

The following advice is intended to supplement existing general guidance on matters relating to durability indications for products such as fresh meat, meat preparations and meat products.

Individual business requirements will, as always, be dependent on the specific circumstances pertaining to that business, in particular the nature of the products they are producing and supplying, where they are within the food manufacture and distribution chain and specific customer requirements related to intended use. If businesses have any questions regarding their specific requirements as normal these should be discussed with their authorised enforcement officer/official veterinarian.

1. Food businesses that are not supplying foods pre-packed for delivery to final consumers or direct to mass caterers do not need to apply a use-by or a best-before date under Regulation (EU) 1169/2011. However all businesses involved in the supply of fresh meat, meat preparations and meat products do need to provide “sufficient information” that will allow subsequent businesses to apply such a marking. There is no definition of “sufficient information” so if a range of information accompanies a product (e.g. process by/defrost by information) from business A to business B, these businesses must have a mutual understanding as to what these terms mean for the specific product under consideration and each business must be able to communicate this to the satisfaction of their enforcement officer.

For fresh meat, this information must include the kill date/s. If fresh meat has been frozen, the date of freezing must also accompany the meat to the next FBO.

Questions for food businesses to ask:

Have you spoken to the businesses you are supply regarding the information they need to help them determine any storage and date marking requirements they may have?

Have you received sufficient information, from those that you receive raw materials from, to allow you to determine the appropriate storage instructions and minimum durability dates to apply to your products if you have an obligation to provide this information to consumers or caterers?

2. All food businesses need to ensure that their food safety management system has procedures in place which ensure that all hazards which may present a risk to the safety of their products are being managed appropriately. Food safety regulations specify legal limits (known as microcriteria) for certain microbiological hazards (e.g. Salmonella in certain meat and meat products), but these do not cover the full range of hazards that could present a potential food safety risk. Food business operators must be able to demonstrate, in their HACCP plans, that they have: identified **all** of the hazards that may be relevant to their products; assessed the risk that these hazards may present in final products produced commensurate with the intended use and apply controls to reduce those risks to an acceptable level.

The application of these principles will be important in determining the amount of information required to be passed through the supply chain to ensure that the final product does not present a risk to the consumer.

*For example, businesses using products which have been supplied in vacuum or modified atmosphere packaging (VP/MAP), should consider whether the information they have received from their suppliers is sufficient for them to assess the potential hazard associated with spore forming anaerobes such as *Clostridium botulinum*, during any subsequent storage, handling, processing and re-packaging of the food. When assessing the potential risks of *Clostridium botulinum* in VP/MAP foods it is necessary to take account of a wide range of factors including evidence for the prevalence of the pathogen in the particular food, the maintenance of temperature controls throughout the chill chain, and whether any other controlling factors apply (e.g. heat treatment, salt content, water activity or use of preservatives) that will prevent growth.*

Questions to ask:

Are you familiar with the legal microbiological criteria in Regulation 2073/2005 and how these apply to your products?

Have you considered all of the microbiological and other hazards that are relevant to shelf life determination of your products?

Have you fully assessed how the future handling, packaging and storage of your products will impact on any minimum durability date which you are required to apply?

Are you using products which have been supplied in vacuum or modified atmosphere packaging (VP/MAP)? Has your supplier provided you with sufficient information to allow you to determine storage, shelf-life and usage instructions for products where you require to provide this information?

3. *Food businesses supplying packaged food intended for direct sale to the final consumer or to mass caterers are legally required to apply a date of minimum durability to their products (either a use by or best before date). FBOs should be able to provide evidence to their suppliers and enforcement officers as to how they have determined the appropriate minimum durability date.*

Depending on the product (i.e. raw or ready to eat food, VP/MAP), and the nature of the hazard(s) that may be associated with it, it may be necessary to undertake a more detailed assessment. This could include a review of published scientific evidence relating to the prevalence and growth of the organism in similar products. On some occasions it may also be necessary to commission predictive modelling analyses and/or laboratory studies (shelf-life studies or challenge testing) to provide

the evidence needed to validate shelf-life under the conditions that are expected during the distribution, storage and use of the product . In these circumstances, FSS recommends that food businesses seek technical advice on appropriate microbiological controls and shelf-life determination required to manage the risks associated with their products.

It may be that for certain industry sectors and products a standard approach based on industry best practice will be acceptable when setting shelf-life. These practices should always be discussed with your enforcement officer.

Questions to ask:

If you are involved in supplying pre-packed product for final consumers or direct to mass caterers – are you confident about the evidence have you used to determine the durability indication that you have applied to your product?

Do you have sufficient information from your supplier to enable you to determine the shelf-life for your product?

Have you used standard industry guidance to apply an appropriate shelf-life or consulted with technical experts to undertake your own validation studies?

Have you discussed the evidence for determining the durability of your product with your enforcement officer?

4. *We are aware that some businesses will purchase meat close to its “use-by” date, freeze it, and then re-purpose/vac-pac and re-label it. This is not illegal, but businesses need to ensure that they are at all times compliant with their obligations to provide safe food, not to mislead consumers; and to ensure sufficient information is passed to subsequent businesses under Regulation (EU) 1169/2011. In addition business which are carrying out such activities require to ensure that any associated hazards and risks have been fully considered as part of their food safety management system.*

Questions to ask:

Do you freeze product previously labelled with a “use-by or best before” date? If so how many days were left? Is there sufficient shelf-life remaining to allow subsequent businesses to process and sell that product on – has this been discussed with your customer?

What information do you pass on to subsequent businesses about how that product has been produced?



Businesses may find the following guidance documents helpful:

Guidance on food labelling and the application of date marks to prepacked food intended for consumers and mass caterers is available at:

- [Labelling & Composition Standards](#)

Further guidance on specific controls for Clostridium botulinum in VP/MAP foods can be found at:

[Vac Pac Guidance - Vacuum and modified atmosphere packed chilled foods](#)

Additional guidance on how to undertake shelf-life determination can be found at:

- [EURL Lm TECHNICAL GUIDANCE DOCUMENT for conducting shelf-life studies on Listeria monocytogenes in ready-to-eat foods, Version 3 – 6 June 2014](#)

WRAP have also produced guidance on durability indications which is available here:

- [Labelling guidance – Best practice on food date labelling and storage advice](#)

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