



**Label better  
less waste**

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# Labelling guidance

**Best practice on food date  
labelling and storage advice**

Produce of



**wrap**



**Food  
Standards  
Agency**  
food.gov.uk



Department  
for Environment  
Food & Rural Affairs

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“This guidance is a significant move in the fight against food waste. It will help ensure shoppers are given consistent, clear advice around how to manage and store food at home. We know clarity of this sort is key to stopping the £1 billion worth of avoidable food waste that was ending up in our household bins every year, purely because it wasn’t used in time. I’m delighted by how engaged the industry has been in working with WRAP and our partners the Food Standards Agency and Defra. This hard work has resulted in an effective new tool to be used across retail and manufacture to bring best practice across all food categories, and on all shelves. We will now work with the industry, and shoppers, to ensure that labels and storage advice are as clear as possible and that shoppers know exactly what they mean; so they can make the most of their food.”

**Dr Marcus Gover**  
CEO, WRAP

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“I welcome this clear guidance to help tackle food waste, without compromising the safety of food. It will help businesses supply food that is properly described and stored, and safely provided to consumers. Reducing food waste is really important to consumers. It’s a commitment we at the Food Standards Agency share with WRAP and Defra, and a growing majority of food businesses up and down the country.”

**Heather Hancock**  
Chairman, Food Standards Agency

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“I am delighted that WRAP, the food waste experts, has worked with Defra and the FSA to produce this guide and I’m grateful to everyone who has given of their immense knowledge and invaluable experience to help in its production. I want to encourage all food businesses, large and small, to use it to help them put the right date mark on food, make sure it’s used safely while it’s still good to eat and, wherever there is a surplus and it is safe to do so, get the food re-directed to people who can make good use of it.”

“Retailers are in a unique position to help their customers reduce the amount of food they throw away. WRAP surveys have shown there has been good progress and multiple date labels have almost been eliminated, for example. We know there is scope for retailers to do more, however, such as guiding people on the refrigeration and freezing of products, and giving people more time to consume food within date limits. This updated guidance provides advice on these areas and more, and I look forward to seeing how continued efforts will contribute to reducing household food waste.”

**Thérèse Coffey**  
Parliamentary Under Secretary of State  
for the Environment

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# Executive summary

This document provides guidance on how to apply and use food date labels<sup>1</sup> and how UK law applies throughout the 'life cycle' of a food product (that is from initial product design and development right through to sale or redistribution).

This will help ensure that food is properly described, stored, used and safely provided to consumers, and in turn this will help reduce consumer food waste. It is intended to assist, among others, food businesses, organisations redistributing surplus food and Enforcement Officers.

The guide explains how adopting some simple practices, while maintaining strict food safety principles, can reduce the risk of food ending up as waste and help people make the most of their food. These practices include:

**Only applying 'Use By'** where there is a food safety reason to use it. Otherwise, making use of 'Best Before' or, in the case of uncut fresh produce, no date.

**Only having one date label** on a single product/item (i.e. not using 'Display Until' or similar)<sup>2</sup>

**Maximising product 'open' and 'closed' life**, giving people the longest time to use up the food

**Only applying 'use within x days'** open life where there is a specific safety reason not already covered by a 'Use By' date ('best within x days' could be used where open life guidance is deemed important from a food quality perspective)

**Providing clear advice** on where to store the product to maximise product life, and supporting this with effective symbols/graphics

Where applicable, for products that require or benefit from chilled storage applying consistent advice – **'At home store in the fridge below 5°C'**<sup>3</sup>

**Using the 'snowflake' logo** to indicate where products are suitable for freezing, and 'freeze by date mark shown' or 'freeze as soon as possible' (depending on the product) and not 'freeze on day of purchase'.

The guidance helps to explain the application of the law and, where necessary, should be read in conjunction with relevant legislation.

This guidance has been prepared by WRAP, FSA (in conjunction with FSA in Wales, FSA Northern Ireland and Food Standards Scotland) and Defra Labelling teams with input from various food sector trade bodies and the Courtauld Commitment 2025 Redistribution Working Group.

- <sup>1</sup> Otherwise known as 'durability marking'; similarly this document uses the term 'date label', which is also referred to as 'date mark'.
- <sup>2</sup> This refers specifically to date labels ('Use By', 'Best Before', 'Display Until' etc.) and not other dates that may be required such as 'Frozen On' (FIC Annex III, 6.1).
- <sup>3</sup> 'At home' is particularly important for products that may be kept under ambient conditions at retail, but would benefit from storage in the fridge at home (for example many types of fresh fruit and vegetables and eggs).

# Checklists

**Use these checklists to help with food labelling choices. The images and on-pack wording can help reduce food waste for all products.**

Different aspects of this guidance will be important for different product types in helping consumers reduce waste. Supplementary category guides give more detail and are available [here](#).

Information on products such as the date label, open life and storage information is provided in order to inform the consumer of how to keep the food so it will be safe and of acceptable quality.

These checklists do not replace the normal legal requirements for food information. They are intended to be read alongside the relevant guidance and regulations. Food Business Operators must have robust data from food safety assessments to support any relevant labelling choices.

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# Date labels<sup>4</sup>

## Key choices to consider

- ☐ Apply 'Use By' for foods which, from a microbiological point of view, are highly perishable and are therefore likely, after a short period, to constitute an immediate danger to human health. Food cannot be sold, redistributed or consumed after this date.
- ☐ Apply 'Best Before' for all other foods, to indicate quality. Food can be sold, redistributed and consumed after this date.
- ☐ Only use one date label – people find having two dates (e.g. Display Until, with another date label) confusing.
- ☐ For uncut fresh produce, apply 'Best Before' only where this is judged to be necessary/ useful in order to help consumers eat – rather than waste – the product, linked to perishability/variability (see Uncut Fresh Produce category guidance). For all other cases, do not apply a date code.

## On pack best practice



- ✓ The date label must 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.
- ✓ Apply any date label so it is clear and prominent e.g. front of pack.
- ✓ Only apply 'Use By' or 'Best Before' or no date e.g. for uncut fresh produce.
- ✓ For Uncut Fresh Produce, only apply 'Best Before' when judged to be necessary, otherwise, so not apply any date code. Use [WRAP/FSA/Defra guidance](#) to determine whether to apply a Best Before date or no date code.
- ✓ Only apply 'Best Before End' for longer-life products where a month or year is given as the expiry date.
- ✓ To avoid confusing consumers, use other codes, rather than a date label front of pack, for stock control in store/supply chain.

<sup>4</sup> It should be noted that there are specific regulations relating to hens' eggs which require the use of 'Best Before' date on egg packaging, which should be fixed at not more than 28 days after laying. They must also be sold within 21 days of laying.

# Product life

## Key choices to consider

- ☐ Look for opportunities to extend product life for both 'Use By' and 'Best Before' products.
- ☐ Only apply 'use within' Open Life for food safety reasons.
- ☐ If Open Life is important for quality reasons, make this reason clear ('best within').
- ☐ When Open Life is needed for safety or quality reasons, look for opportunities to extend the duration.

## On pack best practice



- ☒ No Open Life where possible.
- ☒ Where Open Life is for food safety reasons – use the wording front of pack, where possible – '*Use within X days of opening*'.
- ☒ Where Open Life is important for food quality – use the wording back of pack, where possible – '*Best within X days of opening*'.





# Storage advice

## Key choices to consider

- ☐ Make storage advice clear and prominent.
- ☐ Provide storage advice on all products to help people make the most of the food they buy, not just for safety reasons.
- ☐ For perishable/shorter shelf-life products e.g. fresh produce, using an icon front of pack, as well as specific and clear wording in other parts of the pack, can help people keep their food fresher for longer.
- ☐ Be clear on whether the food is best kept stored in the pack so it remains fresher for longer.
- ☐ Help prompt customers to keep their fridges cold enough – by using temperature advice.

## On pack best practice



-  For products like most fruit and vegetables, that will keep fresher for longer in the fridge\*:
  -  Use a fridge icon and the wording '*at home store below 5°C*', front of pack.
  -  In storage instructions e.g. back of pack, use a fridge icon and the wording '*At home, keep in the original packaging and store in the fridge below 5°C – to keep fresher for longer*'.
-  For products like bread that will go stale quicker in the fridge, use the wording: '*Do not store in the fridge. Store in a cool, dry place away from direct sunlight and once opened, reseal the bag – to keep fresher for longer. A cupboard or bread bin is ideal.*'

\*Some fruit and vegetables shouldn't be stored in the fridge, e.g. potatoes, onions, bananas and pineapples.





# Freezing advice

## Key choices to consider

- ☐ For all food – identify if it is suitable for home freezing.
- ☐ Use the snowflake logo (with text) to indicate suitability for home freezing.
- ☐ Only use the crossed out snowflake to show 'Not suitable for home freezing'.
- ☐ Where products can be frozen at home but may require shaking (for example if some separation has occurred etc. on thawing), or changes in texture mean that their uses may be more limited (i.e. in cooking, but not raw), consider using the snowflake with additional advice, or not providing any on-pack advice on suitability for freezing (rather than using the crossed out snowflake).
- ☐ Replace 'Freeze on the day of purchase' with 'Freeze by date shown' or 'Freeze as soon as possible' (depending on the product).
- ☐ Provide information on how long a product could be kept frozen, e.g. three months.
- ☐ Include defrosting and/or cook from frozen advice, e.g. defrost in fridge and use within 24 hours (which is important to ensure that the original 'Use By' period is not exceeded).
- ☐ Wherever possible, provide 'cook from frozen' instructions.
- ☐ Look for opportunities to provide extended guidance for some products, such as re-freezing once cooked (e.g. for fresh meat that may have been bought frozen or frozen at home, then used in a stew, which could then be frozen).

## On pack best practice



- ✓  **Front of pack**, Snowflake icon plus the wording '*Suitable for freezing*'.
- ✓ **Back of pack**
  -  For a product whose quality may change from purchase, e.g. Bread, use the wording – '*For best quality, freeze as soon as possible and best within x months of freezing. You can toast slices of bread direct from the freezer, or defrost at room temperature – in the pack or on a plate. Once defrosted, do not refreeze.*'
  - For a product such as raw meat, use the wording – '*Freeze by the date shown and best within x months of freezing. Defrost thoroughly before use. Once defrosted, use on the same day. Do not re-freeze raw meat.*'
- ✓ **In cooking instruction section**, include cooking from frozen instructions, where that is possible. Make these instructions easy for people to see and use, e.g. colour them blue.
- ✓ **In storage or cooking/use section**, as appropriate use extended guidance – such as reminding people that raw fresh meat that is frozen at home can be refrozen, once cooked, or that part portions can be frozen, or that food can be cooked and frozen e.g. potatoes. Use wording such as '*this product can be refrozen if first cooked*'.

# Introduction

Food labelling helps to ensure food is safe and fit to eat throughout its life – and the right information on pack has the potential to significantly reduce food waste.

It is important food businesses choose the right information and advice to put on pack, and convey this clearly and consistently to consumers.

In the UK, of the total 7.3 million tonnes of household food waste each year, around 2 million tonnes are thrown away due to 'not being used in time', and for a third of this food, date labelling is cited as a factor<sup>5</sup>. Giving consumers longer to make use of the food they buy has the potential to significantly reduce household food waste<sup>6</sup>.

Consumers can be influenced by, for example:

- the application of date and the choice of date applied ('Best Before' rather than 'Use By');
- the length of time between purchase and the date of expiry (so called 'closed life');
- any advice on how long a product can be consumed once it has been opened ('open life'); and
- optimal storage/freezing advice.

