



## **Attachment 1**

### **Ice Cream RFP Vendor Response Form**

Vendor Name: Hershey Creamery Company

Date: 5-5-22

**1. Please describe the availability and cost of freezers for participating schools:**

There is no charge for freezers. Attached is a spec sheet of freezers available.

**2. What is your minimum delivery amount per location?**

Our minimum is \$150.00

**3. Please describe your online ordering system, if available:**

We do not have an online ordering system; we call you the day before delivery day.

**4. What are your credit terms?**

Terms given for schools are 30 plus days.

**ELECSTAR XS-328Y---5 BASKET UNIT---C-STORE DECAL OR SCHOOL DECAL  
(SPECIFY NEED) 49" L X 24" D X 36" H (BACK) & 32" H (FRONT)**

**ELECSTAR XS-368Y---6 BASKET UNIT---C-STORE DECAL ONLY  
54.5" L X 24" D X 36" H (BACK) & 32" H (FRONT)**

**ELECSTAR XS-651S---7 BASKET UNIT---C-STORE DECAL ONLY  
71.5" L X 27.5" D X 34" H (BACK) & 32" H (FRONT)**



### General RFP Form

The accompanying Forms & Documentation are hereby submitted as a RFP in response to the subject RFP. All information, statements and prices are true, accurate, and binding representations of the Bidder's intentions and commitments in responding to this RFP.

Hershey Creamery  
Company Name

Pamela Bradbury  
Contact Person

80 Arlington St.  
Street

800-628-2240  
Phone

Nashua, NH 03060  
City, State, Zip

603-886-2804  
Fax

bradburyp@hersheyicecream.com  
Email

Bidder acknowledges receipt of the Invitation for RFPs and Addendum No(s) \_\_\_\_\_, dated 5/5/22, and submits the attached RFP for this Invitation for RFPs to the New Hampshire Buying Group (NHBG), on the authority of the undersigned and as dated below who by signing confirms and pledges to abide by and be held to the requirements of this RFP and its resulting award.

Authorized Agent of the Bidder:

Pamela T. Bradbury  
Signature

Hershey Creamery Co.  
Name (as used for tax filing)

Pamela T. Bradbury  
Printed Name

23-0691670  
SS# or Federal ID#

Office Manager  
Title

5/5/22  
Date

## Statement of Competency

I hereby certify that the Bidder meets or exceeds the competency criteria set out in this RFP.

I further attest to the following assertions:

- The bidder has been in business for a minimum of 1 years.
- Provision of the items specified in this RFP is consistent with the bidder's normal lines of business.
- The bidder is incorporated, and if required licensed, to do business in New Hampshire.

Authorized Agent of the Bidder:

Pamela T. Bradbury  
Signature

Hershey Creamery Co.  
Name (as used for tax filing)

Pamela T. Bradbury  
Printed Name

33-0691670  
SS# or Federal ID#

Office Manager  
Title

5/5/22  
Date

### Certificate of Non-Collusion

"The undersigned certifies under penalties of perjury that this RFP has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word person shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group or individuals."

Authorized Agent of the Bidder:

Gomela T. Bradbury  
Signature

Hershey Creamery Co.  
Name (as used for tax filing)

Gomela T. Bradbury  
Printed Name

23-0691670  
SS# or Federal ID#

Office Manager  
Title

5/5/22  
Date

### Certificate of Tax Compliance

"I certify under the penalties of perjury that to my best knowledge and belief the undersigned has complied with all laws of the State relating to taxes, reporting of employees and contractors, and withholding and remitting child support."

