

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Myco Innovations Inc.
Chanchan Wang
Yan Zhou
“the Owner”
Planet Mushrooms, 3696 97 Street NW, Edmonton, Alberta, T6E 5S8

RE: The food establishment located in Edmonton, Alberta and municipally described as:
Planet Mushrooms, 3696 97 Street NW, Alberta, T6E 5S8

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above noted premises pursuant to the provisions of the Public Health Act, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. Foods from an unapproved source were available for purchase including wild foraged mushrooms as identified by employee’s admission and other processed food products.
- b. Fresh mushrooms with cut stems of various species were observed and verified as stored at more than 4°C and less than 60°C when not in use – stored on the display table and on the floor.
- c. A staff member was observed reusing single-use disposable containers.
- d. Food handling and evidence of sampling and repackaging of mushrooms was observed, which is in violation of the Food Handling Permit restrictions that state “prepackaged foods and/or whole produce only – no preparation of food”.
- e. A staff member was observed donning gloves for food handling, did not wash their hands properly first before donning the gloves.
- f. Food and/or food related equipment was observed stored on the dirty floor.
- g. There is inadequate space and or shelving for the storage of food establishment supplies.
- h. Mouse droppings were noted on the floor along the back wall of the store.
- i. Unfinished or raw wood observed used as shelving and is not finished in a manner that is smooth, cleanable, non-absorbent and durable.
- j. A current and valid Food Handling Permit from AHS for the store was not posted in public view as required.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Food Regulation, Alberta Regulation 31/2006 and the Food Retail and Foodservices Code exist in and about the above noted premises, namely:

- a. Foods from an unapproved source were available for purchase including wild foraged mushrooms as identified by employee’s admission and other processed food products;

which is in contravention of which is in contravention of **Section 22(1) of the Food Regulation, AR 31/2006**, which states that: **22(1)** Subject to this section, a commercial food establishment must obtain all food that is liable under law to inspection by the Government of Canada or Alberta or by an agency of either from a source that is subject to inspection by that entity.

- b. Fresh mushrooms with cut stems of various species were observed and verified as stored at more than 4°C and less than 60°C when not in use – stored on the display table and on the floor, which is in contravention of **Section 25(1) of the Food Regulation, AR 31/2006**, which states that: **25(1)** All high-risk food must be stored, displayed and transported at a temperature of (a) not more than 4°C or such higher temperature, or (b) not less than 60°C or such lower temperature as an executive officer stipulates under subsection (4).
- c. A staff member was observed reusing single-use disposable containers; which is in contravention of **Section 28 of the Food Regulation, AR 31/2006**, which states that: **28(1)** A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance. **(2)** A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination. **(3)** All equipment and utensils in a commercial food establishment must be (a) kept in good working order and condition, and (b) maintained in a manner that ensures the safe and sanitary handling of food. **(4)** Single service utensils must not be used more than once.
- d. Food handling and evidence of sampling and repackaging of mushrooms was observed, which is in violation of the Food Handling Permit restrictions that state “prepackaged foods and/or whole produce only – no preparation of food”, which is in contravention of **Section 9(1) and 9(4) and 9(5) of the Food Regulation, AR 31/2006**, which states that: **9(1)** A regional health authority may make the issue or renewal of a permit subject to (a) restrictions on the type of food that, or the manner in which any type of food, may be served, manufactured, processed or stored, and (b) any other terms and conditions the regional health authority considers to be appropriate AND **9(4)** An operator must ensure that the terms and conditions of the permit are not contravened AND **9(5)** A person who carries on any activity under the purported authority of a permit must comply with the terms and conditions of the permit.
- e. A staff member was observed donning gloves for food handling, did not wash their hands properly first before donning the gloves; which is in contravention of **Section 30(1) of the Food Regulation, AR 31/2006**, which states that: **30(1)** A food handler must (a) wear clean clothing and footwear, (b) exhibit cleanliness and good personal hygiene, (c) ensure that food is not contaminated by hair, (d) wash hands as often as necessary to prevent the contamination of food or food areas, (e) refrain from smoking in a food area, and (f) refrain from any other conduct that could result in the contamination of food or a food area.
- f. Food and/or food related equipment was observed stored on the dirty floor; which is in contravention of **Section 28(2), and 28(3) of the Food Regulation, AR 31/2006**, which states that: **28(2)** A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination. **28(3)** All equipment and utensils in a commercial food establishment must be (a) kept in

