



Food Safety
AUTHORITY OF IRELAND

16

GUIDANCE NOTE

**Food Stalls
(Revision 2)**

Guidance Note No. 16 Food Stalls (Revision 2)

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Abbey Court
Lower Abbey Street
Dublin 1
DOI W2H4

Tel: +353 1 817 1300
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I. GENERAL

I.1 INTRODUCTION

All food businesses, including those operated from a food stall, must comply with the food law which applies to their particular business. This means that in order to check compliance with food law, they may be subject to control by environmental health officers from the Health Service Executive (HSE).

There has been a marked increase over the past few years in the number and diversity of food businesses operating from food stalls. The Food Safety Authority of Ireland's (FSAI) Guidance Note No. 16 has been revised in light of this. This guidance focuses on the nature of the food business being carried on, its location and the facilities which are required to ensure that food placed on the market is safe.

This guidance was prepared by the FSAI and the environmental health service of the HSE.

This guidance replaces the FSAI's *Guidance Note No. 16 Food Stalls (Revision 1) 2006*.

Note: In this guidance, 'shall' or 'must' are used when referring to a legal requirement and 'should' or 'may' is used where it is not a legal requirement but it is recommended as good practice.

I.2 PURPOSE

The purpose of this guidance note is to:

- Set out what is required of food stall operators to comply with the food law which applies to their particular business
- Facilitate a consistent approach within the environmental health service of the HSE to verifying compliance by operators of food stalls with the requirements of relevant food law

I.3 STRUCTURE OF THE GUIDANCE

This guidance note is set out in five parts:

- Part 1. General
- Part 2. Notification and Registration (Regulation EC No 852/2004)
- Part 3. Requirements under General Food Law – Labelling, Food Safety Requirements and Traceability (Regulation EC No 178/2002)
- Part 4. General Hygiene Requirements for all Food Stalls (Regulation EC No 852/2004)
- Part 5. Specific Hygiene Requirements and other Requirements for Certain Food Stalls (Regulation EC No 852/2004)

I.4 SCOPE

This document is intended to provide guidance on what is required for food businesses operated from food stalls in order to comply with food law and in particular, the EC (Hygiene of Foodstuffs) Regulations, 2006 [S.I. No. 369 of 2006] as amended.

This guidance note is aimed at both:

- Environmental health officers and
- Food business operators of food stalls, or other similar temporary or movable food businesses

The term 'food stall' is used throughout this guidance for ease of reading and means moveable and/or temporary premises such as market stalls, food vans and mobile sales vehicles.

This guidance covers all food businesses operated from food stalls whether operating independently or as part of an organised event. The food stall may be located indoors or outdoors. The food stall may be street trading or trading at an event venue. Organised events can be large or small scale, local, regional or national, indoor or outdoor and can operate over a short or extended period, e.g. markets, concerts, sporting events, agricultural shows and free-standing units in shopping centres.

This guidance note does not include:

- Marquee where there is a full scale temporary kitchen
- Place where the stall is located – indoor or outdoor
- The planning and management of an event where the food stall will operate
- Food stall which is not a food business due to the lack of continuity or degree of organisation, e.g. one-off events such as school fêtes

I.5 DEFINITIONS

See Appendix I for a glossary of definitions used in this guidance. Words and phrases used in this guidance have the same meaning as defined in the following legislation:

- Regulation (EC) No 178/2002 on the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
- Regulation (EC) No 853/2004 on the hygiene of foodstuffs
- Regulation (EC) No 853/2004 on official controls performed to verify compliance with feed and food law, animal health and welfare rules

I.6 LEGISLATION

This document provides guidance on compliance with:

- Regulation (EC) No 178/2002 (General Food Law) as amended
- European Communities (General Food Law) Regulations, 2007 (S.I. No. 747 of 2007) as amended – labelling, food safety requirements, traceability, product withdrawal and recall
- Regulation (EC) 852/2004 (Hygiene of Foodstuffs) as amended
- European Communities (Hygiene of Foodstuffs) Regulations, 2006 (S.I. No. 369 of 2006) as amended – notification and hygiene requirements

Depending on the type of food business being carried out at or on the food stall, other food law may apply, e.g. labelling and product specific marketing standards. Further information is available from local HSE environmental health offices or from the FSAI Advice Line at info@fsai.ie or visit www.fsai.ie.

It is the obligation of food business operators to keep up to date with food law which applies to their business. The food legislation section of the FSAI website provides a reference and guide to the various Acts, Regulations and Orders made at national level as well as those Directives and Regulations made at EU level. These are available at www.fsai.ie/legislation/food_legislation.html

The European Commission provides access to all European law through EUR LEX. This is available at <http://eur-lex.europa.eu/homepage.html?locale=en>

I.7 RELATED DOCUMENTS

The FSAI and the European Commission have published guidance which may help food stall operators to comply with their food safety responsibilities. A list is provided in Appendix 2.

2. NOTIFICATION AND REGISTRATION

2.1 INTRODUCTION

All food stall operators must follow the general hygiene requirements (pre-requisites) that apply to them. These are set out in Regulation (EC) No 852/2004 and include notification of food businesses, hygiene requirements and the management of food safety (procedures based on HACCP principles). What needs to be complied with depends on the type of business. Regulation (EC) No 852/2004 was transposed into Irish law by the European Communities (Hygiene of Foodstuffs) Regulations, 2006 (S.I. No. 369 of 2006) as amended.

