

## ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

**To:**

1860537 Alberta Ltd.  
“the Owner”

Zhen Lin Lu  
“the Owner”

Xue Mei Lin  
“the Owner”

**RE:** The food establishment located in Calgary, Alberta and municipally described as:  
Lulu Produce – Mobile Unit with License Plate ‘CRS-0838’  
8 - 2915 10 Avenue NE

**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. The mobile unit was being operated without a valid and subsisting food handling permit from Alberta Health Services.
- b. Perishable foods like raw meat, raw bacon, seafood-fish, shelled eggs, tofu, and cut produce were displayed in a parking lot without temperature control.
- c. The transport vehicle did not have refrigeration equipment or a refrigeration system to ensure perishable foods maintained 4 degrees Celsius or colder.
- d. Food was stored directly on the ground of the parking lot in a manner that could contaminate the food products.

**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. The mobile unit was being operated without a valid and subsisting food handling permit from Alberta Health Services, which is in contravention of section 3(1) (a) (b) which states that no person shall operate a food establishment unless the person is an operator who holds a valid and subsisting permit for the operation of the food establishment, and the food establishment is identified on the permit as approved by the regional health authority that issued the permit.
- b. Perishable foods like raw meat, raw bacon, seafood-fish, shelled eggs, tofu, and cut produce were displayed in a parking lot without temperature control, which is in contravention of section 25(1) (a, b) of the Food Regulation, AR 31/2006 which states that: All high-risk food must be stored, displayed and transported at a temperature of not more than 4°C or such higher temperature, or not less than 60°C or such lower temperature as an executive officer stipulates under subsection (4).
- c. The transport vehicle did not have refrigeration equipment or a refrigeration system to ensure perishable foods maintained 4 degrees Celsius or colder, which is in contravention of section 25(1) (a, b) of the Food Regulation, AR 31/2006 which states that: All high-risk food must be stored, displayed and transported at a temperature of not more than 4°C or such higher temperature, or not less than 60°C or such lower temperature as an executive officer stipulates under subsection (4).
- d. Food was stored directly on the ground of the parking lot in a manner that could contaminate the food products, which is in contravention of section 23(1)(a)(b) of the Food Regulation, AR 31/2006 which states that: All food used or to be used in a commercial food establishment must be protected from contamination and handled in a sanitary manner.

**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. Schedule and participate in a Compliance Review Hearing with Alberta Health Services, Environmental Public Health management.
  - b. Obtain a valid food handling permit from Alberta Health Services for this mobile food unit.

- c. Use only refrigerated, Alberta Health Services permitted vehicles to transport and display perishable foods at 4C or less for mobile retail.
  - d. Store and display food at least 15 cm off the floor in a sanitary manner that protects all food products from contamination.
  - e. Ensure that all staff members, including staff operating mobile food vending units, complete the Alberta Food Safety Basics Interactive Course: <https://ahs.myabsorb.ca/#/public-dashboard> and provide completion certificates to an Executive Officer with Alberta Health Services.
  - f. Prepare a written food safety plan for each mobile unit. Outlining what foods are stored and sold from each vehicle (refrigerated/non-refrigerated), include details for mobile site set up procedures and the protocol for foods returned to the grocery store. Provide the food safety plan to an Executive Officer with Alberta Health Services for review and ensure staff are trained to implement the approved food safety plan.
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 Calgary, Alberta, February 15, 2024

Confirmation of a verbal order issued to Xue Mei Lin on February 13, 2024.

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](mailto: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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[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)