

CHAPTER 37. FROZEN FOODS

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Authority

The provisions of this Chapter 37 issued under act of May 13, 1909 (P. L. 520, No. 292) (31 P. S. §§ 1—9); and sections 1705 and 1706 of The Administrative Code of 1929 (71 P. S. §§ 445 and 446), unless otherwise noted.

Source

The provisions of this Chapter 37 adopted June 10, 1964, unless otherwise noted.

Subchapter A. PRELIMINARY PROVISIONS

- Sec. 37.1. Definitions.
- 37.2. Air temperature.
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§ 37.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Accessible—Easily exposed for cleaning and inspection with the use of simple tools, such as those normally used by maintenance personnel.

Air temperature—The equilibrated temperature of the air environment in question.

Break-up room—Any area, or space within a warehouse, used primarily for the purpose of organizing cased frozen food into lots for individual consignment on route delivery.

Carrier—Any person, firm, or corporation, operating or offering to operate, a vehicle for the purpose of transporting frozen food.

Department—The Department of Agriculture of the Commonwealth.

Display case—Any case, cabinet or other facility used for displaying frozen food for sale.

Food product zone—Those surfaces with which food is normally in contact and those surfaces with which food may come in contact during processing, conveying, holding, refrigeration and packing, and which may drain onto product contact surfaces or into the product.

Freezing cycle—Lowering the internal product temperature of a food product to a temperature of 0°F or lower.

Frozen food—Any article used for food or drink by man or other animal which is all of the following:

- (1) Processed.
- (2) Packaged and preserved by freezing in accordance with good commercial practices.
- (3) Intended for sale in the frozen state.

Internal product temperature—The equilibrated product temperature of frozen food.

Operator—Any person, firm or corporation operating or maintaining a frozen food plant or warehouse for the purpose of commercially preparing or storing frozen food.

Readily (or easily) accessible—Easily exposed without the use of tools, for cleaning and inspection.

Readily removable—When a component part shall be capable of being separated from the principal part without the use of tools.

Ready to eat frozen food—A frozen food product which has been factory processed to the point at which it is ready for use as a food and may or may not require further heating before use.

Removable—When a component part shall be capable of being separated from the principal part with the use of simple tools, such as those normally used by maintenance personnel.

Retail outlet—Any building, room, or parts thereof, where the sale of frozen food is conducted to the ultimate consuming purchaser.

Route delivery—The transportation of frozen food, with frequent stops for partial unloading.

Sale—Any and every transaction including the dispensing, giving, delivering, serving, exposing, storing or any other possessing of frozen food wherein frozen food is subject to transfer to another person.

Secretary—The Secretary of Agriculture of the Department.

Storage room or facility—Any area or space within a warehouse used for the purpose of storing frozen food.

Transportation—The physical movement, or the acceptance for physical movement, of frozen food by a carrier.

Vehicle—Any van, truck, trailer, automobile, wagon, ship, barge, freight car, airplane or other means for transporting frozen food.

Warehouse—Any structure, room or part thereof, used for the purpose of storing commercially processed or manufactured frozen food.

§ 37.2. Air temperature.

All frozen food shall be held at an air temperature of 0°F or lower, except for defrost cycles, loading and unloading or for other temporary conditions beyond the immediate control of the person under whose care or supervision the frozen food is held. Only those frozen foods destined for further processing or repackaging in smaller units shall be defrosted for such purposes. All such defrosting shall be in accordance with good sanitary precautions.

Cross References

This section cited in 7 Pa. Code § 37.3 (relating to internal product temperature); 7 Pa. Code § 37.181 (relating to acceptance of shipments); and 7 Pa. Code § 37.211 (relating to acceptance of products).

§ 37.3. Internal product temperature.

(a) The internal product temperature of frozen food shall be maintained at 0°F or lower except when the product is subjected to the conditions provided in § 37.2 (relating to air temperature). When the frozen food is subjected to such conditions the internal product temperature shall not exceed 10°F, except during further processing. In all cases the product shall be returned to 0°F as quickly as possible.

(b) When an accurate determination of internal product temperature of any case of frozen food fails without having sacrificed the packaged frozen food, representative packages or units shall be opened to allow inserting of the sensing element to the approximate center of the packages in question.

(c) Internal product temperature of cases of consumer packages of frozen food shall be determined in the following manner:

(1) Open the top of the case and remove two corner packages.

(2) Punch a hole in the case from the inside. The stem of the thermometer shall not be used for punching. The hole shall be positioned so that when the thermometer stem is inserted from the outside it fits snugly between packages.

(3) The temperature may be read after 5 minutes.

(d) Thermometers or other temperature measuring devices shall have an accuracy of plus or minus 2°F.

Cross References

This section cited in 7 Pa. Code § 37.181 (relating to acceptance of shipments); and 7 Pa. Code § 37.211 (relating to acceptance of products).

§ 37.4. Scope.

This chapter shall not apply to articles subject to the requirements of Chapter 39 (relating to frozen desserts standards).

**Subchapter B. CONSTRUCTION AND LAYOUT OF
FROZEN FOOD PLANTS**

GENERAL REQUIREMENTS

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GENERAL REQUIREMENTS**§ 37.11. Application.**

(a) This subchapter shall be applicable to only those establishments initiating operations subsequent to the first inspection based upon the requirements of this chapter.

(b) —

- (1) Existing plants shall, however, be subject to the provisions of this Chapter when a plant facility is remodeled or rebuilt subsequent to June 10, 1964.
- (2) Existing plants include those plants or plant expansion under design or in the process of construction at the time this chapter becomes effective.
- (3) Only that portion of the facility being remodeled or rebuilt shall be subject to the regulations of this chapter, unless such plant or plant facility constitutes an immediate health hazard.

§ 37.12. Separation from living quarters.

Frozen food preparation plants shall be completely separated from areas used as living quarters by solid, impervious floors, walls and ceilings, with no connecting openings.

§ 37.13. Objectionable conditions.

Food processing plants shall be located in areas reasonably free from objectionable odors, smoke, fly ash and dust or other contamination. Objectionable conditions are often prevalent in the environs of the following facilities, though not limited to such facilities:

- (1) Oil refineries.
- (2) City dumps.
- (3) Chemical plants.
- (4) Sewage treatment plants.

- (5) Dye-works.
- (6) Paper pulp mills.

§ 37.14. Accessways; parking areas.

