



Michael R. Pence
Governor

William C. VanNess II, MD
State Health Commissioner

IN RE THE MATTER OF:

**Debra Fine
Cocoa Safari Chocolates
118 West Main Street
Madison, IN 47250**

**Re: Variance Request Dated February 29, 2012, # 40-2012
and Section 171, Preventing contamination from hands**

Order to Grant a Variance

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be issued to Debra Fine, Cocoa Safari Chocolates, 118 West Main Street, Madison, IN 47250.

This variance is based on the variance application submitted on February 29, 2012 and supplemental information later provided.

Order

This variance is subject to the following terms and conditions and is valid only for the time specified herein:

1. A variance is hereby issued to Debra Fine, Cocoa Safari Chocolates, Debra Fine, Cocoa Safari Chocolates, 118 West Main Street, Madison, IN 47250 for the requirement of 410 IAC 7-24-171(b) which requires food employees to use suitable utensils to contact ready-to-eat food when utensils can be used. This variance allows Cocoa Safari Chocolates to hand dip ready-to-eat chocolate with a food employee's bare hand under the following conditions:
 - A. This practice is limited to the following food employees, Debra Fine, Tasha Brantley and Linda Sullivan.
 - B. A certified food handler, as defined in 410 IAC 7-22, will be on duty during the time when hand-dipping of chocolate is occurring.
 - C. A double hand wash using a clean nail brush will be used by these three food employees each time bare hand contact of a ready-to-eat food begins

or is interrupted. This will be added to the "hand washing procedure" developed for this application;

- D. The use of the "chocolate glove" is approved for use by the three listed food employees providing it is obtained using sanitary melted chocolate from a separate batch of chocolate and any remaining chocolate is not reused for another "chocolate glove". This chocolate must be used only for this purpose and the "chocolate glove" is not added to any other product as it must be disposed of when the task is completed and/or interrupted;
 - E. The nut products used in the finished chocolate products are considered a ready-to-eat food and must be handled with a utensil, such as a glove or scoop;
 - F. Cocoa Safari Chocolates shall develop within 30 days and have ready to utilize in the event their product is associated with a food safety hazard a product recall plan which includes at least: mailing/emailing a notice to known customers, posting a notice in the Cocoa Safari Chocolates shop, publishing a notice in a local newspaper and on the business website, when applicable.
 - G. The controls for meeting the conditions of this approval shall be assessed by the local health department on each inspection to insure compliance with your SSOP's;
 - H. A copy of this approval letter must be kept onsite in the establishment at all times and readily available for review by the local or state health department personnel; and
 - I. The Indiana State Department of Health shall be notified of any substantive changes in the product manufacturing process if they occur.
2. This variance does not extend to any other locations except for the one location mentioned above.
 3. Cocoa Safari Chocolates shall comply in all aspects of 410 IAC 7-24, as determined by the local health department, except as stated above. Any change to the management or structure of the operation could invalidate this variance Order
 4. This variance Order is limited to the current owner of Cocoa Safari Chocolates, Debra Fine, or her designee, and the current scope of the existing operations. This variance Order is not transferable to a new owner.
 5. This variance Order is limited to being in compliance with all other applicable state and local regulations.
 6. Failure to comply with any of the above conditions could result in the revocation of the variance approval.

If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §40-21.5-3-7(a), you must petition for such review in writing. The petition must state facts demonstrating that:

- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

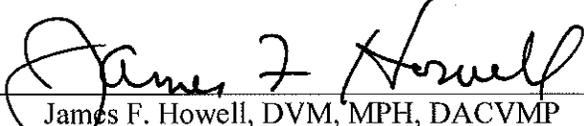
Your request for review or stay of effectiveness must be filed in writing with the State Health Commissioner, 2 North Meridian Street, Indianapolis, Indiana 46204, on or before March 3, 2013. If no request for review or stay of effectiveness is filed by March 3, 2013, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 13th DAY OF FEBRUARY 2013.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY APPROVE A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

WILLIAM C. VAN NESS II, M.D.
STATE HEALTH COMMISSIONER

By:


James F. Howell, DVM, MPH, DACVMP
Assistant Commissioner
Public Health and Preparedness Commission

cc: ISDH Executive Board
ISDH Food Protection Staff
ISDH Office of Legal Affairs
Jefferson County Health Department