

PORTSMOUTH HEALTH DEPARTMENT

Food Code References for Juice

This guidance document was developed for food establishments interested in packaging juice for retail. Excerpts were taken from the 2022 Portsmouth/FDA Food Code and Annex.

Definitions

Code Reference

1-201.10 Applicability and Terms defined

Juice.

(1) "Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or purée.

(2) *"Juice" does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as BEVERAGES or ingredients of BEVERAGES.*

Time/Temperature Control for Safety Food (formally "potentially hazardous food" (PHF)).

(1) "Time/Temperature Control for Safety Food" means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(2) (a) An animal FOOD that is raw or heat-treated; a plant FOOD that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.

Receiving

Code Reference Condition and Sources

3-101.11 Safe, Unadulterated, and Honestly Presented.

FOOD shall be safe, UNADULTERATED, and, as specified under § 3-601.12, honestly presented.^P

3-101.11 Compliance with Food Law

(A) FOOD shall be obtained from sources that comply with LAW.

Code Summary: All foods shall be obtained from an approved source. Upon receipt into the food establishment and prior to preparation, produce shall be inspected and any damaged/spoiled produce should be immediately discarded.

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Preventing Food and Ingredient Contamination

Code References (some abbreviated)

Storage

3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.

(A) FOOD shall be protected from cross contamination by:

(1) Except as specified in (1)(d) below, 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, ^P and

(b) Cooked READY-TO-EAT FOOD; ^P

(4) Except as specified under Subparagraph 3-501.15(B)(2) and in ¶ (B) of this section, storing the FOOD in packages, covered containers, or wrappings;

(7) Storing damaged, spoiled, or recalled FOOD being held in the FOOD ESTABLISHMENT as specified under § 6-404.11; and

(8) Separating fruits and vegetables, before they are washed as specified under § 3- 302.15 from READY-TO-EAT FOOD.

(B) Subparagraph (A)(4) of this section does not apply to: (1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;

Produce Cleaning

3-302.15 Washing Fruits and Vegetables

(A) Except as specified in ¶(B) of this section and except for whole, raw fruits and vegetables that are intended for washing by the CONSUMER before consumption, raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO-EAT form.

(B) Fruits and vegetables may be washed by using chemicals as specified under §7-204.12 and a test kit or other device that accurately measures the active ingredient concentration of the fruit and vegetable wash solution may be provided.

(C) Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315, Chemicals used in washing or to assist in the peeling of fruits and vegetables, for

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the washing of raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions. ^{Pf}

7-204.12 - Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria.

(A) Chemicals used to wash or peel raw, whole fruits and vegetables or used in the treatment, storage, and processing of fruits and vegetables shall:

- (1) Be an approved food additive listed for this intended use in 21 CFR 173, ^P or
- (1) Be generally recognized as safe (GRAS) for this intended use, ^P or
- (2) Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification), ^P and
- (3) Meet the requirements in 40 CFR 156 Labeling Requirements for Pesticide and Devices. ^P

(B) Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a food establishment shall meet the requirements specified in 21 CFR 173.368 Ozone.

Code Summary

- All ready-to-eat foods (including fruits and vegetables) shall be protected from cross contamination from other foods such as raw meat, poultry or seafood during storage and preparation.
- Fruits and vegetables shall be stored away from these other foods to prevent cross contamination.
- All produce shall be washed thoroughly under cool, running, potable water before peeling, cutting, cooking, or eating.
- All firm produce shall be scrubbed, such as beets, carrots, and cucumbers, with a clean produce brush.
- Dry produce with a clean cloth towel or paper towel to further reduce bacteria that may be present.
- It is not recommended to soak produce or store in standing water.
- Wash less dense produce (i.e. apples, celery, tomatoes) in wash water that is at least 10°F warmer than the internal pulp temperature. (2022 FDA Food Code Annex 3)

Equipment and Sanitization

Code Reference (abbreviated)

3-304.11 Food Contact with Equipment and Utensils

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FOOD shall only contact surfaces of:

- (A) EQUIPMENT and UTENSILS that are cleaned as specified under Part 4-6 of this Code and SANITIZED as specified under Part 4-7 of this Code;

4-501.16 Warewashing Sinks, Use Limitation.

- (A) A WAREWASHING sink may not be used for handwashing as specified under §2-301.15.
- (B) If a WAREWASHING sink is used to wash wiping cloths, wash produce, or thaw FOOD, the sink shall be cleaned as specified under § 4-501.14 before and after each time it is used to wash wiping cloths or wash produce or thaw FOOD. Sinks used to wash or thaw FOOD shall be SANITIZED as specified under Part 4-7 before and after using the sink to wash produce or thaw FOOD.

Portsmouth Food Licensing and Regulations, Chapter IV, Section 4.102: Amendments, Additions and Deletions to Food Code

4-301.16 Food Prep Sink.

A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13 and 5-402.11 shall be provided for washing/thawing of foods, and drawing of potable water, to be used for no other purposes.

Code Summary

- All surfaces of equipment and utensils shall be properly washed, rinsed, and sanitized prior to contacting the produce
- A separate food preparation sink for washing produce shall be provided.
- It is recommended to have one sink basin dedicated to the scrubbing of the soiled produce, and another basin dedicated to the clean water rinsing of the scrubbed produce. If establishment uses a chemical sanitizing aid for produce, it is recommended to have a third basin.
- Juicing often requires an extremely high volume of produce washing. Additional preparation sinks may need to be installed to accommodate the high produce wash demands.