2.2 NOTIFICATION AND REGISTRATION

Every food business operator trading from a food stall must notify the local HSE environmental health office of each of their food stalls. There are two exceptions to this requirement:

- Where it is an extension to a food establishment's activities in the curtilage of or immediately adjacent to the establishment, e.g. a pub doing a BBQ in the rear garden or directly on the street outside; a café displaying and serving food on the street outside on market day
- A once-off event on one day, e.g. village fête. If this becomes a regular or recurring event, it will need to be notified

This notification should be made on the prescribed notification form, which is available from the local HSE office **in the area where the food stall is normally kept**. Contact details for the relevant local HSE environmental health office are available from the FSAI Advice Line at info@fsai.ie or on the HSE website at <http://www.hse.ie/eng/services/list/1/enviro/Contact.html>.

Food stalls operating in the State but based outside of the country, must notify the HSE office in the area in which they primarily trade. Food stall operators based in Northern Ireland should notify the local HSE office closest to where the food stall is normally kept.

Food stall operators trading under the umbrella of a market organisation must individually notify their food business unless arrangements are agreed with the HSE's environmental health service to provide an alternative means of notification.

Food business operators must notify the HSE **before** beginning to operate the food stall. Where activities carried on from a food stall change from those set out in the notification form or confirmed by the environmental health officer who inspected the food stall, the HSE must be notified in writing. This would include a change in ownership/person responsible for the food stall.

The HSE will register each notified food stall and inform the food business operator to that effect in writing.

Once a food business operator has notified the HSE of the food stall, the food business operator can operate from the notified stall at any location around the country. As food stalls can be operated outside the area in which they have been registered, food stall operators should have confirmation of their registration available when operating.

2.3 PRODUCTION OFF-SITE OR AT HOME

Production of all food for sale from food stalls must be carried out in accordance with food law, in particular, Regulation (EC) No 853/2004 on the hygiene of foodstuffs. There are additional rules for the hygiene of foods of animal origin which may be more stringent depending on the food being produced.

The establishment where the food is produced must be notified (see Section 2.3) and is subject to inspection even if it is a private dwelling house. Certain food can be safely produced in a private dwelling house. This however, is a serious undertaking and is not the same as cooking for the family as it is a highly regulated business area with serious legal obligations.

If the food being produced is of animal origin such as poultry, meat, fish and dairy products, the place of production may require approval by one of the competent authorities i.e. the HSE; Department of Agriculture, Food and the Marine; local authority or the Sea-Fisheries Protection Authority. For more information, please contact the FSAI Advice Line at info@fsai.ie.

FSAI publications '*Starting a Food Business in the Home*', '*Business Start-Up Information*' and in particular, the '*Guide to Food Law for Artisan/Small Food Producers Starting a New Business*', provide advice on the legal requirements and who to contact.

3. REQUIREMENTS UNDER GENERAL FOOD LAW

3.1 INTRODUCTION

Regulation (EC) No 178/2002 as amended sets down the general principles of food law which must be followed, e.g. labelling, food safety requirements, product withdrawal and recall and traceability. Some of these principles have been set out in more specific rules and guidance. Regulation (EC) No 178/2002 is transposed into Irish law by the European Communities (General Food Law) Regulations, 2007 (S.I. No. 747 of 2007) as amended.

3.2 FOOD SAFETY REQUIREMENTS

Food stall operators must make sure that unsafe food is not placed on the market. Unsafe food is food that is injurious to health or unfit for people to eat. Where any unsafe food has been placed on the market, it must be withdrawn. Where any unsafe food has reached the consumer, the consumer must be informed of the reason for the withdrawal and the product must be recalled from them. The HSE must be informed. Food stall operators must cooperate with other food business operators and the FSAI and the HSE on any action being taken to withdraw or recall a food product. Further information on product recall is available in the FSAI's *Guidance Note No. 10: Product Recall and Traceability*.

Where an environmental health officer is of the opinion or suspects that food is or may be unsafe, they can take a range of actions in accordance with the risk posed to public health.

3.3 TRACEABILITY

All food stall operators must have an effective traceability system, i.e. be able to trace food one step back to the supplier. This is particularly important if a food safety problem is discovered and the affected batch of food has to be withdrawn from trade or recalled from consumers.

Where food products are supplied to anyone other than the final consumer, i.e. another food business, the details must also be kept of the name and address of the food business supplied, which foods are supplied to whom and when.

Further details are also required for food of animal origin, e.g. cottage pie or sausages and for sprouts and seeds intended for the production of sprouts.

Food stall operators must keep records for all food (including ingredients) supplied to them at least until it can be reasonably assumed that the food has been consumed.

3.3.1 Food of non-animal origin

Food stall operators must maintain records on the food supplied to their business. They must at least keep details of:

- Name and address of the supplier
- Type of products supplied
- Date of transaction/delivery

These rules are set out in Schedule 2 of S.I. No. 747 of 2007 (as amended).

3.3.2 Food of animal origin

In addition to the general rules for traceability, more specific information is required for food of animal origin, e.g. meat, fish, milk, eggs. It applies to unprocessed and processed products but it excludes food containing both products of plant origin and processed products of animal origin, e.g. pepperoni pizza.

The food stall operator must keep the following information on food of animal origin. It must be available to and retrievable by the food stall operator:

- An accurate description of the food
- The volume or quantity of the food
- The name and address of the food business operator from which the food has been dispatched

Where food of animal origin is supplied to other food businesses, the following information is also required:

- The name and address of the consignor (owner) if different from the food business operator from which the food has been dispatched
- The name and address of the food business operator to whom the food was dispatched
- The name and address of the consignee (owner) if different from the food business operator to whom the food is dispatched
- A reference identifying the lot, batch or consignment and as appropriate, the date of dispatch

These additional rules are set out in Schedule 3 of S.I. No. 747 of 2007 as amended.

