

Retail Sale of Fresh and Frozen Fish, Meat, Poultry and any Other Potentially Hazardous Foods, with the Exclusion of Seafood and Frozen Desserts, from Mobile Vehicles.

103.01 Definitions:

1. Mobile vehicle is any land vehicle that is capable of being moved from place to place and is not stationary.
2. Transient vendor is a retailer who engages in the selling of (a) fresh fish, meat or poultry or (b) frozen fish, meat, poultry or any other fresh or frozen potentially hazardous food products, excluding seafood and frozen desserts, at any place in the state temporarily and who does not intend to become or does not become a permanent retailer of such place.
3. Fish means fresh fish and other forms of fresh water aquatic life (including alligator, frog, turtle, and the roe of such animals) other than birds or mammals if such animals are intended for human consumption.
4. Meat means the flesh of animals intended for human consumption including the dressed flesh of cattle, swine, sheep, or goats and other edible animals except fish and poultry.
5. Poultry means any domesticated bird intended for human consumption including chickens, turkeys, ducks, geese, or guineas but does not include ratites.
6. Frozen Desserts means any foods which conform to the provisions of the United States Food and Drug Administration, Title 21, Code of Federal Regulation, Part 135, Subpart B. Frozen Desserts shall include such products as ice cream, frozen custard, ice milk, sherbet, frozen yogurt, ice cream sandwiches, bars or cookies.
7. Seafood means edible fish or shellfish from the sea.
8. Potentially Hazardous Food means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting: the growth of infectious or toxigenic microorganisms; the growth and toxin production of *Clostridium botulinum*; or in raw shell eggs, the growth of salmonella enteritis. "Potentially Hazardous Food" includes an animal food (of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; and cut melons.
9. Pre-packaged Products mean commodities that are packaged in any manner in advance of sale in units suitable for direct retail sale to the consumer and packaged in a fixed facility under the jurisdiction of a federal (U.S.D.A or FDA) or state (MS Department of Health or MS Department of Agriculture and Commerce) agency.
10. Cold plate means a refrigeration system that uses frozen eutectic plates inside the body compartment to absorb heat as a means of maintaining desired temperature levels. Those passive plates are "refrozen" each day during a 10 (Ten) to 12 (Twelve) hour electrical plug in of the onboard refrigerant compressor.
11. Refrigerated Vehicle means an insulated vehicle (truck or trailer) equipped and used as a refrigerator to transport fresh perishable or frozen products.

(Amended August 2002. Temporary Amendment July 2006. Amended June 10, 2009.)

103.02 Retail Sale of Pre-packaged Fresh Fish, Meat, Poultry or other Potentially Hazardous Foods, excluding Seafood from Mobile Vehicles by Transient Vendors.

1. A retail food store license must be obtained for each vehicle in operation prior to putting each vehicle into service. The license shall be conspicuously displayed on the vehicle during sales. The vendor shall present the vehicle to the Department for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service. Mobile vehicles and the food storage facility where products are stored may be randomly inspected anytime, during normal business hours, by Department personnel.
2. Any potentially hazardous food that is offered for sale from a mobile vehicle must be from a refrigerated vehicle and have a workable continuous mechanical refrigeration system or cold plate system approved by the department as the refrigeration source. Products shall remain in the vehicle until sold. Product temperature of 41° Fahrenheit or less must be maintained at all times.
3. Floors and walls of the vehicle shall be made of material having a smooth surface and cleaned and maintained in a sanitary condition with the use of a cleaning product recognized by the food industry and used in accordance with the manufacturer's labeling instructions.
4. All food shall be protected from contamination from dust, dirt, foreign or injurious contamination and from cross-contamination by other type food products.
5. The name, address and telephone number of the vendor shall be conspicuously displayed on the vehicle during sales.
6. Advertisements must be completely in accordance with the labeling of the containers. The price per pound of random weight products must be included in the advertisement. Standard weight packages may show a total price only in the advertisement. All products offered for sale shall be labeled in accordance with Chapter 3, Section 3-6 as defined by the U. S. Department of Health and Human Services in the current *Food Code* unless otherwise noted in subsequent regulations.
7. Sample boxes shall not be displayed out of refrigeration. Products sold to customers at locations other than the vehicle must be picked up by the Customer from the vehicle.
8. In addition to the above, applicable parts of the Mississippi Department of Agriculture and Commerce laws, rules and regulations covering foods would also apply.

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3. Floors and walls of the mobile vehicle shall be made of material having a smooth surface and cleaned and maintained in a sanitary condition with the use of a cleaning product recognized by the food industry and used in accordance with the manufacturer's labeling instructions.
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Source: MISS. CODE ANN. §69-1-18(2)(a) (2005).

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