



**NEW JERSEY STATE
SANITARY CODE**

New Jersey State
Department of Health
John Fitch Plaza, P. O. Box 1540
Trenton, New Jersey 08625

**CHAPTER 12
CONSTRUCTION, OPERATION, and MAINTENANCE OF
RETAIL FOOD ESTABLISHMENTS**

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REGULATION I

1.1 Retail Food Establishments in violation of this Chapter are hereby declared to be nuisances hazardous to health.

REGULATION II - DEFINITIONS

2.1 For the purpose of these regulations, the following words, phrases, names and terms shall be construed, respectively, to mean:

2.1.1 **Adulteration** - As defined in 24:5-8 Revised Statutes of New Jersey.

2.1.2 **Agricultural Market** shall mean any fixed or mobile retail food establishment which is engaged in the sale of raw agricultural products; but may include as a minor portion of the operation the sale of factory-sealed or pre-packaged food products that do not normally require refrigeration.

2.1.3 **Approved** shall mean acceptable to the department or health authority based on its determination as to conformance with appropriate standards and good public health practice.

2.1.4 **Closed** shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.

2.1.5 **Corrosion-Resistant Material** shall mean a material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds, and sanitizing solutions which may contact it.

2.1.6 **Easily Cleanable** shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

2.1.7 **Employee** shall mean any person working in a retail food establishment who transports food or food containers who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

2.1.8 **Equipment** shall mean all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steamtables, and similar items, other than utensils, used in the operation of a retail food establishment.

2.1.9 **Food** shall mean any raw, cooked, or processed edible substance, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

2.1.10 **Food Contact Surfaces** shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

2.1.11 **Food Processing Establishment** shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

2.1.12 **Health Authority** shall be the properly appointed agent of the local board of health and/or State Department of Health to act in the enforcement of its ordinances and sanitary laws of the state.

2.1.13 **Kitchenware** shall mean all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.

2.1.14 **Misbranded** - As defined in 24:5-16, 17 Revised Statutes of New Jersey.

2.1.15 **Mobile Retail Food Establishments** shall mean any movable restaurant, truck, van, trailer, cart, bicycle or other movable unit including hand carried, portable containers in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

2.1.16 **Perishable Food** shall mean raw fruits and vegetables or any food of such type or in such condition as may spoil.

2.1.17 **Person** shall mean an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

2.1.18 **Potentially Hazardous Food** shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

2.1.19 **Retail Food Establishment** shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public or nonprofit organization or institution serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or similar place in which food or drink is prepared for retail sale or for service on the premises or elsewhere; and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge; except that agricultural markets, covered dish suppers or similar type of church or non-profit type institution meal services shall meet the special provisions of Regulation 8.

2.1.20 Safe Temperatures, as applied to potentially hazardous food, shall mean temperatures of 45° F. or below, and 140° F. or above, of 0° F. or below for frozen foods.

2.1.21 Sanitize shall mean effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the department or health authority as being effective in destroying microorganisms, including pathogens.

2.1.22 Sealed shall mean free of cracks or other openings which permit the entry or passage of moisture.

2.1.23 Single Service Articles shall mean cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

2.1.24 State Department, department of health and department shall mean the State Department of Health.

2.1.25 Tableware shall mean all multiuse eating and drinking utensils, including flatware (knives, forks, and spoons).

2.1.26 Temporary Retail Food Establishment shall mean any retail food establishment which operates at a fixed location for a temporary period of time in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering, including church suppers, picnics or similar organizational meetings, mobile retail food establishments, as well as agricultural markets.

2.1.27 Utensil shall mean any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

2.1.28 Wholesome shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

REGULATION III—FOOD SUPPLIES

3.1.1 Source, Protection, Wholesomeness, Misbranding

(a) Food in the retail food establishment shall be from a source which is in compliance with applicable State and local laws and regulations. Food from such sources shall have been protected from contamination and spoilage during subsequent handling, packaging, and storage, and while in transit.

(b) All food in retail food establishments shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed, nonacid and low-acid (above 4.5 pH) food which has been processed in a place other than a commercial food processing establishment shall be used.

(c) All milk, milk products, and milk substitutes including fluid milk, other fluid dairy products and manufactured milk products, shall meet applicable State and local laws and regulations.

(d) Only pasteurized fluid milk and fluid milk products shall be used or served, except that dry milk and dry milk

products may be reconstituted in the establishment if used for cooking purposes only. Reconstituted dry milk and dry milk products shall be considered as potentially hazardous foods.

(e) All milk, fluid milk products and milk substitutes for drinking purposes shall be purchased and served from the original, individual container in which they were packaged at the milk plant, or shall be served from an approved bulk milk dispenser.

(f) Multiuse pitchers may be used for service of milk, fluid milk products or substitutes for use in beverages such as coffee, tea, cocoa, and in other items such as cereals and fruits, provided (1) that the unused portions of such products must be discarded after its use by the customer or group served; and (2) all such products must be served at a temperature of 45° F. or below.

3.1.2 Frozen Desserts:

(a) All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbets, ices, and mix shall meet applicable State and local laws and regulations.

3.1.3 Shellfish:

(a) All fresh and frozen oysters, clams, and mussels shall be from sources certified by the State shellfish authority: Provided, That if the source is outside the State, it shall be one which is certified by the State of origin.

(b) Shell stock received and used in any retail food establishment shall be identified with a tag giving the name and certificate number of the original shell stock shipper and the kind and quantity of shell stock. Official shell stock tags shall be retained for at least 90 days by the buyer of the original containers of shell stock. Fresh and frozen shucked oysters, clams, and mussels, shall be packed in nonreturnable containers identified with the name and address of the packer, repacker, or distributor, and the certificate number of the packer or repacker preceded by the abbreviated name of the State.

3.1.4 Meat, Meat Products, Poultry and Poultry Meat Products and Game:

All meat and meat products including poultry and game animals shall have been inspected for wholesomeness under an official regulatory program: Provided, That the health authority may accept other sources which are in its opinion satisfactory and which are in compliance with applicable state and local laws and regulations.

3.1.5 Bakery Products:

All bakery products served or sold in a retail food establishment shall have been prepared and handled in a retail food establishment or in a food processing establishment in accordance with the requirements of 3.2.3 of this section.

3.1.6 Microbacteriological Standards:

No person shall manufacture, process, produce, pack, possess, distribute, sell or offer for sale, deliver or give away any potentially hazardous food or ready to eat food which contains bacteria in excess of standards established by rules and regulations of the New Jersey State Department of Health.

3.2 Food Protection:

3.2.1 General Protection of Foods:

(a) All food, while being stored, prepared, displayed,

served, or sold in retail food establishments, or transported shall be protected against contamination from dust, flies, rodents, and other vermin, unclean utensils and work surfaces, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage, poisonous and toxic materials and any other source.

(b) Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, display, and service. Each cold storage facility used for the storage of perishable food shall be provided with an indicating thermometer accurate to $\pm 2^\circ\text{F}$., located in the warmest part of the facility in which food is stored, and of such type and so situated that the thermometer can be easily and readily observed for reading.

3.2.2 Food Temperatures:

(a) All perishable food, such as raw fruits and vegetables, shall be stored at such temperatures as will protect against spoilage.

(b) All potentially hazardous food, except when being prepared, displayed and served as provided in (c) of this section, shall be kept at 45°F or below, or 140°F or above. Frozen foods shall be maintained at or below 0°F until removed from storage for preparation and use. Provided, That refrigeration of mayonnaise and salad dressings containing eggs and egg products at temperatures of 45°F or below may be waived if:

1. All mayonnaise or salad dressings received from the manufacturer in the original container shall have a pH of not more than 4.1 and the acidity of the aqueous phase, expressed as acetic acid, is not less than 1.4 percent.

2. When the original container of such product is opened for use, and part of the product placed in another container, and not held at temperatures required for potentially hazardous food products, the mayonnaise or salad dressing in the "working container" shall be discarded after three hours. Where the product is kept covered and held on the service line at 45°F or below, the three hour time limit shall not apply and it may be stored under refrigeration for future use.

