

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1022/96

Food Premises Regulations

under the

Food and Drug Act

(O.C. 96-471)

Amended by:

44/97

60/99

69/09

7/12

2013 cF-21.1 s21

78/15

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1022/96

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Food and Drug Act

(O.C. 96-471)

Under the authority of section 3 of the Food and Drug Act and the Subordinate Legislation Revision and Consolidation Act , the Lieutenant-Governor in Council makes the following regulations.

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Short title

1. These regulations may be cited as the Food Premises Regulations .

CNR1022/96 s1

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Definitions

2. In these regulations

(a) "approved" means approved by an inspector;

(b) "catering vehicle" means an itinerant food service premises in which food other than hot beverages is not prepared;

(b.1) "commercially sterile" means the condition obtained in a milk product that has been processed by the application of heat alone or heat in combination with other treatments, to free the milk product of viable forms of micro-organisms, including spores, that would be capable of growing in the milk product at the normal temperatures at which the milk product is designed to be held during distribution and storage;

(c) "corrosion-resistant material" means a material that maintains its original surface characteristics after

(i) repeated exposure to food, soil, moisture or heat, or

(ii) exposure to a substance used in cleansing and sanitizing;

(c.1) "dairy" means the part or parts of a dairy farm where milk is collected and stored and includes a milking barn, milking parlour and a milk house;

(d) "dairy plant" means a place or building including equipment used in that place or building where milk is received and milk products are processed except where the processing consists of only the

(i) incidental manufacture of milk products by a dairy farmer from milk produced on his or her farm and not for sale, or

(ii) operation and use of a freezing device in a retail store by means of which ice cream mix is frozen;

(e) "employee" means a person who

(i) is employed in a food premise, and

(ii) handles or comes in contact with a utensil or food during its preparation, processing, packaging, service, storage or transportation;

(f) "food contact surface" means a surface that food comes in contact with in a food premise;

(g) "hazardous food" means a food that is capable of supporting the growth of pathogenic organisms or the production of the toxins of those organisms;

(h) "manufactured meat product" means food which contains meat as an ingredient that is processed by salting, pickling, fermenting, canning, drying or smoking or otherwise applying heat or to which edible fats, cereals, seasonings or sugar have been added;

(i) "milk" means the normal lacteal secretion obtained from the mammary gland of an animal;

(i.1) "milk house" means a building or structure where milk is cooled or stored or milking equipment is cleaned, sanitized and stored;

(i.2) "milking barn" means a building or structure in which feeding and holding areas are used in conjunction with a milking system;

(i.3) "milking parlour" means a building, structure or a portion of a building or structure where milking occurs but where no animals are housed;

(j) "mobile preparation premises" means a vehicle or other itinerant food premises from which food is prepared and is offered for sale to the public;

(k) "multi-service article" means a container or eating utensil that is intended for repeated use in the service or sale of food;

(l) "notice" means a sign above the signature of the minister or an inspector which may be placed on the outside or inside of a food premise;

(m) "owner" means the proprietor of food premises or in the absence of the proprietor the operator or senior staff member;

(n) "person" includes a corporate body, partnership, association or any other business entity;

(o) "pre-packaged food" means food that is packaged at licensed premises or federally inspected premises other than the premises at which it is offered for sale;

(o.1) "sanitary facility" means any room equipped with appropriate water closets, water closet stalls, urinals and lavatories as identified in Part 3 of the National Building Code (Canada);

(p) "sanitizing" and "sanitize" means antimicrobial treatment;

(q) "serving" includes self-service;

(r) "single-service article" means a container or eating utensil that is to be used only once in the service or sale of food;

(s) "single-service towel" means a towel that is to be used only once before being discarded;

(t) "standard method" means an accredited method used by an analyst for the examination of food;

(u) "temporary facilities" means food premises established in conjunction with fairs, circuses, concerts, civic events or another event not lasting longer than 7 consecutive days;

(v) "utensil" means an article or equipment used in the manufacture, processing, preparation, storage, handling, display, distribution, service, sale or offering for sale of food except a single-service article; and

(w) "vending machine" means a self-service device that upon insertion of a coin, coins, tokens, or debit cards automatically dispenses unit servings of food either in bulk or in packaged form.

