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**POINTS OF INTEREST**

- Home Based Vendors may just sell certain products.
- Sales can happen at farmers markets or a roadside stand only.
- IC 16-42-5-29 is the updated rule that covers HBVs.
- ISDH has provided specific guidance to local health departments.

## HBVs and Farmers Markets

Attendees at the last Food Protection Committee meeting listened closely as Lisa Harrison, Training Specialist with the Food Protection Program at ISDH, explained the recent changes and interpretations to the Home Based Vendor law.

Lisa began by explaining that whether a business is defined as a retail food establishment (RFE) determines what laws apply.

“Laws also state what a food establishment is not,” she said. Even though food is served, a private gathering, bed and breakfast facility, and a home based vendor (HBV) are examples that

are not food establishments. They are exempt from the retail food rule.

Section 29 was added to IC 16-42-5 to spell out what a HBV is, and what it can and can't do. A recent change allows an HBV to sell poultry, eggs, and rabbits with some restrictions. Specific questions about the sale of poultry can be directed to the Board of Animal Health. Egg questions are directed to the State Egg Board.

Lisa pointed out that those falling under Section 29 may not be permitted by local health departments, and probably not be inspected. But it is OK for inspectors to ask questions to deter-



mine what products are being sold and to offer food safety advice. A HBV may only sell at farmers markets or at a roadside stand. Local inspectors will determine if a roadside stand is in compliance.

Lisa reminded the group that if a vendor

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## What is a “farmers market”?

The Food Protection Program at ISDH has provided this definition of “farmers market”.

It's “a common facility where two or more farmers or growers gather on a regular basis to

sell a variety of fruits, vegetables and other farm products directly to consumers.” It is not an individual food establishment that buys and sells local produce.

Not selling to the end consumer makes the

business wholesale and different rules apply.

It isn't one farmer and it isn't someone claiming to be a farmer. For terms not defined, Webster's Dictionary provides an acceptable definition.

# Raw milk from vending machines?

You can either bring your own bottle or use one of theirs, but raw milk can be purchased from vending machines in a number of European countries. A recent report, shared from *Food Safety News*, indicates that the market may be growing across Europe for raw milk vending sales.

Although regulations differ across European countries, the report found that countries including France, Germany, Denmark, Italy, the Netherlands, Czech Republic, Austria, Slovakia, Lithuania, Ireland and the U.K. do allow raw milk sales from farms to consumers. Milk

may be from cows, goats, sheep, and buffalo. The major countries that have adopted raw milk vending machines include Italy, France, Romania, Germany, the U.K., Slovakia, Slovenia and Czech Republic, reports *Food Safety News*.

Although some countries restrict raw milk sales due to illnesses associated with it, the trend seems to be growing to allow raw milk to be sold. As here, those who promote raw milk cite nutritional benefits as a

reason.

Raw milk is used to make traditional cheese, buttermilk, yogurt and chocolate, all popular with advocates.

Meanwhile, raw milk vending machines are not likely here anytime soon.



# HBVs and Farmers markets (continued)

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doesn't qualify as a HBV, it may be a RFE and the existing food code would apply. "A vendor can decide," she added. "Inspectors don't automatically have to say no." But a vendor must decide. He or she can't be both a HBV and a RFE.

Chicken eggs are allowed to be sold by a HBV, but not other types of eggs, like duck, quail, or

turkey. A limited number of chickens may be sold, but there's no limit on rabbits.

What about offering "samples"? That's OK as long as only one item is offered. Combining two or more ingredients becomes food

preparation, and a HBV can't do that.

**"A vendor can decide whether to be an HBV or RFE, but he or she can't be both at the same time."**

Items sold by a HBV must be labeled with certain information, including that food is uninspected. More detailed information is in the presentation

that was sent to all on the FPC email list.

# What you should know about...

## THAWING TCS FOODS

"Time/temperature control for safety" food (TCS) may only be thawed in one of a few acceptable ways. The method used may depend upon the food involved, or the time frame for preparation. Check out these criteria in the current food code, Section 199 (Section 200

in the revision.)

Inspectors should note that this is not a partial list. (Some code sections may include "such as" listings, implying that more, unspecified choices might be acceptable.)

The code section 199 on thawing TCS foods includes all

the methods acceptable. So if it's not here, food employees shouldn't be doing it. Most inspectors know that thawing any TCS food "countertop over night" is never acceptable and is a clear violation of this section. TCS food should not be allowed to thaw in a way that allows it

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## What's bugging you (you want flies with that?)

Probably the thought of eating flies doesn't make your mouth water, but animals consider it desirable food. It takes nearly 25 pounds of grains for each pound of beef raised (lessor amounts for pork or chicken), all of which require water, fertilizer usage, and pest control. This takes its toll on the planet.

