



Reference Document: 2013 Food Code, with Supplement to the 2013 Food Code

Provision(s): 3-501.17

Document Name: Use of a specific time-of-day when date marking ready-to-eat time/temperature for safety food

Date: August 2, 2017

Question: Does Section 3-501.17 of the Food Code prevent including a specific time-of-day when date marking ready-to-eat time/temperature for safety food with the date or day by which the food is to be consumed on the premises, sold, or discarded?

Response:

No, Section 3-501.17, Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking, of the 2013 Food Code does not prevent, nor specify, including a specific time-of-day when date marking ready-to-eat (RTE) time/temperature control for safety (TCS) food with the date or day by which the food is to be consumed on the premises, sold, or discarded.

Section 3-501.17 specifies that RTE/TCS food, prepared in a food establishment and held longer than a 24-hour period, or commercially prepared and opened in a food establishment and held longer than a 24-hour period, shall be marked to indicate the date or day by which the food is to be consumed on the premises, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days. These time/temperature parameters are intended to help control for growth of *Listeria monocytogenes*. The day of preparation, as specified in paragraph 3-501.17(A), or the day the package is opened, as specified in paragraph 3-501.17(B), is counted as Day 1.

While not specified in section 3-501.17, a food establishment may choose to include a specific time-of-day when marking a food with the date or day by which the food is to be consumed, as described in paragraphs 3-501.17(A) and (B), in order to capture the exact 7-day period, based on a 24 hour/day interval.

*The FDA Food Code is neither federal law nor federal regulation and is not preemptive. It represents FDA's best advice for a uniform system of regulation to ensure that food at retail is safe and properly protected and presented. The FDA Food Code provisions are designed to be consistent with federal food laws and regulations, and are written for ease of legal adoption at all levels of government.*

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References:

1. 2013 Food Code, Section 3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking, Report Number 2013-110462.
2. Supplement to the 2013, Food Code, Section 3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking, Report Number PB2015-104921

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