As well as household food waste, WRAP's research<sup>6</sup> identified that in 2015, 270,000 tonnes of surplus food from manufacturing and retail was suitable for redistribution, whilst only 47,000 tonnes was actually redistributed. Feedback from those involved in surplus food redistribution, both providers and recipients, has revealed that there are significant barriers relating to date labels on surplus food packaging, and confusion around what can or cannot be done as dates approach or are passed. This guide aims to remove some of those barriers.

**WRAP has estimated that changes to products and labelling could prevent around 350,000 tonnes of avoidable food waste (with a value of around £1 billion a year)<sup>7</sup>**

5 <http://www.wrap.org.uk/content/household-food-drink-waste-%E2%80%93-product-focus>

6 <http://www.wrap.org.uk/content/quantification-food-surplus-waste-and-related-materials-supply-chain>

7 <http://www.wrap.org.uk/content/helping-consumers-reduce-food-waste-retail-survey-2015>

# Introduction

## Scope of the guidance

- What the different date labels mean.
- How to decide what date to apply (and the consequences of this decision).
- Highlighting the importance of maximising both 'closed' and 'open' life, whilst ensuring quality and safety are maintained.
- Highlighting the importance of correct storage advice, including fridge temperature and freezing advice.
- What can and cannot be done as the date approaches/is past (at home and for sale/redistribution).
- Responsibilities (both for food sold through normal channels and food redistributed).

Guidance to industry on setting date labels was last updated in 2011<sup>8</sup>, and was informed by WRAP's research<sup>9</sup>.

Related guidance from WRAP was published on storage and freezing advice, and sector-specific guidance was developed by Dairy UK<sup>10</sup>, the British Soft Drinks Association (BSDA), the British Sandwich Association (BSA)<sup>11</sup> and the British Frozen Food Federation (BFFF)<sup>12</sup> for example.

Following discussions with stakeholders, WRAP<sup>13</sup>, Defra<sup>14</sup> and the Food Standards Agency (FSA) agreed to revise the 2011 date labelling guidance with particular focus on best use of date labelling and the avoidance of waste.

It should be stressed that consideration of whether surplus food could be redistributed should be given at all stages of the supply chain where the potential for waste has been identified, and not only in circumstances where the remaining shelf-life of a product is limited.

It is also important to recognise that in parallel with working with the food industry to improve food labelling, more needs to be done to help consumers understand the meaning of the information on food labels, the value of that information and of looking at labels and to take action based on the on pack advice provided.

8 <https://www.gov.uk/government/publications/guidance-on-the-application-of-date-labels-to-food>

9 <http://www.wrap.org.uk/content/consumer-insight-date-labels-and-storage-guidance>  
<http://www.wrap.org.uk/content/helping-consumers-reduce-food-waste-retail-survey-2011>

10 [Guidance on the Application of Date Marks and Storage Instructions for the Dairy Industry, Dairy UK 2012](#)

11 <http://new.sandwich.org.uk/index.php/news-features/682-bsa-breakthrough-on-waste>

12 <http://bfff.co.uk/technical/guidance/>

13 The Waste and Resources Action Programme (WRAP)

14 Department for Environment, Food and Rural Affairs (Defra)

It is important to recognise that in parallel with working with the food industry to improve food labelling, more is needed to be done to help consumers understand the meaning of the information on food labels.

# Legal status of this guidance

## Legal status of this guidance

This guidance does not change or replace the normal legal requirements for food information. It is intended to be read alongside the EU Food Information for Consumers Regulation (EU) No 1169/2011, the Food Information Regulations 2014 and related guidance. Food business operators, which could be any organisation that is regularly producing, supplying or handling food, are subject to food law. The Food Team at the Environmental Health Department in the relevant local authority area<sup>15</sup>, will be able to advise on all matters of food safety, whether the business requires registration, or depending on the activities undertaken, approval.

An overview of current UK food law is included at [Annex A](#).

Only a court can interpret the law in a legally binding way.

Where food business operators are producing food packs that may be sold within and outside of the UK it is recognised that legal requirements in other countries may preclude the full adoption of 'best practice' guidance as covered within this document.

All recommendations contained in this guidance are legally compliant when applied correctly. This guidance shows how food business operators can work within the framework of the law to help make labels as useful as possible, to reduce food waste.

## UK exit from the EU

Within the European Union (EU), food safety legislation is harmonised, which means that all EU member states follow the same legislation and general principles to ensure that food is safe and fit for human consumption. The UK will be subject to these EU requirements until it leaves the EU, at which point these requirements will be converted into UK law and will continue to apply unless there is a government decision to amend them.

<sup>15</sup> <https://www.gov.uk/find-local-council>

# Definitions

Within this guidance the following definitions, laid down in Regulation (EC) No 178/2002 (which sets out the general principles of food safety) are used:

## **‘Food business operator’ (FBO)**

The natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.

## **‘Food business’**

Any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food.

Any operation handling food on a regular basis with a degree of organisation would be considered a food business and must be registered and comply with the relevant food law.

Food placed on the market (effectively offered for supply or sale) must be safe; placing on the market means the holding of food or feed for the purposes of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution and other forms of transfer themselves<sup>16</sup>.

Organisations or events where food is supplied which do not require registration, for example an annual church fete, must still place safe food on the market (i.e. comply with Article 14 of Regulation (EC) No 178/2002).

## **‘Shelf life’ (or ‘product life’)**

The period of time during which a food will remain safe and/or of a suitable quality<sup>17</sup> for consumption while the packaging is intact and it is stored as instructed.

## **‘Open life’**

The period of time during which a food will remain safe and/or of a suitable quality for consumption after the primary product packaging has been opened and it is stored as instructed.

A fuller list of useful definitions is given in [Annex D](#).

<sup>16</sup> The Food Standards Agency has produced guidance on what food operations are considered food businesses: <https://www.food.gov.uk/sites/default/files/hall-provision-guidance.pdf>  
See also <https://www.food.gov.uk/sites/default/files/multimedia/pdfs/fsa1782002guidance.pdf>

<sup>17</sup> ‘Suitable quality’, ‘good quality’ and other terms related to the quality of food are not defined in law. The FBO is responsible for ensuring that the food is as described and of the quality expected by the consumer.

## **Acknowledgements**

This document has been produced by WRAP, the Food Standards Agency (FSA; in conjunction with FSA in Wales, FSA Northern Ireland and Food Standards Scotland) and Defra Labelling. We would like to express our gratitude for the valuable input from the wide range of organisations and individuals who responded to the consultation on this guidance, and who participated in discussions on its content and format prior and subsequent to the consultation.





# Section 1

## Date labels

### At a glance



#### Use By

The term 'Use By' should only be applied on foods which, from a microbiological point of view, are highly perishable and are therefore likely, after a short period, to constitute an immediate danger to human health.



#### Best Before

The term 'Best Before' will be appropriate for the vast majority of foods, as it indicates the period for which a food can reasonably be expected to retain its optimal condition (e.g. bread will not be stale) and so relates to the quality of the food.



#### Key facts

Less than

# 3%

In 2009 almost 40% of packs carried two dates, which by 2015 had reduced to less than 3%.



#### Key facts

Between 2009 and 2015 two high-volume products (hard cheese and pasteurised fruit juice) moved away from predominantly carrying a 'Use By' to overwhelmingly carrying 'Best Before' dates.

#### Best practice



Only apply one type of date label on a pack. WRAP recommends that 'Display Until' dates are not used alongside either a 'Best Before' or 'Use By' date.

# Visual guide: date labels

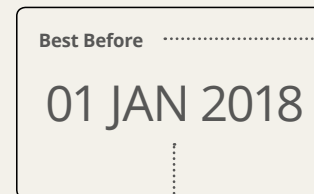
There are many considerations when designing label layout and content. These visual guides have been produced to help illustrate examples of how the recommendations in this guidance could look on pack. These can be adapted to your organisation's style (in design, wording and layout) and to take account of other factors, such as pack size.

[Category product guidance](#) is available, and these show which labelling and design features are most effective in helping consumers reduce waste of that product type, specifically – so you can use this information when deciding how best to apply labelling and design features contained in the guidance.

## Front of pack



1



- ✓ Clear and prominent, for example, front of pack, where possible
- ✓ Apply 'Use By' only when required for food safety
- ✓ Only apply one date label. Either 'Use By' or 'Best Before'
- ✓ Date clearly shown, where appropriate

# 'Use By' and 'Best Before'

Regulation (EU) No 1169/2011 on the provision of food information to consumers sets out the mandatory information which has to be provided on food which includes the requirement to provide the date of minimum durability. In the UK, this will usually be either a 'Use By' or a 'Best Before' date.

Food businesses need to identify whether their product requires a 'Use By' date or whether a 'Best Before' date would be more appropriate. These decisions should be taken on a product-by-product basis and must be supported by relevant evidence to demonstrate how the decision was made. This decision will also need to take into account the intended use of the product, as well as conditions of storage. Please see the decision trees in [Annex B](#) which help set out the type of issues which producers should be considering when determining the correct type of date label.

## Best practice



### Pre-packed uncut fresh produce date labelling

Fresh, uncut fruit and vegetables do not legally have to carry a date label as they are included in a list of specific exemptions to the labelling regulations. Following a review of the evidence on date labels and consumer behaviour and working with a group of fresh produce industry experts, WRAP now recommends using a Best Before date only on pre-packed (uncut) fresh produce where this is judged to be necessary/ useful in order to help consumers eat – rather than waste – the product, linked to perishability/variability (see Uncut Fresh Produce category guidance for more information). For all other cases, no date is recommended (and the use of additional dates such as Display Until is not recommended), but retailer codes could be retained e.g. on box ends to help manage stock.

Only use a Use By date when required for food safety reasons. Factors such as food quality, consistency within or across food categories, concerns about customer perceptions of product freshness or quality and others unrelated to food safety should not govern the choice of date label.

# 'Use By' and 'Best Before'

## Use By

The term 'Use By' should only be applied on foods which, from a microbiological point of view, are highly perishable and are therefore likely, after a short period, to constitute an immediate danger to human health<sup>18</sup>.

This decision should take into account evidence as to whether the product is both highly perishable and is likely, after a short period, to constitute an immediate danger to human health. If the answer to that question is 'no', then a 'Best Before' date should be used. The period of time given for a 'Use By' date should be based on scientific evidence, and a 'Use By' date should not be used on food which is specifically produced to be frozen.

It is not possible to produce a definitive list of products which should have a 'Use By' date, as these decisions are made by the FBO depending on the manufacturing process.

Normally however, a 'Use By' date will be applied to the packaging of foods such as fresh meat, fresh fish and poultry, fresh pasta, chilled ready meals, cooked sliced meats, pâtés, cut fruit and sandwiches.

However, it would not be appropriate for products such as bread, uncut fresh fruit and vegetables, biscuits and carbonated soft drinks to have a 'Use By' date applied as these are not likely to cause a microbiological risk to health after a short period of time. The decision tree in [Annex B](#) is designed to help businesses in determining whether a 'Use By' date is required.

It is against the law to place on the market food with an expired 'Use By' date<sup>19</sup>. Placing on the market means 'holding of food and the sale, distribution or other forms of transfer of food'<sup>20</sup>.



<sup>18</sup> EU Regulation No 1160/2011 Article 24

<sup>19</sup> Food that is past its 'Use-By' date should never be presented to any organisation, and if this does occur the food must not be made available for people to buy or eat. Depending on the food and the infrastructure available such food should be recycled or disposed of.

