

Food Establishment Inspection Report



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

SITE NO. 7042 **INV NO.** 1 **IR NO.** **DATE** 10/04/2010 **INSPECTION TIME** **INSPECTOR** Railsback, Brian

SITE INFORMATION
SHELL FOOD MART
3120 N NW CENTRAL FRWY
WICHITA FALLS TX 76306
940-855-5113

INVENTORY/MANAGER
Process 2

SERVICE TYPE/FREQUENCY
Inspection- Regular
Inspected 2 Times per Year

Scheduled calender inspections.

Violations: Critical - 4 Non-Critical - 4 Score: 87

CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
9	Approved Source/Labeling	4	_____
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____
26	Posting Consumer Advisories- Heimlich/Raw Shellfish/Buffer	3	10/04/2010
27	Food Establishment Permit	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	_____

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.</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> <p>(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</p> <p>(iii) if individually cut in a food establishment:</p> <p>34 §229.164(b) §229.164(b)</p> <p>(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;</p> <p>(II) prepared so they remain intact; and</p> <p>(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.</p> <p>(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).</p>

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(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,

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

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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:

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	<p>(I) receive a postmortem examination by an approved veterinarian or veterinarian.s designee; or</p> <p>(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</p> <p>(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.</p> <p>(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:	Bags of ice not properly labeled
25	Texas Food Establishment Rules
	<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 chest/coffin freezer located in the food establishment has adhering dirt.
To Correct:	The chest/coffin freezer located in the food establishment must be properly washed, rinsed and sanitized and free of dirt. Corrections must be made immediately.
26	<p>Pages 37, 55 &154 229.164(h); (r) & 173(b) - A card, sign or other effective means of notification shall be displayed to notify customers that clean tableware is to be used upon return to self-service areas. Food establishments which deliver shellfish to a consumer for raw consumption shall inform consumers of the significantly increased risk associated with certain especially vulnerable consumers eating</p>

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such shellfish in raw or undercooked form. The Heimlich Maneuver Poster shall be in all food service establishments in a place conspicuous to employees or customers.

To Wit: The Heimlich Maneuver poster is not conspicuously displayed in the facility. (Corrected 10/04/10)

To Correct: The Heimlich Maneuver poster must be conspicuously displayed in the facility. Corrections must be made within 7 days.

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229.171(f) & (g)

A person may not operate a food establishment without a valid health permit to operate. The permit is not valid without a valid Certificate of Occupancy issued by the Wichita Falls/ Wichita County Public Health District. The permit holder will:

- 1) post the permit at a location in the food establishment that is conspicuous to consumers
- 2) immediately discontinue operations and notify the Environmental Health Division at 940-761-7820 if an imminent health hazard exists
- 3) replace/upgrade existing facilities and equipment in accordance with TFER guidelines
- 4) comply with directives of the regulatory authorities including time frames for corrective actions
- 5) other provisions of the TFER

The permit holder shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of operation.

All food service employees shall attend a food handler class and shall obtain a food handler's certificate.

To Wit: Your employee(s) have not attended required annual food handler training.

Total FH Cards Required _____ 1 _____

No of Untrained FH _____ 1 _____ No of Trained FH _____

To Correct: food service worker must attend food handler training. Walk-in seating for food handler classes are available several times each week at the Public Health District, 1700 Third. Food handlers must arrive 30 minutes before class time to complete registration. Only the first 35 people to show up for the class will be accepted. Late arrivals will not be admitted to class. The charge for the class is \$10.00 cash no credit cards. Contact the Environmental Health Division at 761-7820 for times of classes. Corrections must be made within 14 days.

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: Exhaust fan in men's restroom is not working and must be repaired.

To Wit: Trash can in women's restroom must have a lid.

CODE **DESCRIPTION**

To Wit: Remove non commercial microwave

To Wit: Kitchen is not being used, but must be kept clean, clean equipment and floors and walls

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

Brian Railsback, Public Health Officer

OWNER / MANAGER SIGNATURE

OWNER / MANAGER PRINT NAME