 C.F.R. 101 and 9 C.F.R. 317.
(2) Label information shall include:
   (a) The common name of the food, or absent a common name, an adequately descriptive identity statement;
   (b) If made from two or more ingredients and sub-ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors and chemical preservatives, if contained in the food;
   (c) An accurate declaration of the quantity of contents;
   (d) The name and place of business of the manufacturer, packer, or distributor; and
   (e) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient.
(f) Except as exempted in the Federal Food, Drug, and Cosmetic Act Section 403(q)(3)-(5) (as amended on August 2, 2004), nutrition labeling as specified in 21 C.F.R. 101 and 9 C.F.R. 317 Subpart B.
   (g) For any salmonid fish containing canthaxanthin or astaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.
(3) Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:
   (a) The manufacturer's or processor's label that was provided with the food; or
   (b) A card, sign, or other method of notification that includes the information specified under paragraphs (C)(2)(a), (C)(2)(b), and (C)(2)(f) of this rule.
(4) Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:
   (a) A health, nutrient content, or other claim is not made; and
   (b) The food is manufactured or prepared on the premises of the food service operation or retail food establishment or at another food service operation or retail food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.

A bag of day old donuts was observed for customer self service in the donut display case without ingredient labels. Any packaged product of food for customer self service shall have all the ingredients listed on the package. THE BAG OF DONUTS WAS REMOVED FROM THE DISPLAY CASE TO CORRECT.

3717-1-04.1 Equipment, utensils, and linens: design and construction.
(Y)Temperature measuring devices.
(1) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.
(2) Cold or hot holding equipment used for time/temperature controlled for safety food shall be designed to
include and shall be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device’s temperature display. This requirement does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air temperature surrounding the food because of the design, type, and use of the equipment, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.

(3) Temperature measuring devices shall be designed to be easily readable.

(4) Water temperature measuring devices on warewashing machines and food temperature measuring devices shall have a numerical scale, printed record, or digital readout in increments no greater than two degrees Fahrenheit or one degree Celsius in the intended range of use.

The Blimpie counter top fridge did not have a thermometer that could be located in it at the time of inspection. Please ensure that a temperature measuring device is located in the warmest location of the cooler. A THERMOMETER WAS PLACED IN THE UNIT TO CORRECT.

*CRITICAL VIOLATION*

3717-1-07.0 Poisonous or toxic materials: labeling and identification.

(B) Working containers - common name.

Working containers used for poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

A plastic multi-purpose spray bottle was observed on the back prep table near the slicer without identification of contents. Chemical working containers shall be identified to prevent misuse of products. THE BOTTLE WAS LABELED "SANITIZER" TO CORRECT.

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Inspected by
CHRIS MILLER

R.S./SIT # 3139

Licensor
Auglaize County Health Department

Received by

Title

Phone
1-419-739-7827

As per HEA 5302 4/10 The Baldwin Group, Inc.
As per AGR 1268 4/10 The Baldwin Group, Inc.