Product Code Date Labeling: Crucial Initiative to Reduce Consumer Confusion
CONTENTS

Date Labels and Consumer Confusion ................................. 2
Date Labels and Food and Packaging Waste ....................... 3
Launching An Industry Solution ........................................... 4
Understanding the Recommended Changes ....................... 5
More Points About the Initiative ........................................ 6
What they are Saying about the Initiative ......................... 7
Positive Feedback from Outside the Industry ................... 8
Retailer Spotlight: Wakefern ............................................ 9
Welcome Step to Help Consumers ................................. 10
How To Take Action ......................................................... 11
Key Resources ............................................................... 12
A myriad of different product date labels has left consumers confused on what to do with products in their homes.

These package labels seek to provide important information about usage of products. However, product labels currently include a wide range of phrases such as Sell By, Best Before, Expires On, Use By, Best By, and Enjoy By.

The diversity of phrases often leave consumers uncertain about precise meanings and what actions they should take. It's not hard to imagine the questions consumers ask themselves:

- What does the Sell By date on this product mean?
- Does Enjoy By refer to best quality or is it an expiration date?
- Is it okay to use this product or should I throw it away?

A recent poll underscored the problem. It found that nearly 60 percent of Americans have had a discussion within their household about the meaning of date labels on their food. Moreover, 40 percent of adults said they have had disagreements within their household over whether a food product should be kept or thrown away.

The poll, conducted for the Grocery Manufacturers Association (GMA) and Food Policy Action Network by Lake Research Partners, surveyed more than 1,000 adult Americans of all ages and political leanings.

Groups such as the Natural Resources Defense Council (NRDC), the Harvard Law and Policy Clinic, Johns Hopkins University, the National Consumers’ League, and the Institute of Food Technologists have found that the diverse array of phrases used on packaging is confusing and impedes the intended purpose of informing the consumer what to do with a product on or after the date on the package.

That’s why the Trading Partner Alliance (TPA), a collaborative body of grocery manufacturers and retailers led by GMA and the Food Marketing Institute (FMI), have joined together to streamline and standardize the wording accompanying date labels on packages to offer greater clarity regarding the quality and safety of products. A new industry-wide voluntary effort has been launched by the TPA behind just two common phrases: BEST if Used By and USE By.
Date Labels and Food and Packaging Waste

Consumer confusion about what date labels mean may lead to unintended consequences. One of these is increased food waste. Many consumers likely operate by the mantra of, “If in doubt, throw it out.”

A 2013 report by the NRDC outlining this problem was called: “The Dating Game: How Confusing Food Date Labels Lead to Food Waste in America.” That report said that even by conservative estimates, Americans waste some 160 billion pounds of food each year. Clarifying product date label information will help address this challenge by making it clearer when products are still fine to use and when consumers should discard food.

There is no silver bullet solution for food waste; it needs to be tackled in a range of ways. The food industry has stepped up and made considerable progress so far. GMA and FMI joined with the National Restaurant Association in 2011 to create the Food Waste Reduction Alliance, which is helping companies find ways to cut food waste. The group works to reduce the amount of food sent to landfills and increase the level of donations to feed hungry families.

Improving the clarity of date label instructions is another avenue to address food waste. Researchers differ on how much waste this might reduce, but it’s hard to argue with the point that it’s one possible way to make a difference.
Launching An Industry Solution

Despite considerable hurdles, the date label challenge is one that can be solved. The new industry-wide voluntary effort launched by the TPA focuses on the two main use cases for date labels: For some products, quality may be reduced after a certain date. For others, consumers should discard the item after a specified date.

The initiative focuses on common language for labels, and is relevant for a range of packaged items. These include traditional “center store products” like cereal and crackers, sliced produce packaged for sale, and meat and dairy products.

The TPA laid the groundwork for this effort in January 2016 with agreement to find a solution to the confusion. A working group of 25 FMI and GMA member companies was appointed to guide the effort. This project team included retailers, wholesalers, and manufacturers, and addressed areas of the industry including grocery food items, non-food, fresh (produce, bakery), protein (seafood, beef, chicken, pork), and dairy/deli. In addition, it was staffed by individuals with responsibility for manufacturing, supply chain, brand management, marketing/merchandising, product safety, community relations, and public policy.

