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PROPOSED DRAFT REVISION OF THE *GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS: DATE MARKING* (Comments at Step 3)

(Comments submitted by Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, European Union, India, Iran, Jamaica, Malaysia, New Zealand, Paraguay, Peru, United States of America, FIVS, ICGMA, IDF and IFT)

BRAZIL

General Comments

Brazil supports the revision of date marking provisions of the *General Standard for the Labelling of Prepackaged Foods* because the improvement of the definitions and the criteria for use of each type of date mark could assist in the reduction of food trade problems and confusion among consumers, food business operators and regulators.

Specific Comments

2. DEFINITION OF TERMS:

For use in ***Date Marking*** of prepackaged food:

“Date of Manufacture” means the date on which the food becomes the product as described. ~~This is not an indication of the durability of the product.~~

Rationale: *Brazil does not support the inclusion of the last sentence because the actual definition is clear. We understand that the ‘date of manufacture’ and other related terms (date of production, elaboration date) could provide useful information to consumers about the freshness of the food. The ‘date of manufacture’ is also mentioned in many Codex Standards¹ as an alternative date mark to the date of minimum durability for products not intended to be purchased as such by the final consumer.*

“Date of Packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold. ~~This is not an indication of the durability of the product.~~

Rationale: *Brazil does not agree with the inclusion of the last sentence because the actual definition is clear. The ‘date of packaging’ could be useful to consumers and retailers when applied to prepackaged products that do not have clear date of manufacture, such as prepackaged fruits and vegetables, or products that have been manipulated and repacked. Furthermore, the Code of Practice for Fish and Fishery Products (CAC/RCP 52-2003) recommends the declaration of the date of packaging in the label of some products, but this date mark is only defined in the GSLPF.*

“Sell-by Date” means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home. ~~This is not an indication of the durability of the product.~~

Rationale: *Brazil supports the exclusion of this definition. We understand that date marks applied exclusively for commercial purpose, such as the control of food stock by retailers (e.g. sell-by date/display until), should have their use in food labelling reviewed. This type of information should not be applied to food labels because it could mislead consumers.*

¹ Codex Stan 263-1966, 264-1966, Codex Stan 265-1966, Codex Stan 266-1966, Codex Stan 267-1966, Codex Stan 268-1966, Codex Stan 269-1967, Codex Stan 270-1968, Codex Stan 271-1968, Codex Stan 272-1968, Codex Stan 283-1978.

~~“Date of Minimum Durability” or “Best before Date” or “Best Quality Before Date” means the date which signifies the end of the estimated period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which tacit implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.~~

***Rationale:** Brazil believes that the use of ‘best before date’ could result in more food trade problems, consumers’ confusion and food waste. Thus, we suggest excluding this definition from GSLPF.*

We like to point out that safety and quality parameters can influence each other and that for some foods the classification of these parameters is not straightforward. In this context, the proposed definition does not provide clear guidance on the parameters that should be used. Furthermore, it should be noted that the possibility to estimate the ‘best before date’ based exclusively on subjective sensory attributes could result in the use of inconsistent and unreliable methods of date mark determination by food industry.

Brazil is also concerned about the lack of precision of the ‘best before date’ as it does not indicate how long the product could be marketed or consumed after its expiration. This could mislead consumers and difficult enforcement actions by regulators.

~~“Use-by Date” or “Use or Consume by date” or “Expires by” or “Expiration Date” means the date which signifies the end of the estimated period shelf life under any stated storage conditions, after which the product should not be sold or consumed due to safety reasons. After this date, the food should not be regarded as marketable.~~

“Shelf life” means the estimated period during which the food maintains its safety and sensory qualities at a specific storage condition.

***Rationale:** Brazil understands that ‘use-by date’ definition should indicate the end of a food’s shelf life, which is based in safety and quality parameters. This approach has the advantage to provide consumers with simple and useful information on how long the food could be marketed and consumed. Besides, it would provide clearer guidance for manufactures on the methodologies that should be used and could facilitate enforcement actions by regulators.*

Thus, we suggest amending the definition of ‘use-by date’ to include de term ‘shelf life’ and to add a new definition of ‘shelf life’ that was adapted from the definitions in the Code of Hygienic Practice for Refrigerated Packaged Foods with Extended Shelf Life (CAC/RCP 46-1999) and in the Code of Practice for Fish and Fishery Products (CAC/RCP 52-2003).

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply unless clause 4.7.1(v) applies:

(i) When a food must be consumed before a certain date to ensure its safety or **quality** nutritional adequacy ~~for a particular population group for which the product is intended~~ the “Use-by Date” or “Use or Consume by date” or “Expires by” or “Expiration Date” shall be declared.¹

~~(ii) Where a Use-by Date or Use or Consumed by date or Expires by or Expiration Date is not required the Best before Date or Best Before Quality Date or Date of Minimum Durability shall be declared.~~

***Rationale:** Brazil understands that the development of a specific date mark definition for safety/nutritional parameters and other for quality parameters is not the best approach available. The application of ‘use-by date’ to indicate the end of a food shelf life based on both quality and safety aspects would be more effective for consumers, food business operators and regulators.*

(iii) The date marking should be as follows:

- On products with a ~~minimum~~ durability of not more than three months the day and month and year shall be declared; ~~more than three month the month and year shall be declared.~~
- On products with a durability of more than three months at least the month and the year shall be declared.

(iv) The date shall be introduced by the words:

- “Use-by” or ~~“Best before~~” as applicable where the day is indicated; or

~~“Use-by end....” or “Best before end” as applicable~~ in other cases. The words referred to in this paragraph (iv) shall be introduced and used by accompanied by:

- either the date itself; or
- a reference to where the date is given.

The day and year shall may be declared by uncoded numbers numerical sequence except that with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers. in these countries where such use will not confuse the consumer. Where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day month year must be given by appropriate abbreviations accompanying the date mark. (e.g. DD/MM/YYYY). The declaration of the month in date marking shall be consistent with 8.2

Rationale: Brazil supports the proposed changes as they could help minimizing the problems with the format of date marks that were identified by some delegations. However, the 'best before' terms should be deleted as they might be confusing to consumers.

~~(v) [(Notwithstanding 4.7.1 (i) and 4.7.1 (ii) a date of minimum mark durability or best before date or best before quality date shall not be required for:~~

- ~~• fresh fruits and vegetables, including potatoes tubers which have not been peeled, cut or similarly treated;~~
- ~~• wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;~~
- ~~• alcoholic beverages containing at least 10% alcohol by volume, except those beverages that contain ingredients with protein such as milk and dairy products, eggs and derivatives and plant material which will have a different stability behaviour related to their shelf life.~~
- ~~• bakers' or pastry cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;~~
- ~~• naturally fermented white or brown vinegar and white or brown acetic acid vinegar;~~
- ~~• non-iodized food grade salt;~~
- ~~• solid sugars;~~
- ~~• confectionery products consisting of flavoured and/or coloured sugars;~~
- ~~• chewing gum.~~

~~Where a product is not required to bear a date mark in accordance with 4.7.1(vii) provision the "Date of Manufacture" or the "Date of Packaging" may/shall be used.]~~

Rationale: Brazil understands that exemptions to date marking should be based on clear technical or scientific criteria. List of foods should be used only as examples of products that would be covered by these criteria. As the GSLPF does not provide the rationale for this list, we propose its exclusion. It should be noted that Codex Committees may exempt specific commodities from date marking when adequate justification is presented to CCFL.

~~[(x) Only one [type of] date mark should be used on a product at any one time.]~~

Rationale: In certain situations the declaration of date marks with clear different purposes might be useful. We do not have any evidence that these situations would represent a problem. Thus, we cannot support this provision.

4.7.2 In addition to the ~~date of minimum durability~~ date mark, any special conditions for the storage of the food shall be declared on the label where they are required to support the integrity of the date mark. ~~if the validity of the date depends thereon~~

Rationale: Brazil supports this provision with the deletion of the words 'date of minimum durability'.

CANADA

General Comments

Generally, Canada supports the proposed approach for amending date marking. We believe that date marking should be clear and understandable to communicate information to the consumer. We recognize the importance of flexibility in the date marking and, at the same time, the need for consistency in the presentation for consumers.

Specific Comments

2. Definition of Terms

Canada supports the amendments agreed to at the 42nd session of CCFL with respect to Section 2. *Definition of terms.* We agree with:

- the removal of the "sell by date" definition as it is not used within the body of the text, and
- the text changes in the "date of minimum durability" and the "use by date" definitions.

Section 4.7.1

Canada supports the progress made in section 4.7.1 at the last session, which outlines when to apply an expiry date and when to use a best before date. The following are specific comments on the subsections.

Section 4.7.1 (ii)

For consistency with other sections, the date marking terms could be put within quotation marks, i.e. Where a “Use-by Date” or “Use or Consume by date” ...The “d” in “consumed” should be removed, to match the term used in the definition.

The term “best before quality date” in 4.7.1 (ii) is not consistent with term used in the definition of terms: “best quality before date”.

For clarity, the text could make reference to exemptions:

“...date of minimum durability shall be declared, **except where exempted.**”

Section 4.7.1 (iv)

We suggest some clarity on when the terms “use by end” or “best before end” are used. Currently, the text reads “as applicable in other cases”. The other cases are when the day is not indicated. We suggest the following text:

(iv)... or “use-by end...” or “best before end...” as applicable **when only the month and year are declared.**

The text “a reference to where the date is given” may be clearer if indicated where the date is shown, the suggested revised text is:

- a reference to where the date is **shown**

Additionally, we suggest that the “shall” be changed to “may” in paragraph **iv)** that follows the bulleted text, as all possibilities are provided and the one used is optional. Suggested text change:

“.....and the month **may** be declared by letters or characters, or numbers.”