<sup>20</sup> 'Placing on the market' is defined at Regulation (EC) No 178/2002, Article 3.8.

# 'Use By' and 'Best Before'

## Best Before

The term 'Best Before' will be appropriate for the vast majority of foods, as it indicates the period for which a food can reasonably be expected to retain its optimal condition (e.g. bread will not be stale) and so relates to the quality of the food. Providing food is stored in appropriate conditions and has not become otherwise contaminated – i.e. as instructed on the label by the manufacturer, it will be safe to consume for a period of time following the expiry of a 'Best Before' date, but it may not be at its best.

It is permissible to sell or redistribute food after the 'Best Before' date relating to it, provided it is not unsafe (i.e. it must be fit for human consumption and not injurious to health<sup>21</sup>).

It is an offence for a person to sell or supply food which does not meet food safety requirements, or which is not of the 'nature, substance or quality' expected by the consumer. It is not enough that the food is not an immediate risk to consumers' safety; any reasonable expectation of quality must also be fulfilled and food should not be placed on the market that is unfit through, for example, unacceptable taste or odour as well as by more obvious detrimental deterioration such as putrefaction or decomposition.

<sup>21</sup> Regulation (EC) No 178/2002, Article 14.1 and 14.2



# 'Use By' and 'Best Before'

## Key points about date labels

The 'Use By' date relates to food safety. Food **cannot be sold**, redistributed or consumed after this date.

The 'Best Before' date relates to food quality. Food **can be sold**, redistributed and consumed after this date.

## Consumer perspective

Consumers should not eat food which has an expired 'Use By' date unless it has undergone an additional process that makes the food safe, prior to the date of expiry.

Additional processes can include cooking and freezing. If food is frozen to the core prior to the expiry date, this acts as a 'pause button' and food can later be defrosted and used.

Food should be defrosted in the fridge and used within 24 hours. Prior to the 'Use By' date expiring, food can also be cooked or processed into another product.

'Best Before' dates should only relate to the quality of the food to which they are applied. Food should not need to be consumed on a safety basis by the 'Best Before' date; in fact such circumstances would indicate incorrect application of the 'Best Before' date. This means there is usually more time to use the food after the 'Best Before' date. Consumers are able to make a reasonable judgment on whether or not to consume the food based on whether there are any physical signs of deterioration.

## Business/industry perspective

The overriding principle in food law is that food must be safe. The decision whether to apply a 'Use By' or 'Best Before' date should be made on the basis of food safety considerations. As standard practice businesses need to take this into account when designing products, but to avoid food being wasted a 'Use By' date should only be applied for food safety reasons.

Factors such as food quality, consistency within or across food categories, concerns about customer perceptions of product freshness or quality and others unrelated to food safety should not govern the choice of date label.



# 'Use By' and 'Best Before'

Food businesses need to identify whether their product requires a 'Use By' date or whether a 'Best Before' date would be more appropriate. These decisions should be taken on a product-by-product basis and be supported by relevant evidence to demonstrate how the decision was made. This decision will also need to take into account the intended use of the product, as well as storage. Please see the decision trees in [Annex B](#) which help set out the type of issues which producers should be considering when determining the correct type of date label.

## Case Study

### Changing 'Use By' to 'Best Before' dates

WRAP worked closely with Dairy UK and the British Soft Drinks Association (BSDA) in 2011/12 to develop sector-specific guidance relating to the application of date labels. Industry then acted on this guidance – for example:

**Pre-packed hard cheese.** 25% of products had a 'Use By' date in 2009, compared to only 3% in 2015.

**Chilled orange juice.** 94% of products had a 'Use By' date in 2009, compared to only 4% in 2015.

The changes to the choice of date label for hard cheese and pasteurised fruit juices illustrate what can be achieved. Such changes give consumers the confidence and option to make use of products after the 'Best Before' date if for whatever reason they are not eaten before the date passes.



# 'Display Until' and other date label types

Historically both 'Display Until' and 'Sell By' dates have been used by food businesses for stock control, although the latter has all but disappeared and the former is now used much less frequently.

When they are used, 'Display Until' and similar dates are usually for stock control purposes and are not there to provide information on food safety or food quality. There is no legal basis for a food to carry these types of dates and WRAP research has shown that these can be confusing for consumers and has resulted in good food being thrown away.

## Best practice



Only have one type of date label on a pack. WRAP recommends that 'Display Until' dates are not used alongside either a 'Best Before' or 'Use By' date.

There is evidence from WRAP and others that some consumers do not understand the difference between the legally required date labels and those used by food businesses for stock control purposes. This can mean that food which is safe to eat is thrown away unnecessarily.

## Key facts

There has been considerable progress made in terms of how food products are labelled since WRAP started work in this area. For decades many foods were labelled with combinations of 'Sell By' or 'Display Until' alongside 'Best Before' or 'Use By' but now this is very much the exception. In 2009 almost 40% of packs carried two dates (up to 80% for fresh produce), which by 2015 had reduced to less than 3%.

It should be noted that there are specific regulations relating to hens eggs which require the use of 'Best Before' date on egg packaging, which should be fixed at not more than 28 days after laying. They must also be sold within 21 days of laying<sup>22</sup>. There is no legal requirement to have a 'Display Until' date on eggs but this is commonly used to ensure eggs are sold within the 21 days.

<sup>22</sup> See Commission Regulation No 589/2008/EC laying down detailed rules for implementing Council Regulation No 1308/2013/EC as regards marketing standards for eggs, and also <https://www.businesscompanion.info/en/quick-guides/food-and-drink/retail-sale-and-labelling-of-eggs#Bestbeforesellbydates>

# Exemptions

## Foods exempt from a requirement to carry a date label

Certain food categories or foods are exempt from the legal requirement to have a date label, but must at least include a lot number/mark on the packaging. This does not mean that such foods cannot be given a date label, which may be helpful for consumers to help manage their food stocks.

The following foods are exempt from a requirement to carry a date label:

- Fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated; this derogation shall not apply to sprouting seeds and similar products such as legume sprouts.
- Wines, liqueur wines, sparkling wines, aromatised wines, and similar products obtained from fruit other than grapes, and beverages falling within CN code 2206 00 obtained from grapes or grape musts.
- Beverages containing 10% or more by volume of alcohol.
- Bakers' or pastry cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture.
- Vinegar.
- Cooking salt.
- Solid sugar.
- Confectionery products consisting almost solely of flavoured and/or coloured sugars.
- Chewing gums and similar chewing products.

Food that is not pre-packaged (e.g. sold loose) or that is pre-packed for direct sale to the final consumer does not need to have a 'Best Before' or 'Use By' date.

There is a derogation from Regulation (EU) No 1169/2011 in Regulation (EC) No 853/2004 for live bivalve molluscs, which may instead be marked "These animals must be alive when sold".

\*WRAP is currently carrying out discussions with industry experts to assess what new insights might be available to inform a review of this recommendation. Depending on the outcome of this work, an update to this advice may be issued early in 2018.

## Key facts

A recent review of WRAP's date labelling evidence suggests that the presence of a date does influence behaviour, making people less likely to discard food before the date and more likely to discard it afterwards – which for fresh produce stored correctly could result in significant waste. Therefore, WRAP now recommends using a Best Before date only on pre-packed (uncut) fresh produce where this is judged to be necessary/useful in order to help consumers eat – rather than waste – the product, linked to perishability/variability (see Uncut Fresh Produce category guidance for more information). For all other cases, no date is recommended (and the use of additional dates such as Display Until is not recommended), but retailer codes could be retained e.g. on box ends to help manage stock.

# Section 2

## Setting product life

### At a glance



#### Safe life

The time period over which the product will remain safe to consume. This must be determined by Microbiological Risk Assessment as part of Hazard Analysis and Critical Control Points (HACCP).



#### Quality life

The time period over which the quality of the product is expected to remain acceptable. This may be set following shelf life testing.



#### Key facts

Up to

**0.2M**  
tonnes prevented

WRAP has estimated that an increase in product life of all perishable foods of just one day could help prevent up to 0.2 million tonnes of household food waste, potentially saving consumers £600m on an annual basis.

Up to

**£600M**  
saved

#### Best practice



Businesses should review their approach to setting product closed and open life, to maximise both, whilst ensuring safety and quality are not compromised.

# Setting product life

The two main considerations in determining the product life of food, including where open life guidance may be required, are:

**Safe life** – The time period over which the product will remain safe to consume. This must be determined by Microbiological Risk Assessment as part of HACCP.

**Quality life** – The time period over which the quality of the product is expected to remain acceptable. This may be set following shelf life testing.

The product life must never be greater than either of these, and where the quality life is greater than the safe life, then the safe life must be the reference for the product life.

FBOs are responsible for ensuring that the information provided on product life, including open life, provides clear advice where appropriate on the conditions in which the food should be kept.

For example, if a product has a stated open life of three days, the consumer must be told under what conditions (refrigerated, in a sealed container, for example) would enable it to be safe for three days after opening. When conducting shelf life assessment, FBOs also need to consider storage temperatures that may be reasonably expected during distribution and use of the food, including likely periods out of temperature control, such as after purchase by consumers. This is specifically important when dealing with high risk foods as product safety may be compromised, such as growth of *Listeria monocytogenes* in ready to eat foods<sup>23,24</sup>.

The product life of food must be assessed carefully and with the full knowledge of the risks involved, to avoid putting the consumer in jeopardy. Setting product-life typically involves a number of steps as outlined in the FDFs 'Industry Guidance on Setting Product Shelf-Life'<sup>25</sup>. This often includes shelf-life studies which aid in determining the length of time the product will retain certain qualities such as acceptable microbiological counts, taste, appearance, and aroma.

If FBOs do not have the in-house expertise to safely determine a shelf life, they should refer to appropriate guidance and seek technical advice from a suitably qualified food consultant/food technologist to conduct testing. Decisions will be taken based on the type of food and its ingredients, how quickly it is expected to be consumed, and how it will be stored.

FBOs are responsible for ensuring that the information provided includes clear advice on the conditions in which the food should be kept.

<sup>23</sup> *Listeria monocytogenes* is of particular importance owing to its high mortality rate and ability to grow at temperatures where other pathogens do not. The EU has set out specific requirements for the establishment of shelf life in relation to RTE foods and *Listeria monocytogenes*.

<sup>24</sup> See Article 3.2 and Annex II of Regulation (EC) No 2073/2005 and <https://www.chilledfood.org/wp-content/uploads/2015/08/Shelf-life-of-RTE-foods-in-relation-to-Lm-FINAL-v1.1.1-23-3-10-with-worked-examples.pdf> for guidance on this.

<sup>25</sup> <https://www.fdf.org.uk/login.aspx?menuid=8844&PageRequested=%2fproduct-shelf-life-guidance.aspx&reason=-10003>



# Setting product life

## Key facts

WRAP has estimated that an increase in product life of all perishable foods of just one day could help prevent up to 0.2 million tonnes of household food waste, potentially saving consumers £600m on an annual basis. These estimates also indicate a direct business benefit for retailers of around £100m in waste prevention alone; increased sales from improved on-shelf availability could add to this potential benefit.

WRAP's research has shown considerable variation in product and open life for similar types of food, both between and within retailers. Shelf-life testing should be undertaken to establish what increases in product life can safely be achieved.

## Best practice



### Establishing product closed and open life

Businesses should review their approach to setting product closed and open life, to maximise both whilst ensuring safety and quality are not compromised.

