

FOOD SAFETY: AVOIDING THE DANGERS OF RAW FOOD

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Raw and undercooked foods provide environments conducive to the growth of dangerous pathogens, such as salmonella, that can cause serious illnesses. Establishing safe food-handling procedures and thoroughly training employees on how to cook foods properly and avoid crosscontamination can go a long way to reducing foodborne illness risks and avoid costly losses.

MALFUNCTIONING OVEN RESULTS IN SALMONELLA CLAIMS

It's not enough to just establish safety procedures. You must also make sure your employees are regularly following them correctly.

Consider the case of a restaurant owner who was unaware that he was serving undercooked poultry, resulting in a loss of more than \$300,000.

The poultry was undercooked due to a malfunctioning oven. Several of his patrons became ill and filed reports to the local health department. The health department inspected the restaurant and found salmonella contamination.

The owner had an oven temperature check procedure, but the employees did not always follow the procedure when the restaurant was busy.

The restaurant not only received several liability claims but suffered a business interruption loss as well, all because employees did not routinely perform food safety procedures.



LESSONS LEARNED

Salmonella may be found in eggs, poultry, meat, milk and even vegetables. Thoroughly cooking these foods destroys any potential salmonella contamination.

To reduce the risk of this type of loss:

- Make sure employees are trained in food safety and hygiene
- Establish standard sanitation procedures for work surfaces and utensils
- Monitor both cooking temperatures and refrigeration temperatures
- Establish regular food safety checks
- Monitor employee compliance
- Keep checklist records on file

RAW SHELLFISH DANGERS

Raw seafood is usually safe for most people to eat. Yet for a small percentage of people, some raw seafood can be potentially dangerous.

The largest concern is generally associated with raw shellfish products such as oysters, clams, mussels and other bivalve mollusks that are susceptible to contamination by disease-causing organisms, such as the naturally occurring *Vibrio vulnificus* bacteria. This bacteria is not toxic to most people as it is killed by stomach acids or by normal liver or kidney functions.

However, some consumers with the following health issues could be at higher risk of illness from *V. vulnificus*:

- Gastric disorders
- Low stomach acid levels from excessive antacid use
- Steroid use for arthritis or asthma
- Liver diseases (such as cirrhosis or hepatitis)
- Hemochromatosis (high iron content in the blood)
- Diabetes
- Suppressed immune systems (such as people on cancer chemotherapy)
- Kidney disorders

Complicating the concern is that some consumers may be unaware of their health conditions. Regardless, serious illness or death often results in costly litigation against the restaurant serving the raw seafood.

To deal with these issues, some local health departments now require written warnings be placed on menus or at raw food bars advising of the risks of certain products. Some large restaurant chains have also voluntarily placed raw food warnings on their menus.

Some judicial decisions have supported a restaurant's "duty to warn," although no conclusive nationwide judicial position on the issue has been reached. Some courts have held that a food product is not defective simply because it is not safe for all to consume. This position is similar to the way that sugar is harmful only when used by someone with diabetes or peanuts are hazardous to someone with a peanut allergy.

WHAT YOU CAN DO

To reduce the chances of a claim related to serving raw shellfish, the following measures are recommended.

- Check with your local health department to verify what regulations exist related to the handling and/or serving procedures and warnings required to serve raw shellfish in your area
- Closely follow and implement the guidance and regulations of those regulatory agencies
- If written warnings are required in your area, request a written sample of the warning and have your attorney review and approve the warning's language
- Alert your serving staff to this hazard



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