New York City's Restaurant Clean-up Program*

Israel Weinstein, M.D.
Commissioner of Health, City of New York

Milk was the first food to be subjected to control by the New York City Health Department. In 1896 the Sanitary Code was amended requiring anyone who desired to sell milk in the City of New York to obtain a permit from the Board of Health. Such permits are now recognized as the indispensable basis for the administrative control of a city's milk supply. At first, milk dealers did not like this regulation. But time proved that as the sanitary quality of the milk improved, public confidence grew and the consumption of milk and milk products increased to make the milk industry what it is today.

Milk producers know that if the public's confidence in the wholesomeness of milk were shaken, the milk business would suffer tremendously. They are fully aware that good sanitary practices mean good business. They have profited by complying strictly with the regulations governing the sanitary standards of their product.

Need for Restaurant Clean-up

The New York City Health Department embarked on a program to convince the rest of the food industry that cleanliness pays good dividends. The restaurant clean-up program which was begun in June, 1946, was long overdue. Many individuals are aroused to action only after some great disaster has occurred. It needed a fire in a night club with the loss of several hundred lives for a community to realize the importance of removing inflammable decorations from crowded public places. There had to be the sinking of a ship and hundreds drowned before indignant citizens rose up and demanded proper inspection of life-saving equipment. Is it necessary that there be an epidemic of food-borne disease with its vast toll of illness and death in order that officials realize that hazards in food establishments must be eliminated? New York City said no. It would not wait. Steps were taken to remove the danger, even though there were many who, because of ignorance or indifference, were unaware that the health of the people was in jeopardy, and did not see the necessity for stringent measures to correct the perilous situation.

Thousands of letters have come to the New York City Health Department from all over the country written by people in all walks of life commenting on the "drive" to clean up the restaurants. Health officers have asked about the techniques that have been used. To begin with, the term "drive" or "campaign" is unfortunate. Both terms imply that the movement is a temporary one, that a climax in effort will be reached, that it will then taper off, and finally become quiescent. The inspection of restaurants and the insistence on their compliance with the provisions of the Sanitary Code are part of a continuous service of the Health Department. There will be no let-up. The work will go on as long as there is need for it; and as long as there are food establishments in the city, the need for inspection will remain. It is hardly necessary to point out that food is a culture medium for bacteria, and

that unless measures are taken to protect it from becoming infected, it may be the source of disease in human beings.

"Food-poisoning" is a general term that includes food infections as well as poisoning by heavy metals and other substances. The New York City Health Department receives annually reports of over 3,000 cases of food-poisoning in the city, and that is only a small fraction of the total number of cases. The less severe and many of the serious cases are unreported. A large proportion of all the food-poisoning cases are referable to food establishments.

During the war, when the entire effort of the country was concentrated on the destruction of the war-making potential of the enemy, important peace time services had to be neglected. It is quite possible that the owners of some of the food establishments took advantage of the situation, and in order to save expense, made no effort to correct even the gravest sanitary defect. When the war was over, they still preferred inaction, and tried to hide their negligence behind such excuses as unavailability of labor and material. It is true that many items were and still are scarce, but that is no reason for closing one's eyes to the presence of health hazards. Dishwashing equipment suitable for each type of restaurant may not be ready for immediate delivery, but there are plenty of detergents and hot water. There is no reason why patrons should be forced to use eating utensils that are dirty and that have particles of the food served to the preceding customers adherent to them.

New York City is most fortunate in having a mayor who recognizes that the health of the people is the primary concern of government. Mayor O'Dwyer has a deep interest in all services that deal with the health and welfare of the seven and one-half million residents and the million or more daily visitors in this city. He is determined that New York will be the cleanest and healthiest large city in the world, and he will give an attentive ear to any suggestion that will further this resolve. This presentation would tell less than the whole truth if it minimized the essential role of the chief executive of the city in initiating and making possible the continuance of a restaurant sanitation program. It is no exaggeration to state that the success that the plan has attained in New York City has been due in large measure to the whole-hearted support of the mayor. Any health officer who cannot be assured of such support might well hesitate before embarking upon a project that has so often ended in failure.