Authorized Agent of the Bidder:

Pamela T. Bradbury  
Signature

Heiskay Prommer Co.  
Name (as used for tax-filing)

Pamela T. Bradbury  
Printed Name

23-0691670  
SS# or Federal ID#

Office Manager  
Title

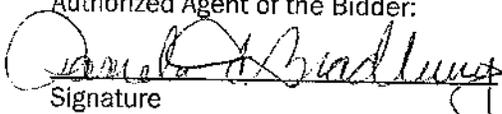
5/5/22  
Date

## Certification of Compliance for Federally Funded Procurement

### Certification of Compliance for Federally Funded Procurement

The Contractor, if paid from federal funding sources, certifies that it complies with: E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor;" 18 U.S.C. 874 and 40 U.S.C. 276c (Copeland "Anti-Kickback" Act); 40 U.S.C. 276a to a-7 (Davis-Bacon Act, as Amended); 40 U.S.C. 327-333 (Contract Work Hours and Safety Standards Act); 37 CFR part 401 (Rights to Inventions Made Under a Contract or Agreement); 42 U.S.C. 6201 (Energy Policy and Conservation Act); 42 U.S.C. 7401 et seq., as amended (Clean Air Act); 33 U.S.C. 1251 et seq., as amended (Federal Water Pollution Control Act); 31 U.S.C. 1352, as implemented 34 CFR Part 82 (Byrd Anti-Lobbying Amendment); E.O.s 12549 and 12689 (Debarment and Suspension); Section 106 of "TVPA" (Trafficking Victims Protection Act of 2000); American Recovery and Reinvestment Act of 2009; Pub. L. 111-5 ("ARRA"), Section 1605 of ARRA; and 2 CFR part 176.140 (Buy American.)

Authorized Agent of the Bidder:

  
Signature

Harshway Company Co.  
Name (as used for tax filing)

Pamela T. Bradbury  
Printed Name

23-0691670  
SS# or Federal ID#

Office Manager  
Title

5/5/22  
Date

## Conflict of Interest Certification

The bidder hereby certifies that:

1. The bidder has not given, offered, or agreed to give any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of a Contract pursuant to this RFP.
2. No consultant to, or subcontractor for, the bidder has given, offered, or agreed to give any gift, contribution, or offer of employment to the bidder, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a Contract by the bidder.
3. No person, corporation, or other entity, other than a bona fide full-time employee of the bidder has been retained or hired to solicit for or in any way assist the bidder in obtaining a Contract pursuant to this RFP upon an agreement or understanding that such person, corporation or entity be paid a fee or other compensation contingent upon the award of a Contract to the bidder.

Authorized Agent of the Bidder:

Patricia T. Bradbury  
Signature

Hershey Creamery Co.  
Name (as used for tax filings)

Patricia T. Bradbury  
Printed Name

23-0691670  
SS# or Federal ID#

Office Manager  
Title

5/5/22  
Date



## Lobbying Activities

### Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Authorized Agent of the Bidder:

Penelope T. Bradbury  
Signature

Hershey Creamery Co.  
Name (as used for tax filing)

Penelope T. Bradbury  
Printed Name

23-06911670  
SS# or Federal ID#

Office Manager  
Title

5/5/22  
Date

## Equal Opportunity Requirements

I certify that all information, statements, and pricing made in my RFP are true, accurate, and binding representations of the bidder's intentions and commitment in responding to this RFP. Any such representations that exceed the minimum requirements of the RFP constitute legal obligations on the part of the bidder to perform as stated and that failure to so perform may be used by NHBG as grounds to terminate the award.

I certify that pursuant to 28 CFR Part 42.204 (d) my employment practices comply with Equal Opportunity Requirements and comply with 28 CFR Part 42.202.; that my organization complies with the Americans with Disabilities Act.

Authorized Agent of the Bidder:

Camela T. Bradbury  
Signature

Horsley Creamery Co  
Name (as used for tax filing)

Camela T. Bradbury  
Printed Name

23-0691670  
SS# or Federal ID#

Office Manager  
Title

5/5/22  
Date

### HUB Certification

Vendors submitting RFPs that have been certified as Historically Underutilized Business (HUB) entities (Minority, Small Business, Woman Owned), are asked to indicate their HUB status when responding to this Invitation for RFP. I certify that my company has been certified as a Historically Underutilized Business (HUB). (Attach a copy of the HUB Certification to this form.)

