

Date and lot marking of prepacked food

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Note: although the United Kingdom has left the European Union, certain pieces of legislation (formally known as 'retained EU law') will still apply until such time as they are replaced by new UK legislation; this means that you will still see references to EU regulations in our guidance.

This guidance is for England and Wales

Most prepacked foods must be marked with either a use-by date or a minimum durability date (of which there are two types: 'best before' and 'best before end'). Prepacked food is food that is completely or partially enclosed in packaging, cannot be removed without changing the packaging in some way, and was packed on a premises other than the one it is being sold from.

Food business operators (FBO, which means any business involved in the manufacture or supply of food for human consumption, including retailers) can change the durability indication (best-before and best-before-end dates, not use-by dates) if necessary. They then become responsible for the accuracy of any changes that they make. This enables, amongst other things, FBOs to freeze a product if it is appropriate to do so. An FBO that freezes a product needs to indicate the new durability date and give the appropriate conditions of use and storage instructions.

Altering durability dates can have potentially serious consequences and before doing so it is best practice to conduct any necessary research (microbiological testing etc) to ensure that the safety and quality of the food will be maintained until the new durability date.

Regardless of which type of date marking is used you can replace the date with a statement of where the date may be found on the packaging - for example, 'Best before - see base of pack'.

Most prepacked foods must also carry a batch and/or lot number so a product can be traced if necessary.

Use-by date

Food that is highly perishable and therefore likely to pose a danger to human health after only a short time should be marked with a use-by date.

Examples of food that should have a use-by date include:

- fresh meat, fish and poultry
- cooked meat
- dairy products
- ready-made meals
- salads
- soft cheeses

The use-by date should be given in the format 'use by: day / month' - for example, 'Use by: 23 January'. You may add the year if you wish.

The date must be given in the order day, month, year, and be uncoded. Write the month rather than using numbers (06 for June, for example) to prevent confusion - for example, '05/06' could mean 5 June or 6 May.

If the product is made up of a number of individually prepacked products, the use-by date must appear on each.

Date of minimum durability

There are two types of minimum-durability date - 'best before' and 'best before end' - and which one to use will depend on the life of the product.

If there are certain storage conditions that have to be followed for the food to last until the given date then this must be stated on the packaging.

Other date markings, such as 'display until', do not have any legal standing and are confusing to consumers; such date markings should not be used, except in the case of eggs (see below).

Foods with a shelf life of three months or less

'Best before: day / month' - for example, 'Best before: 23 January'. You may add the year if you wish.

Foods with a shelf life of between three and 18 months

These should be marked with either 'best before' or 'best before end' as follows (your choice).

'Best before: day / month / year' - for example, 'Best before: 23 January 2018'

'Best before end: month / year' - for example, 'Best before end: January 2018'

Foods with a shelf life of greater than 18 months

'Best before end: Year' - for example, 'Best before end: 2018'

Conditions of sale

Foods marked with a use-by date must not be sold or displayed for sale after their marked dates. It is an offence to sell or offer for sale food past its use-by date. For example, 'Use by 23 January' means use by the end of the day on 23 January; an offence has been committed if the product is still on display on 24 January.

Foods marked with best-before or best-before-end dates may be sold after their marked dates, provided that they remain of good quality and are fit for human consumption. In these circumstances it is advisable to ensure that customers know that the date has expired before they make the decision to buy. The manufacturer is responsible for the quality of the product until the stated best-before / best-before-end date; if the retailer chooses to amend the date, or sell the product after the stated date, they must then take responsibility for the quality of the product.

The only exception to the above is eggs. See "**Best before' and 'sell by' dates**" in 'Retail sale and labelling of eggs' for more information.

The date marking on prepacked foods should be clearly legible, easily visible and indelible; it should not be obscured, or partly obscured, by price stickers or in any other manner.

Good retail trading practice:

- carry out date-marking checks on foods each morning before you open, or last thing at night after closing. Do not leave it to your suppliers to do this when they make their deliveries. Any offences committed for selling or offering to sell goods after the use-by date will be committed by the retailer regardless of whether you rely on the supplier to conduct the checks
- remove foods marked with out of date use-by dates (place these in a container in a part of the premises not open to customers and clearly mark the container 'Not for sale')
- consider reducing the price of food for quick sale before it goes out of date

Exemptions from date marking

- fresh fruit and vegetables (unless peeled or cut into pieces, or legume sprouts)
- wine, liqueur wine, sparkling wine, aromatised wine and similar drink obtained from fruit other than grapes
- any fermented drink, mixture of fermented drink or mixtures of fermented and non-alcoholic drink made from grape or grape must
- any drink with an alcoholic strength by volume of 10% or more
- any flour confectionery (sweet pastries, cakes and similar baked goods) and bread that is normally consumed within 24 hours of its preparation
- vinegar
- cooking salt
- solid sugar and confectionery products consisting almost solely of flavoured or coloured sugars
- chewing gum and similar

Lot marking

Most prepacked foods intended for human consumption must carry lot or batch marking (unless specifically exempted). This is to enable a product to be traced and/or recalled if necessary, with the maximum efficiency.

It is not necessary for the consumer to understand the lot / batch mark, provided the indication can be clearly identified. The mark may have to be prefixed by the letter 'L' if it is not clearly distinguishable from other information (such as the use-by date or minimum durability marking) and must be clearly visible, clearly legible and indelible.

Lot marking should be visible on the exterior packaging, such as where retail packs are sold wholesale in boxes or shrink-wrapped trays.

Where individual products sold at retail level are sold in additional packaging (for example, whisky in a presentation box) it is good practice to put the lot marking on the external retail packaging (the box) as well as the label of the bottle on the inside. This is so that the correct items can be identified for recall without opening all of the individual boxes.

Bearing in mind any possible need for a product recall, the manufacturer / packer must decide on the size of the batch to be given the specific lot mark. Large batches could result in more products having to be recalled than is perhaps necessary.

Where a product bears a date mark that consists of at least the day and the month (in that order) this may provide sufficient batch identification to serve as the lot mark (dependent on the volume of product and frequency of production). If not, a separate lot mark must be given.

Exemptions from lot marking

- individual items of food that are sold directly to consumers and are not prepacked - for example, loose sweets, fruit and vegetables
- foods sold to consumers that are prepacked on the premises of the seller for sale there, or that are prepacked at the request of the purchaser
- foods that are in a package or container of which the largest size has a surface of less than 10 cm²
- individual portions intended as an accompaniment to another food provided at catering establishments for immediate consumption - for example, sachets of salt, sugar or sauces
- individual portions of ice cream and other edible ices
- units of food that are marked or labelled with an indication of minimum durability or a use-by date that consists at least of the uncoded indication of the day and month in that order

Date of freezing

Frozen meat, frozen meat preparations and frozen unprocessed fishery products require a declaration of the date of freezing (or the date of first freezing in cases where the product has been frozen more than once). It shall be preceded by the words 'frozen on' followed by an uncoded indication of the day, month and year in that order, or a reference to where on the label such a date can be found.

Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement and penalties'.

Key legislation

Food Safety Act 1990

Food (Lot Marking) Regulations 1996

General Food Regulations 2004

Regulation (EU) No 1169/2011 *on the provision of food information to consumers*

Food Safety and Hygiene (England) Regulations 2013

Food Information Regulations 2014

Food Information (Wales) Regulations 2014

Last reviewed / updated: July 2019

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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