



Food and Beverage Vending Machine
Code of New Jersey (1961)



New Jersey. (State) Department of Health,
11 Trenton 25

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NO. 2

**SUGGESTED ORDINANCE FOR ADOPTION OF FOOD
AND BEVERAGE VENDING MACHINE CODE
OF NEW JERSEY (1961)**

AN ORDINANCE establishing a code regulating the use, operation and maintenance of food and beverage vending machines and licensure thereof; prohibiting the sale or possession with intent to sell through vending machines of adulterated or misbranded foods or drinks; authorizing inspection of vending machines and operations connected therewith; and providing for the enforcement of this ordinance and the fixing of penalties.

BE IT ORDAINED BY THE BOARD OF HEALTH OF THE Municipality of
as follows:

Section 1. A code regulating the use, operation and maintenance of food and beverage vending machines and licensure thereof; prohibiting the sale or possession with intent to sell through vending machines of adulterated or misbranded foods or drinks; authorizing inspection of vending machines and operations connected therewith; and fixing penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 to 69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

Section 2. The said code established and adopted by this ordinance is described and commonly known as the "Food and Beverage Vending Machine Code of New Jersey (1961)."

Section 3. Three copies of the said

"Food and Beverage Vending Machine Code of New Jersey (1961)" have been placed on file in the office of the (Health Officer) (secretary) (clerk) (or other similar officer) of this local board of health upon the introduction of this ordinance and will remain on file there until final action is taken on this ordinance for the use and examination of the public.

Section 4. Any person who violates any provision of, or order promulgated under this ordinance or code established herein shall, upon conviction thereof, be liable to a penalty of not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) for each violation. Each day a particular violation continues shall constitute a separate offense.

Section 5. All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance and the code established hereunder are hereby repealed to the extent of such inconsistency.

Section 6. In the event that any section, sentence or clause of this ordinance or code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

Section 7. This ordinance and the code herein established shall take effect 30 days after first publication.

SUGGESTED ORDINANCE FOR REGULATING AND FIXING LICENSE AND PERMIT FEES OF FOOD AND BEVERAGE VENDING MACHINES OR DEVICES

AN ORDINANCE governing, regulating and fixing license and permit fees for operation and maintenance of food and beverage vending machines or devices in the

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Section 1. *Permits-Licenses Required.*

It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or any other person, or for any body corporate, or as an officer of any corporation, or otherwise to:

(a) engage in the operation of one or more machines or devices offered for public use which, upon insertion of a coin, coins or token, or by other means dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a permit from the Board of Health of this municipality so to do, or without complying with any and all of the provisions of the Food and Beverage Vending Machine Code of New Jersey (1961) as adopted or amended by said Board.

(b) maintain or permit to be maintained on or in any location in this municipality, one or more machines or devices offered for public use which, upon insertion of a coin, coins or token, or by other means dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a license for each such machine or device from the Board of Health of this municipality or without complying with any and all of

the provisions of the Food and Beverage Vending Code of New Jersey (1961) as adopted or amended by said Board.

Section 2. *Permit and License Fees.**

(a) The fees for permits and licenses as required by Section 1 above, for the purpose of raising revenue, for regulation and control to be paid annually to this municipality, are hereby fixed as follows:

Permit fee \$..... per year.

License fee \$..... per machine, per year.

(b) All permits and licenses issued under authority of this ordinance shall expire on the day of each year.

Permit and license fees shall be paid to the Board of Health.

Section 3. *Application for and Issuance of Permits and Licenses.*

Application for and issuance of the permits and licenses referred to in Section 1 above shall be made in conformity with the provisions of the Food and Beverage Vending Code of New Jersey (1961) as adopted or amended by the Board of Health of this municipality. Such permits and licenses are not transferable.

Section 4. *Suspension, Revocation or Reinstatement of Permits and Licenses.*

Permits and licenses issued under authority of this ordinance may be suspended, revoked, or reinstated by the Board of Health of this municipality pursuant to the provisions of the Food

*The method of licensing and the amount of fees, if any, are options of the local adopting authority.

and Beverage Vending Code of New Jersey (1961) as adopted or amended by said Board of Health.

Section 5. *Interstate Commerce.*

No provision of this ordinance shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the State or Federal Government.

