



FAQS ABOUT FOOD PRODUCT DATING ("EXPIRATION DATES")

For Residents and Businesses in Los Angeles County

WHAT IS FOOD PRODUCT DATING?

Two types of product dating may be shown on a product label. "Open Dating" is a calendar date applied to a food product by the manufacturer or retailer. The calendar date provides consumers with information on the estimated period of time for which the product will be of best quality and to help the store determine how long to display the product for sale. "Closed Dating" is a code that consists of a series of letters and/or numbers applied by manufacturers to identify the date and time of production.

Open dating labels such as, "sell by", "use by", "best by", "enjoy by", "freeze by", "best if used by", "best before" and other terms like these are set by the manufacturer to denote quality (such as taste and appearance), not safety. The quality of perishable products may deteriorate after the date passes but the products should still be wholesome if not exhibiting signs of spoilage.

IS IT SAFE TO CONSUME FOOD AFTER THE DATE ON THE LABEL PASSES ("EXPIRES")?

Yes, but only if all the following is also true:

- The product was handled and stored appropriately throughout the supply chain.
- Safe food handling and cooking instructions were followed.
- The product does not exhibit signs of spoilage.

ARE STORES ALLOWED TO SELL OR DONATE FOOD PAST THE DATE LABEL?

Yes, with the exception of infant formula and baby food (see below). The quality (taste and appearance) of products may deteriorate after the date passes but the products should still be wholesome. Food banks, other charitable organizations, businesses, and consumers should evaluate the product prior to its distribution and consumption to determine whether there are noticeable changes in wholesomeness.

The donation of food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer is protected from liability under the California Good Samaritan Food Donation Act of 2018 if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome. For more information about food donations visit www.SavetheFoodLA.com.

DOES THE GOVERNMENT REQUIRE FOOD PRODUCT DATING?

California state law requires product dates on infant formula and baby food. Date labels on other food products are entirely at the discretion of the manufacturer.

The California Retail Food Code (CRFC, Section 114094.5) requires date labels on infant formula and baby food. Consumption by this date ensures that the formula/baby food contains not less than the quantity of each nutrient as described on the label. Formula must maintain an acceptable quality to pass through an ordinary bottle nipple. The food product date for these items must be checked before sale or donation.

A principle of U.S. food law is that foods in U.S. commerce must be wholesome and fit for consumption. A food product date does not relieve a firm from this obligation. A product that is dangerous to consumers would be subject to potential action by the FDA to remove it from commerce regardless of any date printed on a label.



FAQS ABOUT FOOD PRODUCT DATING (“EXPIRATION DATES”)

For Residents and Businesses in Los Angeles County

DID YOU KNOW...

Confusion about the safety of consuming “expired” foods creates unnecessary food waste. 84% of Americans report occasionally throwing away food that is close to or past the date on the package; 37% do so always or usually. It is important that consumers understand that the dates applied to food are for quality and not for safety. According to a national report by ReFED, a national research organization, “confusion over the meaning of date labels is estimated to account for 20% of consumer waste of safe, edible food. This equates to approximately \$29 billion of wasted consumer spending each year.”

IF YOU HAVE QUESTIONS ABOUT FOOD PRODUCT DATING:

- Contact the manufacturer directly if you have questions about a specific product.
- Download the free FoodKeeper mobile app
- The FoodKeeper mobile app can help you maximize the freshness and quality of food items and keep items fresh longer (and out of the landfill) than if they were not stored properly. The FoodKeeper App was developed by the U.S. Department of Agriculture’s (USDA’s) Food Safety and Inspection Service, with Cornell University and the Food Marketing Institute.
- Download “FoodKeeper” for Apple and Android devices or visit FoodKeeper on your computer <https://www.foodsafety.gov/keep/foodkeeperapp/index.html>
- For general food safety questions, call us directly at (888) 700-9995

Note for LA County Food Facility operators:

Labeled products within a Hazard Analysis Critical Control Point (HACCP) Plan and Reduced Oxygen Packaging (ROP) products may not be sold nor donated past the indicated date (CRFC Sections 113801 and 114057.1)

July 2019.