Finally, in this same paragraph, we recommend that there be additional examples of the abbreviation sequencing, to help explain the intention and, for greater clarity, that day month year not to appear as a sequence but as “day, month, and year”. The suggested text change is the following:

“...., the sequence of the day, month, **and** year must be given by appropriate abbreviations accompanying the date mark, for example DD/MM/YYYY **or YYYY/DD/MM or MM/DD/YYYY**

For consideration, in the case where the year is expressed as only two digits, for example: 11/03/15, then should the accompanying abbreviation be DD/MM/YY?

We support the same flexibility of order when two digit-year is used, for example: DD/MM/YY, MM/DD/YY, YY/DD/MM.

Section 4.7.1 (v)

Canada notes that the development of criteria for foods that could be exempt from date marking is an area for further discussion and that, if criteria were established, the list of foods in section 4.7.1 (v) could be considered examples and not intended to be all inclusive.

With respect to comments on exemptions, Canada continues to support the introduction of the text “non-iodized” to food grade salt. The exemption for food grade salt should not include iodized salt, as the level of iodine degrades relatively quickly and may not deliver on public health objectives in absence of date marking.

For fresh fruits and vegetables including tubers, we would support exemption for fresh fruits and vegetables including tubers, including those that have been peeled, cut, or similarly treated.

We also believe that in the current text (if retained), there should be a comma added after tubers, so it is clear that the “not been peeled, cut or similarly treated” applies to fresh fruits and vegetables, as well as tubers. The text suggested is:

- fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated;

We support the retention of the current exemption for the various wines listed in the standard, recognizing that as wines age, there are no biological, chemical or physical risks that develop.

The exemption proposed for alcoholic beverages may be difficult to apply, for example, there are vodkas with grass and tequila with worms that may not have a shorter shelf life. Perhaps the text could be amended as follow:

“.....and plant material **where there is** a different stability behavior related to their shelf life”

With respect to the statement, “Where a product is not required to bear a date mark in accordance with provision the “date of manufacture” or the “date of packaging” may/shall be used”: Canada supports the use of “may” so that the other date marks may be used, provided the consumer is not misled and it is clear what the date mark refers to.

Section 4.7.1 (x)

Canada recognizes that clear communication of the “best before date” or “use by date” is important. We believe that, if made very clear on the meaning of an additional date so that consumers are not misled, and if using the same style of formatting for consistency, other dates could be applied to the label. The text could be reworded to reflect this:

More than one date mark may be applied, provided the consumer is not misled and it is clear what the date mark refers to.

Section 4.7.2

Canada suggests that any special conditions for the storage of food may not be limited to the date of minimum durability. We propose the following text change:

“In addition to the date of “minimum durability” **or the “use-by date”** date mark, any special conditions....”

CHILE

2. Definition of terms:

We agree with the definition of terms proposed, with the exception of “Use-by Date”, for which we propose the following modification:

- Add, as synonyms, the following expressions: “Expiration date", “Expires by...”, “Consume before the.....” The request is based on the fact that in Chile, and in other countries in the region, these are commonly used expressions easily understood by consumers.

4.7 Date marking and storage instructions

On Point i)

- We propose adding, as synonyms, the following expressions: “Expiration date", “Expires by...”, “Consume by date” The request is based on the fact that in Chile, and in other countries, these are commonly used expressions easily understood by consumers.

On Point iv)

- We propose adding the terms: “Expiration date", “Expires by...”, “Consume before the ...” The request is based on the fact that in Chile, and other countries in the region, these are commonly used expressions easily understood by consumers.
- We propose replacing the term “uncoded” by “in”.

On Point v).

- We propose eliminating it.
- We also propose that, for those foods where including the expiration date is not required, the expression “indefinite duration” be included in the labelling, thus avoiding the unnecessary waste of food.

The wording of the heading is confusing and the exceptions raised in this point are of a very diverse nature, without the argument of food safety being clear. We propose therefore its elimination given the lack of clarity of its objective and because it does not offer a coherent support among the food types included.

- On Point x). We propose eliminating this point as its wording is confusing and in contradiction to other points in this Standard, as the expiration date of the food should be clearly indicated.

COLOMBIA

2. Definition of terms:

For the purpose of “Date Marking” of prepackaged foods:

“Date of Manufacture” means the date on which the food becomes the product as described. ~~This is not an indication of the durability of the product.~~

“Date of Packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold. ~~This is not an indication of the durability of the product.~~

“Sell-by-Date” ~~means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.~~

“Date of Minimum Durability” (“Best consumed before”), means the date which signifies the end of the estimated period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which ~~tacit~~, implicit or explicit claims have been made. However, after this date, the food may still be fully-satisfactory acceptable for consumption.

“Use-by-Date” (recommended limit date for consumption, expiry date, expiration date), means the date which signifies the end of the period after which the product, stored under the stated storage conditions, will probably lack the quality and safety attributes normally expected by the consumers. After that date, the food will not be regarded as marketable.

4.7 Date marking

4.7.1 If not otherwise determined in an individual Codex standard, the following *date marking* shall apply:

(i) Each container should have engraved or marked, in a visible, legible and indelible manner, the Use-by Date and/or the minimum duration date. The “minimum duration date” or “Use-By Date” shall be declared.

(ii) When a food must be consumed before a certain date to ensure its safety ~~or nutritional adequacy [for a particular population group for which the product is intended]~~, the “Use or consume by date” or “Expires by” or “Expiry date” or Expiration Date shall be declared.

This will consist at least of:

- On products with a minimum durability of not more than three months, the day and month and year shall be declared
- On products with a durability of more than three months, at least the month and year shall be declared.

~~The date should be declared by the words:~~

(iii) When the minimum duration date is declared it will be done by the following wording:

- “Best consumed before”, when the day is indicated.
- “Best consumed before the end of ...” in other cases

(iv) The limit utilization date should be declared by words or abbreviations:

1. “Expiry date”, without abbreviations.
2. “Expiration date or its abbreviations (EXP. Date. or E.D.).
3. “Lapses” or its abbreviation (EXP.).
4. “Expires” or its abbreviation (EXP.).
5. “Consume before...” or any other equivalent wording, without using abbreviations;

(v) The words prescribed in point (iv) should be accompanied by:

- *The date itself or a reference to the place where the date is shown.*

(vi) The day, month and year should be declared in strict uncoded numerical sequence, except that the month may be declared by letters in those countries where such use will not confuse the consumer.

The date and year should may be declared with uncoded numbers in a numerical sequence, except that the year may be indicated by two or four digits and the month must be declared by letters or characters or numbers in those countries where such use will not confuse the consumer. ~~Where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day,~~

~~month and year must be given by appropriate abbreviations accompanying the date marking. (E.g. DD/MM/YYYY). The declaration of the month in date marking shall be consistent with Section 8.2.~~

(vii) Notwithstanding the indications of 4.7.1 i), a minimum durability date or best consume before date shall not be required for:

- Fresh fruits and vegetables, including ~~potatoes~~ tubers which have not been peeled, cut or similarly treated;
- Wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- Alcoholic beverages containing at least 10% alcohol by volume, except those beverages that contain ingredients with protein such as milk and dairy products, eggs and derivatives and plant material with a different stability behaviour related to their shelf life.
- “Bakers’ or “pastry-cooks” wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- ~~Naturally fermented white or brown vinegar and white or brown acetic acid~~ Vinegar;
- Non-iodized Food grade salt;
- Solid sugars;
- Confectionery products consisting of flavoured and/or coloured sugars;
- Chewing gum.

Where a product is not required to bear a date mark in accordance with the 4.7.1 (vii) provision, the “Date of Manufacture” or the “Date of Packaging” ~~may/shall~~ be used.]

~~[(x) Only one [type of] date mark should be used on a product at any given time.]~~

4.7.2 In addition to the ~~minimum durability~~ date mark, any special conditions for the storage of the food shall be declared on the label when they are required to support the integrity of the date mark if the validity of the date depends thereon.

COSTA RICA

Specific Comments

1. Costa Rica proposes modifying the following paragraph to say:

Where a product is not required to bear a date mark in accordance with the 4.7.1 (v) (vii) provisions the “Date of Manufacture” or the “Date of Packaging” ~~may/shall~~ be used.]

2. In addition, Costa Rica proposes the following wording for the sentence “[x)”:

“Only one ~~[type of]~~ date mark should be used on a product ~~at any one time in accordance with the provisions in 4.7.1, depending of its shelf life.]”~~

Justification: The spirit of this sentence should make it clear to the consumer, without creating confusion, from which date onwards the product should not be consumed, as having two dates in a product is confusing.

CUBA

We agree in principle with the definitions expressed in the document, which are: **Date of Manufacture, Date of Packaging and Sell-by-Date.**

Regarding the **Date of Minimum Durability (Best consumed before)**, we are also in agreement with it as it serves as guidance to the consumer regarding the best quality of the food.

Regarding the date format

We agree with the date marking as day/month/year, it is the most commonly used in our country, although we may also accept the month with 3 or more characters, thus avoiding incongruities. Nevertheless we agree that the predetermined format could be **day/month/year (options 2 and 3 of the alternative texts proposed)**

We also consider that the compulsory labelling information should be in the language of the market in which the product is sold, or in an understandable language, accepted by the competent authorities of such market.

Date exclusions and exceptions

We consider that the present exceptions list is appropriate according to section 4.7.1. We also

recommend consulting other Codex committees to make exceptions based on food safety criteria, for example the Codex Committee for Food Hygiene (CCFH).

For phase 2 of the work, we consider that all the topics that have been mentioned are important. Specifically, those related to the date marking of frozen foods and the expected duration of the products after they have been opened.

Cuba would like in principle to indicate that the limit utilization date, or expiry date, includes the storage durability.

In all cases, in the date marking should show, a lot or a production or manufacturing date and an expiry date in the previously discussed variants.

In the case of products shown as proposed to be exempted from date marking (4.7.1), we maintain the proposal for rapidly consumed products, such as pastry products.

