

## BELFAST CONFERENCE 2009 – MOTION 5

Following our 2009 Annual Conference in Belfast, General Motion 5, in respect of date-markings on foodstuffs, stated:

**“This Conference urges her Majesty’s Government to clarify and in some cases reassess the date-markings on foodstuffs. In particular the ‘best before date’ date is misleading and helps to create scandalous amounts of wastage, which most people can ill afford. Clarification of the actual significance of the dates should be displayed prominently in all retail outlets”.**

We wrote to the Government Food Standards Agency to advise them that our Members had voted in favour of this motion and this is their response:

### **From the Director of Consumer Choice and Dietary Health Miss Gill Fine**

At your annual Inner wheel Conference in April 2009, your members voted in favour of a motion calling for the Government to clarify and possibly reassess the date marking system for foods. Since then, a number of your branches have written to the Food Standards Agency (FSA), which has responsibility for food labelling. These letters make the point that the date marking scheme, especially the term ‘best before’, is confusing and may lead to food waste. In view of the level of interest from your members I thought you might appreciate some more detailed information about the current position on date marking.

You may be aware that food labelling rules are agreed at European Union level and implemented in the UK by the Food Labelling Regulations 1996 as amended.

These rules require most pre-packed food to carry one of two types of date marks: a ‘use by’ date or a ‘best before’ date. ‘Use by’ dates are required for perishable foods that can pose a risk to health if not consumed before that date and are therefore about food safety. ‘Best before’ dates, required for other foods, related to the date within which the food will retain its quality rather than safety. Generally speaking therefore foods should not be consumed after the ‘use by’ date, as they may be unsafe, whilst food consumed after the ‘best before’ date is unlikely to have become unsafe, although its quality (flavour, colour, texture) may not be optimum. It is illegal to sell food after the ‘use by’ date. However food can be sold after the ‘best before’ ‘display until’ or ‘sell by’ date provided it still complies with food safety requirements.

In addition ‘use by’ date or ‘best before’ dates, food labels may also carry terms such as ‘sell by’ and ‘display until’ dates. These are voluntary stock control dates used by retailers to manage their stock. It is the responsibility of manufacturers to set date marks for specific foods.

Although the FSA has produced guidance for consumers on its ‘eatwell site’, [www.eatwell.gov.uk](http://www.eatwell.gov.uk) there is evidence of consumer confusion about date marks, including a misunderstanding and misinterpretation of the dates. Research carried out between 2000 and 2007, shows that the proportion not understanding ‘use by’ dates ranged between 38% and 66%, while the proportion not understanding ‘best before’ dates ranged between 46% and 65%. This means that people may be consuming food that is potentially unsafe because it has passed the ‘use by’ date, whilst unnecessarily throwing away food simply because it is at or past its ‘best before’ date.

While food waste is not within the FSA’s remit, the FSA does recognise its high importance and the potential of the FSA’s policies to affect the amount of food waste. Indeed the Cabinet Office’s report *Food Matters* recommends that the FSA and the Department for Environment, Food and Rural Affairs should work with the Government-funded Waste and Resources Action Programme and the food industry to cut the amount of food waste in the supply chain and in the home. The issue of consumer understanding and industry application is a feature of that project. As part of this, an issue we will be exploring is how best to promote consumer understanding, perhaps by giving greater prominence to the information on the FSA website.

With regard to reassessing or changing the rules, because the rules are agreed at EU level, the scope for individual Member States to introduce national measures is limited. Having said this, the FSA is currently involved in ongoing discussions on a new food information proposal in Brussels. Consideration is being given to the date marking requirement, as part of negotiations on the Food Information Regulation. An aspect of this is seeking to clarify the date marking rules in order to make it absolutely clear that ‘use by’ is about food safety and ‘best before’ about food quality. This should go some way to eliminating the current ambiguity in respect of these terms when used by food manufacturers. The FSA is also in the process of amending its guidance on the date marking of food produced in 2003 to help industry adopt a more consistent and appropriate approach to the application of date marks on food labels.’