

FOOD LABELLING: DATE MARKING

This guide gives advice on the requirements regarding date marking in the Food Labelling Regulations 1996.

Application

Most pre-packed foods must be labelled with the 'Use by....' or 'Best before....' date (although there are exemptions).

'Use by....' dates

Highly perishable foods and those foods likely after a short period of time to constitute an immediate danger to public health if eaten e.g. dairy products, fish, pate should be marked with the 'Use by....' date. This date shows the final date by which the food should be used or consumed.

It is an offence to sell or offer for sale food marked with the 'Use by....' date after the date has expired.

If you are selling food marked with a 'Use by....' date you must ensure you have a system to guarantee that you have no products on sale after this date has expired and that no products with expired 'Use by....' dates are sold.

It is also an offence to remove or alter the 'Use by....' date without permission.

How must they be marked?

The 'Use by....' date mark must give the date up to and including that which the food will remain in good condition. It must be given with the day and month or a day, month and the year if applicable after the words 'Use by....' 'Use by end of....'

Any relevant storage instructions, which should be observed in order to ensure the food will keep its properties until the date marked, should also be given.

'Best before....' dates

'Best before....' dates are used for foods which are less perishable e.g. dried foods. This date ensures that foods are used at their best.

It is not illegal to sell or offer to sell food except eggs past its 'Best before....' date providing that it is still in good condition.

However, to ensure safety and quality of the food it is recommended that the food is stored correctly and sold before the 'Best before....' expires. An offence may be committed if the food is sold after its 'Best before....' date (or indeed before this date) if the condition or quality has deteriorated significantly.

How must they be marked?

The 'Best before....' date must give the date up to and including that which the food will remain in good condition. It must be given with the day and month and the year if applicable after the words 'Best before....'

Unless:

- The food will retain its specific properties for three months or less then it can be marked with the day and month only.
- The food will retain its specific properties for between three months and 18 months it may be marked in terms of a month and a year only with the words 'Best before....' replaced by 'Best before end...'
- The food retains its specific properties for more than 18 months it may be marked with the month and year only or in terms of the year only with the words 'Best before....' replaced by 'Best before end....'

Any relevant storage instructions, which should be observed in order to ensure the food will keep its properties until the date marked, should also be marked.

Sale of eggs

Eggs are marked with a 'Best before....' date, which is no more than 28 days from laying.

Eggs must be sold within 7 days of their 'Best before....' date. It is an offence to sell or offer for sale after this date.

General

No one other than the person who originally date marked the food may remove or alter a date in any way unless they are given specific written permission to do so.

if you pre-pack foods yourself there are special requirements as to how the date mark should be applied and you should seek further advice from your local Trading Standards Service.

Exemptions

- Fresh fruit and vegetables (unless peeled or cut into pieces)
- Wine, liqueur wine, sparkling wine, aromatised wine and similar drink obtained from fruit other than grapes
- Any drink made from grapes or grape musts and coming within codes 22060039, 22060059 and 22060089 of the Combined Nomenclature given in Council Regulation (EEC) No 2658/87
- Any drink with an alcoholic strength by volume of 10 per cent or more. Any soft drink, fruit juice, fruit nectar or alcoholic drink sold in a container of more than 5l to catering establishments
- Any flour confectionery and bread which is normally consumed within 24 hours of its preparation.
- Vinegar
- Cooking and table salt
- Solid sugar and products consisting solely of flavoured or coloured sugars
- Chewing gum and similar
- Edible ice in individual portions

What are the consequences of non-compliance?

Failure to comply with these labelling requirements is a criminal offence. The maximum penalty on conviction in a magistrates court is a fine of £5,000.

For further advice or guidance, contact us.