Authorized Agent of the Bidder:

Pamela T. Bradbury  
Signature

Hershey Creamery Co.  
Name (as used for tax filing)

Pamela T. Bradbury  
Printed Name

23-01091670  
SS# or Federal ID#

Office Manager  
Title

5/5/22  
Date

### Acknowledgement of Specifications

The undersigned certifies that they have read the RFP Specifications and agree to abide by these specifications should they be the successful vendor.

Authorized Agent of the Bidder:

Pamela T. Bradbury  
Signature

Hershey Creamery Co.  
Name (as used for tax filing)

Pamela T. Bradbury  
Printed Name

23-0691670  
SS# or Federal ID#

Office Manager  
Title

5/5/22  
Date

## Buy American Attestation

Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) added a provision, Section 12(n) to the NSLA (42 USC 1760(n)), requiring school food authorities (SFAs) to purchase, to the maximum extent practicable, domestic commodity or product. Section 12(n) of the NSLA defines "domestic commodity or product" as an agricultural commodity that is produced in the United States and a food product that is processed in the United States using substantial agricultural commodities that are produced in the United States. "Substantial" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowed under this provision as territories of the United States. The Buy American provision (7 CFR Part 210.21(d)) is one of the procurement standards SFAs must comply with when purchasing commercial food products served in the school meals programs.

I hereby certify that each item included in this submission meets the criteria for a domestic commodity or product as defined above. Documentation for specific items shall be provided upon request of the group.

Authorized Agent of the Bidder:

*Pamela T. Brackbury*  
Signature

*Norshay Creamery Co.*  
Name (as used for tax filing)

*Pamela T. Brackbury*  
Printed Name

*23-01091670*  
SS# or Federal ID#

*Office Manager*  
Title

*5/5/22*  
Date



Real Ingredients. Real Ice Cream. Real Smiles:

## Buy American Statement

January 24, 2022

To Whom It May Concern,

All Hershey Ice Cream products are proudly manufactured in the United States of America. We certify that the Agricultural commodities are substantially sourced from the United States. We are in compliance with the requirements set forth in the Buy American Provision in 7 CFR 210.21.

Please feel free to reach out for additional information should you require it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Ryan III".

Thomas J. Ryan, III  
Hershey Creamery Company  
Vice President of Purchasing

# RECALL PLAN

## Introduction

Under the Food & Drug Act, wholesalers, manufacturers and importers must have a system to recall unsafe food.

Hershey Creamery Company has in place a documented recall system that must be followed in the event that a product recall is necessary.

## Company objective and purpose of the recall plan.

The purpose of this recall plan is to outline the requirements and steps that must be taken in the event that one or more of Hershey Creamery Company products need to be recalled on the grounds that the product is unsafe. It can also be used when recalling or withdrawing foods for other reasons.

The aim of this plan is to:

1. Stop the distribution and sale of the affected product;
2. Effectively notify Hershey Creamery Company management, customers and appropriate authorities of the recall;
3. Effectively and efficiently remove from the marketplace any product that is potentially unsafe;
4. Effectively retrieve product from customer warehouses, retail stores and / or consumers;
5. Effectively dispose of the unsafe recalled food;
6. Conduct a post recall analysis and report on the outcome and effectiveness of the recall and provide the appropriate authorities with an interim and final report on the recall; and
7. Implement corrective and preventative action plan to prevent a recurrence of the problem.

Following the completion of the recall, the company will conduct a post recall meeting to evaluate the effectiveness of the recall.

## Scope

This procedure will be applied in the event it is necessary to recall or withdraw stock from customer warehouses, retail stores or consumers.

## Responsibility

The ultimate responsibility for ensuring the correct application of this recall plan rests with the Vice President/Plant Manager, Phil Keeney - Recall Coordinator. In the event that Hershey Creamery Company needs to initiate a recall it is the responsibility of the Vice President/Plant Manager to convene the recall committee and to conduct the recall following the procedures outlined in this plan.

