

# Food Code Fact Sheet #27

*What you should know about the Code*

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## OAR 333-150-0000, CHAPTER 3-501.17

### Ready-to-Eat, Potentially Hazardous Food, Date Marking.

(A) Refrigerated, ready-to-eat food (time/temperature control for safety food) prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on premises, sold, or discarded when held at a temperature of 41F or less for a maximum of seven days. The day of preparation shall count as Day 1.

(B) Except as specified in ¶¶ (D) - (F) of this section, refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and if the food is held for more than 24 hours.

### PUBLIC HEALTH REASONS:

Refrigeration prevents food from becoming a hazard by significantly slowing the growth of most microbes. The growth of some bacteria, such as *Listeria monocytogenes*, is significantly slowed but not stopped by refrigeration. Over a period of time, this and similar organisms may increase their risk to public health in ready-to-eat foods. Based on a predictive growth curve modeling program for *Listeria monocytogenes*, ready-to-eat, potentially hazardous food (time/temperature control for safety food) may be kept at 50C (41F) a total of 7 days.

## Datemarking

Date marking is important because it controls the growth of *Listeria monocytogenes*, a bacteria that continues to grow even at refrigerated temperatures. Date marking is a process assuring the food is discarded before these bacteria can cause foodborne illness.

Foods that need to be datemarked are:

- Ready to eat and potentially hazardous,
- Are not in sealed commercial packages, and
- Held for longer than 24 hours

If you combine food that has different discard dates, the date on the final dish should match that of the



### *Feta in brine must be date-marked*

oldest ingredient included. You can choose how you want to mark the food in your establishment as long as it is clear to all staff and they can explain it clearly to your inspector during their visit. Food does not need to be datemarked if it is used within 24 hours.

Food must be discarded within seven days, which means the day the food is prepared or opened plus six days. For example, food prepared on May 1 must be discarded on May 7.

If you freeze the food, you can stop the clock, but the freezing/prep date and the thawing date must be put on the container along with the preparation date so it is clear that the food has not been at 41F for longer than seven days total. Reheating foods does not reset the datemarking 'clock'.

The expiration date on commercial packages is for food quality and not safety and cannot be used instead of datemarking the food.

Datemarking does **not** apply to the following **commercially pre-packaged** foods:

- Commercially acidified salad dressings
- Commercially prepared deli salads, such as ham salad, egg salad, pasta salad, potato salad, and macaroni salad;
- Hard cheeses containing not more than 39% moisture, such as cheddar, gruyere, parmesan and reggiano, and romano;
- Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, such as blue, edam, gorgonzola, gouda, and monterey jack;
- Cultured dairy products, such as yogurt, sour cream, and buttermilk;
- Preserved fish products, such as pickled herring and dried or salted cod;
- Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami which retain the original casing on the product; and
- Shelf stable salt-cured products such as prosciutto and Parma (ham)