3. Under no circumstance shall the product, in whole or in part, be returned to the original container whether it is or is not held under refrigeration. Where the product is removed from the original container, under sanitary procedures, the original container need not be refrigerated.

4. When the original product is diluted, in any manner, the resulting product shall be subjected to temperature requirements for potentially hazardous food products.

(c) All potentially hazardous food, when placed on display for service, shall be kept hot or cold as required hereafter:

(1) If served hot, the temperature of such food shall be kept at 140°F . or above;

(2) If served cold, such food shall be:

(A) Displayed in or on a refrigerated facility which can reduce or maintain the product temperature at 45°F . or below; or

(B) Prechilled rapidly to a temperature of 45°F . or below, when placed on display for service, and the food temperature shall at no time during the display period exceed 55°F .

(d) Following preparation, hollandaise and other sauces which, pending service, must be held in the temperature of 45°F . to 140°F ., may be exempt from the temperature requirements of this subsection, if they are prepared from fresh ingredients and are discarded as waste within three hours after preparation. Where such sauces require eggs as an ingredient, only uncracked shell eggs, pasteurized frozen or dried eggs shall be used.

(e) Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 45°F . or below; or under cool, potable running water (70°F . or below); or quick thawed as part of the cooking process; or by any other method satisfactory to the department or health authority.

3.2.3 Food Preparation:

(a) In preparing all raw meats, poultry and fish, other ready to eat foods shall not be permitted to touch these uncooked products or any equipment surfaces which such raw products have touched prior to sanitization. After handling such raw products, hands shall be carefully washed and all equipment and surfaces that the raw meats, poultry, and fish touched shall be washed and sanitized.

(b) Convenient and suitable equipment and utensils, slicers, grinders, saws, cleavers, can openers, forks, knives, tongs, spoons, spatulas, scoops and the like shall be provided to minimize handling of food, particularly potentially hazardous food, at all points where food is prepared.

(c) All raw fruits and vegetables shall be washed thoroughly before being cooked or served.

(d) Stuffings, poultry, stuffed meats and poultry and pork and pork products shall be heated throughout, to a minimum temperature of 165°F ., with no interruption of the initial cooking process.

(e) Meat, poultry, fish, potato, egg and similar salads, cream filled pastries, and other potentially hazardous prepared food shall be prepared (preferably from chilled products) with a minimum of manual contact, and on surfaces and with utensils which are clean and which, prior to use, have been sanitized.

(f) Custards, cream fillings, or similar products which are prepared by hot or cold processes, and which are used as puddings or pastry fillings, shall be kept at safe temperatures above 140°F . or below 45°F . except during necessary periods of preparation and service, and shall meet the following requirements as applicable:

(1) Pastry fillings shall be placed in shells, crusts, or other baked goods either while hot (not less than 140°F .) or immediately following preparation, if a cold process is used; or

(2) Such fillings and puddings shall be refrigerated at 45°F . or below in shallow pans properly protected from dust and other contamination, immediately after cooking or preparation; and held thereat until combined into pastries, or served.

(3) All completed custard filled and cream filled or similar type pastries shall, unless served immediately following filling, be refrigerated at 45°F . or below promptly after preparation, and held at that temperature until served.

3.2.4 Food Storage:

(a) Containers of food shall be stored above the floor, on

clean racks, dollies or other clean surface in such a manner as to be protected from splash and other contamination. Additionally, foods in bulk storage must be elevated above the floor on racks or dollies and aisles must be provided between articles in storage and walls, and masses of foods must be broken down into manageable cells with aisles to allow for cleaning and inspection and to prevent insect and rodent harborage: Provided, however, foods packaged in cans, glass or other vermin-proof containers sealed in shipping cartons and stored on clean surfaces in rooms, the floors of which are not frequently washed or otherwise subjected to water, need not be elevated and aisles need not be provided if containers are in temporary storage for five days or less and the areas are clean and rodent, insect or other vermin harborages are not provided.

(b) Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination from food requiring washing or cooking.

(c) Packaged or bottled foods shall not be stored submerged in water or other liquids: Provided, That wet storage of pressurized containers of beverages may be permitted when: (1) the water contains at least 50 ppm of available chlorine or equivalent; and (2) the iced water is changed frequently enough to keep both the water and container clean.

3.2.5 Food Display and Service:

(a) Where prepared, unwrapped food is placed on display in all types of retail food establishments, it shall be protected by cleanable, counter-protector devices, cabinets, display cases, containers, or similar type of protective equipment. Self-service openings in counter guards shall be so designed and arranged to protect food from manual contact by customers. Portions of food once served to a customer shall not be served again. Wrapped food, other than potentially hazardous food, which is still wholesome and has not been unwrapped, may be served again.

(b) Buffets, smorgasbords or other foods offered to the consumer where the consumer may make a choice to partake, need not be covered, provided other sections pertaining to and applicable to such forms of service of food particularly including those of 3.2.2 relating to temperatures shall apply.

(c) Tongs, forks, spoons, picks, spatulas, scoops, and other suitable utensils shall be provided and shall be used by employees to reduce manual contact with food to a minimum. For self-service by customers, similar implements shall be provided.

(d) Dispensing scoops, spoons, and dippers, used in serving frozen desserts, shall be stored, between uses, either in a running water dipper well, or in a manner satisfactory to the department or health authority.

(e) Sugar shall be provided only in closed dispensers or in individual packages.

3.2.6 Food Transportation

(a) The requirements for storage, display, and general protection against contamination as contained in this subsection, shall apply in the transporting of all food from a retail food establishment to another location for service, catering or other distribution and all potentially hazardous food shall be kept at 45° F. or below, or 140° F. or above,

and frozen foods at or below 0° F., during transportation.

(b) During the transportation of food to or from a retail food establishment, all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination except raw agricultural products, which will be washed, peeled, or otherwise prepared for consumption in such a manner to remove the danger of possible contaminants.

3.2.7 Poisonous and Toxic Materials:

(a) Only those poisonous and toxic materials required to maintain the establishment in a sanitary condition, and for sanitization of equipment and utensils shall be present in any area used in connection with retail food establishments, other than those products for sale which must be stored in a specifically identified and designated area. Poisonous polishing materials shall not be used on equipment or utensils, nor stored in the establishment other than as indicated previously.

(b) All containers of poisonous and toxic materials shall be prominently and distinctively marked or labeled for easy identification as to contents.

(c) When not in use, poisonous and toxic materials shall be stored in cabinets which are used for no other purpose, or in a place which is outside the food storage, food preparation, and cleaned equipment and utensil storage rooms. Bactericides and cleaning compounds shall not be stored in the same cabinet or area of the room with insecticides, rodenticides, or other poisonous materials.

(d) Bactericides, cleaning compounds, or other compounds, intended for use on food contact surfaces, shall not be used in such a manner as to leave a toxic residue on such surfaces, or to constitute a hazard to employees or customers.

(e) Poisonous compounds, such as insecticides and rodenticides, in powdered form, shall have a distinctive color so as not to be mistaken for food or food condiments.

(f) Poisonous materials and compounds shall not be used or stored in any way as to contaminate food, equipment, or utensils, nor to constitute other hazards to employees or customers.

REGULATION IV—FOOD SERVICE PERSONNEL

4.1.1 Health and Disease Controls:

Persons while affected with any disease in a communicable form, or while a carrier of such disease, or while affected with boils, infected wounds, sores, acute respiratory infection, nausea, vomiting, diarrhea which could cause foodborne diseases such as staphylococcal intoxication, salmonellosis, typhoid fever or hepatitis shall not work in any area of a food establishment in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals, and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity. If the manager or person in charge has reason to suspect that any employee has contracted any disease in a communicable form which could result in foodborne disease or has become a carrier of such disease, he shall advise the employee to contact his physician for treatment and shall relieve him of duties relating to food handling or food contact surfaces.

