

# f o o d



No. 7

NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE • FALL 2003

WHAT'S INSIDE

**Smoke-Free  
Legislation**  
Page 1

**Common  
Violation**  
Page 1

**Revoking/  
Suspending Permits**  
Page 2

**Quality  
Improvement**  
Page 3

**Sanitary  
Inspections**  
Page 3

**Foodborne Disease  
Outbreaks**  
Page 3

**Advice on SARS**  
Page 3

**Security Alert**  
Page 4

**T**his issue of Food Matters addresses:

- The Clean Indoor Air Act (CIAA) effective July 24, 2003
- A common violation that can be avoided
- DOHMH Permit May Be Revoked
- Two food poisoning incidents
- A reminder about the new temperature requirement

SMOKE-FREE RESTAURANTS AND BARS

**A**mendments to the New York City Smoke-Free Air Act (SFAA), which took effect on March 30, 2003 and the New York State Clean Indoor Air Act (CIAA) effective as of July 24, 2003, prohibit smoking in all indoor areas of restaurants and in bars. The Expanded CIAA elimi-

nates exemptions for owner-operated bars, areas within a tobacco business designated by such business for the purpose of testing or development of tobacco or tobacco products, and separate smoking rooms in bars. It also reduces the number of tobacco promotion events that

may be held at an establishment from five to two per year.

Smoking in an outdoor area of a restaurant is permitted as long as the smoking section is not more than 25% of the outdoor seating area, the seating is contiguous, there is no overhang, covering or canopy, and the smoking area is clearly marked and is no less than three feet from any non-smoking area.

COMMON VIOLATION

**Violation: A food worker does not use a proper utensil to handle food that will not receive adequate additional heat treatment and instead contacts the food with his or her bare hands.**

Food items that have been prepared and are ready to be served to your customer cannot be touched with bare hands. This requirement prevents the introduction of disease-causing

germs to the “ready-to-eat” foods. Hands may have germs even after they have been washed. While cooking would kill germs, bare hands placed on food that is ready to be served to the customer may contaminate food and the consumer who eats the food can become ill.



This violation of the Health Code may be prevented by the use of deli paper, spatulas, tongs, single use gloves or other dispensing equipment. It is important to note that when gloves are used they must be worn over

clean hands and changed often. “Often” means after changing assignments or handling raw food and before going on to prepare a ready-to-eat food, or when the gloves are damaged or contaminated in any way.

## PERMIT TO OPERATE A FOOD SERVICE ESTABLISHMENT IS A PRIVILEGE

A permit to operate a food service establishment or a non-retail food-processing establishment is a privilege granted by the NYC Department of Health and Mental Hygiene. This privilege is granted subject to the conditions that the establishment is constructed, maintained and operated in compliance with the New York City Health Code and the New York State Sanitary Code and does not present a danger to the health or safety of consumers or the public.

A permit issued to an establishment by the Department may be suspended or revoked if the establishment does not comply with Article 81 of the

New York City Health Code, Subpart 14-1 of the New York State Sanitary Code and other applicable laws.

Permits may be suspended, revoked, or denied for the following reasons:

1. Interfering with or obstructing a NYC DOHMH inspector. This includes verbally abusing an inspector when he or she is carrying out an inspection or performing any duty for the Department.

2. Offering a gift, bribe, favor, gratuity, or benefit, including but not limited to money, food and drink, to a NYC DOHMH inspector engaged in carrying out an inspection

or performing any other duty for the Department.

3. Failing to pass three or more inspections or having violations that make it probable that the food or drink served to the public or the establishment's continued operation might injure the health of the consumer or public.

4. Continuous and wilful violation of the New York City Smoke-Free Air Act of 2002.

5. Continuing to violate the Health Code and failing to appear for a hearing or respond to a Notice of Violation.

Please remember that when you apply for and are granted a permit, you are agreeing to operate your establishment according to the provisions of the New York City Health Code and other applicable laws.



## GET THE MOST OUT OF A SANITARY INSPECTION



To get the most out of a sanitary inspection, it is recommended that the person in charge of the food operations, i.e. the Food Protection Certificate holder, accompany the inspector throughout the inspection. Make all required documentation, such as previous inspection reports, food protection certificate and the permit is readily available to ensure an efficient process. (By law, the permit must be conspicuously displayed at all times.)

