



Embargo

Food Service Operation/ Retail Food Establishment

I. Scope

This procedure applies to the health commissioner or other staff members as authorized by the health commissioner including the director, supervisors and all food safety sanitarians in the Environmental Health Division of the Toledo-Lucas County Health Department (TLCHD).

II. Purpose

The purpose of this procedure is to provide Food Safety Sanitarians with an outline regarding embargoing foods.

III. Background

In accordance to the Ohio Administrative Code (OAC), Chapter 901:3-4-15 and Chapter 3701-21-27, whenever the licenser finds or has cause to believe that any food is adulterated, or so misbranded as to be dangerous or fraudulent, or that infant formula or baby food is expired, the licenser shall affix to the item a tag giving notice that the item is, or is suspected of being, adulterated, misbranded, or expired and has been embargoed. The tag shall warn all persons not to remove or dispose of the item by sale or otherwise until permission for removal or disposal is given by the licenser or the court. Infant formula/baby food is considered “expired” when the “use by” date has passed

TLCHD may, upon written notice to the owner or person in charge, place an embargo on any food which is believed to be in violations of the Ohio Uniform Food Safety Code as stated above.

Embargo can be applied to both Retail Food Establishments (RFE) and Food Service Operations (FSO) when necessary.

IV. Procedure

- A. Whenever the sanitarian finds foods that appear to be misbranded or adulterated or in case of baby food and infant formula to be expired, the owner or person in charge (PIC) must be notified and the product(s) must be removed from use.
- B. Whenever the sanitarian finds meat, seafood, poultry, vegetable, fruit or other perishable foods that are unsound, or contain any filthy, decomposed, or putrid substance or that may be poisonous or deleterious to health or otherwise unsafe, the foods shall be destroyed or render the items as unsalable as human food.

- C. The sanitarian should first provide the option to the PIC to voluntarily destroy the product without going through the process of embargo. If the PIC chooses to voluntarily destroy the foods in questions, complete a “Voluntary Destruction Report of Unfit Items” form or document on a standard inspection form accordingly (Form AGR 1083).
- D. If the operator chooses not to voluntarily destroy the foods in question, contact your supervisor regarding steps to embargo.
- E. Once the supervisor provides instruction to move forward with embargo, gather as much information regarding the food item that is being embargoed and document on inspection form.
- F. Process to embargo:
 - 1. Once authorized by the supervisor to embargo a food item, the embargo tag(s) will be affixed to the items being embargoed.
 - 2. The embargo tags warn all persons not to remove or dispose of the item by sale or otherwise until permission for removal or disposition has been given by TLCHD or Court of Law. No person may remove or dispose of a detained or embargoed item by sale or otherwise without such permission.
 - 3. The items should be tabulated or documented on a Standard Inspection Report form, then isolated in an appropriate manner (i.e. keep refrigerated foods refrigerated).
 - 4. Take a photograph of each embargoed item(s) for the Standard Inspection Report.
 - 5. Embargo tags are only valid for up to ten (10) days. If resolution on the embargo tag has not been resolved within 10 days, the embargo can be reissued. If the embargo is reissued, he sanitarian must complete new paperwork including completing a new standard inspection report form.
 - 6. Once the verification is determined either by the TLCHD or Court of Law and a decision is made, the tag(s) will be removed by or under the direction of a TLCHD Supervisor.
 - 7. If product is to be destroyed, witness and document the destruction on a standard inspection form.

V Maintenance

A. Review

1. The Embargo SOP is to be reviewed every five (5) years to ensure compliance with both agency and accreditation standards.
2. If Sections of the Ohio Revised Code 3717, Ohio Administrative Code sections 3701-21 or 901:3-4 are revised, the embargo SOP will be reviewed and modified to comply with any required changes.

B. Revision

1. All changes made to this SOP are to be noted on the **Record of Change**. Substantial changes will require renewed signatures from all applicable parties. This includes changes to the intent, scope, procedures, or policy statement.
2. Changes in style, format, grammar or minor error correction will not require renewed signatures but must be indicated on the Record of Change.