## Recall Committee Responsibility

The recall committee is responsible for co-ordinating all aspects of a product recall and ensuring all procedures are carried out thoroughly, and effectively.

Proprietary Information of the Hershey Creamery Company  
Harrisburg, Pa

## **Section 1: Convening the recall committee - Is a food recall necessary?**

### **Initial Information**

The company may be informed of a problem with any of its products via the following mechanisms:

1. Internal quality assurance testing indicates that there may be a potential problem with a particular product or batch (e.g. microbiological results are outside acceptable limits);
2. Customer complaints / feedback (e.g. phone call or letter informing sales department of a potential problem by a customer or wholesaler);
3. A supplier of a raw material that is used by the company in making its products informs management that there is a problem with an ingredient; and
4. Government authorities, such as the police, local council or health departments indicate that there may be a problem with the particular product.

### **Responsibility**

If any person within the company is informed of a potential problem with a product they must inform the Vice President/Plant Manager as soon as possible.

The Vice President/Plant Manager in conjunction with the crisis management team will be responsible for assessing whether a recall is necessary and if it is what type of recall is needed as well as convening the recall committee.

### **Convening the recall committee**

If a product is deemed unsafe or potentially unsafe then the Vice President/Plant Manager must initiate the recall plan, and as soon as possible convene the recall committee.

The recall committee should treat all actions outlined in this recall system with haste and diligence. The Hershey Creamery Company has a duty of care under the Food and Drug Administration Act to act responsibly in the event of a product recall and that public health and safety should be at the forefront of all decisions made by the committee at all times.

## **Section 2: Hazard / Risk Assessment**

### **Hazard Risk / Assessment**

The recall committee will conduct a hazard / risk assessment of the product(s) in question and coordinate all aspects of the product recall and ensure all procedures are carried out thoroughly and effectively.

The "Product Hazard / Risk Assessment" form (Refer to Appendix I) should be filled in using information gathered from external sources as well as consulting production and despatch records regarding the product and batch code in question.

*(Note-These forms must be completed thoroughly as all the information will be used in the event of the recall going ahead).*

### **Initial assessment of the problem**

This initial assessment will also take the following objectives into account:

- identify the potential problem with the food and assess whether a risk to food safety exists;
- determine whether additional information is needed such as further testing or expert advice (this may include the FDA), in order to make a final decision;
- determine whether the food may need to be withdrawn from the marketplace while the extent of the problem is being assessed. Note – a 'withdrawal' can only be conducted if the risk to public health and safety has not been established; and
- make a decision as to whether a recall is needed (retail or consumer) having regard to the severity of the problem and how widespread it may be.

If there is any doubt as to the safety of the product the FDA recall co-ordinator should be contacted for further advice.

### **Determine if a recall or withdrawal is necessary**

#### **Responsibilities**

It is the responsibility of the recall committee to closely examine the distribution records of the product in question in order to determine whether a retail or consumer level recall is required. The Vice President/Plant Manager should discuss the need for a retail or consumer level recall with the FDA recall coordinator using the "Product Hazard / Risk Assessment form" designed to help decision making in this process

The FDA recall coordinator will confirm the type of recall required under the circumstances. The definitions of the types of recalls that can be invoked in this procedure are outlined below.

A. **Recall.** A firm's voluntary removal of distributed meat or poultry products from commerce when there is reason to believe that such products are adulterated or misbranded under the provisions of the Federal Meat Inspection Act (FMIA) or the Poultry Products Inspection Act (PPIA). "Recall" does not include a market withdrawal or a stock recovery.

**B. Market Withdrawal.** A firm's removal or correction by its own volition of a distributed product that involves a minor infraction that would not warrant legal action by FSIS, or that involves no violation of the FMIA or the PPIA, or no health hazard.

**C. Stock Recovery.** A firm's removal or correction of product that has not been marketed or that has not left the direct control of the firm. For example, product is located on premises owned by, or under the control of, the firm, and no portion of the lot has been released for sale or use.

