



Environmental Health Service  
Dublin South East City  
Adelaide Chambers  
Peter Street  
Dublin 8

Tel: [REDACTED]

02 October 2023

Nizzo Capital Limited,  
8 Cecilia Street,  
Temple Bar,  
Dublin 2

### Prohibition Order

Regulation 29 of the European Union (Official Controls in relation to Food Legislation)  
Regulations 2020 (S.I. No. 79 of 2020)

To: Nizzo Capital Limited, 8 Cecilia Street, Temple Bar, Dublin 2

I [REDACTED] being an authorised officer of the Health Service Executive under the Food Safety Authority of Ireland Act, 1998 and S.I No.79 of 2020, and in exercise of the powers conferred on me by Regulation 29 of S. I No. 79 of 2020 hereby direct the ~~operator/person in charge~~ on whom this Prohibition Order is served that the particular ~~consignment/class/batch/items~~ of food identified in Part 1 of the schedule is/are with immediate effect:

- (i) not used for human consumption
- (ii) restricted or prohibited from being placed on the market
- (iii) ~~withdrawn from sale (whether or not the product is on the market for sale in the State or elsewhere);~~
- (iv) ~~recalled from sale or distribution (whether or not the food is on sale or being or has been distributed for sale in the State or elsewhere)~~
- (v) ~~as appropriate in the interests of public health, is rendered safe for human consumption, or detained or destroyed in a manner prescribed by the authorised officer.~~

I 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 the particular Items of food identified in Part 1 of the Schedule should be restricted or prohibited from being placed on the market and not used for human consumption.



### Schedule

#### Part 1 Details of the Particular Consignment, Class, Batch or Item of Food

- Ham and cheese toastie x 4.
- Small pizza (cheese) x 1.
- Chicken, avocado, tomato, mayo sandwich x 2.
- Cheese, ham, tomato, mushroom pizza x 1.
- Falafel wrap x 1.
- BBQ, Bacon, crozzini x 3.
- Pepperoni, olive pizza slice x 2.
- Lemon cheese cake x 2.
- Chocolate eclair x 3.
- Ham & cheese croissant x 1.
- Cheese & mushroom croissant x 1.

- Flam. Pastrami x 3

#### Part 2 Particular Reasons for Making of the Prohibition Order

##### State:

The products listed in part 1, which are likely to support the reproduction of pathogenic micro-organisms & the formation of toxins were kept at temperatures that might result in a risk to health. - Failure to comply with Regulation 852/2004, Annex II, chapter IX (5).

Dated this day 2<sup>nd</sup> October 2023

Signed: \_\_\_\_\_

Duly authorised by the Health Service Executive for the purposes of Regulation 29 of S.I. No. 79 of 2020.  
This Order shall take effect immediately upon service.

**Note 1:** Under Regulation 29(1) of S.I. No. 79 of 2020 in the event of non-compliance or delay by the person on whom the notice has been served, an authorised officer of the Food Safety Authority of Ireland or the Health Service Executive shall, following consultation with the chief executive or other officer of the Food Safety Authority of Ireland or the Health Service Executive designated in that behalf, take whatever steps are considered necessary to ensure compliance with the direction given under this paragraph, including the seizure and destruction of the products in question or the making of any arrangements for such seizure or destruction or both.

**Note 2:** Under Regulation 29(6) of S.I. No. 79 of 2020 a person who is aggrieved by a Prohibition Order may, within the period of 7 days beginning on the day on which the Prohibition Order is served on him or her, appeal against the Prohibition Order to a judge of the District Court in the District Court district in which the Prohibition Order was served.

**Note 3:** Under Regulation 29(8) of S.I. No. 79 of 2020 a person who appeals against a Prohibition Order or who applies for a direction suspending the application of the Prohibition 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.