

**Department of Health and Mental Hygiene**  
**S. Anthony McCann, Secretary**  
**Community Health Administration**  
**Diane Matuszak M.D. M.P.H. Director**  
**Office of Food Protection and Consumer Health Services**  
**Alan L. Taylor, Director**



**Interpretive Memorandum**

**To:** Health Officers and Environmental Health Directors  
**From:** Alan Brench  
**Re:** Service of Raw or Undercooked Potentially Hazardous Foods  
**Date:** June 1, 2005

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There have been numerous inquiries regarding the service of raw and undercooked potentially hazardous foods. Currently, there is no provision that allows food service facilities to serve a potentially hazardous food that has not been fully cooked according to the requirements specified in COMAR 10.15.03.04C. There is a demand from the industry and consumers for foods that are served raw or undercooked for taste or perceived nutritional reasons. Examples of such items include raw egg, raw fish or molluscan shellfish, raw marinated fish, steak tartare, carpaccio, lightly cooked fish, soft cooked eggs, or rare meats. The Food and Drug Administration 2001 Food Code has made provision for the service of raw and undercooked foods. This Office also recommends allowing an informed consumer to order and consume such foods based on the consumer's health status and understanding of the risks associated with eating raw or partially-cooked animal foods. The following conditions apply:

1. Except for yellowfin, Northern or Southern bluefin, and bigeye tunas, and molluscan shellfish, fish that is to be served raw or undercooked must be processed to destroy parasites by freezing at a temperature of:
  - a. Minus 4° F or below for 168 hours; or
  - b. Minus 31° F or below for 15 hours.
2. A "Consumer Advisory", or written notification must be provided to consumers that:
  - a. Identifies the animal food served or sold as a ready-to-eat food, or as an ingredient in a ready-to-eat food, that is raw, undercooked, or not otherwise processed to eliminate pathogens; and

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- b. Reminds consumers that consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.
3. The consumer advisory must be issued when foods are served raw or undercooked by:
- a. Identifying food items with an asterisk to a footnote that states the item is served raw, undercooked, may be cooked to order upon specific consumer request, or contains raw or undercooked ingredients;
  - b. Providing a written notification on brochures, deli cases, menu advisories, label statements, table tents or placards, or another written means that is visible and legible to the consumer. Examples of the brochure can be found on the CFSAN Web Page at [www.cfsan.fda.gov](http://www.cfsan.fda.gov). All brochures must contain the essential criteria.
  - c. The written notification must state “consuming raw or undercooked animal foods may increase your risk of contracting a foodborne illness, especially if you have certain medical conditions”.

Please insert this memo into the Yellow Food Program Policies Binder. Contact Alan Brench at (410) 767-8400 if there are questions concerning this memo.

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