

Food Labelling – date and lot marking of packaged food

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Most packaged foods (ones pre-packaged in advance of their sale) are required to be date marked with an indication of the minimum durability of the food. There are, however, a small number of packaged foods that are exempt from this requirement. It is the responsibility of the packer of the food to decide upon the type of date marking to apply to the foods packaged by them. No one else in the supply chain is permitted to alter or remove the date marking on a packaged food without the permission, in writing, of the packer (or in the case of imported food - the importer). There are three different types of date marking: use by, best before and best before end. Most pre-packed foods must carry a batch and / or lot number so a product can be traced if necessary.

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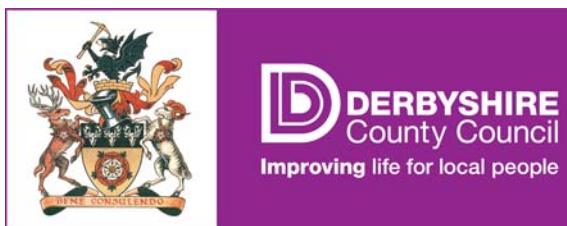
Types of date marking

There are three types of date markings stated in the legislation in respect of packaged food. These are as follows:

1. 'Use by'

This should be applied to foods which, from the microbiological point of view, are highly perishable and are therefore likely to constitute an immediate danger to human health after a short period. These types of food include fresh meat, fish, poultry, cooked meat, pate, dairy products, ready made meals, salads, and soft cheeses. They are required to be marked with a 'day' and a 'month', such as 'use by 28 January'.

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2. 'Best before'

This should be applied to foods intended to have a shelf life of three months or less, for example bread or hard cheeses. They are required to be marked with 'a day' and 'a month', for example 'best before 04 March'.

Packers may add a year to either of the above should they wish to do so, for example 'use by 29 January 2012'.

'Best before' may also be applied to foods with a shelf life of between three months and eighteen months, provided it is marked with 'a day', 'a month' and 'a year', for example 'best before 22 June 2012'.

These foods may also be marked with 'best before end' - see below.

3. 'Best before end'

This should be applied to foods intended to have a shelf life in excess of three months, such as frozen and tinned foods. They are required to be marked with 'a month' and 'a year', for example 'best before end May 2012'.

Alternatively for products with a shelf life of over eighteen months, this indication may be in the form of a year only, for example 'best before end 2012'.

Wherever possible it is advisable to use letters, rather than numbers, for the month, so as to avoid any possible confusion, e.g. '06 12' can be interpreted as 6 December or as June 2012.

The storage conditions which need to be observed for the food to keep until the date shown must also be marked.

Other date markings, such as 'display until', do not have any legal standing/significance. The Department for Environment Food and Rural Affairs (Defra) has published 'Guidance on the application of date labels to food' advising that these additional date markings are confusing to consumers. Page 14 of this document has a flow chart designed to help in deciding which date marks to apply (<http://www.defra.gov.uk/publications/files/pb132629-food-date-labelling-110915.pdf>).

Conditions of sale

Foods marked with a 'use by' date must not be sold or displayed for sale after their marked dates. It is an offence to sell or offer for sale food

past its use by date. For example, use by 5 March means use by midnight on 5 March.

Foods marked with 'best before' or 'best before end' dates may be sold after their marked dates, provided that they remain of good quality and fit for human consumption. In these circumstances it is advisable to ensure that customers know that the date has expired before they make the decision to buy.

The date marking on packaged foods should be clearly legible, easily visible and indelible. (It should not be obscured, or partly obscured, by price stickers or in any other manner.)

Good retail trading practice - points to consider:

- carry out date marking check on foods each morning before you open, or last thing at night after closing
- remove foods marked with out of date 'use by' dates (place these in a container in part of the premises not open to customers and clearly mark the container 'not for sale')
- consider reducing the price of food for quick sale before it goes out of date

Exemptions from date marking:

- 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 EU Regulation on the tariff and statistical nomenclature and on the Common Customs Tariff (2658/87) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31987R2658:EN:HTML>)
- any drink with an alcoholic strength by volume of ten 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 twenty four 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

Lot marking

Most pre-packed foodstuffs intended for human consumption must carry a lot or batch marking (unless specifically exempted). This is to enable a product to be traced and/or recalled if necessary, with the maximum efficiency.

It is not necessary for the consumer to understand the lot/batch mark provided the indication can be clearly identified. The mark may have to be prefixed by the letter 'L' if it is not clearly distinguishable from other information, and must be clearly visible, clearly legible and indelible.

Lot marking should be visible on the exterior packaging, such as where retail packs are sold wholesale in boxes or shrink wrapped trays.

Where individual products sold at retail level are sold in additional packaging (for example whisky in a presentation box) it is good practice to put the lot marking on the external retail packaging (the box) as well as the label of the bottle on the inside. This is so that the correct items can be identified for recall without opening all of the individual boxes.

Bearing in mind any possible need for a product recall, the manufacturer/packer must decide on the size of the batch to be given the specific lot mark. Large batches could result in more products having to be recalled than is perhaps necessary.

Where a product bears a date mark which consists of at least the day and the month, in that order, this may provide sufficient batch identification to serve as the lot mark. If not, a separate lot mark must be given.

Exemptions from lot marking:

- agricultural products which, on leaving the premises, are either sold or delivered to temporary storage, preparation or packaging stations or to producers organisations, or collected for immediate use in an operational preparation or processing system
- individual items of food sold direct to the ultimate consumer which are not pre-packed, such as loose sweets, fruit and vegetables
- foods sold to the ultimate consumer which are pre-packed on the premises of the seller for sale there, or which are pre-packed at the request of the purchaser

- foods which are in a package or container of which the largest size has a surface of less than 10sq cm
- individual portions intended as an accompaniment to another food provided at catering establishments for immediate consumption, for example sachets of salt, sugar or sauces
- individual portions of ice cream and other edible ices

Relevant legislation

EU Regulation on the tariff and statistical nomenclature and on the Common Customs Tariff (2658/87) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31987R2658:EN:HTML>)

Food Safety Act 1990

(<http://www.legislation.gov.uk/ukpga/1990/16/data.pdf>)

Food Labelling Regulations 1996

(<http://www.legislation.gov.uk/uksi/1996/1499/made/data.pdf>)

Food (Lot Marking) Regulations 1996

(<http://www.legislation.gov.uk/uksi/1996/1502/made/data.pdf>)

Where can I get further help?

This leaflet is not an authoritative document on the law and is only intended for guidance. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall
 Chesterfield Road
 Matlock
 Derbyshire
 DE4 3FW

Telephone:

Businesses:	Call Derbyshire	08 456 058 058
Consumers:	Citizens Advice consumer helpline	08454 040506

Fax: 01629 536197

Website: www.derbyshire.gov.uk/tradingstandards

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

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http://www.derbyshire.gov.uk/images/std18_tcm9-8351.pdf

or telephone us on 01629 536166.

