

FAQ: Food health and safety

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QUESTION	ANSWER
<p>Are there any laws or regulatory requirements preventing me from serving food in reusable/bring-your-own (BYO) cups or containers?</p>	<p>The Victorian Food Act 1984 and the Australia New Zealand Food Standards Code (the Code) set out legislative requirements for food safety and handling. In Section 3.2.2 Division 3(9) of the Code, it says that a food business must, when packaging food:</p> <ul style="list-style-type: none">• only use packaging material that is fit for its intended use• only use material that is not likely to cause food contamination, and• ensure that there is no likelihood that the food may become contaminated during the packaging process. <p>Additionally, under Section 3.2.2 Division 5(20) of the Code, food businesses must ensure eating and drinking utensils, as well as any food contact surfaces (including containers) are in a clean and sanitary condition prior to use. According to Section 3.2.2 Division 5(21) of the Code, food business must not use any chipped, broken or cracked eating or drinking utensils for handling food.</p> <p>When customers bring their own containers, it is up to each food business to determine whether a container provided by the customer can be used. Considerations include the cleanliness of the reusable container and the potential for it to contaminate the product or other food or surfaces in the premises. Of course, not all contamination is visible.</p> <p>Our advice:</p> <ul style="list-style-type: none">• Do not take BYO containers into the kitchen or food preparation areas, or rest them on food contact surfaces. This includes using BYO containers to store and weigh deli products.• Serve the food into the container at the front counter where other pre-prepared foods are served.
<p>If a reusable cup or container is presented to me dirty or broken, do I have to use it? Or should I refuse it?</p>	<p>It is likely that a customer will present you with a dirty cup or container at some point. Food businesses can't package food in a container that may cause contamination. In these cases, the customer should be politely advised that you cannot use their cup or container at that time.</p> <p>Situations like this are a good opportunity to educate customers around container hygiene. Some language you might want to try includes:</p> <ul style="list-style-type: none">• "I'm sorry, we can't serve food in that container as it has residue in it and might be contaminated. Next time, please make sure you've washed it in hot soapy water and stored it with the lid on or in a dry place"; or• "I'm sorry, we can't serve our coffee in a dirty cup, let us wash it for you"; or• "We want to maintain a consistent taste with our product, so we can't use that cup/container". <p>We suggest that instead of turning away a potentially loyal customer, you should offer to wash their cup/container for them, where it is possible to do so without causing a contamination risk. Alternatively, you could have a few spares available that you can let customers borrow and return on their next visit.</p>

Does food have to be individually packaged or covered when being stored or on display?

I.e. for premade food like muffins and sandwiches?

According to **Section 3.2.2 Division 3(6)** of the Code a food business must, when **storing** food, store the food in such a way that:

- It is protected from the likelihood of contamination; and
- The environmental conditions under which it is stored will not adversely affect the safety and suitability of the food.

Additionally, under **Section 3.2.2 Division 3(8)** of the Code, a food business must, when **displaying** food, take all practicable measures to protect the food from the likelihood of contamination. This can be achieved in several ways, including, but not limited to:

- Individually wrapping or packaging the food
- Storing the food in an enclosed display cabinet

This means that food businesses can find ways to sell their food without pre-packaging it or wrapping it in plastic wrap.