

Date Labels in the United States

Trevor Findley
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About FLPC

Provide **legal and policy advice** to nonprofits, government agencies, entrepreneurs, and other organizations on a range of food policy questions



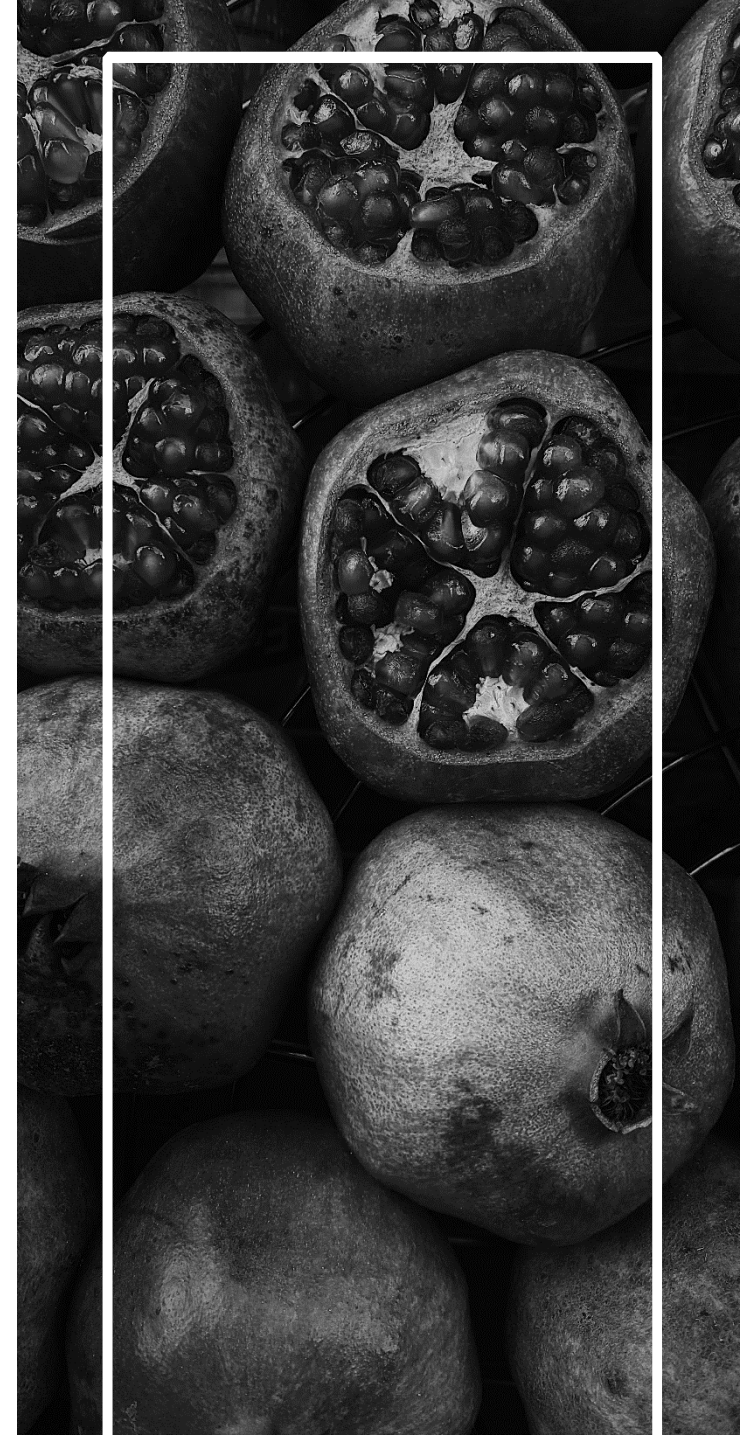
Educate students about the role of law and policy in the food system

No Relevant Federal Law

There are no federally-standardized definitions or requirements for date labels.