Conditions Prevailing

New York City has 110,000 food establishments. Included in this number are 15,000 butcher shops, 16,000 candy stores, 18,000 fruit and vegetables stores, and over 22,000 restaurants. These restaurants vary in size from the fountain luncheonette and the "hole-in-the-wall" eating place to the palatial dining halls where over 15,000 patrons are served daily.

One of the primary reasons for the lack of good sanitary control in so many restaurants, a reason that is not generally recognized, is the fact that the great majority of the operators are not restaurateurs. For the most part they are former waiters, salesmen, or just plain business men who have some money to invest, and feel that this type of enterprise will give them the best yield on their investment. The great majority of them are entirely ignorant of the techniques of the preparation and serving of food. They cannot instruct the staff of cooks, pantry-men, and other food handlers who are to be entrusted with the task of caring for the food from the time it is received from the wholesaler until it is served to the patron. They do not understand
the basic principles of restaurant sanitation; they have no conception of the structure of kitchen equipment; and they do not comprehend the need of cleanliness and sterilization in the operation of their establishment. They fall an easy prey to the glib arguments of salesmen, and they often purchase equipment that is so unsuited to their needs that it is practically worthless. They judge a machine by its attractiveness and pay little or no attention to the ease or difficulty of its operation, and to the accessibility of its component parts for inspection and cleaning. To make the problem still more difficult, many of the smaller eating places have space that is totally inadequate for their needs. Fountains that were originally built to handle sandwiches, cakes, and soft drinks now are used for full-course dinners. There just is not room for the proper washing of dishes, to say nothing of the other essential operations. The owners of these establishments have in a sense been the victims of circumstances. Ignorant of the most elementary principles of restaurant sanitation, with more patrons than they can serve, and therefore never feeling the need of attracting customers, they have gone merrily on from bad to worse until all pretense of complying with sanitary regulations has been abandoned.

Even in some of the most pretentious and high-priced restaurants, the kitchens and stock rooms were found infested with rodents and other vermin, and no adequate measures taken to protect food from spoilage and contamination. The owners spend their entire time in the dining rooms greeting patrons, supervising decorations, and seeing that the service is prompt and efficient, but they pay no attention to the back rooms where the food is stored and prepared. Of course this is not the story in all restaurants. Hundreds of them are clean and sanitary and operated on the very highest plane of safety and scientific knowledge. But that is not enough. Every restaurant must be safe or must be forced to close the doors.

**Sanitary Requirements**

In New York City the regulations governing the conduct of restaurants are part of the Sanitary Code. They specify that all food that is served must be fresh, sound, wholesome, and safe for human consumption. Foods must be protected from contamination by dust, dirt, flies, or handling by customers. The restaurants must be kept free from rats, mice, cockroaches, and other vermin. All perishable food must be adequately refrigerated. All rooms in which food is prepared or stored must be properly lighted and ventilated, and kept in a clean and sanitary condition. All equipment must be kept clean and must be of sanitary design and construction. There must be no poisonous metals or other harmful substances near the food. All eating utensils must be properly washed and sterilized. Adequate toilet facilities must be provided for patrons and employees. All food handlers must be cleanly in their habits. They must thoroughly wash their hands before they begin their day's work, and must keep their hands clean all the time that they are engaged in handling food.

These rules are simple and definite. It must be apparent even to the most callous and indifferent operator that they are the minimum requirements for the protection of the public. Yet the neglect of the most elementary principles of sanitation and hygiene on the part of a considerable number of food handlers was astounding. The employees were not always to blame. In spite of the requirement that adequate washing facilities be available, there was a lack of soap and towels and even of running water. Employees blamed the owners, and owners complained that it was impossible to get the employees to abide by the rules.
which they laid down. Whoever was at fault, and in most cases both were at least partly to blame, sanitary conditions in many restaurants were permitted to deteriorate.

