Food Date Labeling

Elika Nematian
Advocacy & Compliance Manager
Three Square Food Bank
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 113th 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: Adultered: 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?