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Application

3. The Act and these regulations apply to all food premises except

(a) boarding houses and bed and breakfast operations that provide meals only for overnight guests;

(b) farms selling only their own farm products in the form of honey, unprocessed fruits, vegetables and grains;

(c) the home based food preparation industry where the end product does not contain meat, fish, dairy or egg products, or where those dairy or egg products are used in baked or other goods which have low moisture or high sugar or salt content which inhibits the growth of disease supporting microbes, provided they meet standard health guidelines of the department;

(d) temporary facilities or not for profit organizations provided they meet standard health guidelines of the department;

(e) vending machines, provided they meet standard health guidelines of the department;

(f) drinking establishments licensed under the Liquor Control Act where they only sell non-hazardous foods from their original containers and drinks in glasses or other containers, provided that those drinking establishments meet the requirements of paragraphs 6(b) and (c) and sections 7, 23, 25, 26, 28, 29 and 30 of these regulations; and

(g) establishments as defined in the Fish Inspection Act when used by a fish harvester to fillet, sell or offer to sell fish in accordance with paragraphs 4(1)(a.1) and (a.2) of the Fish Inspection Administrative Regulations .

78/15 s1

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Exemption

4. (1) The following food premises are exempt from the provisions of paragraphs 9(a), (b) and (c) and sections 6, 20, 21 and 24 where they meet the requirements of subsection (2):

(a) premises where only cold drinks are sold in or from the original container;

(b) premises where only frozen confections are sold in the original package or wrapper; and

(c) catering vehicles.

(2) Food premises referred to in subsection (1) shall

(a) use only single-service articles;

(b) provide a supply of single-use commercially packaged moist hand towellettes for the personal hygiene of its employees; and

(c) not provide public seating.

CNR1022/96 s4

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Licence

5. (1) [Rep. by 2013 cF-21.1 s21]

(2) A person wishing to obtain a licence shall

(a) apply in writing to the Government Service Centre; and

(b) furnish the inspector with 2 copies of the plans and specifications of the

(i) food premises,

and where municipal services are unavailable 2 copies of the plans and specifications of the

(ii) water supply, and

(iii) sewage disposal system.

(3) [Rep. by 2013 cF-21.1 s21]

(4) [Rep. by 2013 cF-21.1 s21]

(5) [Rep. by 69/09 s1]

CNR1022/96 s5; 44/97 s3; 69/09 s1; 2013 cF-21.1 s21

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Food premises

6. (1) Food premises shall

(a) have

(i) a separate food preparation, manufacturing or processing area if these activities are carried out,

(ii) washroom facilities as required under sections 29 and 30, and

(iii) a separate food storage area;

(b) be free of a condition that may

- (i) be a health hazard,
 - (ii) adversely affect the sanitary operation of the premises, or
 - (iii) adversely affect the wholesomeness of food;
- (c) be equipped to prevent the entrance of insects, rodents, dust or fumes;
- (d) limit access of the public to the food preparation areas of the establishment; and
- (e) be appropriately illuminated and equipped with adequate ventilation systems in accordance with the National Building Code (Canada) and the National Dairy Regulation and Code (Canada).

(2) In a dairy, milk production and milk collection may be in the same area.

(3) Where food premises are located in a private dwelling, or an extension of a private dwelling, the food preparation, storage, processing, cooking and service facilities for the food premises shall be separated from those for the private dwelling in the manner referred to in subsection (4).

(4) The food preparation, storage, processing, cooking and service facilities for the food premises referred to in subsection (3) shall be separated from the private dwelling by a solid wall and a full self-closing door.

60/99 s2; 7/12 s2

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Equipment

7. An article or piece of equipment that is used in food premises shall be

- (a) kept in good repair;
- (b) of a form and material that can be readily cleaned and sanitized; and
- (c) maintained in a clean and sanitary condition.

CNR1022/96 s7

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Equipment material

8. (1) Equipment and utensils with which food comes in direct contact shall be

- (a) corrosion-resistant and non-toxic; and
- (b) free from cracks, crevices and open seams.