Adequate, dust-proof accessways for all vehicular traffic, connecting loading and unloading areas of the plant to the public streets, shall be available. Employee parking areas and access roads close by the food processing plant shall be hard surfaced with a binder of tar, cement or asphalt.

§ 37.15. Expansion.

When planning a plant, due consideration shall be given to providing for an arrangement of buildings and necessary space to permit future expansion. Coolers, freezers, and the various processing departments shall be so located that they may be enlarged without adversely affecting other departments.

§ 37.16. Potable water.

The plant shall have an ample supply of potable water available from an approved public or private source as specified in 42 CFR 72.101—72.105.

§ 37.17. Nonpotable water.

- (a) Whenever a nonpotable water supply is necessary it shall not be used in a manner which will bring it into contact with the product or product zone of equipment.
- (b) Nonpotable water systems shall be kept entirely separate from the potable water supply. The nonpotable water lines shall be positively identified by paint of a distinctive color.

§ 37.18. Equipment installation.

Equipment shall be so installed and used that back siphonage of foreign liquids into the potable water lines is impossible.

§ 37.19. Hot and cold water; clean-up.

- (a) Hot and cold water in ample supply shall be provided for all plant cleanup needs.
- (b) Hoses used for cleanup shall be stored on racks or reels when not in use.

§ 37.20. Sewage systems.

- (a) Disposal of liquid wastes shall be through the public sewage system, if available and permitted by local ordinances, or by a properly designed and installed private facility.
- (b) Private liquid waste treatment facilities shall be approved by the health authority having jurisdiction.

PLANT LAYOUT**§ 37.31. Product preparation and processing.**

(a) Product preparation and processing (including freezing) departments shall be of sufficient size to permit the installation of all necessary equipment with ample space for plant operations, and with unobstructed truckways for conveyances of raw materials and processed products.

(b) The plant shall be so arranged that there is a proper production flow of materials, without undue congestion or back-tracking, from the time raw materials are received until the frozen, packaged article is shipped from the plant.

§ 37.32. Preparatory operations areas.

(a) Raw material storage rooms and areas where preparatory operations, such as washing and peeling of fruits and vegetables and the evisceration of poultry, are carried on shall be separate from areas where frozen food is formulated, processed and packaged.

(b) Doors connecting various rooms or openings to the outside shall be tight fitted and kept in a closed position by self-closing devices.

§ 37.33. Refrigeration facilities.

Facilities for holding products under refrigeration until processed shall be provided.

§ 37.34. Quick freezing facilities.

(a) Whenever facilities for quick freezing the processed product are used, they shall be so located as to be convenient to the food processing and packaging departments.

(b) Ample freezer storage shall be provided, located conveniently to the quick freezing facilities. Freezer storage shall not, however, be required if the frozen products are immediately removed from the establishment.

§ 37.35. Waste storage rooms.

(a) Separate rooms for storing inedible materials such as fruit and vegetable peels, and feathers and bones pending removal from the plant, shall be provided in a location convenient to the various preparation and processing areas.

(b) Waste storage rooms shall be of sufficient size to permit the proper storage of filled and empty metal or other relatively nonabsorbent refuse containers and their lids.

(c) Waste storage rooms shall be equipped with efficient power exhaust ventilation systems, hot and cold water outlets, and adequate floor drainage. The discharge from the exhaust system shall be located well away from fresh air inlets into the plant.

§ 37.36. Storage of packaging and labeling materials.

Packaging and labeling materials shall be stored in an area separate from but convenient to the packaging department, except that small quantities of such supplies which are necessary for maintaining continuity of operations may be stored in the processing and packaging departments.

§ 37.37. Facilities for inedible products.

Facilities for inedible products and catch basins, shall be located so as to avoid objectionable conditions affecting the preparation and handling of edible products.

§ 37.38. Cleaning room.

A separate room or area and the proper facilities for cleaning equipment such as trays, hand trucks and implements, shall be provided in a location convenient to the processing department. A power exhaust system shall be provided to dispel steam and vapors from the room.

§ 37.39. Dockage areas.

(a) Dockage areas shall be of adequate size, constructed of impervious materials and so drained as to minimize the entrance into the plant of dust, dirt and other contaminants from the receiving and shipping operations.

(b) If live animals are received a separate dock shall be provided for this purpose.

§ 37.40. Dressing rooms; toilet rooms.

(a) —

(1) Well located, properly ventilated dressing rooms and toilet rooms of ample size shall be provided for employees.

(2) Dressing rooms shall be separated from adjoining toilet rooms by tight, full height walls or partitions.

(3) Toilet rooms shall not be entered directly from a work room but through an intervening dressing room or a properly ventilated toilet room vestibule.

(b) Applicable Commonwealth or local codes shall govern such matters as the following:

(1) Ventilation and lighting of toilet and dressing rooms.

(2) Ratio of toilet, handwashing facilities, and urinals to the number of employees using such facilities.

(3) Type of fixtures used.

(4) Manner of installation of plumbing in such rooms.

(c) When a Commonwealth or local plumbing code is not in effect, it is suggested that the National Plumbing Code, American National Standards Institute,

Inc., number ASA a 40.8—1955, published by A.S.M.E., 29 West 39th Street, New York, New York 10018, be used as a guide.

§ 37.41. Eating.

Employees shall not eat in food processing or packaging areas.

PLANT CONSTRUCTION

§ 37.51. Floors.

Floors shall be constructed of durable material which is easily cleaned and skid resistant. Where floors are wet cleaned, they shall be sloped to drain.

§ 37.52. Walls.

(a) Interior walls shall be constructed of smooth, cleanable, surfaces applied to a suitable base.

(b) Dressed lumber shall be used for exposed interior wood-work. Exposed wood surfaces shall be finished with nontoxic oil or plastic paint or treated with hot linseed oil or clear wood sealer.

(c) Coves with radii sufficient to promote sanitation shall be installed at the juncture of floors and walls in all processing rooms.

§ 37.53. Ceilings.

Ceilings shall be of adequate height and of smooth, cleanable material.

§ 37.54. Window ledges.

Window ledges shall be sloped at least 45° to the interior to promote sanitation.

§ 37.55. Rodents; vermin.

(a) Frozen food plants and warehouses shall be so constructed as to be rodent resistant.

(b) Exterior window and door openings shall be equipped with effective insect and rodent screens. Where doors in outside walls of food handling areas are used for loading or unloading, "fly chaser" fans and ducts or other effective means shall be provided at such doors to prevent the entrance of insects.