TCS Hot and Cold Holding

Code References

3-501.16 - Time/Temperature Control for Safety Food, Hot and Cold Holding.

(A) *Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under §3501.19, and except as specified under ¶ (B) and in ¶ (C) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be maintained:*

Adapted from Maricopa County Environmental Services v1.24

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(1) At 57°C (135°F) or above, *except that roasts cooked to a temperature and for a time specified in ¶ 3-401.11(B) or reheated as specified in ¶ 3-403.11(E) may be held at a temperature of 54°C (130°F) or above;*^P or

(2) At 5°C (41°F) or less. ^P

Code Summary

Cut leafy greens, cut tomatoes, cut melons, cooked plant food, and raw seed sprouts are considered potentially hazardous foods and require temperature control for safety.

If not for immediate consumption, once cut, leafy greens, melons, and tomatoes are required to be cooled to 41°F or less within 4 hours and maintained.

Package Date Marking

Code References

3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking.

(A) Except when PACKAGING FOOD using a REDUCED OXYGEN PACKAGING method as specified under § 3-502.12, and except as specified in ¶¶ (E) and (F) of this section, refrigerated, READY-TO-EAT, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD prepared and held in a FOOD ESTABLISHMENT for more than 24 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 5°C (41°F) or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.^{Pf}

Code Summary

Juices held for more than 24 hours shall be date marked and cannot be held for longer than a maximum of 7 days.

Package Labeling

Code References

3-602.11 Food Labels.

(A) FOOD PACKAGED in a FOOD ESTABLISHMENT, shall be labeled as specified in LAW, including 21 CFR 101 - Food labeling, and 9 CFR 317 Labeling, marking devices, and containers.

(B) Label information shall include:

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- (1) The common name of the FOOD, or absent a common name, an adequately descriptive identity statement;
- (2) If made from two or more ingredients, a list of ingredients and sub-ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors and chemical preservatives, if contained in the FOOD;
- (3) An accurate declaration of the quantity of contents;
- (4) The name and place of business of the manufacturer, packer, or distributor; and
- (5) 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 (Effective January 1, 2006). ^{Pf}
- (6) Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(Q)(3) - (5), nutrition labeling as specified in 21 CFR 101 - Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling.

3-602.12 Other Forms of Information.

- (A) If required by LAW, CONSUMER warnings shall be provided.
- (B) FOOD ESTABLISHMENT or manufacturers' dating information on FOODS may not be concealed or altered.
- (C) The PERMIT HOLDER shall notify CONSUMERS by written notification of the presence of MAJOR FOOD ALLERGENS as an ingredient in unPACKAGED FOOD items that are served or sold to the CONSUMER.

3-404.11 Treating Juice.

JUICE PACKAGED in a FOOD ESTABLISHMENT shall be:

- (A) Treated under a HACCP PLAN as specified in ¶¶ 8-201.14 to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance; ^P or
- (B) Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance: ^{Pf}
 - (1) As specified under § 3-602.11, ^{Pf} and
 - (2) As specified in 21 CFR 101.17(g) Food labeling, warning, notice, and safe handling statements, JUICES that have not been specifically

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processed to prevent, reduce, or eliminate the presence of pathogens with the following, "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems." ^{Pf}

Code Summary

- Bottled juice shall be labeled as explicitly stated within the Code.
- Bottled Juices shall be labeled to include at a minimum the following: common name, ingredients, weight, name and place of business, and allergens.
- Bottled Juices shall include the warning statement, "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems", if not pasteurized or otherwise treated.

Special Considerations

Code References

"Highly susceptible population" means PERSONS who are more likely than other people in the general population to experience foodborne disease because they are:

- (1) Immunocompromised; preschool age children, or older adults; and
- (2) Obtaining FOOD at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food. (abbreviated)

In a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

(A) The following criteria apply to JUICE:

- (1) For the purposes of this paragraph only, children who are age 9 or less and receive FOOD in a school, day care setting, or similar facility that provides custodial care are included as HIGHLY SUSCEPTIBLE POPULATIONS;
- (2) PrePACKAGED JUICE or a prePACKAGED BEVERAGE containing JUICE, that bears a warning label as specified in 21 CFR, 101.17(g) Food labeling, warning, notice, and safe handling statements, Juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a PACKAGED JUICE or BEVERAGE containing JUICE, that bears a warning label as specified under ¶ 3-404.11(B) may not be served or offered for sale; ^P and

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(3) UnPACKAGED JUICE that is prepared on the premises for service or sale in a READY-TO-EAT form shall be processed under a HACCP PLAN that contains the information specified under ¶¶ 8-201.14 and as specified in 21 CFR Part 120 – Hazard Analysis and Critical Control Point (HACCP) Systems, Subpart B Pathogen Reduction, 120.24 Process controls. ^P

(C) The following FOODS may not be served or offered for sale in a READY-TO-EAT form:

(3) Raw seed sprouts. ^P

(D) FOOD EMPLOYEES may not contact READY-TO-EAT FOOD as specified under ¶¶ 3-301.11(B) and (E). ^P

Code Summary

- Establishments shall not serve unpasteurized juices including bottled unpasteurized juices to those defined as being a highly susceptible population.
- Preparing juice for the service of children under the age of nine or any other highly susceptible population will require a specialized food safety plan that will need to be reviewed and approved by the Department.
 - This is specific to the following types of establishments: child/adult day care centers, assisted living facilities, hospitals, nursing homes, senior centers, etc.