There are often simple ways to increase product life without the need to make changes to packaging or product formulations. WRAP has identified four key ways for retailers and manufacturers to act on this opportunity, including:

1. obtaining more robust data, or further scrutinising existing data in order to challenge safety dates that are put in place, where these could be overly cautious;
2. challenging quality dates which may be too cautious;

3. developing more standard approaches to open life setting; and
4. increasing the product life available for consumers through supply chain improvements.

A range of resources are available to assist with this (see [Annex A](#)).

### Use of open life advice

Only make use of 'use within x days' open life advice where there is a specific safety reason not already covered by a 'Use By' date.

Sealed jars of cooking sauces which could be safely stored at room temperature, for example, could pose a food safety risk once opened, and therefore advice on how to store such products and for how long is critical.

For other products such as standard bread, where the food safety risk is very low or negligible, advice on storage to maintain quality is helpful but 'use within x days' is less so.

Where open life advice is deemed important from a food quality perspective, 'best within x days' should be used rather than 'use within x days'.





# Section 3

## Storage advice

### At a glance



#### WRAP recommends that storage advice should be:

- clear and prominent;
- provided on all products;
- consistent;
- reinforced by logos or icons;
- clear on storage conditions; and
- help prompt customers to keep their fridges at the correct temperature.



#### Key facts

More than

# 75%

Most people still keep fruit that would benefit from being stored in the fridge at room temperature (more than 75%).



#### Key facts

Up to

# 16%

In 2015, a significant percentage (up to 16%) of certain products had temperature ranges outside of the current guidelines.

#### Best practice



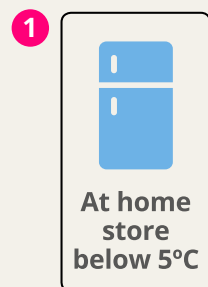
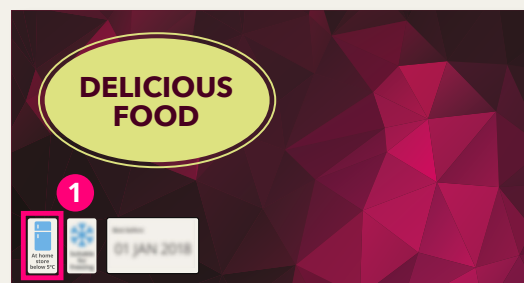
Clear storage advice helps people keep their food both safe, and fresher for longer – which helps to reduce food waste.

# Visual guide: storage advice

There are many considerations when designing label layout and content. These visual guides have been produced to help illustrate examples of how the recommendations in this guidance could look on pack. These can be adapted to your organisation's style (in design, wording and layout) and to take account of other factors, such as pack size.

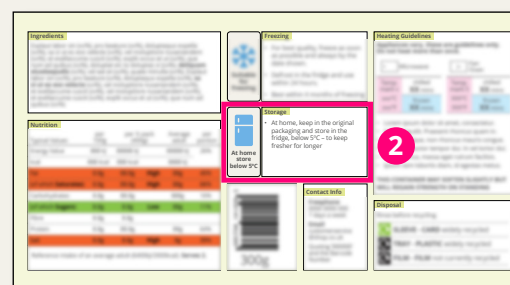
[Category product guidance](#) is available, and these show which labelling and design features are most effective in helping consumers reduce waste of that product type, specifically – so you can use this information when deciding how best to apply labelling and design features contained in the guidance.

## Front of pack

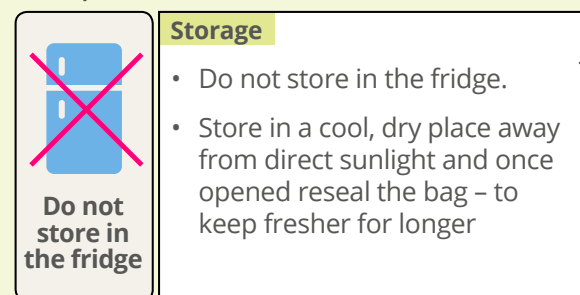
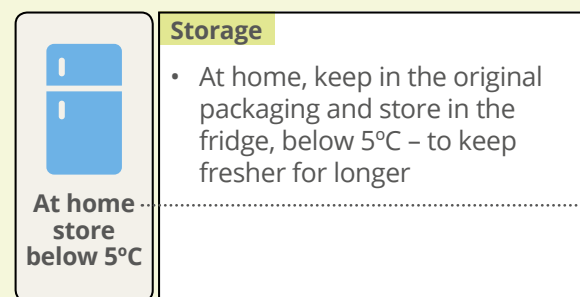


- ✓ Where possible, an icon front of pack provides a useful prompt to make it easier for consumers to see where best to store the product, at a glance
- ✓ Temperature guidance encourages consumers to check their fridge is cold enough, to help ensure their food is kept fresher for longer
- ✓ NB when 'open life' is required for food safety reasons, this is best front of pack, where possible, with the words 'Use within X days of opening.'

## Back of pack



2



- ✓ NB when 'open life' is important for food quality reasons, this is best back of pack, where possible, with the words 'Best within X days of opening.'
- ✓ Use of icon makes it easy for consumer to find information
- ✓ For products like bread that will go stale quicker in the fridge, use the wording: 'Do not store in the fridge. Store in a cool, dry place away from direct sunlight and once opened reseal the bag – to keep fresher for longer. A cupboard or bread bin is ideal.'

# Storage advice

Consumers must be given information on any special storage conditions and/or conditions of use whenever this is necessary to enable safe use of the food.

Similarly, to enable appropriate storage or use of the food after opening the package, the storage conditions and/or time limit for consumption must be indicated where appropriate<sup>26</sup>.

The regulations require any storage conditions, which need to be observed if the food is to retain its specific properties until that date, to be provided.

- a. They should be simple and clear and may vary from indications such as 'keep in the fridge' or 'keep in a cool, dry place', to indications which include specific storage temperatures.
- b. A maximum temperature should be given at or below which the food should be stored if strict storage temperatures are required to maintain its safety as well as its quality up to and including the date specified.

- c. Where various storage conditions are permissible (e.g. fridge or freezer) the storage conditions should make clear to which option the date label refers (e.g. 'when stored in the fridge' or 'if kept frozen').
- d. Both the date and its related storage conditions should apply to the food as it was bought by the consumer whilst it remains unopened.

Storing food under the right conditions is important to maintain quality and where a 'Use By' date is applied, food safety. In the context of reducing household food waste this is particularly important for those products which have relatively short shelf-lives and are wasted in large volumes. WRAP has developed specific recommendations for storage advice for certain food types (for example fresh produce and bread) based on consumer and technical research and discussions with industry, in addition to more general recommendations.

■ ■  
**Clear storage advice  
for all products  
helps people keep  
their food at its  
best and fresher  
for longer.**  
■ ■



<sup>26</sup> Regulation (EU) No 1169/2011 Article 25

# Storage advice

## Best practice



WRAP recommends that storage advice should be:

- clear and prominent;
- provided on all products (not just where such advice is required to ensure food safety);
- consistent across products requiring or benefitting for the same storage conditions;
- reinforced by the use of more prominent logos or icons on front of pack, the need for which is supported by recent FSA research<sup>27</sup>;
- clear on whether the food is best stored in the pack, to keep fresher for longer; and
- help prompt customers to keep their fridges at the correct temperature – by using temperature advice.

Storage advice should be clear, prominent and provided on all products (not just where such advice is required to ensure food safety).

It is important that consistent advice (across similar products) and optimal advice (to maximise product life) is given on how to store different food types. In addition to providing this as text, WRAP recommends the use of more prominent logos or icons on front of pack to convey this information (for example the 'Keep Me...' logo as developed by The Co-op, or a fridge icon to indicate 'store in the fridge').

Such advice applies to the optimal storage location and also how to get best use out of the product packaging (for example 'Fresher for Longer' if kept in the original packaging). See the [checklist](#) for some on-pack examples.

## Key facts

Storing fresh produce such as oranges and carrots in the fridge and in their original packaging can significantly increase their shelf-life in the home (up to two weeks longer for the former, and a week for the latter). Whilst the majority of consumers take note of this for carrots and other vegetables (around 60–70%), most people still keep fruit that would benefit from being stored in the fridge at room temperature (more than 75%). Having storage advice displayed clearly on pack, using language

which is clear as to where to store the product and communicating this more widely, is therefore very important.

Conversely, bread stales around 6 times more quickly if kept in the fridge, and whilst only around 10% of consumers do store bread in the fridge this could translate to a lot of food waste. It is important, therefore, to retain (and increase use of) the 'do not refrigerate'/'don't store in the fridge' advice on relevant bread products.

<sup>27</sup> [https://www.food.gov.uk/sites/default/files/consumer-needs-around-food-labelling\\_0.pdf](https://www.food.gov.uk/sites/default/files/consumer-needs-around-food-labelling_0.pdf)

# Storage advice

## Best practice



### Refrigeration advice

Where a food product requires or would benefit from refrigerated storage in the home, best practice would be to state 'At home store in the fridge below 5°C'\*.

If space on pack allows, it is preferable to state 'At home store in the fridge below 5°C, to keep fresher for longer', or if applicable 'At home keep in the original packaging store in the fridge below 5°C, to keep fresher for longer'.

See the [checklist](#) for some on-pack examples.

Where advice is given to keep products refrigerated, most is consistent with WRAP/FSA recommendations, but alternatives are being used. In some cases (chilled cooking sauces and yogurts) in 2015, a significant percentage (10% and 16% respectively) of products had temperature ranges outside of the current guidelines. Having consistent wording on pack, including the temperature range, will support wider awareness raising work needed to encourage consumers to check and if necessary modify their fridge temperature.

\* 'At home' is particularly important for products that may be kept under ambient temperature conditions at retail, but would benefit from storage in the fridge at home (for example many types of fresh fruit and vegetables and eggs).

It is important to note that the advice on refrigeration relates to the information on pack that is targeted at consumers, and how they should store the product once in their home.

Retailers and caterers in England, Wales and Northern Ireland are legally required to ensure that refrigerated food is stored at or below 8°C (in Scotland there is no set limit but such foods must still be kept in a refrigerator, a refrigerated chamber or a cool ventilated place), rather than the 5°C advised for domestic fridges. In addition some foods that benefit from being stored in the fridge at home may be stored at ambient temperature in store (where they are likely to have a quick turnover).

Further advice on the temperature rules can be found in the Food Standards Agency's temperature control guide<sup>28</sup> which covers requirements throughout the UK.

<sup>28</sup> <https://www.food.gov.uk/sites/default/files/multimedia/pdfs/tempcontrolguiduk.pdf>

## Key facts

Research by WRAP and others' has shown that there are a significant proportion of UK domestic fridges operating at temperatures above the recommended 5°C (only around 30% of fridges were operating within the recommended temperature range, with another third actually operating at 9°C or above). Maintaining fridge temperatures at the correct level could prevent £200 million worth of food being wasted each year and help prevent instances of food borne illness. Using 'At home store in the fridge below 5°C' guidance can help to reinforce the correct temperature.

Temperature ranges commonly observed in 2015 included '0° to 5°C', '-2 to 4°C', 'below 4°C' and 'below 5°C'. There were a number of examples of temperature ranges exceeding 5°C, for example 'below 6°C', '1° to 6°C' or even '1° to 8°C'.

# Section 4

## Freezing advice

### At a glance



#### Home freezing

All food should be considered to see if it is suitable for home freezing and where it is, it should be clearly labelled as such.



#### On-pack advice

Good progress has been made in moving away from 'freeze on day of purchase', particularly in categories such as chilled pre-prepared foods, but in 2015 around half of bread and fresh meat still used this advice.