Please cooperate with the inspector and answer all of his or her questions to the best of your ability, as any interference with the inspection may lead to the revocation of your permit. Note all the deficiencies found and take appropriate corrective actions immediately where needed. Make sure that you discuss all violations in detail with the inspector and ask for clarification on issues you do not understand. The inspector is a trained professional who may offer sound suggestions on how to correct deficiencies. It is your responsibility to establish new procedures or practices, or revise existing ones to correct any deficiency permanently.

## QUALITY IMPROVEMENT INITIATIVE

The NYC DOHMH will soon pilot a new quality improvement initiative to encourage food service establishment operators to monitor and maintain food safety standards on a daily basis.

Establishments that demonstrate the use of quality improvement measures in place and have an excellent inspection history may be eligible to receive a "Golden Apple"

award. This award will be valid for one year and, when prominently displayed, will indicate that the establishment is operating with the highest food safety standards.

We will soon be inviting food service establishments to participate in a pilot phase of the program and we hope that you will take this opportunity to promote your restaurant with your participation.

## REMINDER:

### Food Protection Course For Mobile Vending Units

Beginning January 2004, every person either renewing a mobile vending license or applying for a new one must first successfully complete a special food protection course. This course will provide instruction on proper mobile vending operation so as to minimize any public health risk posed by this type of operation. Further information on this course will be available soon.

## FOODBORNE DISEASE OUTBREAKS

Food safety continues to be an important public health concern. The Department of Health and Mental Hygiene conducts a thorough investigation of every foodborne disease outbreak to determine its cause and to prevent other customers from becoming ill. Summarized here are two outbreaks that the Department recently investigated.

### **Intoxication Among a Tour Group Visiting New York City**

An outbreak of gastrointestinal illness occurred among the members of a tour group visiting New York City who had all eaten at a particular restaurant. Approximately 15 individuals became ill with vomiting and diarrhea within four hours of eating at the restaurant. The symptoms and the time of onset for this outbreak are consistent with *Staphylococcus* food poisoning.

The toxin produced by the *Staphylococcus aureus* bacteria can cause a sudden onset of severe nausea and vomiting, abdominal cramps, diarrhea,

and fever. The illness can last from 24 - 48 hours. This type of food poisoning usually occurs when an individual consumes meats, cream pastries, or potato or egg salads that have not been kept at the proper temperatures or have been contaminated directly by a food worker.

The cause of the outbreak in the tour group was determined to be the Napoleons, pastries that had been served for dessert. Samples of leftover napoleons from the restaurant tested positive at the Department laboratories for *Staphylococcus aureus*. Swabs taken from the hands of the pastry chef also tested positive for *Staphylococcus aureus*.

This outbreak could have been prevented if the food worker who had prepared the napoleons had handled the pastries with utensils instead of his bare hands. It is essential to use gloves, tongs, deli paper and other barriers when handling any ready-to-eat foods.



### **Suspected Illness at a NYC Restaurant**

In August of 2002, DOHMH received two complaints of gastrointestinal illness associated with a restaurant in Manhattan. Two individuals experienced similar symptoms after eating food from the salad bar of the restaurant during the same time period. As a part of the investigation, samples of food were collected for laboratory analysis. The results indicated high levels of fecal coliform bacteria were present in the ready-to-eat food items. The laboratory results were supported by inspections that revealed gross unsanitary condi-



tions and numerous deficiencies in food preparation techniques.

The restaurant was ordered closed by the Department based on the findings. It was reopened only after its management complied with conditions imposed by the Department and demonstrated an ability to operate in accordance with the NYC Health Code. Since the reopening of this restaurant, the NYC DOHMH inspectors have been monitoring its operation and in September of 2002 it collected samples of food from the salad bar of the restaurant and found them negative for coliform bacteria.

This outbreak could have been prevented if the vegetables at the salad bar were thoroughly washed. It is essential to remember that all food handlers must avoid bare hand contact with foods that are ready to be eaten. Gloves, tongs, deli paper and other barriers must be used when handling these foods. It is critical for employees to thoroughly wash their hands after using the restroom, as this is the easiest way for hands to become contaminated with coliform bacteria.



