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se-by Dates

The aim of date mark labelling on food is to help consumers to make safe and optimum use of the product. The date mark is an indication by the manufacturer of the length of time a food can be kept under specified storage conditions. The EU legislation for date marking of food is Directive 2000/13/EC relating to the labelling, presentation and advertising of foodstuffs. The Directive is implemented in Great Britain by the Food Labelling Regulations 1996 and in Northern Ireland by the Food Labelling Regulations (Northern Ireland) 1996.

There are two types of label: Best-before and Use-by. Best-before relates to the quality of the food and is generally appropriate for the vast majority of foods indicating the period for which a food can reasonably be expected to retain its optimal condition without going stale. Use-by labels relate to the safety of the food and is for foods that are highly perishable from a microbiological point of view making them likely to present a risk of food poisoning after a relatively short period.

A product with a use-by date cannot be sold after that date and should not be used after midnight of that day. The use-by date applies to products in the state in which they were intended to be sold, for example, a product designed to be sold chilled should not be sold frozen. Where a food requires treatment before consumption, for example, raw meat, the use-by date means treat e.g. cook, by the end of the date given.

The best-before date is used by the manufacturer to indicate that the food will be, assuming correct storage has been maintained, at its best before a certain date. A food which is past its best-before date should be safe to eat, but may not be at its best quality after this date.

In addition to these legally required date marks, food suppliers can use other dates such as display-until or sell-by, which are designed to help shop staff with their stock control. Such markings have no legal basis and are not aimed at consumers to indicate when to eat the food; they are used for commercial purposes only. The use of such markings does not supersede the legal requirement for durability indications.

Facility managers running staff restaurants and shops must be aware that it is an offence to sell food after the use-by date. However, it is not an offence to sell food after its best-before date provided the product still complies with the General Food Law Regulation (EC) 178/2002. These prohibit the sale of food which is not of the nature, substance or quality demanded by the purchaser, or to sell food which does not meet food safety requirements.

The Food Standards Agency provides advice on the use of food date mark labelling and other legislation affecting the catering industry www.food.gov.uk