

Food Facility Recognition Awards

**Baltimore City Health Department
January 2009**

Background

According to a recent survey, Americans consume an average of one out of five meals in a commercial setting.¹ The report also stated that a typical American over age eight consumes an average of 4.2 commercially prepared meals per week.² There is a strong public interest in assuring the safety and nutritional quality of eating out.

In Maryland, sanitary standards are set by regulation and enforcement. There are also some basic nutritional guidelines set by federal, state and local authorities.

For example, Baltimore City recently passed legislation that will ban the sale of served foods created with ingredients containing trans fat starting September 20, 2009. Trans fat, like saturated fat and dietary cholesterol, elevates LDL (“bad”) cholesterol.³ It also, unlike saturated fat, lowers HDL (“good”) cholesterol that works to clear arteries; therefore is more detrimental to heart health than saturated health.⁴ Studies have suggested that trans fat is more than likely responsible for at least 30,000 premature deaths in the United States per year.⁵

Obesity has become a high priority public health concern. The latest data from the National Center for Health Statistics show that over thirty percent of U.S. adults 20 years of age and older – over 60 million people – are obese.⁶ The percentage of young people who are overweight has tripled since 1980.⁷

Baltimore City recognizes many food establishments are currently taking extra steps in providing a sanitary establishment and could provide additional nutritional information to consumers.

At this time, there are no opportunities for restaurants and other food facilities to be recognized for excellence in food safety or helping consumers make good nutritional choices in Baltimore. Restaurants in the City deserve to be publicly noted for their good work. Therefore, the Health Department is proposing the Food Facility Recognition Program. This program’s goal is to reward those food businesses that go an extra mile to help make Baltimore City a better place to live, work and visit.

¹ Ebbin, R. “Americans’ Dining-Out Habits”. *Restaurants USA*, November 2002.

<http://www.restaurant.org/rusa/magArticle.cfm?ArticleID=138> (accessed on November 14, 2006).

² *Id.*

³ U.S. Food and Drug Administration. (2003). *Revealing Trans Fat* (FDA04-1329C). Washington DC: http://www.fda.gov/fdac/features/2003/503_fats.html (accessed on November 14, 2006).

⁴ *Id.*

⁵ Ascherio A, Stampfer M, Willett W. Trans Fatty Acid and Coronary Heart Disease. *N Engl J Med*. 2006 Apr 13;354(15):1601-13, <http://www.hsph.harvard.edu/reviews/transfats.pdf> (accessed on November 14, 2006)

⁶ Center for Disease Control and Prevention. Overweight and Obesity: Home. 16 Nov. 2006. <http://www.cdc.gov/nccdphp/dnpa/obesity/>.

⁷ *Id.*

Responses to Public Comment

The Baltimore City Health Commissioner accepted comments on the proposed Clean Crab Award during the comment period from May 14, 2008 through July 1, 2008. Several responses were received; the most formal and detailed response was from the Restaurant Association of Maryland (Association).

The following is the Baltimore City Health Department's (Department) comments based on the responses received. Because of the detail provided in Restaurant Association of Maryland's response, the Department has formatted its comment to address each point made by the Association and incorporated other public comments within these points.

The Restaurant Association of Maryland website states that the Association "is the state trade association for the purpose of promoting, protecting, and improving the foodservice industry." In its response to the proposed award, the Association states that it supports a voluntary program to recognize and promote food establishments that achieve excellence in food safety and that provide nutritional information to its customers. The Association generally supports the Department's proposal and has provided some recommendations and comments.

First, the Association recommends that we clarify the language regarding the posting of nutritional information for customer view. They suggest the following language:

The establishment shall conspicuously display the nutritional information prior to the time of purchase. Such written material may include a poster, brochure, menu, menu board, display card or any other written material that is readily visible or generally provided to customers at or near the point of purchase. In a drive-through situation, the establishment shall conspicuously display the nutritional information at or near the point of purchase (e.g. a small mailbox of brochures in the drive-through area).

The provided nutritional information must include calories, saturated fat, sodium, carbohydrates, and may not vary by more than twenty percent (20%) of the actual content of a particular standardized menu item.

An establishment may use a substitute ingredient for any menu item for no more than 30 days without replacing the nutritional information.

The following items are exempt from this award's qualifying criteria:

- *Daily specials and other items that appear on the menu for less than 30 cumulative days per calendar year*
- *A test-market menu that appears on the menu for less than 90 cumulative days per calendar year*

The Department agrees that it needs to expound its requirements on the public availability of nutritional information. It has adopted the language the Association has recommended but will also add the original requirement of including the statement, “For a typical adult who consumes 2,000 calories a day, the recommended limits are 20 grams of saturated fat and 1,500 milligrams of sodium,” to the written material.

