

Hold Orders: Frequently Asked Questions

Q: What is a hold order?

A: A hold order is a written notice provided by WCHD to the permit holder, operator, or person in charge of a food establishment that prevents a food item in question for food safety from being used, sold, moved from the food establishment, or destroyed.

Q: When would an inspector issue a hold order?

A: WCHD may issue a hold order without prior warning, notice of a hearing, or a hearing on the hold order. WCHD inspectors must examine and take samples of food as often as necessary to determine and ensure the safety of food items. If an inspector determines or has probable cause to believe that a food item is unsafe, adulterated, and/or misbranded, then they may require the permit holder, operator, or person in charge of a food establishment to discard the food item(s); alternatively, the food item(s) may be suitably stored in the food establishment under a hold order.

Q: What happens if one or more of my food items are placed under a hold order?

A: Once a hold order has been placed on a food item, that item must be suitably stored for further safety determination. During the duration of the hold order, it is unlawful for the food item or its container to be used/served, moved from the food establishment, relabeled, repacked, reprocessed, altered, disposed of, or otherwise destroyed.

Q: How do I know which foods are being stored under a hold order?

A: Once a hold order has been issued, a notice or tag will be attached to the food item(s) indicating that those item(s) are being stored under the hold order. It is unlawful to remove or alter such a notice or tag at any time until the hold order has been vacated by WCHD.

Q: What information is required to be on a hold order?

A: A hold order shall state:

1. That food subject to the order may not be used, sold, moved from the food establishment, or destroyed without a written release of the order from the WCHD
2. The specific reasons for placing the food under the hold order with reference to the applicable provisions of the WCHD Food Establishment Regulations
3. The hazard or adverse effects created by the observed condition of the food item(s)
4. The complete identity of the food item(s) subject to the hold order, including the common name, the label information, a container description, the quantity, identifying information, and the location within the food establishment
5. The permit holder's right to an appeal hearing, should the permit holder submit a written request with 10 days
6. That WCHD may order the destruction of the food if a timely written request or an appeal hearing is not received; and,
7. The name and address of the WCHD representative to whom a request for an appeal hearing may be made.

ENVIRONMENTAL HEALTH SERVICES

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Q: I've been issued a hold order, but I do not agree with it. What can I do?

A: Permit holders that have been issued a hold order may submit a request to WCHD for an appeal hearing within 10 days from the date of issuance of the hold order. Appeal hearings must be conducted by the Food Protection Hearing and Advisory Board at a time and place designated by WCHD. At the appeal hearing, and based upon its record, the Food Protection Hearing and Advisory Board will make a recommendation to the Washoe County District Board of Health regarding the hold order. Utilizing the findings and the recommendation of the Food Protection Hearing and Advisory Board, in addition to all transcripts and evidence from the hearing, the Washoe County District Board of Health will make a final decision. At such a time, the Washoe County District Board of Health may decide to affirm, modify, or reverse the findings of the Food Protection Hearing and Advisory Board, or make a one-time-only decision to refer the appeal back to the Food Protection Hearing and Advisory Board for additional consideration. If the appeal is referred back to the Food Protection Hearing and Advisory Board, then the appeal will be heard again within 30 days from the referral date.

Q: What happens if I continue to use the food items being stored under a hold order?

A: It is important that food items and containers of food items being stored under a hold order are NOT used/served, moved from the food establishment, relabeled, repackaged, reprocessed, altered, disposed of, or destroyed until the hold order has been vacated by WCHD. Failure to comply with the provisions included in a hold order may result in immediate suspension of the establishment's health permit and/or additional legal action, up to and including criminal prosecution.

Q: What can I do prevent being issued a hold order or required to discard food items?

A: The best way to avoid being issued a hold order or being required to discard food items is to ensure that your food establishment stays in compliance with the Regulations of the Washoe County District Board of Health Governing Food Establishments (WCHD Food Establishment Regulations). Every food establishment can ensure compliance by properly training all food workers in the establishment on principles and practices of food safety, and by consistently monitoring critical control points throughout your establishment. If you're ever not sure about a food safety practice or if a food is safe to serve, reach out to your regular WCHD inspector. You can also call the Environmental Health Services front desk at (775) 328-2434 option #8 and/or email the WCHD Food Safety Program at foodsafety@washoecounty.gov. You can also scan the codes below to access the WCHD Food Establishment Regulations, and additional information and resources on the WCHD Food Safety Resource Library.

Scan the codes below using your smartphone to access additional information and resources:



Scan to access the [WCHD Food Safety Resource Library](#)



Scan to access the [WCHD Food Establishment Regulations](#)

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