4.1.2 Hygienic Practices:

(a) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods. Persons engaged in handling food and food contact surfaces shall not wear jewelry in a manner which could contaminate or become incorporated in the food.

(b) Employees shall not use tobacco in any form while engaged in food preparation or service, or while in equipment and utensil washing or food preparation areas. Provided, That locations in such areas may be designated by management for smoking, where no contamination hazards will result.

4.1.3 Handwashing:

(a) The hands of all employees shall be kept clean while engaged in handling food and food contact surfaces. Employees shall thoroughly wash their hands and exposed arms with soap and warm water before starting work, and shall wash hands during work hours as often as may be required to remove soil and contamination, as well as after visiting the toilet room. Approved separate handwashing facilities shall be provided at convenient locations as necessary to maintain clean hands and arms during working hours. Utensil washing sinks or vats are not acceptable as washing facilities for personnel.

(b) Employees shall keep their fingernails clean and neatly trimmed.

4.1.4 Clothing:

(a) All persons, including dishwashers, engaged in handling food or food contact surfaces shall wear clean outer garments.

(b) Employees engaged in the preparation and service of food and other persons who may come in contact with these operations shall take necessary steps to keep hair from food and food contact surfaces.

REGULATION V FOOD EQUIPMENT AND UTENSILS

5.1.1 Design, Construction, and Materials:

(a) All equipment and utensils shall be so durable under normal conditions and operations as to be resistant to denting, buckling, pitting, chipping, crazing, and excessive wear; and shall be capable of withstanding repeated scrubbing, scouring, and the corrosive action of cleaning and sanitizing agents and food with which they come in contact.

(b) Food contact surfaces of equipment and utensils shall be smooth; shall be free of breaks, open seams, cracks, chips, pits, and similar imperfections; shall be in good repair; and shall be easily accessible for cleaning and inspection.

(c) Materials used as food contact surfaces of equipment and utensils shall, under use conditions, be corrosion resistant, nontoxic, and relatively nonabsorbent. Cutting blocks, boards, and bakers' tables shall be of hard maple or equivalent material which is nontoxic, smooth, and free of cracks, crevices, and open seams. Cutting boards shall be easily removable and cleanable. Except, That the corrosion resistant requirements shall not preclude the use of cast iron as a food contact material and that when approved by the department or local health authority, exceptions may be

made to the above materials requirements for equipment such as cutting boards, blocks, and bakers' tables.

(d) Food contact surfaces of equipment and utensils shall be free of difficult to clean internal corners and crevices. Threads which routinely contact food shall be of sanitary design, and no V-type threads shall be used in such a situation: Provided, That wicker or plastic woven type or other hard to clean breadbaskets, when suitably lined with a clean disposable material or a clean washable material, may be used for unwrapped food.

(e) Lubricated bearings and gears of equipment shall be so constructed that lubricants cannot get into food or onto food contact surfaces.

(f) Equipment intended for in-place cleaning shall be so designed and constructed that:

(1) Cleaning and sanitizing solutions can be circulated throughout a fixed system.

(2) Cleaning and sanitizing solutions will contact all interior surfaces.

(3) The system is self-draining or otherwise completely evacuated.

(4) Cleaning procedures result in thorough cleaning of the equipment.

(g) Soft solder, when used as a food contact surface, shall be limited to joining metal or sealing seams between abutting metal surfaces; shall be of such formulation as to be nontoxic under use conditions; shall contain at least 50 percent tin; shall contain no more lead than is necessary under good manufacturing practice; and shall, consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

(h) Hard solder (silver solder), when used as a food contact surface, shall be of such formulation as to be nontoxic under use conditions; shall be corrosion resistant; and shall consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

(i) Single service articles shall be made from nontoxic materials.

(j) Surfaces of equipment not intended for contact with food, but which are exposed to splash, food debris, or otherwise require frequent cleaning, shall be reasonably smooth, washable, free of unnecessary ledges, projections, or crevices, readily accessible for cleaning, and of such material and in such repair as to be readily maintained in a clean and sanitary condition.

5.1.2 Equipment Installation

(a) Equipment which is placed on tables or counters, unless readily movable, shall be sealed thereto or mounted on legs or feet at least 4 inches high, and shall be so installed as to facilitate the cleaning of the equipment and areas adjacent thereto.

(b) Floor mounted equipment, unless readily movable, shall be sealed to the floor; or shall be installed on raised platforms of concrete or other smooth masonry in such a manner as to prevent liquids or debris from seeping or settling underneath, between or behind such equipment in spaces which are not fully open for cleaning and inspection; or such equipment shall be elevated at least 6 inches above the floor. The space between adjoining units, and between a unit and the adjacent wall, shall be closed unless exposed to seepage, in which event it shall be sealed; or sufficient space

shall be provided to facilitate easy cleaning between, behind, and beside all such equipment.

(c) Aisles or working spaces between equipment, and between equipment and walls, shall be unobstructed, and of sufficient width to permit employees to perform readily their duties without contamination of food or food contact surfaces by clothing or through personal contact.

5.2.1 Equipment and Utensil Cleanliness:

(a) After each usage, all tableware shall be thoroughly cleaned to sight and touch.

(b) After each usage, all kitchenware and food contact surfaces of equipment, exclusive of cooking surfaces, used in the preparation, serving, display, or storage of food, shall be thoroughly cleaned to sight and touch. The cooking surfaces of grills, griddles, and similar cooking devices shall be cleaned at least once a day, and shall be free of encrusted grease deposits and other soil at all times.

(c) Nonfood contact surfaces of all equipment used in the operation of a retail food establishment including tables, counters, shelves, mixers, grinders, slicers, hoods, and fans, shall be cleaned at such frequency as is necessary to be free of accumulations of dust, dirt, food particles, other debris, and to maintain them in a sanitary condition.

(d) Detergents and abrasives shall be rinsed off food contact surfaces.

(e) Cloths used by waiters, chefs, and other personnel, shall be clean, and any such cloths used for wiping food contact surfaces shall be used for no other purpose.

5.2.2 Equipment and Utensil Sanitization:

(a) All tableware shall, after each use, be sanitized. A spoon or other utensil, once used for tasting food, shall not be reused until it has been cleaned and sanitized.

(b) All kitchenware and food contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be sanitized prior to such use, and following any interruption of operations during which contamination of the food contact surfaces is likely to have occurred. Where equipment and utensils are used for the preparation of potentially hazardous food on a continuous or production line basis, the food contact surfaces of such equipment, and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule satisfactory to the department or health authority.

5.2.3 Methods and Facilities for Washing and Sanitizing:

(a) For both manual and machine washing and sanitizing:

(1) Prior to washing, all equipment and utensils shall be preflushed or prescraped, and when necessary, pre-soaked to remove gross food particles and soil.

(2) Dish tables, drainboards, or racks of impervious material of adequate size for handling soiled utensils prior to washing shall be used.

(3) Washing of utensils and equipment shall include effective treatment to remove all foreign matter.

(4) After washing, utensils and equipment shall be rinsed free of detergent solution and foreign matter.

(5) All utensils and food contact surfaces of equipment shall be sanitized.

(6) Following sanitization, all utensils and food contact surfaces of equipment shall be air dried, utilizing dish

tables, drainboards, or racks of adequate size: Provided, That the drainboards shall not be required for cooks' and bakers' rinse sinks.

(b) Manual washing and sanitizing:

(1) Equipment required for manual washing and sanitizing shall include three individual sink compartments or the equivalent, of adequate size to permit the complete immersion of equipment and utensils, each compartment to be used separately for washing, rinsing, and sanitizing: Provided, That establishments where the only utensils to be washed are limited to spatulas, tongs, and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a one compartment sink may be approved by the health authority for this purpose. At least a two compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization. Single compartment sinks, such as cooks' and bakers' sinks, may be used for the prerinsing of utensils. Hot and cold running water shall be supplied for each compartment. Dish baskets, where used, shall be of such design to permit complete immersion of equipment and utensils.

