



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

**DIVISION FOR REGULATORY SERVICES
ENVIRONMENTAL AND CONSUMER SAFETY SECTION
POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT
PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP**

Texas Department of State
Health Services

**PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP
REGULATORY CLARIFICATIONS**

December 29, 2000 (Revised: February 21, 2017)

PSRFSGRC - No. 6

**SUBJECT: RETAIL REQUIREMENTS FOR INDIVIDUAL QUICK FROZEN (IQF)
OYSTERS**

Applicable Texas Food Establishment Rules (TFER) Sections:

- §228.62(e) Molluscan shellfish
- §228.63(h) Shucked shellfish, packaging and identification
- §228.64 Molluscan shellfish, original container
- §228.80 Consumer advisory

Question:

What are the requirements for the retail sale of individual quick frozen (IQF) oysters?

Response:

IQF oysters are classified as raw, shucked shellfish and all of the requirements that pertain to shucked molluscan shellfish must be followed.

Support:

§228.62(e) of the TFER requires that "molluscan shellfish shall be from sources according to law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish." The source information, which includes, in part, information regarding the oyster boat and captain license numbers, the date harvested, and the harvest location, is required to be listed on the harvester's tags or the shellstock dealer's tags. The tagging requirements are outlined in the Texas Molluscan Shellfish Rules. These tags must remain on the shellstock until the oysters are received by the oyster shucker.

Shellstock tags are not required on containers of shucked oysters. TFER §228.63(h) requires that labels for shucked shellfish list the name, address, and certification number of the shucker-packer or repacker of the molluscan shellfish. Additionally, if the packages have a capacity of less than 1.87 Liters (one-half gallon), the “sell by” date must be indicated or if the packages have a capacity of more than one-half gallon, the date shucked must be indicated. Retail food stores often sell small packages of approximately a dozen oysters. These packages must have the “sell by” or “best if used by” date specified. The larger packages that restaurants usually purchase (greater than one-half gallon) must have the “date shucked” specified.

The IQF process is designed to reduce the number of *Vibrio vulnificus* bacteria. If the processor complies with the Texas Molluscan Shellfish Rules, §241.67, the package may be labeled “processed to reduce *Vibrio vulnificus* to non-detectable levels.” IQF processing does not eliminate other potential pathogens. Therefore, food establishments that sell the IQF oysters for raw consumption must inform consumers about the risks associated with eating raw or undercooked shellfish. The required language and acceptable means of notice for the consumer advisory are detailed in §228.80(a) of the TFER.

Shucked oysters shall be properly displayed. §228.64(b) of the TFER states that “shellstock may be removed from the container in which they were received, displayed on drained ice, or held in a display container maintained at or below 41 degrees Fahrenheit...” The labeling information must be displayed with the oysters. The oysters can be displayed on top of drained ice, as long as proper handling techniques are followed.

The IQF oysters are best stored in the frozen state. The Public Sanitation and Retail Food Group recommends that frozen oysters be thawed, as needed, in small quantities in a refrigerator to minimize prolonged storage of the thawed product. The TFER requires that shucked shellfish be protected from contamination. IQF oysters on the half-shell must not be thawed in a container of standing water because filth from the shell may contaminate the oyster meat. With proper handling, the shelf life of freshly shucked, refrigerated oysters is approximately 14 days. The actual shelf life for the IQF product may vary, depending on processing and handling controls.

Agree to form and substance:



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