

Food Establishment Inspection Report

Wichita Falls - Wichita County
 Public Health District
 1700 Third Street
 Wichita Falls, TX 76301
 940-761-7800

SITE NO.	INV NO.	IR NO.	DATE	INSPECTION TIME	INSPECTOR
4460	1		07/06/2010		O'Neal, Robbie

SITE INFORMATION
 DOWNTOWN CAFE
 1104 OHIO
 WICHITA FALLS TX 76301
 940-761-2737

INVENTORY/MANAGER
 Process 3

SERVICE TYPE/FREQUENCY
 Inspection- Regular
 Inspected 3 Times per Year

Violations: Critical - 6 Non-Critical - 3 Score: 83

CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
9	Approved Source/Labeling	4	07/06/2010
13	Approved Systems (Time as Public Hlth Control/HACCP Plan)	4	_____
17	Handwash Facilities with Soap & Towels	3	_____
24	Thermometers Provided/Accurate/Properly Calibrated +/- 2 F	3	_____
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____

NON-CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
28	OTHER VIOLATIONS	0	_____
28	OTHER VIOLATIONS	0	_____
28	OTHER VIOLATIONS	0	_____

CRITICAL VIOLATIONS DETAIL

<u>CODE</u>	<u>DESCRIPTION</u>
9	<p>Texas food Establishment Rules</p> <p>Pages 33 to 37 229.164(b) Pages 33 to 37</p> <p>(b) Approved sources. (1) Compliance with food law. (A) Food shall be obtained from sources that comply with applicable laws and are licensed by the state regulatory authority having jurisdiction over the processing and distribution of the food. (B) Food prepared in a private home, except as allowed in these rules, or from an unlicensed food manufacturer or wholesaler, is considered to be from an unapproved source and may not be used or offered for human consumption in a food establishment. (C) Packaged food shall be labeled as specified in law, including 21 CFR 101, Food Labeling, 9 CFR 317, Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N, Labeling and Containers, and as specified under subsection (c)(7) and (8) of this section. (D) Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified under subsection (k)(1)(D) of this section may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified under subsection (l)(1) of this section; or frozen on the premises as specified under subsection (l)(1) of this section and records are retained as specified under subsection (l)(3) of this section. (E) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in subsection (k)(1)(C) of this section shall be: (i) obtained from a food processing plant that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of whole-muscle, intact beef; or (ii) deemed acceptable by the regulatory authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef; and (iii) if individually cut in a food establishment: 34 §229.164(b) §229.164(b) (I) cut from whole-muscle intact beef that is labeled by a food processing plant as specified in clause (i) or identified as specified in clause (ii) of this subparagraph; (II) prepared so they remain intact; and (III) if packaged for undercooking in a food establishment, labeled as specified in clause (i) or identified as specified in clause (ii) of this</p>

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subparagraph.

(F) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include

safe handling instructions as specified in law, including 9 CFR §317.2(l) and 9 CFR §381.125(b).

(G) Shell eggs that have not been specifically treated to destroy all viable Salmonellae shall be labeled to include safe handling instructions as specified in law, including

21 CFR §101.17(h).

(2) Food in a hermetically sealed container. Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory

agency that has jurisdiction over the plant.

(3) Fluid milk and milk products. Fluid milk and milk products shall be obtained from sources that comply with Grade A standards as specified in law.

(4) Fish.

(A) Fish that are received for sale or service shall be:

(i) commercially and legally caught or harvested; or

(ii) approved for sale or service.

(B) Molluscan shellfish that are recreationally caught may not be received for sale or service.

(5) Molluscan shellfish.

(A) Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the U.S. Department of Health and Human Services, Public

Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for

the Control of Molluscan Shellfish.

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§229.164(b) §229.164(b)

(B) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

(6) Wild mushrooms.

(A) Except as specified in subparagraph (B) of this paragraph, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually

inspected and found to be safe by an approved mushroom identification expert.

(B) This section does not apply to:

(i) cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction

over the operation; or

(ii) wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has

jurisdiction over the plant.

(7) Exotic animals and game animals.