Food and Drug Administration (FDA) & United States Department of Agriculture (USDA)

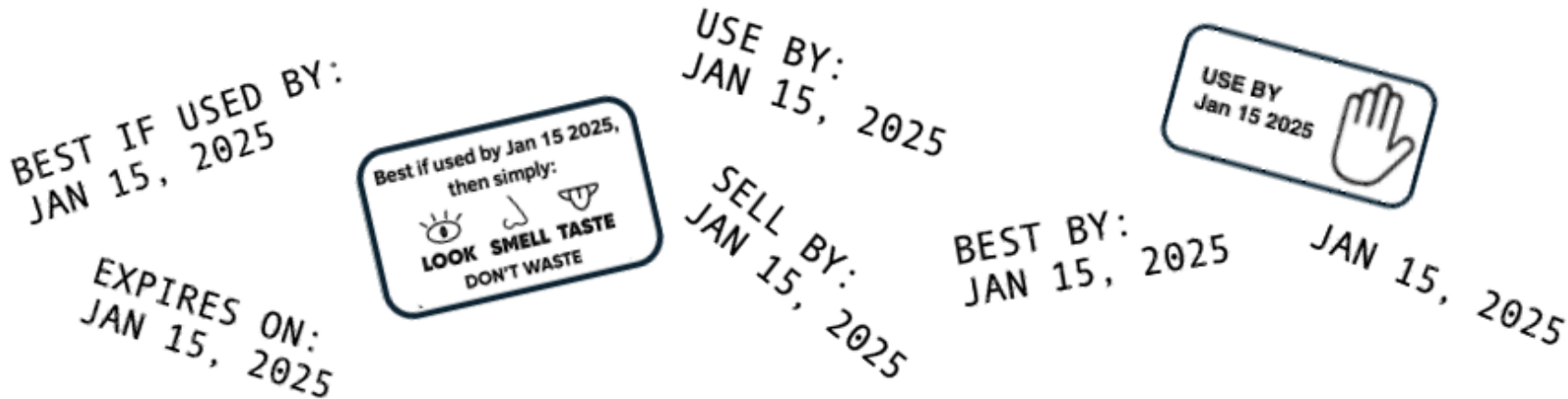
- Require all product labels to not be false or misleading
- Recommend that businesses use the term “Best if used by” for quality dates
- Only regulate date labels on infant formula (FDA)



National Survey (January 2025)

January 10-14, 2025: Harris Poll's Harris On Demand omnibus survey; 2,069 US adults

- Do you throw away food because it is close to or past the date on the package?
- What do you think the following types of dates on food labels mean?
- Do you think that the date labels on food products are regulated by the U.S. federal government?



Americans in 2025 rely on food date labels even more than in 2016

- **43%** always or usually discard food near or past the date on the label, up from **37% in 2016**.
- **88%** do so at least occasionally, up from **84% in 2016**.

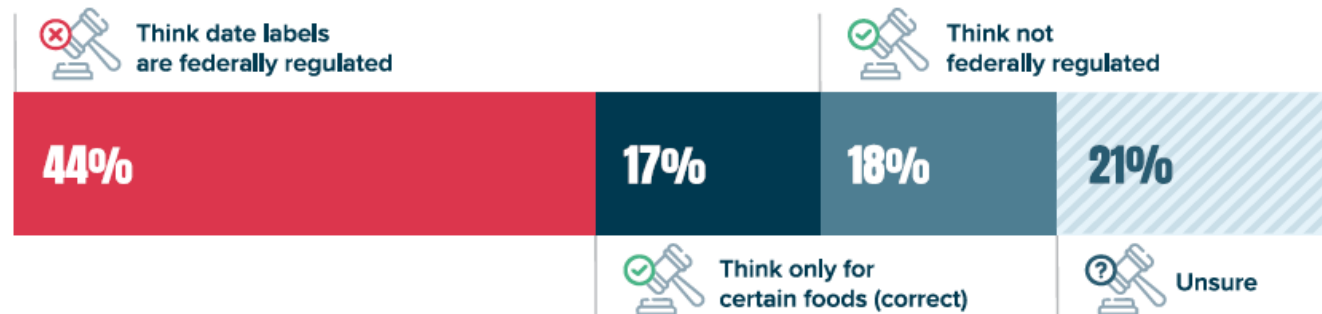
43% of Americans always or usually discard food close to or past the date on the package.



