

# CONSISTENT INTERPRETATION

## Food Standards Surveillance

### To FOOD BUSINESSES, WHOLESALERS AND DISTRIBUTORS

#### Date marking and the Sale of Safe and Suitable Food

##### Purpose

This notice is to remind Food Service Distributors and Food Businesses of their responsibility to comply with food labelling requirements and the supply of safe and suitable food.

##### Background

The Food Act 2001 defines serious offences relating to food and makes penal provisions for the sale of unsafe and unsuitable. The Food Standards Code requires:

- the label on a package of food to include its use-by date, or its best-before date
- the label on a package of food must not be altered, removed, erased, obliterated or obscured except with the permission of the relevant authority.
- a food business engaged in the wholesale supply, manufacture or importation of food must have in place a system to ensure the recall of unsafe food;
- when storing and displaying food, a food business must take all practicable measures to protect the food from the likelihood of contamination

##### Policy

- To ensure that food presented for sale is safe and suitable, Food Service Distributors and Food Businesses must have systems in place to ensure that foods nearing the end of shelf life are managed and products past their use-by date are prevented from sale.

*Use-by dates are calculated and applied by food manufacturers. These foods are considered to be unsafe after the date of expiry. Best Before dates can be applied to foods that will remain safe to eat past the declared 'best-before' date, however quality of the food may be reduced.*

- It is the responsibility of Food Businesses to maintain traceability of the food throughout its' shelf life.
- Where labels require amendment, Food Businesses are required to seek the written approval of SA Health prior to commencement of re-labelling.
- Dented, blown or otherwise damaged cans or packaging can affect the safety and suitability of food as seams/joints may leak and allow the growth of pathogenic bacteria or toxins. The sale of dented or blown cans is considered to be unsafe and unsuitable.

##### Action

Food businesses and Food Service Distributors are asked to ensure that their practices are reviewed to ensure compliance with the above policies.

The *Food Act 2001* imposes significant penalties under Part 2, Division 1 – “Serious offences relating to food”. Where breaches of the Food Act are suspected, Authorised Officers have the authority to gather evidence with a view to initiating legal action.

#### For more information

**Food Standards Surveillance**  
**Food Policy & Programs**  
**SA Health**  
**Telephone: 8226 7100**  
**11 Hindmarsh Square, Adelaide SA 5000**  
**[www.health.sa.gov.au/pehs/food-index.htm](http://www.health.sa.gov.au/pehs/food-index.htm)**