Rats and mice paraded unabashed often in full view of the kitchen help. They gnawed at sacks of flour, they deposited their excreta on unprotected food. Cockroaches and other insects bred in garbage and filth, hid in the crevices of poorly constructed tables and serving counters, and then tracked bacteria across dishes and pans, across uncovered bread and cake.

Perishable foods were not properly refrigerated. Putrid meat, wormy cereals, rancid fats, and rotten fish were not uncommon sights. In some of the small luncheonettes food was prepared in dark and damp cellars. In one place food was placed on a table underneath the stairs. When anyone walked up or down the rickety stairs large particles of accumulated dirt on the underside of the steps were shaken off and fell on the exposed food. If the whole story were told, the confidence of the public in the thousands of eating places in the city would be badly shaken. Yet there were a great many clean and sanitary restaurants. As is often the case, the innocent must suffer with the guilty. The reputation of the entire industry is stigmatized because a large number of its members have disregarded the law, which was written to protect both them and the public.

**Plan of Procedure**

The New York City Health Department’s carefully planned program was based on years of experience, including experimentation with both well-known and little-known techniques. A three-months survey of conditions in the spring of 1946 convinced both the mayor and the Health Department that any further delay would be hazardous to the health and safety of the public.

The administration appropriated $265,000 for the hiring of 101 new inspectors. This brought the total number of health inspectors in the Department to 354. Of these, 142 were assigned to restaurant inspection. Some of the new inspectors were appointed from an existing civil service list. When the list was exhausted, provisional appointments were made pending a new examination. All applicants were interviewed by the Health Department Director of Personnel and by the Director of the Bureau of Food and Drugs. They had to meet the qualifications set by the Civil Service Commission. Preference was given to veterans. Many of the applicants had had considerable experience in the food industry. A group of capable inspectors was selected. Before being sent into the field they underwent a month of intensive training. After ten days of lectures and demonstrations they accompanied the most experienced inspectors on their tours for several weeks. They were permitted to go out alone only after they had demonstrated their ability to make a proper inspection.

The Health Department program can roughly be divided into two parts: (1) educational and (2) law enforcement. Courses for food handlers were part of the routine work of the Bureau of Food and Drugs. These were now greatly intensified. Owners and employees of eating places were invited to attend a lecture on restaurant sanitation. The importance of cleanliness and sterilization was demonstrated. Stereopticon slides and motion pictures were used to illustrate the lecture. Health centers, local neighborhood halls, churches, schools, YMCA’s were all pressed into service. The number of those attending increased rapidly until an average of 7,000 persons a week was receiving instruction in the proper methods of foodhandling.

At the request of the Catholic Archdiocese of New York a 14-week course covering all phases of foodhandling was
given for over two hundred nuns, brothers and lay workers, who supervise the serving of 120,000 meals daily in hospitals, homes, and other institutions. This was the first time that the Health Department had been asked to give detailed instruction in food care to administrators. The Archdiocese published the lecture notes in book form. The Federation of Protestant Charities of New York City then asked for a similar course. The Health Department was very happy to grant its request. The demand for instruction in scientific food handling has increased by leaps and bounds and courses have been organized by the Board of Education as well as by the Health Department.

From the outset it was made clear that the Health Department was not out to "catch" restaurant owners and to have them punished for infractions of rules. On the contrary, it announced clearly that it desired to aid in every possible way to have the restaurants operate on a high sanitary plane. Punitive measures were not to be used except as a last resort. Representatives of restaurant associations were invited to the Health Department. The program was outlined. There was to be no unnecessary hardship placed upon anyone. Perfection was not required. But it was made very clear that anything that jeopardized the health of the people would not be tolerated for an instant. Where there were minor violations, warnings would be given and a reasonable time permitted for the removal of these violations. The cooperation of the restaurant owners was pledged. Trade journals printed the pertinent regulations of the Sanitary Code, and advised their readers to lose no time in complying with them.

