

Consumer Advisory

The current food code requires that animal products or unpasteurized, packaged juices be identified (“disclosed”) on the menu, label or sign if they are served undercooked or raw. The new food code will require this disclosure *AND* a reminder that the undercooked food item may cause illness.

Why is Consumer Advisory required?

Eating raw or undercooked animal foods and unpasteurized juices poses an increased risk of foodborne illness, especially for vulnerable people. The intent of the Consumer Advisory is to notify consumers of the increased risk so they are better able to make informed ordering decisions.

Who needs to post a Consumer Advisory?

All food establishments that serve raw or undercooked animal foods or unpasteurized, packaged juices are required to post a Consumer Advisory.

Animal foods traditionally served raw or undercooked include:

- hamburgers and steaks, cooked to order
- oysters and other shellfish
- fish (sushi, sashimi and ceviche)
- eggs served undercooked (fried, poached, sunny-side up, “runny”)
- eggs undercooked as ingredients (sauces, eggnog, tiramisu, mousse, meringue pie, Caesar salad dressing, fresh mayonnaise)
- meats ordered “rare” (carpaccio, steak tartare)

Consumer Advisory: A consumer advisory is a publicly-posted notice that certain ready-to-eat foods pose a health risk because they are not processed to destroy pathogens.

Consumer Advisory consists of two parts: **Disclosure** and **Reminder**.

Disclosure—identification of the animal foods served undercooked—must:

- be written
- be on the menu (or otherwise presented to customers in writing at the time they place their order)
- identify the food items that are served raw or undercooked

Examples of **disclosure** statements include:

- “Oysters on the half-shell (raw oysters)”
- “Our steaks are cooked to order”
- “Raw-egg Caesar salad”
- “Caesar Salad*"

*Contains raw or undercooked eggs.”

Reminder—statement of the health risk of consuming these foods—must:

- be written
- be printed on the menu where customers can easily find it (preferably on the page where the first undercooked item appears) or otherwise presented to customers

Examples of **reminder** statements include:

- “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.”
- “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.”
- “Regarding the safety of these items, written information is available upon request.” [A handout that meets FDA guidelines must be available for this option.]

To comply with the Consumer Advisory provision, the disclosure and reminder need to be publicly available and readable so that consumers may see the message *before* placing their order. The language of the disclosure and reminder must be in the same language used for the menu items and must be in a readable size and format.

Are there any options to putting the reminder on the menu?

An option to printing the reminder statement on the menu is to publicly provide a Consumer Advisory brochure that meets the guidelines set by the Food and Drug Administration (FDA). The brochure must be readily accessible to consumers—they can get it without having to ask for it—prior to placing their food orders.

What if I only have raw oysters on the menu?

Consumer Advisories may be tailored to be product-specific if a food establishment serves only certain animal foods raw or

undercooked. For example, a raw bar serving oysters on the half-shell, but no other raw or undercooked animal food, could change the reminder to: “Consuming raw oysters may increase your risk of foodborne illness.”