#### Key facts

At least

**800k**  
tonnes

At least 800,000 tonnes of food with a value of over £2 billion is thrown away each year that could have been frozen and then eaten at a later date.




#### Key facts

Over

**£2bn**

#### Best practice



 Use clear labelling, that shows the product can be frozen up to the date shown and provide clear defrosting and use instructions.

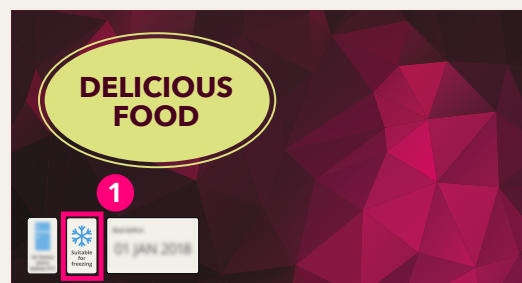


# Visual guide: freezing advice

There are many considerations when designing label layout and content. These visual guides have been produced to help illustrate examples of how the recommendations in this guidance could look on pack. These can be adapted to your organisation's style (in design, wording and layout) and to take account of other factors, such as pack size.

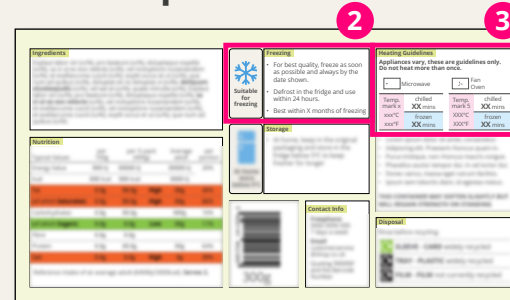
[Category product guidance](#) is available, and these show which labelling and design features are most effective in helping consumers reduce waste of that product type, specifically – so you can use this information when deciding how best to apply labelling and design features contained in the guidance.

## Front of pack




- ✓ Use of icon front of pack makes it easy for consumer to find information

## Back of pack



2



**Suitable for freezing**

**Freezing**

- For best quality, freeze as soon as possible and always by the date shown.
- Defrost in the fridge and use within 24 hours.
- Best within X months of freezing

- ✓ Use of icon makes it easy for consumer to find information

- ✓ Clearly shows that the product can be frozen right up to the date on pack

- ✓ Clear defrosting guidance and food safety covered

3

**Heating Guidelines**

Appliances vary, these are guidelines only. Do not heat more than once.

Microwave		Fan Oven	
Temp. mark x xxx°C xxx°F	chilled <b>XX mins</b> frozen <b>XX mins</b>	Temp. mark 5 XXX°C XXX°F	chilled <b>XX mins</b> frozen <b>XX mins</b>

- ✓ Shows people how long they can store and uses quality as the reason

- ✓ Providing cook from frozen instructions makes it easier for people to use food they've frozen

- ✓ Make cook from frozen instructions easy to see

# Freezing advice

All food should be considered to see if it is suitable for home freezing. Wherever it is suitable, providing clear freezing, defrosting and use guidance, supported by the snowflake symbol are key – as is making it clear that food can be frozen up to the date shown.

## Best practice



### Freezing and defrosting advice

WRAP recommends the following freezing and defrosting advice is given on all products suitable for freezing after purchase:

- Use the snowflake logo (with text) to indicate suitability for home freezing
- Only use the crossed out snowflake to show 'Not suitable for home freezing'
- Where products can be frozen at home but may require shaking etc. on thawing (for example if some separation has occurred), or changes in texture mean that their uses may be more limited (i.e. in cooking but not raw) consider using the snowflake with additional guidance, or not providing any on-pack guidance on suitability for freezing (rather than using the crossed out snowflake)

- Replace 'Freeze on the day of purchase' with 'Freeze by date shown' or 'Freeze as soon as possible' (depending on the product)
- Provide information on how long a product should be kept frozen, e.g. three months
- Include defrosting and/or cook from frozen guidance, e.g. defrost in fridge and use within 24 hours (which is important to ensure that the original 'Use By' period is not exceeded).

Ideally labelling should indicate whether the product can be refrozen once cooked.

See the [freezing advice checklist](#) for some on-pack examples, and the freezing decision tree in [Annex B](#).

## Key facts

WRAP research showed that 90% of respondents regularly bought fresh or refrigerated food to freeze at home, but almost two thirds of those stated that they think they have to freeze it on the day they buy it with half of these thinking that this is for food safety reasons. On-pack advice has a strong influence on willingness to freeze food. The proportion saying they would freeze it after the day they bought it greatly increased where 'freeze by date shown' was used.

Good progress has been made in moving away from 'freeze on day of purchase', particularly in categories such as chilled pre-prepared foods, but in 2015 around half of bread and fresh meat still used this advice.

# Section 5

## Responsibilities through the life of a product

This section describes how food safety responsibilities are transferred along the food chain. This might be between a food manufacturer and a retailer, but also applies if a redistribution organisation is accepting surplus food from another food business operator (FBO). The core responsibilities are outlined on the following pages.

Also available is a redistribution summary document, covering the key considerations, as well as a checklist, for inclusion in any FBO (including redistributors) processes, procedures or communication material.

[Redistribution summary](#)  
[Redistribution checklist](#)



### Key facts

**270Kt**  
surplus food

WRAP's research identified that in 2015, 270,000 tonnes of surplus food could have been suitable for redistribution, whilst only 47,000 tonnes was actually redistributed. There is the opportunity to increase redistribution four-fold by 2025, the equivalent of at least 360 million meals.



### Key facts

**360M**  
meals

### Best practice



Food surpluses arise for a variety of reasons, not just when the product is nearing the end of its life. So, it's important for FBOs to identify any potential surplus food, throughout their operations.

# Responsibilities

## Responsibility for food safety

There are significant barriers relating to date labels on surplus food, and confusion around what can or cannot be done as dates approach or are passed. This guide aims to remove some of those barriers.

Organisations at every stage in the food chain have to play their part and take responsibility for food safety and for the food handling activities under their control; the requirement to supply safe food is the overriding principle of food law. FBOs are responsible for ensuring that the food they supply is safe and will not be injurious to health. Where food moves from one FBO to another, it is the responsibility of the first FBO to ensure that information is passed on to the next FBO to enable that FBO to fulfil its legal responsibilities. Redistribution organisations will also be classed as FBOs.

Food business operators must withdraw food which is not in compliance with food safety requirements, and if it has left their control to recall the food if it has reached the consumer.

Where FBOs have placed unsafe food on the market, they must immediately notify the competent authorities and take action as necessary to remove any other potentially affected food from the market' after authorities.

Responsibility for food safety inevitably transfers as the food travels along the chain of custody. At all times food has to be safe and treated as food. For example, a retailer intending to supply surplus food to a charity or another food redistribution facilitator must ensure that the food is kept hygienically and under any appropriate temperature control while it is in their responsibility and awaiting collection (and away from potential sources of contamination). If food is frozen for example, all FBOs handling that food – up until the point when the

food is defrosted and used – should ensure that the food remains frozen thus ensuring product safety and quality. If a hazard or any contamination occurred or was introduced during its wait for collection, this could result in action being taken against the retailer. Once the food is collected by the redistributor/charity, it must still be handled, transported and stored hygienically and any problem which occurred at this point could result in action against the food redistribution organisation/charity.

If food is re-labelled, it should be done in conjunction with pre-agreed practices and there needs to be robust evidence to support the revision of the dates. The arrangements must be properly understood by whoever makes the changes.

Before starting a redistribution partnership, it is advisable to discuss the proposal with the local authority to ensure that any risks are identified and procedures put in place to deal

■ ■  
**Storing food under the right conditions is important to maintain quality and where a 'Use By' date is applied, food safety.**  
■ ■

with those risks and that the scheme's arrangements are both safe and consistent with the law. Businesses will also need to consider amending their Hazard Analysis and Critical Control Points<sup>29</sup> so that any additional risks are identified. It would be useful to be able to outline the scheme from both sides' (the brand owner/retailer and the redistributor) point of view in order to identify any potential challenges early on in the process and to ensure that the process can be audited.

<sup>29</sup> For example see <https://www.food.gov.uk/business-industry/food-hygiene/haccp>

# Responsibilities

## Redistribution of surplus food

When food is approaching the end of its shelf life, but it is still fit for human consumption, the FBO (whether the retailer, or in some cases the producer) has to make a commercial decision on whether the food is still likely to be sold perhaps at a reduced price and/or it can be redistributed via charitable or commercial redistribution organisations.

It should be stressed that consideration of whether surplus food could be redistributed can be given at all stages of the supply chain if it seems likely that food cannot be sold through the normal channels.

This might include a range of reasons, not simply that the food is nearing the end of its life. For example the packaging might not be the current design. Therefore food businesses should not restrict considerations of when food might be redistributed solely to circumstances where the remaining shelf-life on a product is limited.

A summary of the requirements for surplus food redistribution and checklist content for FBOs to use in their processes and documentation, to integrate these requirements, is available to download.

[Redistribution summary](#)

[Redistribution checklist](#)

## Redistributed (to any organisation, for example a charity and/or sold to commercial redistributors)

### 1. As a chilled product

Chilled products will often carry a 'Use By' date. Decisions to redistribute surplus food may be taken towards the time when the 'Use By' date is close to expiring (as explained earlier in this guidance – food cannot be transferred once the 'Use By' date has expired). Chilled food which is set aside to be redistributed needs to be handled correctly and stored at a safe temperature whilst awaiting collection, although food can be left out of temperature control for short periods of time for practical purposes, as long as this is done safely, but this of course should be avoided where possible.

The party collecting the food must ensure that it is handled and transported under appropriate conditions, they must also be aware of the durability dates on the products to ensure that appropriate action can be taken so that food with a short time left on it is distributed to:

- be consumed immediately;
- undergo some form of processing (i.e. cooking) before consumption or freezing; and
- be frozen immediately, if safe to do so.

# Responsibilities

## Case Study

### British Sandwich Association

The British Sandwich Association (BSA) has developed guidance for the sector outlining best practice to enable unsold packaged sandwiches to be redistributed to charities. The guidance addresses a number of the issues which both the business and the charities need to consider in order for these products to be redistributed in a safe way and within the law including handling, labelling, legal obligations and risk. The main focus of the guidance is sandwiches but it also encompasses food to go products.

The BSA sought to clarify the rules relating to the relabelling of products. This included the obligations on both the businesses and the charities for handling products and making sure they remained safe to be consumed. The guidance also covers general hygiene requirements and notes for forming an agreement between the business and charity.

The BSA guidance is available to their members via their [website](#). Please contact BSA direct for further information on 01291 636331.

## 2. As a batch or multipack

Where any food that is part of a batch or multipack is thought to be unsafe, care must be taken to ensure that other foods in the batch have not been contaminated. This can depend on the product itself and the way it is stored (e.g. if foods are individually wrapped or not). Where food is contaminated, it should be presumed that all the food with it in the batch is also unsafe, unless following a thorough risk assessment there is no evidence that other components in the batch are unsafe. It is particularly important to ensure that 'ready to eat' foods are not cross-contaminated by raw foods.

In the case of eggs for example, if one egg in a box of eggs is broken, the remaining eggs should only be considered for redistribution if they are handled carefully, avoiding further cross-contamination. Hands and surfaces coming into contact with any spilled content should be washed/ disinfected. If careful handling is not possible (for example if the content has been spilled extensively) then it is better to dispose of the whole box. Undamaged items may need to be put in a new container if the box is soiled.