The project team reviewed the diversity of code date label language being used today and wording suggested by consumer groups. It also reviewed standards in proposed federal legislation and information from international labeling standards, such as the Codex Alimentarius Commission, the international food standards setting body. There was widespread agreement on recommending use of just two phrases, but the phrases themselves varied. To identify the best solution for U.S. consumers, the group conducted additional consumer research.

Acting upon the recommendation of the working group, the TPA passed a resolution in January, 2017 urging the food industry to adopt uniform product code date label phrases on packaging as soon as possible, with widespread adoption urged by the summer of 2018, and no later than the implementation date for the new Nutrition Facts Panel or other ingredient disclosure requirements. The guidelines are relevant for both manufacturer brand and private brand products. The program will include a consumer education component.
Understanding the Recommended Changes

The recommendations were based on extensive industry research to identify the phrases best understood by consumers.

The research found consumers indicated an understanding and clear preference for “BEST if Used By” to indicate that the product can still be used or consumed but that there might be some degradation of performance or quality. The working group identified “USE By” as the preferable language in the voluntary program for a code date to inform the consumer to throw the product away.

As a result, the TPA recommended voluntary industry–wide adoption of the following two standard product code date label phrases for products requiring date labels, depending on the specific messages to be communicated:

- “BEST If Used By” or “BEST If Used or Frozen By” as an indication of product quality, which may be truncated to “BEST By” for small packages and “BEST” or “BB” for very small packages. The “BEST If Used By” quality date is intended to indicate to the consumer that, after a specified date, the product may not taste or perform as expected but can still be used or consumed.

- “USE By” or “USE or Freeze By” for those limited perishable products, which may be subject to a material degradation of critical performance or potential food safety concern. USE By can be truncated to USE for very small packages. The “USE By” phrase and associated date would be for a small segment of time–temperature–sensitive products that should be consumed by the date on the package and discarded after that date.

In addition to the two standard phrases, supplemental handling instructions may be included on product packaging, such as “Use within 7 days of opening” language.

These additional instructions should not supersede or in any way distract from the primary product code date labels. This additional information furthers the goal of providing U.S. consumers with information and constructive guidance regarding the prudent use of purchased food products.

In rare instances, additional information for retail employees may be used, including “packed on” language to provide store associates with stocking and rotation guidance. This would be for highly perishable food products such as sliced deli meat. “Sell By” and similar phrases will be phased-out of use by the consumer packaged goods and food retail industries.
More Points About the Initiative

Here are some additional points about the date label program:

- The new voluntary industry standard matches the recommendation for “Best if Used by” from the USDA Food Safety and Inspection Service.
- The voluntary nature of this initiative will give companies flexibility to work the new date labels into other labeling changes that are already planned or underway. That will help to minimize costs to consumers, manufacturers and retailers.
- Products falling under the jurisdiction of federal or state laws regulating date label language should continue to comply with applicable regulations.
- Recommendations in this initiative pertain to consumer facing guidance only. Business to business labeling on cases containing products in packages is not addressed and does not fall within the scope of this initiative.
- This effort applies to products bearing a product date code label and is not suggesting that products not currently employing such a label should begin doing so.
- This initiative refers to code-dating phrases only. It does not impact selection of the date itself, which is done by internal company experts or, for some products, in compliance with specific state or local regulations.
- The product code dating initiative is the latest example where retailers and manufacturers have put increased emphasis on getting accurate information into the hands of consumers. Retailers and manufacturers have worked hard to empower consumers with information. A case in point is the industry’s new SmartLabel initiative, which leverages digital transparency to relay deeper information about products. A link to a white paper on SmartLabel appears in the Key Resources section of this paper.
- The TPA recognizes that consumer practices at home — including storage, handling and preparation of foods — are important to maintaining freshness and quality. The FoodKeeper app is a useful resource for consumers seeking guidance about using products at home. It includes information on shelf-life, handling, food safety, and storage. It addresses refrigerated, frozen and shelf stable foods. The resource was created through the work of FMI, Cornell University’s Department of Food Science, and the U.S. Department of Agriculture (USDA). The app is available for Android and Apple devices, and through a Foodsafety.gov online database. A link to more information appears in the resource guide of this paper.
What They are Saying about the Initiative

Leaders of FMI and GMA introduced the initiative, which was praised by retailers and manufacturers.

