Date Marking for Ready-to-Eat Potentially Hazardous Food

On-Premises Preparation (prepare and hold cold) – Section 750.151(a)
Refrigerated, ready-to-eat potentially hazardous food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, and maintained at 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.

Commercially Processed Food (open and cold hold) – Section 750.151(b)
Refrigerated, ready-to-eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and, if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combination specified in Section 750.151(a). The day the original container is opened in the food establishment shall be counted as Day 1. The day or date marked by the food establishment may not exceed a manufacturer’s use-by date if the manufacturer determined the use-by date based on food safety.

Combining Additional Ingredients – Section 750.151(c)
A refrigerated, ready-to-eat potentially hazardous food ingredient of a portion of a refrigerated, ready-to-eat potentially hazardous food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

A Date-Marking System That Meets Criteria May Include – Section 750.151(d):
- Using a method approved by the regulatory authority for refrigerated, ready-to-eat potentially hazardous food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine
- Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded
- Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded
- Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request
- Section 750.151 (a or b) does not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer’s request
- Section 750.151(b) does not apply to the following food prepared and packaged by a food processing plant inspected by a regulatory authority: Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110; hard cheeses containing not more than 39% moisture and semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture; cultured dairy products as defined in 21 CFR 131

Ready-to-Eat Potentially Hazardous Food, Disposition – Section 750.152
A food specified in Section 750.151 (a) or (b) shall be discarded if it:
- Exceeds the temperature and time combination except time that the product is frozen
- Is in a container or package that does not bear a date or day; or
- Is appropriately marked with a date or day that exceeds a temperature and time combination.