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**Governor**  
John R. Kasich**Lieutenant Governor**  
Mary Taylor**ODA Director**  
David T. Daniels**ODH Director**  
Richard Hodges

DATE: August 1, 2016

TO: Health Commissioners, Directors of Environmental Health and Interested Parties

FROM: Ohio Department of Health, Food Safety Program  
Ohio Department of Agriculture, Division of Food Safety

RE: Letter of Opinion 2016-01

Pursuant to Ohio Revised Code (O.R.C.) 3717.041, a joint letter of opinion may be issued by the Directors of the Ohio Department of Agriculture (ODA) and the Ohio Department of Health (ODH) at the recommendation of the Retail Food Safety Advisory Council (RFSAC) to assist in the uniform application of the rules adopted under O.R.C. Chapter 3717. On March 1, 2016, the definition of "packaged" was amended in the Ohio Uniform Food Safety Code, Ohio Administrative Code (O.A.C.) 3717-1-01(B) (76), which affects the labeling requirements for packaged foods. As a result of this change, Food Service Operations (FSOs) and Retail Food Establishments (RFEs) are required to label all packaged foods that are available for customer self-service.

It is the determination of the Directors of ODA and ODH that packaged food displayed on a serving line in a FSO or RFE does not require labeling in accordance with O.A.C. 3717-1-03.1(A)(3) and O.A.C. 3717-1-03.5(C)(1), provided the following are met:

1. The display case or packaged food contains identification of common names of each packaged food held within; and either:
2. The FSO or RFE have a written copy of the ingredients and allergen content for each packaged food available upon customer request; or
3. The FSO or RFE posts a sign or poster in or on an area adjacent to the display cases listing the common name, ingredients and allergen content of each packaged food displayed in each case.

ODA and ODH understand that a serving line is a contiguous line that flows along food displayed for selection by the end consumer for immediate consumption and ultimately ends with the checkout. The food can be either selected by hand or requested from a food employee. The serving lines may include coolers or display racks which are contiguous to the serving line, but may not exceed ten feet from the serving line unless otherwise monitored by food employees. The food serving line area must be monitored by food employees pursuant to O.A.C 3717-1-03.2(W). For purposes of this Letter of Opinion, serving lines do not include aisles of food displayed for retail sale in an RFE or FSO.