**Recall Classifications.** FSIS assesses the public health concern or hazard presented by a product being recalled, or considered for recall, whether firm-initiated or requested by FSIS, and classifies the concern as one of the following:

1. **Class I.** This is a health hazard situation where there is a reasonable probability that the use of the product will cause serious, adverse health consequences or death. For example, the presence of pathogens in ready-to-eat product or the presence of *Listeria monocytogenes* in ground beef.

2. **Class II.** This is a health hazard situation where there is a remote probability of adverse health consequences from the use of the product. For example, the presence of undeclared allergens such as egg or peanut products.

3. **Class III.** This is a situation where the use of the product will not cause adverse health consequences. For example, the presence of undeclared generally recognized as safe non-allergen substances, such as excess water.

Examples of the types of problems that may be encountered with Hershey Creamery Company products and the type of recall that would be required under the circumstances are outlined below.

PRODUCT	PROBLEM	DISTRIBUTION	STATUS
All Product Types	High Coliform Count Microbiological results indicate the presence of pathogens.	Product has been distributed at retail level	Consumer Level Recall Product Food poses a safety risk Results indicate under processing has occurred and the cook step has not reduced bacteria numbers allowing pathogens to persist or contamination has occurred after processing.
Cookie Dough containing egg	Ingredient listing does not mention eggs	Product has been distributed at retail level	Consumer Level Recall (Food may pose a safety risk to allergenic consumers)
All Product Types	Foreign object complaint (e.g. metal contamination)	Product has been distributed at retail level	Consumer Recall Product (Food may pose a safety risk)
All product types	Underweight packaging	Product has been distributed at retail level	Withdraw Product (Trade Practices breach - food does not pose a safety risk)

Proprietary Information of the Hershey Creamery Company  
Harrisburg, Pa

### **Section 3: Informing the relevant government authorities that a recall is or may be necessary**

#### **Regulatory Agency Notification**

##### **Responsibilities**

If a retail or consumer recall is considered necessary under section 2 it is the responsibility of the Vice President of Production/ Company Spokesperson to inform firstly by phone and then in writing via a recall notification report to the FDA coordinator that the company is going to initiate a recall. (Refer to Appendix II)

The FDA recall coordinator in conjunction with the FDA recall committee will confirm this decision.

The Vice President of Production/ Company Spokesperson in the event of the recall proceeding will also inform in writing the individuals responsible for consumer affairs in those states in which the product has been distributed. (Refer to Appendix III)

### **Section 4: Retail Recall - Stopping further distribution and sale of the food being recalled. (See Recall Flow Chart)**

##### **Responsibilities**

In the event of a retail level recall, it is the responsibility of the Vice President/Plant Manager to coordinate this type of recall.

##### **Determining Distribution of affected Product.**

The Distribution Supervisor is responsible for determining which States the product has been distributed to as well as other customers that may be affected. This information can be obtained via our customer invoice sheets that also note the lot identification details and batch numbers of all distributed products sold to individual customers. These sheets should be traced back to when the first delivery of the affected code took place.

The Vice President of Production/Company Spokesperson is also responsible for contacting all branches/distribution centers of recall and providing appropriate sales documentation. The branch personnel in conjunction with corporate personnel will be responsible for contacting affected customers by phone informing them of the problem with the product and then following this action up by facsimile and/or notices at next shipments. (Refer to Appendix IV).

In the event that the affected product may have been on-sold, for example via a distribution center or warehouse it is the responsibility of the Vice President of Production/Company Spokesperson to inform any customers that are likely to have done this and to request that these customers examine their own distribution records and provide Vice President of Production/Company Spokesperson with details as to where the products have been distributed. An example of a forwarding letter that distributors may use to inform their own customers in the event of a company recall is also detailed in Appendix IV. Should a recall affect any Compass Food Group customer, notification to the Corporate Quality Assurance Manager shall be conducted in addition to the customers affected by the recall.

