3717-1 OAC Violation Checked

Management and Personnel

- 2.1 Employee health
- 2.2 Personal cleanliness
- 2.3 Hygienic practices
- **X** 2.4 Supervision

Food

- 3.0 Safe, unadulterated and honestly presented
- 3.1 Sources, specification and original containers
- **X** 3.2 Protection from contamination after receiving
- 3.3 Destruction of organisms
- 3.4 Limitation of growth of organisms
- 3.5 Identity, presentation, on premises labeling
- 3.6 Discarding or reconditioning unsafe, adulterated
- 3.7 Special requirements for highly susceptible populations

Equipment, Utensils, and Linens

- 4.0 Materials for construction and repair
- **X** 4.1 Design and construction
- 4.2 Numbers and capacities
- 4.3 Location and installation
- **X** 4.4 Maintenance and operation

Water, Plumbing, and Waste

- 5.0 Water
- 5.1 Plumbing system
- 5.2 Mobile water tanks
- 5.3 Sewage, other liquid waste and rainwater
- 5.4 Refuse, recyclables, and returnables

Physical Facilities

- 6.0 Materials for construction and repair
- 6.1 Design, construction and installation
- 6.2 Numbers and capacities
- 6.3 Location and placement
- **X** 6.4 Maintenance and operation

Poisonous or Toxic Materials

- 7.0 Labeling and identification
- **X** 7.1 Operational supplies and applications
- 7.2 Storage and display separation

Special Requirements

- 8.0 Fresh juice production
- 8.1 Heat treatment dispensing freezers
- 8.2 Custom processing
- 8.3 Bulk water machine criteria
- 8.4 Acidified white rice preparation criteria
- 9.0 Facility layout and equipment specifications
- 20 Existing facilities and equipment

Administration

- 901:3-4 OAC
- 3701-21 OAC

**Violations/Comment(s)**

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 currently does not have an Ohio Department of Health certificate for at least one employee with level 2 training in food protection as required since March 1, 2017.

*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.

Page 1
(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) 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.

Raw eggs were being kept above ready to eat foods and produce in the back room sliding door reach in cooler and the walk in cooler. Please ensure that raw foods are stored so that they cannot contaminate ready to eat foods if they leak from their packages. **THE EGGS WERE MOVED BELOW THE READY TO EAT FOODS TO CORRECT.**

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

(Q) Food storage - preventing contamination from the premises.

Except as hereinafter provided in this rule, food shall be protected from contamination by storing the food:

   (1) In a clean, dry location;
   (2) Where it is not exposed to splash, dust, or other contamination; and
   (3) At least six inches (fifteen centimeters) above the floor.

Food in packages and working containers may be stored less than six inches (fifteen centimeters) above the floor on case lot handling equipment as specified under paragraph (II) of rule 3717-1-04.1 of the Administrative Code; and pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

A bag of onions was being stored on the floor of the kitchen between the chest freezer and the cupboards. Food shall be kept at least six inches above the floor to prevent contamination.

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*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 homogenized 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.

A tornado was being held at 112F and a corn dog was being held at 108F in the hot dog roller. These were intermingled with other products being held around 140F. Hot held foods must be kept at 135F when offered for sale. Products that are in the process of being heated shall be kept in a separate, designated area until they reach proper hot holding temperature. PRODUCTS WERE SEPERATED 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)(2) of this rule; or

(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 more than thirty-nine percent moisture as defined in 21 C.F.R. 133, such as cheddar, 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)

A container of pre-cooked sausage links was observed in the bottom of the prep table cooler without a date of preparation on them. Ready to eat foods which are temperature controlled for safety must be dated when they are prepared, opened from their original package, or thawed to accurately track their seven day use by period. THE SAUSAGE LINKS WERE REMOVED TO TRASH 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.

The following items were being pre-packaged and offered for customer self service in the hot and cold holding cases without complete ingredient lists on the packaging: turkey n swiss wraps, roastbeef n swiss wraps, potato salad, chicken patty sandwich, taco soup, loaded scalloped potato, bacon cheeseburger. Complete ingredient lists of all components in the pre-packaged products must be made available to customers when they can serve themselves.

3717-1-04.1 Equipment, utensils, and linens: design and construction.
(KK) Food equipment - certification and classification.
(1) Except as provided in paragraph (KK) (2) of this rule, food equipment that is acceptable for use in a food service operation or retail food establishment shall be approved by a recognized food equipment testing agency.
(2) The Ohio department of agriculture, the Ohio department of health, or the licensor may approve the use of food equipment, other than vending machines, bulk water machines, and equipment that displays time/temperature controlled for safety food in a micro market, that have not been approved by a recognized testing agency if the equipment demonstrates compliance with this chapter.

Soft drink syrup boxes were being stored on plastic soft drink crates turned upside down. Only NSF or similarly approved commercial storage racks or dunnage racks shall be used to keep foods and single use items at least six inches above the floor while also being able to clean the floor beneath the products while they are in place.
3717-1-04.4 Equipment, utensils, and linens: maintenance and operation.

(A) Equipment - good repair and proper adjustment.
   (1) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under rule 3717-1-04 of the Administrative Code and rule 3717-1-04.1 of the Administrative Code.
   (2) Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
   (3) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

The prep table cooler was pooling water and leaking condensation out of the doors onto the floor. Please repair the unit to prevent the formation of condensation.

3717-1-04.5 Equipment, utensils, and linens: cleaning of equipment and utensils.

(D) Nonfood-contact surfaces - cleaning frequency.
Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

The top of the customer microwave was accumulating food debris and needs cleaned at this time.

3717-1-06.4 Physical facilities: maintenance and operation.

(F) Drying mops.
After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

The mop was stored damp in the top of the mop bucket at the time of inspection. Mops shall be air dried to prevent mold and bacterial growth in the mop head.

*CRITICAL VIOLATION*
3717-1-06.4 Physical facilities: maintenance and operation.

(K) Controlling pests.
The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:
   (1) Routinely inspecting incoming shipments of food and supplies;
   (2) Routinely inspecting the premises for evidence of pests;
   (3) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under paragraphs (C), (K) and (L) of rule 3717-1-07.1 of the Administrative Code; and
   (4) Eliminating harborage conditions.

There are a significant number of house flies throughout the kitchen and front display area. These flies must be controlled to prevent potential contamination of food products exposed during preparation and hot holding. THE FACILITY PLACED FLY STRIPS IN NON-FOOD PREP AND STORAGE AREAS TO HELP CONTROL THE PROBLEM.

*CRITICAL VIOLATION*
3717-1-07.1 Poisonous or toxic materials: operational supplies and applications.

(A) Storage: separation.
Poisonous or toxic materials shall be stored so they can not contaminate food, equipment, utensils, linens, single-service articles, and single-use articles by:
   (1) Separating the poisonous or toxic materials by spacing or partitioning; and
   (2) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, single-service articles, or single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, single-service articles, and single-use articles.

A can of Raid flying insect control was observed under the three compartment sink and a can of Deep Woods Off was
observed in the cupboard of the kitchen. These aerosol products are not to be around food or food contact surfaces as they will contaminate the surfaces when discharged. THE CANS WERE REMOVED FROM THE KITCHEN AREA TO CORRECT.

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

Name of facility: WAYNESFIELD CARRY OUT