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DEFRA Guidance
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DEFRA Guidance on Best Before/Use By Dates

In September 2011, DEFRA published guidance to clarify the use of Date Codes within the Food Industry. As a refresher/update, the main points are summarized below for auditors/trainers information. The legislation involved is EU Directive 2000/13/EC and the Food Labelling Regulations (1996).

There are two types of durability indication described under the Regulations:

- **“Best before”** will be appropriate for the vast majority of foods and indicates the period for which a food can reasonably be expected to retain its optimal condition (e.g. it will not be stale) and so relates to the **quality** of the food.

- **“Use by”** is the required form of date mark for those foods which are highly perishable from a microbiological point of view and which are in consequence likely after a relatively short period to present a risk of food poisoning, and so relates to the **safety** of the food. A product with a ‘use by’ date cannot be sold after that date and should not be used after midnight of that day. This includes exposing or holding for sale. DEFRA also advise that where a product with a ‘use by’ date is frozen down in its original packaging and then defrosted and sold after the ‘use by’ date indicated, the food business would be committing an offence.

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 meats, the ‘use by’ date means treat e.g. cook, by the end of the date declared.

The date mark must comply with clear labelling requirements and be **conspicuous, legible and indelible**. Black inkjet on a dark green background, for example, is not acceptable; nor ink-jet onto pictures or other writing.

It should be noted that general food labelling legislation is currently being reviewed in Europe under the Provisions of Food Information for Consumers Regulation. Widespread changes to the date marking provisions are **not** expected.

The new regulations are expected to retain ‘use by’ and ‘best before’ dates, and more clearly link ‘use by’ dates’ to food safety legislation.

Other date codes which are frequently found on food products include “Display Until”, and to a lesser extent, “Sell By”. These are not mandatory but are available for retailers to use in order to assist with stock control. They are not intended to be used by consumers as an indication of suitability for consumption, however there is some evidence of consumer confusion over the various date codes in use, and this is leading to unnecessary food wastage. The Government is continuing to work with the food industry to see how this confusion might be reduced; for example, **by reducing the regularity and or visibility of the voluntary date marks**, and further legislation or guidance may follow.

End.