§ 37.56. Stairs.

Stairs in product handling departments shall be constructed with solid treads and closed risers and shall have side curbs of similar material, which shall be 6 inches high as measured at the front edge of the tread.

§ 37.57. Refrigerator doors.

(a) Refrigerator doors and jambs shall be covered with rust-resisting metal securely affixed to the doors and jambs.

(b) Joints necessary for installation shall be welded, soldered or otherwise effectively sealed.

(c) The juncture of the metal covering on jambs and walls shall be sealed with a flexible sealing compound.

(d) Doorways through which the product is transferred, either on overhead rails or on hand trucks, shall be sufficiently wide to permit free passage of the largest trucks or the widest suspended products without contact with the jambs.

§ 37.58. Variations from requirements.

The requirements for building materials listed in this chapter represent minimum requirements. Variations shall be acceptable provided the substitutions are equal to or exceed minimum requirements.

PLUMBING AND FLOOR DRAINAGE**§ 37.61. Wet processing areas.**

(a) Floors shall be sloped and drains functionally located to provide adequate drainage.

(b) In wet processing areas the type and size of floor drains and sanitary sewage lines used and the method of installing such facilities and other plumbing equipment shall conform to Commonwealth or local regulations.

§ 37.62. Hand washing facilities.

(a) Hand washing facilities shall be located conveniently to all locations where products are prepared and processed.

(b) Lavatories shall be supplied with the following:

- (1) Hot and cold or warm running water.
- (2) Powdered or liquid soap in a suitable dispenser.
- (3) An ample supply of single service towels or electric air dryers.
- (4) A suitable receptacle for used towels.

§ 37.63. Sterilizers.

Where sterilizers are required they shall be large enough to allow complete immersion of tools and other implements. Sterilizing facilities shall have the following:

- (1) A water line.
- (2) A means of heating the water.
- (3) An overflow outlet.
- (4) A means of emptying the receptacle.

LIGHTING; VENTILATION**§ 37.71. Work rooms and dressing rooms.**

(a) Work rooms and employe dressing rooms shall have means for furnishing adequate natural light, which may be accomplished by having windows or skylights of an area approximately 25% that of the floor area.

(b) Ventilation or efficient air conditioning or a mechanical ventilation system shall be provided.

(c) Adequate artificial light shall be provided.

§ 37.72. Fresh air intakes.

(a) Fresh air intakes for mechanical ventilation systems shall be equipped with effective replaceable filters to prevent the entrance of airborne contaminants.

(b) Fresh air intakes shall be located well away from power exhaust system discharges and other sources of airborne contaminants.

§ 37.73. General light intensities.

(a) The general light intensities in product preparation, processing and packaging areas shall be not less than 20 foot-candles as measured 30 inches above the floor.

(b) Where detailed visual tasks are required to assure a safe, wholesome product, the intensity of light on the surfaces of the product or product container shall be not less than 50 foot-candles.

(c) At least ten foot-candles of light shall be provided in all dressing rooms and at least 5 foot-candles in all other areas of the plant.

Subchapter C. DESIGN AND CONSTRUCTION OF FROZEN FOOD PROCESSING EQUIPMENT**GENERAL PROVISIONS**

Sec.	
37.81.	Application.
37.82.	Coverage.
37.83.	Compliance with Federal regulations.
37.84.	Design.
37.85.	Disassembly for cleaning.

EQUIPMENT CLASSIFICATION

37.91.	Group A.
37.92.	Group B.

37.93. Group C.

MATERIALS, DESIGN AND CONSTRUCTION: GROUPS A AND B

- 37.101. Organizations developing standards.
- 37.102. Group A.
- 37.103. Group B.

MATERIALS, DESIGN AND CONSTRUCTION: GROUP C

- 37.111. Materials.
- 37.112. Design and construction in the food product zone.
- 37.113. Design and construction in the nonfood products zone.
- 37.114. Installation of equipment.
- 37.115. Connections.

Cross References

This Subchapter cited in 7 Pa. Code § 83.13(r) (relating to equipment).

GENERAL PROVISIONS

§ 37.81. Application.

The specifications of this subchapter shall apply only to equipment acquired after this June 10, 1964. Processing equipment in existence on June 10, 1964, may be utilized, unless it constitutes an immediate health hazard. In modifying or replacing a piece of machinery or equipment in existence on June 10, 1964, efforts shall be made to conform to the specifications of this chapter.

§ 37.82. Coverage.

These specifications shall apply to the design, materials, construction and installation of equipment used in the processing, holding, and packaging of ready-to-eat frozen food and the processing and holding of gravies, coating batters, and other food ingredients containing eggs, milk, broth and other food components capable of supporting rapid bacterial growth.

§ 37.83. Compliance with Federal regulations.

Certain articles or materials may be subject to the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 et seq.), and clearance for their use may require compliance with that act. Nothing in this Chapter shall prohibit the use of a food additive under, and in accordance with, the terms of an effective regulation under the Federal Food, Drug, and Cosmetic Act. (See 21 CFR 121.1 et seq.).

§ 37.84. Design.

Design, materials, construction and installation of frozen food equipment shall be easily accessible for cleaning and sanitizing.

§ 37.85. Disassembly for cleaning.

In order to encourage the cleaning of equipment, the time factor and the ease of disassembly are important considerations. The unit of equipment shall contain the fewest number of parts to permit easy reassembly by unskilled labor following cleaning.

EQUIPMENT CLASSIFICATION**§ 37.91. Group A.**

Equipment in Group A shall be used for the processing, conveying, holding, refrigeration and packaging of gravies, coating batters or other food ingredients containing eggs, milk or broth, alone or in combination with other food ingredients, which are capable of supporting rapid bacterial growth. This group includes, but is not limited to, the following:

- (1) Pumps.
- (2) Valves.
- (3) Pipelines and fittings.
- (4) Heat exchanges.
- (5) Homogenizers.
- (6) Containers.
- (7) Hoppers.
- (8) Fillers.

§ 37.92. Group B.

Equipment in Group B shall be used in the processing, holding and conveying of foods or food ingredients which are intended to be incorporated in ready-to-eat frozen food. This group includes, but is not limited to, the following:

- (1) Reservoirs.
- (2) Holding tanks.
- (3) Kettles.
- (4) Mixers for liquids.
- (5) Mixers and blenders for powders.
- (6) Dough mixers.
- (7) Flour handling equipment.
- (8) Fryers.
- (9) Cutters.
- (10) Dicers.
- (11) Slicers.

