Guidance for Reduced Oxygen Packaging at Wholesale

Reduced oxygen packaging refers to vacuum packaging, modified atmosphere packaging, controlled atmosphere packaging, sous vide or cook-chill.

1) Vacuum packaging of foods to be sold wholesale will often require written verification of the operation by a recognized food processing authority.

2) Foods placed in reduced oxygen packaging are restricted to those which will not support the growth of *Clostridium botulinum* because it complies with one of the following:
   i. Has an *a*_\textsubscript{w} of 0.91 or less,
   ii. Has a pH of 4.6 or less,
   iii. Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR section 424.21, “Food Ingredients and Sources of Radiation,” and is received in an intact package,
   iv. Is a food with a high level of competing organisms such as raw meat or raw poultry; or fermented natural hard and semi-soft cheeses containing live starter culture organisms. (Ricotta, Brie, Camembert, mozzarella, cottage cheese, cheese spreads and combinations of cheese and other ingredients such as vegetables or meat are examples of cheese products which **may not** be reduced oxygen packaged.)
   v. Is a frozen food which does not meet the criteria of (a), (b) or (c) and is conspicuously labeled, **“Important – Keep Frozen Until Use;”**
   vi. Is a food which contains some other barrier which precludes the growth of *Clostridium botulinum*.

3) Vacuum packaged products must be maintained at 41°F or below as determined by the processing authority.

4) The packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
   i. Maintain the food at 41ºF (5ºC) or less, and
   ii. Discard the food if within 14 calendar days of its packaging, it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;

5) The shelf life of the product is limited to no more than 14 calendar days from packaging to consumption or the original manufacturer’s “sell by” or “use by” date, whichever occurs first;

6) Detailed written in-house procedures must be developed, adhered to and monitored. These must include operational procedures that:
   i. Prohibits contacting food with bare hands,
   ii. Identifies a designated area and the method by which:
       a. Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and
       b. Access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation, and
   iii. Delineates cleaning and sanitization procedures for food contact surfaces.

7) In-house procedures must include a section that describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:
   i. Concepts required for a safe operation,
   ii. Equipment and facilities, and
iii. Procedures specified under Paragraph (6) of this section and how to write and follow a written HACCP plan.

8) Except for fish that is frozen before, during and after packaging, a food establishment may not package fish or fish products using a reduced oxygen packaging method without approval from a processing authority.

9) Conspicuous signs listing products which may be packaged in reduced oxygen containers (those listed on your license application) and warning against packaging any other products, should be posted in the reduced oxygen packaging area.

10) You may be required to verify that the refrigerated products you package in reduced oxygen containers meet the criteria set forth in Item Number 3 listed above either via written certification from the product manufacturer or independent laboratory analysis of incoming product.

11) Only entire prepackaged loaves of cold cuts or cheese should be sliced and reduced oxygen packaged. If it is necessary to stop slicing and packaging a particular loaf of product for a period of time exceeding one-half hour, the remainder of that loaf should be diverted for some other use such as a customer service deli counter.

12) You must have applied for and received an Article 20-C Food Processing License.

*Reduced oxygen packaging of meat for wholesale distribution falls under the jurisdiction and inspection of the USDA.

*Reduced oxygen packaging of cheese for wholesale distribution falls under the jurisdiction of Agriculture and Markets Division of Milk Control and Dairy Services.

Failure to adhere to the foregoing guidelines could result in a Department of Agriculture and Markets determination that the product in question is in violation of New York State Agriculture and Markets Law in that it is adulterated as defined in Article 17, Section 200, "Adulteration of Food" and in violation of 1NYCRR, Part 261, "Rules and Regulations Relating to Human Foods: Current Good Manufacturing Practice"