Next on the program were meetings with the representatives of 60,000 organized restaurant workers. They were quick to see their duty to help protect the public as well as themselves. In nearly all restaurants the workers get meals as part of their pay. Thus they eat the same food as the patrons. They not only pledged their whole-hearted support, but translated it into immediate action by arranging for the printing of leaflets and pamphlets, and organizing courses of instruction in the proper methods of food handling. Members of the Boards of Trade in various parts of the city responded to invitations to meet at the Health Department. Since the summer season had just started and there was a rush of hundreds of thousands of people to the beaches, special attention had to be given to the restaurants in Coney Island, Rockaway, and other resorts in the city. The great crowds of people that seek food, especially during the week-end, tax all existing facilities, and there is often a temporary breakdown in sanitary technique. It was made clear that "extenuating circumstances" would not be accepted as an excuse for unhealthful practices.

Since the luncheonettes and soda fountains constituted the most serious problem, special meetings were arranged for them. Their chief difficulty is lack of space. The Sanitary Code specifies that dishes must be washed with hot water and soap or other detergent. Then they must be rinsed in clear water, and finally sterilized by proper heat treatment. In over two-thirds of these eating places there was not even a pretense at sterilization. Dishes were washed in cool dirty water which contained pieces of bread, meat, and other food that had been brushed off the plates. Then they were rinsed in water that was equally dirty but did not have quite as much food in it. Since it is not possible to hold one's hands in water above 135° F. for more than a few seconds, it was apparent even to the most casual observer that the bacteria in it remained alive and active. In order to comply with the...
requirements of the Sanitary Code regarding dishwashing, it is necessary to have three sinks or a dishwashing machine. There was not sufficient room for either. Many of the places converted to single-service paper utensils. Health Department engineers and inspectors showed the owner how to arrange his space so that proper equipment could be installed. Manufacturers of paper cups have been swamped with orders, and due to shortages in their own industry, have been unable to supply all who need their product. Paper dishes alone cannot solve the problem for all establishments. It may be necessary for the Health Department to order dishwashing removed to some place other than behind the counter.

Many restaurant owners complained that they could not get needed equipment. Meetings were held with manufacturers of dishwashing machines and other kitchen equipment, of soap, detergents, and other products essential for maintaining the restaurant in a sanitary condition. Mutual problems were discussed. Not all needed equipment was available, but there was a good deal more than most people believed. The manufacturers were invited and urged to consult with the Health Department in the designing and construction of new machines. The experience of the Department was put at their disposal. A considerable amount of restaurant equipment in New York City is condemned by inspectors because it cannot be properly cleaned. Particles of food accumulate in pockets where they undergo putrefaction. The manufacturers recognized that it was distinctly poor business to spend money on the construction of machines that would not be approved by the Health Department, which was another way of saying that the machines were of little or no help in doing the job properly. It was to their advantage to heed the counsel of Health Department engineers, and they promised that they would avail themselves of the opportunity. Good equipment, so built that it can be easily taken apart to be cleaned and inspected, is one of the essentials in restaurant sanitation.

**Inspection by the Industry**

It must be apparent to all that no program aimed at maintaining restaurants in a sanitary condition at all times can have much chance of success unless the operators themselves appreciate the need of continuous inspections, and are willing to assume part of the responsibility for them. If New York City had to do it alone, the cost of maintaining the tremendous staff of inspectors would be prohibitive. The job simply could not be done efficiently without restaurant organizations employing their own inspectors. The fact that they realized that such an investment would bring generous dividends in the form of increased efficiency and public confidence was very encouraging. At present some 1,000 restaurants receive regular inspections by men employed for that purpose by the industry. These restaurants for the most part belong to large chains, but the same thing is being done for many individual establishments by their organizations. The inspectors are hired by the associations to whom they are fully responsible.

