

**IN THE MATTER OF THE PUBLIC HEALTH ACT – ALBERTA**  
**ORDER OF AN EXECUTIVE OFFICER**

**To:** Jack Hunter  
J.D. Enterprises  
5431 – 240 Street  
Langley, BC V3A 7N6  
(the “**Owner**”)

**Re:** The Food Establishment located in Calgary, Alberta and municipally described as:

Circle H Concessions  
Food Preparation Trailer  
Unit SB0013  
Calgary Stampede, Lot 2

WHEREAS I, an **Executive Officer** of the **Calgary Health Region**, have inspected the above noted Food Establishment pursuant to the provisions of the **Public Health Act**, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted food establishment which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

- a. The owner of the food establishment did not obtain approval from the Calgary Health Region prior to the operation of the food preparation trailer.
- b. An approved hand washing basin is not available in the food preparation area.
- c. There are no sinks available in the food preparation trailer for the cleaning and sanitizing of food preparation utensils.
- d. There is no plumbing provided in the food preparation trailer.
- e. Ready-to-eat fruits are not washed prior to preparation. In particular, apples used in the preparation of candied apples are not washed.
- f. Foods prepared in the food preparation trailer are transported in dirty cardboard boxes to individual booths.
- g. A food handler has visible grime under his finger nails.
- h. A food handler is not washing his hands prior to handling and preparing open foods.
- i. A food handler is smoking while handling and preparing foods.
- j. A dirty ashtray is stored on the preparation table next to open foods.
- k. There is no sanitizer provided in the food preparation area.
- l. The facility has no means to measure the strength of a sanitizer.
- m. The floor in the food preparation trailer is constructed of bare and unfinished plywood.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act Food Regulation, Alberta Regulation 31/2006 and the Food Retail and Foodservices Code exist in and about the above noted food establishment, namely:

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- a. The owner of the food establishment did not obtain approval from the Calgary Health Region prior to the operation of the food preparation trailer. This is in contravention to Section 39 of the Regulation which states:

*An operator who proposes to operate a temporary food establishment at a special event must notify the regional health authority of the proposed operation of the temporary food establishment in the form and manner required by the regional health authority.*

- b. An approved hand washing basin is not available in the food preparation area. This is in contravention to Section 2.18.1(e) of the Code which states:

*Temporary foodservices are those types of foodservices with a time-limited life (e.g., special events, concessions at fairs and festivals), normally less than 15 days in duration per year. The following conditions shall be met:*

- (e) *A separate handwash sink should be supplied that is equipped with hot and cold running water, soap in a dispenser, and single-use hand towels. However, where the nature of the operation requires only minimal use of utensils/equipment in the preparation and handling of the food (i.e., dispensing tongs), the requirement for a separate hand wash sink may be waived, with one of the two compartment sinks used for this purpose.*

- c. There are no sinks available in the food preparation trailer for the cleaning and sanitizing of food preparation utensils. This is in contravention to Section 44 of the Regulation and Section 2.18.1(d) of the Code which states:

*Regulation:*

*In addition to the requirements of sections 41 and 42, the operator of a food establishment at a special event scheduled to run for more than 3 days must ensure that the food establishment*

- (a) *has, at a minimum, plumbed in water and a sink that is large enough to wash, rinse and sanitize all reusable utensils*

*Code:*

*Temporary foodservices are those types of foodservices with a time-limited life (e.g., special events, concessions at fairs and festivals), normally less than 15 days in duration per year. The following conditions shall be met:*

- (d) *A two-compartment sink with hot and cold running water shall be supplied. To facilitate washing and sanitizing, each compartment must be large enough to immerse the largest piece of equipment or utensils.*

- d. There is no plumbing provided in the food preparation trailer. This is in contravention to Section 2.18.1(f) of the Code which states:

*Temporary foodservices are those types of foodservices with a time-limited life (e.g., special events, concessions at fairs and festivals), normally less than 15 days in duration per year. The following conditions shall be met:*

- (f) *Hot and cold water shall be supplied.*

- e. Ready-to-eat fruits are not washed prior to preparation. In particular, apples used in

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the preparation of candied apples are not washed. This is in contravention to Section 24 of the Regulation which states:

*All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat.*

- f. Foods prepared in the food preparation trailer are transported in dirty cardboard boxes to individual booths. This is in contravention to Section 42(a) of the Regulation which states:

