

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 FA0305728 - NNY FRESH FRUITS | | Site Address 2437 ALVIN AV, SAN JOSE, CA 95121 | | Inspection Date 11/12/2024 | |
| Program PR0448798 - NO FOOD PREP <5,000 SQ FT - FP06 | | | Owner Name NGHI TRAN | | Inspection Time 13:25 - 14:25 |
| Inspected By HENRY LUU | Inspection Type ROUTINE INSPECTION | Consent By NGHI | FSC Exempt | | |

| |
|---|
| Placard Color & Score GREEN 84 |
|---|

| 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 | | | | | | |
| K03 No discharge from eyes, nose, mouth | X | | | | | | S |
| K04 Proper eating, tasting, drinking, tobacco use | X | | | | | | |
| K05 Hands clean, properly washed; gloves used properly | | | | | X | | |
| K06 Adequate handwash facilities supplied, accessible | X | | | | | | |
| K07 Proper hot and cold holding temperatures | X | | | | | | |
| 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 | | X | | | N |
| 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 | | | | | | |

| 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 | X | |
| K28 Fruits and vegetables washed | | |
| K29 Toxic substances properly identified, stored, used | | |
| K30 Food storage: food storage containers identified | | |
| 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 | | |
| K45 Floor, walls, ceilings: built,maintained, clean | | |
| K46 No unapproved private home/living/sleeping quarters | X | |
| K47 Signs posted; last inspection report available | | |

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

Comments and Observations

Major Violations

K15 - 8 Points - Food not obtained from approved source; 113980, 113982, 114021-114031, 114041

Inspector Observations: *Owner unable to provide invoices for prepackaged containers of tapioca dumplings (banh bot loc) maintained inside the sliding door freezers. Facility has approximately 10 to-go container boxes maintained in the front for customer self-service and numerous in the chest freezers located in the back of the facility.*

The following food items were maintained inside chest freezer in the back of the facility:

- Reduced-oxygen packaged marinated chicken (ga tu u muoi hoa tieu).
- Reduced-oxygen packaged marinated raw pork.
- To-go containers of unfertilized chicken eggs and gizzards.
- Prepackaged containers of marinated pork.

Owner stated that items were for personal use only.

[CA] *Food must be from an approved source or properly documented.*

[COS] *Tapioca dumplings were removed from the sales floor. Items inside the chest freezer were removed from the facility.*

Minor Violations

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: *Observed cases of fruits and prepackaged food items stored directly on the floor.*

[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: *Numerous prepackaged food items offered for customer self-service lacked complete labels.*

[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.*

K46 - 2 Points - Unapproved private home/living/sleeping quarters; 114285, 114286

Inspector Observations: *Small bed observed located inside storage room. Storage room also contains cases of prepackaged foods.*

[CA] *No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold.*

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations: *Facility has conducted the following remodeling of the facility without prior approval:*

- Relocation of the water heater from the backroom into the restroom.
- Previously approved location of the hand wash station has been relocated to in front of the janitorial sink.
- Bar style three-compartment sink was installed in area where the water heater and hand wash station was previously approved.
- Facility has added an extension to the existing building for storage of fruits and two chest freezers.

Follow-up By
11/26/2024

[CA] *A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at www.ehinfo.org to obtain plan check requirements.*

Submit plans for the remodel by comply-by date.

Performance-Based Inspection Questions

Needs Improvement - Food obtained from approved source.

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Measured Observations

| <u>Item</u> | <u>Location</u> | <u>Measurement</u> | <u>Comments</u> |
|-------------|---------------------------|--------------------|-----------------|
| Warm water | Hand wash sink - restroom | 100.00 Fahrenheit | |
| Warm water | Hand wash sink | 103.00 Fahrenheit | |
| Hot water | Three-compartment sink | 120.00 Fahrenheit | |

Overall Comments:

- Complaint investigation was conducted concurrently with routine inspection.

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 **11/26/2024**. 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.

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: Nghi
Owner

Signed On: November 12, 2024