3.3.3 Sprouts and seeds intended for sprouting

In addition to the general rules for traceability, more specific information is required for sprouts and seeds intended for the production of sprouts. These additional rules are set out in Schedule 4 of S.I. No. 747 of 2007 as amended by S.I. No. 383 of 2013.

3.3.4 Traceability records

Traceability records must be available to the environmental health officer on demand for all foods including food ingredients. Records to show traceability could include invoices and receipts.

Traceability is also required for packaging and other materials and articles intended to come into contact with food. The food stall operator must be able to identify from whom they were supplied.

Further information on traceability is available in the FSAI's *Guidance Note No. 10: Product Recall and Traceability (Revision 2)* and the *Traceability Factsheet for Caterers*. Both are available at www.fsai.ie.

3.4 LABELLING

Food sold from food stalls must comply with the labelling requirements which apply.

The general rules for labelling of foodstuffs in Ireland are set out in the European Union (Provision of Food Information to Consumers) Regulations, 2014 ([S.I. No. 556 of 2014](#)) and in Health (Provision of Food Allergen Information to Consumers in respect of Non-Prepacked Food) Regulations, 2014 ([S.I. No.489 of 2014](#)). [S.I. No. 559 of 2016](#) sets out exemptions from the requirements for nutrition declaration by food manufacturers of small quantities directly to the consumer or to local retail establishments.

This legislation sets out the labelling requirements for prepacked and non-prepacked foods.

The labelling, advertising and presentation of food (including its shape, appearance or packaging) must not mislead the consumer. This includes the way the food is displayed and any other information supplied with it, e.g. menu boards, leaflets and information displayed on the stall.

Along with the general labelling rules, there are additional labelling rules and marketing standards which apply to specific products, e.g. country of origin for certain meats, olive oil, jam or where claims are made, e.g. nutrition and health claims.

Labelling information on decanted food must be kept to ensure traceability.

Further information, support material and e-learning on labelling is available at www.fsai.ie

4. GENERAL HYGIENE REQUIREMENTS FOR ALL FOOD STALLS UNDER REGULATION (EC) NO 852/2004

4.1 INTRODUCTION

In deciding what needs to be provided at food stalls to ensure safe food, a number of factors must be considered including:

- The nature and extent of the food business
- The location of the food stall when trading – indoors or outdoors
- Regular event or once-off
- Support facilities available
- Duration of trading

Food stalls can take many forms, ranging from folding tables to purpose built movable units. The nature and the extent of the activities can also vary depending on the event and some operators want the flexibility to adapt to differing trading opportunities and conditions.

For the purpose of this guidance, food stalls are generally either regarded as carrying on low-risk activities (where the potential to cause harm to consumers is low) or high-risk activities (where high-risk foods are prepared and/or where the potential exists to put vulnerable people or large numbers of consumers at risk).

LOW-RISK ACTIVITIES

Low-risk activities are generally limited to the display and limited handling at the food stall of **either** non ready-to-eat **or** ready-to-eat foods including:

- Primary produce, e.g. eggs, fruit, vegetables
- Fresh fish and shellfish
- Wrapped goods only, e.g. food in packets, boxes, cans, bottles and vacuum packs
- Unwrapped bread and bakery products that do not require temperature control
- Pre-prepared sandwiches, pre-prepared salads, products from bulk containers, sale and portioning of cheese
- Ready-to-eat products which require temperature control
- Raw meat or raw meat products or preparations only

Food stall operators selling low-risk foods can generally control their activities through pre-requisites alone (see Section 4.3) and where necessary, maintenance of the cold chain (see Section 4.3.9).

HIGH-RISK ACTIVITIES

High-risk activities generally involve the preparation of food at the food stall or the display and handling of both non ready-to-eat **and** ready-to-eat food, including:

- Raw **and** cooked meat, meat products or meat preparations
- Selling raw meat, meat products or preparations and ready-to-eat products
- Cooking, heating or preparing food for direct sale including sandwich-making
- Shucking oysters
- Movable units preparing and/or cooking, food for direct sale
- Soft serve ice-cream

Slicing or cutting operations such as slicing cake or cutting blocks of cheese do not constitute food preparation.

FREE SAMPLES

Samples offered free of charge from food stalls in supermarkets and elsewhere are subject to the same requirements as food offered for sale. Samples should be displayed in small portions and replaced or topped up when required. Samples should be offered in single portion disposal containers or be supplied with cocktail sticks, disposable cutlery, tongs or other means to minimise the risk of contamination.

FOOD STALLS IN SHOPPING CENTRES

The requirements for food stalls in shopping centres depend on the business being carried out, availability of facilities at or adjacent to the food stall etc. Please contact your local environmental health officer for advice before commencing.

Guidance for food stalls in shopping centres selling dried fruit, nuts and similar items is provided in Appendix 3.

4.2 FOOD SAFETY MANAGEMENT SYSTEM – PROCEDURES BASED ON HACCP PRINCIPLES

Food stall operators must have procedures in place based on the principles of HACCP. Food businesses must know the hazards associated with their business, show how they are controlling them and how they will remedy any problems that are identified. Documents and monitoring records may be required to support this. These should demonstrate to the environmental health officer that the food stall operator is complying with Article 5 of Regulation (EC) No 852/2004.

For food stalls where only low-risk activities are carried out, compliance with basic food hygiene conditions and practices (pre-requisites) may be sufficient. In addition, where necessary, the cold chain must also be maintained – see Section 4.3.9.

PRE-REQUISITES

- Premises and structure
- Plant and equipment
- Maintenance and calibration
- Cleaning and sanitation
- Zoning
- Control and prevention of contamination
- Supplier control
- Services, e.g. water, electricity, ventilation etc
- Storage, distribution and transport
- Waste management
- Pest control
- Personal hygiene and fitness to work
- Training and supervision
- Working instructions

Note: All of the above may not be needed. This will depend on the nature and the extent of the business being operated from the food stall.

