

Date Marking Guidance for Food Establishments

The purpose of this guide is to provide a summary of the Date Marking criteria that is now required under the FDA Food Code, Chapter 3-501.17. Date Marking requirements apply to many Ready-to-Eat (RTE), Time/Temperature Controlled for Safety (TCS) food(s).

Why is Date Marking important?

Date marking is a means of controlling the growth of *Listeria monocytogenes*, which is a bacterium that continues to grow, even under refrigeration. Date marking is a process of assuring the food is discarded before these bacteria can cause foodborne illness.

What foods must be Date Marked?

Other than the foods exempt from Date Marking, all Ready-to-Eat, TCS foods that are held under refrigeration for more than 24 hours **must** be date marked.

Ready-to-Eat, TCS foods, including both:

1. Commercially prepared and/or
2. Prepared onsite and held under refrigeration for more than 24 hours.

Exemptions from Date Marking requirements:

1. Individual meal portions served or repackaged for sale from a bulk container upon consumer request
2. Shellstock
3. Any of the following foods if prepared and packaged by an inspected food process plant:

- Deli salads
- Hard cheeses
- Semi-soft cheeses
- Cultured dairy products
- Preserved fish
- Shelf stable dry fermented sausages
- Shelf stable salt-cured meats

How do I Date Mark?

A food establishment operator may choose any date marking system that suits their needs. Any system is acceptable, provided it is:

- Understandable
- Effective
- Consistent

Food must be discarded within 7 days; **the day of preparation is counted as day 1.** (Food prepared on April 1 must be discarded on April 7.) **A written policy for employees to follow is strongly recommended.**

What if I combine foods that were 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 a Monday with salad marked on a Tuesday, the combined salad marking would be based on the starting date of Monday.

What if I freeze the food?

- Freezing the food stops the date marking clock but does NOT reset it.
- If a food is stored at 41°F for 2 days and then frozen at 0°F, it can be safely stored at 41°F for 5 more days after removal from the freezer.
- The **freezing date and the thawing date** must be provided on the container **along with the preparation date** to indicate how many of the original 7 days have expired.

NOTE: Any RTE, TCS foods that are not date marked properly or exceed the temperature and time combination may be discarded.