(A) If exotic animals are received for sale or service, they shall:

(i) be commercially raised for food and:

(I) slaughtered, processed, and deemed to be inspected and

approved. under an inspection program administered by USDA in accordance with 9 CFR 352,

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Exotic Animals; Voluntary Inspection; or
 (II) slaughtered, processed, and deemed to be .inspected
 and passed. under a meat and poultry inspection program administered by the
 department or any
 other state meat inspection program deemed equal to USDA inspection;
 (ii) as allowed by law, for exotic animals that are live caught, be
 slaughtered and processed as required in subparagraph (A)(i)(I) or (II) of this paragraph;
 and
 (iii) as allowed by law, for exotic animals that are field dressed:
 (I) receive an antemortem and postmortem examination by
 the appropriate inspection personnel as described in subparagraph (A)(i)(I) or (II) of this
 paragraph; and
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 §229.164(b) §229.164(b)
 (II) be field dressed, transported, and processed according
 to the requirements specified by the appropriate regulatory authority as described in
 paragraph
 (7)(A)(i)(I) or (II) of this subsection.
 (B) If game animals are received for sale or service they shall be:
 (i) commercially raised for food and:
 (I) raised, slaughtered, and processed under a voluntary
 inspection program that is conducted by the agency that has animal health jurisdiction; or
 (II) under a routine inspection program conducted by a
 regulatory agency other than the agency that has animal health jurisdiction; and
 (III) raised, slaughtered, and processed according to:
 (-a-) laws governing meat and poultry as
 determined by the agency that has animal health jurisdiction and the agency that
 conducts the
 inspection program; and
 (-b-) requirements which are developed by the
 agency that has animal health jurisdiction and the agency that conducts the inspection
 program
 with consideration of factors such as the need for antemortem and postmortem
 examination by
 an approved veterinarian or veterinarian.s designee;
 (ii) under a voluntary inspection program administered by the
 USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water
 buffalo, or
 bison) that are .inspected and approved. in accordance with 9 CFR 352, Exotic Animals;
 Voluntary Inspection or rabbits that are .inspected and certified. in accordance with 9 CFR
 354,
 Voluntary Inspection of Rabbits and Edible Products Thereof;
 (iii) as allowed by law, for wild game animals that are live-caught:
 (I) under a routine inspection program conducted by a
 regulatory agency such as the agency that has animal health jurisdiction; and
 (II) slaughtered and processed according to:
 (-a-) laws governing meat and poultry as
 determined by the agency that has animal health jurisdiction and the agency that
 conducts the
 inspection program; and
 (-b-) requirements which are developed by the
 agency that has animal health jurisdiction and the agency that conducts the inspection
 program

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§229.164(b) §229.164(c)

with consideration of factors such as the need for antemortem and postmortem examination by

an approved veterinarian or veterinarian's designee; or

(iv) as allowed by law, for field-dressed wild game animals under a routine inspection program that ensures the animals:

(I) receive a postmortem examination by an approved veterinarian or veterinarian.s designee; or

(II) are field-dressed and transported according to

requirements specified by the agency that has animal health jurisdiction and the agency that

conducts the inspection program; and

(III) are processed according to laws governing meat and

poultry as determined by the agency that has animal health jurisdiction and the agency that

conducts the inspection program.

(C) A game animal may not be received for sale or service if it is a species

of wildlife that is listed in 50 CFR 17, Endangered and Threatened Wildlife and Plants.

To Wit: The packaged bakery products is not labeled as specified in law. (Corrected 07/06/10)

To Correct: The packaged bakery products must be labeled as specified in law. Corrections must be made immediately.

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§229.164(o)

(9) Time as a public health control.

(A) Except as specified under subparagraph (B) of this paragraph, if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:

(i) the food shall be marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;

(ii) the food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control;

(iii) the food in unmarked containers or packages or marked exceed a four hour limit shall be discarded; and

(iv) written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request, that ensure compliance with:

(I) clauses (i)-(iv) of this subparagraph, and (II) paragraph (4) of this subsection for food that is

prepared, cooked, and refrigerated before time is used as a public health control.

(B) In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

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§229.171

(d) HACCP plan requirements.

(1) When a HACCP plan is required.

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(A) Before engaging in an activity that requires a HACCP plan, a food establishment shall submit to the regulatory authority for approval a properly prepared HACCP plan as specified under paragraph (2) of this subsection and the relevant provisions of these rules if:

- (i) submission of a HACCP plan is required according to law;
- (ii) a variance is required as specified under §§229.164(k)(1)(D)(iii) and (p)(1)(A)–(H), or 229.165(f)(10)(B) of this title; or
- (iii) the regulatory authority determines that a food preparation or processing method requires a variance based on an inspectional finding or a variance request.

