

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 FA0274677 - TUTTI FRUTTI - EASTRIDGE MALL		Site Address 2200 EASTRIDGE LP 2088, SAN JOSE, CA 95122		Inspection Date 03/27/2024	
Program PR0415263 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name ASHROMY INC		Inspection Time 15:45 - 16:30
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By RAIDEN	FSC Devin Vo 03/10/2028	

Placard Color & Score
RED
76

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		X			N
K14 Food contact surfaces clean, sanitized	X						S
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					

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		
K31 Consumer self service does prevent contamination		
K32 Food properly labeled and honestly presented		
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		X
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

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: Case of mini peanut buttercups, 10 lbs, observed with gnaw marks at the corner of the box and blue bag inside.

One bag of granola, 5lbs, folded over and taped with gnaw marks at the corner of the bag. Granola observed exposed.

One bag of Berry Colossal Crunch cereal , 2 lbs, observed with gnaw marks at the top of the bag.

[CA] Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately.

[COS] All three items were VC&D due to possible contamination/adulteration from rodents. See separate VC&D report.

Follow-up By
03/28/2024

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

Inspector Observations: Rodent activity observed within facility:

- Observed case of mini peanut butter cups, bag of granola, and bag of berry flavored cereal with rodent gnaw marks.

- Observed rodent droppings on floors: under refrigeration units, under dry storage shelves.

- Numerous sticky monitoring traps placed on floors and shelves next to food.

[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.

Follow-up By
03/28/2024

Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

Inspector Observations: Employees lacked food handler cards.

[CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: Hand wash station in the back of the facility obstructed with employee's backpack.

[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times. Remove obstructions.

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations: Heavy build up of food debris and residue observed on floors, especially underneath equipment.

[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.

Performance-Based Inspection Questions

Needs Improvement - Food in good condition, safe, unadulterated.

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Measured Observations

Item	Location	Measurement	Comments
Coffee yogurt	Froyo dispenser	39.00 Fahrenheit	
Sorbet	Two-door upright freezer	35.00 Fahrenheit	
Vanilla yogurt	Froyo dispenser	40.00 Fahrenheit	
Vanilla yogurt	Three-door upright refrigerator	36.00 Fahrenheit	
Quaternary ammonia	Three-compartment sink	200.00 PPM	
Ambient	Food preparation refrigerator	41.00 Fahrenheit	
Sanitizing bucket	Front service line	400.00 PPM	Quaternary ammonia
Cookies and cream yogurt	Froyo dispenser	37.00 Fahrenheit	
Hot water	Three-compartment sink	124.00 Fahrenheit	
Warm water	Hand wash sink	100.00 Fahrenheit	

Overall Comments:

- **Facility has been renamed to Fruity Froyo.**
 - **Per PIC, owner is still the same.**
 - **Submit written request to have facility name updated. Provide business tax information to show ownership has not changed.**
- **Facility is hereby closed due to the presence of a rodent infestation.**
 - **Facility shall remain closed until infestation has been abated and written authorization is given by this Division to resume operations.**
- **Prior to scheduling for reopening inspection, facility shall:**
 - **Clean and sanitize all areas of rodent droppings.**
 - **Any and all holes, gaps, cracks, and/or crevices shall be sealed to prevent harborage of vermin.**
 - **This Division recommending placing all bagged food items in plastic containers with tight fitting lids.**
 - **If pest control treatment is conducted, provide service reports upon follow-up inspection.**
- **Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/hour, minimum two hours, during non-business hours, and upon inspector availability.**
- **The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.**
- **A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.**

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 **4/10/2024**. 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.

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.

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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: Karol D.
Employee

Signed On: March 27, 2024