

Retail Food Establishments: Date Marking Guide

Regulation 61-25: Retail Food Establishments



www.scdhec.gov/food

Five Key Risk Factors

*repeatedly identified in
foodborne illness outbreaks:*

1. Improper Holding Temps

2. Inadequate Cooking
3. Contaminated Equipment
4. Food from Unsafe Sources
5. Poor Personal Hygiene

Item 1 is addressed on this sheet.

Regulation 61-25

Citations 3-501.17 & 3-501.18

3-501.17 – Ready-to-Eat TCS Food – Date Marking

3-501.18 – Ready-to-Eat TCS Food – Disposition

Public Health Reasons

Refrigeration prevents food from becoming a hazard by significantly slowing the growth of most microbes. The growth of some bacteria is significantly slowed but not stopped by refrigeration. Over a period of time, these organisms may increase their risk to public health in ready-to-eat foods.

Discard Food When:

- It is in a container without a labeled day or date;
- It exceeds 41° F; or
- It exceeds seven days of cold holding.

This guide will provide practical information to implement date marking requirements that apply to many ready-to-eat, Time/Temperature Control for Safety food. Some of the challenges operators may face, include:

- » Determining which foods are required to be date marked,
- » Developing a date marking system for employees to follow, and
- » Ordering volumes and sizes of product that can be sold within seven days of opening.

What Does Regulation 61-25 Require?

You must date mark any food meeting all of the following:

- » It is a Time/Temperature Controlled for Safety (TCS) food, which requires time and temperature control to limit the pathogen growth or toxin formation, and
- » It is a ready-to-eat food that may be eaten without any additional preparation steps to make the food safe, and
- » It is stored under refrigeration for more than 24 hours.

Why is Date Marking Important?

Date marking is a means of controlling the growth of *Listeria monocytogenes*, a bacteria that continues to grow even at refrigerated temperatures. Date marking is a process assuring the food is discarded before these bacteria can cause foodborne illness.

How to Mark the Date

Food must be discarded within seven days, which means the day

the food is prepared or opened plus six days. (Example: Food prepared on April 1 must be discarded on April 7.)

A food establishment operator can choose any marking method suitable to their operation. It's important to know whatever system you use, it must be understandable, effective, consistently used by employees, and clear to your inspector during the evaluation. It's recommended you provide a written policy for employees to follow.

What if I Freeze the Food?

Freezing food stops the date marking clock but does not reset it. So if a food is stored at 41° F for two days and then frozen at 0° F, it can still be stored at 41° F for five more days after removal from the freezer. The freezing date and the thawing date must be put on the container along with the preparation date as an indication of how many of the original seven days have been used. If food is not dated with these dates, it must be used or discarded within 24 hours.

What if I Combine Food that was Opened on Different Dates?

When different containers of foods are combined, the date of the oldest ingredient becomes the reference date. For example, if today is Wednesday, and you are mixing salad marked on Monday with salad marked on Tuesday, the combined salad marking would be based on a starting date of Monday.

Items Not Requiring Date Marking

Some foods prepared and packaged in an inspected food processing plant may not require date marking. These foods include:

- » Commercially pre-packaged deli salads
- » Semi-soft cheeses – see list below
- » Hard cheeses – see list below

- » Cultured dairy products, such as yogurt, sour cream and buttermilk
- » Preserved fish products, such as pickled herring and dried or salted cod
- » Shelf-stable dry fermented sausages, pepperoni and salami not labeled as “keep refrigerated”

List of Some Hard and Semi-Soft Cheeses Exempt from Date Marking

Abertam	Christalinna	Gorgonzola (blue veined)	Oaxaca	Romanello
Appenzeller	Colby	Gouda	Oka	Romano
Asadero	Coon	Gruyere	Parmesan	Roquefort (blue veined)
Asiago (medium or old)	Cotija	Havarti	Pecorino	Samsoe
Asiago soft	Cotija Anejo	Herve	Port du Salut	Sapsago
Battelmatt	Derby	Konigskase	Provolone	Sassenage (blue veined)
Bellelay (blue veined)	Edam	Lapland	Queso Anejo	Stilton (blue veined)
Blue	Emmentaler	Limburger	Queso Chihuahua	Swiss
Bra	English Dairy	Lorraine	Queso de Bola	Tignard (blue veined)
Brick	Fontina	Manchego	Queso de la Tierra	Tilsiter
Camosum	Gex (blue veined)	Milano	Queso de Prensa	Trappist
Chantelle	Gjetost	Monterey	Reggiano	Vize
Cheddar	Gloucester	Muenster	Robbiole	Wensleydale (blue)

Please search www.fda.gov for “date marking of cheese” for updated information.

Deli Meats

Date marking applies to entire loaves of deli meats once the original package is opened. Refrigerated deli meats should be purchased in sizes that can be sliced and sold within seven days of opening.

What Date Applies if I Package Deli Items for Sale?

Date marking is the last day the product can be consumed safely.

The “last date of sale” is a date the consumer sees on a package. Whenever a deli item is packaged for sale out of a self-service case, the package must be marked with the last date of sale (or sell-by date). For example, if a tub of potato salad was opened in the deli four days ago and you want to prepackage some half-pound containers for sale in the self-service case, you must take into consideration those first four days when setting a sell-by date.

Regardless of the date you choose, the product cannot be sold after day seven.

Our operation goes through refrigerated salami so fast that the loaf will be gone in less than four days. Do I still need to date mark it?

Yes, if the food is not going to be served, sold or discarded within 24 hours, it must be date marked.

Example Chart

Date	Shelf Life Day	Action	Date	Shelf Life Day	Action
October 1st	1	Cook/Cool	October 11th	4	Cold Hold at 41°F
October 2nd	2	Cold Hold at 41°F	October 12th	5	Cold Hold at 41°F
October 3rd		Freeze	October 13th	6	Cold Hold at 41°F
October 10th	3	Thaw to 41°F	October 14th	7	Consume or Discard