# Standard Inspection Report

**Authority:** Chapters 3717 and 3715 Ohio Revised Code

**State of Ohio**

## Name of facility
**CHINA GARDEN**

## Address:
**1835 CELINA RD.**  
**ST. MARYS, OH 45885**

## License holder
**TONY LEE**

## License number
10

## Check one
- [x] FSO  
- [ ] RFE

## Date
04/05/2018

## Category/Descriptive
**COMMERCIAL CLASS 4 <25,000 SQ. FT.**

## Inspection Time (min)
60

## Travel Time (min)
30

## Type of visit (check)
- [x] Standard
- [ ] Follow Up
- [ ] Foodborne
- [ ] 30 Day
- [ ] Other

## Violations/Comment(s)

### 3717-1 OAC Violation Checked

**Management and Personnel**

1. Employee health
2. Personal cleanliness
3. Hygienic practices
4. Supervision

**Food**

1. Safe, unadulterated and honestly presented
2. Sources, specification and original containers
3. Protection from contamination after receiving
4. Destruction of organisms
5. Limitation of growth of organisms
6. Identity, presentation, on premises labeling
7. Discarding or reconditioning unsafe, adulterated
8. Special requirements for highly susceptible populations

**Water, Plumbing, and Waste**

1. Water
2. Plumbing system
3. Mobile water tanks
4. Sewage, other liquid waste and rainwater
5. Refuse, recyclables, and returnables

**Equipment, Utensils, and Linens**

1. Materials for construction and repair
2. Design and construction
3. Numbers and capacities
4. Location and installation

**Physical Facilities**

1. Materials for construction and repair
2. Design, construction and installation
3. Numbers and capacities
4. Location and placement
5. Maintenance and operation

## Violation(s)

**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.
2. 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.
3. 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.
4. 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;
5. Cleaning hermetically sealed containers of food of visible soil before opening;
6. Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
7. 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;
8. Separating fruits and vegetables, before they are washed as specified under paragraph (G) of this rule from ready-to-eat food; and
9. 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
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(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.

Containers of foods were observed uncovered in the kitchen reach in coolers during the inspection. Please keep food products covered to prevent potential contamination. CONTAINERS COVERED TO CORRECT.

3717-1-03.4 Food: limitation of growth of organisms of public health concern.
(C)Thawing - temperature and time control.
Except as specified in paragraph (C)(4) of this rule, time/temperature controlled for safety food shall be thawed:
(1) Under refrigeration that maintains the food temperature at forty-one degrees Fahrenheit (five degrees Celsius) or less; or
(2) Completely submerged under running water:
(a) At a water temperature of seventy degrees Fahrenheit (twenty-one degrees Celsius) or below;
(b) With sufficient water velocity to agitate and float off loose particles in an overflow; and
(c) For a period of time that does not allow thawed portions of ready-to-eat food to rise above forty-one degrees Fahrenheit (five degrees Celsius); or
(d) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under paragraph (A)(1)or (A)(4) of rule 3717-1-03.3 of the Administrative Code to be above forty-one degrees Fahrenheit (five degrees Celsius), for more than four hours including:
(i) The time the food is exposed to the running water and the time needed for preparation for cooking; or
(ii) The time it takes under refrigeration to lower the food temperature to forty-one degrees Fahrenheit (five degrees Celsius).
(3) As part of a cooking process if the food that is frozen is:
(a) Cooked as specified under paragraph (A)(1) or (A)(4) of rule 3717-1-03.3 of the Administrative Code or paragraph (B) of rule 3717-1-03.3 of the Administrative Code; or
(b) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or
(4) Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.
(5) Reduced oxygen packaged fish that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:
(a) Prior to its thawing under refrigeration as specified in paragraph (C)(1) of this rule; or
(b) Prior to, or immediately upon completion of its thawing, using procedures specified in paragraph (C)(2) of this rule.

A whole chicken was observed thawing on the drain board of the 3 compartment sink during the inspection. Foods shall be thawed as specified above to prevent rapid pathogen growth in the product. THE CHICKEN WAS PLACED UNDER RUNNING WATER 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)

The following ready to eat foods which are temperature controlled for safety were observed without dates of preparation: Fried chicken in the reach in cooler, bowl of black bean mix in the prep cooler, cooked beef in the walk in cooler, and house made sweet and sour sauce in the walk in cooler. These items must be date marked to ensure they are used within seven days to prevent Listeria contamination. PRODUCTS WERE DATE MARKED OR DISPOSED OF TO CORRECT.
Milk crates were being used to keep food products six inches off the floor in the dry goods storage room and walk in cooler. Only NSF and similarly approved storage racks shall be used to allow for easy cleaning of the floor beneath the products while they are in place.

Plastic grocery bags were being re-used to cover food products and a plastic applesauce container was being re-used to keep other food products in. These items are considered single use only and shall not be re-used for direct food contact.

The following surfaces had debris on them and need cleaned at this time: 4 microwave interiors, handles and doors of the kitchen reach in coolers, interior racks of the reach in coolers, dish rack wire shelves, can opener in back room, and fan covers in the walk in cooler.

The dumpster had lids open at the time of inspection. Please keep lids closed to prevent pest entry and reduce the amount of litter blowing out. CLOSED TO CORRECT.

The area behind the dumpster has food scraps being placed on the ground. This area shall be kept free from food and debris accumulations to prevent foods for pests. Clean the area and properly dispose of scraps in the dumpster.

The facility is accumulating unnecessary items, such as old boxes, bags, and non-working equipment. Items that are not necessary to the operation shall be removed from the facility to allow for easy cleaning.
Except as specified under paragraphs (N) and (O) of this rule, employees shall store their personal care items in facilities as specified under paragraph (K)(2) of rule 3717-1-06.2 of the Administrative Code.

Items for personal use were being stored along side items for customer use in the reach in coolers and walk in cooler. Please keep one area designated for personal use items to prevent these from being served to the general public or potentially contaminating food served from the facility. ITEMS WERE MOVED TO ONE AREA TO CORRECT.

<table>
<thead>
<tr>
<th>Inspected by</th>
<th>R.S./SIT #</th>
<th>Licensor</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHRIS MILLER</td>
<td>3139</td>
<td>Auglaize County Health Department</td>
</tr>
</tbody>
</table>

Received by: **Title**
Phone: **1-419-394-8270**

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