Second, the Association recommends that the name of the award be changed. The Department is aware of the public responses to the name “Clean Crab Award” that were posted on The Baltimore Sun’s website and written responses received via email and letter. The overall consensus was that the local crustacean is not considered a sanitary animal; thus, its image should not be used in conjunction with an award for cleanliness. The Association response to the award’s name was similar. Based on the Association’s and public response, the Department has changed the award name to Charm City Health Award.

Third, the Association points out that “it would be impossible for a single certified manager to always be on duty.” The Department acknowledges that food establishments are in operation longer than the typical eight-hour workday. Thus, this requirement sets a difficult standard. The purpose of this award, however, is to recognize those establishments that go above and beyond the standard expectations for protecting the public from foodborne illnesses. The Department anticipates that an establishment will have to have at least two certified food managers (CFM) on staff and schedule those individuals so that one is always on hand to meet this requirement. By fulfilling this requirement, the establishment will ensure that the kitchen has an individual who is knowledgeable on proper food handling and safety to monitor food preparation at all times.

Fourth, the Association writes that identifying and standardizing three menu items for those restaurants with fewer than 15 locations nationwide should not be a problem. This is in reference to the proposed requirement that those establishments less than 15 locations nationally to provide nutritional information for three popular entrees. The Association believes, however, that requiring more than three may present challenges for some establishments. The Department will maintain the current language in the proposal that requires the nutritional information of only three popular entrees.

Fifth, the Association recommends that all certificates, award decals and other recognition materials be stamped with an expiration date so that consumers can verify the validity of the award. The Department will ensure that an area for an expiration date is included in the design of the award.

Sixth, the Association states that it prefers the award to be renewed annually. The Department agrees with this recommendation. We will start with an annual renewal and reevaluate.

Lastly, the Association recommends that the Department should offer to perform nutritional analysis for restaurants with less than 15 locations. The Department’s

proposal already states that the Department will obtain the necessary software so that establishments can submit their menu items to the Department for analysis.

There was one public comment that suggested that the Department's recognition program be based on a graded scale and attaching letter grades to each establishment. These comments relate to our regular system of evaluating establishments. The Department plans to continue with the voluntary program, while always considering mechanisms to improve regular inspections. A major shift in how to do regular inspections may make the most sense at the state level, where the rules for inspections are created.

Charm City Health Award for Excellence in Sanitation

The Department will issue a Charm City Health Award for Excellence in Sanitation to those facilities with excellent sanitation and food safety practices. Eligible food facilities are those deemed "high priority" under state law; this includes all restaurants where food is prepared on site. These facilities are inspected three times in a year.

Beginning January 1, 2009, a restaurant can earn a Charm City Health Award for Excellence in Sanitation by:

1. Having a valid Department permit and in good standing (no outstanding fines or fees);
2. Having a Certified Food Manager on site during business hours (based on an affidavit to be signed by owner/manager);
3. Having passed all inspections in the previous calendar year with no critical violations nor pest infestation violations; and

Critical violations are:

- a) Obtaining food from approved sources;
 - b) Protecting food from adulteration, spoilage and contamination;
 - c) Restricting food workers with infection or illness and ensuring that all food workers wash hands thoroughly before touching food;
 - d) Properly cooling and refrigerating food and providing sufficient refrigeration equipment;
 - e) Holding food at proper temperature and providing sufficient hot and cold-holding equipment;
 - f) Adequately cooking and reheating foods and providing sufficient cooking and reheating equipment;
 - g) Providing hot and cold running water; and
 - h) Discharging sewage properly from the facility.
4. Having no more than 5 minor violations per inspection in the previous calendar year.

Applications and supplemental forms will be available on the Health Department's website www.baltimorehealth.org and at the Bureau of Food Control office, located at 1001 E. Fayette Street, Baltimore, Maryland 21202.

In the first year, application will be voluntary. Our goal is to have information systems in place so that the Health Department can automatically distribute this award to qualified establishments without an application process by 2010.

Other notes on the Charm City Health Award for Excellence in Sanitation award:

- An establishment can lose its award if during other inspections conducted at the site, critical violations are found. An office review will then be held to decide whether the award status should be rescinded.
- The certificate will be free.
- Window/door decals can be purchased for a fee.
- Certificate and decal will be good for one year and issued within one week of notification that the food establishment meets the eligibility requirements.
- All those awarded will be listed on the Health Department website at www.baltimorecity.org.
- An establishment that has not been recognized or its recognition has expired or been withdrawn by the Health Department may not use the logo issued or assert or imply that the establishment has a certificate of recognition issued by the Health Department.