- (12) Cutting boards.
- (13) Pumps.
- (14) Valves.
- (15) Tanks.
- (16) Lines and fittings for liquid sugar.
- (17) Lines and fittings for oil and shortening.

§ 37.93. Group C.

Equipment in Group C shall be used in the manufacture of ready-to-eat frozen food, but applicable standards are not available.

MATERIALS, DESIGN AND CONSTRUCTION: GROUPS A AND B

§ 37.101. Organizations developing standards.

Specifications and published standards for food equipment have been developed by official agencies and voluntary organizations other than those specifically mentioned in this chapter. These standards may be worthy of consideration in the evaluation of certain equipment items. The development organization and the area in which standards are published are the following:

- (1) National Sanitation Foundation—Food preparation and service equipment.
- (2) United States Department of Agriculture, Meat Inspection Division—Meat processing equipment.
- (3) United States Department of Agriculture, Poultry Inspection Division—Poultry processing equipment.
- (4) United States Department of Commerce, National Marine Fisheries Service—Fishery products handling and processing equipment.

§ 37.102. Group A.

Effort shall be made to have equipment in Group A conform to 3A Sanitary Standards, which are promulgated jointly by the Committee on Sanitary Procedures, International Association of Milk, Food and Environmental Sanitarians, Inc., Blue Ridge Road, P. O. Box 437, Shelbyville, Indiana 46176; the United States Public Health Service, Milk and Food Branch, Health, Education and Welfare, Washington, D.C. 20201; and the Sanitary Standards Subcommittee, Dairy Industry Committee. Standards are as follows:

- (1) *Pumps*. “3A Sanitary Standards for Pumps for Milk and Milk Products,” including both centrifugal and rotary pumps, as amended April 30, 1952.
- (2) *Valves*. “3A Sanitary Standards for Inlet and Outlet Leak Protector Plug Valves for Batch Pasteurizers,” dated October 8, 1952.
- (3) *Milk and milk products equipment*. “3A Sanitary Standards for Fittings and Connections Used on Milk and Milk Products Equipment,” dated March 1950; “Supplement No. 1 to the 3A Sanitary Standards for Thermometer Fit-

tings and Connections Used on Milk and Milk Products Equipment,” dated August 1954; “Supplement No. 2 to the 3A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products,” dated June 1952; “Supplement No. 3 to the 3A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products,” dated April 26, 1955; “Supplement No. 4 to the 3A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products,” dated April 26, 1955; “Supplement No. 5 to the 3A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products,” dated April 26, 1955; and “Supplement No. 6 to the 3A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products,” dated April 26, 1955.

(4) *Heat exchangers.* “3A Sanitary Standards of Plate Type Heat Exchangers for Milk and Milk Products,” dated September 1951, or “3A Sanitary Standards for Internal Return Tubular Heat Exchangers for Use with Milk and Milk Products,” dated April 29, 1952.

(5) *Pasteurizers.* “3A Accepted Practices for the Sanitary Construction, Installation, Testing, and Operation of High-Temperature, Short-Time Pasteurizers,” published June 1958.

§ 37.103. Group B.

Effort shall be made to have equipment in this group conform to B.I.S.S.C. standards, which are promulgated by the Baking Industry Sanitation Standards Committee, 521 Fifth Avenue, New York, New York 10017. Standards are as follows:

(1) *Mixers or blenders for powders.* B.I.S.S.C. Standards are not yet completed.

(2) *Horizontal and vertical dough mixers.* B.I.S.S.C. “Sanitary Standard No. 6, for Horizontal Mixers and Vertical Mixers,” effective date November 1, 1954.

(3) *Flour handling equipment.* B.I.S.S.C. “Sanitation Standard for Flour Handling Equipment,” effective date December 1, 1952.

(4) *Liquid sugar handling equipment.* B.I.S.S.C. Standards are not yet completed.

(5) *Liquid oil and shortening handling equipment.* B.I.S.S.C. Standards are not yet completed.

(6) *Fryers.* B.I.S.S.C. “Sanitation Standard No. 16, for Doughnut Equipment,” effective date October 1, 1959.

(7) *Depositors, fillers.* B.I.S.S.C. “Sanitation Standard No. 5, for Cake Depositors, Fillers and Icing Machines,” effective date March 1, 1954.

(8) *Conveyors*. B.I.S.S.C. "Sanitation Standard No. 7, for Conveyors," effective date November 1, 1954.

(9) *Homogenizers, emulsifiers*. B.I.S.S.C. "Sanitation Standard No. 18, for Emulsifiers and Homogenizers," effective date February 1, 1961.

MATERIALS, DESIGN AND CONSTRUCTION: GROUP C

§ 37.111. Materials.

- (a) —
- (1) Surfaces within the food product zone shall be smooth, free from pits, crevices and loose scale, and shall be relatively nonabsorbent. Furthermore, surfaces shall be nontoxic and unaffected by food products and cleaning compounds.
- (2) Sponge rubber, stone slab, linoleum, flannel and unglazed ceramic material are basically objectionable and shall not be used.
- (3) Wood and cloth, if used, shall be indicated under specific application.
- (b) The finish of corrosion-resistant surfaces such as stainless steel or nickel alloy shall be of 125 grit, and properly applied.
- (c) Finishes of cast iron, cast and forged steel, and cast nickel alloy shall not exceed a surface roughness of American Standard #125 or its equivalent.
- (d) The use of galvanized surfaces shall be minimal and where used shall be of the smoothness of high quality commercial hot dip.
- (e) Copper and its alloys shall not be used in equipment where edible oils, liquid shortening, chocolate liquor and other fatty food products come in contact with the metal.
- (f) Cadmium shall not be used in any manner or form on the food equipment.
- (g) Lead shall not be used within or adjacent to the food product zone, with the exception of its inclusion in dairy solder, in an amount not to exceed 5.0%.
- (h) Plastics shall be in conformity with regulations for the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 et seq.) as published in the *Code of Federal Regulations*. (See 21 CFR 1.1 et seq.)
- (i) Gasketing and packing materials shall be relatively non-porous, relatively non-absorbent, and installed in a manner that results in a true fit to prevent protruding into the product zone of the creation of recesses or ledges between the gasketed joints.
- (j) Coatings used in the food product zone as a lining to prevent corrosion of the base material of food equipment shall be in conformity with regulations for the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 et seq.) as published in the *Code of Federal Regulations*. (See 21 CFR 1.1 et seq.)

