

ORDER OF AN EXECUTIVE OFFICER

To: Scoop N Roll Creamery Ltd
Momen Mohammad Al-Subaihee
Nader Rafeh
Karam Baz
“the Owner”

RE: The food establishment located in St. Albert, Alberta and municipally described as:
Scoop N Roll mobile unit number EDM 1077 based out of 15814 131 Avenue NW,
Edmonton, Alberta, T5V 1J4

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 cooler with perishables was not maintaining a temperature of less than 4°C. The unit was 8°C.
- b. Utensils and containers were not being properly washed and sanitized between uses.
- c. Open food containers were not covered or protected from potential contamination between uses.
- d. Cracked/damaged/uncleanable containers were in use storing food.
- e. The water supplied to a dipper well was not running at a sufficient rate.
- f. The immersion blender was being stored in the soiled water of the dipper well.
- g. Opening instructions were not being maintained or followed. IE. turn on hot water before food preparation starts for the day, cooler is to be checked to ensure that it is at a safe temperature before use, etc.
- h. Staff working in the facility were not adequately trained in food safety or were not adequately supervised by someone trained in food safety. Staff were unaware of how to create a sanitizing solution and were unaware of the need for a sanitizing solution, staff were unaware of the safe perishable food holding temperatures, staff were unaware of the need to not re-use soiled utensils and equipment.
- i. Cleaning chemicals were being stored in unlabeled spray bottles.
- j. Staff were unaware of exactly what cleaning chemicals were present in the unlabeled spray bottle.
- k. There were no test strips present for checking that an effective sanitizer solution was being maintained.
- l. Food was improperly stored on the dirty floor in milk crates.
- m. Floor covering was in disrepair with uncleanable areas (holes and edges had a build-up of debris present). Some areas of the floor were improperly repaired with duct tape. Floor covering is meant to be smooth, cleanable, durable and non absorbent to moisture.

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 cooler with perishables was not maintaining a temperature of less than 4°C. The unit was 8°C. This is in violation of Section 25(1) of the Food Regulation AR 31/2006 which states "All high-risk foods must be stored, displayed and transported at a temperature of (a) not more than 4°C or such higher temperature, or (b) not less than 60°C or such lower temperature as an executive officer stipulates under subsection (4)."
- b. Utensils and containers were not being properly washed and sanitized between uses. This is in violation of Section 28(2) of the Food Regulation AR 31/2006 which states "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a clean and sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- c. Open food containers were not covered or protected from potential contamination between uses. This is in violation of Section 23(1)(a) of the Food Regulation AR 31/2006 which states "All food used in a commercial food establishment must be protected from contamination."
- d. Cracked/damaged/uncleanable containers were in use storing food. This is in violation of Section 28(3)(b) of the Food Regulation AR 31/2006 which states "All equipment and utensils in a commercial food establishment must be maintained in a manner that ensures the safe and sanitary handling of food."
- e. The water supplied to a dipper well was not running at a sufficient rate. This is in violation of Section 28(2) of the Food Regulation AR 31/2006 which states "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a clean and sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- f. The immersion blender was being stored in the soiled water of the dipper well. This is in violation of Section 28(2) of the Food Regulation AR 31/2006 which states "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a clean and sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- g. Opening instructions were not being maintained or followed. IE. turn on hot water before food preparation starts for the day, cooler is to be checked to ensure that it is at a safe temperature before use, etc. This is in violation of Section 29 of the Food Regulation AR 31/2006 which states "A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance."
- h. Staff working in the facility were not adequately trained in food safety or were not adequately supervised by someone trained in food safety. Staff were unaware of how to create a sanitizing solution and were unaware of the need for a sanitizing solution, staff

were unaware of the safe perishable food holding temperatures, staff were unaware of the need to not re-use soiled utensils and equipment. This is in violation of Section 24 of the Food Regulation AR 31/2006 which states "All food handling in a commercial food establishment must be done in a manner that makes food safe to eat."