The Health Department gave every assistance in the selection of the men. It recommended that they have the same high qualifications as regular Health Department inspectors, namely, that they have an adequate academic background with college courses in chemistry, bacteriology, and the allied sciences. In addition, they should be able to teach food handlers how to comply with the pertinent provisions of the Sanitary Code and get them to realize the importance of doing so. The Health Department organized a training course for these inspectors similar to the one given to its own inspectors. Frequent conferences are held with
Health Department officials. Company inspectors are required to inspect a restaurant about twice a month until it is in good sanitary condition. After that, a monthly inspection is usually all that is necessary. The Health Department requires that the company inspectors' reports be left with the operators of the establishments and be available for review by the Department at all times. It is, of course, clearly understood by the restaurant industry that the Health Department will continue its regular inspections of the establishments. A self-inspection system merely supplements the official inspection. The results in the food establishments that have accepted this self-inspection program are highly gratifying. Sanitary food handling practices are rapidly becoming a routine part of the daily work in those establishments.

**Law Enforcement**

Education is an essential part of any program aiming to bring about sanitary, or for that matter any, reform. But education alone is not a panacea for all human ills. In a broad sense every method that is used has an educational value. But if the program were limited to formal instruction and conferences, it would progress very slowly and would not reach some of the worst offenders. It is therefore necessary to supplement the educational phase with one of law enforcement. To this end the Corporation Counsel who is in charge of all legal matters involving the city was consulted. He, like the Mayor, realized the necessity for strict compliance with the provisions of the Sanitary Code on the part of operators of food establishments. One of the weakest parts of an organization like a health department, made up of doctors, dentists, nurses, chemists, and other technicians, is the lack of trained legal personnel. Cases are brought to court, often poorly prepared; defendants are able to engage highly skilled counsel who get repeated postponements and may finally, after months of delay, have the case thrown out of court on a technicality, or obtain a nominal fine or suspended sentence for their clients. This time, however, the Health Department was prepared. Six able assistant corporation counsels were assigned to the Department. The cases are fully prepared, evidence is in the proper form, and there are no legal loopholes through which dismissal of the cases without considering their merits can be obtained. The City of New York owes a real debt of gratitude to the magistrates who have seen to it that justice has been meted out promptly and effectively. From June 12, 1946 to September 30, 1947, 35,653 restaurants were inspected. Of these, 3,182 received summonses. The total amount of fines was $256,799. In addition, one operator received a 60-day jail sentence and another a ten-day penalty. There is no question but that the disposition of the cases promptly and equitably has had a salutary effect upon the restaurant owners throughout the city, and has awakened in a great many of them a zeal for cleanliness and sanitation which they might otherwise never have experienced.

To complete the law enforcement phase of the program, the Board of Health empowered the Commissioner of Health to seal, on 48 hours written notice, any restaurant that in his opinion was not in fit condition to operate, and to keep it sealed until he was satisfied that all violations had been removed. This severe penalty was imposed in several instances. In other instances, written notices of closure were served, but because strenuous efforts were immediately made to put the places in good sanitary condition, the order was rescinded.

**Public Support**

That the public is keenly aware of lax methods of operation in many food establishments is attested to by the thousands of letters that have been received by the Health Department.
With very few exceptions, they have been loud in their praises of the efforts being made by the Department to protect the public. Hundreds of citizens in all walks of life volunteered to give their services free to the city to help speed up the inspections. All of these offers were declined with a note of appreciation for the fine spirit that prompted the suggestion. Inspection is not work for amateurs, no matter how well meaning they may be. The restaurant owners are entitled to inspections by highly qualified men who know what the law requires, who understand the problems of the industry, what materials and equipment are available, and who will not make unreasonable or impossible demands.