§ 37.112. Design and construction in the food product zone.

- (a) All parts of the product zone shall be readily accessible or shall be readily removable for cleaning and inspection.

(b) All parts of the food product zone shall be free of recesses, dead ends, open seams and gaps, crevices, protruding ledges, inside threads, inside shoulders and bolts or rivets which form pockets and patterns.

(c) Permanent joints of metal parts shall be butt welded. Dissimilar metals shall not be used in equipment construction if their contact with liquid products might create deleterious chemical or electrolytic action.

(d) Welding within the food product zone shall be continuous, smooth, even and flush with the adjacent surfaces.

(e) Interior corners shall be provided with a minimum radius of one quarter inch except where a greater radius is required to facilitate drainage or cleaning.

(f) Equipment shall be constructed and installed to provide sufficient pitch so as to be completely self-draining.

(g) Equipment which introduces air into the food product or uses air to convey the food product shall be fitted with filters capable of withholding particles 50 microns or larger in size. Such filters shall be readily removable for cartridge replacement or cleaning.

(h) Bearings shall be located outside the food product zone or outboard, and shall be of the sealed or self-lubricated type. Those intended for use with a dry granular or a dry pulverized product directly adjacent to the food product zone shall be of the sealed type without grease fittings. The bearings shall be installed flush to eliminate any recessed areas around the shaft within the food product zone.

(i) Shaft seal assemblies and packing glands shall be outboard and shall be readily removable. The shaft seal or packing shall be retractable within a space between the assembly and bearing to facilitate easy removal of the sealing assembly and materials for cleaning and inspection.

(j) —

(1) All permanent screening and straining devices shall be readily removable for cleaning and inspection. They shall be designed to prevent replacement in an improper position.

(2) Permanent screening and straining surfaces intended for use with a liquid or a semi-liquid product shall be fabricated from perforated metal.

(3) Permanent screening and straining surfaces for use with a dry granular or a dry pulverized product shall be designed with sufficient strength for its intended use, and be sized to efficiently remove foreign material.

(k) —

(1) Filtering surfaces shall be readily removable for cleaning and inspection.

(2) Filter papers shall be of the single-service type.

(3) Filter cloths and spun glass filters shall be launderable.

(l) Hinges and latches shall be of the simple take-apart type.

(m) Motors shall be of the totally enclosed finless type and shall be mounted on the equipment whenever possible.

(n) Covers shall be provided on reservoirs, hoppers or other vessels and shall be readily removable and fitted with drip protective devices or facilities to prevent foreign substances from falling into the product.

§ 37.113. Design and construction in the nonfood products zone.

- (a) Safety and gear guards shall be removable for cleaning and inspection.
- (b) External surfaces shall be free of open seams, gaps, crevices, unused holes and inaccessible recesses.
- (c) Horizontal ledges and frame members shall be kept to a minimum. External angles shall be rounded and internal angles shall be avoided.
- (d) Where lubrication of equipment is required provision shall be made to prevent leaking or dripping into the food product zone.

§ 37.114. Installation of equipment.

- (a) Equipment shall be installed on a foundation of durable, easily cleaned material.
- (b) Equipment shall be placed at adequate distance from walls, ceilings and floors for cleaning and maintenance, or sealed watertight thereto. The preferred minimum space between walls or ceilings shall be 30 inches.
- (c) Whenever equipment passes through walls or floors it shall be sealed to that partition, or sufficient clearance shall be allowed to permit inspection, cleaning and maintenance.
- (d) Wherever there is spill or drip, drains and catch pans shall be provided and shall be of such dimensions to collect all spill and drip. They shall be easily accessible or easily removable for cleaning.
- (e) Where pipes pass through ceilings of processing areas pipe sleeves shall be inserted in the floor above so that their upper periphery is at least two inches above the floor.

§ 37.115. Connections.

All electrical connections, such as switch boxes, control boxes, conduits and box cables, shall be installed a minimum of 3/4 inch away from the equipment or walls or be completely sealed to the equipment or walls.

**Subchapter D. OPERATING PRACTICES FOR THE COMMERCIAL
MANUFACTURE OF FOOD**

- Sec.
- 37.121. Handling and storage of materials.
 - 37.122. Personnel hygiene.
 - 37.123. Plant and equipment sanitation.
 - 37.124. Preparation and processing.
 - 37.125. In-plant freezing.

§ 37.121. Handling and storage of materials.

- (a) Requirements for food shall be as follows:
 - (1) All food ingredients received at the plant shall be wholesome.
 - (2) Storage conditions shall protect against contamination from rodents, insects and other sources.
 - (3) Storage temperature shall be in accordance with the following practices:
 - (i) Ingredients requiring refrigeration shall be stored at an air temperature of 40°F or lower. Only areas where the temperature does not exceed 40°F shall be considered refrigerated.
 - (ii) Frozen ingredients not in process shall be stored at an air temperature of 0°F or lower.
- (b) Storage of packaging materials shall be separate and set apart from food preparation and processing operations under conditions which shall protect against contamination from rodents, insects and other sources.
- (c) General housekeeping shall be conducted so that the plant and premises present a neat and orderly appearance at all times.

§ 37.122. Personnel hygiene.

- (a) The services of an employe with any open sore on an exposed portion of the body or one afflicted with an infectious or contagious disease shall not be used except that services of employes with finger cuts or with bandages, finger cuts and similar type coverings may be utilized on the condition that the employe wears rubber gloves.
- (b) —
 - (1) Any employe with an upper respiratory infection shall be assigned duties outside of the areas of food preparation, processing and packaging.
 - (2) Visitors to food preparation, processing and packaging areas shall comply with employe requirements.
- (c) Practices for employes handling unpackaged food shall be as follows:
 - (1) Employes shall wear head covering and shall keep clothing in a clean condition consistent with the duty being performed.
 - (2) Before beginning work, after each absence from post of duty and after contact with nonsanitized surfaces, each employe shall:
 - (i) Wash his hands with liquid or powdered soap and warm water dispensed from a foot or elbow operated device (Existing faucet facilities need be changed to a foot or elbow operated device; only when a new hand washing facility is installed.).
 - (ii) Rinse his hands in a chlorinated spray or other approved sanitizing agent, unless a bacteriostatic soap is used in washing.
 - (iii) Dry his hands with single service towels or with electric hot air dryers.

