

## MEMORANDUM

**From:** Joseph Levitt  
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**Date:** May 30, 2019

**Re:** FDA Encourages “Best If Used By” Labeling to Describe Quality Dates

On May 23, the Food and Drug Administration (FDA) issued a letter to the food industry “strongly support[ing]” the use of “Best If Used By” labeling to describe the date when a food will be at its best flavor and quality. <sup>1/</sup> FDA believes that standardizing the use of date labels for quality reasons will be one helpful step in reducing food waste. Importantly, date labeling is generally not required at the federal level other than for infant formula. It is, however, required by some states. The FDA guidance indicates that when date labeling is used for quality reasons, the recommended introductory phrase is “Best If Used By” – the same phrase recommended by a voluntary industry labeling initiative spearheaded by the Grocery Manufacturers Association (GMA) and the Food Marketing Institute (FMI).

The letter starts by noting that approximately 30 percent of food is lost or wasted at the retail and consumer level, amounting to approximately 133 billion pounds of food worth \$161 billion each year. FDA has found that food waste by consumers can result from fears about food safety caused by misunderstanding around what the introductory phrases on product date labels mean (e.g., “Best If Used by,” “Use By,” and “Sell By”), along with uncertainty about storage of perishable foods. The agency cites a source estimating that confusion over date labeling accounts for approximately 20 percent of consumer food waste.

FDA notes that there have been a number of recent efforts to better standardize open date labeling, including:

- Consumer research has found that the introductory phrase “Best If Used By” communicates to consumers the date by which the product will be of optimal quality.
- FDA has engaged in consumer education to raise awareness of food waste, reduce confusion regarding voluntary quality-based date labeling, and provide advice on food storage best practices to reduce waste. The agency explains to consumers that the quality dates indicate the food manufacturer’s estimate of how long a product will retain its best

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<sup>1/</sup> Letter from Frank Yiannis, Deputy Commissioner, Food Policy and Response, FDA, to the Food Industry, May 23, 2019, <https://www.fda.gov/media/125114/download>. FDA also issued an accompanying consumer update. FDA Consumer Update: Confused by Date Labels on Packaged Foods?, May 23, 2019, <https://www.fda.gov/consumers/consumer-updates/confused-date-labels-packaged-foods>.

quality; but that if stored properly, a food product should be safe, wholesome, and of good quality after the quality date.

- The U.S. Department of Agriculture (USDA) issued updated information in 2016 encouraging food companies that want to apply a quality-based date label to use the “Best If Used By” introductory phrase to convey to consumers that the product will be of best quality if used by the date shown. 2/
- In 2017, GMA and FMI jointly issued recommendations to simplify and streamline product date labels. The GMA/FMI voluntary initiative recommends that when date labeling is used:
  - “Best If Used By” be used to indicate to the consumer that, after a specified date, the product may not taste or perform as expected but is safe to be used or consumed; and
  - “Use By” be applied to perishable products that should be consumed by the date on the package and discarded after that date. 3/

The FDA letter concludes: “FDA strongly supports industry’s voluntary industry-wide efforts to use the ‘Best If Used By’ introductory phrase when choosing to include a quality-based date label to indicate when a product will be at its best flavor and quality.” The FDA letter does not address the use of a “Use By” product label for safety reasons.

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We will continue to monitor FDA actions related to open date labeling. Please contact us if you have any questions regarding this or any other matter.

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2/ USDA “Food Product Dating,” available at: <https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/food-product-dating/food-product-dating>.

3/ GMA, “Best if Clearly Labeled: How the Consumer Packaged Goods Industry is Reducing Confusion and Food Waste,” available at: <https://www.gmaonline.org/file-manager/Best%20if%20Clearly%20Labeled%20FINAL%20Small%20File.pdf>. See also FMI- GMA Product Code Dating Initiative, available at <https://www.gmaonline.org/file-manager/FINAL%20Fact%20Sheet%20-%20Product%20Code%20Dating%20Initiative%20-%20021417.pdf>.