EU

General Comments

The proliferation of different terms used globally for date marking has been identified as the main factor causing consumer confusion and misunderstanding and also as contributing to the food waste. Therefore, the EU believes that the number of terms related to the date marking should be considerably limited in the *General Standard for the Labelling of Pre-packaged Foods*² (GSLPF).

Date marking is an important piece of information for manufacturers, retailers and consumers to maintain food safety and quality. It enables consumers to identify and use safely both highly perishable foods and foods with a longer shelf life. Therefore, in principle, all foods should provide such information. Only foods for which date marking would not be relevant for ensuring maintenance of their safety and quality should be exempted from such a requirement. The EU supports the retention of the current exemptions' list as provided in the GSLPF. Any possible change should be duly substantiated.

Specific Comments

1. Paragraph 2 on the definition of terms

Date of Manufacture – The EU agrees on the new definition.

Date of Packaging – The EU agrees on the new definition.

Sell by Date – The EU agrees on the proposed deletion.

Date of minimum durability – The EU proposes to simplify the definition by using only the term “Date of minimum durability” and deleting the synonyms “Best before Date” and “Best Quality Before Date”. However, the term “Best before” should be retained as the form of expression for the “Date of minimum durability” (see point 4.7.1(iv)).

The EU is of the opinion that the variety of expressions for date marking should be limited as the greater the number of terms defined for date marking, the higher the risk of creating confusion and lack of understanding. Therefore, limiting the numbers of terms defined in the GSLPF should remain the main objective for the revision of the current standard.

The definition would then read:

“Date of Minimum Durability” or ~~“Best before Date” or “Best Quality Before Date”~~ means the date which signifies the end of the period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.

Use by date – The EU proposes to simplify the definition by deleting the synonyms “use or consume by date”, “expires by” and “expiration date” for the reasons detailed above.

The definition would then read:

“Use-by Date” or ~~“Use or Consume by date” or “Expires by” or “Expiration Date”~~ means the date which signifies the end of the period, under any stated storage conditions, after which the product should not be sold or consumed due to safety reasons.

2. Paragraph 4.7 on date marking and storage instructions

Section 4.7.1 (i) - The EU proposes the following changes for the reasons already mentioned above:

² CODEX STAN 1-1985

When a food must be consumed before a certain date to ensure its safety the “Use-by Date” or ~~“Use or Consume by date”~~ or ~~“Expires by”~~ or ~~“Expiration Date”~~ shall be declared.

Section 4.7.1 (ii) - The EU proposes the following changes for the reasons already mentioned above:

Where a Use-by Date or ~~Use or Consumed by date~~ or ~~Expires by~~ or ~~Expiration Date~~ is not required the ~~Best before Date~~ or ~~Best Before Quality Date~~ or ~~Date of Minimum Durability~~ shall be declared.

Section 4.7.1 (iii) – The EU notes that the current text of the standard limits the date marking to the day and the month. The EU does not see the reasons for the proposed change for including the year. Requiring the day, month and year for products whose shelf life is not more than three months appears burdensome and not useful.

The risk to have consumer misled by a product whose labelled shelf life would be 1 year over the initial and real shelf life seems only theoretical. Indeed, products having a shelf life lower than three months are fresh or semi fresh products, whose appearance after one year of additional shelf life would anyhow discourage consumption. The EU could reconsider this position if there were evidence of possible consumer abuse with this date format. Therefore the EU would prefer section 4.7.1 (iii) to read as follows:

The date marking should be as follows:

- On products with a durability of not more than three months the day and month ~~and year~~ shall be declared;
- On products with a durability of more than three months at least the month and year shall be declared.

Section 4.7.1. (iv) - The EU notes that requiring the abbreviations accompanying the date mark whenever the latter is declared only in numbers or where the year is expressed as only two digits, would imposed disproportional burden on food business operators. Such additional statement should remain a voluntary requirement. Consequently, the EU proposes to amend the text in the following way:

The day and year ~~shall~~ ~~may~~ be declared by uncoded numbers ~~numerical sequence except that~~ with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers. ~~in these countries where such use will not confuse the consumer. Where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day month and year must~~ ~~may~~ be given by appropriate abbreviations accompanying the date mark. (e.g. DD/MM/YYYY) ~~The declaration of the month in date marking shall be consistent with 8.2~~

Section 4.7.1 (v) - The EU observes that the proposed text limits the scope of certain exemptions.

The existing list of derogations encompasses foods for which the deterioration is clearly visible for the consumer, like fresh fruits and vegetables, but also alcoholic beverages containing at least 10% alcohol by volume and ingredients which have a lower stability behaviour related to their shelf life. It also includes products for which there is no substantial reduction of quality and whose properties exclude the growth of pathogens or even reduce them. This list had been incorporated into different national legal systems across the world for decades. Therefore, the EU would like to know what are the reasons and the justifications of the proposed changes concerning the limitation of the exemptions for vinegar and salt.

Therefore, the EU would prefer the following text for the list of exemptions:

Notwithstanding 4.7.1 (i) and 4.7.1 (ii) a ~~date of minimum durability~~ or ~~best before date~~ or ~~best before quality date~~ shall not be required for:

- fresh fruits and vegetables, including tubers which have not been peeled, cut or similarly treated;
- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- alcoholic beverages containing at least 10% alcohol by volume, ~~except these beverages that contain ingredients with protein such as milk and dairy products, eggs and derivatives and plant material which will have a different stability behaviour related to their shelf life.~~
- bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- ~~naturally fermented white or brown vinegar and white or brown acetic acid vinegar;~~
- ~~non-iodized food grade salt~~
- solid sugars;
- confectionery products consisting of flavoured and/or coloured sugars;

- chewing gum.

Regarding the text related to the need of a date mark when a best before date or a use by date is not required, the EU would like to indicate that some other types of date marking, such as a baking date for a bakery product or a freezing date for a frozen product or date of manufacture for products such as those that mature during their normal shelf-life, may convey useful information on the freshness and/or quality of a product. The possibility to indicate such dates should therefore be kept regardless as to whether a best before or a use by date is required, while it does not seem essential to require mandatorily such date.

In order to avoid any misunderstanding about the meaning of the manufacturing date and the packaging date, the EU proposes the addition of a text similar to the one of paragraph 4.7.1 - (iv) requiring introductory words.

Regarding the need to ensure that only one date is labelled, the EU does not believe that consumers can be misled with more than one date, provided they are well defined on the label. Therefore, the EU is not in favour of the proposed additional text that would ensure that only one date mark should be used.

The EU would therefore be in favour in deleting from the 4.7.1.(v) provision the sentence: *Where a product is not required to bear a date mark in accordance with 4.7.1(v) provision the “Date of Manufacture” or the “Date of Packaging” may/shall be used*

and would like to propose a new point 4.7.1(vi) with the following text:

Section 4.7.1 (vi)

“Date of Manufacture” or “Date of Packaging” may be voluntary used on foods.

These dates shall be declared by the words "manufacturing date" or “packaging date” or otherwise determined at the national level. These words shall be accompanied by either the date itself or a reference to where the date is given.

~~[(x) Only one [type of] date mark should be used on a product at any one time.]~~

Section 4.7.2 -

The storage conditions should be provided for both dates “use by” and the “date of minimum durability”. Therefore, the EU proposes the following changes:

In addition to the ~~date of minimum durability~~ date mark, any special conditions for the storage of the food shall be declared on the label where they are required to support the integrity of the date mark and if the validity of the date depends thereon.

INDIA

General Comments

The draft revisions to the General Standard for Labelling of Pre-packaged Foods (GSLPF) were discussed in the 42nd session of the Codex Committee on Food Labelling in 2014 in Rome. The Committee revised several provisions to make them clearer, including definitions of the related terms and the format for declaration of date. However, owing to time constraints, the discussions on the other proposed revisions like use of ‘date of manufacture’ or ‘date of packaging’ in conjunction with other date marking and the clause 4.7.2 could not be completed. While the revisions made in the last session are largely acceptable, our comments on the remaining provisions are provided below.

Further, the practice of presenting minimum durability information on the package label in reference to the ‘date of manufacture’ or ‘date of packaging’ is also prevalent in countries and needs to be considered for inclusion in the standard.

The contents of Section 4.7 may be required to be re-formatted into subsections, if necessary, after the changes based on the specific comments below are incorporated.

Specific Comments

Section 4.7 Date Marking and storage instructions

1. Clause (x): Delete the new proposed clause.

Rationale: With respect to a food product, two dates are important, viz. the date on which the food became the product (Date of Manufacture) or was packaged (Date of Packaging), as the case may, and the date by which the food product should ideally be consumed (‘Best-before Date’ or ‘Use-by Date’, as the case may be) for the following reasons:

- These two dates constitute different information regarding the product and are not mutually exclusive in this context.
- It may also be noted, as already indicated in the Appendix IV to the document under discussion, that the Code of Ethics (CAC/RCP 20) states that *'No food (including re-exported food) should be in international trade which has an expiration date, where applicable, which does not leave sufficient time for distribution in the importing country'*. This clause will be discussed for a possible amendment to reflect the revised definitions in the GSLPF, in the Phase 2 of the current work on date marking (CX/FL 14/42/5, Appendix IV). To effectively operationalize this clause, the port clearance authorities and/or the regulatory authorities in the importing country will need information on the claimed shelf-life (duration) of the product, which would be available only if both these dates are provided. E.g. If two products with same best-before date, say 10 days from now, are to be imported, a food product (say fresh cheese) with 15 days shelf life would normally be allowed while a food product with 9 months shelf-life (say sauce) would normally not be allowed, even if these both have the same Best-before Date. This is so because the 'sufficient time for distribution' depends upon the nature of the product which in turn is reflected by its shelf life (duration) in the current context. In the above example, 10 days are adequate for distribution of fresh cheese but not for sauce due to different nature of these products, reflected through their different shelf-life durations in the current context. Keeping this in view and for practical reasons, the countries establish 'sufficient time for distribution' in the form of 'percentage of remaining shelf-life' as a common approach for all foods rather than based on the best before date which will result in a list.
- Two dates are also necessary to prevent possible fraud involving practice of declaring undue/revised 'Best before date' in order to market the product nearing end of the original 'Best before date. In this context, the 'Date of Production' is verifiable and can be used to estimate the actual 'Best-before Date' based on available scientific literature. This would not be possible if only the 'Best-before Date', which is the prerogative of the manufacturer and hence cannot be contested in isolation of the information on the 'Date of Manufacture', were declared.

