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USDA's FSIS Publishes Updated Food Date Label Fact Sheet To Curb Food Waste

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- As previously [covered on this blog](#), food waste is a major issue in the United States. Government estimates indicate Americans waste between 30 and 40% of the overall food supply on an annual basis. According to the [USDA](#), consumers are responsible for nearly 90 billion pounds of food waste each year, which equates to 20% of the U.S. food supply. And while perfectly good food goes to waste, approximately [40 million Americans](#) are food insecure.
- Misinterpretation of food date labels is a key factor leading to food waste. Indeed, as explained by FDA's Deputy Commissioner, Frank Yiannas, "[c]ontrary to popular beliefs, date labeling on food packages are often intended to communicate time ranges for optimal food quality, not safety." With an exception of infant formula, even after the date passes, a product should still be safe and wholesome if handled properly until the time spoilage is evident. Thus, in an effort to alleviate confusion and prevent further food waste, USDA's FSIS announced an [updated fact sheet](#) on food product dating. See [84 Fed. Reg. 14083 \(Apr. 9, 2019\)](#). The fact sheet is aimed at reducing food waste through encouraging food manufacturers and retailers that apply product dating to use a "Best if Used By" date label because research shows that this phrase is easily understood by consumers as an indicator of quality rather than safety.
- The fact sheet explains that, except for infant formula, food date labels are not required under federal regulations. For meat, poultry, and egg products under FSIS jurisdiction, dates may be voluntarily applied provided they are labeled in a manner that is truthful and not misleading and in compliance with FSIS regulations. The fact sheet further details that because there is no uniform or universally accepted food date label descriptor, a wide variety of phrases are used to describe quality dates. Examples include:
 1. "Best if Used By/Before" date indicates when a product will be of best flavor or quality. It is not a purchase or safety date.
 2. "Sell-By" date tells the store how long to display the product for sale for inventory management. It is not a safety date.
 3. "Use-By" date is the last date recommended for the use of the product while at peak quality. It is not a safety date except for when used on infant formula as described below.
 4. "Freeze-By" date indicates when a product should be frozen to maintain peak quality. It is not a purchase or safety date.
- As an aside, the USDA, EPA, and FDA [announced](#) April as "Winning on Reducing Food Waste Month" and called for greater collaboration with public, private, and nonprofit partners, as well as state and local officials to educate consumers and stakeholders throughout the supply chain on the need to reduce food loss and waste. The interagency strategy includes six key priority areas the agencies will work together on over the next year:
 1. Enhance Interagency Coordination



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2. Increase Consumer Education and Outreach Efforts
3. Improve Coordination and Guidance on Food Loss and Waste Measurement
4. Clarify and Communicate Information on Food Safety, Food Date Labels, and Food Donations
5. Collaborate with Private Industry to Reduce Food Loss and Waste Across the Supply Chain
6. Encourage Food Waste Reduction by Federal Agencies in their Respective Facilities

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