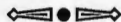
Section 6. *Penalty.*

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not to exceed two hundred dollars (\$200.00) or by imprisonment in the county jail for a period

of not to exceed ninety (90) days, or by both such fine and imprisonment, and each violation of any of the provisions of this ordinance, and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

Section 7. *Severance Clause.*

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause, or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.



FOOD AND BEVERAGE VENDING MACHINE CODE OF NEW JERSEY (1961)

SECTION I

Definitions

1.1 The words, terms or phrases listed below for the purposes of this Code and Ordinance shall be defined and interpreted as follows:

A. ADULTERATED: A food shall be considered adulterated when it is in a state or condition as described in Title 24, Chapter 5, Section 8 of the Revised Statutes.

B. APPROVED: The term "approved" shall mean approved by the health authority having jurisdiction in the Municipality of

C. COMMISARY: "commissary" shall mean and include commissary, catering establishment, restaurant, or any other place in which food, beverage, ingredients, containers, or supplies are kept, handled, prepared, or stored and directly from which vending machines are serviced, supplied and filled.

D. EMPLOYEE: The term "employee" shall mean any operator or any person employed by him who handles any food, beverage, or ingredient to be dispensed through vending machines, or who comes in contact with food contact surfaces of containers, equipment, utensils, or packaging materials, used in connection with vending machine operation, or who otherwise services or maintains one or more such machines.

E. FOOD: "food" shall mean any raw, cooked or processed edible substance, beverage or ingredient used or intended for use in whole, or in part, for human consumption.

F. HEALTH AUTHORITY: The term "health authority" shall mean the Board of Health as prescribed by Title 26, Chapter 3, Section 1 of the Revised Statutes of New Jersey, or an authorized representative thereof.

G. HOT FOOD OR BEVERAGE: "hot food or beverage" shall mean food or beverage, the temperature of which, at

the time of service to the consumer, is at least 150° F.

H. MACHINE LOCATION: "machine location" shall mean and include the room, enclosure, space, or area where one or more vending machines are installed and operated, whether inside or outside.

I. MISBRANDING: The term "misbranding" shall mean the use of any written, printed or graphic matter, upon or accompanying products or containers dispensed from vending machines, including signs or placards displayed in relation to such products so dispensed, which is false or misleading, or which is misbranded within the meaning of Title 24, Chapter 5, Section 16 of the Revised Statutes.

J. OPERATOR: The term "operator" shall mean any person who by contact, agreement, whether written, verbal, or implied, or ownership furnishes, installs, services, operates, or maintains one or more vending machines.

K. PERSON: The term "person" shall mean and include any individual, partnership, corporation, company, firm, institution, trustee, association, or any public or private entity.

L. PRODUCT CONTACT SURFACE: "product contact surface" shall mean any surface of the vending machine, appurtenances or containers which comes into direct contact with any food, beverage or ingredient.

M. READILY PERISHABLE FOODS: "readily perishable foods" shall mean and include any food or beverage or ingredients consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or other food capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication. However, products in hermetically sealed containers processed by heat to prevent spoilage and dehydrated, dry or powdered products so low in moisture content as to

preclude development of microorganisms are excluded from the terms of this definition.

N. APPROVED BACTERICIDAL PROCESS OR TREATMENT: "approved bactericidal process or treatment" shall mean the application to clean surfaces of any method or substance for the destruction of pathogenic bacteria or other organisms so far as practicable, subject to being reasonably effective and not adversely affecting the equipment, the food or health of the consumer. Acceptable facilities shall be provided for the washing, cleaning and bactericidal treatment of utensils and equipment. Cleaned containers and closures shall be protected from contamination until filled and sealed.

O. SINGLE SERVICE ARTICLE: "single service article" shall mean any utensil, container, implement, or wrapper intended for use only once in the preparation, storage, display, service or consumption of food or beverage.

P. VENDING MACHINE: "vending machine" shall mean and include any device offered for public use which, upon insertion of a coin, coins or token, or by other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation.

SECTION II

Application for

Permits and Licenses

2.1 Permits

2.1.1. Any person desiring to operate one or more vending machines shall make application therefor in writing to the Board of Health on forms provided by said Board.

Such application shall include the following information:

(a) The applicant's full name, residence, telephone numbers, and post office address, and whether such applicant is an individual, firm or corporation. If a partnership, the names of the partners, together with their addresses, shall be in-

cluded. If a corporation, the names and addresses of the officers of the corporation and the registered New Jersey agent shall be included.