*The operator of a temporary food establishment must ensure that*

*(a) food is protected at all times to the satisfaction of an executive officer from dust, rain, pests and other potential contaminants*

- g. A food handler has visible grime under his finger nails. This is in contravention to Section 43(1)(b) which states:

*A food handler must*

*(b) exhibit cleanliness and good personal hygiene*

- h. A food handler is not washing his hands prior to handling and preparing open foods. This is in contravention to Section 43(1)(d) of the Regulation which states:

*A food handler must*

*(d) wash hands as often as necessary to prevent the contamination of food or food areas*

- i. A food handler is smoking while handling and preparing foods. This is in contravention to Section 43(1)(e) of the Regulation which states:

*A food handler must*

*(e) refrain from smoking in a food area...*

- j. A dirty ashtray is stored on the preparation table next to open foods. This is in contravention to Section 42(a) of the Regulation.

- k. There is no sanitizer provided in the food preparation area. This is in contravention to Section 42(e) which states:

*The operator of a temporary food establishment must ensure that*

*(e) a sanitizer approved by the executive officer is available on site at all times for sanitizing surfaces and utensils and that a method is available to verify the sanitizer's concentration*

- l. The facility has no means to measure the strength of a sanitizer. This is in contravention to Section 42(e) of the Regulation.

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- m. The floor in the food preparation trailer is constructed of bare and unfinished plywood. This is in contravention to Section 41(3)(a) which states:

*If the special event is scheduled to run for more than one day, the operator of a temporary food establishment must ensure that the food establishment*

- (a) *has a floor constructed of asphalt, concrete, finished plywood or a similar non-absorbent material...*

AND WHEREAS by virtue of the foregoing, the above noted premises are hereby declared to be **closed**;

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately **CLOSE** the above noted food establishment
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted food establishment, namely:
  - a. Obtain approval from the Calgary Health Region prior to the operation of the food preparation trailer.
  - b. Install a 2-compartment sink for hand and utensil washing in the food preparation area.
  - c. Provide hand soap and paper towels in suitable dispensers above the wash compartment of the 2-compartment sink.
  - d. Connect all sinks to the potable water supply.
  - e. Connect all sinks to the waste water system.
  - f. Ensure that the preparation procedure for candying apples includes pre-washing the fruit.
  - g. Ensure all foods are transported in a clean and sanitary manner.
  - h. Ensure all staff members exhibit good personal hygiene.
  - i. Ensure all staff members wash their hands as often as necessary to prevent the contamination of food.
  - j. Ensure all staff members refrain from smoking in food areas.
  - k. Separate all smoking related paraphernalia away from food preparation and storage areas.
  - l. Provide an approved chemical sanitizer.
  - m. Provide test strips for checking chemical sanitizer.
  - n. Finish the plywood flooring so that it is durable, impervious to moisture, non-slip and easily cleanable.
3. That, until such time as the work referred to in paragraph 2 is completed to the satisfaction of the undersigned, or an executive officer of the Calgary Health Region, the above noted premises shall remain **closed**.

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Dated at Calgary, Alberta, this 17<sup>th</sup> day of July, 2007, to confirm a verbal order issued on the 5<sup>th</sup> day of July, 2007.

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Grace Mar, CPHI(C)  
Executive Officer  
Calgary Health Region

***Section 5(2) of the Public Health Act provides that a person who is directly affected by this Order and considers himself or herself aggrieved hereby may appeal the same to the Public Health Appeal Board, 24<sup>th</sup> Floor, Telus Plaza North Tower, 10025 Jasper Avenue, Edmonton AB T5J 2N3, within ten (10) days. The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal.***

***The Owner is advised that the Public Health Act empowers the Calgary Health Region to carry out the terms of this Order on the Owner's behalf and at the Owner's expense should the Owner fail to comply with the terms hereof.***

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**Airdrie**

Airdrie Public Health Centre  
604 Main Street South  
Airdrie, AB T4B 3K7  
Phone: 403-912-8400  
Fax: 403-912-8410

**Banff**

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**Calgary/Mountain View/Rocky View**

Calgary Health Region, Centre 15  
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Calgary, AB T2G 2E6  
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**Canmore**

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#104, 800 Railway Avenue  
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**Claresholm**

Claresholm Public Health  
5221 2<sup>nd</sup> Street W  
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**Didsbury**

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**Okotoks**

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11 Cimarron Commons  
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Phone: 403-995-2600  
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**Strathmore**

Public Health Building  
650 Westchester Road  
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[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)