(2) Notwithstanding subsection (1), cutting boards, blocks, tables, bowls, platters and churns of hardwood or other material may be used where

- (a) that equipment is, or can be, maintained in a clean and sanitary condition; or
- (b) the manner and conditions of the use of that equipment is not a health hazard.

CNR1022/96 s8; 44/97 s5

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Sanitation

9. (1) All food premises shall be provided with

- (a) a supply of potable water adequate for the operation of the premises;
- (b) hot and cold running water under pressure in areas where food is processed, prepared or manufactured or utensils are washed;
- (c) a hand washing basin, for employee use only, in a location convenient for employees in each processing, preparation and manufacturing area, together with supplies of hot and cold water and soap or detergent in a dispenser, and
 - (i) clean single-service towels, or
 - (ii) a mechanical air dryer;
- (d) refrigerated space adequate for the safe storage of hazardous food;
- (e) containers of durable, leak-proof and non-absorbent material, with tight-fitting or self-closing lids or other containment methods sufficient for storing all garbage and waste in a sanitary manner; and
- (f) an approved method of sewage disposal.

(2) Notwithstanding subsection (1), a milking parlour and a milk house shall be illuminated and equipped with adequate ventilation systems in accordance with the National Dairy Regulation and Code (Canada).

CNR1022/96 s9; 44/97 s6; 60/99 s3

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Temperature

10. Temperature controlled rooms and compartments used for the storage of hazardous foods shall be provided with accurate indicating thermometers that can be easily read.

CNR1022/96 s10

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Food contamination

11. All food shall

- (a) be protected from contamination and adulteration;
- (b) comply with department standards for microbiological, chemical or physical quality; and
- (c) not be served to a customer after being previously served to another customer.

CNR1022/96 s11; 60/99 s4

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Food containers

12. Food containers that are multi-service articles shall

- (a) be constructed of materials and in a manner that is readily cleaned and sanitized; and
- (b) not be used for a purpose other than the packaging of food.

CNR1022/96 s12

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Hazardous food

13. Hazardous foods in hermetically sealed containers that have not been subjected to a process sufficient to prevent the production of bacterial toxins or the survival of spore-forming pathogenic bacteria shall

- (a) have "Keep Refrigerated" prominently marked on the container; and
- (b) be maintained, transported, displayed, stored or offered for sale at an internal temperature not higher than 4° Celsius.

CNR1022/96 s13

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Hazardous food processed

14. Hazardous foods, other than those hermetically sealed, that have been subjected to a process sufficient to prevent the production of bacterial toxins or the survival of spore-forming pathogenic

bacteria shall be distributed, maintained, stored, transported, displayed or sold or offered for sale that in a manner ensures that the internal temperature of the food is

(a) 4° Celsius or lower; or

(b) 60° Celsius or higher,

except for those periods of time that may be necessary for the preparation, processing and manufacturing of the food.

CNR1022/96 s14

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Frozen food

15. Food that is intended to be transported, displayed, stored, sold or offered for sale in a frozen state shall be frozen to a temperature of -18° Celsius or lower and maintained at a temperature of -18° Celsius.

CNR1022/96 s15

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Milk etc.

16. Milk, cream and edible oil if packaged in single use portions shall be offered for sale or served in or from the original container as filled by the processor.

CNR1022/96 s16; 44/97 s7

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Ice

17. (1) Ice used in the preparation, processing and the manufacturing of food or drink shall be made from potable water and shall be stored and handled in a sanitary manner.

(2) Steam that contacts food during processing, manufacturing or preparation shall be from a potable supply and free from toxic substances.

CNR1022/96 s17

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Cans, containers etc.

18. (1) Cans, containers or wrappings of hazardous food shall bear

(a) a permanent code marking of the manufacturer or processor designating the food premises where the food was manufactured, packaged or processed; and

(b) the date on which food was manufactured, processed or packaged, or an expiry date.

(2) Where food is repackaged or reprocessed, it shall bear the date and the name of the repackaging or reprocessing individual or firm.

(3) Subsection (1) does not apply where hazardous food is packaged and sold on the same food premises.