Thus, it would be appropriate if this clause is deleted.

2. Subsection 4.7.2: The text may be amended as follows:

*"In addition to the date of minimum durability date mark, any special conditions for the storage of the food shall be declared on the label ~~where they are required to support the integrity of the date mark.~~ **if the validity of the date depends thereon.**"*

Rationale: The text reading *'where they are required to support the integrity of the date mark'* in the later part of the sentence is not clear in the context as it may also be interpreted as the physical integrity (e.g. not to smudge etc.) of the printed date itself. In other words, it is the 'validity' (original text) of the date and not integrity (new proposed text) of the date that depends on the storage conditions. Hence, it is felt that the original text is clearer and may be retained.

3. New proposed provision to declare 'date of manufacture' or 'date of packaging': A new provision for declaration of the 'date of manufacture' or 'date of packaging' should be made appropriately in the Section 4.7. The following text can be inserted at an appropriate place to address this:

"The 'date of manufacture' or 'date of packaging' of the product shall be declared using the date format described in the last paragraph of the Clause 4.7.2 (iv)."

Rationale: Please refer to our comment proposing deletion of Clause (X) above. Also, these dates indicate freshness of the product and hence form important information for consumer to make an informed choice.

New proposed provision to allow declaration of best before date in reference to the 'date of manufacture' or 'date of packaging': Insert the following text as a new Clause (v):

"(v) The best before date may also be declared as 'Best before _____ days from manufacturing' or 'Best before _____ months from manufacturing' or 'Best before _____ days from packaging' or 'Best before _____ months from packaging', the blank being filled with appropriate number of days or month.

With this, the subsequent sections would be required to be re-numbered.

Rationale: Best before date can also be effectively expressed with reference to the 'date of manufacture' or 'date of packaging. This eases the process of date declaration for the industry as only one date ('date of manufacture' or 'date of packaging') is required to be printed online while the best before date can be pre-printed on the packaging material if this format is used. Indian food legislation allows for this. The consumer is also used to it and understands it well. We believe that this is a practice in many other countries as well and hence must be covered in this standard.

4. Re-formatting of contents of Section 4.7: If felt necessary in the interest of better presentation and understanding, the contents of the Section 4.7 may be put into separately titled subsections like 'Best before date', 'Date of manufacturing or date of packaging', 'Date format', 'Exemptions' etc. The Committee may like to discuss this and decide.

IRAN

Proposed Draft Revision of the General Standard for the Labeling of Prepackaged Foods: Date Marking.

Iran agrees with the three following main Dates:

A- *Date of Manufacture* B- *Best Quality Before Date* C- *Consume by Date*

Although **Date of Packing** as an indicator to Product's Freshness, via specifying the Interval between Manufacturing and Packing time, should be considered as a great importance temporal markings.

JAMAICA

General Comments

Jamaica agrees with the text on date marking as written in section 4.7.1 of the General Standard on Labelling of Pre-packaged Foods (GSLPF). The recommendations being made by some committee members are in alignment with the local pre-packaged food standards JS CRS 5: 2010. The main challenge however is the different terminology used to describe the date of minimum durability. Jamaica agrees that the definition for "Sell-by Date" be removed from the GSLPF, the Date of Minimum Durability ("best before") be retained but slightly modified and renamed as "Best-before Date" and that the definitions for Date of Manufacture, Date of Packaging and Use-by Date be retained in the GSLPF with modifications.

Jamaica accepts the definition for shelf life as written in the GSLPF as satisfactory. Note that in the local standard, "Use by Date" took into consideration both the safety and quality of the product.

Specific Comments

Definitions

"Best before **Date**" means the date which signifies the end of the **minimum guaranteed quality of the food** under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or expressed claims have been made. However, beyond that date, the food may still be perfectly satisfactory.

"**Expiry Date**" (Recommended Last Consumption Date, Expiration Date) means the date which signifies the end of the **minimum guaranteed quality and/or safety of the food** under any stated storage conditions. The product after this date will not have the quality/safety attributes normally expected by the consumers. After this date, the food should not be regarded as consumable nor marketable.

Justification

1. The date marks stated above would be used according to the nature of the product; for example UHT milk, juices etc. would use an "expiry date".
2. In terms of "best before date", loss of quality characteristics would not result in food being unsafe; for example bottled water and perishable items or food with short shelf life such as baked products.

MALAYSIA

General Comments

Malaysia appreciates the opportunity to provide comments on the Date Marking (Proposed Draft Revision of the General Standard for the Labelling of Pre-packaged Foods).

Specific Comments

i. Clarification on the term "Best Quality Before Date"

Malaysia would like to point out that the term used in para 68 of the report is "Best quality before date", whereas in Para 4.7.1 (ii) of Appendix IV in pg 60 of the same report, the term used is "Best before quality date".

Malaysia is of the view that the term "*Best Quality Before Date*" or "*Best before quality date*" are not appropriate as these terms imply quality grading of the product. In the Malaysian Food Regulations and perhaps in other countries as well, words to indicate grading, quality or superiority are not permitted on labels of a product, unless approved by specific relevant authorities.

Hence, Malaysia proposes that the terms “Best Quality Before Date” or “Best before quality date” to be deleted. It is our opinion that the other terms, namely “date of minimum durability” and “best before date” are sufficient to describe that the product may still be acceptable for consumption, but without using a term that could imply quality or grading claim.

ii. Formatting for paragraph 4.7.1 (iv)

Malaysia note that the current formatting of paragraph 4.7.1 (iv) is confusing, as such we would like to propose amendments to the formatting as follows:

Existing Text

(iv) The date shall be introduced by the words:

- “Use-by” or “Best before” as applicable where the day is indicated; or

“Use-by end....” or “Best before end ...” as applicable in other cases. The words referred to in this paragraph (iv) shall be ~~introduced and used by~~ accompanied by:

- either the date itself; or
- a reference to where the date is given.

The day and year shall ~~maybe~~ be declared by uncoded numbers ~~numerical sequence except that~~ with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers. in those countries where such use will not confuse the consumer. Where only numbers are used to declare the date or where the year is.....

Proposed Text

(iv) The date shall be introduced by the words:

- “Use-by” or “Best before” as applicable where the day is indicated; or
- “Use-by end....” or “Best before end ...” as applicable in other cases.

The words referred to in this paragraph (iv) shall be ~~introduced and used by~~ accompanied by:

- either the date itself; or
- a reference to where the date is given.
- The day and year shall ~~maybe~~ be declared by uncoded numbers ~~numerical sequence except that~~ with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers. in those countries where such use will not confuse the consumer. Where only numbers are used to declare the date or where the year is.....

vi) Paragraph 4.7.1 (v)

In accordance with new Paragraph 4.7.1(i) and (ii), Malaysia feels that not only quality date marking, safety date marking should be also exempted for certain food commodity under this section.

Hence, Malaysia proposed to delete the term “or best before quality” as consequential amendment and adding the text in bold, as indicated below:

(v) [(Notwithstanding 4.7.1 (i) and 4.7.1 (ii) a date of minimum ~~mark~~ durability or best before date ~~or best before quality~~ **or “Use-by Date” or “Use or Consume by date” or “Expires by” or “Expiration Date”** ~~date~~ shall not be required for:.....

v) Paragraph 4.7.1 (v) – Proposed word “may”

Malaysia agreed with the word “may” rather than “shall” because it is more appropriate.

Proposed text

Where a product is not required to bear a date mark in accordance with 4.7.1(vii) provision the “Date of Manufacture” or the “Date of Packaging” ~~may/shall~~ be used.

vi) Paragraph 4.7.1 (x)

Malaysia wish to reiterate our position that the type of date marks allowed to be used on a product **should not be limited to one only at any one time**. The date of manufacture/ packaging and expiry date (use by/ best before) may be declared at the same time. “Date of manufacture” and “date of packaging” could give

information to consumers regarding freshness of the product. Thus, we propose to delete the statement in 4.7.1 (x)

NEW ZEALAND

New Zealand welcomes the opportunity to provide comments on the draft revision of the General Standard for the Labelling of Prepackaged Foods with regards to date marking.

New Zealand is very supportive of the work being done by the CCFL to harmonise the date marking globally particularly with regards to providing clearly defined terms for use on labels so that when particular terms are used there is a common understanding of their meaning.

CCFL 42 and the preceding physical working group on date marking made significant progress towards this goal, with a number of key agreements made during both sessions. Often these agreements were the result of detailed and very considered discussions and the agreed landing points were the result of significant compromise and good will on the part of members. New Zealand would be concerned if this significant progress was lost due to the agenda item not being completed at CCFL due to time constraints.

To assist in capturing the significant progress made and agreement reached at CCFL 42 New Zealand has compiled a list of those things which New Zealand considers were generally agreed in plenary at the last CCFL.

Things agreed at CCFL 42 include:

- Delete the “sell-by-date” definition
- Retain “Date of Manufacturing” and “Date of Packaging” definitions
- Retain “Date of minimum durability” / “Date of Best Quality before” / “ Best-before Date”
- Agreed the definition for Date of minimum durability as in para 68 of Alinorm.

“Date of Minimum Durability”, “Best before date” or “Best quality before Date” means the date which signifies the end of the period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.

- Include a definition for “Use-by Date” / “Consume by date” / “Expires by” / “Expiration date.
- Agreed on the definition for Use-by date as per para 70 of Alinorm (note this doesn’t include health or nutritional reasons as where these were seen as important they would be caught by “safety”)

“Use-by Date”, “Use or Consume by date”, “Expires by”, or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety reasons.