(B) A food establishment shall have a properly prepared HACCP plan as specified under §229.164(o)(2) of this title.

To Wit: The beef product/delicatessen product that is located in the food service/dispensing area has been refrigerated for more than 24 hours and is not marked with the day of preparation or the date which the food shall be consumed by.

To Correct: The beef product/delicatessen product that is located in the food service/dispensing area that has been refrigerated for more than 24 hours must be marked with the day of preparation and the date which the food shall be consumed by.

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§229.167

(e) Handwashing facilities.

(1) Minimum number. Handwashing facilities shall be provided as specified under §229.166(g)(1) of this title.

(2) Handwashing cleanser, availability. Each handwashing lavatory or group of 2 adjacent lavatories shall be provided with a supply of hand cleaning liquid, powder, or bar soap.

(3) Hand drying provision. Each handwashing lavatory or group of adjacent lavatories shall be provided with:

- (A) individual, disposable towels;
- (B) a continuous towel system that supplies the user with a clean towel; or
- (C) a heated-air hand drying device.

To Wit: No hand drying provisions were available at the handwash facilities in the kitchen.

To Correct: Hand drying provisions must be available at the handwash facilities in the kitchen. Corrections must be made immediately.

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§229.165(e)

(e) Accuracy of temperature measuring devices, food.

(1) Temperature measuring device, food.

(A) Food temperature measuring device that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to ± 1 degrees Celsius in the intended range of use.

(B) Food temperature measuring device that are scaled only in Fahrenheit shall be accurate to ± 2 degrees Fahrenheit in the intended range of use.

<u>CODE</u>	<u>DESCRIPTION</u>
	<p>(2) Temperature measuring devices, ambient air and water. #24 78 §229.165(e) §229.165(f) (A) Ambient air and water temperature measuring device that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to ± 1.5 degrees Celsius in the intended range of use. (B) Ambient air and water temperature measuring device that are scaled only in Fahrenheit shall be accurate to ± 3 degrees Fahrenheit in the intended range of use.</p>
To Wit:	The reachin refrigerator in the customer service area did not have a readily available and visible thermometer.
To Correct:	The reachin refrigerator in the customer service area must have a readily available and visible thermometer. Corrections must be made within 7 days.
25	<p>Page 76 §229.165(d) (d) Cleanability. (1) Food-contact surfaces. Multiuse food-contact surfaces shall be: (A) smooth; (B) free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections; (C) free of sharp internal angles, corners, and crevices; (D) finished to have smooth welds and joints; and (E) except as specified in subparagraph (B) of this paragraph, accessible for cleaning and inspection by one of the following methods: (i) without being disassembled; (ii) by disassembling without the use of tools; or (iii) by easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, and wrenches. (2) Paragraph (5) of this subsection does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes. (3) Cleaned in place (CIP) equipment. (A) CIP equipment shall meet the characteristics specified under paragraph (1) of this subsection and shall be designed and constructed so that: (i) cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and (ii) the system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and</p>
To Wit:	The reachin refrigerator located in the kitchen has adhering foreign material.
To Correct:	The reachin refrigerator located in the kitchen must be properly washed, rinsed and sanitized and free of foreign material. Corrections must be made immediately.
To Wit:	The grill located in the kitchen has adhering foreign material.
To Correct:	The grill located in the kitchen must be properly washed, rinsed and sanitized and free of foreign material. Corrections must be made immediately.

NON-CRITICAL VIOLATIONS DETAIL

<u>CODE</u>	<u>DESCRIPTION</u>
28	OTHER VIOLATIONS- REQUIRE CORRECTIVE ACTION , NOT TO EXCEED 90 DAYS OR NEXT INSPECTION, WHICHEVER COMES FIRST.
To Wit:	need to clean fryer - - inside & outside
To Wit:	need to clean oven
To Wit:	need to remove all non-commerical equipment blender,toaster,microwave,ect.....

I HEREBY, ACKNOWLEDGE THE ISSUANCE AND RECEIPT OF THIS OFFICIAL Food Establishment Inspection Report.

Robbie O'Neal, Public Health Inspector II

OWNER / MANAGER SIGNATURE

OWNER / MANAGER PRINT NAME