Many wrongly believe the federal government regulates date labels

- **44%** think the federal government oversees date labels, increased from **36% in 2016**.

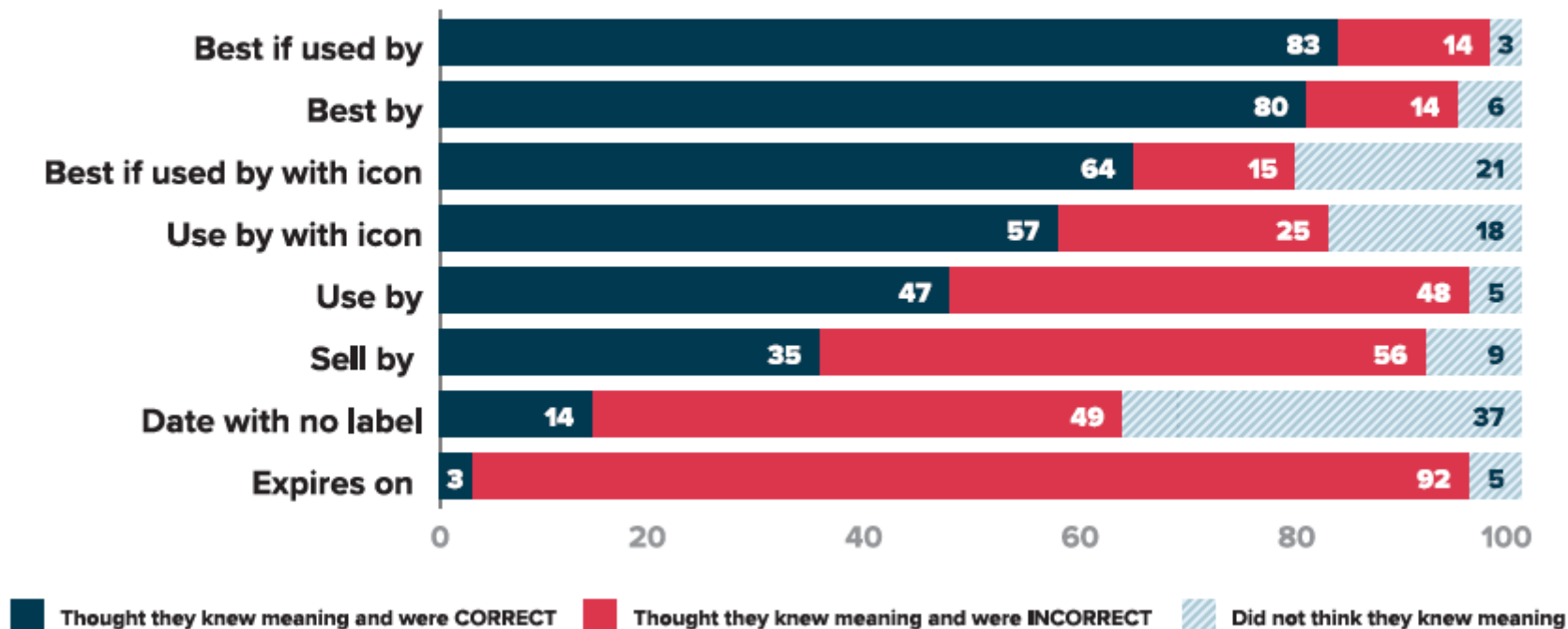
Percent of consumers who think food date labels are federally regulated.



Consumers think they understand labels, but often misinterpret them.

- An average of **87%** thought they understood the labels, but only an average of **57%** gave correct meaning.
- **39%** of respondents thought they knew the answer but were wrong.