- **Leslie G. Sarasin, FMI president and CEO:** “The shopper remains the most critical audience in our industry, and as the associations representing major food brands and retailers, we want to encourage a consistent vocabulary so that our customers clearly understand they are purchasing products that are of the highest quality and safety possible.”

- **Pamela G. Bailey, GMA president and CEO:** “Our product code dating initiative is the latest example of how retailers and manufacturers are stepping up to help consumers and to reduce food waste.”

- **Joe Colalillo, president of ShopRite of Hunterdon County, Inc. and chairman and CEO of Wakefern Food Corp:** “The customer comes first in our business, and this voluntary industry initiative provides shoppers with clear, easily understood date label information, so our customers can be confident in the product’s quality and safety. Food retailers and manufacturers are working towards the common goal of bringing consistency and greater clarity in product date label messaging. We want to ensure our customers have meaningful information that helps them make the best decisions for their families, both in the store when they shop and when they enjoy foods at home.”

- **Ralph Scozzafava, CEO, Dean Foods:** “Eliminating confusion for consumers by using common product date wording is a win-win because it means more products will be used instead of thrown away in error. It’s much better that these products stay in the kitchen – and out of landfills.”

- **Frank Yiannas, vice president of Food Safety & Health for Walmart:** “Research shows that the multitude of date labels that appear on foods today are a source of confusion for many consumers. As advocates for the customer, we’re delighted with this industry-wide, collaborative initiative that will provide consistency, simplify consumers’ lives, and reduce food waste in homes across America.”
What They are Saying about the Initiative

This industry initiative also drew supportive comments from NGOs and federal lawmakers.

- **Harvard Law School Food Law and Policy Clinic**: Emily Broad Leib, director, FLPC: “Clarifying and standardizing date label language is one of the most cost effective ways that we can reduce the 40 percent of food that goes to waste each year in the United States. Having worked for several years on this issue, I am thrilled to see GMA and FMI incorporate FLPC’s recommendations and take this critical step towards making date labels clearer, so that consumers can make better decisions and reduce needless waste of food and money.”

- **The Natural Resources Defense Council**: “The guidance released today by FMI and GMA shows strong leadership towards reducing confusion and reducing wasted food.”

- **U.S. Rep. Mike Conaway, R-TX, Chairman of the House Agriculture Committee**: “I am pleased to see the grocery manufacturing and retail industries tackling this issue head on. Not every issue warrants a legislative fix, and I think this industry-led, voluntary approach to standardizing date labels is a prime example.”

- **U.S. Rep. Chellie Pingree, D-ME**: “I appreciate the work of the Grocery Manufacturers Association and the Food Marketing Institute to develop a standard that distinguishes between when food is no longer safe to eat versus when it might not be at its peak flavor.”

- **Sen. Richard Blumenthal, D-CONN**: “Commonsense, standard food labels save money and reduce food waste. This voluntary initiative is a positive first step towards streamlining the dizzying patchwork of arbitrary and confusing food date labels.”
Retailer Spotlight: Wakefern

Q: How does this initiative fit with your company’s overall mission?

A: At ShopRite, our purpose is to care deeply for people to help them eat well and be happy. This initiative will help us fulfill our purpose by reducing the confusion that currently exists around product dating and helping consumers avoid unnecessary food waste. It connects back to everything we’re already committed to as a company: reducing food waste, fighting hunger in our communities, keeping foods safe and making sure our customers have the tools and information they need to enjoy the foods they buy and get the best value for their dollar.

Q: Can you share any specifics about how your company is implementing the program?

A: To implement this program successfully, it needs to be a priority across all levels of the organization. At Wakefern, we incorporate goals such as this into our divisional business plans. And, we identify milestones to help measure our success. A collective, focused effort will help us achieve the goal. When it comes to fresh foods prepared in store, we will have our Quality Assurance team working with our product divisions to standardize dating and build it into our retail menu labeling initiative, which is currently underway.

Q: What are some aspects of the program that you feel will foster success?

