

**Food Safety Guidance**

**“Use By” and “Best Before” Dates**

Most foods are provided with a date of minimum durability i.e. use by date or best before date. There are a few exemptions where no date is required e.g. loose foods, sugar, some alcoholic drinks etc.

**‘Use By’ – Food must never be sold, displayed for sale or used after the use by date.**

Use by date is about safety and the most important date to note. Food exceeding its use by date is considered to be unsafe i.e. injurious to health and/or unfit for human consumption

Foods can be sold, eaten, frozen or cooked up until the use by date but not after.

It is an **offence** to sell, display for sale or use foodstuffs as part of a food business beyond their ‘Use By’ date as prescribed in the General Food Regulations 2004. Falkirk Council’s Enforcement Policy in this regard is overleaf.

**‘Best Before’ –** Selling, displaying for sale and using foodstuffs past their ‘best before’ date is not a strict offence.

After the best before date the food will no longer be at its best and may begin to lose its flavour and texture. If it is deemed not of the nature, substance or quality demanded by the consumer*,*this will however bean offenceunder Section 14 of the Food Safety Act 1990.

It is therefore important that stock control procedures are adequate to ensure foods are typically used or sold before the best before date.

**Eggs**

Eggs are unusual in that they must be sold at least 7 days before their best before date. This indication is often seen on cartons as ‘Display Until’.

Selling eggs beyond the Best Before/Display Until is an **offence** under The Eggs (Marketing Standards) (Enforcement) (Scotland) Regulations 2005.

For more information contact the Food & Safety Team at fs@falkirk.gov.uk



**Enforcement policy for the sale of foodstuffs past their**

**‘Use By’ date**

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| **1st Finding** of foodstuffs on display/storage for sale past their ‘use by’ date at a premises. | Issue proprietor/person in charge with an **Inspection Report** detailing the offence. Explain to them that the sale of foodstuffs past their ‘use by’ date is an offence under the General Food Regulations 2004. Advise the proprietor/person in charge to pay particular attention to ‘use by’ dates at the premises in all future inspections. |
| **2nd Finding** of foodstuffs on display/storage for sale past their ‘use by’ date at a premises. | Issue proprietor/person in charge with an **Inspection Report** detailing the offence. Again explain to them that the sale of foodstuffs past their ‘use by’ date is an offence under the General Food Regulations 2004 and that any future occurrence is likely to lead to a report being sent to the **Procurator Fiscal**. Send/provide the Use By and Best Before Guidance Note and pay particular attention to ‘use by’ dates at the premises in all future inspections. |
| **3rd Finding** of foodstuffs on display/storage for sale past their ‘use by’ date at a premises. | Discuss with the Food & Safety Co-ordinatorand assess in accordance with the Council’s Food Safety Enforcement Policy. If applicable **Caution proprietor/person in charge in the presence of a witness.** Explain to proprietor/person in charge the details of the offence as per the COPFS Guidance and inform of your intention to **submit a report to the Procurator Fiscal.** Confirm your intention in writing within 10 working days of your finding. **Submit your report.**Where a decision is made not to submit a Report, a **final warning** will be given in writing. Subsequent findings will result in a Report to the PF. |