(b) The location of the commissary or commissaries, and of other establishments where supplies are kept and where vending machines are repaired or renovated, and the proposed locations for the vending machine or machines.

(c) The identity and form of the product or products to be dispensed through vending machines and the number of each such type vending machine to be used in this municipality.

(d) The signature of the applicant or its authorized officer.

2.1.2. Upon receipt of an application for such permit, the health authority shall make such investigation as may be necessary of commissary, servicing, and transport facilities as well as machines and machine locations to determine compliance with the provisions of this Code. A numbered operator's permit shall be issued upon conformity with the provisions of this Code and ordinance.

2.1.3. Permit numbers shall be conspicuously displayed on each vending machine in a manner and style approved by the Health Authority.

2.1.4. Operators shall maintain a current list of all vending machines operated by them and their locations within the jurisdiction of the health authority, and of all commissaries or other establishments from which their machines are serviced. This list shall be made available to the health authority upon request.

2.1.5. Operators shall obtain approval of the health authority before any change in operations involving new types of vending machines, or conversion of existing machines to dispense products other than those for which the permit was issued, or any change of location of existing machines within this municipality, or any change of commissary, service, or transport facilities.

2.2 Licenses

2.2.1. Any person desiring to operate one or more vending machines in this municipality shall make an application

in writing for each vending machine to the Board of Health on forms provided by said Board. Such application shall include the following information:

(a) The applicant's full name, residence, telephone numbers, and post office address, and whether such applicant is an individual, firm, or corporation. If a partnership, the names of the partners, together with their addresses, shall be included. If a corporation, the names and addresses of the officers of the corporation, and the registered New Jersey agent shall be included.

(b) The proposed location of the machine, the location of the commissary or commissaries, and other establishments where supplies for such machine are kept and where that machine is to be repaired or renovated.

(c) The make, model, type, and description of the machine.

(d) The identity and form of the product or products to be dispensed through the vending machine.

(e) The signature of the applicant or its authorized officer.

(f) A separate application shall be made for each machine.

2.2.2. Upon receipt of such application, the health authority shall make an inspection of the machine and proposed machine location to determine compliance with the provisions of this Code. A numbered machine license shall be issued to the applicant by the health authority after compliance by the applicant with the applicable provisions of the Code.

2.2.3. The machine license number, of a size and style approved by the health authority, shall be conspicuously displayed on the vending machine for which such license has been issued.

2.2.4. Licensees shall obtain approval of the health authority before any conversion of the machine to dispense products other than those for which the license was issued or any change of commissary, service or transport facilities.

SECTION III

Sanitation Requirements for Vending Machine Operations

3.1 Foods, Beverages, Ingredients, Consumer Containers, Equipment Maintenance, and Operations.

3.1.1. Foods, beverages and ingredients offered for sale through vending machines shall

(a) be manufactured, processed, and prepared in commissaries or establishments meeting the requirements of local ordinance, as well as State and Federal law or regulation.

(b) be wholesome and free from spoilage, contamination and adulteration.

(c) be stored or packaged in clean, protective containers, and shall be handled, transported and vended in a sanitary manner. Wet storage of packaged products is prohibited.

(d) if readily perishable, be dispensed to the consumer in the individual original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant, or such products shall be dispensed into single service containers.

In those vending machines dispensing readily perishable foods, beverages or ingredients in bulk, the bulk supplies of such foods, beverages, or ingredients shall be transferred only to a bulk vending machine container and appurtenances which are clean and have been subjected to an approved bactericidal process.

3.1.2. Readily perishable foods or ingredients in vending machines shall be maintained at a temperature not higher than 50° F., or a temperature not lower than 150° F., whichever is applicable. Vending machines dispensing readily perishable foods shall be provided with controls which insure the maintenance of the temperatures as required herein at all times excepting the actual time required to fill or otherwise replenish a machine and for a maximum recovery

period of 30 minutes following completion of filling or replenishing operations. In vending machines in which both heating and cooling are accomplished, the heating cycle from 50° F. to 150° F. food temperature or the cooling cycle from 150° F. to 50° F. food temperature shall not exceed one hour. The total accumulated time perishable foods may be between 50° F. and 150° F. shall not exceed two hours.

Vending machines dispensing readily perishable foods shall be equipped with controls which render a machine inoperative until serviced by an operator, in the event of power failure or other condition, which permits the food to attain a temperature above 50° F., or below 150° F. whichever is applicable. Vending machines dispensing readily perishable food shall be provided with a thermometer which indicates the air temperature of the food storage compartment within an accuracy of $\pm 2^\circ$ F.

3.1.3. Milk and fluid milk products, and milk and milk products added to other foods or beverages offered for sale through vending machines shall be dispensed only in individual, original containers or from bulk containers into which such product was placed at the milk plant.

3.1.4. All multi-use parts of any bulk milk vending machine which come into direct contact with the milk or milk product shall be effectively cleaned and bactericidally treated at the milk plant; provided, that single service dispensing tubes which receive bactericidal treatment at the fabricating plant and which are individually packaged in such manner as to preclude contamination, may be exempted from this provision. The can or other bulk milk container shall be filled only at the milk plant and shall be sealed with two seals in such manner as to make it impossible to withdraw any part of its contents without breaking one seal, and impractical to introduce any substance without breaking the other seal. The delivery tube and any milk contact parts of the dispensing device shall be attached at the milk plant, and shall be protected by a moisture-proof covering, or housed in a compartment

with a moisture-tight closure, which shall not be removed until after the container is placed in the refrigerator compartment of the vending machine.

3.1.5. With the exception of product contact surfaces of bulk milk vending machines for which separate provisions for cleaning and bactericidal treatment are specified in Section 3.1.4. above, all multi-use containers or parts of vending machines which come into direct contact with readily perishable foods, beverages, or ingredients shall be removed from the machine daily and shall be thoroughly cleaned and effectively subjected to an approved bactericidal process at the commissary or other approved facility; provided that the requirement for daily cleaning and bactericidal treatments may be waived for those contact surfaces which are maintained at all times at a temperature of not higher than 50° F. or at a temperature of not lower than 150° F., whichever is applicable. Such parts shall, after cleaning and bactericidal treatment, be protected from contamination.

3.1.6. All parts of vending machines which come into direct contact with other than readily perishable foods, shall be thoroughly cleaned and subjected to bactericidal treatment by methods approved by the health authority. The frequency of such cleaning and bactericidal treatment shall be established by the health authority based upon the type of product being dispensed. A record of such cleaning and bactericidal treatment operations shall be maintained by the operator in each machine and shall be current for at least the past 30 days.

3.1.7. All single service articles which receive food or beverage from vending machines shall be purchased in sanitary cartons or packages which protect the contents from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. Such articles shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the magazine or dispenser of the vending machine. Single service articles shall be protected from manual contact, dust, insects, rodents and other contamination.

3.2 Machine Location—General

3.2.1. Machine locations shall be such as to minimize the potential for contamination of the product, shall be easily cleanable, and shall be kept clean. All machines shall be constructed, located, manufactured, and operated in conformity with local ordinances as well as State and Federal law or regulation.

3.2.2. Vending machines shall be located in a room, area, or space which can be and is maintained in a clean condition and which is protected from overhead leakage from drains and piping. Each vending machine shall be so located and maintained that the space around and under the machine can readily be and is cleaned, and insect and rodent harborage is not permitted.

3.2.3. The floor area upon which vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

3.3 Exterior Construction and Maintenance of Machines.

3.3.1. The exterior construction of the vending machine shall be such as to facilitate cleaning and to prevent the entrance of insects and rodents, and the exterior of the machine shall be kept clean.

3.3.2. A vending machine shall be of sturdy construction and the exterior shall be so designed, fabricated, and finished as to facilitate its being kept clean, and to prevent the entrance of insects and rodents.

3.3.3. Door and panel access openings to the product and container storage spaces of a machine shall be tight-fitting, and if necessary gasketed, so as to prevent the entrance of dust, moisture, insects, rodents or any other foreign or injurious contamination.

3.3.4. All necessary ventilation louvers or openings into vending machines shall be effectively screened against insects and rodents. Such screening material

shall not be less than 16 mesh to the inch or equivalent.

3.3.5. In all vending machines in which a condenser unit is an integral part of the machine, such unit shall be sealed from the product and container storage spaces.

3.3.6. Unless the vending machine is sealed to the floor so as to prevent seepage underneath, or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operations: (a) the machine shall be mounted on legs six or more inches in height; or (b) the machine shall be mounted on casters or rollers; or (c) the machine shall be mounted on gliders which permit it to be easily moved.

3.3.7. All service connections through an exterior wall of the machine, including water, gas, electrical, and refrigeration connections, shall be grommeted or sealed to prevent the entrance of insects and rodents. All connections to such utilities shall be such as to protect against unauthorized or accidental interruption of service.

3.4 Interior Construction and Maintenance of Machines.

3.4.1. All interior surfaces and component parts of the vending machine shall be so designed and constructed as to permit easy cleaning, and shall be kept clean.

3.4.2. Nonproduct contact surfaces of the interior of vending machines shall be so designed and constructed as to permit easy cleaning and to facilitate maintenance operations and shall be kept clean. Inaccessible surfaces or areas shall be minimized.

3.4.3. All product contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks and chipped places and shall be kept clean. The design of such surfaces shall be such as to prevent contact between food and V-type threaded surfaces. All joints and welds in product contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning.

3.4.4. All product or ingredient contact surfaces of vending machines, including containers, pipes, valves and fittings, shall be constructed of non-toxic, corrosion-resistant, and relatively non-absorbent materials, and shall be kept clean. All containers, valves, fittings, chutes, and faucets which are in contact with food shall be easily and readily removable, and so fabricated as to be easily disassembled and when disassembled, all surfaces shall be visible for inspection and cleaning. In machines of such design that product contact pipes or tubing are not readily removable, in-place cleaning of such pipes and pipe fittings is permissible; provided, (a) they are so arranged that cleaning and bactericidal solutions can be circulated throughout the fixed system, (b) such solutions will contact all interior surfaces, (c) the system is self-draining or otherwise completely evacuated, and (d) the cleaning procedures result in thorough cleaning of the equipment.

3.4.5. The openings into all non-pressurized containers used for the storage of vendable foods and ingredients, including water, shall be provided with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the openings, and shall be sloped to provide drainage from the cover surface. Any port opening through the cover shall be flanged upward at least $\frac{3}{8}$ inches and shall be provided with a cover which overlaps the flange. Condensation or drip deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container, unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of a material which is non-toxic, relatively stable, and relatively non-absorbent, and shall have a smooth surface. All gasket retaining grooves shall be readily cleanable.

3.4.6. The delivery tube or chute and orifice of all bulk foods and bulk beverage vending machines shall be protected from normal manual contact, dust, in-

sects, rodents, and other contamination. The design shall be such as to divert condensation or other moisture from the normal filling position of the container receiving the food or beverage. The vending stage of such machines shall be provided with a tight-fitting, self-closing door or cover which is kept closed, except when the machine is in the process of delivering food or beverage.

3.4.7. The product storage compartment within vending machines dispensing packaged liquid products, shall be so constructed as to be self-draining, or shall be provided with a drain outlet which permits complete draining of the compartment. All such drains shall be easily cleanable.

3.4.8. Opening devices which come into contact with the product or the product contact surface of the containers, shall be constructed of smooth, non-toxic, corrosion-resistant, and relatively non-absorbent materials. Unless the opening device is of a single-service type, it shall be readily removable for cleaning, and shall be kept clean. Parts of multi-use opening devices which come into contact with the product or product contact surface of containers shall be protected from manual contact, dust, insects, rodents, and other contamination, and such parts shall be readily removable for cleaning and shall be kept clean.

3.5 Water Supply

3.5.1. Water used in vending machines shall be from a source approved by the health authority and shall be of a safe and sanitary quality.

3.5.2. Water used as a product ingredient shall be piped into the vending machine under pressure, and all connections and fittings shall be installed in accordance with local or State plumbing regulations. Containers for the storage of water shall be designed and maintained as a product contact surface.

3.5.3. If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

3.5.4. All vending machines which dispense carbonated beverages and which are connected to a water supply system, shall be equipped with two check valves, a double check valve, or an air gap; or a device to vent carbon dioxide to the atmosphere or other device approved by the health authority, which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.

3.5.5. Where check valves are used for the protection of the water supply system, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves.

3.5.6. In all vending machines which dispense carbonated beverages and which are connected to a water supply system, the ingredient water contact surfaces from the check valves or other protective device downstream, including the device itself, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

3.6 Waste Disposal

3.6.1. All trash and other waste material shall be removed from machine locations as frequently as may be necessary to prevent nuisances and unsightliness, and shall be disposed of in a manner approved by the health authority.