(2) Sanitization shall be accomplished by one of the following methods:

(A) Immersion for at least thirty seconds in clean hot water at a temperature of at least 170° F. An accurate thermometer easily readable to $\pm 2^\circ$ F shall be provided convenient to the sink to permit frequent checks of the water temperature.

(B) Immersion for a period of at least 1 minute in a sanitizing solution containing:

(1) At least 50 ppm of available chlorine at a temperature not less than 75° F.; or

(2) At least 12.5 ppm of available iodine in a solution having a pH not higher than 5.0 and a temperature of not less than 75° F.; or

(C) Immersion for sufficient time in any other chemical sanitizing agent which has been demonstrated to the satisfaction of the department or health authority to be effective and nontoxic under use conditions, and for which a suitable field test is available. Such sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect obtained in (B) above.

(D) Equipment too large to treat by immersion methods may be treated:

(1) With live steam from a hose, in the case of equipment in which steam can be confined, or

(2) By rinsing with boiling water, or

(3) By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization.

(c) Mechanical washing and sanitizing:

(1) When spray type dishwashing machines are used, the following additional requirements shall be met:

(A) Wash water shall be kept clean, and rinse water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.

(B) The flow pressure shall not be less than 15 or more than 25 pounds per square inch on the water line at machine, and not less than 10 pounds per square inch at the rinse nozzles. A suitable gauge cock should be provided immediately upstream from the final rinse valves

to permit checking the flow pressure of the final rinse water.

(C) The wash water temperature shall be at least 140° F. and in single tank conveyor machines shall be at least 160° F. When hot water is relied upon for sanitization, the final or fresh rinse water shall be at a temperature of at least 180° F. at the entrance of the manifold. When a pumped rinse is provided, the water shall be at a temperature of at least 170° F. When chemicals are relied upon for sanitization, they shall be of a class or type approved by the department or health authority, and shall be applied in such concentration and for such a period of time as to provide effective bactericidal treatment of the equipment and utensils.

(D) Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.

(E) An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of $\pm 2^\circ$ F. the temperature of the water or solution therein. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.

(F) Jets, nozzles, and all other parts of each machine shall be maintained free of chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

(2) When immersion type dishwashing machines are employed for washing and sanitizing equipment and utensils, the applicable requirements pertaining to manual dishwashing shall be met: Provided, That a two compartment system shall be deemed adequate when the temperature of the wash water is maintained at or above 140° F. and hot water at a temperature of at least 170° F. is used as the sanitizing agent. An accurate, easily readable to $\pm 2^\circ$ F. thermometer shall be provided for each compartment.

(3) Any other type of machine, device, or facilities and procedures may be approved by the department or local health authority for cleaning or sanitizing equipment and utensils, if it can be readily established that such machine, device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment.

5.2.4 Storage and Handling of Cleaned Equipment and Utensils

(a) Food contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner so as to be protected from contamination. Cleaned spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip contact surfaces.

(b) Cleaned, and cleaned and sanitized, portable equipment and utensils shall be stored above the floor in a clean, dry location, and suitable space and facilities shall be provided for such storage so that food contact surfaces are protected from splash, dust, and other contamination. The food contact surfaces of fixed equipment shall also be protected from splash, dust, and other contamination. Utensils shall be air-dried before being stored, or shall be stored in self-draining position on suitably located hooks or racks

constructed of corrosion resistant material. Wherever practicable, stored containers and utensils shall be covered or inverted; nesting of containers is to be discouraged. Facilities for the storage of flatware (silverware) shall be provided and shall be designed and maintained to present the handle to the employee or customer.

5.2.5 Single Service Articles

(a) Single service articles shall be stored in closed cartons or containers which protect them from contamination.

(b) Such articles shall be handled and dispensed in such a manner as to prevent contamination of surfaces which may come into contact with food or with the mouth of the user.

(c) Single service articles shall be used only once.

(d) All retail food establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single service articles.

REGULATION VI SANITARY FACILITIES AND CONTROLS

6.1.1 Adequacy, Safety and Quality of Water:

(a) The water supply shall be adequate as to quantity, of a safe, sanitary quality, and from a public or private water supply system which is constructed, protected, operated, and maintained in conformance with applicable state and local laws, ordinances, and regulations: Provided, That if approved by the Department of Environmental Protection, a nonpotable water supply system may be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully with Item 6.3.1 (b) of this section, and the nonpotable water supply is not used in such a manner as to bring it into contact, either directly or indirectly, with food, food equipment, or utensils.

(b) Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, and where equipment, utensils or containers are washed.

6.1.2 Transporting and Dispensing Water:

(a) All water, not piped into the establishment directly from the source, shall be transported, handled, stored, and dispensed in a sanitary manner whereby it will not become contaminated.

(b) Drinking water, if not dispensed through the water supply system of the retail food establishment, may be stored in a separate nonpressurized tank, reservoir, or other container.

6.1.3 Ice:

(a) Ice shall be made from water meeting the requirements of Paragraph 6.1.1 (a) of this subsection, in an icemaking machine which is located, installed, operated, and maintained so as to prevent contamination of the ice; or shall be obtained from a source meeting standards approved by law.

(b) Ice shall be handled, transported, and stored in a sanitary manner so as to be protected against contamination. If block ice is used, the outer surfaces shall be thoroughly rinsed so as to remove any soil before it is used for any purpose.

(c) If ice crushers are used, they shall be maintained in a clean condition and shall be covered when not in use.

(d) If ice is used, containers and utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers, and scoops, unless they are of the single service type, shall be of a smooth, impervious material, and designed to facilitate cleaning. They shall be kept clean, and shall be stored and handled in a sanitary manner. Only sanitary containers shall be used for the transportation or storage of any ice used in the retail food establishment. Canvas containers shall not be used unless provided with a sanitary, single service liner so as to completely protect the ice.

6.2.1 Sewage:

All sewage shall be disposed of by means of:

- (1) A public sewerage system; or
- (2) A disposal system which is constructed and operated in conformance with applicable state and local laws, ordinances, and regulations.

6.3.1 Size, Installation and Maintenance of Plumbing:

(a) All plumbing shall be so sized, installed and maintained in accordance with applicable state and local plumbing laws, ordinances and regulations as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an insanitary condition or nuisance.

(b) The potable water supply piping shall not be directly connected with any nonpotable water supply system whereby the nonpotable water can be drawn or discharged into the potable water supply system. The piping of any nonpotable water system shall be adequately and durably identified, such as by distinctive yellow colored paint, so that it is readily distinguished from piping which carries potable water; and such piping shall not be connected to equipment or have outlets in the food preparation area.

(c) The potable water system shall be installed in such a manner so as to preclude the possibility of backsiphonage.

(d) Grease traps shall not be required, except in special cases as may be determined by the department or health authority.

6.3.2 Drains:

(a) Refrigerators, steam kettles, potato peelers, and similar types of enclosed equipment in which food, portable equipment, or utensils are placed, shall not be directly connected to the drainage system. Each waste pipe from such equipment shall discharge into an open, accessible, individual waste sink, floor drain, or other suitable fixture which is properly trapped and vented: Provided, That indirect connections of drain lines from other equipment used in the preparation of food or washing of equipment and utensils may be required by the department or health authority when, in its opinion, the installation is such that backflow of sewage is likely to occur. Each walk-in refrigerator shall be equipped with a floor drain, so installed as to preclude the backflow of sewage into the refrigerator; or all parts of the floor of each walk-in refrigerator shall be graded to drain to the outside through a wastepipe, doorway, or other opening. Walk-in

refrigerators installed before enactment of this chapter shall be excluded from the requirement for a floor drain, and such floors shall be kept in a sanitary condition.

(b) Indirect waste connections shall be provided for drain overflows, or relief vents from the water supply system.

(c) Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas, or into difficult to clean areas, or otherwise create a nuisance.

6.4.1 Adequacy, Location, Accessibility, Installation, Design, and Maintenance of Toilet Facilities:

(a) Each retail food establishment shall be provided with adequate, conveniently located toilet facilities accessible to the employees at all times. Provided, That mobile units from which only prewrapped food or beverages are served are exempt.

(b) Toilet facilities shall be installed in accordance with applicable state and local laws, ordinances, and regulations. When a common toilet is used for employees and patrons, access shall not be through food preparation, food storage and utensil and equipment washing areas.

(c) Water closets and urinals shall be of a sanitary design and be cleanable.

(d) Toilet rooms shall be completely enclosed, and shall have tight-fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. If vestibules are provided, they shall be kept in a clean condition and in good repair.

(e) Toilet facilities, including toilet rooms and fixtures, shall be kept clean and in good repair, and free of objectionable odors.

(f) A supply of toilet tissue shall be provided at each toilet at all times. Handwashing signs stating "Wash Hands Before Resuming Work" shall be posted conspicuously in all toilet rooms and at each separate lavatory facility in a retail food establishment. It is also recommended that a statement concerning disease transmission be included. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered.

Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

6.5.1 Adequacy, Location, Installation, Design and Maintenance of Handwashing Facilities

(a) Lavatories shall be adequate in size and number and shall be so located as to permit convenient and expeditious use by all employees.

(b) Lavatories shall be located within or immediately adjacent to all toilet rooms or vestibules. In all new establishments, and establishments which are extensively altered, employee lavatories shall also be located within the area where food is prepared.

(c) Lavatories shall be installed in accordance with applicable state and local laws, ordinances, and regulations.

(d) Each lavatory shall be designed to provide hot and cold or tempered (100° F. to 115° F.) running water. Where hot and cold running water is provided, a mixing valve or combination faucet is recommended and shall be required in new installations. Steam mixing valves are prohibited.

(e) An adequate supply of hand cleansing soap or detergent shall be available at each lavatory. An adequate supply of sanitary towels, or an approved hand drying device, shall be available and conveniently located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the handwashing facilities.

(f) Lavatories, soap dispensers, hand drying devices, and all other components of the handwashing facilities shall be kept clean and in good repair.

6.6.1 Adequacy, Location, Accessibility, Installation, Design, and Maintenance of Garbage and Rubbish Disposal Facilities:

(a) All garbage and rubbish containing food waste shall be kept in leakproof, nonabsorbent containers constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.

(b) All containers shall be provided with tight fitting lids or covers and shall, unless kept in a special vermin proofed room or enclosure or in a waste refrigerator, be kept covered when stored or not in continuous use.

(c) After being emptied, each container shall be thoroughly cleaned on the inside and outside in a manner so as not to contaminate food, equipment, utensils, or food preparation areas. Adequate cleaning facilities, including brushes, shall be provided for washing garbage containers and shall be used for no other purpose. Can washing machines, steam cleaning devices, or similar equipment should be used where the operation is large enough to warrant this type of equipment. Waste water from such cleaning operations shall be disposed of as sewage.

(d) There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulates between periods of removal from the premises.

(e) Garbage and rubbish containing food waste shall be stored so as to be inaccessible to vermin. All other rubbish shall be stored in containers, rooms, or areas in such a manner as not to constitute a public nuisance. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises.

(f) Storage facilities shall be adequate for the proper storage of all garbage and rubbish.

(g) Storage areas shall be clean, and shall not constitute a nuisance.

(h) Storage rooms or enclosures shall be constructed of easily cleanable, washable materials and shall be vermin proofed. The floors, and the walls up to at least the level reached by splash or spray, shall be of relatively nonabsorbent materials. Garbage containers outside the establishment shall be stored either on a concrete slab, or on a rack which is at least 12 inches above the ground for a single bank of containers, or 18 inches above the ground for a multiple bank of containers.

(i) Food waste grinders, if permitted, shall be so constructed and installed as to comply with applicable state and local plumbing laws, ordinances, and regulations.

(j) All garbage and rubbish shall be disposed of daily, or at such other frequencies and in such a manner as to prevent a public health nuisance.

(k) Where garbage or combustible rubbish is permitted to be incinerated on the premises, such materials must be burned in an incinerator licensed by the New Jersey State Department of Environmental Protection, that is capable of operating without emitting excessive smoke or causing a nuisance and shall be operated in compliance with State and local regulations. Areas around such incinerators shall be kept in a clean and orderly condition. Open burning of garbage and combustible rubbish is prohibited.

6.7.1 Vermin Control:

(a) Effective control measures shall be utilized to minimize and eliminate the presence of rodents, flies, roaches, and other vermin in the establishment and on the premises. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

(b) Unless flies and other flying insects are absent from the immediate vicinity of the establishment, all openings to the outer air shall be effectively protected against the entrance of such insects by self-closing doors, closed windows, screening, controlled air currents, or other effective means.

(c) Screening material shall not be less than 16 mesh to the inch or equivalent.

(d) Screen doors to the outer air shall be self-closing; and screens for windows, doors, skylights, transoms, and other openings to the outer air shall be tight fitting and free of breaks.

(e) All openings to the outside shall be effectively protected against the entrance of rodents.

REGULATION VII OTHER FACILITIES AND OPERATIONS

7.1.1 Floors, Walls, and Ceilings:

(a) All floors shall be kept clean and in good repair. Non-slip agents may be used on floors under the following conditions:

(1) Such agent shall be dry, clean, free of foreign material, obnoxious odors and shall not create dust or a tracking problem. If such agent is sawdust, it shall contain not more than 5% fines by weight passing a #20 screen.

(2) Such agent shall be packaged in single service paper or plastic containers.

(3) Such agent shall be changed at least daily and more often if deemed necessary.

(b) The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable: Provided, That in areas subject to spilling or dripping of grease or fatty substances, such floor coverings shall be of grease resistant materials: and Provided further, That floors of nonrefrigerated dry food storage areas need not be nonabsorbent.

(c) Floor drains with covers and seals shall be provided in floors which are waterflushed for cleaning or which receive discharges of water or other fluid waste from equipment. Such floors shall be graded to drain.

(d) Carpeting where used on floors shall be installed and maintained to avoid accumulations of grease and filth that create odors and other nuisances and attract and feed rodents, insects and vermin, and shall be clean to sight, touch and smell.

(e) The walking and driving surfaces and all other exterior areas of retail food establishments, such as drive-in restaurants, side-walk cafes, patio service, chuck wagon service barbecues, bakeries, luncheonettes and grocery stores shall be kept clean and free of debris, and shall be properly drained so that water will not accumulate.

Walking and driving surfaces shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust.

(f) Mats or duckboards, if utilized, shall be so constructed as to facilitate being cleaned, and shall be kept clean. They shall be of such design and size as to permit easy daily removal for cleaning.

(g) All concrete, terrazzo, or ceramic tile floors, hereafter installed in food preparation, food storage, and utensil washing rooms and areas, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall provide a coved juncture between the floor and wall. In all cases, the juncture between the floor and wall shall be closed.

(h) All walls and ceilings, including doors, windows, skylights, and similar closures, shall be kept clean and in good repair.

(i) The walls of all food preparation, utensil washing, and handwashing rooms or areas, shall have light colored, smooth, easily cleanable surfaces, and such surfaces shall be washable up to at least the highest level reached by splash or spray: Provided, In instances where grills have been made part of the decor of a dining area in view of the public, the requirement for smooth, light-colored surfaces is waived, providing these surfaces are maintained in a clean condition and meet all other requirements of this Chapter. Acoustical materials may be used on the ceiling, provided ventilation is adequate to minimize grease and moisture absorption. When rough surfaced acoustical materials are used, a smooth, cleanable material should be provided around the ventilation ducts to facilitate cleaning. The use of such materials on kitchen ceilings should be discouraged.

(j) Wall covering materials used, such as sheet metal, linoleum, plastic, paper and similar materials, shall be so attached and sealed to the wall or ceiling as to leave no open spaces or cracks which would permit accumulation of grease or debris, or provide harborage for vermin.

(k) Studs, joists, and rafters shall not be left exposed in food preparation or utensil washing areas or toilet rooms. If left exposed in other rooms or areas, they shall be suitably finished and shall be kept clean and in good repair.

(l) Wherever food is exposed, light fixtures, decorative material and similar equipment and material attached to walls or ceilings shall be of the safety type or otherwise protected, kept clean and where possible light fixtures should be recessed. Lighting fixtures or facilities shall be protected from breakage and contamination of food and food contact surfaces of food utensils and equipment through the use of effective protective devices such as shields, guards, sleeves, or covers.

7.2.1 Lighting:

At least 50 foot candles of light shall be required on all food contact surfaces and at least 20 foot candles on all other surfaces and equipment, in food preparation, utensil

washing and handwashing areas, and toilet rooms. Sources of artificial light should be provided and used to the extent necessary to provide the required amounts of light on these surfaces when in use and when being cleaned. At least 20 foot candles of light at a distance of 30 inches from the floor shall be required in all areas during cleaning operations, including dining areas.

7.3.1 Ventilation:

(a) All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Effective air recovery systems may be used in the ventilation of these areas. Ventilation hoods and devices shall be maintained clean and operated in areas where needed to expel excessive heat, steam, vapor, smoke, grease, fumes and noxious odors and to prevent the dissipation of these objectionable products throughout the room. Ventilating systems, including hood ventilators, shall be designed to provide a minimum air change in kitchens every two minutes and shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. All ducts in ventilating hoods shall be provided with filters which are readily removable for cleaning and replacement excepting those systems which are effectively self-cleaning. Ventilation systems shall comply with applicable state and local fire prevention requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance.

(b) Where intake air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, rodents or other contaminating materials.

7.4.1 Housekeeping:

(a) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Dressing rooms or designated areas shall be provided. Such designated areas shall be located outside of food preparation, storage, and serving areas, and utensil washing and storage areas: Provided, That the department or health authority may approve such an area in a storage room where only completely packaged food is stored.

(b) Adequate lockers within dressing rooms or areas, or other suitable facilities within dressing rooms, shall be provided and used for the storage of employees' coats, clothing and personal belongings.

(c) Dressing rooms or areas, and lockers, shall be kept in a clean condition.

(d) All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish.

(e) None of the operations connected with the establishment shall be conducted in any room used as living or sleeping quarters.

(f) Vacuum cleaning, wet cleaning, or other dustless methods of floor and wall cleaning shall be used; or dust arresting sweeping compounds and pushbrooms shall be employed; and all such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of food is exposed, such as after closing or between meals in such a manner as to minimize contamination of food and food contact surfaces.

(g) Laundered cloths and napkins shall be stored in a clean protected place until used.

(h) Nonabsorbent containers or laundry bags shall be provided, and damp or soiled linens and clothing shall be kept therein until removed for laundering.

7.5.1. Live Birds and Animals:

No live birds or animals shall be allowed in any area used for the storage, preparation, or serving of food, or for the cleaning or storage of utensils, or in toilet rooms, employees' dressing rooms or areas, in vehicles used for transporting food, or in any other area or facility used in the conduct of retail food establishment operations: Provided, That guide dogs accompanying blind persons may be permitted in dining areas; restrained dogs on patrol may be permitted throughout the establishment; unrestrained dogs may be permitted in office areas and dining areas during hours when the establishment is closed.

REGULATION VIII

TEMPORARY RETAIL FOOD ESTABLISHMENTS, MOBILE RETAIL FOOD ESTABLISHMENTS, AND AGRICULTURAL MARKETS

8.1 Temporary Retail Food Establishments, Mobile Retail Food Establishments and Agricultural Markets:

A temporary retail food establishment, a mobile retail food establishment and an agricultural market shall comply with all provisions of this code which are applicable to its operation: Provided, That the department or health authority may augment such requirements when needed to assure the service of safe food; may prohibit the sale of certain potentially hazardous foods; and may modify specific requirements for physical facilities when in its opinion no imminent health hazard will result.

Due to the nature, location, and variety of conditions surrounding the operation of such establishments it is frequently not possible to provide certain physical facilities required for "permanent" establishments. In order to assure adequate protection of food served by temporary establishments, mobile establishments and agricultural markets which are unable to meet fully the requirements of these regulations, it may be necessary to restrict the types of food sold or the methods by which served, to modify some requirements for procedures and facilities, and to impose additional requirements.

When, in the opinion of the department or health authority, no imminent hazard to the public health will result, such establishments, which do not fully meet the requirements of sections 2 through 7 of these regulations, may be permitted to operate when food preparation and service are restricted and deviations from full compliance are covered by the additional or modified requirements, as set forth in the following sections:

8.1.1 The preparation of potentially hazardous foods, such as cream filled pastries, custards, and similar products, and meat, poultry, and fish in the form of salads or sandwiches, shall be prohibited: Provided, That this prohibition shall not apply to hamburgers, frankfurters, and other food which, prior to service, requires only limited preparation; such as seasoning and cooking; and Provided, however, That potentially hazardous food which is obtained in individual servings, is stored in approved facilities which maintain such food at safe temperatures, below 45° F or above 140° F, and is served directly in the individual, original container in which it was packaged at a food processing establishment, may be distributed or sold.

8.1.2 Ice which will be consumed, or which will come into contact with food, shall be obtained from a source meeting standards approved by law in chipped, crushed, or cubed form. Such ice shall be obtained in single-service, closed protected containers satisfactory to the department or health authority, and shall be held therein until used.

8.1.3 Wet storage of packaged food and beverage shall be prohibited; Provided, That wet storage of pressurized containers of beverages may be permitted when: (1) the water contains at least 50 ppm of available chlorine or equivalent: and (2) the iced water is changed frequently enough to keep both the water and container clean.

8.1.4 Food contact surfaces of food preparation equipment such as grills, stoves, and worktables shall be protected from contamination by dust, customers, insects or any other source. Where necessary, effective shields shall be provided.

8.1.5 Equipment shall be installed in such a manner that the establishment can be kept clean, and so that food will not become contaminated.

8.1.6 An adequate supply of water for cleaning and handwashing shall be maintained in the establishment, and auxiliary heating facilities, capable of producing an ample supply of hot water for such purposes shall be provided. Exceptions are listed in section 8.1.8 of this section.

8.1.7 Liquid waste which is not discharged into a sewerage system shall be disposed of in such a manner as not to create a public health hazard or nuisance condition.

8.1.8 Adequate facilities shall be provided for employee handwashing. Such facilities may consist of a pan, water, soap, and individual paper towels. Handwashing facilities shall be provided for employee handwashing for mobile retail food service establishments where food products are directly handled and fabricated, but need not be provided for mobile units serving prepackaged foods, milk, cold sealed beverages, and tea, coffee, hot chocolate or other hot drinks at temperatures above 140° F.

8.1.9 Floor shall be of tight wood, asphalt, or other cleanable material: Provided, That the department or health authority may accept dirt or gravel covered floors when graded to preclude the accumulation of liquids and covered with removable, cleanable, wooden platforms or duckboards.

8.1.10 Walls and ceilings shall be so constructed as to minimize the entrance of flies and dust. Temporary construction may be accepted. Ceilings may be of wood, canvas, or other materials which protect the interior of the establishment from the elements, and walls may be of such materials or of 16 mesh screening or equivalent. When flies are prevalent, counter service openings shall either be equipped with self-closing, fly tight doors, or the opening protected by effective fans. Where fans are used for this purpose, the size of the opening shall be so limited that the fans employed will effectively prevent the entrance of flies.

8.1.11 Any other requirement deemed necessary by the department or health authority to protect the public health in view of the particular nature of the food service operation shall be met.

REGULATION IX ENFORCEMENT PROVISIONS

9.1 Legal Authority:

All retail food establishments shall be operated in compliance with the provisions of these Regulations and Title 24 Revised Statutes of New Jersey.

9.2 Inspection of Retail Food Establishments:

The department or health authority shall inspect as often as it deems necessary every retail food establishment. The person operating a retail food establishment shall permit access to all parts of the establishment.

9.3 Examination of Records:

Upon request, the department or health authority shall be permitted to examine the records of a retail food establishment to obtain information pertaining to food and supplies purchased, received or used and persons employed.

9.4. Examination and Condemnation of Unwholesome, Contaminated or Adulterated Food and Drink:

The department or health authority, for examination purposes, may take and examine samples of food, drink and other substances as often as it deems necessary for the detection of unwholesomeness, adulteration or contamination. At the time such samples are taken, a receipt shall be delivered to the person in charge of the retail food establishment. The department or health authority may forbid the sale or use of any food or drink which is, or is suspected of being unwholesome, adulterated, or contaminated as defined by New Jersey Revised Statutes, 24:5-8.

The department or health authority may forbid the use of any equipment or utensils which have not been properly sanitized.

9.5 Retail Food Establishments Outside Jurisdiction of the Department or Health Authority:

Food from a retail food establishment outside the jurisdiction of the department or health authority shall not be sold or otherwise distributed if adulterated or misbranded. Determination of whether food is adulterated or misbranded shall be based upon the provisions of New Jersey Revised Statutes, 24:5-8 and 24:5-17. The department or health authority may accept and rely upon reports from other government officials responsible for administration of laws relating to public health and food and drugs as an aid to it in determining compliance with this section.

9.6 Closure for Infection:

The department or health authority having reason to suspect that any retail food establishment is or may be a source of food borne infection shall advise the owner, manager, or employees 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, the department or health authority may cause an order to be issued requiring the establishment to be closed in order to protect the public health. The order will give the alleged violator an opportunity to be heard within a reasonable time not to exceed 15 days while the order remains in effect.

The department or health authority which suspects an employee of any retail food establishment 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 department or health authority.

9.7 Penalties:

Any person who shall violate any provision of these regulations or who shall refuse to comply with a lawful order or direction of the department or health authority, shall be liable to penalties as provided by law or an injunctive action as provided by law, or both.

9.8 Public Posting of Inspection Reports*

The operator of every food establishment shall post on forms approved by the New Jersey State Department of Health the most recent inspection report, subsequent to December 15, 1972, the effective date of this regulation, made by a licensed municipal, county, regional, or state health department employee. Each such report shall be presented to the owner or manager of the establishment inspected at the completion of each inspection by the inspector with instructions that such report shall be posted in a conspicuous place near the public entrance of the establishment in such manner that the public may review the report. The detailed supporting data serving as the basis of each inspection report shall be maintained by the operator of each food establishment on the premises for review by the public.

9.9 Public Availability of Inspection Records*

Records of inspections of food establishments subsequent to December 15, 1972, the effective date of this regulation, shall be made available to the public.

***Regulations 9.8 and 9.9 were adopted by the Public Health Council on October 16, 1972.**

APPENDIX I

Title 24 FOOD AND DRUGS
(Selected Sections of Chapter 5, Sections 8, 16 and 17)

GENERAL ADULTERATION AND MISBRANDING OF FOODS, DRUGS, COSMETICS OR DEVICES

ARTICLE 2. ADULTERATION

24:5-8. General food adulterations. For the purpose of this subtitle food shall be deemed adulterated:

a. (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of regulations promulgated by the Department of Health limiting the quantity therein or thereon to such extent as the Department of Health of the State of New Jersey finds necessary for the protection of the public health; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or (5) if it is in whole or in part the product of an animal which has not been inspected, and the meat of such animal passed as fit for food, (a) by an official Federal inspector, or (b) by such officer or person as shall be qualified for such purpose in accordance with, and in such manner as shall be prescribed by regulations adopted by the State department, if such inspection is required by such regulations, or if it is in whole or in part the product of an animal which has died otherwise than by slaughter; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

b. (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, or reduce its quality or strength to make it appear better or of greater value than it is.

c. If it fails below the standard of purity, quality or strength which it purports or is represented to possess.

d. If it bears or contains a coal-tar color other than one from a batch that has been certified under the Federal Act.

ARTICLE 3. MISBRANDING

24:5-16. "Misbranded" defined. The term "misbranded" as used in this subtitle shall apply to all drugs, articles of food, cosmetics and devices and to articles which enter into the composition of foods, drugs, cosmetics or devices, the package or label of which shall bear any statement of design regarding such article or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product, or cosmetic, or device which is falsely branded as to the state, territory or country in which it is manufactured or produced.

24:5-17. Food misbrandings. For the purposes of this subtitle a food shall also be deemed to be misbranded:

a. If its labeling is false or misleading in any particular.

Regulation. N.J.A.C. 8:21-1.7 (a) Among representations in the labeling of a food which render such food misbranded is a false or misleading representation with respect to another food or a drug, device, or cosmetic.

(b) The labeling of a food which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such food in such labeling by a name which includes or suggests the name of one or more but not all such ingredients even through the names of such ingredients are stated elsewhere in the labeling.

b. If it is offered for sale or distributed under the name of another food.

c. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

d. If its container is so made, formed, or filled as to be misleading.

e. If in package form, unless it bears a label or tag containing the name and place of business of the manufacturer, packer, or distributor.

Regulation. N.J.A.C. 15:21-1.8 (a) If a food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such food, such as "Manufactured for and Packed by"; "Distributed by"; or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) Where a person manufacturers, packs, or distributes a food at a place other than his principal place of business in lieu of the actual place where each package of such food was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(d) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any food from the requirement that its label shall not be misleading in any particular.

f. If any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Regulation. N.J.A.C. 8:21-1.9 (a) A word, statement, or other information required by or under the authority of the act to appear on the label may lack that prominence and conspicuousness required by reason (among other reasons) of -

(1) the failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) the failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor and each of which is so designed as to render it likely to be under customary conditions of purchase, the part or panel displayed;

(3) the failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, or design which is not required by or under authority of the Act to appear on the label;

(5) insufficiency of label space (for the prominent place of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design, or

(6) smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) No exemption depending on insufficiency of label space shall apply if such insufficiency is caused by —

(1) the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(2) the use of label space to give greater conspicuousness to any word, statement, or other information than is required by the Act.

(3) the use of label space for any representation in a foreign language.

(c) (1) All words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear thereon in the English language.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear on the labeling in the foreign language.

g. If it purports to be or is represented as a food for which a definition and standard of identity is established in this subtitle or has been adopted by the Department of Health pursuant to section 24:6-1 unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such definition and standard, the common names of optional ingredients (other than spices, flavoring and coloring) present in such food.

h. If it purports to be or is represented as a food for which a standard of quality has been prescribed by the Department of Health, pursuant to section 24:6-1, and its quality falls below such standard, unless such label bears, in such manner and form as specified by the Department of Health a statement that it falls below such standard.

i. If it is not subject to the provisions of paragraph g of this section, unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each;

provided, that to the extent that compliance with the requirements of clause (2) of this paragraph is impractical, or results in deception, exemptions shall be established by regulations promulgated by the Department of Health; provided, further, that the requirements of clause (2) of this paragraph shall not apply to any carbonated non-alcoholic drink the ingredients of which have been fully and correctly disclosed to the extent prescribed by said clause (2) to the Department of Health in an affidavit.

Regulation. N.J.A.C. 8:21-1.10 (a) The name of an ingredient (except a spice, flavoring, or coloring which is an ingredient of a food other than one sold as a spice, flavoring, or coloring), required to be borne on the label of a food, shall be a specific name and not a collective name. But if an ingredient (which itself contains two or more ingredients) conforms to a definition and standard of identity prescribed by the Department of Health of the State of New Jersey, such ingredient may be designated on the label of such food by the name specified in the definition and standard, supplemented, in case such regulations require the naming of optional ingredients present in such ingredient, by a statement showing the optional ingredients which are present in such ingredient.

(b) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, within the meaning of such term as commonly understood by consumers. The term "coloring" shall not include any bleaching substance.

(c) An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as spice and coloring, or flavoring and coloring, as the case may be, unless such ingredient is designated by its specific name.