- Delete text from 4.7.1 (i) re nutritional for the same reasons as above and around the population groups
- Where a use by date is not required the best before (or equivalent term) shall be declared.
- That all 3 elements (day/month/year) shall be declared for foods with a shelf life of less than 3 months
- That at least the month and year shall be declared when shelf life is greater than 3 months
- That the date will be introduced by the words use-by.... Or Best before.....as applicable when day is declared and by Use-by end....or best-before end.... Where only month and year are declared
- To delete the text of 4.7.1 (vii)

“the declaration of the month in date marking shall be consistent with 8.2”

- That if only digits are used for the date mark that the sequence of the day/month/year must be given in addition.
- That the list of commodities for which a date of minimum durability would not be required be put in square brackets for further discussion.

This agreement was reached after considerable discussion in the electronic working groups and in the physical working group.

There were a number of issues where the plenary did not reach agreement at CCFL 42 and which will require more discussion. These are listed below:

Issues requiring further discussion include:

- The list of commodities for which a date of minimum durability would not be required

New Zealand does not support continuing to add to this list as it is supposed to be an illustration of the type of product that should be exempt from the date marking. The options are to explicitly state that the list is not exhaustive or to consider drafting criteria for the exemption from date marking. This issue has not been adequately discussed at the committee.

- Whether a food should only be allowed to have one date mark, or whether there were instances where more than one date mark may be appropriate (eg best before and a date of manufacture etc.

New Zealand would support permission of more than one datemark as the exception rather than the norm and limited to specific instances. There needs to be discussion about ways to minimise confusion if more than one date mark is used. This could include in both the wording used and the form of presentation.

- Presentation and extent of information required for date marking on small packages

In summary, New Zealand is very keen to move forward with this agenda item and not lose the great work done at CCFL 42 despite not finishing this agenda item. New Zealand therefore strongly supports that CCFL 43 does not reopen those issues where agreement was reached at CCFL 42 and rather focusses its attentions on the issues where agreement was not reached and further discussion is required.

PARAGUAY

General comments

The requisites for marking the date in our country are harmonized in the MERCOSUR's Technical Regulations on the Labelling of Packaged Foods and they cover quality and food safety parameters. "*Best consume by*" is included among the allowed descriptors and it is used indistinctly, as well as other allowed descriptors ("*Valid until*", *Expiration*, *Lapses*, *Use-By-Date...* and their abbreviations) to indicate the date up to which the food can be marketed, maintaining its properties and characteristics and still being suited for consumption. It should be pointed out that the Food Labelling Regulations are being revised, and, therefore, changes may take place in the descriptors used.

In that sense we do not support the proposal of having a date marking for foods classified by their risk or food safety ("Use-by-Date") and other markings that would only deal with quality issues ("Best consume by"). This proposal would lead to having to make great changes in our present system of date marking, not only by the health authorities in charge of it but also by the national industry, to comply with it.

Furthermore, if the proposed change takes place, investing in consumer education and training would have to be planned regarding the new way of marking the date in foods, as such a change could create confusion among them.

Specific comments

POINT 2. DEFINITION OF TERMS

Present wording

"Date of Manufacture" means the date on which the food becomes the product as described. **This is not an indication of the durability of the product.**

Proposed wording

"Date of Manufacture" means the date on which the food becomes the product as described. **This is not an indication of the durability of the product.**

Justification: We consider this sentence to be redundant and its inclusion is not necessary as the definition is clear.

Present wording

"Date of Packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold. **This is not an indication of the durability of the product.**

Proposed wording

"Date of Packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold. **This is not an indication of the durability of the product.**

Justification: We consider this sentence to be redundant and its inclusion is not necessary as the definition is clear.

Present wording

~~“**Sell-by-Date**” means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.~~

Observation: We agree eliminating this definition as there are already many date definitions, which could be confusing. In addition, we do not consider it necessary.

Present wording

~~“**Minimum Durability Date**”, (“**Best consumed before this date**”), means the date which signifies the end of the estimated period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond this date the food may still be fully satisfactory.~~

Observation: As we had mentioned in our general comments, we are not in agreement of establishing a date marking that would only consider quality parameters, as both parameters are related and can influence each other. We consider that the use of this descriptor for marking the date is not very precise and may end up being confusing and misleading to consumers, as after that date there would not be an indication or recommendation of the time period up to which the consumer may consume the product, leaving it up to the judgement of the consumer, which is considered risky. This could also cause problems for the health authorities in charge of the control, in case that health problems arise related to a product with this type of date marking based only on quality

Present wording

~~“**Use- by-Date**” (“Recommended limit date for consumption”, “Expiry date”), means the date which signifies the end of the period after which the product, stored under the stated storage conditions **should not be sold or consumed due to safety reasons.** After this date, the food should not be regarded as marketable.~~

Proposed wording

~~“**Use Consume- by-Date**” (“Recommended limit date for consumption”, “Expiry date” **or Duration Date**), means the date which signifies the end of the period during which the product, **stored under the storage conditions stated by the manufacturer, is still suitable for consumption, after which period it should not be sold or consumed due to safety reasons or loss of the nutritional characteristics.** After this **period**, the food should not be regarded as marketable.~~

Justification

We request that the term “use” be substituted by “consume”, as in Spanish, the term “consume” is more commonly associated with foods than the term “use”.

We propose eliminating from this definition the term *“Recommended to be consumed by”*, as it could cause confusion with the definition of *“Best consumed before this date”* which is defined *supra*. We consider that, particularly in this date marking, the message to the consumer must be clear and not leave any type of doubts regarding the fact that after that date the food can no longer be consumed.

We also propose the term security be replaced by safety which has a Codex definition and refers implicitly to the safe consumption of food, as it will not produce any harm when consumed. *(Translator Note: This comment applies mainly to the Spanish text where the both the terms “Seguridad” and “Inocuidad” have been used.)*

We propose as well the inclusion of the term *“Duration Date”*, as a synonym to the defined terms, and to add the sentence underlined and in bold to improve the quality of the definition (**under the storage conditions stated by the manufacturer, is still adequate for consumption, after which it should not be sold or consumed due to safety reasons or loss of the nutritional characteristics**)

Present wording

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall be used **unless clause 4.7.1(vii) applies:**

(i) When a food must be consumed before a certain date to ensure its safety or nutritional adequacy [for a particular population group for which the product is intended] the “Use-by Date” shall be declared

(ii) Where a “Use-by Date” is not required, the “Best use before this Date” the Date of Minimum Durability shall be declared.

Proposed wording

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall be used **unless clause 4.7.1(v) applies:**

~~(i) When a food must be consumed before a certain date to ensure its safety or nutritional adequacy for a particular population group for which the product is intended. The “Use Consume-by Date shall be declared~~

Observation: We propose eliminating these items to be in concordance with the position taken *supra*.

Present wording

(iii) It will consist at least, from the date when the date is marked:

- ~~The day and the month~~ **On** products with a minimum durability of not more than three months **the day and month shall be declared;** and
- ~~The month and the year~~ **On** products with a minimum durability of more than three months **the month and year shall be declared.** If the month is December, indicating the year will be enough.

(iv) The date shall be introduced by the words:

- **“Consume-by” or “Best before” as applicable** where the day is indicated; or
- **“Consume-by the end of...” or “Best before the end of ...” as applicable** in the other cases.

Proposed wording

(iii) It will consist ~~of~~ at least, from the date when the date is marked:

- ~~The day and the month~~ **On** products with a minimum durability of not more than three months **the day and month shall be declared; and**
- ~~The month and the year~~ **On** products with a minimum durability of more than three months **the month and year shall be declared.** If the month is December, indicating the year will be enough.

(iv) The date shall be introduced by the words:

- **“Consume-by” or “Expiration Date”, “Expires”, “Expiration” or “Valid until” “Best before” as applicable** where the day is indicated; **or**
- **“Consume-by the end of...” or “Best before the end of ...” as applicable** in the other cases.

Observation: We propose eliminating the descriptors that have been strikethrough to maintain concordance with the position taken *supra*.

In addition, we propose including other descriptors that may be used alternatively, for example, “Expiration date”, “Expires”, “Expiration” or “Valid until” and their abbreviations.

Present wording

(v) The words referred to in paragraph (iv) shall be accompanied by:

- Either the date itself; or
- A reference to where the date is given.

(vi) The day, the month and the year should be declared by uncoded numbers –numerical sequence except that the year could be indicated **with the year to be indicated by four (4) digits, and the month **to be declared** by letters **or characters**, in those countries where such use will not confuse the consumer.**

(vii) The declaration of the month in the date mark shall be in accordance with section 8.2.

Observation: We request that the option of expressing the month in numbers be kept, as we consider that its use is strongly accepted among consumers as well as understandable in any language.

Regarding the expression of the year, we request it may be given as a minimum by two digits.

Present wording

(viii) Notwithstanding the indications of 4.7.1 (i) **and 4.7.1 (ii)**, a **date marking** of minimum durability date shall not be required for:

- Fresh fruits and vegetables, including potatoes that have not been peeled, cut or similarly treated;
- Wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- Alcoholic beverages containing 10% or more alcohol by volume.
- “Bakers’ or “pastry-cooks” wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- Vinegar;
- Food grade salt;
- Solid sugars;
- Confectionery products consisting of flavoured and/or coloured sugars;
- Chewing gum.

Observation: We consider useful to list the products that are exempted from the requirement of bearing a date mark, but lists are always limiting, which is the reason why we propose that this list may be completed with the exceptions that may be made in the specific product standards.

Present wording

(ix) Where a product is not required to bear a date mark in accordance with 4.7.1(vii) the “Date of Manufacture” or the “Date of Packaging” may be used.]

Observation: We consider that the use of these dates should be a valid alternative for all foods and not only for the exceptions.

Present wording

[(x) Only one [type of] date mark should be used on a product at any given time.]

Observation: We request eliminating this item, based on the position assumed *supra* regarding the existence of only one type of marking of the date.

