New Food Code Update: Maintaining "Molluscan Shellfish" Identification

U.S. FOOD & DRUG ADMINISTRATION

In the 2022 Food Code, ¶¶ 3-203.12(B) and (C) were updated. Invoices are now acceptable for tracing "Molluscan shellfish" to its original source in addition to tags and labels. When invoices are used, they must contain required information for tracing "Molluscan Shellfish" to its original source (refer to the section called, What is required to be on the tag, label, or invoice for proper traceback for specific details). An invoice that does not include all of the required information is not acceptable.

Why does the Food Code include the term 'invoice'?

Accurate "Molluscan shellfish" identification records must be maintained in a "Food establishment" so "Regulatory authorities" can move quickly during an outbreak to prevent further illnesses. These records must be kept for 90 days to allow time for shellfish-borne diseases to surface. Record keeping may be difficult to keep for "in-shell products" and "shucked shellfish".

"In-shell product" may not have tags, instead product may have a label or required information on a master container. Keeping the entire master container may not be feasible and soiled labels may be difficult to read.

Note: *If "Shucked shellfish" are sold in prepackaged consumer self service containers,the label information needs to be retained by the "Food establishment". Date sold and equivalent required label information can be retained in a record keeping system, such as a log sheet, maintained for at least 90 days.*

Flow Chart of FDA Food Code Terminology

"Molluscan Shellfish"

Any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof. (Except when the scallop product consists only of the shucked adductor muscle.)

"Shellstock"

LIVE in the shell(s)

"Shucked Shellfish"

Both shells removed

"In-Shell Product"

Non-living, processed in the shell(s)

"Molluscan Shellfish" includes the following: "Shellstock", "Shucked Shellfish", "In-Shell Product".

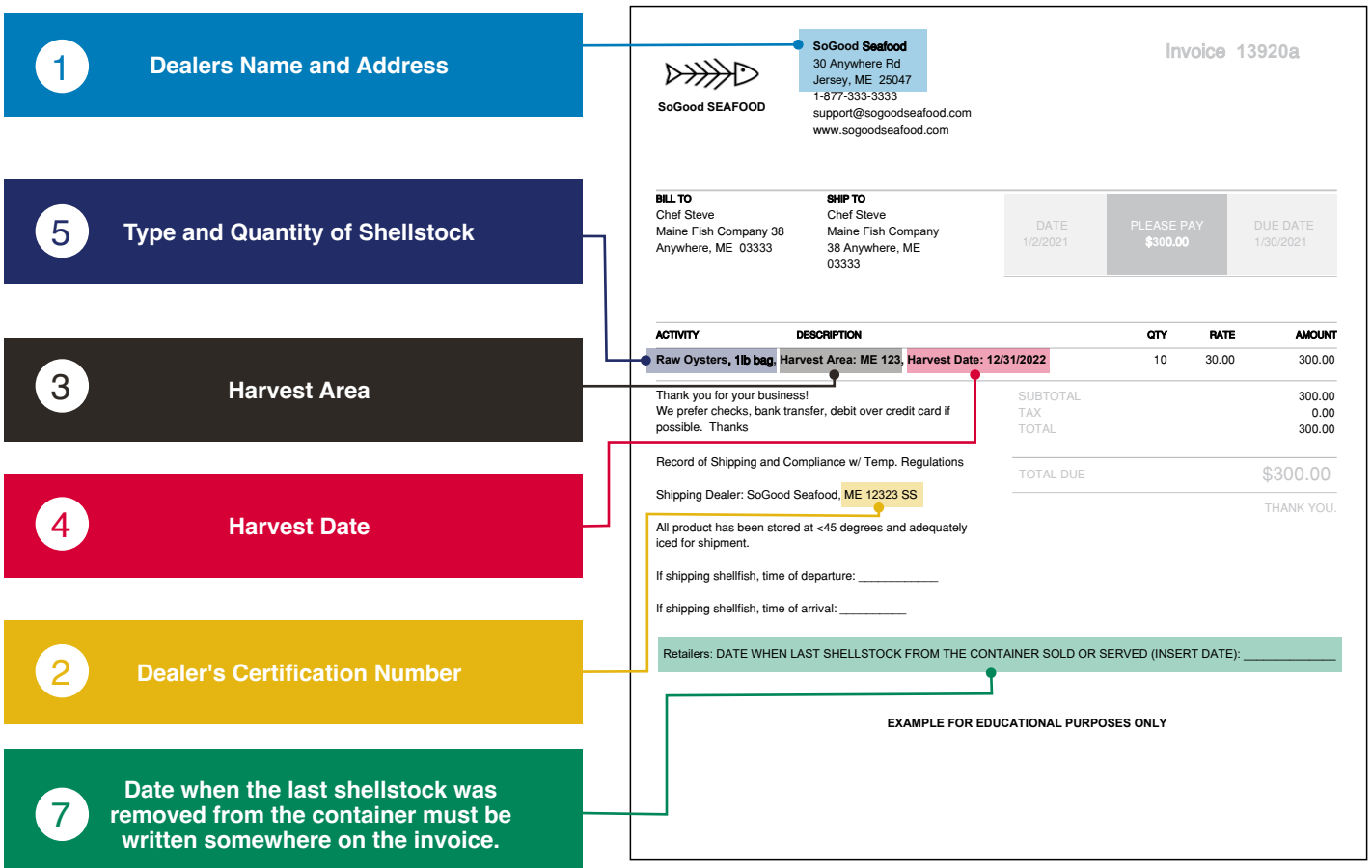
What is required to be on the tag, label or invoice for proper traceback?

The identification requirements in the Food Code follow the National Shellfish Sanitation Program (NSSP) Guide for Control of Molluscan Shellfish.

The tag, label or invoice may vary slightly; however, "Molluscan shellfish" must contain the following for traceback:

1. the dealer's name and address,
2. the dealer certification number (ex. from dealer that depurates, packs, ships, or reships),
3. the most precise identification of the harvest location,
4. the harvest or shucking date,
5. the type and quantity,
6. the 'sell-by' or 'best if used by' date on "shucked shellfish" (if less than 1.89 L or one-half gallon) and "in-shell product".
7. the date when the last "Molluscan shellfish" from the container is sold or served shall be recorded on the tag, label, or invoice.

Note: *""Molluscan Shellfish" must be received from businesses listed on the Interstate Certified Shellfish Shipper's List (ICSSL) and accompanied by tags or labels. When an invoice is maintained in the food establishment for traceback, it must have the required information listed in Items 1-6 above. It is key that the "Food establishment" records the date in Item 7 because that date starts the 90 day clock for maintaining the "molluscan shellfish" invoice.*



This illustration does not include Item 6 (from above) because it does not apply to “shellstock” which is used in this example.

For more information:

- FDA Food Code is available at: http://www.fda.gov/FoodCode
- National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish (Model Ordinance): https://www.fda.gov/media/143238/download
- Conference for Food Protection (CFP) developed guide for: Retail Industry Best Practices and Regulatory Guidance Toolkit for Shellstock Investigations http://www.foodprotect.org/guides-documents/retail-industry-best-practices-and-regulatory-guidance-toolkit-for-shellstock-investigations/
- Interstate Certified Shellfish Shipper's List (ICSSL): https://www.fda.gov/food/federalstate-food-programs/interstate-certified-shellfish-shippers-list