



Environmental Health,
Lisieux House,
St. Joseph's Community Nursing Unit,
Trim,
Co. Meath
Phone: [REDACTED]

27th October, 2023

The Company Secretary
Bany & Fam Limited,
12 Railway Street,
Navan,
Co. Meath

Closure Order

Regulation 30 of the European Union (Official Controls in relation to Food Legislation) Regulations 2020 (S.I. No. 79 of 2020)

To: Bany & Fam Limited, 12 Railway Street, Navan, Co. Meath

We, [REDACTED], being authorised officers of the Health Service Executive under the Food Safety Authority of Ireland Act, 1998 and under S.I No.79 of 2020, and in exercise of the powers conferred on us by Regulation 30 of S. I No. 79 of 2020 hereby direct all or part of the premises, as identified in Part I of the Schedule be **closed** with immediate effect until the earliest of:

- (i) An order to contrary effect by a Court of competent jurisdiction; or
- (ii) Further written direction by the Health Service Executive

We make this order being of the opinion that there is failure to comply with food legislation for the particular reasons set out in Part 2 of the Schedule and being of the opinion that **all or part** of the business, or its establishments, holdings or other premises to which the order relates as identified in Part 1 of the schedule be closed.

Schedule

Part 1 Business/Establishments/Holdings/Other Premises

The business operated by **Bany & Fam Limited**, trading as **Mizzoni Pizza** at **Mizzoni Pizza, 12 Railway Street, Navan, Co. Meath**

This Closure Order directs that:

- (a) All of the business, its establishments, holdings or other premises be closed.

Part 2 Particular Reasons for making of the Closure Order

Persistent and recurring failure to comply with the legislation detailed below.

Failure of the food business operator to effectively address non-compliances (which may result in illness and a risk to public health) and to prevent recurrence and maintain a satisfactory level of food safety.

1. Legislation Contravened: Regulation (EC) No 852/2004 Annex II, Chapter V, (1a & b), Chapter I (1)

There was evidence that articles, fittings and equipment coming into contact with food were not effectively cleaned and disinfected after use/end of shift. **For example:** Cooking trays were not washed after use and were found to be congealed with grease and charred food particles. Pizza dough containers were visibly soiled with food debris/flour residues. Food utensils e.g. tongs, pizza cutters were encrusted with food residues from the previous night. Mould growth was visible on the internal surfaces of the milkshake blender and a foul odour was detected when the lid was removed.

Risk:
Ineffective and infrequent cleaning could pose a risk of contamination of foods prepared on the premises, which may result in illness and a risk to public health.

2. Legislation Contravened: Regulation (EC) No. 852 Annex II, Chapter II, (2)

Inadequate facilities were provided for the cleaning and disinfecting of working utensils and equipment, many of these items were heavily soiled and greasy-to-touch. The history of the food business demonstrates the lack of consistency in implementing a two compartment sink dishwashing procedure. There was a lack of separate cleaning equipment available to maintain the premises hygienically. There was a lack of a suitable food grade surface sanitiser designed to destroy bacteria which cause food poisoning and are safe for food contact surfaces when used according to the manufacturer's instructions.

Risk:
The lack of adequate dishwashing equipment/facilities results in unhygienic practices which pose food contamination risks which may result in a risk to health.

3. Legislation Contravened: Regulation (EC) No. 852 Annex II, Chapter I, (1 & 2)

There was a lack of adequate facilities, equipment and work space provided for the hygienic performance of all operations e.g. peeling and chipping potatoes, regenerating cooked foodstuffs, frying. Ready-to-eat foodstuffs were being prepared in the same sinks as heavily soiled potatoes.

Risk:
The lack of adequate facilities, equipment and work space were resulting in unhygienic and unsafe practices which may lead to contamination of foodstuffs.

4. Legislation Contravened: Regulation (EC) No. 852 Annex II Chapter IX (9)

There was no food allergen management plan in place. Food workers did not understand their role in allergen management and the food safety implications of the presence of undeclared food allergens. Measures were not in place to prevent or minimise the likelihood of allergen cross contamination. This was evident through the shared use of fryers/cooking media for cooking foods with different allergen profiles and the lack of cleaning of food contact equipment.

Risk:
The presence of undeclared allergens in food has potential to cause life-threatening a life threatening allergic reaction.

5. Legislation Contravened: Regulation 852/2004 Annex II Chapter I (2d), Chapter IX (2, 5)

Foodstuffs likely to support the reproduction of pathogenic microorganisms or the formation of toxins were kept at temperatures that might result in a risk to health. The cold chain was not maintained as high risk foodstuffs were held for an extended time-frame at ambient temperature. Foodstuffs were defrosting at room temperature. Ready-to-eat foodstuffs were recorded in the danger zone at 22°C.

Risk:
These conditions facilitate the growth/recovery of pathogens resulting in a risk to health.

6. Legislation Contravened: Regulation (EC) No 852/2004 Chapter II Article 5 (1)

There was inadequate evidence that permanent procedures based on the principles of H.A.C.C.P were in place. Monitoring was not being carried out to demonstrate that C.C.P's were being controlled. There was no oversight or verification of food safety procedures by management.

Risk:
Failure to fully implement a Food Safety Management System may lead to a risk to food safety as all hazards may not have been clearly identified and or adequately controlled.

7. Legislation Contravened: Regulation (EC) No 852/2004 Annex II Chapter XI (a)

There was no evidence of a Food Safety Culture commensurate with the nature and extent of the food business. This was evident through all of the non-compliances listed above and the repeated non-compliances observed during official controls.

Risk:
The absence of a food safety culture demonstrates a lack of commitment to food safety and therefore poses a risk to public health.

8. Legislation Contravened: Regulation (EC) No 852/2004, Annex II, CHAPTER XII, 1, 2, 3

Food workers demonstrated unsafe food handling practices and a lack of food safety knowledge at the time of inspection

Risk:
An inadequate awareness of how to prevent and properly manage food safety hazards poses a risk to public health.

Dated this day **27th October, 2023**

Signed 

Print Name:  (authorised officer)

Duly authorised by the Health Service Executive for the purposes of Regulation 30 of S.I. No.79 of 2020.

Signed:
Print N
Duly aut



authorised officer)

vice Executive for the purposes of Regulation 30 of S.I. No.79 of 2020.

Note 1: Under Regulation 30(5) of S.I. No. 79 of 2020 a person who is aggrieved by a Closure Order may, within the period of 7 days beginning on the day on which the Closure Order is served on him or her, appeal against the Closure Order to a judge of the District Court in the District Court district in which the Closure Order was served.

Note 2: Under Regulation 30(7) of S.I. No. 79 of 2020 a person who appeals against a Closure Order or who applies for a direction suspending the application of the Closure Order shall at the same time notify the Food Safety Authority of Ireland or the Health Service Executive, as appropriate, of the appeal or the application and the grounds for the appeal or the application and the Food Safety Authority of Ireland or the Health Service Executive shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

.....