

Food Standards (Proposal P1025 – Code Revision) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on 1 March 2016.

Dated 25 March 2015



Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

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) 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.