

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
236	1		06/28/2010		O'Neal, Robbie

SITE INFORMATION	INVENTORY/MANAGER	SERVICE TYPE/FREQUENCY
LUBY'S CAFETERIA 1801 9TH ST WICHITA FALLS TX 76301 940-723-6022 Fax 940-723-7963	Process 3	Inspection- Regular Inspected 4 Times per Year

Violations: Critical - 6 Non-Critical - 8 Score: 79

CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
8	Good Hygienic Practices (Eating/Drinking/Smoking/Other)	4	06/28/2010
9	Approved Source/Labeling	4	06/28/2010
12	Cross-Contamination of Raw/Cooked Foods/Other	4	06/28/2010
16	Handwash Facilities Adequate & Access	3	_____
17	Handwash Facilities with Soap & Towels	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	_____
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<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
28	OTHER VIOLATIONS	0	_____

CRITICAL VIOLATIONS DETAIL

<u>CODE</u>	<u>DESCRIPTION</u>
8	<p>Texas food Establishment Rules</p> <p>Page 31</p> <p>229.163 (n) Eating, drinking, or using tobacco.</p> <p>(1) Except as specified in paragraph (2) of this subsection, an employee shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection cannot result.</p> <p>(2) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:</p> <p>(A) the employee's hands;</p> <p>(B) the container; and</p> <p>(C) exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.</p> <p>(o) Discharges from the eyes, nose, and mouth. Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.</p> <p>(p) Hair restraints, effectiveness.</p> <p>(1) Except as provided in paragraph (2) of this subsection, food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.</p> <p>(2) This section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.</p> <p>(q) Handling prohibition.</p> <p>(1) Except as specified in paragraph (2) of this subsection, food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in §229.167(p)(15)(B)(ii)-(v) of this title (relating to Physical</p>

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	Facilities).
	(2) Food employees with assistance animals may handle or care for their assistance animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under subsections (f) and (h)(3) of this section.
To Wit:	The food service worker is drinking in a food service area from an uncovered container while preparing/handling food or contacting clean food contact surfaces. (Corrected 06/28/10)
To Correct:	If in a food service area and preparing/handling food or contacting clean food contact surface, the food service worker must drink from covered containers. Corrections must be made immediately.
9	Pages 33 to 37 229.164(b) Pages 33 to 37
	<p>(b) Approved sources.</p> <p>(1) Compliance with food law.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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:</p> <p>(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</p>

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(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:

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§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 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,

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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, 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

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354,	<p>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</p>
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 bagged goods is not labeled as specified in law. (Corrected 06/28/10)
To Correct:	The packaged bagged goods must be labeled as specified in law. Corrections must be made immediately.
12	Texas Food Establishment Rules
	<p>Pages 42 thru 50 229.164(e), (f), (g) & (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 06/28/10)
To Correct:	The delicatessen product must not be stored in contact with or under the beef product. Corrections must be made immediately.
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	§229.166 (h) Plumbing, location and placement. (1) Handwashing facilities. A handwashing facility shall be located: (A) to allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and (B) in, or immediately adjacent to, toilet rooms.
To Wit:	The handwashing sink in the food preparation area is inaccessible to food service employees.
To Correct:	The handwashing sink in the food preparation area must be accessible to food service employees. Corrections must be made immediately.
17	Page 122 §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 food preparation area.
To Correct:	Hand drying provisions must be available at the handwash facilities in the food preparation area. Corrections must be made immediately.
25	Texas Food Establishment Rules 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

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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 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.

NON-CRITICAL VIOLATIONS DETAIL**CODE** **DESCRIPTION**

28 OTHER VIOLATIONS- REQUIRE CORRECTIVE ACTION , NOT TO EXCEED 90 DAYS OR NEXT INSPECTION, WHICHEVER COMES FIRST.

To Wit: need to clean floors / walls in walk-ins

To Wit: need to clean walls food prep area;s

To Wit: rusty racks in storage area

To Wit: wiping cloths not keep in sanitizer solution

To Wit: trash cans need to be cleaned

To Wit: doors need to be cleaned

To Wit: food setting on floor walk-in's

To Wit: food setting on floor storage area.

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