

STANDARD 1.2.5

DATE MARKING OF FOOD

Purpose

This Standard prescribes a date marking system for food and the form in which those foods must be date marked. The Standard requires food, with some exceptions, to be date marked, and prohibits the sale of food after the expiration of the use-by date, where such a date mark is required. In particular, clause 2 of this Standard sets out the circumstances in which a use-by date must be used instead of a best-before date.

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1 Interpretation

In this Standard –

baked-for date, in relation to bread, means a date not later than 12 hours after the time the bread was baked.

Editorial note:

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

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

best-before date, in relation to a package of food, means the date which signifies the end of the period during which the intact package of food, if stored in accordance with any stated storage conditions, will remain fully marketable and will retain any specific qualities for which express or implied claims have been made.

use-by date, in relation to a package of food, means the date which signifies the end of the estimated period if stored in accordance with any stated storage conditions, after which the intact package of food should not be consumed because of health or safety reasons.

2 Food must be date marked

(1) Unless otherwise expressly prescribed in this Code, the label on a package of food must include –

- (a) its use-by date, where the food should be consumed before a certain date because of health or safety reasons; or
- (b) where paragraph 2(1)(a) does not apply, its best-before date;

unless –

- (c) the best-before date of the food is two years or more; or
- (d) the food is –
 - (i) an individual portion of ice cream or ice confection; or
 - (ii) in a small package, except where the food should be consumed before a certain date because of health or safety reasons.

(2) Reserved.

Editorial note:

Standard 1.2.1 sets out the exemptions to the general labelling requirements in this Code. Standard 1.1.1 provides a definition of 'small package'.

(3) The label on a package of bread with a shelf life less than 7 days, may include instead of a best-before date –

- (a) its baked-on date; or
- (b) its baked-for date.

3 Prohibition on sale of food after the use-by date

Food must not be sold past its use-by date.

4 Prescribed form of date mark

(1) A best-before date must use the words –

'Best Before'

accompanied by the date or a reference to where the date is located in the label.

(2) A use-by date must use the words –

'Use By'

accompanied by the date or a reference to where the date is located in the label.

(3) A baked-for date must use either the words –

'Baked For'; or

'Bkd For'

accompanied by the date or a reference to where the date is located in the label.

(4) A baked-on date must use either the words –

'Baked On'; or

'Bkd On'

accompanied by the date or a reference to where the date is located in the label.

5 Prescribed form of date

(1) If the best-before date or use-by date of a food is not more than 3 months from the date it is applied, the date mark must consist at least of the day and month, expressed in that order.

(2) If the best-before date or use-by date of a food is more than 3 months from the date it is applied, the date mark must consist at least of the month and year, expressed in that order.

(3) The best-before date and use-by date must be expressed in numerical form, except for the month which may be expressed in letters. Where the month is expressed in letters, the month may precede the day.

(4) The day, month and year so expressed within the best-before or use-by date must be distinguishable.

Examples:

For subclause 5(1) –

23 Dec or 23 12
23 12 2012 or 23 Dec 2012

For subclause 5(2) –

Dec 2012 or 12 2012
23 12 2012 or 23 Dec 2012

For subclause 5(3) –

23 Dec 2012 or Dec 23 2012

6 Statement of storage conditions

The label on a package of food must include a statement of any specific storage conditions required to ensure that the food will keep for the period indicated by the use-by date, or the best-before date.

7 Exclusive date marking system to be used

(1) Subject to subclause (2), the label on a package of food must not include a date marking system other than that prescribed by this Standard.

(2) Subclause (1) does not preclude the label on a package of food from including a packed-on date or a manufacturer's or packer's code in addition to the required use-by date or best-before date.

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 a compilation of Standard 1.2.5 as in force on **30 October 2014** (up to Amendment No. 150). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **30 October 2014**.

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 Legislative Instruments 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	am = amended
exp = expired or ceased to have effect	rep = repealed
rs = repealed and substituted	

Standard 1.2.5 was published in the *Commonwealth of Australia Gazette* No. P 30 on 20 December 2000 as part of Amendment No. 53 (F2008B00605 — 30 September 2008) and has since been amended as follows:

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Standard Title	100	F2008L02396 10 July 2008 FSC 42 10 July 2008	10 July 2008	rs	Consequential amendment relating to the replacement of Standard 1.2.1.
Purpose	100	F2008L02396 10 July 2008 FSC 42 10 July 2008	10 July 2008	rs	Consequential amendment relating to the replacement of Standard 1.2.1.
1	101	F2008L03058 14 Aug 2008 FSC 43 14 Aug 2008	14 Aug 2008	ad	Editorial note following definition of 'baked-for date'
1	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	am	Definition of 'use-by date'.
2(1)	100	F2008L02396 10 July 2008 FSC 42 10 July 2008	10 July 2008	rep	Editorial note following subclause as a consequential amendment relating to the replacement of Standard 1.2.1.
2(2)	100	F2008L02396 10 July 2008 FSC 42 10 July 2008	10 July 2008	ad	Subclause and Editorial note as a consequential amendment relating to the replacement of Standard 1.2.1.

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2(2)	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	am	Editorial note following subclause.
2(2)	150	F2014L01427 28 Oct 2014 FSC92 30 Oct 2014	30 Oct 2014	rs	Editorial note to update incorrect references.
4(3)	101	F2008L03058 14 Aug 2008 FSC 43 14 Aug 2008	14 Aug 2008	rep	Editorial note following subclause.
5	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	rs	Clause.
5(4)	135	F2012L02014 10 Oct 2012 FSC 77 11 Oct 2012	11 Oct 2012	am	Correction of incorrect references.
6	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	rs	Clause.
7(2)	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	rs	Subclause.