

Date Marking

Background

The growth of pathogenic bacteria to dangerous levels can result when potentially hazardous foods are held at refrigerated temperatures for extended periods. To monitor and limit refrigeration time, refrigerated ready-to-eat (RTE) potentially hazardous food must be date marked to assure that the food is either consumed or discarded within seven days.

Date marking must be done when food is:

- potentially hazardous;
- RTE;
- Refrigerated; and
- held more than 24 hours.

Date marking of food prepared in the food establishment:

- Date making is required for ready-to-eat potentially hazardous food that is prepared and held refrigerated for more than 24 hours; and
- RTE potentially hazardous foods must be marked with the date of preparation, and must be consumed or discarded within seven days, including the day of preparation;
- RTE potentially hazardous foods must be maintained at 41°F (5°C) or less for the duration of the seven days.

Date marking of food prepared and packaged in a food processing plant and served in a food establishment:

- These foods shall be clearly marked with the date the original container is opened; and
- they shall be consumed or discarded within seven days including the day the container is opened; and

- these potentially hazardous foods must be maintained at 41°F (5°C) or less for the duration of the seven days; and
- at no time shall the food be sold or served beyond the expiration date placed on the original container by the food manufacturer.

Date marking of foods that are subsequently frozen:

- Potentially hazardous foods shall be clearly marked when the food is thawed to indicate the food shall be consumed within 24 hours (not to exceed the seven day refrigeration limit); or
- frozen potentially hazardous foods must be marked with the number of days held in refrigeration prior to freezing and dated when the food is removed from the freezer to limit consumption within seven calendar days, including the day of preparation or opening of an original container from a food manufacturer; and
- all potentially hazardous food must be maintained at 41°F (5°C) or less for the duration of the seven days, including thawing.

Exemptions:

- Date marking does not apply to individual meal portions served or repackaged for sale from a bulk container upon the consumer's request (the date marking requirements still apply to the bulk container).
- The date marking requirement does not apply to whole, unsliced portions of a cured and processed product with the original casing maintained on the remaining portion, including bologna, salami or other sausage and cellulose casing. However, the original sell-by/use-by date placed on the product by the manufacturer must not be exceeded.



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Definitions, examples and clarifications:

- Ready-to-eat (RTE) means a food is “reasonably expected to be eaten in that form.” The food is in a form that is edible without washing, cooking or additional preparation.
- The date marking requirements apply whether the RTE potentially hazardous food is sold from a service case, repackaged for self-service or consumed on-site.
- If RTE potentially hazardous foods are “refreshed,” as in a service case or salad buffet, the date marking for the oldest product in the container must not be exceeded.
- When cooked product is held in refrigeration for additional preparation at a later date, the seven-day rule begins at the end of the initial key step. For example, in the case that potatoes are cooked for potato salad or roast chicken prepared for chicken salad, if the potatoes or chicken are held for two days after cooking and then processed into salads, these salads must be consumed within five days so as to not exceed the seven-day rule. If the cooked products were cooled and reheated, the clock starts over after it has been reheated to 165°F (kill step).

For further information contact the following MDH district offices:

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Fergus Falls	◆	(218) 332-5150
Mankato	◆	(507) 344-2700
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To request this document in another format, call 651-201-4500 or TTY 651-201-5797.

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