

## **Date Marking for Consumers**

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In the 1980's the labelling of minimum durability became part of the UK's food labelling regime.

However, despite this requirement being in place for over 20 years, surveys carried out by the Food Standards Agency (FSA) over the past few years have continued to show that many UK consumers continue to be confused by the terms 'use by' and 'best before' when applied to food being offered for sale.

### **What is Minimum Durability?**

The minimum durability or date marking of food stuffs is important. The date helps manufacturers, packers, retailers and consumers to maintain food quality and safety.

The current requirements are set out in the UK by virtue of the Food Labelling Regulations 1996. The food labelling system enables consumers to identify and distinguish between highly perishable foods and those foods with a longer shelf life.

Pre-packed foods are required by the Regulations to be marked with their minimum durability when they are sold to the ultimate consumer, in other words, when they are sold to you at retail level.

Most foods are marked with either a "Use by" date or a "Best Before" date. These terms are explained in the following sections.

#### **"Use by" Dates**

Use by dates are used on highly perishable foods which, if not stored correctly and used by the date indicated would pose an imminent risk to health.

The term "use by" is a clear indication to retailers and consumers that the food is to be used by the date given on the label.

There will also be specific instructions about the storage of the food such as "keep chilled".

Examples of foods commonly bearing "use by dates" are-

Chilled Meats  
Prepared Salads

## Un-pasteurised Cheeses Dairy Products

A use by date will always be a specific date such as “use by 22 MAR”. The date may be elsewhere on the product’s packaging so the form “use by: see lid” or similar is very common.

**It is a criminal offence for any retailer to sell or expose for sale any food after its marked use by date.**

It is not necessary to show that the food has deteriorated for the offence to have been committed. The mere fact that the product is marked with a use by date and was either sold or exposed for sale after that date is evidence of an offence.

### A Typical Product Bearing A Use By Date



### “Best Before” Dates

Most other foods are marked with a best before date. These are foods which are not considered highly perishable.

The best before date is a quality indication used by the manufacturer to indicate that the food will be, assuming correct storage has been maintained, at its best before a certain point or date.

A best before date may be a specific date but may also be a more general date when the product is a long life product with a very long shelf life. For example “Best Before End 2009”. The date may be elsewhere on the product’s packaging so the form “best before: see neck of bottle” or similar is very common.

Food may be sold by a retailer after the best before date has expired; however, it is possible that the quality of the food may begin to deteriorate. For example a carbonated drink may begin to lose its ‘fizz’.

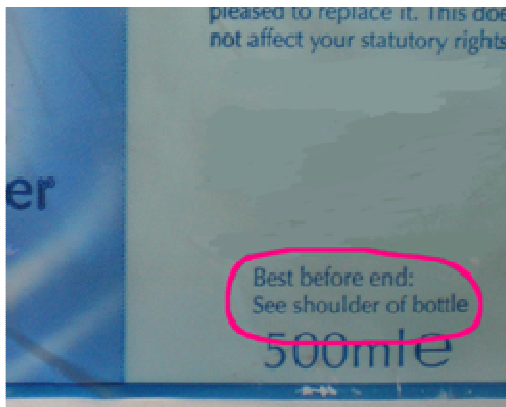
**A retailer may commit an offence if the food deteriorates significantly to the point where the food may become unfit for human consumption.**

**Even, if not unfit, an offence may be committed if the food is not of the quality expected by the consumer.**

It is necessary to show that the food is unfit or is not of the quality demanded by the consumer for there to be an offence committed. The mere fact that the food has been sold or exposed for sale beyond its marked best before date is not evidence of an offence.

It should be noted that retailers are not required by law to inform consumers that food is being sold beyond its best before date or to reduce any food that has an expired best before date, however, consumers will naturally expect a higher quality food if they are paying the full retail price for it.

## A Typical Product Bearing A Best Before Date



## Other Date Labelling

Consumers may at times come across terms such as 'sell by', 'display until' or 'enjoy by'. These terms have no legal meaning at all and are used purely for additional information.

In addition, sometimes consumers may see numbers in brackets following a use by or best before date. These are commonly found on own-label products being offered for sale by major UK supermarkets. For example "Use By 22 June (2)". In this example the number 2 is used by shop staff as part of the supermarket's stock rotation system. The number 2 advises staff that this needs to be reduced 2 days before the use by date.

## Egg Labelling

Egg labelling is an exception to the above guidance.

The labelling of eggs is governed by EU Regulations rather than by UK Regulations.

The egg labelling rules require that all eggs (whether pre-packed or loose) must be marked with a best before date. In addition, pre-packed eggs must be marked with a 'sell by' date.

The best before date must be 28 days after laying and the sell by date must be 21 days after laying.

The intention of the legislation is that eggs must be sold by a retailer no less than seven days before the best before date. Therefore, it is a criminal offence to sell eggs after the

sell by date marked on pre-packed eggs or within 7 days before the best before date displayed on loose eggs.

**Please note:**

This leaflet is not an authoritative interpretation of the law and is intended only for guidance.

Contact Us

Public Protection Department  
Environmental and Planning Services Directorate  
Bridgend County Borough Council  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB  
Tel: (01656) 643260  
Fax: (01656) 643285  
Email [publicprotection@bridgend.gov.uk](mailto:publicprotection@bridgend.gov.uk)