

16.2.2023

HEARING

L'ABC Del Gusto di Bruno e Scisci Paolo snc
Via degli Artigiani, 44/a
12016 Peveragno (CN)
Italy

Hearing of L'ABC Del Gusto di Bruno e Scisci Paolo snc regarding a regulation in accordance with Section 55 of the Food Act

The hearing is a session reserved by the control authority prior to reaching a decision where the affected parties can express their opinion on the matter at hand and provide a written rejoinder regarding demands and accounts that might have an effect on the decision.

Operator	L'ABC Del Gusto di Bruno e Scisci Paolo snc, Via degli Artigiani, 44/a, 12016 Peveragno (CN), Italy y-tunnus 2700009-4
Site	L'ABC Del Gusto, mobile food handling premises

Background information relating to the matter

L'ABC Del Gusto, mobile food handling premises, tours various fairs and markets around Europe. In Finland, they operate annually over a period of 4–6 months. The operator sells Italian hams, Parmigiano Reggiano cheese, olive oil, balsamico and risotto rice. At another outlet, they make ice cream.

The mobile food handling premises of L'ABC Del Gusto were inspected as per the control plan on 1 October 2021, 7 April 2022 and 30 September 2022. During the inspections, it was observed that the operator does not have records to present of the staff's health reports or hygiene passports.

A re-inspection of the mobile food handling premises of L'ABC Del Gusto was carried out on 19 January 2023. During the inspection, it was observed that the operator still does not have the previously requested records to present. The operator's website does not contain information on products for sale either in Finnish or Swedish. The Oiva report was not on display at the sales location. (Appendix 1 Inspection report)

The operator has a warehouse in Kauppamiehentie 1, FI-02100 Espoo. The warehouse has not been registered in accordance with Section 10 of the Food Act.

Proposed order

It will be proposed to the Director of the Food Safety Unit that the following orders are given, in accordance with Section 55 of the Food Act (297/2021):

- 1) The in-house control plan must be updated to correspond to the activities.
- 2) The operator must demonstrate that health reports have been carried out on persons handling unpackaged to be served unheated.

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- 3) The persons who handle easily perishable foods must have hygiene passports.
- 4) All packaged foods for sale must have packaging labels in Finnish and Swedish, including on the online store website.
- 5) The Oiva report must be on display at the sales location in a place which is easily visible to consumers.
- 6) The warehouse in Kauppamiehentie 1, FI-02100 Espoo must be registered as food handling premises.

Proposed deadline

The decision will include a deadline whereby the deficiencies must be rectified by 30 April 2023.

Justifications

Despite the advice, guidance and requests provided, L'ABC Del Gusto di Bruno e Scisci Paolo snc, has not rectified all the deficiencies observed during the inspections. Since L'ABC Del Gusto di Bruno e Scisci Paolo snc, has not taken measures to rectify the deficiencies observed in the premises, it has become necessary to impose an order in accordance with Section 55 of the Food Act to rectify the deficiencies.

In accordance with Section 55 of the Food Act (297/2021), the control authority may order the operator to rectify the deficiency if:

- 1) foodstuff or food contact material, food establishments or origin of the production sites or foodstuff or food contact material activities may pose a danger to human health or are otherwise contrary to foodstuff regulations; or
- 2) information provided on the foodstuff or food contact material may endanger human health or mislead the consumer.

A violation of the food legislation must be ordered to be rectified immediately or within a fixed period specified by the control authority.

According to Section 15 of the Food Act, a food business and food contact material operator must have a system with which they can identify and control the hazards associated with their operations and ensure that the foodstuffs and the processing thereof comply with the requirements imposed by food legislations. Operators must keep sufficiently precise records of the results of their in-house control.

According to Section 22 in the Decree on food hygiene set by the Ministry of Agriculture and Forestry (318/2021), the bookkeeping related to food business operations in the in-house control plan must include the necessary documents for validating the in-house control plan concerning the implementation of the in-house control, the related measurements, studies and reviews, as well as on the implemented rectified actions and notifications to the authorities.

The operator must keep records of the in-house control bookkeeping for at least one year after the last use-by date or minimum storage period of the foodstuff, or for at least one year after handling of the foodstuff if the above date markings are not required, unless otherwise specified. In addition, the operator must keep the latest results of conducted research. The records must be available to the control authority. The in-house control system of L'ABC Del

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Gusto di Bruno e Scisci Paolo snc, does not include a description of foodstuff hygiene competence or a health report pursuant to the Communicable Diseases Act.

