



# Date Marking Guide for Retail Food Facilities

(Food Code Section 3-501.17)

This guide will provide practical information to implement food code date marking requirements that apply to many ready-to-eat, potentially hazardous foods. Some of the challenges operators may face, include:

- Determining which foods are required to be date marked,
- Developing a date marking system for employees to follow, and
- 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 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:

- Potentially Hazardous Food (PHF)/Time-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 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 dated 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.
- Semi soft cheeses – see chart.
- Hard cheeses – see chart.
- Cultured dairy products such as yogurt, sour cream, and buttermilk.
- Preserved fish products such as pickled herring, dried, or salted cod (under 21 CFR 114).
- Shelf-stable dry fermented sausages, pepperoni, and salami not labeled as “keep refrigerated.”

## List of Some Hard and Semi-Soft Cheeses Exempt from Datemarking

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

## 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 a tub of potato salad was opened 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.

## 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?

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