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Date Marking Guidance for Food Establishments

Date marking helps indicate when foods are no longer safe to eat. This helps prevent foodborne disease outbreaks. This practice is recommended in the Food and Drug Administration's (FDA) Food Code under section 3-501.17.

Foodborne pathogens, like *Listeria monocytogenes*, can grow at refrigeration temperatures, particularly in certain ready-to-eat foods, such as deli meat and salads. FDA calls these foods time/temperature control for safety (TCS) foods. If these types of foods will be refrigerated for more than 24 hours, the FDA Food Code recommends:

- They should **NOT** be kept for more than 7 days, and
- They should be **marked with a date** indicating when the food should be eaten, sold, or thrown away.

What foods need to be date marked?

Ready-to-eat foods or foods that are time/temperature controlled for safety that are being held in the refrigerator for **more than 24 hours**.

Ready-to-eat foods and TCS foods include:

- Commercially prepared and/or
- Prepared onsite and held under refrigeration (41°F or below) for more than 24 hours.

How to properly date mark:

A food establishment operator may **choose any date marking system** that caters to their needs. Date marking systems must be:

- Understandable
- Consistent
- Effective

It is **strongly recommended that** your food establishments have a written policy for discarding food. Food **must** be discarded after 7 days; this includes the day the food was prepared. (ex: Food prepared on May 1st should be discarded on May 7th.)

Combining Foods with Different Date Markings:

If you combine foods with different date markings, the **oldest date becomes the new reference date**. For example, if you mixed a salad date marked for Wednesday with a salad date marked for Friday, the new reference date for the combined salad would be Wednesday.

Exemptions from Date Marking:

Foods that are **exempt** from date marking include:

- Foods prepared and packaged by a food processing plant that is inspected by regulatory authority which include:
 - o Deli salads
 - o Hard cheeses (<39% moisture)
 - o Semi-soft cheeses (between 39%-50% moisture)
 - o Cultured dairy products (yogurt, sour cream, and buttermilk)
 - o Preserved fish products
 - o Shelf stable, dry fermented sausages (peperoni and Genoa) and
 - o Shelf stable cured products (prosciutto and parma)
- Shellstock
- Individual meal portions served or prepackaged for sale from bulk container upon consumer's request.

Freezing Food Requiring a Date Mark:

Freezing ready-to-eat or TCS foods will pause the date marking time frame but it will **NOT** reset the time frame. If you store RTE or TCS foods in the freezer, the date marking time will stop. Once the RTE/TCS food is removed from the freezer, the date marking will resume. (Ex: If a food is stored at 0°F on Day 3, the date marking period stops. Once removed from the freezer, you can safely store the food at 41°F or below for an additional 4 days.)

The following information **must be provided** on frozen prepared foods container:

- Freezing date
- Thawing date
- Preparation date and
- Number of days that already expired (EX: 2 of 7 days, 4 of 7 days, etc.)

NOTE: Any RTE/TCS foods that are stored without proper date markings upon inspection may be subject to discarding.