

More people are bringing pets into stores, prompting a new education campaign

Animals in grocery stores “dog” food safety officials

August 12, 2009... The dog days of summer may have a different meaning in Oregon this year as it is not all that uncommon to see someone shopping at the local grocery store with their family pet in tow. Quite often animals in stores are considered service animals, allowed by law to accompany their owner. Many times, however, the shopper is bringing in an animal that should not be there. The Oregon Department of Agriculture is hoping to better enforce the law through an education campaign that will be fully underway in the next few weeks.

“Of all the complaints we receive from the public, pets in a grocery store— especially dogs— is by far our number one issue,” says Vance Bybee, administrator of ODA’s Food Safety Division.

That doesn’t necessarily mean that dogs in a store is the number one public health concern in Oregon, but the matter is serious enough to warrant full attention.

“We’ve received complaints about dogs urinating in the aisle of a grocery store, jumping up and licking packages of meat, or sniffing food items on the shelf,” says Bybee. “We are receiving more complaints these days simply because more people are taking their dogs into stores. They seem to be more attached to their pets than before.”

So what are the rules about animals in grocery stores? Chapter 7 of the Retail Food Code (OAR 603-025-0030), adopted by ODA, provides that live animals are not allowed on the premises of a food establishment, except for service animals in accordance with provisions of the Americans with Disabilities Act (ADA). The definition of a service animal is “...any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.”

“The ADA provides that service animals are allowed into any public area where consumers are normally allowed, including retail grocery stores, restaurants, and other public places where you wouldn’t normally find an animal,” says Bybee. “The problem is retailers have had to take a person’s word for it that the animal is indeed a service animal. There is no requirement for it to be licensed, wear an ID collar or tag, or be in a harness. That has retailers hesitant to ask a lot of questions and face any potential legal action taken by the animal’s owner if the animal is wrongly denied access. That’s why we are trying to get some key messages out to both the public and to retailers.”

The first message is aimed at the owner of the animal. Certainly, those with a disability need to be assured that a service animal is allowed into a retail grocery store. But there may be a gray area in the minds of some people as to what qualifies as a disability. These are the folks who are generating the majority of complaints that ODA receives regarding animals in food establishments.

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“Some people claim the animal provides comfort or emotional stability, and that’s why they need to take them into a store,” says Bybee. “That is a function not included in the definition of a service animal. The animal must perform a function for a disabled individual who cannot perform that function for themselves. It may be that the person needs visual assistance, needs help with balance, or needs the animal to open and close a door, for instance. Just wanting to have a pet with you at all times does not meet the definition.”

Common sense and courtesy by pet owners can go a long way in diffusing the tension often surrounding retailers, the general public, and the issue of animals in grocery stores.

The second message is directed at the retailer. They should not be afraid to ask some basic questions when a person comes into the store with an animal. Pets, in general, are not allowed in retail grocery stores or any other food establishment. They must be a service animal. This is the default position for retailers.

“You cannot ask a person to identify their disability, but you can ask what the animal has been trained to do,” says Bybee. “The person needs to identify the service that the animal performs that they can’t do for themselves. There must be a direct link. It’s okay for retailers to ask that question.”

The third message goes to the general public– the vast majority of Oregonians who go shopping on a daily basis without bringing an animal along for the ride.

“You should feel comfortable bringing to the attention of store management that an animal is in the store,” says Bybee. “And that is where you should go rather than approaching the animal’s owner directly. Chances are it may be a service animal, but you have a right to notify the retailer.”

Consumers can simply shop somewhere else if they aren’t satisfied that retailers have addressed the issue. But they can also file a complaint with ODA, as many of them have to date. If ODA inspectors find a retailer who has consistently violated the rule, a citation can be issued. If it’s possible to identify any food product that might be affected by a non-service animal, ODA may require that the food be removed and destroyed. But before taking regulatory steps, the Food Safety Division is hoping to make progress through an outreach and education campaign.

“We are introducing two new tools we hope will help,” says Bybee. “We are developing a dog-shaped poster to be placed at all retail food establishments that provides definitions of a service animal and offers some helpful tips to consumers who may see a dog in the store. It will make very clear that pets are not welcome in stores. We are also providing a pamphlet to retailers with detailed information regarding service animals. The pamphlet will help them know what to ask and when to ask each time a customer enters a store with an animal.”

Enforcement of the state law prohibiting most animals from food establishments is not always easy. But with a better informed public and retailer, the only non-service animals roaming the aisles will be human.

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