A: This voluntary, collaborative process, allows companies the flexibility to work towards the goal and align these efforts with other operational initiatives, which creates efficiency and minimizes cost. Another critical link will be the comprehensive public education campaign. If we don’t tell consumers what the dates mean, the confusion will persist. We can also leverage social and digital media to help build awareness and excitement.

Q: What advice would you offer to other companies now planning out their participation and approaches?

A: Companies have to commit and do the right thing by making it mainstream and part of their company values. There may be an initial investment but in the end it makes us more efficient and it’s good for business. Even small steps can lead to a big change. This is an important consumer initiative and achieving it will require partnering with vendors and procurement teams to make it happen. If we stay focused on all the reasons why we’re doing it, we’ll get it done.
Welcome Step to Help Consumers

The product code date initiative has significant momentum behind it. The early 2017 launch was accompanied by extensive media exposure. The effort was widely covered by a range of consumer-facing and business-to-business media outlets. The diversity of platforms included online news, blogs, print, TV broadcast, and news services.

Article headlines included the following:

Use by? Sell by? New Food Labels Aim to Make it Easier to Know
–USA Today

Grocery Stores Are Getting Rid of ‘Sell By’ Dates on Food
–Fortune

FMI, GMA Lead Common Date Label Phrasing Initiative
–Supermarket News

Standardized Wording Changes Coming for Sell-By Dates
–Food Processing

You’re About to See a Big Change to the Sell-By Dates on Food
–The Washington Post

In addition to this exposure, the program will benefit from an industry consumer education campaign set for 2018.
Importantly, in order to build on this momentum and make the program successful, companies in the industry need to make quick and substantial progress on implementing the recommendations within the time frame outlined. Some of the recommended labels are already in the marketplace.

Retailers and manufacturers are encouraged to immediately begin phasing in the common wording, with widespread adoption urged by the summer of 2018, and no later than the implementation date for the new Nutrition Facts Panel or other ingredient disclosure requirements. Where Code Dating language is part of label artwork, this change should be implemented with your next label artwork change.

Leaders of this initiative recognize that making packaging changes in a specified time frame involves considerable effort and cost.

Broad industry adoption of this new voluntary standard will occur over time so companies will have flexibility to make changes in a way that ensures consistency across their product categories.

The TPA’s Product Code Date Labeling Implementation Guide provides additional guidance. For example, it urges capitalization of certain words on the label for emphasis and to better tie into the upcoming consumer education campaign. It also provides more information to clarify which label phrases should be chosen for different instances. A link to the implementation guide appears in the key resources section of this paper.
Key Resources

The industry’s Product Code Date Labeling initiative is geared to reducing consumer confusion and supporting additional benefits, such as food waste reduction. Here are some key resources to better understand and implement the recommendations.

• TPA's Product Code Date Labeling Implementation Guide  
  https://www.FMI.org/ProductCodeDateImplementationGuide

• FMI Board Adopts New Product Code Date Labeling Policy  

• Press Release: Grocery Industry Launches New Initiative to Reduce Consumer Confusion on Product Date Labels  
  http://www.gmaonline.org/news-events/newsroom/grocery-industry-launches-new-initiative-to-reduce-consumer-confusion-on-pr/

• GMA July 2017 press release on consumer confusion poll  

• National Resources Defense Council report on food waste  

• Date Labeling Reform: blog post by GMA’s Meghan Stasz  
  http://www.gmaonline.org/blog/date-labeling-reform/

• “Use by? Sell by? New Food Labels Aim to Make it Easier to Know”  
  – USA Today  

• “Grocery Stores Are Getting Rid of ‘Sell By’ Dates on Food”  
  – Fortune  
  http://fortune.com/2017/02/17/grocery-stores-sell-used-by-dates-food/

• “You’re About to See a Big Change to the Sell-By Dates on Food”  
  – The Washington Post  

• “Standardized Wording Changes Coming for Sell-By Dates”  
  – Food Processing  

• “FMI, GMA Lead Common Date Label Phrasing Initiative”  
  – Supermarket News  
Key Resources (continued)

• Food Waste Reduction Alliance website: http://www.foodwastealliance.org/

• Trade Groups Push to Expire Confusing Food Date Labels
  -CBSNews.com

• Why Confusing Food Labels Could Soon Be a Thing of the Past
  -NBCNews.com

• SmartLabel white paper:

• FoodKeeper app information: