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SUBSTANTIVE POLICY STATEMENT
SPS-EH-2013-018

Substantive Policy Statements (SPS's) are written expressions that are strictly advisory and inform the general public of the Maricopa County Environmental Services Department's current approach to or opinion of, the requirements of ordinances or regulations, including, where appropriate, the Department's current practices, procedures or methods of action based on that approach or opinion. In accordance with A.R.S. §11-1601, SPS's do not include internal procedural documents that only affect internal procedures of the Department and do not impose additional requirements or penalties on regulated parties or confidential information.

1. SPS Subject:

The purpose of this SPS is to clarify the permit requirements regarding juice bottling operations produced in Maricopa County, which are not regulated by the U.S. Food & Drug Administration (FDA).

2. Statutory Overview:

A. Maricopa County Environmental Health Code (MCEHC)

3. SPS:

The MCEHC establishes regulations to ensure the delivery of safe food and drink. These include regulations for approved food sources, safe food handling and storage, as well as clean and sanitary food contact surfaces. The scope of the food service establishment will determine the appropriate regulatory jurisdiction. Food service establishments serving fresh squeezed juice that are operating under Maricopa County's jurisdiction are subject to MCEHC regulations and interpretations detailed in this SPS.

Juicing operations that wholesale their juice to other businesses, distribute interstate, or offer any Internet sales would be regulated by the FDA not the Department. Juicing operations that process fresh juice for immediate customer consumption or for bottling to be delivered directly to their customers are considered retail food operations and would be regulated by the Department, not FDA.

Such juice may be sold in bottles or by the glass in restaurants, juice bars, farmer's markets, or other approved locations. Hazards with juicing include surface contaminants that can be carried into the juice and survive or grow in the juice. The Department encourages juice bottlers to operate consistently with FDA guidelines by

using approved pasteurization methods or other effective 5-log pathogen reduction treatments. Unpasteurized juice sold in bottles is required to be stored at 41°F or less with a 3-calendar day expiration date.

For wholesale juicing operations, FDA requires fresh juice to be pasteurized or go through an approved HACCP-based 5-log pathogen reduction process. Examples of approved, non-pasteurization 5-log reduction methods include ultraviolet irradiation, pulsed-light, or citrus fruit surface-sanitation treatments. If produce is citrus fruit, then this can be done on the fruit surface with proper procedures. But, for other fruits and vegetables, this needs to be a true thermal destruction, i.e., pasteurization. FDA currently requires fresh juice bottler processors to have a HACCP plan even if they are shipping within the state of Arizona.

At this time, regulations allow retail juicing operations to produce unpasteurized juice without a HACCP plan. However, unpasteurized juice bottled by retail juicing operations must be maintained less than 41°F with a shelf life of less than 3 days along with strict labeling requirements, which include a consumer advisory.

If at any time a retail juicing operation sells its juice to other businesses, distributes its juice interstate, or offers any Internet sales, the Department permit will be closed and the operation will be required to register with FDA. The operation then would be required to follow all FDA requirements as a juice processor including pasteurization or equivalent 5-log reduction method, and follow the FDA Juice HACCP rules.

To consistently operate as a retail juice operation and remain under the jurisdiction of the Department, all unpasteurized bottled juice shall be sold by the owner or employee of the permitted juicing business. When this direct to consumer relationship is removed and the juice is sold through a vending machine or a third party, sales would be in violation of permit requirements. Maintaining 100% span of control is essential to the permitting of a retail juicing operation.

The Department strongly recommends that all bottled juice be pasteurized due to the inherent risks and documented illness outbreaks associated with unpasteurized juice.

Maricopa County Requirements

Retail juicing operations in Maricopa County shall submit plans to the Department for review and meet the following regulation, requirements, and restrictions:

Product Source & Preparation

1. Produce and ingredients shall be from an approved distributor or retail grocery establishment. Do not use fruit from home trees.

a. Inspect incoming produce. Reject all damaged and unwholesome produce. Remember the quality of the fruit is the quality of the juice.

b. Never use fruit that has fallen on the ground or floor.

c. Never transfer washed or clean produce in a box used to handle or transport unclean produce.

d. Do not “custom juice” produce provided by customers as a service. Limit juicing for retail sales only. You never know what chemicals, fertilizers or contaminants have come in contact with the produce.

2. Rinse produce very well under running water. Use vegetable brushes.

a. Discard any produce with blemishes or damage.

b. Remove all dirt, stems, and leaves. This may require multiple washes for heavily soiled produce such as fresh spinach, leeks, etc.

c. A physical rinse and scrub under running water is required for all root produce.

d. Use of a surface sanitizer or a bleach solution on non-porous produce, followed by a thorough rinse is recommended. For additional information on this process, please visit <http://umaine.edu/publications/4336e>.

e. Wash, rinse, and sanitize all sinks, produce preparation and cutting surfaces, and utensils.

f. Never juice produce on counters where un-cleaned produce was stored or placed upon, unless surfaces have been thoroughly washed, rinsed and sanitized before processing.

g. Store prepared/cut produce in approved containers.

h. Store juice products under refrigeration at 41°F or less in NSF-approved commercial grade cooler units.

3. All ingredients and juice menu items shall be pre-approved by the Department.

4. Certain produce items are not recommended for juicing such as sprouts, wheat grass, carrots, garlic, and oils due to increased risks associated with these raw ingredients in unpasteurized bottled juice products.

5. Remember, clean good-quality produce is the first key step in preparing a safe and wholesome juice. Use of un-cleaned and unacceptable produce cannot be corrected after juicing without pasteurization or other aggressive treatments.

Juicing Equipment

1. The juicing device and other equipment shall be NSF approved, ANSI equivalent, or meet current Department standards and requirements. All juicers, juice presses, juicing equipment, and custom equipment are approved on case-by-case basis.
2. Utensils, cutting boards, containers, strainer bags, funnels, utensils, and similar articles shall meet current Department requirements.
3. All food contact equipment must be easily cleanable and stored under sanitary conditions to prevent contamination.

Juicing Equipment Sanitization

1. Use of thoroughly cleaned and sanitized equipment is the second key step in fresh juice safety. If you juice good, wholesome produce on soiled equipment, the dirt and debris from the equipment can contaminate the juice making it potentially unwholesome and unsafe.
2. Juicing Equipment – Shall be cleaned and sanitized using approved methods defined in the Maricopa County Environmental Health Code.

Labeling

Juice bottle labels shall be prominently displayed and meet the following labeling requirements:

1. As specified under FDA 3-401.11 - Treating Juice, juice packaged in an establishment shall be properly labeled, if not treated to yield a 5-log reduction or the most resistant microorganism of public health significance.
2. As specified in 21 CFR 101.17(g) - Food Labeling, warning notice, and safe handling statements - JUICES that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens shall have the following consumer advisory stating that the juice is not pasteurized, “WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons, with weakened immune systems.”
3. In addition, the bottled juice shall be labeled:
 - a. “This juice is intended for immediate consumption.”
 - b. With both the “production date” and the “expiration date.”

Note: Juice shall have an expiration date of 3-calendar days. The day the juice is produced is considered the first day. Therefore, the date of production is considered the first day plus 2-calendar days to indicate the 3-calendar day expiration date.

c. "Must keep refrigerated."

Fresh juice products that are sold in an open glass directly to the consumer are exempt and from the labeling requirements.

Approved Juice Bottles & Caps

1. Utilize approved pre-sterilized plastic bottles from the manufacturer/supplier.
2. Pre-sterilized bottles shall be stored in original enclosed cartons or containers within a sealed plastic bag.
3. Yeast and mold grow well under acidic conditions, but require air (oxygen). When oxygen is removed, then the contaminate bacteria may grow, since the competing organisms are reduced. Therefore, sealed mason, screw or bail type glass jars are considered reduced oxygen packaging (ROP), and are prohibited, unless a variance has been first been obtained by the Department.
4. Sterile plastic bottles with push caps or screw cap closures are approved.
5. Provide inner cap pressure seals and tamper proof evident shrink wrap seals.
6. Re-usable plastic and glass containers are prohibited.
7. Recommend using a "hands-free" pressure capping device. Glove usage is required.

Approved Commercial Facility

1. Juicing and juice bottling shall occur in an approved permitted commercial facility.
2. Facilities shall meet all current Department design, construction, plumbing and operational requirements, including a separate NSF-approved food preparation sink to rinse produce.
3. Sufficient storage shall be provided for equipment, utensils, produce, and finished juice products.
4. Sufficient refrigeration shall be provided for cut produce and finished juice products.

5. Store prepared produce in approved containers and finished juice product under refrigeration at 41°F or less.
6. No production shall take place outside of the permitted facility (i.e., at farmer's markets or special events).
7. Juice bottling is prohibited in mobile food units and on pushcarts.
8. The juicing facility shall maintain on-file receipts for produce, raw ingredients, produce deliveries, juice production records, and juice sales.
9. The juice facility shall implement a food safety plan and approved Standard Operating Procedures (SOPs) for its operations, including a sick employee policy.
10. The facility shall have a current certified food service manager. All employees shall have current food service worker cards.

Production & Bottling

1. Sanitize all working surfaces.
2. Bare hand contact is prohibited.
3. Practice proper hand washing and glove usage. Approved gloves are required during the entire juicing process. Glove usage is required for the peeling, cutting, and processing of produce, preparation, juicing process, and during the capping and bottling of bottled juice products.
4. It is highly recommended to have a written sick employee policy.
5. Approved juice product items shall be bottled per pre-approved Department methods.
6. Juice bottles shall be sealed with:
 - a. An inner pressure seal.
 - b. Capped with an approved cap.
 - c. Sealed with temper evident shrink wrap.
7. Juice bottles shall meet the following labeling requirements:
 - a. Name of product, net quantity statement, nutrition facts, ingredients, major food allergy information, and manufacturer name/address.
 - b. The juice label shall include the following:
 - 1) A warning label, "WARNING: This product has not been pasteurized, and therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons, with weakened immune systems."

- 2) "This juice is intended for immediate consumption."
 - 3) "Must keep refrigerated".
 - 4) Production date and the 3-day expiration date.
8. Store bottled juice at 41°F or less in approved NSF commercial grade coolers.

Juice Sales & Delivery

1. Transport bottled juice at 41°F or less in approved commercial refrigeration unit or insulated commercial grade containers capable of maintaining temperature at 41°F or less.
2. Approved insulated containers shall be transported in approved vehicles with an issued food peddler permit for immediate delivery to customers.
3. Bottled juice shall be delivered to individuals for immediate consumption, for direct sales at farmer's markets, or other locations approved by the Department.

Permits Issued

1. A Food Production permit is required to bottle unpasteurized juice for direct to consumer retail sales.
 2. A Food Peddler permit is required to sell pre-bottled juice products at a farmer's market or special event.
- A Retail Food permit may be required if the establishment intends to conduct sales at an offsite retail space location. Span of control shall be maintained by the processor during retail sales.

4. SPS Effective Date:

February 5th, 2013

5. SPS New Document/Revision Statement:

SPS-EH-2013-018 is a new SPS.

6. Contact Us:

For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian at the address and/or phone number above.