



State of New Mexico
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July 1, 1997

Dear Mr. Shakely:

Your request for information regarding the wearing of shoes in food establishments was forwarded to me for reply. I too have seen signs such as you described here in New Mexico. The sign we most often see in this state is "No Shirt, No Shoes, No Service". I have been unable to discover any ordinance, law, or regulation in New Mexico which addresses such statements.

The New Mexico Restaurant Association has no formal policy regarding wearing of shoes in a food service facility, but would support the state in adopting regulations to disallow bare feet. I checked the Food and Drug Administration 1997 Food Code, just recently released, and there is nothing in the Code addressing shoes. In the past, it has been the prerogative of the manager, owner, or operator of an establishment to establish the decorum of behavior and dress in that establishment.

Perhaps the signs which say "by order of the health department" are put up so that management can avoid arguments with customers. I hope this reply is sufficient. Please don't hesitate to call or write me should you have additional questions.

Sincerely,

Anthony H. Smith, Food Specialist
Food Quality Program Coordinator
Division of Field Operations