

Janet T. Mills  
Governor

Sara Gagné-Holmes  
Acting Commissioner



Maine Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
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TTY: Dial 711 (Maine Relay)

June 6, 2024

To: Eating Establishment Licensees

Re: Potential Risk of Foodborne Illness

Dear Licensee:

The Maine Department of Health and Human Services Maine CDC Health Inspection Program recently became aware of an eating establishment thawing frozen vegetables and serving them on salad bars for immediate consumption. This food preparation practice has been determined to be a risk to public health.

The U.S. Food and Drug Administration (FDA) publishes the Food Code as a model to assist food control retailers, the food service industry, local, state, tribal, and federal regulators with scientifically sound technical and legal basis regulating the retail and food industry. The most recent edition - 2022 FDA Food Code, at Section 3-401.15 (A), requires commercially packaged food that bears a manufacturer's cooking instruction to be cooked according to those instructions before use in READY-TO-EAT FOODS or offered in unpackaged form for human consumption, unless the manufacturer's instructions specify that the food may be consumed without cooking.

In addition, the FDA cites in Section 401.15 (B) of its 2022 Food Code that food must be cooked according to a time and temperature appropriate for the food, when used in ready-to-eat foods, unless the manufacturer's instructions specify that the food may be consumed without cooking .

Although eating establishments in Maine are governed by the current 2013 Maine Food Code, it is recommended to avoid serving any thawed vegetables from a frozen condition for immediate consumption, due to the potential risk of foodborne illness from pathogens like *Listeria monocytogenes* and *Salmonella*. If the Department finds this practice at your establishment during an inspection or investigation, the inspector will provide education and depending upon investigation findings of a foodborne illness, you may be subject to an Imminent Health Hazard. (See 10-144 CMR Ch. 201 (Section 6(F)).

Please contact your district health inspector or our offices at 207-287-5671, should you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Lisa M. Silva".

Lisa M. Silva, Program Manager  
Maine CDC Health Inspection Program  
Division of Environmental and Community Health  
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