Food that is past its 'Use-By' date should never be presented to any organisation, and if this does occur the food must not be made available for people to buy or eat. Depending on the food and the infrastructure available such food should be recycled or disposed of.

# Responsibilities

## 3. As frozen

Freezing acts as a 'pause' button prior to the date expiring. Some businesses and redistribution organisations are able to freeze food close to their 'Use By' dates prior to them being collected or transferred to a redistribution organisation or final recipient. The FBO should ensure that the food is in an acceptable condition and suitable for freezing (e.g. as indicated by manufacturer's instructions). For food carrying a 'Use By' date, demonstrate that the freezing process commenced early enough to ensure that the food is frozen at midnight of the day of the expiry of the 'Use By' date<sup>30</sup>.

It is also vital than any information relating to the food and its freezing is forwarded to the redistribution organisation, depending on how the food is to be used once redistributed. This might include instructions for defrosting and cooking.

It is possible to freeze food to allow it to be redistributed, but this has to be re-labelled and the responsible FBO needs to be able to demonstrate the date it was frozen and that it has been frozen to the core prior to the 'Use By' expiring. Food should be defrosted safely (i.e. in a refrigerator) and once defrosted, should be used within 24 hours.

### Re-labelling

If food is frozen to facilitate redistribution, it is essential that the food is re-labelled as the nature of the product will have changed, and frozen food with an expired 'Use By' date found in a food business establishment is deemed unsafe by virtue of food law. Therefore food has to be frozen prior to its expiry date, the 'Use By' date removed and a new 'Best Before' date applied. People storing re-labelled food should have systems in place to record when the food was frozen as this will help demonstrate that the food is safe.

Additional guidance for the hospitality and food service sector on the prevention of food waste including through redistribution of food surplus can be found [here](#).

If an FBO has surplus food which they are unable to redistribute for human consumption, depending on the food which they are producing, there may be scope that the surplus food can be sent to [animal feed](#), providing this is consistent with the relevant legislation<sup>31</sup>.

■  
**Food should be  
defrosted safely  
(i.e. in a refrigerator) and  
once defrosted, should  
be used within 24 hours.**  
■

<sup>30</sup> Ideally, the freezing process should commence early enough so that the food reaches at least -2°C at midnight of the day of the expiry of the 'Use By' date. While the food may not be fully frozen at midnight, there should be no risk to food safety if the freezing process is underway early enough before that time, with the aim of freezing the food through to the core.

<sup>31</sup> <https://www.gov.uk/government/collections/guidance-for-the-animal-by-product-industry>



# Responsibilities

## Case Study

### Trialling freezing prior to redistribution

Marks & Spencer (M&S) wanted to expand the type of food redistributed to include chilled items. The challenge was that all chilled products have a 'Use By' date and, in line with regulations, cannot be redistributed once the date has passed. These products typically have a fairly short shelf life, many charities don't have the infrastructure in place to be able to collect from a store after it closes and redistribute the food before midnight. There was also a responsibility to ensure that the food being redistributed would not become unfit for consumption shortly after collection.

M&S took on the challenge of finding a solution through freezing in store to prove that this could be done in a way that is food safe and legally compliant. Following engagement with Defra and with their primary authority, Westminster City Council, M&S carried out extensive testing to show that they could get chilled food down to -2°C in the time between the store closing and midnight. In order to maintain food safety, every product is re labelled with a new 'Best Before' date of a month from freezing, and these products are kept in a designated, segregated area of the freezer. M&S have used this approach to conduct an in-store trial in three Central London stores and successfully redistributed frozen food to City Harvest, a London food charity.

## Case Study

### Freezing prior to redistribution

KFC launched their Food Donation Scheme in 2014. Cooked, unused chicken from restaurants, which is perfectly fine to eat, is redistributed to charity partners local to restaurants who use the chicken to feed some of the most vulnerable members of society.

Operationally, implementing the scheme presented a number of challenges, most notably in ensuring KFC met food safety legislation requirements. To do this, KFC ran an initial trial to ensure that all of their processes were compliant. KFC also created tailored training for team members in their restaurants to ensure they froze the hot, unserved chicken safely and invested in specialist equipment to store the chicken.

KFC also provide guidance to all of their charity partners so that they know how to safely defrost and reheat the food. Meeting these requirements was relatively straightforward thanks to the support of the primary authority, Woking Borough Council, which reviewed the procedures. Collaboration with local charity partners is key to the scheme's success and the Food Donation Scheme provides a vital link with nearby charities.

The scheme is hugely successful, with over 400 restaurants donating food to local charities and over 90,000 meals redistributed in 2016 and an aim to be in as many restaurants as possible by March 2018.

# Annexes

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# Annex A – Find out more

## Food law

Within the EU, food safety legislation is harmonised which means that all EU member states follow the same legislation and general principles to ensure that food is safe and is fit for human consumption.

The key pieces of European legislation are:

- Regulation (EC) No 178/2002, general food safety principles
- Regulation (EC) No 852/2004, general hygiene requirements for all food businesses
- Regulation (EC) No 853/2004, specific hygiene requirements for certain businesses handling food of animal origin
- Regulation (EC) No 854/2004, requirements for competent authorities
- Regulation (EU) No 1169/2011, on the provision of food information to consumers

- In Scotland, Wales and Northern Ireland, general food regulations give effect to Regulation (EC) No 178/2002 and food hygiene regulations to Regulations (EC) No 852/2004 and No 853/2004. In England general food regulations and food hygiene regulations are in the same legal instrument. Most food business operations throughout the UK are enforced by local authority enforcement officers. Other enforcement authorities operate in certain sectors.
- The Food Information Regulations 2014 for Scotland, England, N.I. and Wales
- The General Food Regulations (Northern Ireland) 2004 (SR 2004 No. 505)
- The General Food Regulations 2004 (Scotland and Wales)
- The Food Safety and Hygiene (England) Regulations 2013 (SI2013/2996)

- The Food Hygiene (Wales) Regulations 2006 No 31 (W5)
- The Food Hygiene (Scotland) Regulations 2006, (SSI 2006 No. 3)
- The Food Hygiene Regulations (Northern Ireland) 2006 (SR 2006 No. 3)

The overriding food safety principle is that food has to be safe and fit for human consumption. By following the provisions set out in the legislation, FBOs should be able to demonstrate that the food they supply has been produced, handled and stored safely.

Information on products such as the date label, open life and storage information is provided in order to inform the consumer how to keep the food so it will be safe and of acceptable quality.

## HACCP (Hazard Analysis and Critical Control Points)

All food businesses must put in place procedures based on HACCP (Hazard Analysis and Critical Control Point); food business operators must look at how they handle food, identify any food safety risks and introduce procedures to make sure those risks are reduced to safe levels. FSA have developed a range of food safety management packs for different sectors of the food industry to help food business operators manage their food safety management procedures<sup>32</sup>.

<sup>32</sup> <https://www.food.gov.uk/business-industry/food-hygiene/haccp>

# Annex A – Find out more

## Responsibilities

1. The Government is responsible for implementing the legislation, giving advice on this legislation and any guidance it produces.
2. Local authority Trading Standards Departments or Environmental Health Departments are responsible for enforcing the law and can give advice on the labelling of specific products.

It is recommended that in the first instance FBOs direct any questions that they may have to their local authority enforcement team.

The addresses for correspondence relating to the issues set out in this advice are as follows:

### In England

Defra helpline  
Nobel House

17 Smith Square  
London, SW1 3JR,

Tel: 03459 33 55 77  
[labelling@defra.gsi.gov.uk](mailto:labelling@defra.gsi.gov.uk)

### In Wales

Food Standards Agency in Wales

11th Floor, Southgate House  
Wood Street  
Cardiff, CF10 1EW

Tel: 029 2067 8999  
[wales@foodstandards.gsi.gov.uk](mailto:wales@foodstandards.gsi.gov.uk)

### In Scotland

Food Standards Scotland

3rd Floor, Pilgrim House,  
Old Ford Road,  
Aberdeen, AB11 5RL

Tel: 01224 285100  
[enquiries@fss.scot](mailto:enquiries@fss.scot)

### In Northern Ireland

Food Standards Agency in Northern Ireland

10 A–C Clarendon Road  
Belfast, BT1 3BG

Tel: 028 9041 7700  
[infofsani@food.gov.uk](mailto:infofsani@food.gov.uk)

### LG Regulation

Formerly known as Local Authorities  
Coordinators of Regulatory Services  
– LACoRs

Local Government House  
(Formerly known as Transport House)  
Smith Square  
London, SW1P 3HZ

Tel: 0207 665 3863

# Annex A – Find out more

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## Setting and reviewing product life

Industry Guidance on Setting Product Shelf Life; FDF 2017

[Link](#)

Shelf life of ready to eat food in relation to *L. monocytogenes* Guidance for food business operators; BRC, CFA, FSA; 2010

[Link](#)

Best Practice Guidelines for the Production of Chilled Food, 4th edition, 2006

[Link](#)

Evaluation of product shelf-life for chilled foods 2004, Guideline G46

[Link](#)

Reducing food waste by extending product life (Research report); WRAP; 2015

[Link](#)

Extending product life to reduce food waste (guidance on reviewing product and open life); WRAP; 2015

[Link](#)

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## Sector-specific guidance

Guidance on the Application of Date Marks and Storage Instructions for the Dairy Industry; Dairy UK; 2012

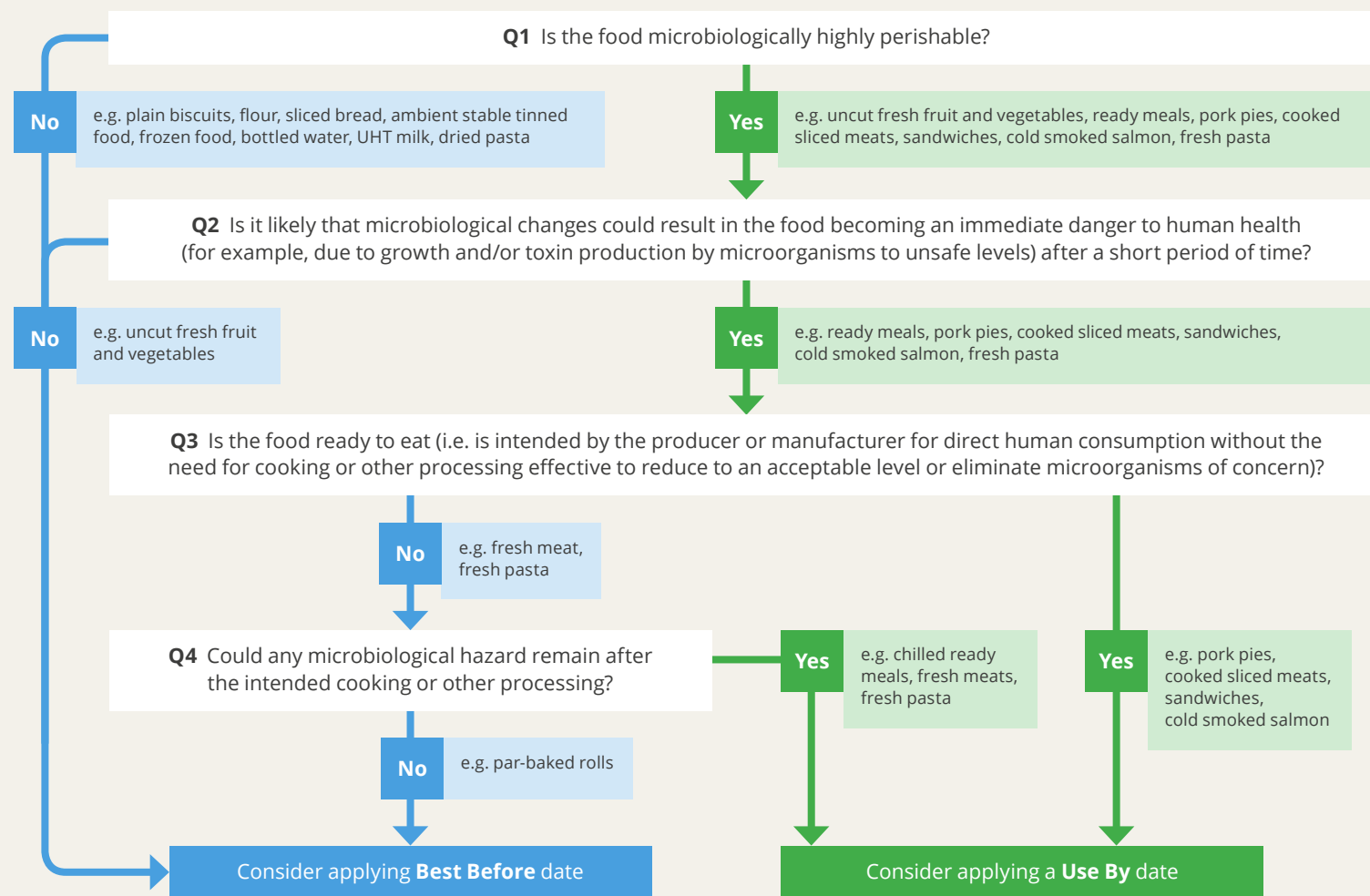
[Link](#)

