

## STATE FOOD INTERPRETATION #28

**Question:** Can a food establishment purchase shellfish shucked or unshucked, from a retail seafood market?

**Answer:** No

**Reason:** Shellfish must remain in the original container that they were purchased in with the identification tag attached. Shellfish can be removed from the container for display as long as the tag is available to show proof of source (421-430). If a food establishment permit holder or operator purchases a small quantity of shellfish, either shucked or unshucked from a retail seafood market or food store, there is no way to identify the source of the product. The retail store cannot issue a tag from the original container. The Bureau of Shellfish Sanitation must be certified the retail market as a repacker in order to sell to a food establishment. A food establishment permit holder can only purchase the entire original container of shellfish. Retail stores may dispense smaller quantities of shuck or unshucked shellfish to consumers provided it is for their own use.

**Interpretation:** Section 421-430 of the Virginia Food Regulations would be cited for this violation

**Source:** Bureau of Shellfish Sanitation

10/89

Revised 10/95

Revised 5/08/96

Revised 2/07/02