CNR1022/96 s18

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Maintenance

19. Furniture, equipment and appliances in food premises shall be constructed and arranged to permit thorough cleaning and maintaining of the room or place in a clean and sanitary condition.

CNR1022/96 s19

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Garbage

20. Garbage and wastes shall be removed from food premises as often as is necessary to maintain the premises in a sanitary condition.

CNR1022/96 s20

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Cleanliness

21. (1) An operator shall ensure, in respect of a food premises operation that

(a) the food premises are cleaned sufficiently to prevent contamination of food;

(b) every room where food is manufactured, prepared, processed, handled, served, displayed, stored, sold or offered for sale is kept free from live birds and animals except

(i) a dog serving as a guide for a handicapped person, and

(ii) live aquatic species displayed or stored in sanitary tanks on food premises; and

(c) a room referred to in paragraph (b) is kept free from materials and equipment not regularly used in the room that could cause food to become adulterated or contaminated.

(2) Paragraph (1)(b) does not apply to animals in the areas of a dairy, milking barn or milking parlour normally associated with the housing and milking of dairy animals.

(3) An animal other than an animal involved in the milking process shall not be permitted in the areas referred to in subsection (2).

CNR1022/96 s21; 60/99 s5

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Table covers, serviettes

22. Table covers, napkins or serviettes used in the service of food shall be clean and in good repair and multi-service napkins and serviettes shall be laundered before each use.

CNR1022/96 s22

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Towels

23. Cloths and towels used for

(a) washing, drying and polishing of utensils shall be in good repair, clean and used for no other purpose; and

(b) clearing tables shall be in good repair, clean and used for no other purpose.

CNR1022/96 s23

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Toxic substances

24. Toxic and poisonous substances required for the maintenance of sanitary conditions shall be

(a) kept in a compartment separate from food so as to preclude contamination of food, working surfaces or utensils;

(b) kept in a container that bears a label on which the contents of the container are clearly identified; and

(c) used only in a manner or condition which does not permit those substances to contaminate food or cause a health hazard.

CNR1022/96 s24

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Utensil cleaning

25. Equipment and facilities suitable for the cleaning and sanitizing of utensils shall be available and used for no other purpose.

CNR1022/96 s25

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Utensil sanitization

26. (1) Utensils shall be sanitized by manual or mechanical equipment approved by an inspector and by

(a) immersion in clean water at a temperature of at least 77° Celsius;

(b) immersion in a solution containing a sanitizing agent that is non-toxic and that provides a bactericidal result not to exceed 100 bacterial colonies when tested by method approved by the minister and in accordance with the standard plate test, utilizing the swab technique or another approved method; or

(c) another method that provides a bactericidal result not to exceed 100 bacterial colonies when tested by method approved by the minister in accordance with the standard plate test, utilizing the swab technique or other approved method.

(2) A test reagent for determining the concentration of sanitizer and an accurate thermometer to determine the temperature of the sanitizing solution shall be readily available where the sanitizing takes place.

(3) An inspector shall approve a process which meets the requirements of paragraph (1)(a), (b) or (c).

CNR1022/96 s26

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Employee clothing

27. Employees required to make a complete change of outer garments at the beginning and at the end of the work period, shall not do so in the food preparation area.

CNR1022/96 s27

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Employee cleanliness

28. (1) An owner or employee who handles or comes in contact with food or with a utensil used in food premises shall

(a) be clean;

(b) wear clean outer garments;

(c) wear headgear that confines the hair and have other hair effectively under control;

(d) be free from an infectious agent of a disease or skin condition that may be spread through the medium of food;

(e) submit to those medical examinations and tests at the request of an inspector as are required to confirm the absence of an infectious agent referred to in paragraph (d);

(f) not use tobacco products while engaged in handling or contacting food or a food utensil; and

(g) wash his or her hands before commencing or resuming work and after each use of sanitary facilities.

(2) Paragraph (1)(c) does not apply to employees whose activities are usually confined to the serving of food to customers.

CNR1022/96 s28

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Sanitary facilities

29. (1) A sanitary facility shall be conveniently located on or accessible to the premises' employees and patrons.