## ADVICE ON SARS AND LACK OF POTENTIAL FOR FOOD TRANSMISSION

Due to the heightened interest in Severe Acute Respiratory Syndrome (SARS) and the concerns regarding public health, the Food and Drug Administration (FDA) is informing the public that there is no information that suggests food can transmit SARS.

SARS is a respiratory disease spread by a coronavirus. There is information that indicates that SARS may remain

on hands and surfaces for several hours. Based on this knowledge, FDA recommends that strict hand hygiene be enforced among food handlers and within the food processing industry. Strict hand hygiene includes washing hands with soap and water after using the restroom and after sneezing or coughing. In addition, food workers should not to handle ready-to-eat foods, such as sandwiches,

vegetables and cut fruits, with bare hands but should use gloves or utensils for an extra level of protection. Strict hand hygiene should be followed when preparing the food in individual homes as well.

The importance of hand washing cannot be overstated as a prevention method for SARS and other diseases. Proper hand washing, as described in the FDA Food Code continues to

serve as a vital and necessary public health practice to eliminate the spread of food borne illnesses in retail food stores and food service.

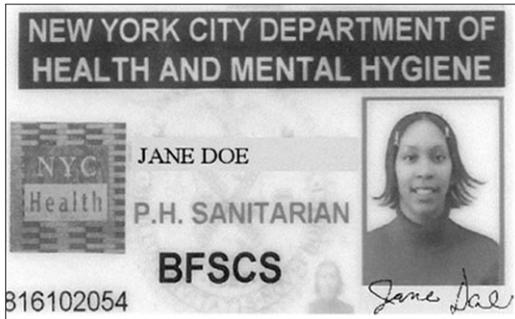
Source: Center for Food Safety and Applied Nutrition. May 29, 2003.

## SECURITY ALERT

It has come to our attention that there may be individuals posing as Health inspectors presenting themselves at establishments with fake identification cards and badges. DOHMH identification cards now have the words "Department of Health and Mental Hygiene" in a blue field with white letters on two lines at the top of the card; the inspector's name and title in the middle of the card; a hologram like emblem on the left side that changes as its tilted so that the City seal and NYC Health may be seen; a full color picture of the inspector on the right side of the card with another, much smaller

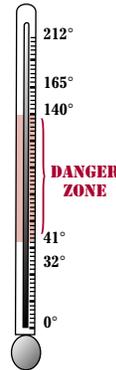


picture embedded on the lower left side of the full color picture; and the inspector's signature below the picture. Please do not hesitate (212) 676-1600 during the day or (212) 676-1623 during the evening to confirm the identity of anyone claiming to be a DOHMH inspector.



## REMINDER:

In a 1998 Health Code change, the temperature at which cold foods must be cooled, held, displayed and stored was reduced from 45° F to 41° F or below. The five-year grace period that was put in place to enable operators to upgrade their equipment to comply is over and the lower temperature is now a requirement.



Please ensure that your refrigerators are working well enough to maintain cold foods at or below 41° F.



If you have questions or comments regarding this newsletter, please call the Bureau of Inspections or the Health Academy. The telephone numbers are listed below.

**If you wish to contact:**  
**ADMINISTRATIVE TRIBUNAL**

66 John Street, 11th floor, NY, NY 10038

☎ (212) 361-1000

**BUREAU OF FOOD SAFETY & COMMUNITY SANITATION**

253 Broadway, 12th floor, Box CN59A, NY, NY 10007

☎ (212) 676-1600

**CITYWIDE LICENSING CENTER**

42 Broadway, 5th floor, NY, NY 10004

☎ (212) 487-4436

**HEALTH ACADEMY**

160 West 100th Street, NY, NY 10025

☎ (212) 280-9211

**INSPECTOR GENERAL**

80 Maiden Lane, NY, NY 10005

☎ (212) 825-2141

NYC DEPT. OF HEALTH & MENTAL HYGIENE  
HEALTH ACADEMY  
160 WEST 100 STREET, RM. 109  
NEW YORK, NY 10025

**FIRST-CLASS MAIL  
U.S. POSTAGE  
PAID  
NEW YORK, NY  
PERMIT NO. 3287**