Understanding of Date Label Meanings: Self-Assessment vs. Actual Knowledge



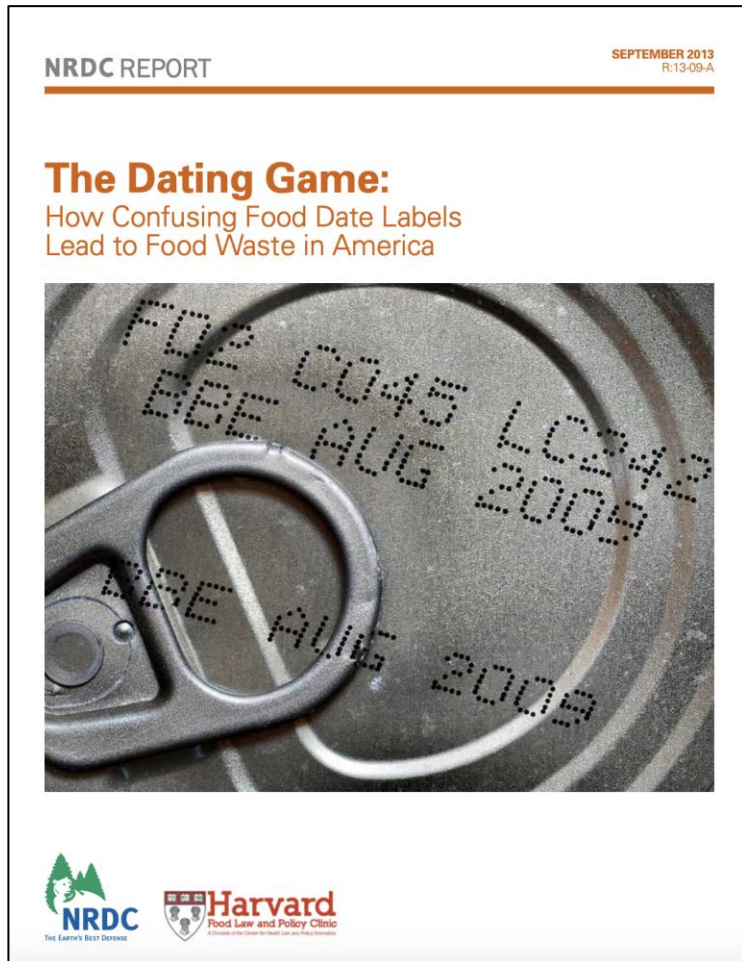


Date label misinformation is common among groups that may face economic vulnerabilities

Groups most affected by date label-related confusion and higher rates of unnecessary waste include:

- Young adults (Gen Z and Millennials)
- Parents with children under age 18
- Black and Hispanic consumers
- Those in lowest income and education groups

Date Label Recommendations



Recommendations

- Standard labels that distinguish between safety vs. quality
- Education and awareness
- Allow sale or donation past the quality date

Progress:

- CBA-FMI Voluntary Product Code Dating Initiative (2017)
- CGF Board of Directors and Champions 12.3 also call for standard date labels

California AB 660 – enacted 2024

➤ New requirements starting July 2026

- If a date label is used, it must be one of two:
 - “BEST if Used by” or “BEST if Used or Frozen by” (quality date)
 - “USE by” or “USE by or Freeze by” (safety date)
- Prohibits use of “sell by” label
- Donation/sales past-date
 - Explicitly allows sale or donation past the “BEST if Used by” date
 - Explicitly allows donation of foods with incorrect date labels

➤ Earlier in 2024, California also passed Assembly Joint Resolution 10, calling on the US Congress to pass the Food Date Labeling Act and standardize date labels.