Maintenance of the cold chain means making sure foods that require refrigeration or frozen storage, are kept at the appropriate temperature. This is important to consider when implementing a number of the prerequisites above.

Details on pre-requisites are set out in prerequisite programmes on the FSAI website https://www.fsai.ie/food_businesses/haccp/prerequisite_hygiene_requirements.html

Practical information is available in the FSAI's *Safe Catering Pack* – a user-friendly tool to help caterers manage food safety. The FSAI has also produced other easy to read information on HACCP-based procedures. See Appendix I or www.fsai.ie.

Alternatively, industry guides to good hygiene practice were developed by the National Standards Authority of Ireland as an agreed interpretation of the hygiene rules as provided for in Regulation (EC) No 852/2004, as amended. These include *I.S. 340: Hygiene in the Catering Sector* and *I.S. 341: Hygiene in Retail and Wholesaling* which may be followed. Food stall operators may also design and implement their own procedures.

The FSAI's *Guidance Note No. 11: Assessment of HACCP Compliance* is used by environmental health officers when they are verifying compliance with Article 5 of Regulation (EC) No 852/2004, as amended.

Records of monitoring carried out should be available at the food stall when operating. What records are required will depend on the activities being carried out.

4.3 GENERAL CONDITIONS APPLICABLE TO ALL FOOD STALLS

Food stalls must comply with the general requirements set out in Chapter III of Annex II of Regulation (EC) No 852/2004 and Chapters IV – XII, insofar as they apply which are explained in this section.

Additional specific requirements for high-risk activities and mobile food vans are set out in Section 5. The general structural and equipment requirements set out in this section may not be sufficient for these types of activities.

When determining the suitability of the structure and equipment in addition to the risk associated with the business, consideration must be given to the scale of the operation and the location, i.e. indoors or outdoors.

4.3.1 Siting/Location

- Food stalls should be sited on hard standing (paving or tarmac) with adequate drainage for surface water if located outdoors. The stall should be sited on level ground.
- The stall must be situated so that the risk of cross contamination by dirt, animals or other sources of contamination, is minimised. If the food stall is sited in a field used for grazing animals, extra care must be taken to avoid contamination.

4.3.2 Design and construction

- The food stall must have adequate space for the activity being carried on. The layout should be set up to ensure the segregation of non ready-to-eat and ready-to-eat food.
- The food stall must be designed so that food can be stored off the ground at a level which will ensure that it cannot be contaminated by animals or other ground level contamination.
- The food stall must be constructed of suitable materials and must be kept in a proper state of repair, in a clean and hygienic condition, and not pose a risk of contamination to open food.
- The construction and layout of the food stall should ensure that any food exposed is adequately protected from the elements, from airborne dust, birds and insects, and from members of the public. If located outdoors, this will normally mean that the food stall should be covered over and screened at the sides. The suitability of the design and construction will also depend on whether the food stall is trading indoors or outdoors and the season.
- The food stall must be constructed using smooth and impervious materials such as plastic coated canvas. The materials used must be easy to clean, resistant to mould growth and suitable for all weather use.
- The floors in mobile food vans/trailers/units must be finished with a hard, durable, easily cleanable and preferably, non-slip material.
- There must be adequate lighting at the stall, i.e. natural and/or artificial lighting. Artificial lighting must be provided if the food stall is trading at night or if the design of the food stall impedes natural lighting or if insufficient natural lighting is available. Lights, where used, should be fitted with shatter proof diffusers or shatter proof bulbs in any area where there is open or exposed food.
- Sufficient ventilation must be provided where necessary, to prevent the accumulation of steam, mould and odours.

- A satisfactory power source must be provided where necessary, e.g. a mobile generator of suitable capacity, or a connection to mains electricity. If using an auxiliary power source such as a generator, the food business operator may need to consider carefully, its suitability for the intended trading location.
- Care must be taken when siting a power source, that it does not contaminate food.
- Where food stalls are situated on sites without hard standing, e.g. on grass or loose stone, individual stalls should provide hard, durable, easily cleanable flooring such as duckboard or heavy duty groundsheets.
- When not in use, the food stall must be stored in a clean place.

4.3.3 Surfaces, equipment and utensils

- All surfaces that come into contact with food must be made of suitable material, e.g. laminated timber, stainless steel, plastic, glass. They must be smooth, durable and easy to clean and disinfect, if necessary.
- Surfaces must be sturdy and stable enough to safely support any equipment, containers and food which will be stored on them.
- Separate utensils should be used for raw, non ready-to-eat and ready-to-eat foods.
- Single use containers should only be used once.

4.3.4 Facilities for cleaning food and equipment

- Suitable cleaning equipment and materials must be provided at the food stall to clean what is required to ensure food safety while in operation at the site. Other cleaning can be carried out off-site. This will need to be determined on a case-by-case basis taking into consideration the nature and extent of the business, facilities on site, and the duration of trading. Cleaning equipment and materials must be stored in such a way as not to pose a risk to food.
- An adequate supply of food grade detergents and disinfectants for cleaning must be provided at the food stall.
- Where utensil/equipment washing is necessary, a sink unit of adequate size (to clean the largest piece of equipment/utensil) with a supply of 'running' hot and cold water must be provided or easily accessible. There must be sufficient water to last the duration of operation. This can be achieved by bringing enough water or having access to a supply. The water must be of potable quality.
- Depending on the nature and extent of the operation, more than one sink may be required.