Many of the letters contained suggestions. A very common one was that the Department grade restaurants either by a letter—A, B, C, etc.—or else by the words unsatisfactory, satisfactory, fair, good, excellent. The objection to that system is twofold. One is that it demands repeated inspections to be certain that the rating has not changed. In other words, if a restaurant is marked “excellent,” there must be reasonable assurance that it will not continue to display the rating several weeks or months later when conditions may have changed for the worse. If that occurs, the public will soon lose its confidence in the ratings and they will serve no purpose whatever. It is obvious that such a system would not be practical under any circumstances in a large city like New York with 22,000 restaurants to supervise and grade. The other objection is that if a low-priced restaurant is marked “unsatisfactory” and its patrons feel that they have no alternative because of their limited financial status to experiment with other restaurants, there may be no falling off of patronage. There may be other reasons for the patron’s indifference to the rating. The restaurant may be close to a factory and therefore very convenient. The individuals eating there may not appreciate the importance of insanitary handling of food. Or, they may be completely indifferent to it. Again the rating becomes meaningless and it is of no help in improving sanitary conditions in eating places. It is conceivable that in a small community with very few restaurants an energetic health officer might make the scheme work but it is wholly inapplicable to a large city like New York. However, the idea of a poster or sign in the restaurant calling the attention of the public to good sanitary practices is a sound one. The Health Department is urging those restaurants which meet high sanitary standards to display proudly notice of that fact. A number of restaurant chains in the city have put up such a notice. The statement is brief and to the point. An example is the one that appears in a popular chain of cafeterias: “We comply with all the regulations of the Health Department for the protection of the public. We sanitize all our dishes.” It is hoped that all of the good restaurants in the city will follow this example. It is good advertising for them. They also know that if on inspection it is found that they are not telling the truth, that they do not sanitize their dishes, their misrepresentation will be brought to the attention of the court.

**Summary**

The various techniques used by the New York City Health Department in its restaurant clean-up program have been briefly described. The program is an ambitious one. Its aim is not merely the removing of violations. Actually it seeks to reorient the point of view of restaurant operators toward sanitation. There has been considerable reluctance and even some open opposition. But the operators are slowly coming to realize that it is to their own advantage, as well as to the best interests of the public, that their places be clean and healthful. We are

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elaborate structure that has been evolved. As milk sanitarians we should re-examine our duties and lay our course in terms of basic principles. It is our duty to safeguard the public health, but this duty should not be pursued with reckless disregard of the consumer pocketbook. In terms of basic principles it is our duty and right to insist that the milk be produced from healthy cows, that the milk be clean (not cleaned by straining), that the milk meets suitable standard of cleanliness as measured by such objective tests as the methylene blue test or bacterial counts, that the use of preservative be excluded, and that the water supply be clean and safe. In my judgment and in terms of basic principles it is neither our duty nor our right to specify detail for detail how the producer must meet these specifications. In this connection, let us recall the demonstrations that it is possible to produce clean, low-count milk under conditions which would be rated as sordid in terms of presently accepted standards for market milk.

With respect to market milk the pattern of the standards has been thoroughly established and is difficult to change, as committees charged with this duty have found. It must also be admitted that, even though many of the detailed requirements are highly arbitrary, some semblance of consistency in enforcement can be maintained because the demand for market milk is fairly steady and there is less need for supplemental supplies than in the case of ice cream. It would, however, be a serious mistake to assume that similar standards for ice cream mix ingredients would be equally acceptable and workable. The extent to which non-observance of requirements in supplemental supplies would have to be condoned would be demoralizing; yet the requirements would exist and serve as the basis for higher costs to consumers. You cannot expect a producer to rebuild his barn in order to become eligible to a higher priced market with only an occasional shipment to such market. Before detailed requirements are imposed on the producing farms of ice cream mix ingredients, let it be demonstrated that the need for such action exists in terms of the public health record of this industry.

These remarks should not be construed as arguing against quality improvement. Instead, they are an argument for quality specifications in terms of herd health records and quality standards as measured by objective tests.

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still in a sellers' market and pretty nearly anyone who has anything to sell need not worry about getting buyers. But this condition will not last forever. When business returns to a competitive basis, the advantage as far as restaurants are concerned will definitely be with those who have acquired a reputation for sanitary operation.

This article has been limited to a discussion of the restaurants but the same problems exist in bakeries, delicatessens, butcher shops, produce markets, and all other food establishments. They are not being neglected. This program is not a “drive.” It is simply the routine work of the Department intensified and brought up to a level where it is effective. There will be no letdown. On the contrary, the work will be intensified. The people of New York City realize that the Health Department will not relax its efforts until every food establishment in the city is operating in accordance with the highest standards of sanitary control.