GETTING THE MOST OUT OF FOOD

A Shopper's Guide to Food Date Labels

Dates on food labels can be confusing. They seem like they are about food safety, but often, they are not. For many packaged foods, just because it is past its "sell by," "best by," or "use by" date, it is still likely to be safe to eat unless it looks like something is wrong with it or it smells bad.

Most of the time, these dates relate to freshness or food company stocking practices, and not to safety.[1] Confusion about food date labels can lead to unnecessary food waste, which means more trash, greenhouse gases, and food insecurity.

This handout was created in partnership with the Minnesota Department of Health's Statewide Health Improvement Partnership (SHIP) and explains what the dates on food labels mean and provides tips for maximizing the storage life of food.

The general rule for most packaged foods is that no matter what the date says, if the package is damaged, or the food looks or smells bad, do not

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eat it. Otherwise, the date probably relates to freshness and quality and not to possible food safety concerns, except in a few situations.

Here are some general guidelines for packaged foods:

- ✓ **For baby formula**, federal law requires companies to put a "use by" date. If the formula is past this date, do not use it. The same goes for baby food.
- ✓ **For cake mix, baking powder, baking soda, and similar baking ingredients** — if it is more than 12 to 18 months past the "use by" or "best by" date, your baked item may not rise or come out as well, or it may be ok. Either way, it is likely to be safe to eat.
- ✓ **For other packaged foods** —

  - ? Is it slimy or moldy? Or does it look unusual or strange in some other way?
  - ? Does it smell bad?
  - ? If it is canned or in some other packaging, is the package or can damaged, dented or bulging out?

→

IF YES

👎 **Do not eat it**, regardless of the date on the label.

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IF NO

👍 **It is most likely safe**, regardless of the date on the label. If it is well past the date on the label, it may not taste as good, however.

Contaminated Food Does Not Always Look or Smell Bad

When food is spoiled by some common forms of bacteria or pathogens, it usually looks or smells bad.[2] If food has any of these signs, do not eat it. Some bacteria, however, such as *listeria monocytogenes*, can thrive even in frozen foods, and do not affect how a food smells, feels, or tastes. This bacteria can show up in unpasteurized dairy products or juices, fresh produce that is not washed well, some meat products such as deli meat spreads, and when some foods, especially hot dogs, meat and egg dishes, are not cooked or stored properly.[3] This bacteria can make people sick even within any "use by" or "best by" date that may be on the food.

Most date labels on foods indicate freshness or "peak" quality. Minnesota law calls these labels "quality assurance" dates or "open" dates, and requires them on most packaged foods.[4] Stores typically use these dates to track and move inventory.[5] Minnesota law explains that just because the food is past the quality assurance date, that does not mean it is not safe or wholesome, or that the food has to be thrown away.[6]

The “use by” date *does* matter for baby formula, which is federally regulated.[7] The USDA also recommends that baby food should not be eaten after the expiration date if it has one.[8]

Minnesota also has a food safety law that requires restaurants, grocery stores and similar sellers of prepared foods to include a “use by” (or “discard by”) date on some foods, called “time/temperature controls for safety” or TCS food.[9] TCS food is food that is prepared or opened on-site (at the restaurant, grocery store, etc.), held for at least 24 hours, and which must be maintained within certain temperature ranges and/or for limited time periods to remain safe to eat.[10] This includes items that contain meat, cooked pasta, rice, and potatoes, among other types of food.[11] State law requires that these foods be either used or discarded within 7 days of the day the food was made.[12]

But most of the dates on food labels are set by food companies, who make up their own systems for setting these dates based on taste, looks, and other factors, and not food safety.

Here are labels you might see on packaged foods and what they typically mean:

"Best if Used By"

This label provides an estimate of the date until which food will be at its highest quality or freshness, as determined by food companies.[13] This is not a food safety date.

"Sell By"

Retailers use this label to manage their stock to ensure food is sold with enough time for consumers to eat it while it is still fresh.[14] This is not a food safety date.

"Use By"/"Enjoy By"/"Freeze By"

This label indicates the last date the product is expected to meet consumer expectations, as determined by food companies. **It relates to health and food safety when used on baby formula and TCS food and should be followed for those products.** But for other types of food, this is generally not a food safety date.[15]

Tips for Keeping Food Safe and Tasty

The USDA has a FoodKeeper App, also available as a mobile application, that provides quick, general answers to questions about storing many common food and drink products.[16]

Here are some additional tips:

- **Keep hot foods hot and cold foods cold.** Do not keep foods that need to be refrigerated out of the fridge for too long, particularly meat, fish, dairy, eggs, and leftovers. More than 2 hours is too long, and if it is hot outside (more than 90°F), more than 1 hour is too long. Bacteria grow quickly in the temperature "danger zone" of 40°F to140°F.[17]
- **Limit the amount of time certain food is in the temperature danger zone** by cooking, refrigerating, or freezing perishable foods as soon as possible. Most cooked leftovers stay good in the fridge for up to 3–4 days.[18]
- **If you cannot eat fresh vegetables before they go bad, you can freeze them.** The best way to freeze vegetables is to boil them briefly (up to 2 minutes), place in a bowl of ice water, drain, and freeze in an airtight freezer bag for 8–12 months.[19]
- **Not all produce must be refrigerated.** Apricots, bananas, cantaloupe, kiwi, mango, papaya, peaches, pears, plantains, plums and tomatoes will continue to ripen until they are cut up or eaten; they can be stored on a counter or table.[20] Vegetables like garlic, jicama, onions, potatoes, and winter squash can be stored in a cool, dark place.[21]
- **When produce starts to wilt but is not yet spoiled, soak it in cold water to revive it.** This can work on carrots, chives, green beans, kale, lettuce, spinach, and other greens. For vegetables or herbs with stems, such as asparagus, broccoli, celery, chard, parsley, basil, or mint, trim stems at a slant 1 inch from the end, place in a glass of cold water, and refrigerate for 1 hour. Revived produce should be eaten within 24 hours after using these methods.[22]

Throwing away good food is not just a waste of food, it is also a wasted opportunity to support food security and reduce trash and greenhouse gases. Better understanding of what food date labels mean can help everyone do better at reducing wasted food and support healthier people and a cleaner environment.

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Endnotes

1 *See generally* USDA Food Safety Inspection Serv. ("FSIS"), *Food Product Dating*, https://www.fsis.usda.gov/food-safety/safe-food-handling-and-preparation/food-safety-basics/food-product-dating (last updated Nov. 20, 2023); *see also* HARV. FOOD LAW AND POLICY CLINIC AND NAT'L RESOURCES DEFENSE COUNCIL, THE DATING GAME: HOW CONFUSING FOOD LABELS LEAD TO FOOD WASTE IN AMERICA 17 (2013), https://www.nrdc.org/sites/default/files/dating-game-report.pdf.

2 USDA, *Is This Still Good To Eat?*, https://www.usda.gov/sites/default/files/documents/USDA-Food-Date-Labeling-Infographic.pdf (accessed on July 3, 2024); USDA, *How Do Bacteria Spoil Food?*, Dec. 12, 2023, https://ask.usda.gov/s/article/How-do-bacteria-spoil-food#:~:text=Under%20the%20correct%20conditions%2C%20spoilage,odor%2C%20taste%2C%20and%20texture.

3 Cleveland Clinic, *Listeriosis*, https://my.clevelandclinic.org/health/diseases/17721-listeriosis (last updated July 6, 2022).

4 *See* MINN. STAT. § 31.781 et seq. (2024) and implementing regulations at MINN. R. 1550.1030-.1250 (2024). Minnesota law establishes a framework for "quality assurance dates" or "open dates" for "any food intended for human consumption (other than meat and poultry, frozen food, or fresh fruit or vegetables)"; and defines quality assurance dates as "any date after which the manufacturer or processor reasonably determines that the product may, by spoilage, wiltage, drying or any other foreseeable and normal natural phenomenon, lose its palatability or its desired or nutritive properties" and as the time period between the made or pack date and the open date. MINN. R. 1550.1040 subparts 7 and 8 (2024). *See also* MINN. R. 1520.1900 (2024) (requiring all consumer grade eggs to have a quality assurance date such as "use by" or "sell by" in addition to the pack date); and MINN. R. 4626.0200 (requiring that raw shucked shellfish be packaged with a "sell by" or "best if used by" date). *See also* MINN. STAT. § 31.786 (2024) (prohibiting local governments from enforcing local rules on open dating of perishable foods).

5 USDA Food Safety Inspection Serv. ("FSIS"), *Food Product Dating*, https://www.fsis.usda.gov/food-safety/safe-food-handling-and-preparation/food-safety-basics/food-product-dating (last updated Nov. 20, 2023); *see also* HARV. FOOD LAW AND POLICY CLINIC AND NAT'L RESOURCES DEFENSE COUNCIL, THE DATING GAME: HOW CONFUSING FOOD LABELS LEAD TO FOOD WASTE IN AMERICA 17 (2013), https://www.nrdc.org/sites/default/files/dating-game-report.pdf.

6 MINN. STAT. § 31.784 (2024).

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10 MINN. R. 4620.0020, subp. 90a(A) (2024).

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12 MINN. R. 4626.0400(B)(2) (2024).

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