- i. Cleaning chemicals were being stored in unlabeled spray bottles. This is in violation of Section 20(2)(a) of the Food Regulation AR 31/2006 which states "All chemicals, cleansers and other similar agents associated with or required for the operation or maintenance of the food areas must be stored in containers that are not intended to be used to store food and that are clearly labeled to identify their contents".
- j. Staff were unaware of exactly what cleaning chemicals were present in the unlabeled spray bottle This is in violation of Section 29(2)(b) of the Food Regulation AR 31/2006 which states "The (written) procedures must include a list of all cleaning and sanitizing agents used in the commercial food establishment, including their concentration and uses."
- k. There were no test strips present for checking that an effective sanitizer solution was being maintained. This is in violation of section 28(1) of the Food Regulation AR 31/2006 which states "A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance."
- l. Food was improperly stored on the dirty floor in milk crates. This is in violation of section 23(1) and 23(2) of the Food Regulation AR 31/2006 which states "All food used in a commercial food establishment must be (a) protected from contamination, and (b) handled in a sanitary manner."
- m. Floor covering was in disrepair with uncleanable areas (holes and edges had a build up of debris present). This is in violation of section 17(1)(a) of the Food Regulation AR 31/2006 which states "An operator must ensure that before operation of the commercial food establishment commences, the commercial food establishment is of sound constructions and in a good state of repair".

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

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair or replace the ineffective cooler and ensure that the cooler is capable of maintaining a temperature of 4°C or colder at all times when it is used for storing perishable foods.
 - b. Ensure all utensils and containers are not left soiled on the counters and are properly washed and sanitized between uses.
 - c. Ensure all open in use food containers are properly covered or protected from contamination between uses.
 - d. Ensure all containers used for storing food are in good repair and free from cracks or damage and are maintained in a cleanable condition.

- e. Ensure that the dipper well is constantly running at a sufficient rate at all times when the unit is in use.
- f. Ensure that the immersion blender is handled and maintained in a clean and sanitary condition at all times when the unit is in operation.
- g. Opening instructions are to be documented and provided to the undersigned. Opening instructions are to be in writing and contain instructions including but not limited to the following
 - turn on the hot water heater before food preparation starts for the day,
 - wash hands before handling food,
 - cooler is to be checked to ensure that it is at a safe temperature before use,A copy of this opening instructions is maintained and kept onsite for staff to follow and is available upon request during inspections.
- h. Modify any developed food safety plan to address the chronic and problematic issues and areas identified during this inspection and on past inspections. This plan is to include but not be limited to:
 - temperature checks and records as well as instructions on what to do if the unit is out of compliance,
 - sanitizer concentration checks and instructions on what to do if the concentration is inadequate and
 - instructions with timeframes on cleaning and sanitizing the reused equipment while the unit is in operation).
 - i. Ensure that the food safety plan facilitates the proper handling and storage of food within the commercial food establishment - and meets the requirements and intentions of section 3.0 of the Food Retail and Food Services Code, 2003, (Amended June 2020).
 - ii. Ensure that all appropriate staff are properly educated and trained regarding duties and requirements of the food safety plan.
 - iii. Maintain the food safety plan to reflect safe and proper food handling practices within the commercial food establishment.
 - iv. Ensure that the food safety plan is maintained and kept on site for staff to follow and is available upon request for inspection.
- i. Cleaning chemicals are to be stored in accurately labeled spray bottles.
- j. Written list of all cleaning chemicals in the mobile is to be present in the mobile unit.
- k. Test strips matching to the sanitizer being used are to be present in the mobile unit and used for checking the sanitizer concentration.
- l. Food is to be appropriately stored off the floor in a sanitary manner.
- m. Ensure that all surfaces including the flooring in the commercial establishment are maintained in good condition and constructed of material that are suitable for their intended purpose, durable, easily cleanable, non-absorbent, and free from any undesirable substances.

2. The work referred to in paragraph 1 shall be completed by the following timeframe:
- Items a, b, c, d, e, f, i, and l are to be completed immediately, before the unit opens June 8, 2023.
 - Items g, h, j, and k are to be completed within 1 week, before June 15, 2023.
 - Item m is to be completed within 30 days, before July 8, 2023.

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 St. Albert, Alberta, June 8, 2023

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.

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 visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

St. Albert • St. Albert Public Health Centre • Environmental Public Health

23 Sir Winston Churchill Avenue, St. Albert, Alberta, Canada T8N 2S7

<https://www.ahs.ca/eph>