

**IN RE THE MATTER OF:**

**Danae Hochstedler  
The Nut Shoppe, Inc.  
204 South Main Street  
Goshen, IN 46528**

**Re: Variance Request Dated October 6, 2009, # 25-2009  
and Section 171, Preventing contamination from hands**

**Order to Grant a Variance**

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be issued to Ms. Danae Hochstedler, The Nut Shoppe, Inc., 204 South Main Street, Goshen, IN 46528.

This variance is based on the variance application submitted on October 6, 2009 and supplemental information later provided.

**Order**

This variance is subject to the following terms and conditions and is valid only for the time specified herein:

1. A variance is hereby issued to Ms. Danae Hochstedler, The Nut Shoppe, Inc., 204 South Main Street, Goshen, IN 46528 for the requirement of 410 IAC 7-24-171(b) which requires food employees to use suitable utensils to contact ready-to-eat food when \_\_\_\_\_ utensils can be used. This variance allows The Nut Shoppe, Inc. to hand dip ready-to-eat chocolate with a food employee's bare hand under the following conditions:

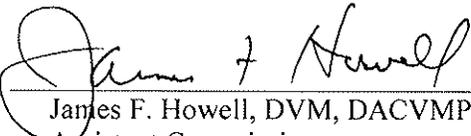
- A. This practice is limited to the following food employees, Danae Hochstedler and Patricia Hochstedler, who have each completed their ServSafe certification. This certification, or equivalent, must be maintained at all times;
- B. A double hand wash using a clean nail brush and/or an approved hand antiseptic will be used by these two food employees each and every time bare hand contact of a ready-to-eat food begins or is interrupted. This will be added to the "hand washing procedure" developed for this application;
- C. The use of the "chocolate glove" is approved for use by the two listed food employees providing it is obtained using sanitary melted chocolate from a separate batch of chocolate and any remaining chocolate is not reused for another "chocolate glove". This chocolate must be used only for this purpose and the "chocolate glove" is not added to any other product as it must be disposed of when the task is completed and/or interrupted;

- D. The nut products used in the finished chocolate products are considered a ready-to-eat food and must be handled with a utensil, such as a glove or scoop;
  - E. The established recall plan is considered adequate for this facility;
  - F. The controls for meeting the conditions of this approval shall be assessed by the local health department on each inspection to insure compliance with your SSOP's;
  - G. A copy of this approval letter must be kept onsite in the establishment at all times and readily available for review by the local or state health department personnel; and
  - H. The Department shall be notified of any substantive changes in the product manufacturing process if they occur.
2. This variance does not extend to any other locations except for the one location mentioned above.
  3. The Nut Shoppe, Inc. shall comply in all aspects of 410 IAC 7-24, as determined by the local health department, except as stated above. Any change to the management or structure of the operation could invalidate this variance Order
  4. This variance Order is limited to the current owner of The Nut Shoppe, Inc., Ms. Danae Hochstedler, or her designee, and the current scope of the existing operations. This variance Order is not transferable to a new owner.
  5. This variance Order is limited to being in compliance with all other applicable state and local regulations.
  6. Failure to comply with any of the above conditions could result in the revocation of the variance approval.

DATED AT INDIANAPOLIS, INDIANA, THIS 24th DAY OF JUNE 2010.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY GRANT A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

GREGORY N. LARKIN, M.D.  
STATE HEALTH COMMISSIONER

By:   
James F. Howell, DVM, DACVMP  
Assistant Commissioner  
Public Health and Preparedness Commission

cc: Elkhart County Health Department  
ISDH Food Protection Program Staff