

Reducing Confusion and Waste through Standardization of Date Labels

Federal legislation should reduce consumer confusion and food waste by standardizing and clarifying food date labels across food products and throughout the country.

No national uniform system for date labeling exists in the U.S., which allows companies to use a dizzying array of labels, including “sell by,” “use by,” “best by,” and “expires on.” These dates are set by manufacturers and are not intended to communicate safety information. Instead, they signal a manufacturer’s estimate of how long food will taste its best. However, consumers mistakenly believe that these dates are indicators of safety. 90% of Americans have reported throwing food away on the expiration date due to fear of safety risks. A very small set of foods may bear some risk if consumed after the date, but even this risk is not communicated clearly to consumers.

In the absence of federal law, states enforce a variety of inconsistent date label regulations. 41 states require date labels on certain products. However, these states do not distinguish between quality and safety and do not require clear, standard label language. 20 states even restrict or ban the sale or donation of past-date food, leading to unnecessary waste of healthy, safe food.

Date label confusion harms consumers and food companies, and it wastes massive amounts of food, which harms the planet. The U.S. wastes 160 billion pounds of food, or nearly 40% of food produced in this country, annually. Federal legislation can help, by establishing a uniform national system for date labeling that applies to all food products. Such legislation can reduce consumer confusion; simplify regulatory compliance; and cut food waste across the supply chain and in consumers’ homes.

Federal legislation should:

- 1. Require manufacturers or retailers who choose to utilize a date label for quality reasons to use the standard language “best if used by.”** National research conducted by Wal-Mart has shown that “best if used by” is the phrase most easily understood by consumers as a quality indicator. Because not all foods deteriorate in quality over time, use of quality dates should be optional.
- 2. Require the standard label “expires on,” for safety dates on high-risk foods.** Legislation should require that FDA, in coordination with USDA, publish a list of ready-to-eat foods that have a risk of microbial contamination if consumed after a certain date. These foods should be required to use a standard “expires on” label. Preliminary research conducted by the Johns Hopkins Center for Livable Future found that the phrase “expires on” most clearly communicated safety. Most countries and governments that regulate date labels, including the entire European Union, utilize a dual label system with separate quality and safety labels. However, in countries that do not specify which date label to use for which foods, manufacturers utilize different date labels on like products, leading to variation across similar products and ongoing confusion.
- 3. Allow for the sale or donation of foods after the quality date.** Currently, 20 states restrict sale or donation of past-date food, even though that date is generally intended to indicate quality rather than safety. Since quality is subjective, federal legislation should bar states from prohibiting the sale or donation of food because it is past the “best if used by” date. However, states should be allowed to prohibit the past-date sale or donation foods bearing the “expires on” date label.
- 4. Educate consumers about the meaning of new labels.** Legislation should require FDA and USDA to undertake an educational campaign about the new standard labels, to ensure consumers understand their meaning. As trusted government agencies charged with protecting consumers, FDA and USDA are in a unique position to reduce confusion around date labels and ensure successful implementation of the new law.