But what if there was another choice? Insects could replace grain as a main food source. The black soldier fly is said to be a good choice as it reproduces rapidly, devours waste food, and is not known to be a vector of disease.

While there is no doubt feeding insects instead of grain will work, it's not quite as sim-



**Black soldier fly grubs**



**Adult black soldier fly (pictures courtesy <http://blacksoldierflyblog.com>)**

ple as producers just making the change. There are regulatory hurdles. The public-private review body run by the Association of American Feed Control Officials has to approve such unusual foods for animals.

This may also need FDA approval as anything added to animal feed needs to be GRAS - Generally Recognized as Safe.

**“Black soldier flies consume food waste and manure, leaving practically nothing.”**

Are black soldier flies invasive? Invasive has been defined as non-native species invading and disrupting native species. Black soldier flies are thought to

have come from the southeastern United States. Does this make them invasive in other parts of the country? There is no one answer on this.

Black soldier flies do spend more time in the larvae stage and their voracious appetites allow them to consume large quantities of waste, all while in the larvae stage. They will consume anything from food waste to manure.

NPR.org has reported that Americans only consume about half of a cow or hog. The rest

goes to rendering plants that produce products like “processed animal protein.” But larvae will eat this too, using far less energy to do so, and leave practically nothing.

Larvae are heat treated, then ground into high protein food to be added to animal feed.

*(some info from [blacksoldierflyblog.com](http://blacksoldierflyblog.com))*

## What you should know (continued)

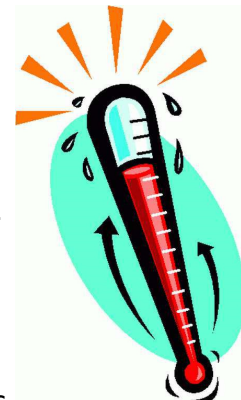
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to exceed 41° F. Remember that TCS food is being thawed (not held), so time as a control does not apply unless the “submerged under running water” method is employed. Since time can be an issue, inspectors spotting running water being used to thaw a TCS food should

see a food employee close by. If no employee is paying attention to this, then this may be viewed as a violation for lack of control.

Note that with TCS food prepared for immediate service, any method is OK. And frozen, reduced oxygen fish that is labeled to be kept frozen, must be removed from its packaging

prior to, or immediately after completing thawing under submerged, running water. Inspectors should ask questions about procedures used.





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## FOOD PROTECTION COMMITTEE

[www.iehaind.org](http://www.iehaind.org)



### IEHA MISSION:

*To promote, preserve and protect environmental public health in the State of Indiana, and to encourage a spirit of cooperation among all environmental health stakeholders while serving its members in the regulatory, industry and academic communities.*

The **Food Protection Committee (FPC)** is one of four standing subcommittees of the **Indiana Environmental Health Association**. The committee meets approximately four times per year with dates and locations chosen by the members. Its focus is to discuss food safety related issues of interest to its members. While all IEHA members and guests may attend meetings, only voting members, as specified in the IEHA Constitution and Bylaws, may vote. Meeting information is disseminated by email. To be added to the email list, contact one of the co-chairs, or your IEHA chapter representative.

**FPC Co-chairs:** Jennifer Asbury, Lisa Chandler

**FPC Newsletter Editor:** Ed Norris

## Another multistate recall for E. coli

Another recall is underway that is reminiscent of the Peanut Corporation of America (PCA) debacle that affected hundreds of products. That was due to the fact that the peanut paste produced was an ingredient in many other products.

Now, a multistate E. coli O157:H7 outbreak connected to I.M. Healthy brand soy nut butter has government officials searching for answers as 23 people from nine states have become ill. The outbreak shows no signs of abating.

Officials at the Centers for Disease Control and Prevention (CDC) say that 20 of the 23 sickened individuals are younger than 18 years of age. Some of those sick have been hospitalized. No deaths have been reported but some patients have developed hemolytic uremic syndrome or kidney failure.

Epidemiologic and laboratory evidence indicate that I.M. Healthy brand SoyNut Butter is the likely source of the current outbreak. Samples were collected from the homes of sick people and from retail locations, according to the CDC.

The SoyNut Butter Co. has recalled all varieties of its products including some selling under other brand names - Dixie Diner's Club brand Carb Not Beanit Butter. CDC says consumers should not eat any of these products regardless of the date on the products. Even if no one got sick, officials say throw the products away. I.M. Healthy granola products should also be discarded.



Even though CDC and FDA have named SoyNut Butter company, the actual manufacturer of the soy paste has not been identified. *Food Safety News* reports that several lawsuits have been filed by victims or their parents and have named Kentucky-based Dixie Dew Products as manufacturer.

The investigation continues as the FDA looks into the source of the E. coli. No Indiana cases have been reported.

### FPC MEETING DATES

June 29  
August 31  
November 30

**IDEM Conference room**  
2525 N. Shadeland Ave, Indianapolis  
10:00 to Noon