- Where food preparation is carried on at the food stall which requires washing of the food, dedicated washing facilities must be provided. The utensil/equipment washing sink is not acceptable for food preparation unless the operator can demonstrate that it can be done safely, i.e. time separation and sanitising between different uses.
- A suitable means of drainage must be provided for waste water from basins and sinks. Where there is no access to the public drainage system, waste water must drain into a suitable container of sufficient size but which can be carried to a discharge point without spillage. Open buckets and refuse bins are not suitable and waste water must not discharge on to the ground.
- All equipment, utensils, work surfaces and construction materials must be properly cleaned after trading, before being stored.
- Sinks/basins must be constructed of smooth, durable and easy to clean materials.
- Disposable cloths should be used.
- Containers used to store water and waste water and associated pipework for filling and draining must be regularly cleaned. Containers for the storage of potable water should be regularly disinfected.
- Containers used to store water and waste should be labelled to avoid the possibility of cross contamination. If potable water is being stored, it should be labelled 'potable water only'.

4.3.5 Facilities for washing hands

- The food business operator must demonstrate that there is adequate means of cleaning hands for the duration of trading.
- A wash-hand basin with 'running' hot and cold water or warm water is required where there is exposed high-risk food. The supply must be adequate for the duration of trading. A minimum of a 20 litre container is recommended. Alternatively, small, purpose-made hand-washing units are available which may be battery-operated or run off an external source.
- Soap and disposable paper towels or other suitable hand drying facilities must also be provided.
- For low-risk activities, alternative means of cleaning hands such as detergent and antiseptic wipes, may be acceptable. This will depend on the circumstances, e.g. access to facilities for cleaning hands, duration of trading. It should be noted that alcohol hand disinfecting agents or wipes are only effective when used on physically clean hands. These agents are completely inactivated by any organic matter, they are not considered suitable for hand cleaning where hands are likely to become soiled during the course of trading or are likely to retain food debris during food handling or service.

4.3.6 Personal hygiene

A high degree of personal hygiene must be practiced by staff handling foods on stalls. Those suffering from illness or infection must not handle, prepare, or work with food. Any illness that may affect food safety must be notified to the person in charge, e.g. food poisoning, upset stomach, diarrhoea or skin infections:

- Cuts, sores, and open wounds must be covered with waterproof dressings (blue coloured dressings are recommended)
- Food handlers must wear clean, protective clothing when dealing with high-risk food. Protective clothing must be specifically for use when operating the food stall. It must be clean and provide an adequate barrier to protect food, e.g. clean apron or clean clothing without buttons or adornments which could fall into food. Protective clothing must be removed when not serving/handling food, e.g. going to the bathroom, removing refuse, taking a break etc
- Hair should be tied back and covered by a hat, hairnet or similar head covering
- Food handlers must not smoke at food stalls
- Jewellery must not be worn with the exception of a wedding band, sleeper ear rings or studs
- Nail varnish, false nails or false eyelashes must not be worn
- Adequate storage must be provided for personal clothing so that food will not become contaminated
- Food handlers must always wash hands thoroughly using non-perfumed soap:
 - Before starting work
 - Before handling cooked or ready-to-eat food
 - After handling raw food
 - After using the toilet
 - After handling waste or rubbish
 - After handling raw food
 - After touching animals
 - After blowing nose, sneezing or coughing
 - After eating
 - After smoking
 - After handling items which may not be clean, e.g. money
 - Before using disposable gloves
 - After every break

- Hands should be washed for at least 10-15 seconds, as follows:
 - o Wet hands under warm running water
 - o Use enough soap to form a good lather
 - o Rub all parts of hands with soap and water
 - o Lather for at least 10-15 seconds, vigorously and thoroughly rubbing all hand surfaces, including the fingertips and thumbs
 - o Rinse hands thoroughly with running water
 - o Dry hands thoroughly

DISPOSABLE GLOVES

Proper and frequent hand-washing is critical to ensure safe food. Disposable gloves can be used but it is important to remember that gloves can be a source of contamination if certain rules are not followed:

- Hands must be clean before putting on gloves
- Gloves must be changed regularly and properly disposed of
- If gloves are used for certain duties such as cleaning, handling raw food, waste or money, they must always be disposed of before starting another activity

The gloves must be suitable for use in contact with food and be latex free. A food handler should question if there is any benefit in using disposable gloves for the particular activity, before putting gloves on.

As with protective clothing, the purpose of gloves is to protect the food and not the food handler.

4.3.7 Water supply

- An adequate supply of 'running' hot and cold potable water must be available for hand-washing where exposed high-risk foods are being handled, for equipment/utensil washing, food preparation or beverage making.
- Where ice is used in contact with food, it must be made of potable water. Where ice is used for displaying or chilling fish, it must be made from clean water. Ice must be made in such a way as to ensure it does not become contaminated. It must be handled in the same way as food.
- Potable water supplied directly from the mains should be used where possible. If water is stored in a tank, the tank must be made of suitable food grade material and constructed so that when drained, no water remains in it.
- *Note: Potable water is water that complies with European Union (Drinking Water) Regulations, 2014 (S.I. No. 122 of 2014).*
- *Note: The Environmental Protection Agency has published guidelines on the requirements for drinking water. They recommend that if water to be used has been stored in tankers for more than 48 hours it should be sampled and tested for potability. Further information on drinking water is available from www.epa.ie.*

4.3.8 Waste disposal

- Adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (whether liquid or solid), must be available.
- A suitable number and type of refuse bins must be provided. They must be provided with tight-fitting lids. They must be easy to clean. Bin liners should be used where possible.
- There are specific rules for the storage and disposal of certain waste such as animal by-products and cooking oil. Most local authorities now require the segregation of waste. The food stall operator should discuss this with their local authority if they intend to bring their waste home after trading or with the event organiser/local authority if they intend to dispose of their waste during trading.
- Waste must be stored in such a way that it does not put food at risk.
- Bins may be required for customer use at the food stall. Bins must be emptied during trading if necessary, and refuse must be properly disposed of after trading.
- Bins must be segregated from food storage during transport.