# Annex B – Decision trees

## Decision tree approach to determine date labels

This outlines key points to consider when deciding which date labels apply. Examples given of food types are merely for illustrative purposes. **All** foods should be subject to a thorough risk assessment based on HACCP before deciding on which date labels to apply. Where in-house expertise to do this is lacking, food businesses are recommended to seek expert advice e.g. from a Local Authority, a trade or food research association.

Please note that this diagram does not apply to foods that are exempt from date labelling or for which a particular date label is specified in the legislation.

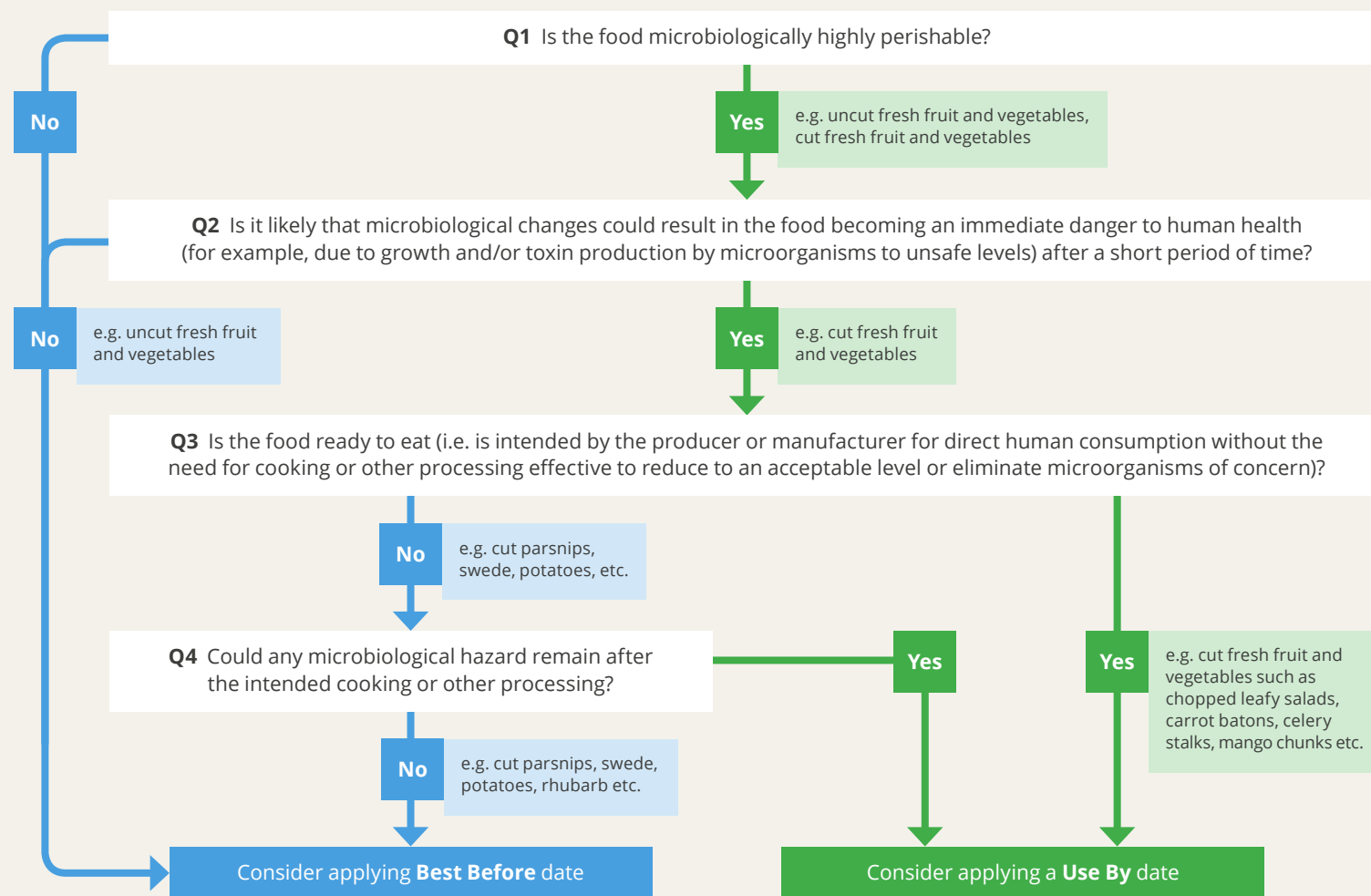


# Annex B – Decision trees

## Application of decision tree approach to fresh produce

This outlines key points to consider when deciding which date labels apply to fresh fruit and vegetables. Examples given of food types are merely for illustrative purposes.

**All** foods should be subject to a thorough risk assessment based on HACCP before deciding on which date labels to apply. Where in-house expertise to do this is lacking, food businesses are recommended to seek expert advice e.g. from a Local Authority, a trade or food research association.

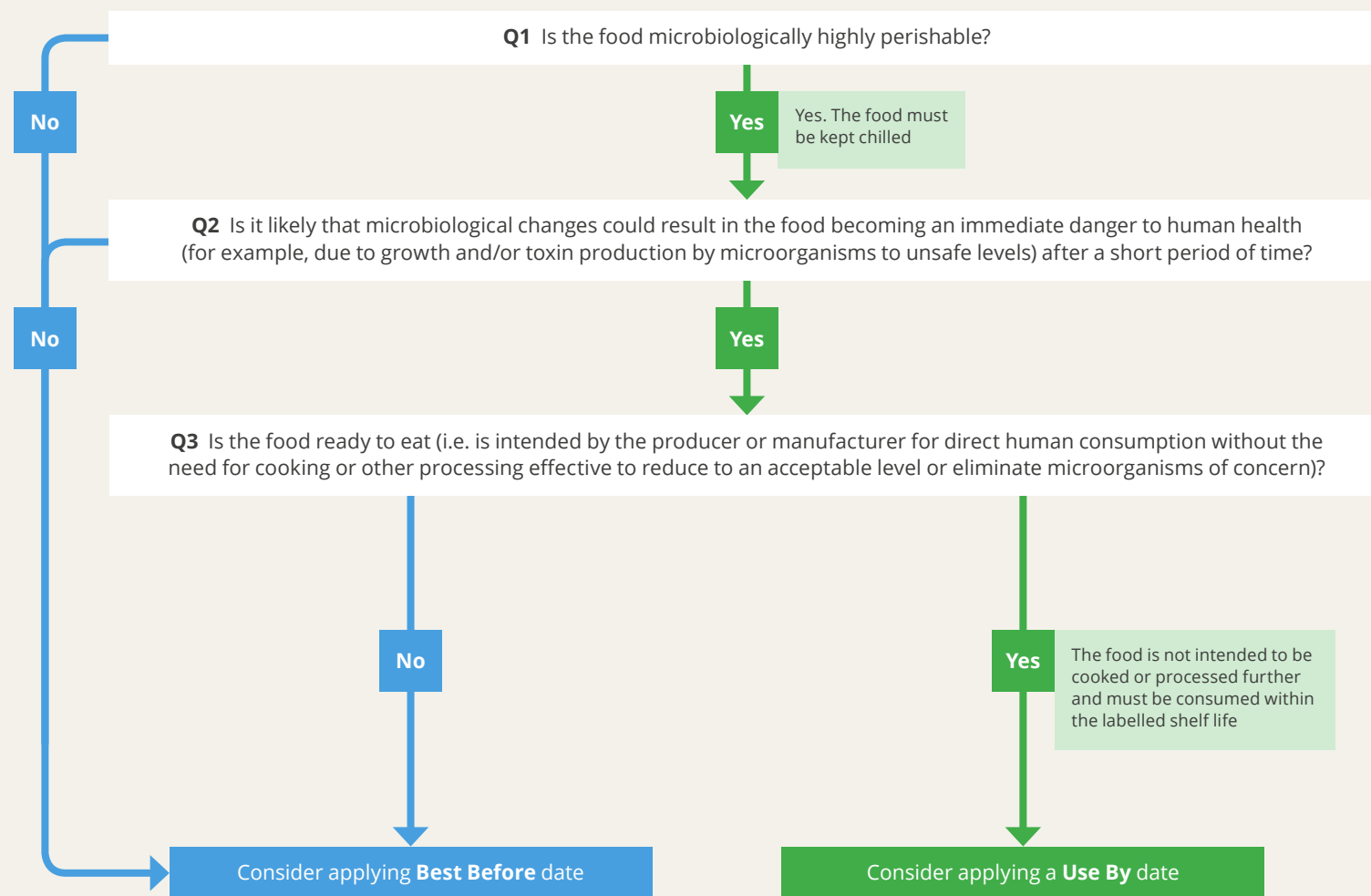




# Annex B – Decision trees

## Application of decision tree approach to smoked cold salmon

Manufacturer X produced cold smoked salmon which is vacuum packed, which is not heated at 90°C for 10min. The '10-day shelf-life rule' will therefore apply in this case, unless the product characteristics will control for the risk of *Clostridium botulinum*. Where longer shelf-lives are applied, food businesses will need to ensure formulation will control for this risk. The tree does not eliminate the need for food businesses to carry out proper risk assessments on their specific products.



