

# Food Date Labeling

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# Background - Food Waste

- Up to 40 percent of food in the U.S. goes uneaten, costing the economy roughly \$218 billion annually
- It is a problem that is costing the average American family of four at least \$1,500 every year
- Consumers are responsible for more food waste in the U.S. than grocery stores, restaurants or any other part of the supply chain
  - Studies show that more than 80 percent of Americans unnecessarily throw food away because of confusing date labels on food
- When good food goes to waste, so do all of the resources used to grow, process, chill and transport it:
  - Food waste is the single largest component of solid waste in U.S. landfills, where it emits methane, a powerful greenhouse gas
  - If global food loss and waste was a country, it would be the third largest emitter of greenhouse gases after China and the United States
  - 21 percent of the water used in U.S. agriculture goes to producing food that is never eaten

Source: NRDC

# H.R. 3981 Food Labeling Act of 2019

- Introduced August 1, 2019 by Representative Chellie Pingree (D-Maine) and Dan Newhouse (R-Washington)
- A bill to standardize date labels on food in order to help avoid unnecessary waste caused by consumer confusion
- With the exception of infant formula, the date labels applied to food are not federally regulated
  - As a result, many states and localities have standards that vary widely, contributing to a patchwork of different date labeling terms that are applied to different products.
- Pingree first introduced a version of the date labeling bill, as well as a more comprehensive Food Recovery Act, in the 113<sup>th</sup> Congress
  - 2018 – Launched the first-ever **Bipartisan Food Recovery Caucus**
  - 2018 Farm Bill provisions to create the first full-time food loss and waste liaison at USDA, a composting and food waste reduction pilot program, and a local Agriculture Market Program (LAMP) to reduce waste in farms

# Food Labels

Examples of commonly used phrases on labels:

- A "**Best if Used By/Before**" date indicates when a product will be of best *flavor or quality*. It is not a purchase or safety date.
- A "**Sell-By**" date tells the store how long to display the product for sale for *inventory management*. It is not a safety date
- A "**Use-By**" date is the last date recommended for the use of the product while at *peak quality*. It is not a safety date except for when used on infant formula
- A "**Freeze-By**" date indicates when a product should be frozen to maintain peak quality. It is not a purchase or safety date.

Source: USDA

# A.B. 954

- California, 2017
- (a) The Department of Food and Agriculture, in consultation with the State Department of Public Health, shall, on or before July 1, 2018, publish information to encourage **food manufacturers, processors, and retailers responsible for the labeling of food products to voluntarily use the following uniform** terms on food product labels to communicate *quality dates and safety dates*:
  - (1) “BEST if Used by” or “BEST if Used or Frozen by” to indicate the **quality** date of a product
  - (2) “USE by” or “USE by or Freeze by” to indicate the **safety** date of a product.
- (b) The department shall promote the consistent use of the terms specified pursuant to subdivision (a) in the course of its existing interactions with food manufacturers, processors, and retailers.

# Nevada

- SNHD
  - Does not regulate food pantry and consumers
  - Food Establishment Regulations:
  - Chapter 1: Adulterated: It is still available for sale after a date designated as “sell by”, “use by”, or “best if used by” , or other phrases clearly indicating that food quality may be reduced after that label date

# Next Steps...

## Food Label Standardization:

- Require manufacturers or retailers who choose to utilize date label for *quality* reasons to use the standard language such as “best if used by”
- Require the standard label such as “expires on” for *safety* dates

## Questions to consider:

- If state food label standards were implemented, what would regulations of incoming food look like?
- How can the FFPNL Subcommittee measure diverted food waste as a result of food label standardization?