

STATE OF COLORADO

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Colorado Department
of Public Health
and Environment

PROGRAM:	RETAIL FOOD
EFFECTIVE REGULATION:	<i>Colorado Retail Food Establishment Rules and Regulations, July 1, 2013</i>
GUIDANCE NO.:	G14-01
DATE:	January 16, 2014
SUBJECT:	Guidance - Complying with Consumer Advisory Requirements

Purpose of the Consumer Advisory:

The Consumer Advisory is intended to assure that all consumers are informed about the increased risk associated with eating raw or undercooked animal-derived foods. Informed consumers are best able to assess their individual risk and assume responsibility for their ordering decisions.

When a Consumer Advisory is required:

In retail food establishments where raw or undercooked animal-derived foods (*i.e. hamburgers or eggs cooked to customer specifications*) are sold or served for human consumption in a ready-to-eat form. Animal-derived foods include eggs, beef, fish, lamb, poultry, or shellfish.

- Unless documentation is provided to demonstrate that beef steak served undercooked or to customer specification is whole-muscle intact beef, a Consumer Advisory must be provided.
- A Consumer Advisory may be applied to a children's menu, with the exception of comminuted meats (e.g. sausages, hot dogs, etc.), which must be cooked to required temperatures.

*Offering raw or undercooked animal-derived foods, even with a Consumer Advisory, is prohibited in facilities exclusively serving highly susceptible populations (i.e. nursing homes).

Examples of food items requiring a Consumer Advisory include:

<u>Raw or undercooked eggs</u>	<u>Raw or undercooked beef</u>	<u>Raw or undercooked seafood</u>
<ul style="list-style-type: none">• Eggs over easy• Caesar dressing• Hollandaise• Custards• Mayonnaise• Aioli made with raw eggs	<ul style="list-style-type: none">• Hamburgers cooked to order• Carpaccio• Mechanically tenderized beef• Steak tartare	<ul style="list-style-type: none">• Sushi• Roe• Gravlax• Clams• Oysters• Ceviche

A Consumer Advisory must consist of both a Disclosure and a Reminder

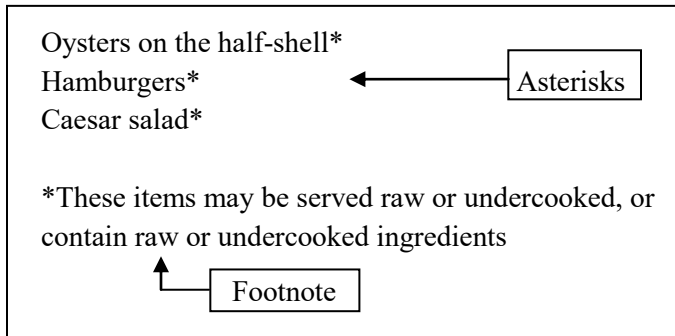
** The disclosure and reminder statements must be present in the same location and accessible to the consumer when ordering without asking, either on the menu (including catering menus both for event planning and at catered events), posted notices on deli cases, on sushi cases at grocery stores, or on menu boards. Placards and table tents that meet the requirements below are also acceptable.*

Disclosures

Disclosures indicate that an animal-derived food is served raw or undercooked. Here are two ways to meet the disclosure requirement:

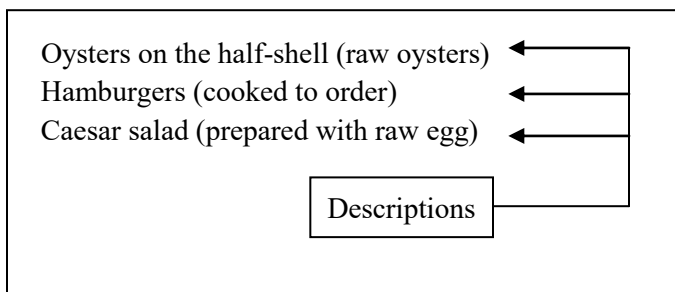
1. **Disclosure by Asterisking with a Footnote**

Please note that the footnote is an additional statement that indicates the asterisked food is raw or undercooked. A reminder is still required.



