

FOOD ACT 1989—REGULATION

(Adopting date stamping standards for food)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Food Act 1989 and on the recommendation of the Food Advisory Committee, has been pleased to make the regulation set forth hereunder.

RON PHILLIPS
Minister for Health Services Management.

Commencement

1. This Regulation commences on 1st May, 1992.

Amendment

2. The Food Standards Code (Adoption) Regulation 1989 is amended by omitting from the Food Standards Code set out in Schedule 1 the matter relating to Standard A2 and by inserting instead the following matter:

A2—DATE MARKING OF PACKED FOOD

- (1) **Interpretation.** In this Standard, save where the contrary intention appears —

‘best-before date’, in relation to a package of food, has the same meaning as that assigned by this clause to the term ‘use-by date’;

‘date of packing’, in relation to a package of food, means the date on which that food was packed in that package;

‘longer life food’ means food with a minimum durable life of 90 days or longer, but less than 2 years;

‘minimum durable life’, in relation to a package of food, means the period beginning on the date of packing during which the packed food that is stored in accordance with any conditions of storage set out in the label can reasonably be expected to retain, without any appreciable deterioration, its normal wholesomeness, nature, substance and quality;

‘short life food’ means food with a minimum durable life of 7 days or longer, but less than 90 days;

‘use-by date’, in relation to a package of food, means the date signifying the end of the minimum durable life of the food contained in that package;

‘very short life food’ means food with a minimum durable life of less than 7 days.

(2) Save where otherwise expressly prescribed by this Code, the label on or attached to a package containing food intended for sale shall set out a date marking in respect of that food in the manner prescribed by this Standard.

(3) Date marking of very short life foods and short life foods.

(a) Unless otherwise expressly prescribed by this Standard, the label on or attached to a package containing very short life food shall include one or both of the following—

- (i) date of packing;
- (ii) use-by date.

(b) Unless otherwise expressly prescribed by this Standard, the label on or attached to a package containing short life food shall include one or more of the following—

- (i) date of packing;
- (ii) use-by date;
- (iii) best-before date.

(c) The date to be included in the label on or attached to a package containing a very short life food or a short life food provided for in clause (3) (a) or (3) (b) of this Standard shall be indicated in accordance with the following system—

- (i) the day of the month shall be shown firstly and shall be expressed by a number with the first 9 days of the month being preceded by a zero;

- (ii) the month shall be shown after the day in alphabetical form by the first 3 letters of the month;
- (iii) where the year in which the date occurs is shown, the year shall be shown lastly and shall be expressed by at least the last 2 numerals of the year:

Provided that where the full date is shown in the form day, month and year in that order, the month may be expressed in numerical form.

(d) Where the date of packing is the sole date applied to a very short life food or a short life food, that date shall be accompanied by a statement of the minimum durable life of the packed food in the form—

‘MINIMUM DURABLE LIFE (here insert the number of days, weeks or months)’.

(e) The label on or attached to a package containing a very short life food or a short life food shall include a statement of the conditions of storage required to ensure that the packed food will have the minimum durable life stated or, as the case may be, indicated by the use-by date or best-before date in the label, unless no specific storage conditions are required for that purpose.

(4) Date marking of longer life foods.

(a) Unless otherwise prescribed by this Standard, the label on or attached to a package containing longer life food shall include one or more of the following—

- (i) date of packing;
- (ii) use-by date;
- (iii) best-before date.

(b) The date to be included in the label on or attached to a package containing longer life food provided for in clause 4 (a) of this Standard shall be indicated in accordance with the following system—

- (i) the month of the year shall be shown and shall be expressed in alphabetical form by the first 3 letters of the month;
- (ii) the year shall be shown after the month and shall be expressed by at least the last 2 numerals of the year;

(iii) where the day of the month is shown, the day shall be shown firstly and shall be expressed by a number with the first 9 days of the month being preceded by a zero:

Provided that where the full date is shown in the form day, month and year in that order, the month may be expressed in numerical form.

(c) Where the date of packing is the sole date applied to a longer life food, that date may be accompanied by a statement of the minimum durable life of the packed food in the form—
‘MINIMUM DURABLE LIFE (here insert the number of days, weeks, months or years)’.

(5) (a) Where the date of packing is shown on the label, it shall be shown in one of the forms—

‘PACKING DATE (here insert the date)’;
‘PACKED ON (here insert the date)’; or
‘PKD (here insert the date)’.

(b) Where the use-by date is shown on the label, it shall be shown in the form—

“USE BY (here insert the date)”.

(c) Where the best-before date is shown on the label it shall be shown in the form—

‘BEST BEFORE (here insert the date)’.

(6) A State or Territory to meet its particular requirements may prescribe other modes of date marking in respect of bread, milk, cream and meat.

(7) Statements in the label in compliance with this Standard shall be in distinct colour contrast to the background and in standard type of 3 mm:

Provided that statements in a label that are embossed or impressed not in colour contrast shall be in standard type of 4.5 mm.

(8) A person shall not use a date marking system in the label on or attached to a package containing food or in advertising a package containing food other than the date marking system prescribed by this Standard. The provisions of this clause do not preclude the addition of a manufacturer’s code or packer’s code.

(9) A person who sells food labelled as prescribed by clause (3) (e) of this Standard shall store that food in compliance with the conditions of storage set out in the label.

(10) **Exemptions.** The following foods are exempt from the provisions of this Standard requiring the label of a package of food to set out a date marking—

meat products in unprinted edible casings, not further packed;

alcoholic beverages, other than wine in plastic packages;

fresh fruit or vegetables in packages that do not obscure the nature and quality of the fruit or vegetables;

packed sandwiches and filled bread rolls for sale on the day of preparation;

food in packages where the sum of the maximum dimension and the maximum circumference or perimeter that is perpendicular to that maximum dimension does not exceed 250 mm;

ice cream and ice confections less than 200 mL in volume;

carbonated soft drinks with a pressure in excess of 70 kPa at 20°C;

food having a minimum durable life of 2 years or longer.

(11) Pursuant to clause (6) of this Standard, clauses (12), (13) and (14) prescribe other modes of date marking for bread, milk and meat.

(12) The label on or attached to a package containing prepacked meat shall include the date of packing in the form required by clauses (3) (c) and (5) (a) of this Standard.

(13) Pasteurised milk and pasteurised homogenised milk that is sold in glass bottles may contain a use-by date or a date, marked by a date in the form required by clauses (3) (c) and (5) (b) of this Standard. The date may be embossed or impressed in standard type of 3 mm and is not required to be in colour contrast).

(14) Packaged bread that is a very short life food must show a date of baking in the form 'DAY OF BAKING (here insert the date)' or 'BAKED ON (here insert the date)' or 'BKD (here insert the date)'. The date must be in the form required by clause (3) (c) of this Standard.

EXPLANATORY NOTE

The object of this Regulation is to amend the Food Standards Code (Adoption) Regulation 1989 so as to adopt the Standard relating to the date stamping of food contained in the Food Standards Code of the National Health and Medical Research Council. The Regulation also makes some amendments, as permitted by the Commonwealth Code, in relation to meat, bread and milk.
