

Reference Document: 2009 Food Code

Source: Donna Wanucha, FDA Retail Food Specialist

Provision: 1-201.10, 3-403.10, 3-501.17, 3-501.18

Document Name: Ready to Eat Foods and Date Marking, Disposition

Date: November 20, 2012

Question: I have been asked by one of my counties whether food that is intended to be reheated before serving (e.g. lasagna) can be kept past the 4 or 7-day date-marking requirements since the reheating step will eliminate the Listeria present within the product. I realize that if a food establishment chooses to reheat to any temperature for immediate service that Listeria will NOT be eliminated, but if reheated to 165 F, it should be (unless the pathogen load exceeds that of raw poultry).

My question is 2-fold:

1. Is a product that is intended to be reheated technically a “ready-to-eat” product? We have always treated it as such since it “requires” no further cook step. However, like the pizza toppings, a product like lasagna is traditionally served hot.
2. There are no disposition options other than disposal listed in 3-501.18 for products held past the 7-day date-marking period. Would reheating a product effectively eliminate the Listeria load and, if so, would a variance be required to implement such a system?

Discussion and Rationale: Section 1-201.10 of the 2009 Food Code defines a READY-TO-EAT FOOD. This definition includes under (a) food that is in a form that is edible without additional preparation for food safety. Food that has been fully cooked and cooled on the premises can be served at and temperature for immediate service per 3-403.10. Lasagna that has been cooked and cooled on premises meets the definition of a READY-TO-EAT FOOD.

Date marking as addressed in 3-501.17 and 3-501.18 significantly slows the growth of Listeria monocytogenes. Since Lm grows at refrigeration temperatures, controlling the amount of time ready to eat food is held is an essential control step. The parameters of 3-501.17 do not allow Lm to grow to infective dose levels.

Listeria monocytogenes is an identified biological hazard on several types of foods including but not limited to: raw meat and poultry, fresh soft cheese, pate, smoked seafood and deli meat. Lm is also found in the retail environment in floor drains and on equipment. Control measures for Lm include cooking a raw animal food to the critical limits described in the Food Code. Proper sanitation in the

retail environment is important in controlling Lm however this is an area currently under more research.

Response:

1. Lasagna is a READY-TO-EAT FOOD.
2. Food held beyond 7 days at 41F shall be discarded as the levels of Lm may have reached an infective dose level. Heating the product may destroy Lm and other pathogens of concern on the product however a product assessment would need to be performed on the product to determine what an appropriate critical limit would be to ensure the product was safe. After 7 days at 41F, the growth of certain spoilage organisms may result in off flavors and off odors of the product. Freezing food that is subject to date marking will “stop the clock” thus allowing food to be held longer in the establishment.

References:

1. 2009 Food Code, 1-201.10, 3-403.10, 3-501.17, 3-501.18
2. Food and Drug Administration/USDA/CDC, 2003. Quantitative Assessment of the Relative Risk to Public Health from Foodborne Listeria monocytogenes Among Selected Categories of Ready-to-Eat Foods,