

Food Code Adoption in North Carolina

Date Marking



NC Country

Ready-to-eat, potentially hazardous foods prepared in the establishment or purchased in commercial containers and held under refrigeration for more than 24 hours shall be date marked as follows:

- With the preparation date; OR
- With the date the food will be consumed on the premises, sold, or discarded.

A "**Potentially hazardous food (time/temperature control for safety food)**" is defined as FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

The following chart is provided to help determine product date marking. **Day #1 shall be counted as the preparation date, the date a commercial container of PHF** was opened or the day and time the previously prepared PHF** food was thawed. Freezing the food stops time.**

Example: The morning of Oct. 1, a chicken was cooked, then cooled, refrigerated for two days at 41°F and then frozen. If the chicken is thawed Oct. 10, the food must be consumed or discarded no later than midnight of Oct. 14.

| Date | Shelf Life Day | Action |
|---------|----------------|--------------------|
| Oct. 1 | 1 | cook/cool |
| Oct. 2 | 2 | cold hold at 41°F |
| Oct. 3 | | freeze |
| Oct. 10 | 3 | thaw to 41°F |
| Oct. 11 | 4 | cold hold at 41°F |
| Oct. 12 | 5 | cold hold at 41°F |
| Oct. 13 | 6 | cold hold at 41°F |
| Oct. 14 | 7 | consume or discard |

The Five Key Risk Factors repeatedly identified in foodborne illness outbreaks:

- Improper holding temperatures
- Inadequate cooking
- Contaminated equipment
- Food from unsafe sources
- Poor personal hygiene

| IF | THEN |
|--|--|
| RTE*, PHF** is prepared in the establishment and held under refrigeration more than 24 hours | <ol style="list-style-type: none"> 1. Mark the product to show the preparation date; OR the date the food shall be consumed on premises, sold or discarded. The product shall be marked with the date of the earliest prepared potentially hazardous ingredient. 2. Consume / sell / discard product by day 7 if refrigeration unit maintains internal temperature of product at 41°F or less; OR Consume / sell / discard product by day 4 if refrigeration unit maintains internal temperature of product between 41°F - 45°F. |
| An unopened, commercial container of RTE*, PHF** is held under refrigeration more than 24 hours | <ol style="list-style-type: none"> 1. Mark the product to show the manufacturer's date. If the product remains unopened, it must be discarded on this date. |
| A commercial container of RTE*, PHF** is opened and held under refrigeration more than 24 hours | <ol style="list-style-type: none"> 1. Mark the product to show the date the container was opened. 2. Consume / sell / discard product by day 7 if refrigeration unit maintains internal temperature of product at 41°F or less; OR Consume / sell / discard product by day 4 if refrigeration unit maintains internal temperature of product between 41°F - 45°F. |
| RTE*, PHF** (prepared on-site or commercially prepared) is frozen in the establishment and removed from freezer to thaw (See Chart) | <ol style="list-style-type: none"> 1. Consume / sell / discard product by day 7 if refrigeration unit maintains internal temperature of product at 41°F or less; OR Consume / sell / discard product by day 4 if refrigeration unit maintains internal temperature of product between 41°F - 45°F. |

* RTE – ready-to-eat **PHF – potentially hazardous food

Date marking exemptions:

- Some deli salads, preserved fish, salt-cured products, sausage (pg. 87 2009 FDA Food Code)
- Some cheese (pg. 417 2009 FDA Food Code annex)
- Cultured dairy (e.g. yogurt, sour cream)

Exemptions From Date Marking --- 3-501.17 (F)

(1) Deli salads such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad prepared and packaged by a manufacturing plant (acidity, preservatives)

(2&3)

List of Some Hard and Semi-Soft Cheeses Exempt from Datemarking

| | |
|---------------------------|------------------------------|
| Asadero | Asiago soft |
| Abertam | Battelmatt |
| Appenzeller | Bellelay (blue veined) |
| Asiago medium or old | Blue |
| Bra | Brick |
| Cheddar | Camosum |
| Christalina | Chantelle |
| Colby | Edam |
| Cotija Anejo | Fontina (Feta is NOT exempt) |
| Cotija | Gorgonzola (blue veined) |
| Coon | Gouda |
| Derby | Havarti |
| Emmentaler | Konigskase |
| English Dairy | Limburger |
| Gex (blue veined) | Milano |
| Gloucester | Manchego |
| Gjetost | Monterey |
| Gruyere | Muenster Mozzarella |
| Herve | Oka |
| Lapland | Port du Salut |
| Lorraine | Provolone |
| Oaxaca | Queso de Bola |
| Parmesan | Queso de la Tierra |
| Pecorino | Robbiole |
| Queso Anejo | Roquefort (blue veined) |
| Queso Chihuahua | Samsoe |
| Queso de Prensa | Tilsiter |
| Romanello | Trappist |
| Romano | |
| Reggiano | |
| Sapsago | |
| Sassenage (blue veined) | |
| Stilton (blue veined) | |
| Swiss | |
| Tignard (blue veined) | |
| Vize | |
| Wensleydale (blue veined) | |

(4) Cultured Dairy Products: yogurt, sour cream, buttermilk (often low pH, lactic acid fermentation)

(5) Preserved Fish Products: pickled herring, salted cod (acidified or high salt fish products)--does NOT include smoked or marinated fish

(6) Shelf-stable, dry fermented sausages such as pepperoni or Genoa Salami without "Keep Refrigerated" labeling

(7) Shelf-stable, salt-cured products such as prosciutto and Parma (ham) without "Keep Refrigerated" labeling