(2) A sanitary facility shall be equipped with

(a) a supply of toilet paper;

(b) a constant supply of hot and cold running water;

(c) a supply of soap or detergent in a dispenser;

(d) a receptacle of durable construction that is easily cleaned for used towels and other waste material; and

(e) a supply of paper towels or a hot air dryer.

(3) This section does not apply to a vehicle that is used for the transporting of food or a catering vehicle.

CNR1022/96 s29; 44/97 s8

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National building code to apply

30. (1) Food premises shall have available, sanitary facilities for patrons and employees as per the standards established in the National Building Code.

(2) Where a parking lot is operated as part of the premises and patrons are served in their vehicles, each parking space shall be considered for the purpose of standards established in the National Building Code to be equivalent to 2 seats.

(3) Public portable sanitary facilities may be used as an alternative to facilities that are part of the food service premises provided that those public facilities are

(a) conveniently located with respect to the food premises;

(b) equipped with sufficient fixtures to assure availability under normal conditions or use;
and

(c) located in the same building or on the same grounds where the food service premise are operated in connection with an exhibition, fair, carnival, sporting event or amusement park.

CNR1022/96 s30

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Catering vehicle

31. (1) All food offered for sale from a catering vehicle shall be pre-packaged except for hot beverages.

(2) A catering vehicle which serves hazardous foods shall be equipped with refrigerated storage and display facilities that shall be used for holding hazardous foods.

(3) Subsection (2) does not apply to vehicles from which only frozen confections in the original package or wrapper are sold.

CNR1022/96 s31

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Mobile premises

32. (1) Mobile preparation premises are exempt from subparagraph 6(a)(iii) and sections 29 and 30, but where mobile preparation premises provide sanitary facilities for employees the sanitary facilities shall be in compliance with sections 29 and 30.

(2) Where mobile preparation premises have a separate food storage area it shall meet the other provisions of these regulations applicable to a separate food storage area.

(3) In mobile preparation premises

(a) food shall be prepared within the premises and served to the public by persons working within the premises;

(b) only single-service articles shall be used;

(c) service doors and windows to the preparation area shall be screened and, when the premises are in motion, tightly closed with a solid material to prevent the entrance of dust, fumes or other contaminants into the food preparation area;

(d) the driver's compartment shall be completely partitioned from the food preparation area and, where the partition has an access door, the door shall be solid and self-closing;

(e) separate holding tanks shall be provided for toilet and sink wastes; and

(f) every waste tank and water supply tank shall be equipped with an easily readable gauge for determining the waste or water level in the tank.

(4) Mobile preparation premises where food preparation is limited to the reheating of precooked meat products in the form of wieners or similar sausage products to be served on a bun are exempt from paragraph (3)(a) with respect to the preparation and serving of food to the public by persons positioned within the premises.

CNR1022/96 s32

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Meat or fish

33. Manufactured or processed meat or fish products that are customarily eaten without further cooking shall be subjected to a process sufficient to destroy pathogenic bacteria, parasites and cystic forms of parasites.

CNR1022/96 s33

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Processed meat or fish identification

34. (1) A manufactured or processed meat or fish product shall be identified by a tag, stamp or label affixed to the product which states the food premises of origin.

(2) Notwithstanding subsection (1), a bulk packed manufactured or processed meat or fish product that cannot be individually identified under subsection (1) because of its size, shape or consistency may be removed from its container for the purpose of display or sale where the container bears the food premises identification referred to in subsection (1).

(3) Subsection (1) does not apply to a manufactured or processed meat or fish product stored, sold or offered for sale in a retail outlet at the food premises of origin.

CNR1022/96 s34

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Fish

35. Where retail food premises have consumer owned meat or fish not procured from a plant or facility licensed under the Meat Inspection Act or the Fish Inspection Act , the utensils, equipment and food contact surfaces used in connection with it shall be washed and sanitized in accordance with these regulations prior to their re-use on meat or fish that has been procured from that plant or facility.

CNR1022/96 s35

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Milk supply

36. (1) An animal whose milk is intended for human consumption shall be kept clean and free of diseases transmittable to humans by its milk.