The contact names and numbers for all the company's customers and distribution centers are in the customer register located in the sales department. (Refer to Appendix V)

Proprietary Information of the Hershey Creamery Company  
Harrisburg, Pa

## **Determining the quantity produced**

The Distribution Supervisor must determine the total quantity of the batch in question, which can be derived from the production records relating to the batch code and subsequent day of production.

The Distribution Supervisor is also responsible for conducting a stock take of the in-house storage facilities and isolating any remaining stock that relates to the affected batch. This stock must be placed on "HOLD", be clearly identified as well as isolated so that accidental distribution cannot occur.

**\*\*\*Note - No stock is to be disposed of without clearance from the Vice President/Plant Manager.\*\*\***

The Distribution Supervisor should collate the above information on the Recall Distribution Register (Refer to Appendix VI) and copies given to the Vice President/Plant Manager.

## **Section 5: Consumer recall - Informing the public about the recall**

In the event that it is necessary to conduct a consumer recall all the steps outlined in section 4 above should be followed. In addition to this, the general public will need to be informed via written press advertisements placed in prominent newspapers in each State in which the products have been distributed.

### **Responsibilities**

The Distribution Supervisor will provide the Vice President of Production/Company Spokesperson with a copy of the distribution register listing the States that the product has been distributed to.

It is the responsibility of the Vice President of Production/Company Spokesperson in this case to draft the pending press advertisement. A contact number for Hershey Creamery Company must be included in this advertisement to allow consumers access to further information. (Refer to Appendix VII)

The Vice President of Production/Company Spokesperson must also ensure that that any press advertisements clearly instruct the consumer what to do with the product (i.e. return the product to place of purchase for a full refund) or how to safely dispose of the product.

The wording and format of the advertisement should be submitted to the FDA recall coordinator for approval prior to publication.

The Vice President of Production/Company Spokesperson will ensure that press advertisements are placed in the daily print media of each State which the food has been distributed.

Wherever possible the advertisement should appear in the front pages of the daily print media. If this is not possible it should appear in the first half of the newspaper (early general news). The recall notice is not to be placed in the classifieds.

The advertisement should be double column in width and 10 centimetres deep and should be enclosed with a diagonally hatched boarder and preferably with the internationally recognised safety triangle in the top left-hand corner. (Refer to attachment VII – Figure 1)

## **Media Release**

If the identified problem with the product poses an immediate or serious risk to public health and safety and where there may be a delay in the release of a press advertisement the company may require a media release to be issued. The FDA recall coordinator will inform the company if this is to be done and will help facilitate this process. Media releases are issued to ensure rapid and wide dissemination of information. (Refer to Appendix VII for Media Tips)

## **Responsibilities**

The media release should contain the same information as the paid advertisement and should be developed jointly by the Vice President of Production/Company Spokesperson in consultation with the FDA recall coordinator.

In the case of both press advertisements and media releases the company should give consideration to informing ethnic and regional media and whether expert advice from a medical practitioner or other specialist may be required. It is the responsibility of the Vice President of Production/Company Spokesperson to check whether there may be a delay in the publication of a paid advertisement.

## **Section 6: Retrieving the recalled product and product disposal**

### **Retrieval**

Wherever possible the Vice President/Plant Manager of Hershey Creamery Company will take all reasonable measures to retrieve stock in the marketplace and have it returned to the company.

### **Responsibilities**

It is the responsibility of the recall committee in conjunction with the FDA recall coordinator to decide how the recalled food is to be retrieved from the distribution chain and disposed of.

The Vice President/Plant Manager is responsible for coordinating company sales representatives to retrieve affected stock from customers, warehouses and distribution centers and to encourage cooperation from all links in the distribution chain to ensure the recall is effective.

Products may be recovered by returns to supermarkets, returns via distribution chains or direct returns from consumers. Records of the product lot identification details and the amounts of products returned from customers and distribution centers must be kept (Refer to Appendix VIII). If the distribution is widespread the Vice President/Plant Manager is responsible for establishing collection sites across the network in order to maintain control over the recalled goods and for ease of collection and return of affected product.

