



# **A Perspective on Best-Before Replacing Use-By Dates**



# Background / context

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## Legal requirement

In the UK it is a legal requirement to label pre-packed foods with a durability indication; Use-By is about food safety, Best-Before is about quality. Food Business Operators (FBOs) are responsible for deciding whether to apply a Use-By or Best-Before date on their products.

Guidance provided by WRAP (Waste and Resources Action Programme) and endorsed by the Food Standards Authority (FSA), and the Department for Environment, Food & Rural Affairs (DEFRA), requires the FBO to consider “evidence as to whether the product is both highly perishable and is likely, after a short period, to constitute an immediate danger to human health.” Understandably, this can be more challenging to assess for some types of product than for others.

## Factors driving change

In recent years we have seen well-known UK retailers replace Use-By dates with Best-Before dates on some of their own-brand products and product lines.

Where safe, UK retailers have been encouraged by WRAP to make changes from Use-By to Best-Before, with the aim of reducing food waste. Research by WRAP in 2022 identified ‘food not used in time’ as a major cause of avoidable food waste, and it is estimated that the average family spends £700 per year on good food that ends up in the bin.

As sustainability is an increasingly important consideration, and with UK households suffering a ‘cost of living crisis’ in recent times, there is widespread interest from FBOs.

In addition to the obvious wastage and cost implications for retailers, any instance of a product being displayed for sale beyond its Use-By date constitutes an offence, with substantial financial penalties linked to a percentage of turnover. In 2021, one major UK retailer was fined £7.5 million in a single case. Switching to a Best-Before date can significantly reduce this risk, as products remain safe to consume while of good quality and can therefore be legally sold.

## How Eurofins Food Testing UK can help

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This is a complex issue with serious food safety implications, and food manufacturers often want assistance when considering replacement of Use-By dates.

Eurofins Food Testing UK have both the technical expertise and food analysis capabilities to support FBOs in assessing food products for potential change of date labelling.



# Considerations for ‘Use-By’ or ‘Best-Before’ decisions

## Food safety

This must be the primary consideration, since applying a Best-Before date where the risk of danger to health is unacceptable could have catastrophic consequences both for the consumer and the food business. Replacement of Use-By with Best-Before dates should be done only when supported by a very robust risk assessment.

## Sustainability

Only applying ‘Use-By’ where there is a food safety reason to use it is important in food waste reduction. Historically, some products have been assigned a Use-By date for other reasons, e.g. good intentions to err on the side of safety, uniformity within a product range, application to all refrigerated products regardless of reason for chilled storage.

## Regulatory Authorities

Reassurance that the proposed change will not result in increased danger to the consumer is necessary. Challenge from food safety enforcement officers, such as Environmental Health Officers, is likely - if a robust case is not made.

## Public perception

Without effective communications, consumers may not understand a change in date labelling, viewing it as a dilution of standards. Alternatively, consumers may be encouraged to take risks with food safety, e.g. applying the ‘sniff test’ to foods which have a correctly applied Use-By date.

Deciding how to communicate any change, and providing information on assessing the product after the Best-Before date, should be an integral part of the change project.

## Risk assessment pre-requisites

### ✔ Product knowledge

A thorough understanding of the nature of the food product (materials, process, packaging, storage, and use) & its physio-chemical characteristics (pH, water activity, etc.), and the degree to which these may vary, is required to make a robust risk assessment. Many food manufacturers lack sufficiently detailed product knowledge for this and so require support.

### ✔ Food safety expertise

Technical knowledge to understand the relevant microbiological hazards and the combined effects of any controlling factors on these would be supplied by a professional food microbiologist.

### ✔ Evidence / data

It is critical that these food safety decisions are evidence-based and documented in case of regulatory challenge. A comprehensive body of data representative of the product up to, and after the expiration date is needed. Historical food safety incidents, patterns of spoilage, and anticipated consumer abuse should be included, along with results from shelf-life studies and microbiological modelling or challenge testing.



## Best practice advice

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Replacement of Use-By dates with Best-Before dates, where supported by a robust risk assessment, can be beneficial both for consumers and food businesses. We recommend that food businesses consider candidate products for replacement of Use-By with a Best-Before date.

Typically, these should have a long-established good food safety record, e.g. some hard cheeses, or with a point of difference in their manufacturing which makes them lower risk than other similar products, e.g. milk with significantly lower risk of post-pasteurisation contamination vs traditional fresh pasteurised milk. While initial interest has been focussed on dairy products, there is potential for change of durability labelling on other product categories.

It is essential that great care is taken in carrying out the risk assessment correctly. This requires food safety expertise, in-depth knowledge of the nature of the food product, and data.

We recommend engaging with Eurofins Food Testing UK's regulatory compliance and risk management experts for guidance in carrying out food safety risk assessments and the generation of data for Use-By to Best-Before decisions.

## Contact us

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To learn more about how Eurofins Food Testing UK Ltd. can help with assessment of products for application of Use-By or Best-Before dates, or the related subject of setting product shelf-life, please get in touch: [risk@ftuki.eurofins.com](mailto:risk@ftuki.eurofins.com)