

**Food Establishment Inspection Report**

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

<b>SITE NO.</b>	<b>INV NO.</b>	<b>IR NO.</b>	<b>DATE</b>	<b>INSPECTION TIME</b>	<b>INSPECTOR</b>
236	1		02/24/2010		O'Neal, Robbie

**SITE INFORMATION**

LUBY'S CAFETERIA  
 1801 9TH ST  
 WICHITA FALLS TX 76301  
 940-723-6022 Fax 940-723-7963

**INVENTORY/MANAGER**

Process 3

**SERVICE TYPE/FREQUENCY**

Inspection- Regular  
 Inspected 4 Times per Year

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**Violations: Critical - 5 Non-Critical - 5 Score: 89**

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**CRITICAL VIOLATIONS SUMMARY**

<b><u>CODE</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>POINTS</u></b>	<b><u>CORRECTED</u></b>
9	Approved Source/Labeling	4	02/24/2010
12	Cross-Contamination of Raw/Cooked Foods/Other	4	02/24/2010
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____

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**NON-CRITICAL VIOLATIONS SUMMARY**

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

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**CRITICAL VIOLATIONS DETAIL**

<b><u>CODE</u></b>	<b><u>DESCRIPTION</u></b>
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  
 36  
 §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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37	<p>§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.</p>
To Wit:	The packaged bakery products is not labeled as specified in law. (Corrected 02/24/10)
To Correct:	The packaged bakery products must be labeled as specified in law. Corrections must be made immediately.
12	<p>Texas Food Establishment Rules</p> <p>Pages 42 thru 50  229.164(e), (f), (g) &amp; (h)  Ready-to-eat foods will be protected by preventing contamination by employees, preventing food and ingredient contamination, preventing contamination from ice used as a coolant and preventing contamination from equipment, utensils, wiping cloths and linens.</p>
To Wit:	The delicatessen product is stored in contact with or under the beef product. (Corrected 02/24/10)
To Correct:	The delicatessen product must not be stored in contact with or under the beef product. Corrections must be made immediately.
25	<p>Texas Food Establishment Rules</p> <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;</p>

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	(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
To Wit:	The cutting board located in the food preparation area has adhering food or food particles.
To Correct:	The cutting board located in the food preparation area must be properly washed, rinsed and sanitized and free of food or food particles. Corrections must be made immediately.
To Wit:	The oven located in the kitchen has adhering foreign material.
To Correct:	The oven located in the kitchen must be properly washed, rinsed and sanitized and free of foreign material. Corrections must be made immediately.
To Wit:	The can opener located in the food preparation area has adhering foreign material.
To Correct:	The can opener located in the food preparation area must be properly washed, rinsed and sanitized and free of foreign material. Corrections must be made immediately.

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### **NON-CRITICAL VIOLATIONS DETAIL**

<b><u>CODE</u></b>	<b><u>DESCRIPTION</u></b>
28	OTHER VIOLATIONS- REQUIRE CORRECTIVE ACTION , NOT TO EXCEED 90 DAYS OR NEXT INSPECTION, WHICHEVER COMES FIRST.
To Wit:	need to repair all broken wall tiles.
To Wit:	need to replace all broken light shields
To Wit:	all lights in kitchen areas need to be shielded.
To Wit:	need to repair holes in kitchen floor.
To Wit:	need to clean ceiling all ceiling vents in kitchen areas.

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

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Robbie O'Neal, Public Health Inspector II

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OWNER / MANAGER SIGNATURE

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OWNER / MANAGER PRINT NAME