4.3.9 Maintenance of the cold chain

- Adequate facilities and/or arrangements for maintaining and monitoring the temperature of food must be available. This includes adequate refrigeration or freezer capacity for the volume of food requiring chilled or frozen storage. A probe thermometer should be available to check the temperature of the food.
- All food susceptible to rapid microbiological growth must be kept at a temperature of 5°C or less. Refrigeration should be provided in order to keep food at the correct temperature. Food business operators providing alternatives such as insulated cool boxes must demonstrate that the arrangements are suitable to maintain the required temperature during transport and operation. In warm weather, back-up frozen ice-packs may be required. A refrigerator or alternative must be at the required temperature before putting food in them.
- Food that requires storage at chilled temperatures should be at 5°C or less before placing it in the refrigerator or alternative.
- Where frozen food is stored or sold, freezer units capable of maintaining the food in a frozen state must be provided. A unit capable of achieving -18°C is required. The FSAI guide on the sale of ice-cream recommends that scoop ice-cream may be displayed for sale at -12°C providing the storage period is no longer than a week.
- When planning on suitable storage for food, particularly refrigeration or frozen storage, regard must be taken of storage requirements before and following trading, i.e. travel, set up and packing up time.

4.3.10 Storage and display of food

- Foodstuffs must be stored or displayed so as to avoid the risk of contamination in so far as is reasonably practicable. Primary products must be protected from post-harvest contamination especially from other materials such as chemicals and foreign objects.
- Non ready-to-eat and ready-to-eat foods must be properly segregated to avoid the risk of cross contamination.
- Food and non-food items should be stored separately.
- Utensils and crockery must be properly stored.
- All food must be stored off the ground to prevent contamination by animals or pests. Food should be stored at least 450 mm off the ground.
- A stock rotation system must be used to ensure that the oldest food is sold first – first in, first out [FIFO].

- There must be sufficient and appropriate storage for food during the hours of operation. This can be provided at the stall or in back up facilities such as the transport vehicle or other storage.
- Utensils used for the storage of food must be food grade. They must be in a good state of repair and clean.
- Suitable sneeze screens or other protection from the public must be provided where food is exposed. Alternatively, food must be covered.
- Chilled and frozen foods must be stored at the required temperature to maintain the cold chain.
- Hot foods must be stored and maintained at $\geq 63^{\circ}\text{C}$.
- Foods which are reheated at the stall must be heated to a core temperature of $\geq 70^{\circ}\text{C}$.
- If high-risk foods are cooked or heated on site, they should be served hot unless they can be safely cooled.
- Decanted food must be properly handled and stored after trading. Decanted batches of food should not be mixed, e.g. tins of olives should be decanted into suitable containers and fully used before opening another tin. The contents of tins should never be mixed unless they are from the same batch.
- Vacuum packs once opened, should be used as soon as possible. The storage conditions of opened vacuum packaged foods will not be the same as sealed packages. The food stall operator should refer to the manufacturer's instructions for any food they are decanting from the original packaging and then storing.
- Once ripened, soft or semi-soft cheese must be maintained at refrigerated temperatures, of 5°C or less. All cut soft and semi-soft cheese must be stored at refrigerated temperatures regardless of the stage of ripening.
- The control of temperature in the storage of hard cheeses is primarily related to maintaining the product quality such as taste and aroma. However, if the characteristics of the product are such that pathogens may grow, e.g. neutral pH, high water activity, then temperature control is required to maintain safety. Soft or semi-hard cheeses ripened by moulds/bacteria should be kept at a temperature of 5°C or less.
- Whole eggs in intact shell do not require refrigeration.

- The food business operator must keep in mind, the effect that any garnishes, dressings or decorations have on the food they are displaying. Display items such as baskets and matting etc may seriously prevent the correct temperature being maintained in the refrigerator because they insulate the food from the cold air. In addition, dressings, decorations and garnishes may be a direct source of contamination if they are not cleaned and handled in a similar manner to utensils.

4.3.11 Transport

- Food must be transported in a way that prevents contamination, and keeps it at the correct temperature. This applies even over short distances.
- Containers used for transporting food must be kept clean and maintained in good repair and condition. Reusable containers for transporting food must be food grade if used for exposed food, clean and constructed to facilitate easy cleaning. Containers used for transporting food must not be used for transporting anything other than food if this could result in contamination of the food.
- The interior of vehicles must be clean and free from any conditions that could cause contamination of the food.
- Raw and ready-to-eat foods must be kept separate during transport.
- Food items should be segregated from non-food items (such as craft items, plants, gardening materials etc.) during transport.

TEMPERATURE CONTROL DURING TRANSPORT

- Any food requiring refrigeration must maintain a core temperature of 5°C or below during transport. Where insulated containers are used, these must be able to maintain the temperature at or below 5°C during transport.
- Any frozen food must be transported at a temperature at or below -18°C.
- Hot food must be kept at $\geq 63^{\circ}\text{C}$.
- Purpose built vehicles must be able to maintain the appropriate temperature of the food being transported. These should be provided with temperature monitoring equipment (such as a thermometer capable of being calibrated) to ensure the required temperatures are being achieved. These vehicles must be adequately insulated with a lined interior that provides a smooth, continuous, easily cleanable waterproof surface.

4.3.12 Wrapping and packaging of foodstuffs

- Materials used to wrap food must be food grade.
- Materials used to wrap or pack food must not be a source of contamination. They should be handled in a similar way to food.
- Wrapping or packaging must be properly stored, including during transport, so it does not become contaminated.
- Wrapping or packaging which is being re-used must be clean and in good condition.

