

County of Santa Clara
Department of Environmental Health
Consumer Protection Division

1555 Berger Drive, Suite 300, San Jose, CA 95112-2716
 Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0210593 - FIVE SPICE INDIAN GROCERY		Site Address 680 RIVER OAKS PY P, SAN JOSE, CA 95134		Inspection Date 09/10/2025	
Program PR0306457 - NO FOOD PREP <5,000 SQ FT - FP06			Owner Name FIVE SPICE INC		Inspection Time 09:30 - 10:50
Inspected By MAVERICK CHIN	Inspection Type ROUTINE INSPECTION	Consent By URVI AND MUSKAAN	FSC Exempt		

Placard Color & Score
RED
75

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification						X	
K02 Communicable disease; reporting/restriction/exclusion	X						S
K03 No discharge from eyes, nose, mouth	X						
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly	X						S
K06 Adequate handwash facilities supplied, accessible	X						
K07 Proper hot and cold holding temperatures		X		X			N
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods						X	
K10 Proper cooking time & temperatures						X	
K11 Proper reheating procedures for hot holding						X	
K12 Returned and reservice of food					X		
K13 Food in good condition, safe, unadulterated	X						
K14 Food contact surfaces clean, sanitized	X						
K15 Food obtained from approved source	X						
K16 Compliance with shell stock tags, condition, display						X	
K17 Compliance with Gulf Oyster Regulations						X	
K18 Compliance with variance/ROP/HACCP Plan						X	
K19 Consumer advisory for raw or undercooked foods						X	
K20 Licensed health care facilities/schools: prohibited foods not being offered						X	
K21 Hot and cold water available			X				
K22 Sewage and wastewater properly disposed	X						
K23 No rodents, insects, birds, or animals		X					N

GOOD RETAIL PRACTICES	OUT	COS
K24 Person in charge present and performing duties		
K25 Proper personal cleanliness and hair restraints		
K26 Approved thawing methods used; frozen food		
K27 Food separated and protected		
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used		
K30 Food storage: food storage containers identified	X	
K31 Consumer self service does prevent contamination		
K32 Food properly labeled and honestly presented	X	
K33 Nonfood contact surfaces clean		
K34 Warewash facilities: installed/maintained; test strips		
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
K36 Equipment, utensils, linens: Proper storage and use		
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use		
K39 Thermometers provided, accurate		
K40 Wiping cloths: properly used, stored		
K41 Plumbing approved, installed, in good repair; proper backflow devices		
K42 Garbage & refuse properly disposed; facilities maintained		
K43 Toilet facilities: properly constructed, supplied, cleaned		
K44 Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing	X	
K45 Floor, walls, ceilings: built, maintained, clean		
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available		

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K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations:

Cheese in the back prep fridge upper inserts measured 51F-52F. Per the PIC, cheese was placed into the unit 3 hours prior.

Note: PIC states that cheese is for the preparation of wraps. See the "Notes" section under "Comments"

[CA] Potentially hazardous foods shall be held at or below 41F to prevent the growth of bacteria.

[COS] PIC relocated cheese to lower prep unit (ambient 41F).

Minor violation:

Paneer, milk, eggs, and yogurt measured 46-48F in the walk-in cooler and front, reach-through area. Per the PIC, the walk-in cooler thermometer had been reading 41F less than 2 hours prior.

[CA] Potentially hazardous foods shall be held at or below 41F to prevent the growth of bacteria.

[COS] PIC turned down the temperature of the walk-in cooler.

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations:

REPEAT VIOLATION

1. Rodent droppings observed in the following areas:

- 5+ fresh droppings next to green milk crates to the side of the bread rack in the grocery section
- 3+ old droppings underneath the dry storage racks next to multiple rodent bait stations and a snaptrap in the grocery section
- 15+ fresh droppings throughout the back, dry storage room, including on top of food boxes, on wooden pallets, on the floor, and on green metal support girders
- 30+ fresh and old droppings on the floor behind the PVC pipe underneath the produce display/refrigeration
- 5+ old droppings underneath the dessert display cooler in the back of the store
- 4+ fresh droppings next to a green milk crate directly underneath the prep sink in the back dishwashing area

2. Photographs: Taken for documentation purposes.

3. Supervisor Notified: J. Rubingh

4. Notification: The person in charge during inspection, Muskaan, has been informed that the facility must close immediately.