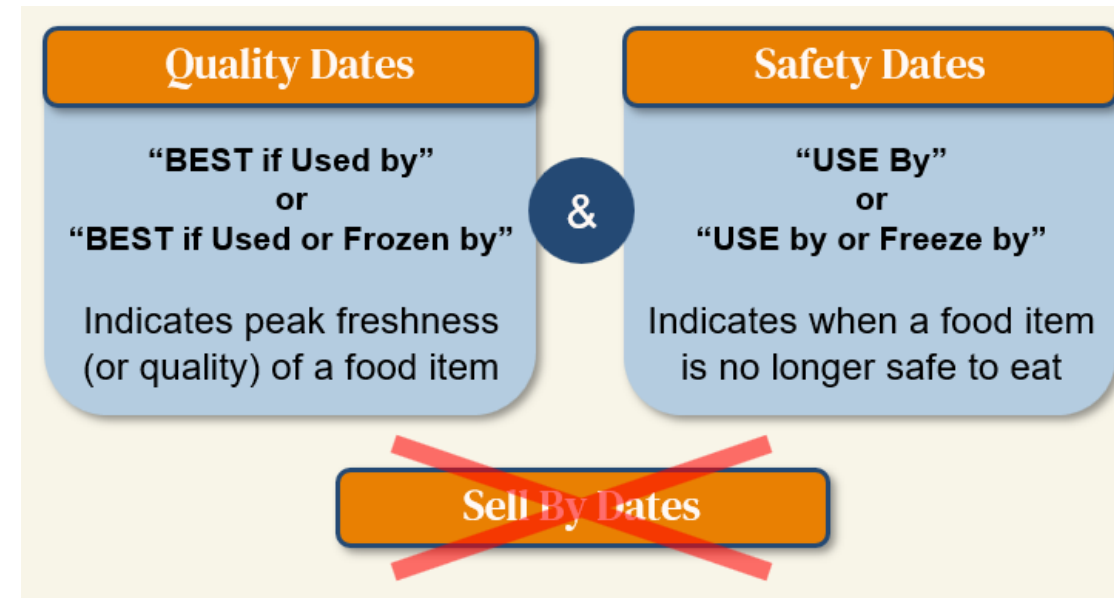


Image: Californians Against Waste



Nine states introduced date label laws this year... ...but not all are consistent

➤ Recent enactment

- Colorado just enacted a law that, among other things, encourages grocers to use "best if used or frozen by" rather than "sell by" on prepared food.

➤ Several states would prohibit date labeling that does not comply with the "Use By" and "Best If Used By" formatting, similar to California:

- New Jersey, New York, Virginia, South Carolina

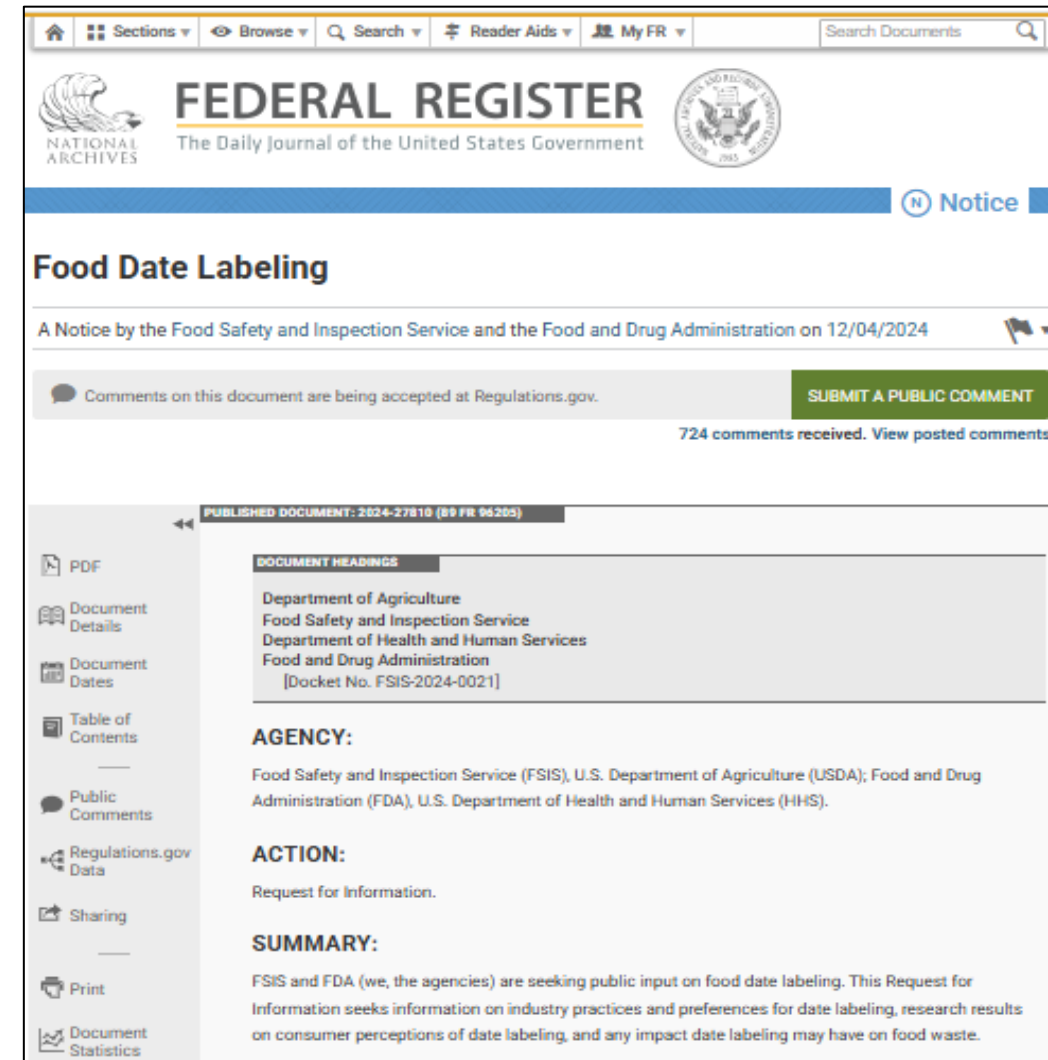
➤ Other states have different proposals

- Illinois and Oregon would task state regulators with developing rules on "USE by" and "BEST if Used by" labels
- Massachusetts would require the phrase "Expires On" for safety date labels for ready to eat foods

➤ *(Maryland had a bill recently withdrawn by the sponsor)*

USDA-FDA Request for Information on Date Labels

- Sought information on industry practices, barriers to standardizing date labeling, consumer perceptions of date labels, and impact of date labeling on food loss and waste
- **Comments were due March 5, 2025**



The screenshot displays the Federal Register website interface. At the top, there is a navigation bar with links for Sections, Browse, Search, Reader Aids, and My FR. The main header features the National Archives logo, the text "FEDERAL REGISTER The Daily Journal of the United States Government", and the Presidential Seal. A blue banner below the header reads "Notice". The main content area is titled "Food Date Labeling" and includes a sub-header: "A Notice by the Food Safety and Inspection Service and the Food and Drug Administration on 12/04/2024". Below this, a message states "Comments on this document are being accepted at Regulations.gov." with a green button labeled "SUBMIT A PUBLIC COMMENT". It also notes "724 comments received. View posted comments". A sidebar on the left contains links for PDF, Document Details, Document Dates, Table of Contents, Public Comments, Regulations.gov Data, Sharing, Print, and Document Statistics. The main content area shows the "PUBLISHED DOCUMENT: 2024-27810 (89 FR 96205)" and "DOCUMENT HEADINGS" listing the Department of Agriculture, Food Safety and Inspection Service, Department of Health and Human Services, and Food and Drug Administration. The "AGENCY:" section lists the Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA), and Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS). The "ACTION:" section is "Request for Information." The "SUMMARY:" section states: "FSIS and FDA (we, the agencies) are seeking public input on food date labeling. This Request for Information seeks information on industry practices and preferences for date labeling, research results on consumer perceptions of date labeling, and any impact date labeling may have on food waste."



Federal Food Date Labeling Act (proposed)

- If a date label is used, must use one of the two standard dates:
 - “BEST If Used By” (quality date)
 - “USE By,” (discard date)
- Interaction with state laws
 - Preempts states from requiring any other date label words
 - Preempts states from prohibiting sale/donation after the *quality* date
 - Allows states to restrict sale/donation after the *discard* date
- Consumer education
 - Requires the Secretaries, in coordination, to provide consumer education and outreach on the meaning of quality dates and discard dates on food labels.

Last Congress: H.R.3159 / S.1484



FOOD LAW
and POLICY CLINIC
HARVARD LAW SCHOOL

flpc@law.harvard.edu
www.chlpi.org/flpc

   @HarvardFLPC

Trevor Findley
tfindley@law.harvard.edu