(2) Milk shall not be sold where it

(a) comes from an animal 15 days before and 3 days after parturition or a longer period where it is necessary to ensure that the milk is free of colostrum;

(b) contains blood, coagulation or other foreign particles;

(c) is watery;

(d) has an odour that adversely affects its organoleptic characteristics;

(e) is contaminated with chemicals, drugs, pathenogenic micro-organisms or another foreign residue; and

(f) does not comply with those standards set out in Schedule A.

60/99 s6

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Bulk milk tank

36.1 (1) Where milk is stored in a dairy for pickup by a dairy plant, a bulk milk tank shall be installed in the milk house of that dairy and that bulk milk tank shall

(a) be exclusively used for the storage and cooling of milk;

(b) have a capacity of not less than 2.5 days of milk production by a dairy animal herd during its peak production period;

(c) be equipped with a measuring device which permits the determination of the volume of milk contained in the tank;

(d) have mechanical agitation capable of restoring uniformity of all milk constituents throughout the tank without the splashing or churning of the milk;

(e) not use air agitation;

(f) be suitable for cooling milk and maintaining it at a temperature of not less than 1 ° Celsius and not more than 4 ° Celsius;

(g) be equipped with a thermometer in working order in accordance with dairy industry standards; and

(h) be equipped with an outlet cap.

(2) A bulk milk tank shall be

(a) emptied at least once in each 2 day period unless an inspector permits another period; and

(b) cleaned and sanitized after each transfer of milk to a transport vehicle.

(3) Milk contained in a bulk milk tank shall be maintained at a temperature of not less than 1 ° Celsius and not more than 4 ° Celsius

(a) by placing milk into the bulk milk tank immediately after milking;

(b) by cooling the milk from a first milking placed into the bulk milk tank to 10 ° Celsius or less within 1 hour of that placement and to not less than 1 ° Celsius and not more than 4 ° Celsius within 2 hours of that placement; and

(c) when subsequent milkings are placed into the bulk milk tank, by ensuring that the blended temperature does not rise above 10 ° Celsius and is cooled to and maintained at not less than 1 ° Celsius and not more than 4 ° Celsius within one hour after the subsequent milking.

60/99 s6

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Transport vehicles

36.2 (1) A vehicle used for the transport of raw milk shall

(a) not be used to transport a substance other than milk or potable water unless an inspector permits otherwise;

(b) have all tanks, milk hoses and other equipment attached to it constructed and maintained in the manner which complies with section 8;

(c) have its milk holding tank constructed and operated in a manner that will maintain the milk at a temperature not less than 1 ° Celsius and not more than 4 ° Celsius; and

(d) have all surfaces which come into contact with milk cleaned and sanitized so as not to create a health hazard.

60/99 s6

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Dairy plants

36.3 (1) A dairy plant shall not procure a supply of milk unless that supply is provided from a dairy which holds a licence issued under section 5.

(2) Milk which is tainted, sour or otherwise does not meet the requirements of these regulations shall be rejected by a dairy plant and returned to the shipper or disposed of in a manner approved of by an inspector.

(3) Except when sold to a dairy plant to be pasteurized before further distribution, milk intended for human consumption shall not be sold or offered for sale unless that milk has been pasteurized in accordance with these regulations.

(4) Milk received at a dairy plant shall be stored in a manner which prevents that milk from being spoiled or contaminated.

60/99 s6

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Pasteurization and sterilization

37. (1) A milk product shall be pasteurized or made from milk which has been pasteurized in accordance with the time and temperature requirements of Schedule B or in accordance with another equivalent process which the minister may approve.

(2) A milk product which has been treated as ultra high temperature (UHT) and which is aseptically packaged and milk products which have been sterilized in their container shall be commercially sterile.

(3) Subsection (1) shall not apply to cheese which has been manufactured in compliance with the Food and Drugs Act (Canada).

60/99 s6

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Milk products considered pasteurized or sterilized

38. (1) Milk products other than butter and goat's milk shall be considered to have been pasteurized if the recording thermometer chart indicates that the milk was heated as required under section 37 and the product is negative when tested for the presence of alkaline phosphatase as determined by a method prescribed by the minister.