- good working order and condition, and (b) maintained in a manner that ensures the safe and sanitary handling of food.
- g. There is inadequate space and or shelving for the storage of food establishment supplies; which is in contravention of **Section 28(1) of the Food Regulation, AR 31/2006**, which states that: **28(1)** A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.
 - h. Mouse droppings were noted on the floor along the back wall of the store; which is in contravention of **Section 21 and 28(2) of the Food Regulation, AR 31/2006**, which states that: **21(1)** Subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests. (1.1) The following must be kept reasonably free of pests and of conditions that lead to the harbouring or breeding of pests: (a) any surrounding area, premises or facilities supporting a commercial food establishment, including any outdoor food handling areas of the commercial food establishment; (b) a mobile food establishment **AND 28(2)** A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination.
 - i. Unfinished or raw wood observed used as shelving and is not finished in a manner that is smooth, cleanable, non-absorbent and durable; which is in contravention of **Section 28(3) of the Food Regulation, AR 31/2006**, which states that: **28(3)** All equipment and utensils in a commercial food establishment must be (a) kept in good working order and condition, and (b) maintained in a manner that ensures the safe and sanitary handling of food.
 - j. A current and valid Food Handling Permit from AHS for the store was not posted in public view as required; which is in contravention of **Section 14 of the Food Regulation, AR 31/2006**, which states that: **14(1)** An operator must ensure that the permit is displayed in a conspicuous place in the approved food establishment where it may be easily seen by persons served. **(2)** A commercial caterer must ensure that the permit is available for inspection by an executive officer.

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately close the above noted premises.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Cease and desist the sale of food products including but not limited to mushroom food products that were not processed and handled in an approved and licensed food facility. Remove all soups, powders, dehydrated mushrooms, coffee flavourings that were not processed or repackaged in an approved and licensed food facility. Cease and desist the sale of fresh mushrooms that are wild foraged and not from cultivation. Ensure all mushrooms that are further processed and handled from fresh are prepared and packaged in an approved and licensed food facility such as dehydrated mushrooms,

soups, coffee flavourings, etc. and with approval from Public Health inspector is obtained to sell those food items. Please provide a recent copy of the inspection report and any written documents that state the food is liable under law to inspection by the Government of Canada or Alberta or by an agency of either from a source that is subject to inspection by that entity for both CFIA licensed food manufacturing locations in British Columbia and Alberta to the undersigned Executive Officer.

- b. Cease and desist the storage and/or transport of fresh mushrooms at room temperature. Keep perishable foods in the cooler or freezer until needed for processing. Only take out as much food as needed for immediate food preparation. Promptly refrigerate or freeze perishable foods after processing and/or packaging. Ensure *all* perishable foods are maintained either below 4°C or above 60°C at all times as to prevent microbial growth.
- c. Cease and desist all food handling occurring at the store. Do not repackage, conduct sampling, or processing of any food product at any time at the store. Never re-use single use disposable packaging more than once. Pre-packaged foods are the only item currently approved for sale at the store (no open food handling). Ensure all owners and/or staff are aware of the current Food Handling Permit restrictions and that any person in operation of the store must ensure that the terms and conditions of the permit are not contravened. A person who carries on any activity under the purported authority of a permit must comply with the terms and conditions of the permit. Remove all utensils, scales, bag sealing equipment, and any other food equipment needed for repackaging from the premises immediately. Please provide plans to the City of Edmonton and Alberta Health Services if sinks are to be installed for repackaging in the future. Written approval must be obtained from Alberta Health Services BEFORE changes to the premises can occur.
- d. Cease and desist the practice of storing any food or food equipment on the floor. Clean and sanitize all items to be placed on food equipment or store the dirty items in an area distinctly separate from food and food equipment areas. Obtain more shelving to ensure all food product is stored a minimum of 6 inches off the ground to prevent cross contamination from dirty floors and to allow for proper pest control monitoring. Ensure that food and food equipment is stored in a manner that prevents cross contamination.
- e. Post a valid and current Food Handling Permit from Alberta Health Services that is specific to this food store and location in public view.
- f. Disinfect and clean all areas of mouse droppings or evidence of contamination. Keep up-to-date written pest control maintenance records. Ensure all surfaces in the food facility are in good repair and in a condition that renders them easy to clean and in a condition that does not allow the harborage of pests. Conduct any other repairs identified by the pest control company.
- g. Refinish raw or unfinished wood surfaces within the store such as display shelving. Ensure all walls, floors, shelving, and ceiling surfaces are of sound construction and in a good state of repair, and is designed so as to facilitate the effective cleaning and sanitizing of it and of all equipment, utensils and surfaces with which food comes into contact in it.

3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Edmonton, Alberta, September 14, 2023.

Confirmation of a verbal order issued to Yan Zhou on September 8, 2023.

Executive Officer
Alberta Health Services

You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and
 b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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RE: The Food Establishment located in Edmonton, Alberta and municipally described as: Planet Mushrooms, 3696 97 St. NW, T6E 5S8

Page 6 of 6

Copy:

- Fraser Health, British Columbia
- Canadian Food Inspection Agency

Edmonton • Environmental Health • Safe Food Division

Suite 700, 10055 106 Street, Edmonton, Alberta, T5J 2Y2

www.albertahealthservices.ca/eph.asp