Charm City Health Award for Nutritional Information

The Charm City Award for Nutritional Information is a separate and distinct award from the Charm City Award for Excellence in Sanitation. This means that facility can obtain both awards or one or the other. The Charm City Health Award for Nutritional Information will recognize those facilities that further empower the consumer to make an informed food choice decision when eating out.

There are currently three jurisdictions, King County, Washington (which includes Seattle), San Francisco, California and New York City, New York that have recently passed into law legislation that requires “chain restaurants” to list calories, saturated fat, sodium and carbohydrate information for food and beverages. In addition, there are at least five cities/counties⁸ and fifteen states with proposed legislation on menu labeling.⁹

Beginning January 1, 2009, a restaurant can earn a Charm City Health Award for Nutritional Information by following the below requirements:

⁸ See Center for Science in the Public Interest, Nutritional Labeling in Chain Restaurants, at <http://www.cspinet.org/nutritionpolicy/MenuLabelingBills2007-2008.pdf> (Cities and Counties: Chicago; District of Columbia; Montgomery Count, MD; Philadelphia; Westchester County, NY).

⁹ *Id* (States: AZ; CA; CT; HI; IL; ME; MA; MI; NJ; NM; NY; PA; TN; VT; WA).

For establishments with 15 or more locations nationally:

1. Have the following information for ALL entrees:
 - a. Total number of calories;
 - b. Total number of grams of saturated fat;
 - c. Total number of grams of carbohydrate; and
 - d. Total number of milligrams of sodium
 - The establishment shall conspicuously display the nutritional information prior to the time of purchase. Such written material may include a poster, brochure, menu, menu board, display card or any other written material that is readily visible or generally provided to customers at or near the point of purchase. In a drive-through situation, the establishment shall conspicuously display the nutritional information at or near the point of purchase (e.g. a small mailbox of brochures in the drive-through area).
 - The provided nutritional information must include calories, saturated fat, sodium, carbohydrates, and may not vary by more than twenty percent (20%) of the actual content of a particular standardized menu item.
 - The following statement must be included with the above information, “For a typical adult who consumes 2,000 calories a day, the recommended limits are 20 grams of saturated fat and 1,500 milligrams of sodium.”
 - An establishment may use a substitute ingredient for any menu item for no more than 30 days without replacing the nutritional information.
 - The following items are exempt from this award’s qualifying criteria:
 - a) Daily specials and other items that appear on the menu for less than 30 cumulative days per calendar year
 - b) A test-market menu that appears on the menu for less than 90 cumulative days per calendar year

OR

For establishments with less than 15 locations nationally:

2. Have the following information for 3 popular entrees:
 - a. Total number of calories;
 - b. Total number of grams of saturated fat;
 - c. Total number of grams of carbohydrate; and
 - d. Total number of milligrams of sodium
 - The establishment shall conspicuously display the nutritional information prior to the time of purchase. Such written material may include a poster, brochure, menu, menu board, display card or any other written material

that is readily visible or generally provided to customers at or near the point of purchase.

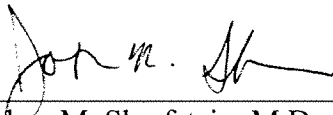
- The provided nutritional information must include calories, saturated fat, sodium, carbohydrates, and may not vary by more than twenty percent (20%) of the actual content of a particular standardized menu item.
- The following statement must be included with the above information, “For a typical adult who consumes 2,000 calories a day, the recommended limits are 20 grams of saturated fat and 1,500 milligrams of sodium.”

Applications and supplemental forms will be available on the Health Department’s website www.baltimorehealth.org and at the Bureau of Food Control office, located at 1001 E. Fayette Street, Baltimore, Maryland 21202.

Other notes on the Charm City Health Award for Nutritional Information:

- The Health Department will obtain nutrition software that will allow us to calculate the nutritional content in restaurant entrees.
- Establishments that qualify under this requirement will provide the Health Department with a list of the ingredients and measurements of each ingredient for the 3 entrees. These lists will be confidential and will not be placed in the establishment’s public file. We will then provide nutritional information to use in the establishment.

Approved:



Joshua M. Sharfstein, M.D.
Commissioner
Baltimore City Health Department

Date adopted: January 7, 2009
Date effective: January 7, 2009

Charm City Health Award



Charm City Health Award

