DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

DANIEL STALEY
DIRECTOR

February 14, 2017

TO: **Environmental Health Directors, Supervisors, Coordinators, and Specialists**

FROM: **Food Protection Program**

RE: **Burger King Chili Sauce**

This memo serves as compliance and enforcement guidance for the challenge study approval for Burger King (BK) Chili Sauce.

The Variance Committee recently approved a challenge study for BK Chili Sauce. The request submitted by Burger King was to allow BK Chili Sauce to exceed the date-marking parameters in Section 3-501.17, of the North Carolina Food Code Manual. The approved procedure is as follows:

- Label BK Chili Sauce with a discard date that is not more than 10 days past the thaw date (thaw date is day 1 + 9 days = 10 days);
- Thaw unopened BK Chili Sauce in a refrigerator;
- Open the BK Chili Sauce container, using a portion of the sauce; and
- Hold the BK Chili Sauce no more than 10 days in the refrigerator at 45°F or less.

This variance approval is granted by the Variance Committee, however, there is no HACCP plan required. When observing BK Chili Sauce labeling and storage for compliance with this approval, the concern should be whether the product is being held in the refrigerator 10 days. If the label indicates the storage exceeds 10 days, it is a violation and should be documented by marking item #27 on the inspection report for noncompliance with a variance approval. It is not a violation of date-marking. Please contact the Variance Committee if the approved procedure is not being followed and recurring violations are documented on inspection reports. Documentation may be emailed to ncvariancecommittee@dhhs.nc.gov

Please contact your Regional Specialist if you have questions or concerns.