

North Carolina Department of
Environment And Natural Resources

Division of Environmental Health

Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Terry L. Pierce, Director
Bart Campbell, Section Chief



January 31, 2005

Ms. Sue Vergne
Regulatory Quality Assurance Manager
Jack in the Box
9330 Balboa Ave.
San Diego, CA 92123-1516

RE: Jack in the Box Cheese

Ms. Vergne:

The North Carolina Department of Environment and Natural Resources-Dairy and Food Protection Branch recently reviewed your request that the processed American and Swiss cheese used by Jack in the Box be deemed “non-potentially hazardous”. The information submitted for review consisted of challenge studies conducted by Silliker Laboratories, a letter from Schreiber Foods, Inc. (the cheese manufacturer), and an article from the Journal of Food Protection.

The product as described in the submitted data meets the definition of a potentially hazardous food as designated by the North Carolina rules governing foodhandling establishments. The Department requested a technical evaluation of your request from the Food Safety Standards Committee (FSSC). The FSSC is a committee consisting of members of academia and state and local regulatory entities that is tasked by the Department with reviewing requests from industry for variances from the North Carolina rules governing food sanitation.

The following is a summary of their recommendations:

Based on the data submitted, the American and Swiss cheese may be kept at a temperature not to exceed 86⁰ F for a period not to exceed four hours, after which it must be discarded, as long as the following controls are effectively in place:

- Procedures shall be developed to train employees on the controls that must be used to meet the conditions of the variance;
- A time/temperature log shall be maintained to verify compliance with the time and temperature requirements;
- A letter of guarantee from Schreiber Foods, Inc. indicating that the cheese supplied to Jack in the Box is the same as that tested, shall be provided to the Department and also kept on file with Jack in the Box.
- The Department shall be informed of any significant changes in the product or manufacturing process that may affect the accuracy of the challenge test data;
- The controls for meeting the conditions of the variance shall be assessed at each scheduled inspection.
- A copy of this approval letter and Jack in the Box’s compliance plan must be kept in the establishment at all times and readily available for review by local health department field personnel or other regulatory authorities.
- The cheese must be easily identifiable by manufacturer by local health department field personnel. The included pictures depicting manufacturer data on both the carton and product sleeve is the approved method of identification.

Based on these recommendations, the Department will consider you to be in compliance with the North Carolina *Rules Governing the Sanitation of Foodhandling Establishments* so long as the above controls are satisfactorily in place. These requirements apply to all Jack in the Box stores located within North Carolina.

If you have questions or comments concerning this variance, please feel free to contact me.

Sincerely,

Sue Grayson, Branch Head
Dairy and Food Protection Branch
North Carolina Department of Environment and Natural Resources

CC. Cris Harrelson, Chair
Food Safety Standards Committee
Dairy and Food Protection Branch

