

To: Lead Food Officers,

Cc: REHIS, SFELC

21st December 2017

Ref: FSS/ENF/17/024

Dear Colleague

Revised Date Labelling Guidance

Last month WRAP in association with the FSA and Defra published [new date labelling guidance](#). This guidance sets out best practice in the choice and application of date labels and storage advice. The emphasis throughout the guidance is on prevention of food waste, including advice on the distribution of surplus food. Please note there are no recent changes to legal requirements.

It is expected the guidance will be used by food manufacturers, retailers and brands as the industry standard and brings together recommendations that ensures food is safe and adheres to legal requirements, with best practice information to ensure it is stored and used within time. The guidance replaces the previous published in 2011.

The guidance:

- Helps tackle food waste safely through best advice, best practice and clear advice on food labelling law and food safety law.
- Advocates that foods are properly labelled with either a 'Use By' date or a 'Best Before' date and the avoidance of use of dates not legally required (e.g. 'sell by') which can confuse consumers.
- Helps businesses supply consumers with food that is properly described and stored.
- Helps businesses provide consumers with the proper information to safely avoid food waste at home.
- Provides safe and legally compliant distribution of food to redistribution organisations and charities.

Key points for local authority officers:

FBOs applying Use By (UB) dates / Best Before (BB) dates.

The guidance recommends that FBOs applying UB dates (i.e. indicators of safe use) do so only when it is a requirement for food safety to help avoid food waste. Decision trees for industry in setting dates are provided (at Annex B) to which the FSA has contributed. The guidance also recommends that industry move from UB dates to BB dates where there is data to indicate that this can be done safely.

Redistribution of food.

The guidance contains advice to retailers on how food can be redistributed to distribution charities / organisations, but is always clear that this must be legally compliant and safe. Food cannot be redistributed or supplied past its UB date.

However, the guidance advises how food can be frozen safely on the day of expiry by ensuring the freezing process starts at a suitable time before midnight of the day of expiry and can be relabelled with a BB date. Advice also provided about subsequent proper and safe defrosting and use of food

UB dates on foods can be extended by an FBO (e.g. a retailer) but only if they have data to demonstrate this can be done safely.

Food temperature control – difference between legal requirements for FBOs and advice for domestic consumers.

Officers should not confuse:

- The required temperature applying to retail food businesses and many non-approved food businesses, for foods needing chilled control to keep them safe, which remains 8°C or below (except in Scotland where there is no specific maximum temperature but food must be kept chilled where necessary).
- Advice for consumers to keep fridges at 5°C or below.

Link to FSS temperature control guidance:

<http://www.foodstandards.gov.scot/publications-and-research/guidance-on-temperature-control-legislation>

If you should have any questions please email enforcement@fss.scot.

Yours sincerely

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