

The Indication of Food Product Expiry Dates as a Significant Factor Impacting Climate and Food Sustainability Across the EU

The expiry date of food products is crucial information, even though it is often displayed in small print on product labels. Pursuant to the European Parliament and Council Regulation (EU) No. 1169/2011 (dated October 25, 2011) on the provision of food information to consumers, amendments to various regulations, and repeals of certain directives (referred to as the Regulation), the expiry date on food labeling must be indicated by the phrases "Use by" or "Best before." Depending on the product's specifications, additional words such as "..end of," "frozen," and the conditions necessary to maintain the indicated expiry date must be included.

Unfortunately, the phrases "Use by" and "Best before" are often misused, mistranslated, or misunderstood, causing significant and sometimes dangerous consequences.

Firstly, incorrect indication or lack of understanding of expiry dates, coupled with failure to follow storage conditions, can pose health risks or even be life-threatening to consumers. Secondly, confusion about the actual expiry date results in vast amounts of consumable food being wasted.

It is crucial to understand the difference between these types of expiry date indications. Simply put:

- Products labeled "Use by" should not be consumed after the indicated date, as they are considered unsafe.
- Products labeled "Best before" can still be consumed after the date, although their quality may have changed (e.g., less crisp, hardness, viscosity). In both cases, it is essential to follow the storage conditions; otherwise, the indicated expiry date may no longer be valid.

Manufacturers and distributors bear a significant responsibility in first determining (or refining) the specific expiry date in laboratories and then indicating it correctly on the label pursuant to the Regulation, choosing either "Use by" or "Best before."

Consumers trust the expiry date information displayed on food product labels (including packaging). The regulatory framework for food labeling requires several details to be considered when determining and indicating the expiry date for each product category. For example, for products with a shelf life of less than three months, the label must show the day, month, and year (dd.mm.yyyy) until which the product can be distributed. For products with a shelf life of more than three months but less than 18 months, only the month and year (mm.yy) need to be shown.

When importing goods, translating the food label can lead to confusion, where "Use by" and "Best before" are mixed up or replaced by other phrases like "Expiry date," or dates are indicated without these phrases at all. Even seemingly minor inconsistencies in indicating the expiry date can cause confusion, leading consumers to discard products they might safely consume out of caution.

Translation problems often arise when automated translation programs are used without further corrections. Since NJORD evaluates all information on the label for compliance, including checking translations, issues with expiry date indications are frequently identified.

It is worth noting that even with correctly indicated expiry dates, consumers often discard food due to a lack of understanding, even if it is still safe to consume. However, consumers are increasingly paying attention to the information provided on labels and are educating themselves about related nuances, striving to choose food that suits their needs.

Correctly indicating and evaluating expiry dates also significantly impacts the amount of food disposed of before it reaches consumers, as regulatory enactments prohibit the sale of products with expired dates.

Across Europe, growing attention is being given not only to food safety but also to the prevention of food waste and sustainability issues in the context of expiry date labeling. The European Commission estimates that up to 10% of the 88 million tons of food waste generated annually in the EU is related to date labeling on food products. This waste leads to greenhouse gas emissions that negatively impact the climate and food sustainability.

Considering that sustainability and reducing negative environmental impacts are critical worldwide, food industry companies have considerable potential to contribute to reducing food waste and improving the situation by paying extra attention to correct labeling, including accurate expiry date indication.

NJORD helps manufacturers and distributors achieve their sustainability goals by improving and verifying food product labeling compliance, contributing to food sustainability, informing consumer choices, and protecting our planet.

This year, we will participate in the annual Riga Food 2024 exhibition organized by BT1, held from September 5-7. You are warmly invited to visit our stand at the exhibition, or feel free to contact us at any other time by writing or calling the NJORD office.

ZAB NJORD attorney Gunta Miltiņa



GUNTA MILTINA
ATTORNEY AT LAW, SENIOR
ASSOCIATE

(+371) 67 31 33 15
GM@NJORDLAW.LV