Present wording

4.7.2 In addition to the ~~date of minimum durability~~ **date mark**, any special conditions for the storage of the food shall be declared on the label **where they are required to support the integrity of the date mark** ~~if the validity of the date depends thereon.~~

Observation: We agree with this paragraph.

PERU

General comments

The National Technical Commission does not have any comments regarding the document presented.

Specific comments

2. DEFINITION OF TERMS

~~“Date of Minimum Durability”~~ or **“Best consume before ...”** means the date which signifies the end of the ~~estimated~~ period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which any ~~tacit~~, **implied** or expressed claims have been made. However, beyond this date the food may still be **acceptable for consumption**.

Justification: Only one definition should be indicated to avoid confusion in its interpretation. We recommend indicating only the text “Best consumed before”

“Use-by Date” or “Use or Consume by date” or “Expires by” or “Expiry Date” or “Consume before” means the date which signifies the end of the ~~estimated~~ period ~~of shelf-life~~ under any stated storage conditions, after which the product should not be sold or consumed due to safety reasons. ~~After this date, the food should not be regarded as marketable.~~

Justification: We consider that the sentence “Consume before...” should also be utilized as it is used in some countries.

United States of America

General Comments

The United States believes the 42nd session of CCFL made significant progress in reaching agreement on several key issues on date marking. The United States supports the Committee's decision to retain two date marks and shares the view also expressed by other delegations that two date marks for safety and quality are appropriate to distinguish consumer action appropriate for quality versus safety, help ensure that the loss of quality characteristics would not result in food being perceived as unsafe, and could help decrease food waste. We agree with the Committee's conclusion that the guidelines should retain one quality based date mark for use on the majority of prepackaged foods, and another safety based date mark for certain limited foods that naturally contain pathogenic bacteria. This approach provides flexibility to countries where consumers are already familiar with these labels and their intended purposes. We also support the Committee's decision to: (1) retain the definitions for "date of manufacture" and "date of packaging" with additional clarification that the dates are not an indication of the durability of the product; and (2) eliminate the definition for "sell by date."

The United States strongly supports the Committee's decisions on these key issues and would not support reopening these decisions for reconsideration at the 43rd session of CCFL. Rather, we believe the Committee should concentrate on the remaining issues that were not resolved at the last session, as discussed below.

Specific Comments

The United States supports the following amendments to Section 4.7 of the proposed draft revisions of the GSLPF in Section 4.7.1 (i) through (iv). The United States believes there was general agreement within the Committee on these amendments and does not believe any of the decisions made should be reopened for discussion.

Section 4.7.1 (i) through (iv) specifying that,

... "where a "use by date" or use or consumed by date or expires by or expiration date is not required, the best before date or best quality before date or date of minimum durability shall be declared." Such date will include the day, month, and year for products with a durability of not more than three months and at least the month and year for products with a durability of more than three months. In addition, "the date shall be introduced by the words "use by...", or "best before" as applicable where the day is indicated" and shall be accompanied by the date itself or a reference to the where the date is given. The day and year may be declared by two or four digits and the month shall be declared by letters, characters, or numbers. In cases where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day, month, year must be given by appropriate abbreviations accompanying the date mark (e.g., DD/MM/YYYY).

The United States believes the 43rd Session of CCFL should focus its date marking discussion on the remaining areas of the draft amendments in section 4.7.1 (v) where the Committee did not reach a decision. Specifically, the list of commodities for which a "date of minimum durability" or "best before date" or "best quality before date" would not be required and amendments suggested to the list. In addition, the Committee should consider whether a "date of manufacture" or "date of packaging" should be required for products where a quality date mark is not required and whether a food should only be allowed to bear more than one date mark (e.g., "date of manufacture and "best quality before)." Finally, the Committee should consider how date mark information may be declared on small packages. The United States has comments specific to each of these three areas below and has included some editorial suggestions as an attachment titled, "Attachment 1-United States Text Suggestions to Appendix IV."

List of commodities for which a "date of minimum durability" or "best before date" or "best quality before date" would not be required

The United States strongly supports retaining the current list of foods that are not required to have date marks in Codex guidelines and supports removing the square brackets around section 4.7.1 (v) and retaining the exemptions. This list applies to foods for which any change in quality is minimal over a long period of time. Quality in some products may actually improve based on longer storage periods. Foods such as salt, sugar and honey, are not susceptible to microbial or chemical deterioration over time³ and were appropriately included in the list of exempted foods. Date marks would add little value beyond a simple visual inspection of the product. The list of identified foods is short. It has remained unchanged for over 20 years and should be interpreted as an illustrative list of foods, not the only allowable exemptions.

³ Princeton University, *Open Shelf-Life Dating of Food*, August 1979, Annex A, page 75

The United States recognizes that the current guidelines do not provide any criteria for how foods may be exempted from the application of a date mark. We recall that the working group has not addressed the issue of exempted foods but has suggested more robust discussion during a second phase of revisions. Since the current guidelines do not provide any criteria for exempting foods from the application of a date mark, the United States could support developing such criteria, which could be accomplished by establishing a working group to address this topic.

We also submit the following specific comments in regards to the amendments to specific foods identified in section 4.7.1 (v):

- 1) Support for the use of the term “tubers” replacing “potatoes.” The United States accepts the proposed rationale that the term potatoes is too narrow, and that more appropriately the entire class of root and stem tubers should be included in the exemption.
- 2) Opposition to the amendment proposed for alcoholic beverages. Proteins that have undergone the distillation process do not remain in the final product in a significant proportion to impact the chemical decomposition of the beverage. Studies have shown that alcoholic beverages do not undergo chemical decomposition. If the concern is over mixtures, where an alcoholic beverage is mixed with an ingredient after distillation, we suggest the following revision for consideration:

“except those mixed with other identified ingredients that have not undergone distillation and would otherwise require a date mark;”
- 3) We recall that an amendment was proposed to exclude cider or fruit vinegars from the list of exempted products because they become cloudy with age. This could indicate a chemical decomposition and thus an exemption would not be appropriate. Although cider vinegar can become cloudy or hazy with age, the United States remains unconvinced that a date mark provides much useful information due to its high acidity. Hydrogen Ion Concentration (pH) of undiluted cider vinegar is between 4.25 and 5.0. This pH inhibits the bacterial or microbial growth inside the cider vinegar. The presence of malic acid and acetic acid also gives this vinegar powerful disinfectant and antibacterial qualities. Due to these reasons, apple cider vinegar can last for years without deteriorating. Even if the vinegar becomes cloudy or hazy it is not clear that other properties of the vinegar are diminished.
- 4) Support for the inclusion of “non-iodized” for salt. While salt does not chemically decompose over time, we can accept the rationale that in countries where consumption of iodine needs to be increased for consumer health, a date of minimum durability could be beneficial.

Whether a “date of manufacture” or “date of packaging” is required for products where a date mark is not required.

The United States understands that the text in section 4.7.1(v) was intended to indicate that no date mark was required for identified foods. Prior to this revision, the only date recommended for declaration was the durability date. Since this paragraph provided an exemption from the recommendation for a durability date, the end result was that no date mark was recommended for identified foods. The United States supports maintaining this guidance and the recommendation that a “date of manufacture” or the “date of packaging” may be declared but should not be required for exempted foods. The benefit to the consumer of declaring dates on a product where a date should not be required is minimal whereas the cost of applying the dates to producers can be substantial. Therefore, the United States also believes the text in section (v) should reference “may” and not “shall” or “should.”

Whether a food should only be allowed to bear one date mark (e.g., “date of manufacture” or “date of packaging”) with other date marking

The United States supports the voluntary use of more than one date on a product package. The United States recognizes concerns that dates applied to exempted foods could increase food waste if the consumer misinterprets the meaning of the dates applied to the prepackaged food. However, potential consumer misunderstanding could be addressed by improving how a date or the use of multiple dates is expressed on the prepackaged food. For example, a date could be clearly expressed in the context of quality, e.g., “Best Quality Before” in conjunction with a “Date of Manufacture” or “Date of Packaging.” This would provide manufacturers greater flexibility to declare a production date in some instances. If, for example a product is seen as being more desirable, and might command a higher price due to aging, declaring a date of packaging might be beneficial.

Information presented on small packages

The United States believes products in small packages that would otherwise be subject to labeling with a “use by date” or “date of minimum durability” or “best before date” or “best quality before date” need to be subject to date mark labeling. No exemptions for small packages exist in the current guidelines and the United States does not support creating exemptions for products in small packages. Exemptions should only

be made for foods for which any change in quality is minimal over a long period of time. If a date is required under the proposed revisions the package should have sufficient space to declare the date under “date of minimum durability” or “best before date” or “best quality before date,” as there are no requirements in existing Codex guidelines or the draft amendments to establish a recommendation for a minimum type size. Labels for products for foods in small packages should have sufficient space to bear a date mark if required.

2. DEFINITION OF TERMS

For use in Date Marking of prepackaged food:

“**Date of Manufacture**” means the date on which the food becomes the product as described. This is not an indication of the durability of the product.

“**Date of Packaging**” means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability of the product.

~~“**Sell-by-Date**” means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.~~

“**Date of Minimum Durability**” or “**Best bBefore Date**” or “Best Quality Before Date” means the date which signifies the end of the ~~estimated~~ period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which ~~tacit implied~~ or express claims have been made. However, beyond the date the food may still be acceptable for consumption.

~~“**Use-bBy Date**” or “**Use or Consume by dDate**” or “**Expires by**” or “**Expiration Date**” means the date which signifies the end of the ~~estimated~~ period ~~shelf life~~ under any stated storage conditions, after which the product should not be sold or consumed due to safety reasons. ~~After this date, the food should not be regarded as marketable.~~~~

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking should apply unless clause 4.7.1(v) applies:

(i) When a food must be consumed before a certain date to ensure its safety ~~or nutritional adequacy [for a particular population group for which the product is intended]~~ the “Use-by Date” or “Use or Consume by dDate” or “Expires by” or “Expiration Date” shall be declared.⁴

(ii) Where a “Use-by Date” or “Use or Consumed by dDate” or “Expires by” or “Expiration Date” is not required the “Best bBefore Date” or “Best Before Quality Date” or “Date of Minimum Durability” shall be declared.

