

Food Code Adoption in North Carolina



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Date Marking

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)