

Consumer Advisory

A consumer advisory is now required when a raw or undercooked animal food is offered in a ready-to-eat form. Examples include, raw eggs in a Caesar Salad, sunny side eggs, oysters on the half shell, etc. Rare steaks are exempted from this requirement if the beef is derived from “whole muscle intact beef”. This type of meat cannot be injected, mechanically tenderized, reconstructed or scored and marinated. The advisory must consist of two (2) parts: disclosure and reminder. The disclosure must indicate that all or part of the food is raw or undercooked and the reminder must indicate to the consumer the dangers associated with consuming this food.

410 IAC 7-24-196 Consumption of raw or undercooked foods of animal origin

Sec. 196. (a) Except as specified in sections 182(c), 182(d)(3), and 153 of this rule, if an animal food such as:

- (1) beef;
- (2) eggs;
- (3) fish;
- (4) lamb;
- (5) milk;
- (6) pork;
- (7) poultry; or
- (8) shellfish;

is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the owner or operator of the retail food establishment shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in subsections (b) and (c) using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written or visual means.

(b) A disclosure shall include:

- (1) a description of the animal-derived foods, such as:
 - (A) oysters on the half shell (raw oysters);
 - (B) raw-egg caesar salad; and
 - (C) hamburgers (can be cooked to order); or

(2) identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked or contain (or may contain) raw or undercooked ingredients.

(c) A reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states one (1) of the following:

- (1) Regarding the safety of these items, written information is available upon request.
- (2) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.
- (3) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

(d) Long term care health facilities and other institutional facilities, which provide meals to residents who are at least sixty-five (65) years of age, shall provide written information to resident consumers informing them of the risks associated with consuming food described in subsection (a). The facility shall have a record of the notice on file as long as residency is maintained at the facility by the consumer.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item.

The following is an example of an advisory statement:

“Consuming raw or undercooked meats, poultry, seafood or eggs may increase your risk of foodborne illness.”

Another example is as follows:

“At your request we will serve meat, fish, poultry, eggs or shellfish that is raw or undercooked; however, these food items provide a significantly increased risk of food borne illness especially to young children, the elderly and people with weakened immune systems.”

It is important to note that an asterisk is required by each food item that may be served raw or undercooked.

You may want to discuss the verbiage with your attorney to ensure compliance.