(iii) The date marking should be as follows:

- On products with a minimum durability of not more than three months the day and month and year should be declared; ~~more than three month the month and year shall be declared.~~
- On products with a durability of more than three months at least the month and year shall be declared.

(iv) The date should be introduced by the words: “Use-by” or “Best before” as applicable where the day is indicated; or “Use-bBy end....” or “Best bBefore end ...” as applicable in other cases. The words referred to in this paragraph (iv) should be ~~introduced and used by~~ accompanied by:

- either the date itself; or
- a reference to where the date is given.

The day and year ~~shall~~ may be declared by uncoded numbers ~~numerical sequence except that~~ with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters, characters or numbers. ~~in these countries where such use will not confuse the consumer. Where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day month year must be given by appropriate abbreviations accompanying the date mark. (e.g. DD/MM/YYYY). The declaration of the month in date marking shall be consistent with 8.2.~~

(v) [(Notwithstanding 4.7.1 (i) and 4.7.1 (ii) a date mark of minimum durability mark or best before date or best before quality date shall ~~should~~ not be required for:

- fresh fruits and vegetables, including ~~potatoes~~ tubers which have not been peeled, cut or similarly treated

⁴ Consideration should be given to other Codex texts.

- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- alcoholic beverages containing at least 10% alcohol by volume, ~~except those beverages that contain ingredients with protein such as milk and dairy products, eggs and derivatives and plant material which will have a different stability behaviour related to their shelf life; except those alcoholic beverages mixed with other identified ingredients that that have not undergone distillation and would otherwise require a date mark;~~
- naturally fermented white or brown vinegar and white or brown acetic acid vinegar;
- non-iodized food grade salt;
- solid sugars;
- confectionery products consisting of flavoured and/or coloured sugars;
- chewing gum.

Where a product is not required to bear a date mark in accordance with 4.7.1(vii) this provision the "Date of Manufacture" or the "Date of Packaging" may/shall be used.]

[(x) **More than Only** one [type of] date mark may should be used on a product at any one time. **Multiple date marks should not be required for the purpose of determining durability of the product.**]

4.7.2 In addition to the date of minimum durability date mark, any special conditions for the storage of the food should be declared on the label where they are required to support the integrity of the date mark. ~~if the validity of the date depends thereon~~

F.I.V.S.

All prepackaged foods are within scope of the review and the debate centers around the question of whether date marking should be based on product quality or safety. Delegates are also discussing the exemptions to date marking, mentioned above in Section 4.7.1 (vii).

DISCUSSION

Certain foods remain stable over time, with little or no change to their safety or quality. For these reasons, foods such as salt, chewing gum and wine are exempted from date marking in the General Standard. Wine Institute believes the Standard should maintain this full exemption for all wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines, regardless of alcohol content or packaging, for the following reasons:

Consumer Safety

Codex delegates should define risk in food safety as the analysis and ranking of the combined probability of food contamination, consumer exposure and public health impact of certain foodborne hazards. Wine is a safe food and does not support foodborne pathogens. A recent study in the Food Control¹ journal looked at red wine and resveratrol's effects on foodborne viruses (such as norovirus, commonly known as stomach flu) and concluded that red wine "showed significant anti-noroviral effects on norovirus surrogates." Scientists observed complete inhibition in the co-treatment of viruses with red wine. Another study from the same journal in 2012 reviewed red wine's effects on *Bacillus cereus*² and concluded that wine "exerts a strong inactivation effect" against the bacteria.

These studies underscore the fact that wine does not support growth of pathogenic organisms due to its acid and alcohol content. It is stable across a large temperature range and over long periods of time. As wines age over time there are no biological, chemical or physical risks to consumers that would develop.

Product Quality

As with wine safety, requiring date marking on wine labels to signify the end of the period when wine retains its quality is completely without basis and, in fact, would be misleading to consumers. Wine is not a product that is made with a *formula*, as with other prepackaged food products such as instant soups or sodas. The basic production process for wine is the same: it is a product of fermented fruit. There are various factors including climate conditions and style decisions by the winemaker that affect the final product. It is difficult to determine quality in wine as it is subjective and determined by the winemaker, expert or consumer. As such, an arbitrary date chosen would have no relation to the wine's quality.

Wine is one of the few products whose sensory characteristics and color can change with age and these qualities are desired by consumers. Quality is often tied to storage conditions. Ideally wine should be kept in

an environment with low-light, some humidity and cool temperature. Any changes could result in changes to a wine's flavor profile. Wine producers accommodate for some of these factors, such as storing the wine in a dark glass bottle to protect the product from light exposure. Wine merchants should prevent wine from reaching warm temperatures over long periods, which affects wine quality. Storage conditions should be controlled through the supply chain, and do not relate to a labeling standard. Therefore, determining an arbitrary length of time of a wine's quality, and requiring that date to be on the label, should not be under consideration within the revision of the General Standard.

Environmental and Social Factors

Should wine be required to carry a date, customers and retailers not familiar with the product would be misled and would dispose of it after such date has passed for no reason. This runs against the United Nation's 2030 Agenda for Sustainable Development in which nations should halve per capita food waste at retail and consumer levels and reduce food loss along the supply chain by 2030. In addition, retailers would feel compelled to dispose of unsold products and would lose potential earnings. Governments would then be unable to collect sales, excise and/or VAT taxes, losing much-needed revenues.

CONCLUSION

For these reasons, there is no scientific or qualitative basis for requiring date marking of wine. Consequently, the exemption of all wines from the date marking categories above should remain intact. In addition, FIVS supports an exemption in Section 4.7.1 (vii) for all defined dates within the General Standard (e.g. date of manufacture, etc.) and not solely the date of minimum durability.

1 <http://www.sciencedirect.com/science/article/pii/S0956713514004411>

2 <http://www.sciencedirect.com/science/article/pii/S0956713512002575>

I.C.G.M.A.

DEFINITION OF TERMS:

For use in ***Date Marking*** of prepackaged food:

"Date of Manufacture" means the date on which the food becomes the product as described. This is not an indication of the durability of the product.

"Date of Packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability of the product.

~~***"Sell-by-Date"*** means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.~~

Comment

ICGMA request consideration is given to maintaining this term as it is widely used in the baking industry to manage the shelf life of products on the retail shelf. The use of the alternative term "best before" is not a viable option because the date used to pull the product from the shelf is different from the date when it is no longer acceptable to consume the product. The use of "best before" for baked goods could increase food waste and may cause consumer confusion.

"Date of Minimum Durability" or "Best before Date" or "Best Quality Before Date" means the date which signifies the end of the ~~estimated~~ period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which ~~tacit-implied~~ or express claims have been made. However, beyond the date the food may still be **acceptable for consumption**

Comment

ICGMA suggests that the abbreviation "BB" be permitted as an option for this term.

ICGMA recognizes that it may be more expedient to make suggestions to improve the existing text and as such suggests that the following text, "during which the product will remain fully marketable" be deleted from the proposed definition.

Additionally, ICGMA offers this suggested text to simplify the definition: "means the date until which the food retains its specific properties or qualities as indicated by an implied or expressed claim provided the product has been properly stored."

"Use-by Date" or "Use or Consume by date" or "Expires by" or "Expiration Date" means the date which signifies the end of the ~~estimated~~ period ~~shelf life~~ under any stated storage conditions, after which the product should not be sold or consumed due to safety reasons. ~~After this date, the food should not be regarded as marketable.~~

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply unless clause 4.7.1(v) applies:

- (i) When a food must be consumed before a certain date to ensure its safety ~~or nutritional adequacy [for a particular population group for which the product is intended]~~ the “Use-by Date” or “Use or Consume by date” or “Expires by” or “Expiration Date” shall be declared¹ -
- (ii) Where a Use-by Date or Use or Consumed by date or Expires by or Expiration Date is not required the Best before Date or Best Before Quality Date or Date of Minimum Durability shall be declared.
- (iii) The date marking should be as follows :
 - On products with a ~~minimum~~-durability of not more than three months the day and month and year shall be declared; ~~more than three month the month and year shall be declared.~~
 - On products with a durability of more than three months at least the month and year shall be declared.
- (iv) The date shall be introduced by the words:
 - “Use-by” or “Best before” as applicable where the day is indicated; or “Use-by...” or “Best before end..” as applicable in other cases. The words referred in this paragraph (iv) shall be introduced ~~and used by~~ accompanied by:
 - Either the date itself; or
 - A reference to where the date is given.

ICGMA suggests that “EXP” and “BB” be included as acceptable introductions for the date.

The day and year shall ~~may~~ be declared by uncoded numbers ~~numerical sequence except that with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters~~ or numbers in those countries where such use will not confuse the consumer. Where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day month year must be given by appropriate abbreviations accompanying the date mark—(e.g. DD/MM/YYYY) The declaration of the month in date marking shall be consistent with 8.2.

Comment

ICGMA recommends maintaining the options to present the month declaration in letters, characters or numbers to provide flexibility for manufacturers.

ICGMA suggests the abbreviation should read “ (e.g. DD/MM/YY)”.

- (v) [(Notwithstanding 4.7.1 (i) and 4.7.1 (ii) a date of minimum ~~mark~~-durability or best before date or best before quality date shall not be required for:
 - fresh fruits and vegetables, including potatoes tubers which have not been peeled, cut or similarly treated;
 - wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
 - alcoholic beverages containing at least 10% alcohol by volume, except those beverages that contain ingredients with protein such as milk and dairy products, eggs and derivatives and plant material which will have a different stability behaviour related to their shelf life.
 - bakers’ or pastry-cooks’ wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
 - naturally fermented white or brown vinegar and white or brown acetic acid vinegar;
 - non-iodized food grade salt;
 - solid sugars;

- confectionery products consisting of flavoured and/or coloured sugars;
- chewing gum.