(2) A milk product shall be considered to have been sterilized if a sample of the product is free of living organisms as determined by a method prescribed by the minister.

(3) Butter shall be considered to have been made from pasteurized milk or cream if it is negative when tested for the presence of peroxidase as determined by a method prescribed by the minister.

(4) Goat milk shall be considered to have been pasteurized if the recording thermometer chart indicates the milk was heated as required under section 37.

(5) A milk product shall not contain detectable levels of food borne pathogens and microbial toxins except as provided in Schedule C and shall meet the microbiological, chemical and temperature standards required by Schedules A and C.

(6) The minister may, where the requirements and standards are more stringent than those imposed under the Act and these regulations, adopt and impose chemical and microbial standards and thermal processing parameters for milk and milk based products imposed by the Government of Canada or by another province of Canada .

CNR1022/96 s38; 60/99 s7

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Cooling of milk products

39. (1) Milk products shall be cooled immediately after pasteurization to a temperature of at least 4° Celsius or less and shall be held at that temperature during storage, transportation and sale.

(2) Subsection (1) does not apply to a milk product that

(a) is to be further processed prior to packaging, then cooled to 4° Celsius or less;

(b) has been sterilized and is to be or is aseptically packaged; or

(c) is processed by drying.

CNR1022/96 s39; 44/97 s9

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Pasteurizer

40. (1) Pasteurization equipment and ultra high temperature (UHT) processing equipment shall be designed, constructed and operated to ensure the pasteurization of milk products.

(2) A pasteurizer used for milk products shall be equipped with indicating and recording thermometers that are accurate, moisture proof and easily read.

60/99 s8

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Temperature

41. (1) The temperature of a milk product in a pasteurizer shall be taken as the temperature shown on the indicating thermometer and not the temperature shown by the recording thermometer.

(2) The temperature shown by the recording thermometer shall be checked daily by the operator against the temperature shown by the indicating thermometer and shall be adjusted to read no higher than the temperature shown by the indicating thermometer.

CNR1022/96 s41

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Recording thermometer

42. (1) A recording thermometer chart shall not be used for a period that will exceed one complete rotation of the graph.

(2) A recording thermometer chart shall have the following information noted:

(a) the date of operation;

(b) the number of the pasteurizer, if more than one is in use, to which the recorder was attached;

(c) the temperature of the indicating thermometer at some time corresponding with a marked point in the holding period;

(d) the name of product being pasteurized; and

(e) the signature of the operator or his or her authorized representative for that purpose.

(3) Where more than one recording thermometer is in use, each chart shall be numbered in a manner that indicates the recording thermometer that was used for the chart.

(4) A recording thermometer chart shall be kept by an operator for at least 3 months after it is used.

CNR1022/96 s42

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Labelling

43. Sterilized milk products shall be sold in or from containers that bear the words "STERILIZED" or "STERILE" and "REFRIGERATE AFTER OPENING".

CNR1022/96 s43

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Dating

44. (1) Food premises that repackages milk products not produced in that food premises, shall identify the original processor, packing date and batch number on the containers of repackaged milk products.

(2) Notwithstanding subsection (1), the operator of food premises may show on the containers of repackaged milk products

- (a) the operator's name and address or code marking; and
- (b) the operator's "Best Before" or repackaging date,

provided that records are maintained by the operator that identify the original processor, packing date and batch number of the milk products.

(3) Subsections (1) and (2) do not authorize the repackaging of fluid milk products.

CNR1022/96 s44

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Egg storage

45. All eggs intended for human consumption shall be stored in accordance with the temperature and humidity conditions which are prescribed by the Egg Regulations (Canada) made under the Canada Agricultural Products Act (Canada).

CNR1022/96 s45

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Cracked eggs

46. (1) Cracked eggs may not be used in the commercial preparation or creation of cooked or uncooked food products, whether or not the product is offered to the public for charitable or profit-making purposes.