3.6.2. Self-closing, leak-proof, readily cleanable, plainly labeled and designated waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures and other single-service items. Such waste containers shall not be located within the vending machine; provided, that an exception shall be made for those machines dispensing only packaged products with crown closures, in which case the closure receptacle may be located within the machine. Suitable racks or cases shall be provided for multi-use containers or bottles.

3.6.3. Containers shall be provided within all machines dispensing liquid

products in bulk for the collection of drip, spillage, overflow, or other liquid wastes. An automatic shut-off device shall be provided which will place the vending machine out of operation before such container overflows. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion-resistant. If liquid wastes from drip, spillage, or overflow, which originate within the machine are discharged into a sewerage system, the connection to the sewer shall be through an air gap.

SECTION IV

Delivery of Foods, Ingredients, Equipment and Supplies to Machine Location

- 4.1 Food, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust, insects, rodents and other contamination. Similar protection shall be provided for single-service articles, and for the product contact surfaces of equipment, containers, and devices in transit to machine locations.
- 4.2 Readily perishable foods or beverages while in transit to vending machine locations shall be maintained at a temperature of not more than 50° F., or at a temperature of not less than 150° F. whichever is applicable.

SECTION V

Personnel, Cleanliness and Disease Controls

- 5.1 Employees shall wash their hands immediately prior to engaging in any vending machine servicing operation which may bring them into contact with foods, beverages, or ingredients, or with product contact surfaces of utensils, containers, or equipment. While engaged in such servicing operations, employees shall wear clean outer garments.
- 5.2 No employee with any disease in a communicable form, or who is a car-

rier of such disease, shall work in any commissary or in vending machine operations in any capacity which brings him into contact with the production, handling, storage or transportation of foods, beverages, ingredients or equipment used in vending machine operations; and no operator shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any employee who has a discharging or infected wound, sore, or lesion on hands, arms or any exposed portion of the body shall be excluded from those operations which will bring him into contact with foods, beverages, utensils, or equipment used in vending machine operations. Any operator among whose employees there occurs a communicable disease or who suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, shall notify the health authority immediately.

5.3 When suspicion arises as to the possibility of transmission of infection from any employee, the health authority is authorized to require any or all of the following measures:

(1) The immediate exclusion of the employee from all commissaries and vending machine operations.

(2) The immediate closing of the commissaries and operations concerned until, in the opinion of the health authority, no further danger of disease outbreak exists.

(3) Medical examinations of the employees, with such laboratory examinations as may be indicated.

SECTION VI

Examination and Condemnation of Unwholesome Contaminated or Adulterated Food and Drink

6.1 The health authority may take and examine samples of food, drink, and

other substances as often as he deems necessary for the detection of unwholesomeness, adulteration or contamination. At the time such samples are taken, a receipt shall be forwarded or delivered to the operator in charge of the vending machine.

6.2 The health authority may forbid the sale or use of any food or drink from a vending machine which is, or is suspected of being unwholesome, adulterated or misbranded.

6.3 The health authority may forbid the use of a vending machine or any equipment or utensils thereof which have not been properly treated by an approved bactericidal process or which in his opinion may lead to the adulteration or contamination of any food or drink with which it may contact.

SECTION VII

Inspection of Food Vending Machines

7.1 The health authority shall inspect as often as he deems necessary every food vending machine or commissary thereof. The operator in charge of a food vending machine establishment shall permit access to it and commissaries thereof and shall make available all records of food purchased upon request of the health authority.

SECTION VIII

Closure for Infection

8.1 The health authority having reason to believe that any food vending machine or commissary thereof is or may be a source of food borne infection shall advise the operator thereof accordingly and order appropriate action to be taken which will eliminate the source of infection. In the event such action is not taken immediately, he may order such food vending machine or commissary thereof to be closed and post a statement in a conspicuous place at the entrance thereof, stating, "The sale of food or drink by this establishment

is forbidden—Board of Health," which order shall be effective and statement shall remain posted until the action ordered to eliminate the source of food borne infection has been completed.

No person or persons shall interfere with or remove any seal or statement on any vending machine or commissary placed by the local health authority in accordance with the provisions of this code.

The health authority who believes an employee of any food vending machine or commissary thereof is ill or infected with a disease, or may be a carrier of a disease, which may be transmitted through food, may order him or her to leave the establishment and refrain from returning to work in or about such establishment and order the employer to prohibit such employee from returning to work, until permission is granted to return by the health authority.

