



# Confused By Date Marking?

by Melissa Vaccaro, MS, CHO

**T**he 2013 FDA Model Food Code (Section 3-501.17) requires that ready-to-eat time and temperature controlled for safety foods (TCS, once known as Potentially Hazardous Food, PHF) that are opened or made in a facility be date marked if they are going to be held more than 24 hours in the facility. How many days can you keep the food? Seven days. That is probably a lot less time than most facilities are used to. This requirement applies to only ready-to-eat TCS foods made in the facility, and ready-to-eat TCS foods from a commercial processor that are opened in the facility.

Why do you only have seven days? Refrigeration prevents food from becoming a hazard by considerably slowing the growth of most microbes. The growth of some bacteria, such as *Listeria monocytogenes (Lm)*, is significantly slowed but not stopped by refrigeration. Over a period of time, this and similar organisms may increase their risk to public health in ready-to-eat foods.

This guide provides everyday information to implement Food Code date marking requirements that apply to many ready-to-eat, TCS foods. Some of the challenges operators may face include:



## IMPLEMENTING FOOD CODE DATE MARKING REQUIREMENTS

- Determining which foods are required to be date marked
- Developing a date marking system for employees to follow
- Ordering volumes and sizes of product that can be sold within seven days of opening

### WHY IS DATE MARKING IMPORTANT?

Date marking is a means of controlling the growth of *Listeria monocytogenes*, a bacteria that continues to grow even at refrigerated temperatures. Date marking is a process



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assuring the food is discarded before these bacteria can cause foodborne illness.

### HOW TO MARK THE DATE

Food must be discarded within seven days, which means the day the food is prepared or opened plus six days. (Example: Food prepared on April 1 must be discarded on April 7)

A food facility operator can choose any marking method that suits their needs. It's important to know whatever system you use must be understandable, effective, consistently used by employees, and clear to your inspector during the evaluation. It's recommended you provide a written policy for employees to follow.

### WHAT DOES THE FOOD CODE REQUIRE?

You must date mark any food meeting *all* of the following:

- Temperature Controlled for Safety (TCS) food requires time and temperature control to limit the pathogen growth or toxin formation, and
- Ready-to-eat (RTE) foods that may be eaten without any additional preparation steps to make the food safe, and
- Foods stored under refrigeration for more than 24 hours.

### WHAT IF I FREEZE THE FOOD?

Freezing food stops the date marking clock but does not reset it. So, if a food is stored at 41° F for two days and then frozen at 0° F, it can still be stored at 41° F for five more days after removal from the freezer. The freezing

*Continued on page 14*

date and the thawing date must be put on the container along with the preparation date as an indication of how many of the original seven days have been used. If food is not marked with these dates, it must be used or discarded within 24 hours.

**WHAT IF I COMBINE FOOD THAT WAS OPENED ON DIFFERENT DATES?**

When different containers of foods are combined, the date of the oldest ingredient becomes the reference date. For example, if today is Wednesday, and you are mixing salad marked on Monday with salad marked on Tuesday, the combined salad marking would be based on a starting date of Monday.

**ITEMS NOT REQUIRING DATE MARKING**

Some foods prepared and packaged in an inspected food processing plant may not require date marking. These foods include:

- **Deli salads** from a food processing plant in accordance with 21 CFR 110. Why? According to risk assessments, most deli salads prepared in a food processing plant contain sufficient acidity, along with the addition of preservatives (sorbate, benzoates), to prevent the growth of Lm.
- **Hard and semi-soft cheeses**—see chart. Why? They are exempt from date marking based on the presence of several factors that may control the growth of Lm. These factors may include organic acids, preservatives, competing microorganisms, pH, water activity, or salt concentration.
- **Cultured dairy products** such as yogurt, sour cream, and buttermilk. Why? Many of these products are low pH food manufactured with lactic acid fermentation.
- **Preserved fish products** such as pickled herring, dried or salted cod (under 21 CFR 114). Why? High salt and/or acidity of these products do not allow for the growth of Lm.
- **Shelf-stable dry fermented** sausages, pepperoni, and salami not labeled as “keep refrigerated.” Why? The nitrites and salt in the cure and the lower pH resulting from fermentation give additional protection against microbial growth.

**Some Hard and Semi-Soft Cheeses Exempt from Date Marking**



Abertam	Appenzeller	Asadero	Asiago (medium or old)
Asiago soft	Battelmatt	Bellelay (blue veined)	Blue
Bra	Brick	Camosum	Chantelle
Cheddar	Christalina	Colby	Coon
Cotija	Cotija Anejo	Derby	Edam
Emmentaler	English Dairy	Fontina	Gex (blue veined)
Gjetost Gloucester	Gorgonzola (blue veined)	Gouda	Gruyere
Havarti	Herve	Konigskase	Lapland
Limburger	Lorraine	Manchego	Milano
Monterey	Muenster	Oaxaca	Oka
Parmesan	Pecorino	Port du Salut	Provolone
Queso Anejo	Queso Chihuahua	Queso de Bola	Queso de la Tierra
Queso de Prensa	Reggiano	Robbiole	Romanello
Romano	Roquefort (blue veined)	Samsoe	Sapsago
Sassenage (blue veined)	Stilton (blue veined)	Swiss	Tignard (blue veined)
Tilsiter	Trappist	Vize	Wensleydale (blue)



## DELI MEATS

Date marking applies to entire loaves of deli meats once the original package is opened. Refrigerated deli meats should be purchased in sizes that can be sliced and sold within seven days of opening. If this is not possible, a way to use up a slow moving loaf of deli meat is by making it into other products such as sandwiches. But do this right away instead of waiting until day seven.

## WHAT DATE APPLIES IF I PACKAGE DELI ITEMS FOR SALE?

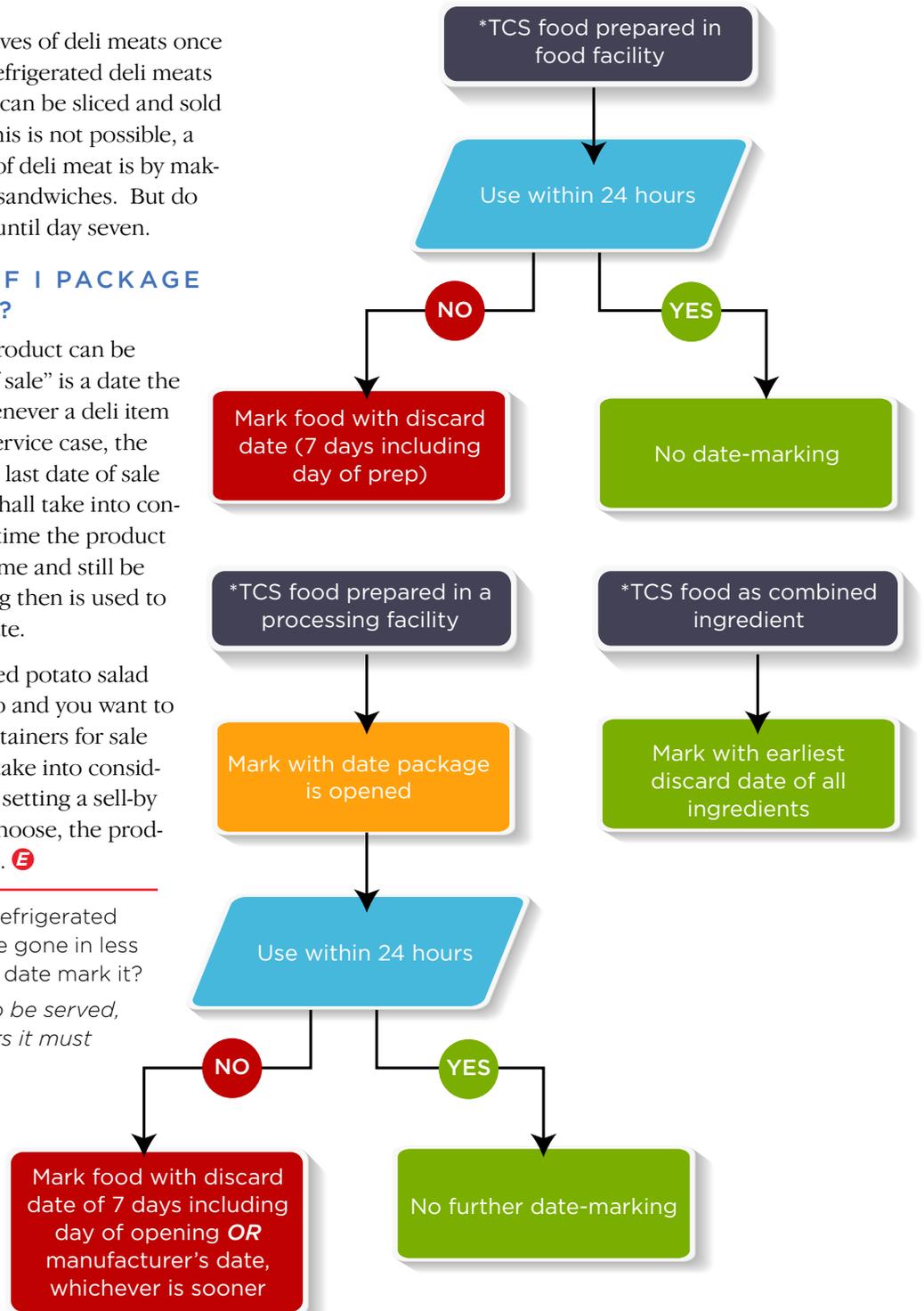
Date marking is the last day the product can be consumed safely. The “last date of sale” is a date the consumer sees on a package. Whenever a deli item is packaged for sale out of a self-service case, the package must be marked with the last date of sale (or sell-by date). The sell-by date shall take into consideration a reasonable period of time the product will be used in the consumer’s home and still be wholesome and safe. Date marking then is used to determine a meaningful sell-by date.

For example, if an in-store prepared potato salad was made in the deli four days ago and you want to pre-package some half pound containers for sale in the self-service case, you must take into consideration those first four days when setting a sell-by date. Regardless of the date you choose, the product cannot be sold after day seven. **E**

**Q:** Our operation goes through refrigerated salami so fast that the loaf will be gone in less than four days. Do I still need to date mark it?

**A:** Yes, if the food is not going to be served, sold, or discarded within 24 hours it must be date marked.

## Date-Marking Guidance Flow Chart



*\*NOTE: Some TCS foods are exempt from date marking, such as some deli salads from processing plants, semi-soft and hard cheese, shelf stable dry fermented sausage, pepperoni and salami.*