Where a product is not required to bear a date mark in accordance with 4.7.1(vii)provision the “Date of Manufacture” or the “Date of Packaging” may/shall be used.]

[(x) Only one [type of] date mark should be used on a product at any one time.]

4.7.1 In addition to the date of minimum durability date mark, any special conditions for the storage of the food shall be declared on the label where they are required to support the integrity of the date mark. **if the validity of the date depends thereon**

I.D.F.

General Comments

Date marking requirements should be outcome-based (i.e. provide clear/understandable information to consumers while providing flexibility.

Specific Comments

2. DEFINITION OF TERMS:

For use in **Date Marking** of prepackaged food:

~~“Date of Manufacture” means the date on which the food becomes the product as described. This is not an indication of the durability of the product.~~

Rationale:

IDF continues to believe that the above definition should be removed, the indication of a “date of manufacturing” should not be mandatory. This date gives an indication of freshness rather than indicating a date before which the product is at its best. A “date of manufacturing” (compared to the date of consumption) can be badly perceived by the consumer, although the product has kept all its characteristics in terms of quality and safety.

~~“Date of Packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability of the product.~~

Rationale:

IDF continues to believe that the above definition should be removed, indication of a “date of packaging” should not be mandatory. This date gives an indication of freshness rather than indicating a date before which the product is at its best. A “date of packaging” (compared to the date of consumption) can be badly perceived by the consumer, although the product has kept all its characteristics in terms of quality and safety.

~~“Sell-by-Date” means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.~~

“Date of Minimum Durability” or “Best before Date” or “Best Quality Before Date” means the date which signifies the end of the estimated period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which ~~tacit~~ implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.

“Use-by Date” or “Use or Consume by date” or “Expires by” or “Expiration Date” means the date which signifies the end of the estimated period ~~shelf life~~ under any stated storage conditions, after which the product should not be sold or consumed due to safety reasons. ~~After this date, the food should not be regarded as marketable.~~

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply unless clause 4.7.1(v) applies:

(i) When a food must be consumed before a certain date to ensure its safety ~~or nutritional adequacy [for a particular population group for which the product is intended]~~ the “Use-by Date ” or “Use or Consume by date” or “Expires by” or “Expiration Date” shall be declared¹

(ii) Where a Use-by Date or Use or Consumed by date or Expires by or Expiration Date is not required the Best before Date or Best Before Quality Date or Date of Minimum Durability shall be declared.

(iii) The date marking ~~should~~ be as follows :

- On products with a ~~minimum~~ durability of not more than three months the day and month and year shall be declared; ~~more than three month the month and year shall be declared~~
- On products with a durability of more than three months **date marking shall be optional but if applied at least** the month and year shall be declared.

Rationale:

IDF believes that for products with a durable life of more than three months date marking should be optional but if applied the format should comply with the format set by the standard.

(iv) The date shall be introduced by the words:

- “Use-by” or “Best before” as applicable where the day is indicated; or
- “Use-by end....” or “Best before end ...” as applicable in other cases. The words referred to in this paragraph ~~(iv)~~ shall be ~~introduced and used by~~ accompanied by:
 - either the date itself; or
 - a reference to where the date is given.

The day and year ~~shall~~ may be declared by uncoded numbers ~~numerical sequence except that~~ with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters ~~or numbers, in these countries where such use will not confuse the consumer.~~ Where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day month year must be given by appropriate abbreviations accompanying the date mark. (e.g. DD/MM/YYYY ; YYYY/MM/DD). The declaration of the month in date marking shall be consistent with 8.2.

Rationale:

IDF suggests that an additional example should be provided "(e.g. DD/MM/YYYY ; YYYY/MM/DD)".

(v) [(Notwithstanding 4.7.1 (i) and 4.7.1 (ii) a date of minimum ~~mark~~ durability or best before date or best before quality date shall not be required for:

- fresh fruits and vegetables, including ~~potatoes~~ tubers which have not been peeled, cut or similarly treated;
- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- alcoholic beverages containing at least 10% alcohol by volume, except those beverages that contain ingredients with protein such as milk and dairy products, eggs and derivatives and plant material which will have a different stability behaviour related to their shelf life.
- bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- naturally fermented white or brown vinegar and white or brown acetic acid vinegar;
- non-iodized food grade salt;
- solid sugars;
- confectionery products consisting of flavoured and/or coloured sugars;
- chewing gum.

Where a product is not required to bear a date mark in accordance with ~~4.7.1(vii)~~ provision the “Date of Manufacture” or the “Date of Packaging” may ~~shall~~ be used.]

Rationale:

IDF believes that there should not be strict exclusions; only exemptions. products with a durable life of more than three months should be included in the list of exemptions.

If "date of manufacture" / "date of packaging" would be kept then the mention of it should be optional i.e. "... the "date of manufacture" or the "date of packaging" may be used".

~~[(x) Only one [type of] date mark should be used on a product at any one time.]~~

Rationale:

IDF believes the above statement should be removed. use of more than one date mark should be allowed so long as there is clarity in regard to the meaning of the date mark(s) that are used.

4.7.2 In addition to the date of minimum durability date mark, any special conditions for the storage of the food shall be declared on the label where they are required to support the integrity of the date mark. ~~if the validity of the date depends thereon.~~

I.F.T.**General Comments**

IFT continues to be very supportive of the work of the committee on this important topic. Date marking is a complex, and timely issue, as it relates to the issue of food waste arising from consumer misunderstanding about the meaning of date marks and their relationship to quality or safety (Newsome et al., 2014). If consumers better understood the meaning of date marking and differences between date marking for food safety and food quality, food waste could be reduced. Further, a scientific approach should be used in the development of criteria for "Use-by" date marking.

Specific Comments**Section 2. DEFINITION OF TERMS**

"Date of Minimum Durability" or "Best before Date" or "Best Quality Before Date" means the date which signifies the end of the ~~estimated~~ period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which ~~it~~ **implied** or express claims have been made. However, beyond the date the food may still be **acceptable for consumption**.

IFT questions the need for a "Best-before" or similar date (e.g., Date of Minimum Durability, Best-Quality-Before Date), given the misperception of the terminology, which contributes to waste of food that is of acceptable consumption quality.

"Use-by Date" or "Use or Consume by date" or "Expires by" or "Expiration Date" means the date which signifies the end of the ~~estimated~~ period ~~shelf life~~ under any stated storage conditions, after which the product should not be sold or consumed due to safety reasons. ~~After this date, the food should not be regarded as marketable.~~

Because a Use-by or similar date (e.g., Consume by or Expires by) may be needed for some products to convey the time within which the product should be consumed for either quality or safety reasons, IFT believes that it would be appropriate for the definition to accommodate both potential situations. Thus, IFT proposes that the definition read as follows:

"Use-by Date" or "Use_ or Consume_ by Date" or "Expires by" or "Expiration Date" means the date which signifies the end of the ~~estimated~~ period ~~shelf life~~ under any stated storage conditions, after which the product should not be sold or consumed due to **quality or** safety reasons. ~~After this date, the food should not be regarded as marketable.~~

Section 4.7.1 (ii) Where a Use-by Date **or Use or Consumed by date or Expires by or Expiration Date** is not required the Best before Date **or Best Before Quality Date** or Date of **Minimum Durability shall be declared**.

IFT has concerns about a Best-before Date being required (mandatory). IFT's concern is that if only a Best-before Date is applied consumers may potentially perceive it as safety-related and possibly unnecessarily discard the food. IFT agrees that a date mark should be declared if a Use-by Date is not required, and that a Date of Manufacturing or Date of Packaging would be suitable options.

Thus, IFT proposes that 4.7.1 (ii) read as follows:

Where a Use-by Date or Use_ or Consume_ d by eDate or Expires by_ or Expiration Date is not required the **Date of Manufacture, Date of Packaging, or other manufacturing-related information shall be declared**.

Section 4.7.1 The day and year shall ~~may~~ be declared by uncoded numbers ~~numerical sequence except that~~ with the year to be denoted by **2 or** 4 digits, and the month shall be declared by letters or characters **or numbers**. ~~in those countries where such use will not confuse the consumer.~~ **Where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day month year must be given by appropriate abbreviations accompanying the date mark, (e.g., DD/MM/YYYY)** ~~The declaration of the month in date marking shall be consistent with 8.2.~~

In referring to Use-by and Best-before Dates, IFT believes that the numbers used to declare the day and year should be uncoded. Thus, the word "shall" should be retained, rather than replaced by the word "may;" and, we propose that the paragraph read as follows:

The day and year ~~shall may~~ be declared by uncoded numbers with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers. Where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day month year must be given by appropriate abbreviations accompanying the date mark, (e.g., DD/MM/YYYY).

Section 4.7.1.(v) Where a product is not required to bear a date mark in accordance with **4.7.1(vii)provision** the “Date of Manufacture” or the “Date of Packaging” **may/shall** be used.]

IFT is concerned that as written, this statement could be interpreted as indicating that although a “Use-by” or Best-before” date mark may not be required or applied, a “Date of Manufacture” or “Date of Packaging” date mark would be optional. IFT believes that a manufacturing-related date mark could be important information (e.g., for traceability and other purposes). Thus, IFT proposes the following text:

Where a product is not required to bear a date mark in accordance with 4.7.1 **provision**, the “Date of Manufacture,” ~~or the “Date of Packaging,” may/shall~~ **or other type of manufacturing-related information** shall be used.}]

Newsome R, Balestrini CG, Baum, MD, Corby J, Fisher W, Goodburn K, Labuza TP, Prince G, Thesmar HS, Yiannas F. 2014. Applications and perceptions of date labeling of food. *Comp Rev Food Sci Food Safety* 13:745-760. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/1541-4337.12086/epdf>.