

Standard 1.2.5 Information requirements – date marking of food for sale

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

1.2.5—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.5 – Information requirements – date marking of food for sale*.

Note Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.5—2 Definitions

Note In this Code (see section 1.1.2—2):

baked-for date, in relation to bread, means:

- (a) if the time at which the bread was baked is before midday—the baked-on date;
- (b) if the time at which the bread was baked is after midday—the day after the baked-on date.

Note For example, bread that is baked after midday on one day may have a 'baked-for date' of the following day.

baked-on date, in relation to bread, means the date on which the bread was baked.

best-before date, for a food for sale, means the date up to which the food for sale will remain fully marketable and will retain any specific qualities for which express or implied claims have been made, if the food for sale:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under Standard 1.2.6.

use-by date, for a food for sale, means the date after which it is estimated that the food for sale should not be consumed because of health or safety reasons, if the food for sale:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under Standard 1.2.6.

1.2.5—3 Food for sale must be date marked on labels

- (1) For the labelling provisions, the date marking information is:
 - (a) if there is a *use-by date for the food—that date; or
 - (b) otherwise—any of:
 - (i) the *best-before date of the food; or
 - (ii) for bread that has a shelf life of less than 7 days:
 - (A) the best-before date; or
 - (B) the *baked-for date; or
 - (C) the *baked-on date.
- (2) Unless the food is an infant formula product, the date marking information is not required if:
 - (a) the *best-before date of the food is 2 years or more after the date it is determined; or
 - (b) the food is an individual portion of ice cream or ice confection.
- (3) Despite subsection (1), if the food is in a '*small package' the only date-marking information required is the *use-by date (if any).

Note The labelling provisions are set out in Standard 1.2.1.

1.2.5—4 Prohibition on sale of food after its use-by date

A food must not be sold after its *use-by date.

1.2.5—5 Required wording and form for dates for labels

- (1) The date marking information may only be expressed in accordance with this section.
- (2) A *best-before date, a *use-by date, a *baked-for date and a *baked-on date must:
 - (a) be expressed using the following wording:
 - (i) for a best-before date—the words ‘Best Before’;
 - (ii) for a use-by date—the words ‘Use By’;
 - (iii) for a baked-for date—the words ‘Baked For’ or ‘Bkd For’;
 - (iv) for a baked-on date—the words ‘Baked On’ or ‘Bkd On’; and
 - (b) be accompanied by:
 - (i) the relevant date; or
 - (ii) a reference to where the date is located on the label.
- (3) In a *best-before date or a *use-by date:
 - (a) the day must be expressed in numerical form; and
 - (b) the month may be expressed in:
 - (i) numerical form; or
 - (ii) upper or lower case letters; and
 - (c) the year must be expressed in numerical form and may be expressed using the full year or only the last 2 digits of the year.
- (4) A *best-before date and a *use-by date must at least consist of:
 - (a) if the best-before date or use-by date is not more than 3 months from the date it is applied:
 - (i) the day and month, in that order; or
 - (ii) if the month is expressed in letters—the day and the month, in any order; or
 - (b) if the best-before date or a use-by date is more than 3 months from the date it is applied—the month and the year, in that order.

Example For subparagraph (a)(i)—‘23 Dec’ or ‘23 12’ or ‘23 12 2015’ or ‘23 Dec 2015’.
For subparagraph (a)(ii)—‘23 Dec’ or ‘Dec 23’ or ‘23 Dec 2015’ or ‘Dec 23 2015’.
For paragraph (b)—‘Dec 2015’ or ‘12 2015’ or ‘23 12 2015’ or ‘23 Dec 2015’.
- (5) The day, month and year must be expressed so that it is apparent which number is the day, the month or the year.

1.2.5—6 Packed-on dates and manufacturer’s or packer’s codes

To avoid doubt, section 1.2.5—5 does not prevent the addition of a packed-on date or a manufacturer’s or a packer’s code on the label on a package of food.

Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

About this compilation

This is compilation No. 3 of Standard 1.2.5 as in force on **3 June 2021** (up to Amendment No. 200). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **3 June 2021**.

Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted
exp = expired or ceased to have effect
rs = repealed and substituted
am = amended
rep = repealed

Standard 1.2.5 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00401 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.5— 3(1)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical errors.
1.2.5— 3(2)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	rs	Subsection to correct typographical errors.
1.2.5— 3(3)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Omit 'small package', substitute '*small package'.