

DATE MARKING REQUIREMENTS



Why is “Date Marking” important?

Date marking is required by law and is used as a means of controlling the growth of *Listeria monocytogenes*, a bacteria that continues to slowly grow even at refrigerated temperatures. Date marking ensures foods are discarded before the bacteria reproduces to levels that can cause foodborne illness.

Which foods require date markings? Foods that meet all of the following conditions are required to be date marked:

Date marking is required for ready-to-eat (RTE), potentially hazardous food (TCS or Time Temperature Control for Safety Food) that is prepared and held refrigerated for more than 24 hours. Examples include sliced deli meats, cut tomatoes, some salad dressings, soft cheeses such as brie, cut melons, raw seed sprouts, and sushi. The date marking requirements apply whether the RTE, potentially hazardous food (TCS) is sold from a service case, repackaged for self-service or consumed onsite.

What does “Ready to Eat” mean?

“Ready to Eat” means that a food is “in a form that is edible without additional preparation to achieve food safety.” Unwashed produce and raw meats would not be considered RTE foods.

The packaged food has an “Expiration Date” on it, isn’t that the same as a date mark?

No, they are different. **Date marking for discard** ensures the **safety** of a perishable food, whereas the manufacturer’s Expiration Date or Open Dating that is stamped on a product’s package ensures the **quality** of a food.

Which foods do not require date marking?

-Individual packaged meal portions served or repackaged for sale from a bulk container upon the consumer’s request.

-Pastries, cookies, and crackers having less than 16 percent moisture content; bread sticks; croutons; melba toast; stuffing mixes and other dry bakery products; bakery products otherwise required to be open date labeled which are sold or offered for sale at the same location where prepared or baked (in-store bakeries) and not commingled or displayed with products required to be open date labeled.

-Foods prepared and packaged by a food processing plant inspected by a regulatory authority, such as:

- (a) Candies, nuts, and non-alcoholic beverages (soft drinks), and other fruit juices.
- (b) Shelf-stable, **dry fermented sausages**, pepperoni, and salami not labeled as “keep refrigerated” as specified in 9 CFR part 317: Labeling, Marking Devices, and Containers.
- (b) **Shelf-stable salt cured products** such as prosciutto and Parma (ham) not labeled as “keep refrigerated” as specified in 9 CFR part 317.
- (c) **Deli salads**, such as ham salad, manufactured in accordance with 21 CFR part 110: Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food.
- (d) **Hard cheeses** like Asiago, Cheddar, Gruyere, Parmesan, Romano containing **not more than 39% moisture** as defined in 21 CFR 133: Cheeses and Related Cheese Products.
- (e) **Semi-soft cheeses** such as Blue cheese, Colby, Gouda, Monterey, Provolone, and Swiss containing **more than 39% moisture, but not more than 50% moisture**, as defined in 21CFR part 133.
- (f) **Cultured dairy products** as defined in 21 CFR part 131: Milk and Cream, such as yogurt, sour cream, margarine, butter, whipped butter, and buttermilk.
- (g) **Preserved fish products** such as pickled herring, dried, or salted cod, and other acidified fish products defined in 21 CFR part 114: Acidified Foods.

How do I date mark?

(a) RTE potentially hazardous food may be marked with the “date or day by which the food shall be consumed on premises, sold, or discarded.”

(b) Alternatively, the food may be marked with the date of preparation as long as the food is consumed or discarded within seven days, including the day of preparation (*Example: Food prepared on **May 1** must be discarded on **May 7***).

(c) Date marking can be accomplished by placing the actual date on the container with a discard procedure, color codes, day dots, notebook entries etc. as long as it is understandable, effective, and meets the intent of the code.

RTE potentially hazardous foods must be maintained at **41°F or less for the duration of the seven (7) days**.

What if I freeze the food?

Freezing food stops the date marking clock, but does not reset it. So if a food is stored at 41°F for two days and then frozen at 0°F, it can still be stored for five more days after thawing. Adequate information to ensure the firm has not exceeded the seven days needs to be available.

What if I combine food that was opened or prepared on different dates?

When foods are mixed together the date of the oldest food becomes the new date for the mixed food. For example, if RTE potentially hazardous foods are “refreshed,” as in a service case or salad buffet, the date marking for the oldest product in the container must not be exceeded.

When cooked product is held in refrigeration for additional preparation at a later date, the seven-day rule begins at the end of the initial cooking or preparation step. *For example*, in the case that potatoes are cooked for potato salad, if the potatoes are held for two (2) days after cooking and then processed into salads, these salads must be consumed within five (5) days as not to exceed the seven-day rule.

What about if I combine and cook ready-to-eat, potentially hazardous foods?

If the cooked products were cooled and reheated, the clock starts over after it has been

reheated to 165°F (kill step). For example, open date marked containers of ricotta and cooked sausage combined to make lasagna would result in a finished product that would have seven days of holding time prior to being sold or discarded.