



EAST SHORE DISTRICT HEALTH DEPARTMENT

Bringing good health to the towns of Branford, East Haven and North Branford

Guidance for Date Marking

FDA Food Code 2022 Section 3-501.17 & 3-501.18

Purpose:

The purpose of this document is to provide guidance for the date marking requirement under the FDA Food Code.

What Foods are Date Marked?

Refrigerated foods that are ready to eat and time/temperature control for safety must be date marked if held for more than 24 hours at the food service establishment. This includes foods that are prepared at the establishment and foods that are bought from regulated food processing plants/manufacturers. In other words, foods that require refrigeration, are ready-to-eat and are held for more than 24 hours must be date marked.

How to Date Mark?

Foods must be marked with the date or day by which the food shall be consumed, sold, or discarded. Foods can be kept for a maximum of 7 days. Day 1 is the day of preparation. For foods bought at a regulated processing plant, Day 1 is the time the container is opened. If the manufacturer use by date on the container is listed before the 7-day mark, you must use the manufacturer use by date.

You can place the date on the food container, use date stickers, color coded marks, or other effective means. Develop a procedure to describe how your establishment will date mark food. Be ready to provide this procedure to the health department during inspections.

Items that do not require date marking:

Some foods that you purchase from a regulated food processing plant/manufacturer do not require date marking. These include:

- Deli salads (i.e., ham salad, egg salad, chicken salad, potato salad, pasta salad, etc.)
- Some hard and semi-soft cheeses (full list in FDA Food Code 2022)
- Cultured dairy products such as yogurt, sour cream, and buttermilk
- Preserved fish products such as pickled herring, dried, or salted cod
- Shelf-stable dry fermented sausages and pepperoni
- Shelf-stable salt-cured product such as prosciutto

Freezing Foods:

When freezing foods that are date marked, the days counted are stopped, but they do not reset. For example, if food is stored at 41°F for 2 days and then frozen, it can still be stored for five more days under refrigeration when removed from the freezer. The freezing date must be including on the container with the preparation date.

What to Expect During a Health Inspection?

During an inspection the Inspector will ask for your date marking procedure. If foods requiring date marks are not properly dated or if the dated food exceeds seven days, the food may need to be discarded.