(d) A label may be misleading by reason (among other reasons) of —

(1) the order in which the names of ingredients appear thereon, or the relative prominence otherwise given such names; or

(2) its failure to reveal the proportion of, or other fact with respect to, an ingredient, when such proportion or other fact is material in the light of the representation that such ingredient was used in fabricating the food.

j. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Department of Health determines to be, and by regulations prescribes as necessary in order fully to inform purchasers as to its value for such uses.

k. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that to the extent that compliance with the requirements of this paragraph is impracticable, exemption shall be established by regulations promulgated by the Department of Health. The provisions of this paragraph and paragraphs g and i with respect to artificial coloring shall not apply in the case of butter, cheese or ice cream.

Regulation. N.J.A.C. 8:21-1.11 (a) (1) The term "artificial flavoring" means a flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

(2) The term "artificial coloring" means a coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

(3) The term "chemical preservative" means any chemical which, when added to food, tends to prevent or retard deterioration thereof; but does not include common salt, sugars, vinegars, spices or oils extracted from spices, or substances added to food by direct exposure thereof to wood smoke.

(b) A food which is subject to the requirements of section 24:5-17 k of the Act shall bear labeling, even though such food is not in package form.

(c) A statement of artificial flavoring, artificial coloring, or chemical which, when added to food, tends to prevent or retard deterioration thereof, on a wrapper, or on any two or all of these, as may be necessary to render such statement likely to be read by the ordinary individual under customary conditions of purchase and use of such food.

APPENDIX II
FOOD AND DRUGS
N.J.S.A. 24:15-1 to 24:15A-1

CHAPTER 15.
SANITATION IN FOOD ESTABLISHMENTS

24:15-1. "Food establishment" defined. As used in this chapter, "food establishment" includes any place used in the production, preparation, packing, storage, transportation or handling of food intended for sale or distribution.

24:15-2. Cleanliness, lighting, plumbing and ventilation. Every room in the building of a food, drug or cosmetic establishment shall be properly lighted, drained, plumbed and ventilated and the operations carried on therein shall be conducted in such a manner that the purity, quality and wholesomeness of the food, drug or cosmetic therein produced, manufactured, prepared, packed, stored, sold or distributed shall not be impaired.

24:15-3. Construction of walls, interior woodwork and floors. The side walls of every room in a food, drug or cosmetic establishment wherein food or drugs are produced, manufactured, packaged, stored or handled, shall be made of or coated with a suitable washable surface.

Every room of a food, drug or cosmetic establishment in which food, drugs or cosmetics are exposed shall have a tight floor made of cement or of tile laid in cement, brick, hard wood or other suitable material which can be properly cleaned.

24:15-4. Cleanliness of walls, floors, furniture and machinery; use of hydrocyanic acids or salts; running water; multi-use utensils.

(a) The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every food, drug or cosmetic establishment and all vehicles used in the transportation of food products, drugs or cosmetics shall be kept in a clean and sanitary condition. No person shall transport food, drugs or cosmetics in such manner that the purity, quality or wholesomeness thereof shall be impaired.

(b) No polishes or substances containing hydrocyanic acid or salts thereof shall be used for the cleaning or polishing of articles or utensils used for the service or preparation of food or foodstuffs in any food establishment or articles used in the processing, packing or storage of drugs or cosmetics in a drug or cosmetic establishment.

(c) An adequate supply of running water under pressure shall be easily accessible to all rooms in which food, drugs or cosmetics are prepared, manufactured, packed, stored or handled and shall be provided in all rooms in which utensils and equipment are washed.

(d) All multi-use utensils, equipment, tools and receptacles in a food, drug or cosmetic establishment, used in connection with the processing, manufacture, packing, storage or handling of food, drugs or cosmetics intended for distribution or sale, shall be thoroughly cleaned and sanitized immediately after each usage.

24:15-5. Protection of food from contamination; removal of refuse. All food, drugs or cosmetics intended for distribution or sale in the process of production, manufacture, preparation, packing, storing or transportation shall be securely protected from flies, vermin, dust, dirt and so far as possible, by the use of all reasonable means, from all other foreign or injurious contamination. The refuse, dirt and waste products subject to decomposition or fermentation shall be removed daily.

24:15-6. Clothing of employees to be kept clean. The clothing worn by all persons while engaged in work in any food, drug or cosmetic establishment shall be in a clean condition at all times.

24:15-7. Toilet facilities for and personal cleanliness of employees. All employees of a food, drug or cosmetic establishment who handle the material from which food, drugs or cosmetics intended for distribution or sale are prepared, or the finished product shall, before beginning work and after visiting the toilet, wash their hands and arms thoroughly with clean water and soap. Every person owning or operating a food, drug or cosmetic establishment shall provide adequate facilities for such washing and shall take all reasonable means to compel such employees to perform such washing.

Adequate, conveniently located toilet facilities shall be provided for employees on the premises of a food, drug or cosmetic establishment.

All toilet rooms shall be separate from the rooms where any processes incident to the production, manufacture, preparation, packing, storage, sale or distribution of food, drugs or cosmetics are carried on and shall be kept in a clean and sanitary condition.

24:15-8. Expectorating. No person shall expectorate in any room in a food, drug or cosmetic establishment used for the production, manufacture, preparation, packing, storage, sale or distribution of food, drugs or cosmetics.

24:15-9. Sleeping in rooms of food, drug or cosmetic establishment. No person shall be allowed to live or sleep in any room where food, drugs or cosmetics intended for sale or distribution are produced, manufactured, packed, stored, distributed or sold.

24:15-10. Persons affected with communicable disease. No employer shall require, permit or allow any person to work, nor shall any person work in any food, drug or cosmetic establishment who is ill or infected with a

communicable disease as defined in section 26:4-1 of the Revised Statutes.

24:15-11. Order to abate violation in lieu of prosecution. Whenever a person shall violate any provision of this chapter the state department or local board may, in its discretion, instead of prosecuting such person for the recovery of any prescribed penalty, cause an order to be served on such person commanding him to discontinue or abate the violation or to make such improvement as may be necessary to abate the violation with a reasonable time to be fixed in the order by the state department or local board. The order shall be in writing and the person receiving it shall have the right to be heard either in person or by attorney by the department or board issuing the order.

24:15-12. Furnishing and posting abstract of law. Every person conducting a food, drug or cosmetic establishment shall upon request be furnished by the State department with an abstract of this chapter. The person receiving such abstract shall keep it posted in plain view in such place so that it can be easily read by the employees entering and leaving the establishment.

24:15-13. Every establishment falling within the scope of this chapter shall be licensed by the Commissioner of Health with a fee to be charged therefor, except that a license pursuant to this chapter need not be secured by any such establishment, the activities of which are subject to

licensure pursuant to any other provision of this Title or to inspection and licensure by a local department of health. (Chapter 158, P.L. 1971)

24:15-14. Where no other fee is provided by law or regulation, the commissioner may in accordance with a fee schedule adopted by him as a rule or regulation establish and charge reasonable fees for any service performed in the licensing and inspection of any premises coming within the provisions of this chapter. The fees charged as provided for by this section shall be no more than \$250.00 based on criteria set forth in the rule or regulation.

24:15A-1. Equipment of lead, cadmium, or metallic substance; formation of dangerous compounds; unwholesome, dangerous or detrimental. No person shall keep or use in the manufacture, sale or keeping for sale, of any drink, beverage or food, nor shall any person offer for sale, sell or manufacture, for use in the preparation, storage or dispensing of a drink, beverage or food, any tap, faucet, tank, fountain, refrigerator, utensil, vessel, apparatus, or any pipe, or conduit, or parts in connection therewith, which is composed or made either wholly or in part of lead, cadmium, or other metal or metallic substance that is or will be affected by the drink, beverage or food so that dangerous, unwholesome, or deleterious compounds are formed therein or thereby or such that the drink, beverage or food made or stored therein or drawn therefrom shall be unwholesome, dangerous or detrimental to health.