[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.

Requirements Before Reopening:

- 1. Email the signed and completed Reopening Checklist to the assigned inspector.**
- 2. Submit a copy of the pest control report from a licensed provider.**

Minor Violations

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

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Inspector Observations:

Water at the three compartment dishwashing sink measured 114F-115F while fluctuating.

[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations:

Numerous instances of food in containers being stored on the floor throughout the dry storage room and in the produce aisle of the store.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

K32 - 2 Points - Food improperly labeled & not honestly presented: 114087, 114089, 114089.1(a, b), 114090, 114093.1

Inspector Observations:

Several food items are missing proper components of labeling requirements in the dessert display cooler in the back.

[CA] Food prepackaged in a food facility shall bear a label with the following: 1) common name of the food, 2) list of ingredients in descending order of predominance by weight, 3) quantity of contents, 4) name and place of business of the manufacturer, packer, or distributor.

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

Inspector Observations:

REPEAT VIOLATIONS

1. Large amounts of boxes of food are stored in a cluttered manner in the back food storage room.

[CA] Clear out and organize back storage room to prevent the harborage of vermin, and to facilitate easier cleaning.

2. Front doors maintained open.

[CA] Keep front doors closed to prevent the entrance of vermin.

Performance-Based Inspection Questions

Needs Improvement - No rodents, insects, birds, or animals.
Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

Item	Location	Measurement	Comments
frozen vegetable dumpling	glass-door freezer	17.00 Fahrenheit	
ice cream	freezer chest 1/2	18.00 Fahrenheit	
ice cream	glass-door freezer	19.00 Fahrenheit	
frozen paneer cutlet	glass-door freezer	18.00 Fahrenheit	
warm water	hand sink	100.00 Fahrenheit	
ambient	dessert display cooler	51.00 Fahrenheit	no PHF inside at time of inspection. Labeling states "refrigerate after opening"
ice cream	upright freezer	20.00 Fahrenheit	

Overall Comments:

Facility is hereby closed owing to evidence of rodent infestation.

Facility is to immediately cease and desist all operations, including but not limited to food preparation, service, handling, distribution, and sale

The following must be provided prior to reopening:

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1. *The signed and completed Reopening Checklist, emailed to the assigned inspector*
2. *A copy of the pest control report from a licensed provider, stating that facility has been treated and that all vermin activity has been abated, emailed to the assigned inspector*

Facility must also perform the following actions prior to reopening:

- *Eliminate all presence of vermin, dead or alive, within the facility.*
- *Clean and sanitize all areas, including but not limited to floors, walls, ceilings, and surfaces of all equipment throughout the facility*
- *Seal any gaps, cracks, or holes within the premises and in the structure of the facility that may provide harborage or entrance for vermin*
- *Dispose of any contaminated items*
- *Remove unused equipment so as to prevent harborage for vermin*

A follow-up inspection must be conducted prior to facility reopening. Call or email to schedule.

Subsequent follow-up inspections after the first shall be billed at \$298/hour, one hour minimum, during normal business hours (7:30 AM to 4:30 PM), or \$645 for a minimum of 2 hours, during non-business hours and in accordance with the inspector's availability.

The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered with, camouflaged, or copied. Failure to comply may result in a fine and enforcement action as per county ordinance section B11-55.

A facility found in operation after having its permit suspended may be subject to a penalty of three times the facility's normal operating permit fee.

Notes:

- *Facility states that they have a regular pest control service from Terminex, but could not provide a report*
- *Facility is permitted as an FP06, a no food prep facility. If facility wishes to prepare wraps and sell to customers, a change of permitting status will be required.*

CLOSURE / PERMIT SUSPENSION NOTICE

When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than 9/24/2025. Any major change in menu or any change in ownership must have prior approval by this Department. This may require structural and/or equipment changes or remodeling to accommodate new operations.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

Legend:

- [CA] Corrective Action
- [COS] Corrected on Site
- [N] Needs Improvement
- [NA] Not Applicable
- [NO] Not Observed
- [PBI] Performance-based Inspection
- [PHF] Potentially Hazardous Food
- [PIC] Person in Charge
- [PPM] Part per Million
- [S] Satisfactory
- [SA] Suitable Alternative
- [TPHC] Time as a Public Health Control



Received By: Muskaan Advani
Co-owner
Signed On: September 10, 2025