(2) For the purpose of this section, "cracked egg" means an egg which

- (a) shows on candling a distinct yolk outline;
- (b) shows on candling yolk that is moderately oblong in shape and that floats freely within the egg when twirled;
- (c) shows on candling a very slight degree of germ development;
- (d) shows on candling an air cell not exceeding 9 millimetres in depth;
- (e) shows spots of dirt on the shell, if the aggregate area of dirt does not exceed 40 square millimetres, and stain spots, if the aggregate area of the stain does not exceed 320 square millimetres;
- (f) has a shell that is slightly abnormal in shape and has rough areas and definite ridges; or
- (g) the shell of the egg has a hairline crack but the membrane is not broken and the internal contents are not leaking.

CNR1022/96 s46

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Rep. by 2013 cF-21.1 s21

47. [Rep. by 2013 cF-21.1 s21]

2013 cF-21.1 s21

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Repeal

48. The Food and Drug (Counter Freezer) Regulations, 1966, Food and Drug (Dessert) Regulations, 1966, Food and Drug (Eating Establishments) Regulations, 1966, Food and Drug (License) Regulations, 1993, Food and Drug (Meat and Meat Products) Regulations, 1966, Food and Drug (Milk and its Products) Regulations, 1966, Order re designation of Licensable Trades and Regulations under The Food and Drug Act, being Newfoundland Regulations 281/78, 282/78, 283/78, 284/78, 285/78, 574/78, 245/80, 18/83, 152/86, 183/88, 206/88, 49/93 and 162/94, are repealed.

CNR1022/96 s48

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Schedule A

Chemical and Microbiological Standards

For Raw Milk

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Parameter

Standard

Temperature

At Dairies: 1 ° C to 4 ° C for milk contained in the bulk milk tank (subject to subsection 36.1(3)).

Total living mesophilic aerobic bacteria count

Maximum 50,000 total living mesophilic aerobic bacteria per ml.

Somatic cells

Cow's milk: maximum 500,000 somatic cells per ml.

Goat's milk: maximum 1,500,000 somatic cells per ml.

Veterinary drug residues

Absence of veterinary drugs and other inhibitors as tested by official methods.

Cryoscopy

Maximum: -0.508 ° C for cow's milk.

60/99 s9

Schedule B

Minimum Thermal Processing Parameters for Batch
and HTST Pasteurizers

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Product

Pasteurization Type

Time

Temperature

Milk Based Products - below 10% MF

Batch/Vat

30 minutes

63 ° C

Milk Based Products - below 10% MF

HTST

15 seconds

72 ° C

Milk Based Products - 10% MF or higher, or added sugar (fluid cream, chocolate milk, flavoured cream)

Batch/Vat

30 minutes

66 ° C

Milk Based Products - 10% MF or higher, or added sugar (fluid cream, chocolate milk, flavoured cream)

HTST

15 seconds

75 ° C

Frozen Milk Product Mixes, Egg Nog

Batch/Vat

30 minutes

69 ° C

Frozen Milk Product Mixes, Egg Nog

HTST

25 seconds

15 seconds

80 ° C

83 ° C

60/99 s9

Schedule C

Standards for Milk Products

Product

Parameter

Standard

Fluid cow's milk products (except creams)

Freezing point

-0.508 ° C

Cheese (pasteurized milk)

S. aureus

E. coli

10,000 (/g)

1,000 (/g)

Cheese (unpasteurized milk)

S. aureus

E. coli

10,000 (/g)

1,000 (/g)

Cheese (pasteurized) without ripening, including fresh cheeses, lactic curd with a minimum of 50% moisture

Coliform

100 (/g)

Fermented milk products (e.g. buttermilk, yogourt, sour cream)

Coliform

100 (/g or ml)

Pasteurized milk, cream and other non-fermented milk products

Mesophilic aerobic bacteria (32 ° C)

Coliform

25,000 (/ml)

10 (/ml)

Frozen milk products

Mesophilic aerobic bacteria (32 ° C)

Coliform

50,000 (/ml)

100 (/ml)

Butter

Mesophilic aerobic bacteria (32 ° C)

Coliform

50,000 (/g)

100 (/g)

Milk powders and other milk product powders

Mesophilic aerobic bacteria (32 ° C)

Coliform

50,000 (/g)

100 (/g)

Evaporated, sweetened and condensed milk

Sterility

Commercially sterile