

**IMPORTANT  
NEW CHANGES TO THE WISCONSIN FOOD CODE**

**3-8 SPECIAL REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS**  
Subpart

**3-801 Additional Safeguards**

**3-801.11 Pasteurized Foods and Prohibited Food.**

In a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

- (B) Pasteurized shell EGGS or pasteurized liquid, frozen, or dry EGGS or EGG products **shall be** substituted for raw shell EGGS in the PREPARATION of:
- (1) FOODS such as Caesar salad, Hollandaise or Béarnaise sauce, mayonnaise, eggnog, ice cream, and EGG-fortified BEVERAGES; and
  - (2) Except as specified in ¶ (E), recipes in which more than one EGG is broken and the EGGS are combined.
- (E) Subparagraph (B)(2) does not apply if:
- (1) The raw EGGS are combined immediately before cooking for one CONSUMER'S serving at a single MEAL, cooked as specified under Subparagraph 3-401.11(A)(1), and served immediately, such as an omelet, soufflé, or scrambled EGGS;
  - (2) The raw EGGS are combined as an ingredient immediately before baking and the EGGS are thoroughly cooked to a READY-TO-EAT form, such as a cake, muffin, or bread; or

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**3-401.11 Raw Animal Foods.**

- (A) Except as specified under ¶¶ (B), (C), and (D), raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:
- (1) 63°C (145°F) or above for 15 seconds for:
    - (a) Raw shell EGGS that are broken and PREPARED in response to a CONSUMER'S order and for immediate service, and...

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**Definitions:**

**"Highly susceptible population"** ... are immuno-compromised; preschool age children, or older adults; and obtain food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home; or nutritional or socialization services, such as a senior center.

**"Potentially hazardous food"** means any food that requires time/temperature control for safety that consists in whole or in part of milk or milk products, eggs...

**Meets New  
Wisconsin  
Food Code**

## Features & Benefits Gained from Pasteurized Shell Egg Use

All natural process eliminates dangerous salmonella, and other bacteria & viruses before the eggs enter the facility.

- Exempt from definition as a Potentially Hazardous Food (PHF) in the U.S. Food Code and other state codes
- Offers a solution for the state civil codes that requires food operations to insure the food they serve is safe (1)
- Provides save service to all individuals, including those highly susceptible to severe complications from salmonella (many of whom are impossible for a restaurant to know are at risk)
- Offers a pasteurized solution still in shell that can be used for applications that pasteurized liquid eggs can not fulfill
- Provides a safe alternative for all egg styles and dishes
- Allows for eggs to be safely served undercooked, raw or used in any recipe
- Provides unsurpassed protection from egg-related food borne illness and outbreaks
- Eliminates costs associated with an egg related illness; liability or litigation claims (1), facility disruption, brand defamation and brand repair
- Eliminates excessive or mandated hand washing, excessive or mandated glove use
- Stops kitchen, food, employee, apron, towel, tool, utensil and other potential cross contamination risks

- Allows for immediate compliance with all food codes, without any special processes or CCPs; pasteurized shell eggs meet all FDA, USDA, CDC, U.S. Food Code requirements for handling, cooking, holding, applications and safe consumption even when served raw or undercooked
- Reduces time and costs required for training and retraining employees on an otherwise high risk food component or PHF
- Eliminates costly egg-related critical violations and protects food safety scorecard in health department audits
- Delivers superior taste: Since the bacteria are destroyed through pasteurization, the taste in a PSE is not diminished by these bacteria, thus, delivering a superior taste throughout the life of the eggs
- Enhanced visual presentation: higher haugh values (height of the albumen and yolk) are a positive result of pasteurization which allows for an improved sunny-side up presentation
- Opens the opportunity for new chef-preferred, value-added menu items previously considered health code risks or violations, e.g. Eggs Benedict, Caesar dressings, culinary sauces, specialty desserts, etc.

### TEMPERATURE AS AN EGG SAFETY CONTROL

Pasteurized eggs can be held out of refrigeration temperature for up to 8 hours

- Allows for improvements to recipes that require room temperature eggs, in situations such as handling at cook stations and in all prep areas
- Safe use throughout an operational daypart, adding operational efficiency and time reduction
- Enhances ease of handling in prep areas and kitchens; no need for extra refrigeration space in prep area or costs of incremental refrigeration units
- Removes eggs as a PHF from the health department's check list
- Eliminates health department violations or critical scrutiny of egg controls

### SUMMARY OF ADVANTAGES:

Eggs are a nutritious culinary staple used in many recipes and dishes throughout the menu, served many ways and enjoyed by all ages of individuals. Eggs are a tremendous attribute to any food operation. However, while eggs are highly appreciated by consumers and the food industry, unfortunately ordinary shell eggs have proven to harbor the risk of dangerous salmonella bacteria. Although the differences in features from an ordinary egg to a pasteurized egg are primarily the destruction of bacteria, the benefits gained by a food operation and their guests are priceless. **The safest choice a food operator can make when it comes to eggs is to eliminate salmonella before it enters his or her establishment by insuring the eggs they choose are pasteurized.**

*(1) State Code example: Marler Clark Attorney's at law - letter to FDA on egg safety 2005. "Punitive damages are awarded in addition to compensatory damages, and are intended to punish and deter conduct that is considered particularly egregious. The legal standard in the majority of States that allow an award of such damages is proof of conduct that constitutes a willful and conscious disregard of a known safety risk. Using raw, unpasteurized shell eggs in a food product intended for consumption by a member of a high risk population easily meets this standard."*



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