- (d) Hand contact with food products shall be minimized.
- (e) Use of a common dip bowl or tank is prohibited.
- (f) Whenever rubber gloves are used they shall be cleaned and sanitized in accordance with the hand washing specifications in subsection (c).
- (g) Use of tobacco in any form, chewing gum or eating in rooms where food products are stored, handled or prepared shall not be permitted.

§ 37.123. Plant and equipment sanitation.

- (a) Plant and equipment shall be clean when put into service.
- (b) All floors, tables, splash boards, work surfaces, equipment and utensils shall be maintained in a clean and sanitary condition at all times. Critical areas and all food contact surfaces shall be cleaned and sanitized whenever necessary or at scheduled intervals.
- (c) Equipment such as pipes, pumps, fillers and valves shall be dismantled for cleaning and sanitizing, unless in-place cleaning and sanitizing methods are effective. Suggested criteria for acceptance of clean-in-place (C.I.P.) systems areas are as follows:
 - (1) The arrangement shall allow cleaning and bactericidal solutions to be circulated through the system.
 - (2) Solutions shall touch all surfaces.
 - (3) The system shall be self-draining or otherwise completely evacuable.
 - (4) The cleaning procedure shall result in thorough cleaning of the equipment.
- (d) A thorough rinse with potable water shall follow any sanitizing operation that has been completed with a chemical sanitizing agent.

§ 37.124. Preparation and processing.

- (a) Fans, blowers or air cooling systems shall not move unfiltered air from raw material or preparation rooms into processing rooms.
- (b) Only adequately cleaned, prepared raw materials shall be introduced into areas where frozen precooked foods are cooked and subsequently handled in processing operations.
- (c) Preparatory operations feeding to the packing line shall be so timed to permit efficient handling of consecutive packages in production, and under conditions designed to prevent contamination, loss of quality or spoilage.
- (d) When batter, egg wash or milk wash is an ingredient, it shall be maintained at a product temperature not to exceed 45°F, except when the process temperatures required for manufacturing the product are higher. Cracked or flaked ice used to refrigerate batters shall meet bacterial standards for potable water. Batter remaining in machines and equipment at cleanup time shall be discarded.
- (e) Breeding materials that have come in contact with batter and have been removed by screening shall be discarded.

(f) Food ingredients or mixtures that are capable of supporting rapid bacterial growth shall be maintained either at a product temperature above 160°F or below 45°F, except when processing temperatures falling in this range are an integral part of the product manufactured, such as, yeast.

(g) Cooked food such as meat, poultry, sauces and gravies shall be all of the following:

(1) Refrigerated or incorporated into the finished product within 1 hour following preparation.

(2) Refrigerated within 30 minutes following preparation at an air temperature of 50°F or less if the product is to be held from 1 to 8 hours after preparation.

(3) Refrigerated within 30 minutes following preparation such that the internal temperature of the food product will be 40°F or lower, within 2 hours of refrigeration if the food product has been comminuted, sliced or is a liquid, and if the food is to be held more than eight hours. Large solid food components such as those that must be cooled before slicing shall be refrigerated at an air temperature of 40°F or lower.

(h) Trays, pans or other containers of ingredients destined for incorporation into the finished product shall be protected with a clean cover unless these ingredients are used within 30 minutes of preparation. The cover shall not be made from porous material.

(i) Permanently legible code marks shall be placed on each immediate container or package at time of packing. The code marks, as devised by management, shall include date of packing and establishment where packed.

(j) Packaged products shall be placed in the freezer according to good commercial practice. Placement of packages in cases before freezing is prohibited unless the wholesome quality of the product is fully protected by prior processing.

(k) —

(1) Refuse from the food operations shall be promptly placed in containers that are prominently marked "REFUSE" and equipped with lids.

(2) The handling of refuse shall be done in such a manner as not to cause a nuisance.

(3) All refuse shall be removed from the premises on a daily basis and in such a manner as not to contaminate food products being manufactured within the plant.

(4) Refuse containers shall be thoroughly cleaned immediately after each emptying.

§ 37.125. In-plant freezing.

(a) During the freezing cycle products shall be cooled to 50°F or lower within 2 hours.

(b) Products shall then be reduced to 0°F. by approved commercial practice.

(c) When necessary products shall be protected so that dehydration and discoloration will not occur during the freezing cycle.

(d) The freezer shall be precooled to an air temperature of 0°F before loading. During loading, however, the freezer may rise to temperatures above 0°F for short periods of time.

(e) If cold air is used as the freezing medium the product shall be arranged by staggering the individual items or by employing dunnage, spacers or other suitable methods to permit satisfactory circulation of cold air around the products. The cold air shall be circulated by a positive method; natural air circulation shall not be satisfactory.

(f) The freezer and associated equipment used for handling the product shall be maintained in a clean and sanitary condition at all times.

(g) A suitable indicating or recording instrument shall be used to measure the temperature of the cooling medium, that is, air, liquid, refrigerated plates or pipe coils.

(h) Packaged items shall be frozen in a manner that will result in a minimum amount of bulging or distortion.

(i) After the freezing cycle the frozen product shall be transferred to a storage facility as quickly as possible.

Subchapter E. TRANSPORTATION

EQUIPMENT

Sec.

- 37.131. Insulation and refrigeration.
- 37.132. Sensory devices.
- 37.133. General requirement for route delivery vehicles.

HANDLING PRACTICES FOR OVER-THE-ROAD TRANSPORTATION

- 37.141. Precooling.
- 37.142. Minimum temperature requirements.
- 37.143. Loading.
- 37.144. Operation of refrigeration unit.
- 37.145. Temperature determination.

HANDLING PRACTICES FOR ROUTE DELIVERY

- 37.151. General requirement.
- 37.152. Refrigeration.

- 37.153. Precooling.
- 37.154. Doors.

SANITARY PROVISIONS

- 37.161. Interior surfaces.
- 37.162. Packaging.

EQUIPMENT

§ 37.131. Insulation and refrigeration.

Vehicles used for transportation shall be equipped with insulation and mechanical refrigeration systems, or other refrigeration methods or facilities capable of maintaining an air and product temperature of 0°F, or lower, while loaded with frozen food.

§ 37.132. Sensory devices.

Vehicles used for transportation shall be equipped with a thermometer or other appropriate means of temperature measurement, indicating air temperature inside the vehicle. The dial or reading element of the thermometer shall be mounted on the outside of the vehicle.

