City of Helsinki

Environment Centre

Food Safety Department

Issuing an order to Synergy Scandic Oy, in accordance with section 55 of the Food Act

Decision

Operator

Synergy Scandic Oy, Koulukatu 5, 68600 Pietarsaari, business ID 2630594-5

Food establishment

Synergy Scandic Oy, Pakilantie 50, 00660 Helsinki

Order by the Director of Food Safety

1. The floor of the food establishment must be easily cleanable.

Deadline

The previously mentioned actions must be carried out by 30 March 2017.

Implementation

The Director of Food Safety decided that the order in accordance with section 55 of the Food Act must be followed regardless of any potential appeals, unless the authority that processes the appeal (the Environment Committee) decides otherwise.

Background information relating to the matter

An inspection of Synergy Scandic Oy's warehouse was carried out in accordance with the monitoring plan on 17 October 2016. During the inspection it was observed that the floor of the warehouse was not easily cleanable. (Appendix 1 Inspection report)

Another inspection of the Synergy Scandic Oy's warehouse was carried out on 30 January 2017, where it was discovered that all the deficiencies had not been rectified by the deadline (Appendix 2 Inspection report).

Hearing

The operator has been heard regarding the order in accordance with section 55 of the Food Act and the deadline to be set, by means of a letter dated 10. February 2017. (Appendix 3 Hearing letter)

The operator has issued a rejoinder by the set deadline. In the rejoinder operator tells, that the whole floor of the warehouse will be painted, carpets will be removed and the portion which has a water line under it, will be covered by steel sheets, which will be pinned into the floor. The actions will be done by the deadline. (Appendix 4 Rejoinder)

Justifications for the decision

Despite the information, guidance and exhortations provided, Synergy Scandic Oy has not rectified the deficiencies observed during inspections. Since Synergy Scandic Oy has taken no measures to correct the observed deficiencies in foodstuffs, it has become necessary to impose an order in accordance with section 55 of the Food Act, in order to rectify the deficiencies.

According to section 55 of the Food Act (23/2006), if a foodstuff or information given about it; the foodstuff production, processing or distribution stage; foodstuff premises; or the operations practised in them may cause a health hazard, put the accuracy or sufficiency of the information given on the foodstuff at risk, mislead the consumer, or otherwise violate the foodstuff regulations, the control authority may order the deficiency to be rectified. A violation of the regulations shall be ordered to be rectified immediately or within a fixed period specified by the control authority.

According to section 10 of the Food Act, food premises and places of primary production must be designed, located, built, equipped, maintained and managed and their operations must be organised in such a way that the safety of food produced, prepared, stored or handled in them is not endangered and the food, food premises and places of primary production otherwise meet the requirements set under this Act. The surface of the floor of the Synergy Scandic Oy's warehouse is unsuitable for the food establishment.

According to EC regulation 852/2004 on the hygiene of foodstuffs, the layout, design, construction, siting and size of food premises are to permit adequate maintenance, cleaning and/or disinfection, avoid or minimize air-borne contamination, and provide adequate working space to allow for the hygienic performance of all operations. The floor of the Synergy Scandic Oy's warehouse is not easily cleanable.

Documents on which the decision is based

1. Inspection report on 17 October 2016
2. Inspection report on 30 January 2017
3. The hearing of Synergy Scandic Oy on 10 February 2017
4. Rejoinder on 28 February 2017
5. English translation of the order

Applicable legal rules

Sections 1, 10, 32, 55, 68, 74 and 78 of the Food Act (23/2006)
Sections 34 and 36 of the Administrative Procedure Act
EC regulation 852/2004 on the hygiene of foodstuffs, appendix II

Any potential further measures regarding the matter

If the deficiencies have not been rectified by the deadline, a decision proposal will be submitted to the Environment Committee whereby the order issued by the Director of Food Safety will be enforced with a penalty payment. In this case, the penalty payment would amount to EUR 5,000.

Appealing

Instructions for appealing are attached to this document.

Method of notification

The extract from the minutes has been delivered to Synergy Scandic Oy as an email.

Additional information

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Appendices

1. Inspection report on 17 October 2016
2. Inspection report on 30 January 2017
3. The hearing of Synergy Scandic Oy on 10 February 2017
4. Rejoinder on 28 February 2017
5. English translation of the order

Appealing

Instructions for appeal, Environment Committee

Extracts

Extract	Appendices to the extract
Synergy Scandic Oy	Instructions for appeal, Environment Committee

Food Safety Department