4.3.13 Training

- All food handlers, including seasonal and part-time staff, must be adequately supervised, instructed and/or trained in food hygiene matters to allow them to do their job safely.
- Those responsible for the development and maintenance of the procedures based on HACCP principles must have received adequate training on the application of HACCP principles.

Specific guidance on training is available from the FSAI series '*Guide to Food Safety Training*'. The HSE will also provide guidance on what training is considered adequate for each particular food business. Food business operators will need sufficient knowledge of food safety to be able to identify and control the hazards associated with their business. Further guidance is available in the FSAI's *Guidance Note No. 12: The Inspection of Food Safety Training and Competence for Staff in an Operative Role (2003)*.

5. SPECIFIC HYGIENE AND OTHER REQUIREMENTS FOR CERTAIN FOOD STALLS REGULATION (EC) NO 852/2004

5.1 STALLS WHERE HIGH-RISK ACTIVITIES ARE CARRIED OUT

All food stalls must comply with the general requirements set out in Section 4.3. In addition, food stalls carrying on high-risk activities need to comply with the following:

- Where food is being cooked, it must be cooked to a core temperature of 75°C instantaneously or an equivalent time temperature combination, e.g. at least 70°C for 2 minutes. The core is taken as the thickest part of the food. If cooked food is to be reheated, it should achieve a core temperature of at least 70°C. Food that is being kept hot after cooking or reheating, must be maintained at a temperature of 63°C or above
- High-risk foods cooked or heated on site must be served hot unless they can be safely cooled
- Handling and preparation must be carried out to avoid the risk of cross contamination. Where raw meats, products or preparations and cooked meats, products or preparations or other ready-to-eat foods are handled in the same stall, segregated storage and display for ready-to-eat and non ready-to-eat food must be provided
- Where frying and similar activities are being carried out, an extract canopy of suitable construction and of suitable material may be necessary over all heat and steam emitting appliances. Adequate ventilation should also be provided
- A heat resistant finish such as stainless steel must be provided behind deep fat fryers and hot plates or if there are walls/partitions behind any heat emitting appliance, they should be heat proofed

5.2 MOVABLE FOOD VANS/TRAILERS/UNITS

Movable food vans/trailers/units such as those serving soft whipped ice-cream or preparing and selling hot food, must comply with Sections 4.3 and 5.1. In addition, the following requirements must be met:

- The driving compartment of the vehicle should be separated from the food area of the vehicle
- The movable food van/trailer/unit must be purpose built or properly converted
- The internal height of a movable food van must be sufficient for the activity being carried on. The internal surfaces must be finished with a smooth, hard, durable and easily cleanable material. The floor must be finished with a hard, durable, easily cleanable and preferably non-slip material, e.g. vinyl tiles, non-slip heavy duty vinyl sheeting
- A canopy of suitable construction and suitable material must be provided over the heat and steam emitting appliances. A mechanical extraction system to the exterior of the van, complete with grease filters, may be necessary
- All food must be prepared in the vehicle or in an establishment registered, or approved, for that purpose
- Separate refrigerators may be necessary, depending on the nature and extent of the business, to store non ready-to-eat and ready-to-eat foods
- All waste water from sinks must drain to a suitable covered container or sump on the unit. The container should be marked 'waste water'
- Suitable cleaning equipment must be provided in the van. A locker or other suitable compartment must be provided for the storage of these items

APPENDIX I. GLOSSARY OF DEFINITIONS

FOOD SAFETY LEGISLATION INCLUDES THE FOLLOWING DEFINITIONS:

‘Food business’ means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food

‘Food business operator’ means the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control

‘Food information’ means information concerning a food and made available to the final consumer by means of a label, other accompanying material, or any other means including modern technology tools or verbal communication

‘Label’ means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to the packaging or container of food

‘Labelling’ means any words, particulars, trademarks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such food

‘Packaging’ means the placing of one or more foodstuffs in a second container, and the latter container itself

‘Prepacked’ means any single item for presentation as such to the final consumer and to mass caterers, consisting of food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; ‘prepacked food does not cover food packed on the sales premises at the consumer’s request or prepacked for direct sale

‘Wrapping’ means the placing of a foodstuff in a wrapper or container in direct contact with the foodstuff concerned and the wrapper or container itself

DEFINITIONS FOR THE PURPOSE OF THIS GUIDANCE NOT SET OUT IN LEGISLATION:

‘Food safety management system’ means the system of controls used by a food business operator to ensure that the food it produces is safe to eat, when prepared and/or eaten according to its intended use

‘Food stall’ means a movable and/or temporary premises (such as a market stall or a mobile sales vehicle)

‘HACCP’ is short for Hazard Analysis and Critical Control Point. HACCP means a system that identifies, evaluates and controls hazards, i.e. dangers, which are significant to a food’s safety, e.g. HACCP for a food business identifies the hazards associated with the operations in that business and identifies how these hazards are controlled

‘High-risk food’ means food which can support the growth of dangerous organisms, i.e. pathogens, and which will not be subjected to any further processing, e.g. cooking, which would destroy or reduce numbers of such organism to a safe level prior to consumption, e.g. raw seafood, freshly prepared salads, prepared fruit and vegetables, sprouts, some meats and dairy products

‘Low-risk food’ means food where the potential to cause harm to consumers is low, e.g. selling pre-packed chocolate

‘Ready-to-eat food’ means any food (including beverages) which is normally consumed in its raw state or food which has been cooked or processed and does not require further cooking or processing to ensure its safety, e.g. coleslaw, cooked sliced meats and smoked salmon