§ 37.133. General requirement for route delivery vehicles.

Vehicles used for route delivery shall comply with all equipment provisions specified in this chapter for vehicles used for transportation, and shall in addition be equipped with curtains or flaps in the doorway area, or with port doors, or with portable insulated chests to maintain required temperature during distribution.

HANDLING PRACTICES FOR OVER-THE-ROAD TRANSPORTATION

§ 37.141. Precooling.

Vehicles shall be precooled to an air temperature of 20°F or lower before loading.

Cross References

This section cited in 7 Pa. Code § 37.151 (relating to general requirement).

§ 37.142. Minimum temperature requirements.

Frozen food shipments shall not be accepted for transportation when the internal product temperature exceeds 0°F, except that shipments in transit at a higher temperature shall not be considered in violation of this section if the bill of lading, signed by the shipper, specifies that the product is consigned to a warehouse

or other facility for further freezing, or if the product is to be sold as fresh and is to be defrosted when offered for use or for sale.

Cross References

This section cited in 7 Pa. Code § 37.151 (relating to general requirement); and 7 Pa. Code § 37.216 (relating to preordered frozen foods).

§ 37.143. Loading.

Frozen food shall be loaded in a transportation vehicle so as to provide free circulation of refrigerated air at the front, rear, top, bottom and both sides of the load, except for vehicles of envelope construction in which refrigerated air circulates within the walls of the vehicles.

Cross References

This section cited in 7 Pa Code § 37.151 (relating to general requirement).

§ 37.144. Operation of refrigeration unit.

The mechanical refrigerating unit of vehicles shall be turned on and doors of vehicles shall be kept closed or curtained during any time interval when loading or unloading operations cease.

Cross References

This section cited in 7 Pa. Code § 37.151 (relating to general requirement).

§ 37.145. Temperature determination.

The average product temperature of any shipment of frozen food shall be determined during loading and unloading by adequate temperature readings.

Cross References

This section cited in 7 Pa. Code § 37.151 (relating to general requirement).

HANDLING PRACTICES FOR ROUTE DELIVERY

§ 37.151. General requirement.

Sections 37.141—37.145 (relating to handling practices for over-the-road transportation) apply to handling in route delivery.

§ 37.152. Refrigeration.

Lots for individual consignment which are to be sold in a frozen state shall be refrigerated by means of mechanical refrigeration, dry ice, or by any other means capable of maintaining an air and product temperature of 0°F or lower.

§ 37.153. Precooling.

Insulated containers shall be precooled to a temperature of 20°F or lower before being loaded with frozen food.

§ 37.154. Doors.

Doors of vehicles shall be kept closed during any time interval that loading or unloading operations cease.

SANITARY PROVISIONS**§ 37.161. Interior surfaces.**

Interior surfaces of vehicles and devices used for transporting frozen food shall be clean and free of objectionable odors before being loaded with frozen food.

§ 37.162. Packaging.

Frozen food shall be securely packaged or wrapped in a sanitary manner before it is accepted for transportation.

Subchapter F. WAREHOUSING**EQUIPMENT**

- Sec.
37.171. Refrigeration capacity; minimum temperature.
37.172. Thermometers.
37.173. Break-up rooms.

HANDLING PRACTICES

- 37.181. Acceptance of shipments.
37.182. Identification.
37.183. Storage of frozen food.
37.184. Defrosting.
37.185. Break-up rooms for storage.
37.186. Removal from warehouse.

SANITARY PROVISIONS

- 37.191. General.
37.192. Toilet facilities.
37.193. Hand washing facilities.
37.194. Dressing rooms.

EQUIPMENT

§ 37.171. Refrigeration capacity; minimum temperature.

(a) Warehouses shall be equipped with suitable mechanical refrigeration capacity to maintain, under extreme outside temperature and peak load conditions, an air temperature of 0°F or lower.

(b) Storage rooms and all their parts shall be maintained at an air temperature of 0°F or lower.

§ 37.172. Thermometers.

(a) Each storage room shall be equipped with a thermometer or some other temperature measuring device which is easily visible.

(b) The sensing element of thermometers and other temperature measuring and recording devices shall be located not more than 6 feet nor less than 5 feet from the floor and not in a direct blast of refrigerated air or near entrance doors.

(c) When indicating thermometers alone are used they shall be read and recorded at least once every 24 hours during each calendar day.

(d) Recording thermometers equipped with charts shall have a range of at least 15° above and 10° below 0°F in graduations of 1°.

(e) The use of electric or hand wound clocks as well as 24-hour or 7-day charts for recording thermometers shall be optional at the discretion of the operator.

(f) Each chart or record of observed temperatures shall be dated to show the time interval covered and shall be kept on file for at least 1 calendar year.

§ 37.173. Break-up rooms.

Break-up rooms shall be maintained at temperatures not in excess of 20°F.

HANDLING PRACTICES

§ 37.181. Acceptance of shipments.

(a) The operator of a warehouse shall not accept custody of a lot or shipment of frozen food if internal product temperature exceeds 0°F, except as provided in §§ 37.2 and 37.3 (relating to air temperature; and internal product temperature). When frozen food is accepted pursuant to such exception the operator shall make a written record of the incident.

(b) Notwithstanding subsection (a), custody of lots with an internal product temperature not in excess of 10°F may be accepted by the operator on request of the owner of the lot in question if the foods are detained from sale at retail and the temperature of such product is promptly returned to and maintained at 0°F or lower.

§ 37.182. Identification.

Before lots of frozen food are placed in storage they shall be given lot numbers for effective identification.

§ 37.183. Storage of frozen food.

(a) Frozen food in storage shall be placed on dunnage, pallets, racks or skids and shall be stored no closer than 18 inches to the ceiling and otherwise stored so as to permit free circulation of refrigerated air.

(b) Frozen food shall be stored under good sanitary conditions that preclude injury and contamination from or to other food held within the warehouse.

§ 37.184. Defrosting.

During the defrosting of overhead coils in storage rooms stacks of frozen food shall be effectively protected from contamination by condensation, drip or leakage.

§ 37.185. Break-up rooms for storage.

Break-up rooms shall not be used for storage unless the temperature is kept below 0°F.

§ 37.186. Removal from warehouse.

At time of removal from warehouse custody the internal product temperature of frozen food shall not exceed 0°F unless authorized by the owner to begin a defrost cycle.

