

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Dwayne Wolbaum
"the Owner"

RE: The food establishment located in Calgary, Alberta and municipally described as:

Dads Sausage and Cured Meats
140 - 7920 42 Street SE

WHEREAS I, an **Executive Officer of Alberta Health Services**, have inspected the above noted premises 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 premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. The operator was preparing food from home and not from the approved food establishment listed on his Food Handling Permit
- b. The operator did not keep records/log required for the processing of his foods products.
- c. With high-risk foods being prepared at home, the operator did not provide proper labelling of his foods sold at farmer's market to indicate it was home prepared
- d. The operator was soliciting online sales of high-risk foods prepared at home from an unapproved food establishment

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

- a. The operator was preparing food from home and not from the approved food establishment listed on his Food Handling Permit. This is violation of section 9(4) of the Food Regulation, AR 31/2006 which states: an operator must ensure that the terms and conditions of the permit are not contravened.
- b. The operator did not keep records/log required for processing of his foods. This is contrary to section 24 of the Food Regulation, AR 31/2006 which states that all food handling in a commercial food establishment must be done in a manner that makes the food safe to eat and section 29(1) which states the operator must have written procedures designed to ensure its safe and sanitary operation and maintenance.
- c. With high-risk foods being prepared at home, the operator did not provide proper labelling of his foods sold at farmer's market to indicate it was home prepared. This is in violation of section 36(1)(d)(ii) of the Food Regulation, AR 31/2006 which states that: A stallholder must not sell, offer for sale, distribute provide or otherwise make available to the public

home-prepared food unless it is labelled, prior to sale, with the following information: a statement that the food is prepared in a home kitchen that is not subject to inspection; a statement that the food is not for resale.

- d. The operator was soliciting online sales of high-risk foods prepared at home from an unapproved food establishment. This is in of section 3(1)(b) of the Food Regulation, AR 31/2006 which states that: No person shall operate a food establishment unless the food establishment is identified on the permit as approved by the regional health authority that issued the permit.

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 premises.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Remove all advertisements for sale of high-risk foods, including online (<https://dadssausage.net>) and print media, including for sale at farmer markets.
 - b. Provide proper labelling for all food products; include product name, contact information for operator, date of preparation, batch/item number and a disclaimer that the food was prepared at an uninspected kitchen and is not for resale.
 - c. Maintain proper records for all food production; include product name, date and time of production, temperature logs, batch or item number, internal smoking temperature and smoking time for each product.
 - d. Submit a written plan to an Executive Officer of Alberta Health Services detailing the intent for any future plans for operation of a food establishment.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary Alberta, September 15, 2022

Executive Officer
Alberta Health Services

You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and
 b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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