

Food Establishment Inspection Report



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

SITE NO. 4825 **INV NO.** 1 **IR NO.** **DATE** 09/09/2010 **INSPECTION TIME** **INSPECTOR** O'Neal, Robbie

SITE INFORMATION
MCBRIDE'S LAND & CATTLE
501 SCOTT
WICHITA FALLS TX 76301
940-322-2516

INVENTORY/MANAGER
Process 3

SERVICE TYPE/FREQUENCY
Inspection- Regular
Inspected 4 Times per Year

Scheduled calender inspections.

Violations: Critical - 6 Non-Critical - 7 Score: 79

CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
9	Approved Source/Labeling	4	_____
10	Sound Condition	4	09/09/2010
12	Cross-Contamination of Raw/Cooked Foods/Other	4	09/09/2010
16	Handwash Facilities Adequate & Access	3	_____
19	No Evidence of Rodents/Other Animals	3	_____
20	Toxic Items Properly Labeled/Stored/Used	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	_____
28	OTHER VIOLATIONS	0	_____
28	OTHER VIOLATIONS	0	_____
28	OTHER VIOLATIONS	0	_____
28	OTHER VIOLATIONS	0	_____

CRITICAL VIOLATIONS DETAIL

<u>CODE</u>	<u>DESCRIPTION</u>
9	<p data-bbox="308 257 740 288">Texas food Establishment Rules</p> <p data-bbox="308 322 666 390">Pages 33 to 37 229.164(b) Pages 33 to 37</p> <p data-bbox="308 425 1487 1962"> (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, </p>

CODE**DESCRIPTION**

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,

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:

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

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

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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
 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

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	<p>program 37 §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.
To Correct:	The packaged bakery products must be labeled as specified in law. Corrections must be made immediately.
10	<p>Texas Food Establishment Rules</p> <p>§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.</p>
To Wit:	The bagged goods is unwholesome and should not be sold, served or consumed. (Corrected 09/09/10)
To Correct:	The bagged goods must be wholesome to be sold, served or consumed. Corrections must be made immediately.
12	<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 vegetable is stored in contact with or under the baked potato. (Corrected 09/09/10)
To Correct:	The vegetable must not be stored in contact with or under the baked potato. Corrections must be made immediately.
16	<p>Page 107 §229.166 (h) Plumbing, location and placement.</p>

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	<p>(1) Handwashing facilities. A handwashing facility shall be located:</p> <p>(A) to allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and</p> <p>(B) in, or immediately adjacent to, toilet rooms.</p>
To Wit:	The handwashing sink in the dishwash machine area is inaccessible to food service employees.
To Correct:	The handwashing sink in the dishwash machine area must be accessible to food service employees. Corrections must be made immediately.
19	<p>Pages 126 and 27 229.167(p)(12) & (15)</p> <p>(12) Removing dead or trapped birds, insects, rodents, and other pests. Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.</p> <p>(15) Prohibiting animals.</p> <p>(A) Except as specified in subparagraphs (B) and (C) of this paragraph, live animals may not be allowed on the premises of a food establishment.</p> <p>(B) Live animals may be allowed in the following situations if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result:</p> <p>(i) edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;</p> <p>(ii) patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;</p> <p>(iii) in areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, or service animals in training when accompanied by an approved trainer, if a health or safety hazard will not result from the presence or activities of the service animal;</p> <p>(iv) pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:</p> <p>(I) effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;</p> <p>(II) condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and</p> <p>#19 128 §229.167(p) §229.167(p)</p> <p>(III) dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and</p> <p>(v) in areas that are not used for food preparation, storage, sales,</p>

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display, or dining, in which there are caged animals or animals that are similarly confined, such

as in a variety store that sells pets or a tourist park that displays animals.

(C) Live or dead fish bait may be stored if contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result.

To Wit: Evidence of roaches were observed in or around the storage room.

To Correct: The Evidence of roaches that are in or around the storage room must be eliminated. Corrections must be made within 7 days.

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.

(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

To Wit: Working containers of chemical are not properly labeled.

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To Correct:	All working containers of chemical must be properly labeled. 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 a door sweep on screendoor to keep out bugs
To Wit:	need to reseal floor in dishmichine area.
To Wit:	mops stored incorrectly
To Wit:	food on floor in walk-in
To Wit:	paint peeling over potatoes / onions
To Wit:	lights not shielded in storage room / restroom
To Wit:	wiping cloths not kept in sanitizer when not in use.

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