SANITARY PROVISIONS**§ 37.191. General.**

(a) Floors, walls and ceilings of a warehouse shall be maintained in a good sanitary condition.

(b) Premises of a warehouse shall be maintained in a good sanitary condition.

§ 37.192. Toilet facilities.

Warehouses shall have water flush toilets so located as to be convenient to all employees. Toilet rooms shall be well lighted and ventilated and shall be maintained in a sanitary condition. The doors of all toilet rooms shall be full-length and self-closing.

§ 37.193. Hand washing facilities.

(a) Adequate hand washing facilities, including hot and cold or warm running water, powdered or liquid soap in a suitable dispenser, and single service towels

or hot air dryers, shall be provided adjacent to all toilet rooms. Wash rooms shall be well lighted and ventilated, and shall be maintained in a sanitary condition.

(b) The use of a common towel is prohibited.

§ 37.194. Dressing rooms.

Warehouses shall have a dressing room or rooms for the changing and hanging of wearing apparel. If individual lockers are provided, they shall be well vented and maintained in a clean, sanitary condition, and shall be free from disagreeable odors. The dressing room or rooms shall be adequately lighted and ventilated and shall be maintained in a clean, sanitary condition.

Subchapter G. RETAIL

EQUIPMENT

- Sec.
- 37.201. Temperature of storage facilities.
 - 37.202. Storage cabinets.
 - 37.203. Walk-in freezers.
 - 37.204. Frozen food display cases.
 - 37.205. Defrosting.
 - 37.206. Display cases.
 - 37.207. Product load line.
 - 37.208. Separators in display cases.
 - 37.209. Air currents; heat elements.

HANDLING PRACTICES

- 37.211. Acceptance of products.
- 37.212. Receipt of frozen foods.
- 37.213. Storage facilities.
- 37.214. Storage; display.
- 37.215. End of compliance.
- 37.216. Preordered frozen foods.

EQUIPMENT

§ 37.201. Temperature of storage facilities.

Storage facilities shall be equipped with suitable mechanical refrigeration capacity to maintain, under extreme outside temperature and peak load conditions, an air temperature of 0°F or lower.

§ 37.202. Storage cabinets.

When storage facilities of cabinet type are used they shall be all of the following:

- (1) Defrosted as frequently as necessary to maintain refrigeration efficiently specified.
- (2) Equipped with a thermometer indicating a representative air temperature.

§ 37.203. Walk-in freezers.

When storage facilities of walk-in freezer type are used the following requirements shall apply:

- (1) Frozen food in storage shall be on dunnage, pallets, racks or skids, and shall be stored so as to permit free circulation of refrigerated air.
- (2) The facility shall be equipped with a thermometer, the sensing element of which shall be located within the upper third of the distance between floor and ceiling. The sensing elements shall not be placed in a direct blast of air from cooling units, cooling coils and heat exchange devices, or near the entrance door.
- (3) The facility shall be equipped with an automatic mechanism for defrosting refrigerated coils when forced air blower refrigeration is used.

§ 37.204. Frozen food display cases.

Frozen food display cases shall be designed, constructed and equipped with mechanical refrigeration facilities capable of maintaining an air temperature of 0°F or lower.

§ 37.205. Defrosting.

Frost on refrigerator coils and in air passages of display cases shall be removed as frequently as necessary to maintain refrigeration efficiency of 0°F or below.

§ 37.206. Display cases.

Each display case shall be equipped with a thermometer, the sensing element of which shall be located in an appropriate place within the path of refrigerated air being returned to the coils.

§ 37.207. Product load line.

The product load line shall be designated by a distinctive line at inside terminal ends of each display case, and such lines shall be at the highest point of discharge and return of refrigerated air.

§ 37.208. Separators in display cases.

Separators in display cases shall be located a minimum of one-half inch from terminal ends to provide for free circulation of refrigerated air between the terminal ends and the displayed product.

§ 37.209. Air currents; heat elements.

Display cases in retail outlets shall be so placed as to be relatively free of all of the following:

- (1) Air current resulting from door drafts, electric fans, and other factors that adversely deflect the current of refrigerated air within the display case.
- (2) Heat elements such as lights, heating units, and related devices that tend to raise the temperature of refrigerated air within the display case.

HANDLING PRACTICES**§ 37.211. Acceptance of products.**

Frozen food shall not be accepted for delivery by a retail outlet when the internal product temperature exceeds 0°F, except as provided in §§ 37.2 and 37.3 (relating to air temperature; and internal product temperature). When frozen food is accepted under this exception the retail outlet shall duly record that fact, preferably on the bill of lading or the delivery ticket.

§ 37.212. Receipt of frozen foods.

- (a) All frozen food received at a retail outlet shall be placed in storage facilities without undue delay.
- (b) Retail outlets shall employ the first-in, first-out basis of inventory.

§ 37.213. Storage facilities.

Retail outlets shall be equipped with storage facilities of sufficient cubic displacement to accommodate the storage of frozen food.

§ 37.214. Storage; display.

- (a) Frozen food shall not be placed above the product food lines within any display case.
- (b) Frozen food in retail outlets shall be stored and displayed under good sanitary conditions.

§ 37.215. End of compliance.

- (a) Obligations for compliance with this chapter shall cease at the time of retail sale or when the ultimate purchaser takes custody of the product.
- (b) A product shall be understood to be in the custody of the purchaser when some one else takes a delivery from a retail outlet at the request of the purchaser.

§ 37.216. Preordered frozen foods.

Frozen food that is preordered by the ultimate consumer may be sold at internal temperatures exceeding 0°F but not exceeding 45°F provided all of the following are met:

- (1) A pickup time and date is announced to potential customers.
- (2) Potential customers are advised on the sales invoice that food is subject to possible quality and perishable degradation when internal product temperature exceeds 0°F and the products are not to be resold.
- (3) Frozen foods are limited to foods that do not support the rapid and progressive growth of pathogenic micro-organisms.
- (4) Foods are not to be resold to other parties.
- (5) Written permission is received from the Department.
- (6) Frozen foods arrive at the pickup location with an internal temperature of 0°F or below except as provided in § 37.142 (relating to minimum temperature requirements).

Authority

The provisions of this § 37.216 issued under act of May 13, 1909 (P. L. 520, No. 292) (31 P. S. §§ 3 and 7); and section 1705 of The Administrative Code of 1929 (71 P. S. § 455).

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