According to Section 19 of the Food Act, persons who handle unpackaged and easily perishable foods on food premises shall hold a hygiene passport that is in accordance with the model approved by the Finnish Food Authority demonstrating their competence in food hygiene when they have worked for a total of at least three months on food premises in tasks that require handling unpackaged and easily perishable foods. The operator in the food industry must keep a record of the food hygiene competence of the staff working on the food handling premises and present the information to inspection authorities upon request. L'ABC Del Gusto di Bruno e Scisci Paolo snc, has not presented records of the hygiene passports.

According to the Communicable Diseases Act (1227/2016), the employer must require a reliable statement from an employee ensuring that the employee does not suffer from salmonella, if the employee carries out tasks on food handling premises referred to in the Food Act that involve handling unpackaged foods to be served unheated. L'ABC Del Gusto di Bruno e Scisci Paolo snc, has not provided a list of employees on whom a health examination has been carried out.

Article 9 of Regulation (EC) No 1169/2011 of the European Parliament and of the Council on the Provision of Food Information to Consumers lists the obligatory packaging labels. In addition, the following information must be provided:

- label on high sodium content
- identification marking (foods of animal origin produced in the establishment)
- any other markings required by specific legislation.

In accordance with Section 4 of the Decree on the Provision of Food Information to Consumers (834/2014) by the Ministry of Agriculture and Forestry, obligatory packaging labels must be provided in Finnish and Swedish for foodstuffs to be sold or otherwise distributed in bilingual municipalities.

If products are shipped to other EU member states, English alone is not enough to meet the requirements set in Regulation No 1169/2011 on the Provision of Food Information by the European Union. The company must provide the obligatory food information required for distance selling by the Food Information Regulation as well as any other packaging labels that may be required by specific regulations in the language(s) required by the member state in question. The information shall be provided in the distance selling material before the consumer makes a purchase decision. The information on the packaging of the products to be delivered to the countries in question must be provided in the language(s) of the country in question. If the company ships products to Finnish consumers, the online store must provide the obligatory information in Finnish and Swedish.

According to Section 16 of the Food Act, the most recent food inspection report shall be made readily available on the food operator's website or in another equivalent manner. In addition, food premises visited by consumers shall display the report near the entrance or in another location where consumers can easily see it. The operator's sales locations did not display the most recent Oiva report at all.

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According to Section 10 of the Food Act, a food business operator shall give a notification of the food business for registration purposes in the online service provided by the competent control authority or supply the competent control authority with the information by other means no later than four weeks prior to commencement of operations or material change in them.

According to Section 78 of the Food Act, the decision shall be complied with before it becomes legally valid or before the rectification claims have been processed, unless otherwise required by the appeal authority or the authority dealing with the rectification claims, respectively.

Possible further measures

If the deficiencies have not been rectified by the deadline, a decision proposal may be submitted to the Urban Environment Committee's Environment and Permits Sub-Committee whereby the order issued will be enforced with a penalty payment. The possible penalty payment could be as much as EUR 10,000.

Hearing

Before the Director of the Food Safety Unit makes the rejection decision in accordance with Section 55 of the Food Act, L'ABC Del Gusto di Bruno e Scisci Paolo snc will be provided with an opportunity to provide a rejoinder regarding the upcoming decision and the deadlines.

Submitting the rejoinder

The written rejoinder must be submitted by 3rd March 2023 to the postal address: City of Helsinki, Registrar's Office, Environmental Services, Food Safety Unit, PO Box 10, FI-00099 CITY OF HELSINKI, or

by email: helsinki.kirjaamo@hel.fi (the subject line of the email should mention Environmental Services).

The written rejoinder asks for reference HEL 2023-001482.

The matter may be resolved even if a written rejoinder is not submitted by the deadline.

Applicable legal rules

Sections 1, 10, 15, 55, 16, 19 and 78 of the Food Act (297/2021)

Sections 34 and 36 of the Administrative Procedure Act (434/2003)

Section 22 in the Decree on food hygiene set by the Ministry of Agriculture and Forestry (318/2021)

Section 56 of the Communicable Diseases Act (1227/2016)

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Article 9 of Regulation (EC) No 1169/2011 of the European Parliament and of the Council on the Provision of Food Information to Consumers
Section 4 of the Decree on the Provision of Food Information to Consumers (834/2014) by the Ministry of Agriculture and Forestry
Section 4 of the Decree of the Ministry of Agriculture and Forestry on the declaration of certain foods as highly salty (1010/2014)
Articles 5 and 6 of Regulation (EC) No 853/2004 of the European Parliament and of the council laying down specific hygiene rules for food of animal origin

Method of notification

The hearing letter shall be delivered to the operator as a service of summons.

Additional information

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Riikka Åberg
Director of Food Safety

Appendices Inspection report 1