



North Carolina Department of Environment and Natural Resources
Division of Environmental Health

Beverly Eaves Perdue
Governor

Terry L. Pierce
Director

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Secretary

June 25, 2010

MEMORANDUM

TO: Environmental Health Directors, Supervisors, Coordinators and Specialists

FROM: Larry Michael, REHS, MPH
Branch Head, Food Protection Branch
Division of Environmental Health

SUBJECT: Frozen Dessert Dispensers

In May 2010, the N.C. Department of Environment and Natural Resources (NCDENR) and N.C. Department of Agriculture and Consumer Services (NCDA&CS) signed the attached Memorandum of Agreement. This agreement clarifies the inspection of *Retail Frozen Dessert Dispensers* in establishments under NCDENR authority that are inspected by local health departments.

This agreement becomes effective on July 1, 2010.

The following guidance is provided to assist in the implementation of this agreement.

1. Frozen dessert dispensers and frozen dessert mixes (e.g. soft serve ice cream, yogurt, milkshake, sherbet) in a food service establishment shall be subject to 15A NCAC 18A .2600, *Rules Governing the Sanitation of Food Service Establishments*.
2. Frozen dessert mix manufacturers are required to be licensed with NCDA&CS. A list of licensed manufacturers is posted on the DEH/EHSS website and will be updated quarterly. If you identify a manufacturer that is not licensed, please notify NCDA&CS at (919) 733-7366.
3. For existing establishments, frozen dessert equipment that is not in compliance with NSF/ANSI Standard 6 (Dispensing Freezers) should be documented on the inspection form as a general comment. Beginning January 1, 2013, points are to be deducted for equipment that does not meet these standards.

Frozen dessert equipment will be required to meet the NSF/ANSI standard when a new permit is issued or the equipment poses an immediate threat to public health.

4. All newly permitted establishments shall install only NSF/ANSI-approved frozen dessert equipment upon the effective date of this agreement.

5. Product that has previously been placed in a frozen dessert dispenser and drawn through the dispenser (i.e., *re-run*) shall not be reused. Re-run can be identified by containers of mix not in their original packaging, a frothy appearance or thicker consistency than the original product. Reconstituted dry mixes may have similar characteristics as described above. If re-run is suspected, then inquire about this practice with the person in charge.

When re-run is identified, this is considered a violation of 15A NCAC 18A .2608—food handled in a manner to prevent contamination, adulteration and spoilage. This is a critical violation; therefore, seek immediate correction by requesting voluntary disposal of the product and requiring the equipment to be washed, rinsed and sanitized prior to new product being added or dispensed. If an establishment refuses to voluntarily discard the product, then initiate embargo procedures.

6. Establishments must have the appropriate cleaning brushes (and any other necessary implements required for cleaning) to adequately clean internal components. If brushes are not available, discuss with the person in charge a mutually agreed upon time period for the establishment to obtain the necessary brushes. If they do not obtain these brushes, explain that an in-depth inspection, involving disassembly of the unit, may be necessary.
7. Local health departments will not be required to sample frozen dessert products. NCDA&CS will test frozen dessert products for the local health department if the product is implicated in a food-borne illness outbreak.
8. Establishments should follow the cleaning and sanitizing procedures provided by the manufacturer. An NCDA&CS guidance document, *Recommended Daily Cleaning and Sanitizing Procedures for Soft Serve Freezers*, is attached as an educational tool to help familiarize you with appropriate cleaning practices.

If you have any questions regarding frozen dessert equipment, mixes or the implementation of this agreement, please contact your environmental health regional specialist.

Attachments

cc: Environmental Health Listserv
NCDA&CS