



# PLAINVILLE-SOUTHINGTON REGIONAL HEALTH DISTRICT

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## Guidance for Date Marking

*FDA Food Code 2017 Section 3-501.17*

### **Purpose:**

The purpose of date marking is to control the growth of *Listeria monocytogenes*. Although the growth of *Listeria* is slowed under proper refrigeration, it is not stopped. The bacteria can continue to grow at refrigeration temperature. If not controlled, *Listeria* can lead to foodborne illness in consumers. Populations most at risk include pregnant women, the elderly and those with weakened immune systems.

### **What Foods are Date Marked?**

Refrigerated foods that are ready to eat, time/temperature control for safety, and held for more than 24 hours at the food service establishment must be date marked. This includes foods that are prepared at the establishment and foods that are bought from regulated food processing plants. In other words, foods that require refrigeration, are ready-to-eat and are held for more than 24 hours at the food establishment must be date marked.

### **How to Date Mark?**

Foods must be marked with the date or day by which the food shall be consumed, sold, or discarded. Foods can be kept for a maximum of 7 days. Day 1 is the day of preparation. For foods bought at a regulated food processing plant, Day 1 is the time the container is opened.

You can place the date on the food, such as on a food container or on plastic wrap, use date stickers, color coded marks, or other effective means. Develop a procedure to describe how your establishment will date mark food. Be ready to provide this procedure to the health department during inspections.

### **Items that do not require date marking:**

Some foods that you purchase from a regulated food processing plant do not require date marking. These include:

- Deli salads
- Some hard and semi-soft cheeses (full list in FDA Food Code 2017 Annex 3 Page 453)
- Cultured dairy products such as yogurt, sour cream, and buttermilk
- Preserved fish products such as pickled herring, dried, or salted cod
- Shelf-stable dry fermented sausages and pepperoni
- Shelf-stable salt-cured product such as prosciutto

*(Reference FDA Food Code section 3-501.17(G)1-7)*

### **Freezing Foods:**

When freezing foods that are date marked, the days counted is stopped, but they do not reset. For example, if food is stored at 41°F for 2 days and then frozen, it can still be stored for five more days under refrigeration when removed from the freezer. The freezing date must be including on the container with the preparation date.

*(Information from FDA Food Code 2017 & Michigan Food Law 2000 Date Marking Guide for Food Establishments 5/2008)*

Link to food Code:

<https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/ucm595139.htm>

Link to Michigan Guide: [https://www.michigan.gov/documents/MDA\\_FOOD\\_DateMarkGuide\\_4\\_88280\\_7.5.pdf](https://www.michigan.gov/documents/MDA_FOOD_DateMarkGuide_4_88280_7.5.pdf)



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## **What to Expect During a Health Inspection?**

During an inspection the Inspector will ask for your date marking procedure. Foods requiring date marks that are not properly dated or if the dated food exceeds seven days, the food shall be discarded.

### **Definitions:**

#### **Time/temperature control for safety food (FDA Food Code 2017 Section 1-201.1 Page 22 [part of definition])**

- (1) "Time/temperature control for safety food" means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.
- (2) Time/temperature control for safety food includes:
  - (a) An animal FOOD that is raw or heat-treated; a plant FOOD that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and... (see above reference for full definition and reference tables).

#### **Ready-to- Eat Food (FDA Food Code 2017 Section 1-201.1 Page 16):**

"Ready-to-eat food" means FOOD that:

- (a) Is in a form that is edible without additional preparation to achieve FOOD safety, as specified under one of the following: ¶ 3-401.11(A) or (B), § 3-401.12, or § 3-402.11, or as specified in ¶ 3-401.11(C); or
  - (b) Is a raw or partially cooked animal FOOD and the consumer is advised as specified in Subparagraphs 3-401.11(D)(1) and (3); or
  - (c) Is prepared in accordance with a variance that is granted as specified in Subparagraph 3-401.11(D)(4); and
  - (d) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.
- (2) "Ready-to-eat food" includes:
- (a) Raw animal FOOD that is cooked as specified under § 3-401.11 or 3-401.12, or frozen as specified under § 3-402.11;
  - (b) Raw fruits and vegetables that are washed as specified under § 3-302.15;

*(Information from FDA Food Code 2017 & Michigan Food Law 2000 Date Marking Guide for Food Establishments 5/2008)*

*Link to food Code:*

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- (c) Fruits and vegetables that are cooked for hot holding, as specified under § 3 401.13;
- (d) All TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to the temperature and time required for the specific FOOD under Subpart 3-401 and cooled as specified under § 3-501.14;
- (e) Plant FOOD for which further washing, cooking, or other processing is not required for FOOD safety, and from which rinds, peels, husks, or shells, if naturally present are removed;
- (f) Substances derived from plants such as spices, seasonings, and sugar;
- (g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for FOOD safety;
- (h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured MEAT and POULTRY products, such as prosciutto ham, country cured ham, and Parma ham; and dried MEAT and POULTRY products, such as jerky or beef sticks; and
- (i) FOODS manufactured as specified in 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

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