2. **Disclosure by Description**

Items on the menu are presented to include the disclosure in the description to indicate that the foods are raw or can be served undercooked. One of the three optional reminder statements must also appear in the same location that the food items are listed (menu, table tent, menu board, etc.).



Reminders

Reminders indicate that eating raw or undercooked animal-derived foods increases the risk of foodborne illness. The reminder shall include asterisking the raw or undercooked food items to a footnote that states one of the following:

Option 1:

*Consuming Raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness

Option 2:

*Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

Option 3:

*Regarding the safety of these items, written information is available upon request.

Examples of Compliant Consumer Advisory

Example A

Disclosure as a Description and Reminder to a Footnote:

*This Consumer Advisory indicates the animal-derived foods that are served or sold raw/undercooked in a description next to each item **AND** an asterisk to a reminder statement below.*

SALADS	APPETIZERS	SANDWICHES
Chef's Salad Spinach Salad Caesar Salad (contains raw eggs)*	Calamari Strips Sautéed Mushrooms Oysters (raw oysters)* Ceviche (raw fish)*	Turkey Reuben ½ lb. Burger (cooked to order)* BLT Steak Sandwich (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.		

Example B

Disclosure and Reminder to a Footnote:

*This Consumer Advisory identifies raw/undercooked animal-derived foods by asterisking to a footnote that indicates **1)** the items are served raw or undercooked or may contain raw or undercooked ingredients; **AND 2)** a reminder statement.*

SALADS	APPETIZERS	SANDWICHES
Chef's Salad Spinach Salad Caesar Salad *	Calamari Strips Sautéed Mushrooms Oysters* Ceviche*	Turkey Reuben ½ lb. Burger* BLT Steak Sandwich*
*These items may be served raw or undercooked based on your specification, or contain raw or undercooked ingredients. Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.		

Example C

Disclosure as a Description and Reminder to a Brochure or other effective means:

*This Consumer Advisory indicates the animal-derived foods that are served or sold raw/undercooked in a description next to each item **AND** an asterisk to a reminder that states additional information is available upon request. Failure to maintain or provide written information upon customer request will result in non-compliance.*

SALADS	APPETIZERS	SANDWICHES
Chef's Salad Spinach Salad Caesar Salad (contains raw eggs)*	Calamari Strips Sautéed Mushrooms Oysters (raw oysters)* Ceviche (raw fish)*	Turkey Reuben ½ lb. Burger (cooked to order)* BLT Steak Sandwich (cooked to order)*
* Regarding the safety of these items, written information is available upon request.		

Examples of Compliant Consumer Advisory

Example D

Product-specific Disclosure and Reminder:

This product-specific Consumer Advisory has been tailored to the one category of raw or undercooked animal-derived food that this retail food establishment offers.

APPETIZERS	SOUPS AND SALADS	HAMBURGERS (cooked to order)*
Fried Calamari Nachos French Fries	Tortilla Soup House Salad Mozzarella Sticks	Barbeque Burger French Onion Burger Mushroom Burger Green Chile Burger
* Consuming raw or undercooked meats may increase your risk of foodborne illness, especially if you have certain medical conditions.		

Example E

Shellfish-specific Disclosure and Reminder:

This shellfish-specific Consumer Advisory can be used in establishments where the only raw food items sold or served are shellstock or shucked molluscan shellfish. The Interstate Shellfish Sanitation Conference (ISSC) written brochure for raw oysters and clams constitutes satisfactory compliance when the following reminder statement is used, "Regarding the safety of these items, written information is available upon request".

OYSTERS ON THE HALF-SHELL (Raw oysters)*	SOUPS AND SALADS	ENTRÉES
Au Naturel The Classic Japanese Style Champagne	Tomato Bisque House Salad Wedge Salad	Seabass Chicken Scalopini Eggplant Parmigiana Linguini in Clam Sauce
* Consuming raw or undercooked shellfish may increase your risk of foodborne illness, especially if you have certain medical conditions.		