‘Pre-requisite’ means hygiene practices and procedures required prior to and during the implementation and ongoing operation of a HACCP system, e.g. premises, equipment, staff training, pest control and waste management

APPENDIX 2. RELATED DOCUMENTS

The following list of guidance documents is of particular relevance to food stall operators:

FOOD SAFETY AUTHORITY OF IRELAND

STARTING A FOOD BUSINESS

- *Guide to Food Law for Artisan and Small Food Producers Starting a New Business*
- *Starting a Food Business in the Home*
- *Business Start-up Information*

HACCP

- *Guidance Note No. 11: Assessment of HACCP Compliance (Revision 2)*
- *What is HACCP?*
- *HACCP Catering*
- *HACCP Butcher Shops – Meat Counters*
- *Safe Food to Go*
- *Safe Catering Pack*
- *Regulation 2073/2005 for retailers*

FOOD INFORMATION FOR CONSUMERS

- *FAQs on Food Information for Consumers*
- *Food Information on Prepacked Food*
- *Information on Nutrition and Health Claims*
- *Allergen Information for Non-prepacked Food*
- *Guidance Note No. 28 - Food Allergen Information for Non-Prepacked Foods in Ireland*
- *Food Hypersensitivity – Food Allergy and Intolerance*
- *Food Information for Consumers at Markets operated by Country Markets Limited*
- *Labelling and Hygiene Guidelines for Producers of Small Quantities of Hen Eggs*
- *Labelling of Jams, Jellies and Marmalades*
- *Labelling of Fruit Juices and Related Products*
- *Organic Food*
- *Guidance Note No. 29 - The Use of Food Marketing Terms*

TRACEABILITY

- *Traceability Factsheet for Caterers*

TRAINING

- *Guide to Food Safety Training*
- *Guidance Note No.12: The Inspection of Food Safety Training and Competence for Staff in an Operative Role (2003)*
- *Safe Handling of Soft Ice-cream*
- *Food Stalls Operating in Shopping Centres*

FSAI Guidance Notes and support material are available at:

http://www.fsai.ie/resources_publications.html

EUROPEAN COMMISSION

- *Guidance Document: Implementation of procedures based on the HACCP principles and facilitation of the implementation of HACCP principles in certain food businesses*
- *Guidance Document on the implementation of certain provisions of Regulation (EC) No 852/2004 on the hygiene of foodstuffs*
- *Guidance on the implementation of Articles 11,12,14,17,18,19 and 20 of Regulation (EC) No 178/2002*
- *FAQ on flexibility for food business operators*
- *Flexibility provisions for competent authorities*

European Commission Guidance is available at:

http://ec.europa.eu/food/food/biosafety/hygienelegislation/guide_en.htm

NATIONAL STANDARDS AUTHORITY OF IRELAND

- *I.S. 340:2007: Hygiene in the Catering Sector*
- *I.S. 341:2007: Hygiene in Food Retailing/Wholesaling*

APPENDIX 3. STALLS IN SHOPPING CENTRES WHERE DRIED FRUIT, NUTS AND SIMILAR ITEMS ARE SOLD

This activity is generally considered low-risk for most of the population other than for those suffering from nut allergies. Allergens are outside the scope of this guidance.

1. Access to a wash-hand basin provided elsewhere in the shopping centre is sufficient. A wash-hand basin located on the stall is not required. However, the provision of equipment such as tongs, spoons and scoops is required on the stall so that the foods do not have to be handled directly. Suitable hand wipes must be provided so that employees can routinely clean their hands.
2. A dedicated utensil sink is not required at the stall. Where washing facilities are not provided at the stall, a suitable procedure must be in place whereby dirty or used equipment is removed and washed elsewhere off site. However, in order for the food business operator to demonstrate to the satisfaction of the EHO that they are following such a procedure, there should be evidence such as:
 - A supply of clean, washed and sanitised replacement scoops, bowls, spoons and tongs as necessary
 - A designated storage area for potentially contaminated utensils and equipment prior to their removal from site
 - Suitable containers for removing soiled utensils from site such as large plastic boxes or bags and
 - The food business operator must be able to demonstrate access to suitable facilities for the washing and disinfecting of utensils and crockery

In addition, food grade disinfectant wipes must be provided on the stall for routine minor cleaning of scoops and bowls.

3. The products must be displayed so that they are suitably protected from contamination, depending on the nature of the business and the level of overall control demonstrated by the food business operator. This can be achieved by the erection of suitable sneeze guards or the fitting of appropriate lids to each container on the stand. Sneeze guards or lids must be durable, easy to clean and maintain in a clean condition. Clingfilm is not a suitable alternative to sneeze screens or lids.

Continues on next page

4. When the stall is unmanned, e.g. if the employee goes on a break or goes to use the sanitary accommodation, suitable procedures must be in place to protect the product and the stall from contamination. If lids or sneeze guards are fitted, this will go some way towards meeting this requirement. However, the food business operator must have in place, some system so that members of the public are discouraged from helping themselves or reaching in to the stand.
5. Overnight, the products should be placed into suitable containers to prevent contamination by pests. This proposal will be met if proper fitting lids are used on each of the containers.
6. Access to suitable sanitary accommodation is required.

Please contact your local environmental health officer for further information if you are intending to set up such a business. Details are available on the HSE website at <http://www.hse.ie/eng/services/list/1/environ/Contact.html>



Food Safety Authority of Ireland
Abbey Court, Lower Abbey Street,
Dublin 1

Údarás Sábháilteachta Bia na hÉireann
Cúirt na Mainistreach, Sráid na Mainistreach Íocht.,
Baile Átha Cliath 1

Tel: +353 1 817 1300

Email: info@fsai.ie

Website: www.fsai.ie

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