### **Disposal of non-returned product**

Proprietary Information of the Hershey Creamery Company  
Harrisburg, Pa

## **Responsibilities**

The Vice President/Plant Manager must discuss the disposal of the non-returned product with the FDA coordinator before any advice as to product disposal is issued.

If the recall committee in conjunction with the FDA coordinator decide that the return of distributed product to the company is not feasible, it is the Vice President of Production/Company Spokesperson responsibility to instruct customers in the course of notification as to how to safely dispose of the product so that it cannot be used for human consumption in accordance with this procedure.

In this case where product is disposed of at market level, the Vice President/Plant Manager is to ensure that correct quantities of product have been obtained and recorded from customers, wholesalers and distribution centres prior to product disposal.

This information is to be recorded on the Recall Distribution Register (Refer to Appendix VI) so that it can be used to assess the overall effectiveness of the recall.

All senior company representatives should be familiar with this recall procedure and with the records system for product distribution.

## **Returned Food**

### **Responsibilities**

The Quality Assurance Department is responsible for carrying out any further testing of the returned product if required as well as ensuring any returned stock is clearly identified with a label and that this stock is held in a separate area to prevent accidental redistribution. No stock is to be disposed of unless clearance to do so is given by Vice President/Plant Manager.

## **Disposal of recalled food**

### **Responsibilities**

The Vice President/Plant Manager in conjunction with the Quality Assurance Department will assess the disposition of the recalled product and decide the best method of disposal or reworking of the product as the case may be.

Recalled product that is being held, prior to disposal or possible reworking, must be separated from other food and clearly identified as 'recalled food' and not to be used subject to further advice.

Vice President/Plant Manager must determine which of the following options is appropriate for the recalled food e.g.

- Destroyed or otherwise used or disposed of so that it cannot be used for human consumption. If large amounts of food are to be destroyed in this manner the QA manager should seek advice from the Vice President/Plant Manager and the FDA recall coordinator as to the best method of disposal and obtain certificates of disposal if required (e.g. land fill by local council, incineration or other method of disposal, through an authorised waste disposal company);
- Further processed in such a way as to ensure its safety and suitability; and
- Ascertain the returned product to be safe and suitable (e.g. physical inspection in the case of faulty seals).

## **Section 7: Providing FDA coordinator with interim and final reports on the recall**

### **Responsibilities**

The Vice President of Production/Company Spokesperson will provide the FDA coordinator with an interim and a final report respectively on the effectiveness of the recall. These reports will be requested by FDA and are to contain the information FDA requires within the timeframe stipulated.

These reports are to give information to the recall coordinator regarding the effectiveness of the recall and what corrective actions have been taken both with respect to the recall and to prevent a recurrence of the problem in the future (Refer to Appendix IX). It is the Vice President/Plant Manager responsibility to ensure all members of the recall team in the course of their duties retain accurate records of relevant information such as amounts of returned stock, amounts of stock unaccounted for, copies of press releases, corrective actions taken, etc.

### **Post recall meeting**

As soon as is practical the Vice President/Plant Manager will convene the recall committee to discuss the effectiveness of the recall and to outline and put into effect strategies and preventative measures that will prevent the problem from recurring again.

Items that will need to be addressed in this meeting include:

- Conducting an audit of the process to identify hazards that have contributed to the cause of the problem in the product – Responsibility Lab Director and HACCP Coordinator
- Changes that will need to be made to production and processing systems in order to prevent a recurrence of the problem in the future – Responsibility Vice President of Production
- Reviewing, up-dating and revision of written company processes and procedures and ensuring that these changes are communicated to all staff – Responsibility HACCP Coordinator
- Reviewing and revising staff training policies and procedures – Responsibility Production Supervisors; and
- Updating production manuals and documented procedures to reflect these changes – Responsibility Production Supervisors.

In the event of a product tampering recall:

- Reviewing company security systems and product packaging in order to prevent possible tampering of the product – Responsibility Crisis Management Team