# Annex B – Decision trees

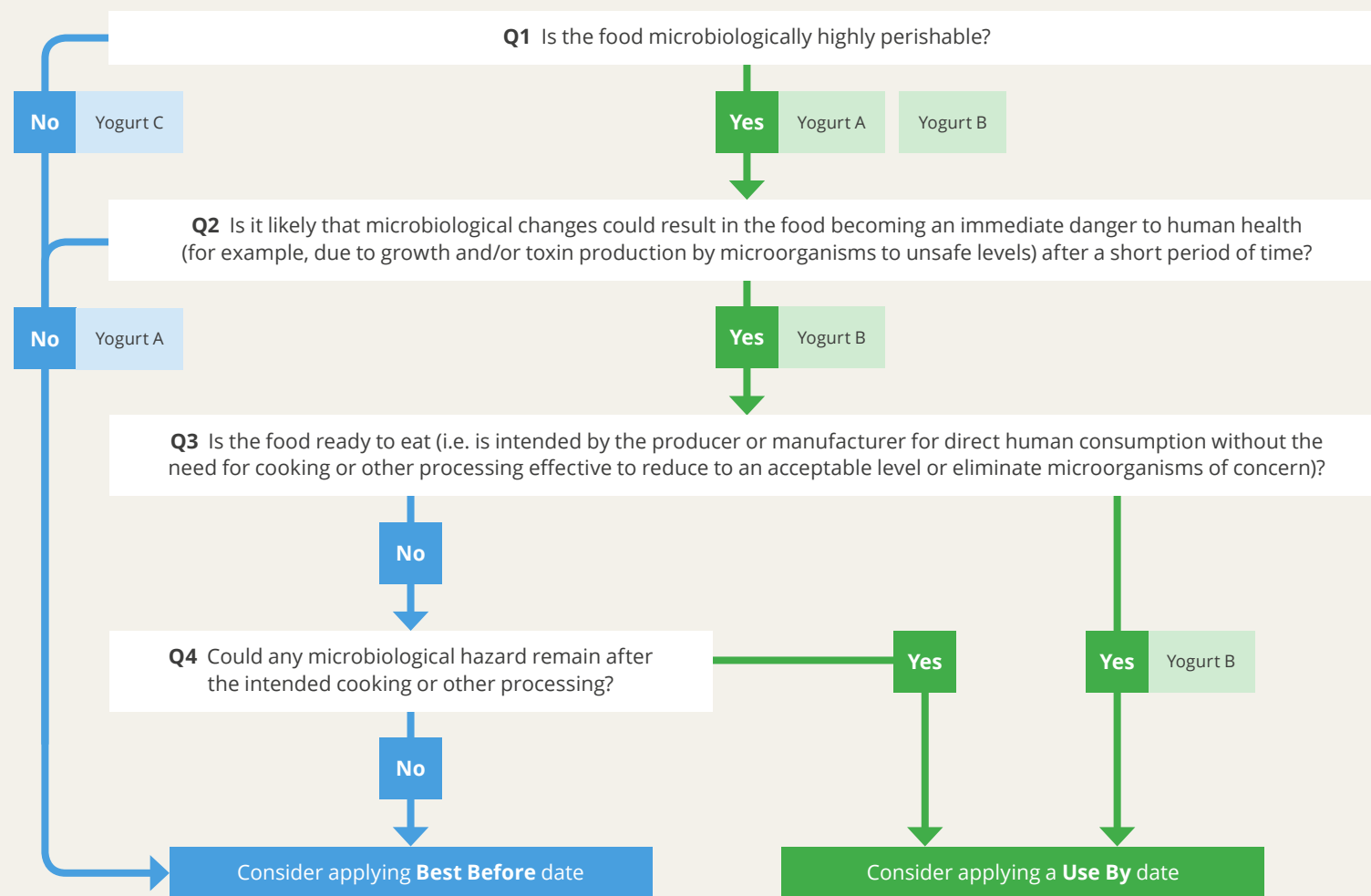
## Application of decision tree approach to yogurt

**Yogurt A:** Absence of *Listeria monocytogenes* is demonstrated in product when it leave factory. Business has knowledge that because of pH and water activity of product, *Listeria monocytogenes* would not grow in product even if present.

**Yogurt B:** Very occasional detection of *Listeria monocytogenes* occurs in product. Business does not have evidence that *Listeria monocytogenes* will not grow in product.

**Yogurt C:** UHT yogurt that can be stored at ambient temperature with advice to consumer to eat within 3 days once opened.

**Note:** Business will need to consider the risk posed by all organisms not just a single pathogen in isolation.



# Annex B – Decision trees

## Freezing refrigerated food – labelling decision tree

Freezing is often an area of confusion for consumers. This decision tree is intended to help manufacturers label products clearly.

1. Review products to determine their suitability for home freezing.
2. For those foods that are suitable for home freezing, include the 'snowflake' logo on the label, with text 'suitable for home freezing' or equivalent where possible.
3. For those products that are marked with the snowflake logo, provide clear and consistent, supplementary advice. Advice could be communicated on-pack, online and in-store.

\* For those food that have *once opened* advice (*use within x days*), this would also need to be amended e.g. *to indicate use/freeze within x days*.

### Q1 When should it be frozen?

Will the quality deteriorate, during the period between it being purchased and the date expiring, such to an extent that the quality of the thawed product may no longer meet consumer/brand expectations?

### Q2 How long can it be kept frozen?

Will the quality deteriorate, during the period it is in the freezer, such to an extent that the quality of the thawed product may no longer meet consumer/brand expectations?

### Q3 Is any pre-preparation required to freeze it?

Will the quality of the thawed product be so changed from its pre-frozen state as to no longer meet consumer/brand expectations?

### Q4 What should it be frozen in?

Are there risks of cross-contamination?  
Is the package unsuitable for freezing?

### Q5 How should it be defrosted?

Could the defrosting period present a microbiological risk?

### Q6 How should it be used after defrosting?

Could the defrosted product present a microbiological risk?

### Q7 Can it be cooked from frozen?

Will the product be safe and of suitable quality if cooked from frozen?

Yes

Label *Freeze as soon as possible and by the date shown* e.g. bakery\*

Label *for best quality, use within 1 month of freezing* e.g. bakery

Label with appropriate instructions/ provide instructions online or as part of recipes e.g. *grate before freezing* e.g. cheese

Label with appropriate instructions/ provide instructions online e.g. *freezing in a clean, air-tight storage container* e.g. cooking sauce, tinned foods, milk

Label *Defrost in the refrigerator. Defrost and use within 24 hours* e.g. fresh meat

Label *Cook thoroughly* (Steaming hot) and *Store in fridge and use within 24 hours* of defrosting e.g. fresh meat

Provide cook from frozen instructions

No

Label *Freeze before/date...use within 24 hours of defrosting* e.g. fresh meat\*

Label *for best quality, use within 3 months of freezing* e.g. pre-prepared foods

No instructions required

No instructions required

No instructions required

Option to label *Try to use within one to two days after it's been defrosted – it will go off in the same way as if it were fresh* e.g. bakery

No instructions required

# Annex C – Additional technical guidance

## 1) Clarity and format of date labelling

The date label as a mandatory particular 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.

### What form should the 'Best Before' date label take?

Articles 24-25 and Annex X of the Regulation (EU) No 1169/2011 Regulations on the provision of food information to consumers (FIC):

- a. The 'Best Before' date label must consists of the words 'Best Before' or 'Best Before End' and either:
- the date itself, or
  - a reference to where the date is given on the labelling.

- b. The date should consist of the day, month and possibly year in that order and in uncoded form.

- c. Alternatively:

- *for foods expected to keep for 3 months or less*: the words '**Best Before**' may be followed by just the day and month
- *for foods expected to keep for more than 3 months but no longer than 18 months*: the date label may be given in the form '**Best Before End**' and just the month and year
- *for foods expected to keep for more than 18 months*: the date label may be shown as '**Best Before End**' followed by just the year only.

- d. Where appropriate, any storage conditions which need to be observed if the food is to retain its specific properties until the date shown must follow the information above.

### What form should the 'Use By' date label take?

Regulation 21(1) and 21(2) of the FLR

- e. The 'Use By' date label must consist of the words 'Use By' and the date in terms of either:

- the date itself, or
- a reference to where the date is given on the pack.

This must be followed by a description of the storage conditions which need to be observed.

The date should be the day, the month and possibly the year in that order and in uncoded form.

The 'Use By' date should be indicated on each individual prepacked portion.

### Is there any flexibility as to where the date label may be placed on the label?

- f. All mandatory information must be clearly visible and unobstructed. Otherwise there are no specific rules on placement for date labels.
- g. The actual date, and any storage conditions given as part of the date labelling requirement, may appear separately from the words 'Best Before', 'Best Before End' or 'Use By' provided these words are followed by a reference to the place where the date and any storage conditions appear(s) (e.g. 'For Best Before End: see side of pack').

# Annex C – Additional technical guidance

## Can the date be abbreviated?

- h. As long as the date is shown in the order required by the Regulations (i.e. day, month, year, as appropriate), there is no reason why different forms of expressing the date should not be used, provided it is given in a form which consumers are going to understand. For example, *1 January 2019*, *31 Mar 2019*, *1.6.2019* and *01.08.19* are all quite clear.
- i. However, care needs to be taken when using abbreviated indications, such as 'Use By 1.6'; consumers who might not realise that a 'Use By' date must be given in at least day and month form might misread this particular example to mean use by 16th and ask 'Use By 16th of what?'.

### Best practice



In such cases, it would be preferable to use the form 'Use By 01 June', or 'Use By 01 Jun'.

## Specific legislation relating to hens eggs and poultry meat

Hens eggs, in so far as their labelling is regulated in Council Regulation 1308/2013/EC establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products and Commission Regulation 589/2008/EC laying down detailed rules for implementing Council Regulation 1308/2013/EC as regards marketing standards for eggs<sup>33</sup>.

<sup>33</sup> More information can be found at <https://www.businesscompanion.info/en/quick-guides/food-and-drink/retail-sale-and-labelling-of-eggs>

# Annex D – Definitions

In these guidance notes, the following key terms may be assumed to have the meanings set out below. Where these are legal definitions, the relevant legislation is cited.

Definition	Meaning	Source
Short period	This is not defined in legislation. It could be taken to be a period of days rather than longer, as is current industry practice. The time is very dependent on the food	
Chilled food	A prepared food that for reasons of safety and/or quality is designed to be stored at refrigeration temperatures but not frozen throughout its entire life	Chilled Food Association (CFA) Definitions WG, based on CFA GL4 and ECFF2
Food business	Any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food	Regulation (EC) No 178/2002
Food Business Organisation (FBO)	The natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control	Regulation (EC) No 178/2002
Hazard Analysis Critical Control Point (HACCP)	A system that identifies, evaluates and controls hazards which are significant for food safety	Regulation (EC) No 852/2004
Long shelf life	This is not defined in legislation. It could be taken to be more relevant to a period measured in weeks or months, not days as is current industry practice	

Definition	Meaning	Source
Open life	The period of time during which a food will remain safe and/or of a suitable quality for consumption after the primary product packaging has been opened and it is stored as instructed	
Pre-packed for direct sale	Food pre-packed by a retailer for sale by him on the premises where the food is packed, or from a vehicle or stall used by him with the following exceptions: <ul style="list-style-type: none"> <li>For flour confectionery, bread and edible ices, this can also be pre-packed by the producer of the food for sale by him either on the premises where the food is produced or on other premises from which he conducts business under the same name</li> <li>For cows' milk, put into containers on the premises where the milk is produced by the person owning or having control of the herd from which the milk is produced for sale by him on those premises or from a vehicle or stall used by him.</li> </ul>	The Food labelling Regulations 1996)
Ready-to-eat food (RTE)	"means food intended by the producer or the manufacturer for direct human consumption without the need for cooking or other processing effective to eliminate or reduce to an acceptable level micro-organisms of concern"	Regulation (EC) No 2073/2005, Article 2 (g)
Shelf-life/ Product Life/ Closed Life	The period of time during which a food will remain safe and/or of a suitable quality <sup>34</sup> for consumption while the packaging is intact and it is stored as instructed	

<sup>34</sup> Suitable quality', 'good quality' and other terms related to the quality of food are not defined in law. The FBO is responsible for ensuring that the food is as described and of the quality expected by the consumer.





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