

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
5064	1		07/22/2010		McKenzie, Suzanne

SITE INFORMATION

MAZZIO'S ITALIAN EATERY
3900 CALLFIELD RD
WICHITA FALLS TX 76308
940-692-3600 Fax 940-692-1179

INVENTORY/MANAGER

Process 3

SERVICE TYPE/FREQUENCY

Inspection- Regular
Inspected 4 Times per Year

Violations: Critical - 7 Non-Critical - 3 Score: 73

CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
2	Cold Hold (41/45 degrees F)	5	07/22/2010
8	Good Hygienic Practices (Eating/Drinking/Smoking/Other)	4	07/22/2010
9	Approved Source/Labeling	4	07/22/2010
10	Sound Condition	4	07/22/2010
13	Approved Systems (Time as Public Hlth Control/HACCP Plan)	4	07/22/2010
20	Toxic Items Properly Labeled/Stored/Used (Repeat)	3	07/22/2010
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	07/22/2010

NON-CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
28	OTHER VIOLATIONS (2)	0	07/22/2010
28	OTHER VIOLATIONS	0	_____

CRITICAL VIOLATIONS DETAIL

<u>CODE</u>	<u>DESCRIPTION</u>
2	<p>Texas food Establishment Rules</p> <p>Page 60</p> <p>§229.164(o)(6) Potentially hazardous food, hot and cold holding. Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under paragraph (9) of this subsection, and except as specified in subparagraph (B) of this paragraph, potentially hazardous food shall be maintained:</p> <p>(A) at 57 degrees Celsius (135 degrees Fahrenheit) or above, except that roasts cooked to a temperature and for a time specified in subsection (k)(1)(B) of this section or reheated as specified in subsection (m)(2)(E) of this section may be held at a temperature of 54 degrees Celsius (130 degrees Fahrenheit) or above; or</p> <p>(B) at a temperature specified in the following:</p> <p>(i) 5 degrees Celsius (41 degrees Fahrenheit) or less; or</p> <p>(ii) 7 degrees Celsius (45 degrees Fahrenheit) or less in countertop, under-counter and open-top refrigeration units located in the food preparation area that were in use prior to October 6, 2003, provided the food is date marked as specified in paragraphs (7)-(9) of this subsection.</p> <p>(C) Shell eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 7 degrees Celsius (45 degrees Fahrenheit) or less.</p> <p>To Wit: The noodles 67 degrees and spinach dip 67 degrees is at room temperature and is not being maintained at 41/45 degrees F or below. (Corrected 07/22/10)</p> <p>To Correct: Discard the noodles 67 degrees and spinach dip 67 degrees that is not being maintained at 41/45 degrees F or below. Corrections must be made immediately.</p>
8	<p>Page 31</p> <p>229.163 (n)</p> <p>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>

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(p) Hair restraints, effectiveness.

(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.

(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.

(q) Handling prohibition.

(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 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 07/22/10)

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

(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

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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:

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(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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(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

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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,

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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(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;

CODE**DESCRIPTION**

(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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 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 food is not labeled as specified in law. (Corrected 07/22/10)

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

10 Texas Food Establishment Rules

§229.164.

(a) Food.

Condition safe, unadulterated, and honestly presented. Food shall be safe, unadulterated, and, as specified under subsection (q)(2) of this section, honestly presented.

To Wit: The garbage is being stored directly up against the pizza flour and is leaving soilded spots on the bags is unsound and should not be sold, served or consumed. (Corrected 07/22/10)

To Correct: The garbage is being stored directly up against the pizza flour and is leaving soilded spots on the bags must be sound to be sold, served or consumed. 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;

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- (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.

(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 food removed from its original packaging/delicatessen product that is located in the food preparation 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. (Corrected 07/22/10)

To Correct: The food removed from its original packaging/delicatessen product that is located in the food preparation 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.

20 Texas Food Establishment Rules

Pages 129 thru 132

§229.168(a) thru (h)

Poisonous or Toxic Materials.

(a) Original containers, identifying information, prominence. Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

(b) Working containers, common name. Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

(c) Storage, separation. Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(1) separating the poisonous or toxic materials by spacing or partitioning; and

(2) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for

availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(d) Presence and use.

CODE**DESCRIPTION**

(1) Restriction.

(A) Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a food establishment.

(B) Subparagraph (A) of this paragraph does not apply to packaged poisonous or toxic materials that are for retail sale.

(2) Conditions of use. Poisonous or toxic materials shall be:

(A) used according to:

(i) law and these rules;

(ii) manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment;

(iii) the conditions of certification, if certification is required, for use of the pest control materials; and (Repeat)

To Wit: Containers of chemical are not properly stored to prevent the contamination of food, equipment, utensils, linens or single service items. (Corrected 07/22/10)

To Correct: All containers of chemical must be properly stored to prevent the contamination of food, equipment, utensils, linens or single service items. Corrections must be made immediately.

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§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

To Wit: The grease container in the food storage area is covered in grease, bowl used for scoop left in container, and dirty shelving, auto fry, pizza cooker conveyer belt, ice scoop handle down in the ice, located in the food preparation area has adhering food or food particles. (Corrected 07/22/10)

To Correct: The grease container in the food storage area is covered in grease, bowl used for scoop left in container, and dirty shelving, located in the food preparation area must be properly washed, rinsed and sanitized and free of food or food particles. Corrections must be made

CODE DESCRIPTION

immediately.

NON-CRITICAL VIOLATIONS DETAIL**CODE DESCRIPTION**

28 OTHER VIOLATIONS- REQUIRE CORRECTIVE ACTION , NOT TO EXCEED 90 DAYS OR NEXT INSPECTION, WHICHEVER COMES FIRST. (2)

To Wit: food protection: food stored uncovered and is not being held at least 6" off the floor.
(Corrected 07/22/10)

To Wit: dirty floors

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

Suzanne McKenzie, PUBLIC HEALTH OFFICER

OWNER / MANAGER SIGNATURE

OWNER / MANAGER PRINT NAME