Product Code Date Labeling Initiative

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Food Marketing Institute

September 27, 2018
Food Waste by the numbers

North American Food Waste

- Consumer: 39%
- Agricultural: 33%
- Postagricultural: 11%
- Processing: 10%
- Retail: 8%

Source: U.N. Food and Agriculture Organization, used by the New York Times
Consistently reported consumer confusion regarding date labels

NGO focus on Food Waste driving additional attention

Issue attracting governmental attention Federal and local levels
Nothing is quite as easy as it looks
The Process

Working Group design: 25 FMI & GMA member companies – intentionally cross functional

Scope of work:

1. Alignment around code dating language
2. Federal policy perspective
3. Elements of a consumer education campaign
Multiple factors to the language consideration

- Thousands of diverse products
- Clear, useful guidance
- Maximize positive usage
- Ultimate food safety concerns
- Need to keep it simple
The food, beverage, and consumer products and retail industries should agree to a voluntary standard of two phrases on packaging:

- **BEST If Used By** - for shelf stable items as an indication of product quality
- **USE By** - for perishable products that are more time/temperature sensitive and have potential material degradation of critical performance or possible food safety concerns
Additional Considerations

• Additional handling instructions may be included on product packaging, such as “Use within seven days of opening” language. This additional information furthers the goal of educating U.S. consumers.

• In rare instances, additional information for retail employees may be used including “packed on” language to help guide store associates in stocking and rotation. This would be for highly perishable food products such as sliced deli meat.

• “Sell By” will be phased-out of use by the CPG and retail industries.
Media Report: Product Code Date Labeling
February 15 – March 2

FMI/GMA Planned Media

FMI/GMA joint Press Release

Twitter

Facebook

FMI Social Media Analytics

Facebook
- 2,141 people reached
- 6 likes, 2 comments, 2 shares, 49 clicks on post
- 9 mentions at Food Marketing Institute

Twitter
- 14 retweets, 15 likes, 28 media engagements
- 31 link clicks
- 4, 191 impressions, 118 total engagements
- 36 mentions at @FMI_Org

Instagram
- 14 likes
- 6 likes, 2 comments, 2 shares, 48 clicks on post
Media Report: Product Code Date Labeling
February 15 – March 2

Notable Broadcast Coverage

FMI/GMA tracked all major news outlets and affiliates reaching all major cities

Trade groups push to expire confusing food date labels

Featuring Andy Harig, senior director of sustainability, tax & trade
Media Report: Product Code Date Labeling
February 15 – March 2

Product Code Date Labeling Media Coverage

**Summary of coverage:** 256 internet mentions, 53 online print versions, 32 online broadcast, 91 news web sites, 15 blogs, 69 TV broadcast, 26 print, 11 news service/syndicate

**Top Stories Internet:**
1. Washington Post Online
2. People Online
3. USA Today Online
4. New York Times Online
5. Lifehacker

**Top Stories Print:**
1. New York Times
2. Los Angeles Times
3. Chicago Tribune
4. Washington Post
5. Star Tribune

**Notable Mentions**

Walmart and the two groups hope the new labels will also help reduce food waste, an issue of growing concern as consumers learn more about the effect that food production and consumption have on the environment.

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"We want to encourage a consistent vocabulary so that our customers clearly understand that they are purchasing products that are of the highest quality and safety possible," said the institute's CEO, Leslie G. Sarasin.

"We have strong support throughout the industry for this streamlined initiative," said Meghan Stasz, senior director of sustainability at the Grocery Manufacturers Association. "It's an example of the food industry really stepping up and stepping forward to address a consumer challenge."
Media Report: Product Code Date Labeling
February 15 – March 2

Notable Social Media Coverage

**Grocery Headquarters @Grocery_HQ · 10h**
Grocery industry launches initiative to simplify product date labels. @FMI_ORG @GroceryMakers ow.ly/YVAp3091Yga

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The Food Law and Policy Clinic of Harvard Law School
February 15 at 12:07pm

Exciting news! We’re thrilled to share that today the Food Marketing Institute and Grocery Manufacturers Association launched a new initiative to standardize date labels on food packages. The voluntary initiative, which follows recommendations from the Food Law and Policy Clinic of Harvard Law School, is intended to clarify and simplify labeling to help reduce confusion and waste.

**USED BY:**
NOV 27 2013
33142517:42 2

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Iowa Waste Reduction Center
February 15 at 13:13pm

We’re loving the initiative of the Grocery Manufacturers Association and the Food Marketing Institute to get rid of “expires on” and “sell by” dates on food packaging! This is an important step in #foodrecovery and cutting back on our overall #foodwaste.

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Food Marketing Institute and the Grocery Manufacturers Association are pushing for a change in expiration labels to make them less confusing so when you should toss food.

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Congresswoman Chellie Pingree
February 15 at 11:06pm

I applaud the Grocery Manufacturers Association + Food Marketing Institute for developing date label standards to minimize food waste. I will soon be reintroducing legislation to set a national uniform system for date labeling. Read more: http://bit.ly/2ik8f7AZ

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**Every Year, 40% of U.S. Food Supply Goes to Waste**
We’re throwing away $218 Billion in Food Each Year

**Confusing Date Labels Waste Food**

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The 50% of food that is wasted is NOT due to spoilage. It is due to expiration dates – which are often misleading.

**For Food Manufacturers, 'Sell By' Labels May Have Reached Their...**

Those “expiration” labels on packaged food may confuse consumers and dupe them into throwing good food in the trash. Two major food industry...

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For consumers, these labels can be confusing and misleading, leading to unnecessary food waste. The initiative aims to simplify and standardize labeling to help reduce confusion and waste.

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**Real Solution: Real Nutrition**

Ever thrown food out, questioning, “Is this expired?” “Will it look and smell okay?” Ever found yourselfcountered, “Best by, sell by, what’s the difference?”

Industry Introduces National Guidance for Standard Date Labels to Reduce Confusion and Food Waste - Center For Health Law and Policy Innovation

The Harvard Law School Food Law and Policy Clinic (FLPC) is thrilled to share that the Food Marketing Institute and the Grocery Manufacturers Association are pushing for an easier system: a two-term system. “Best if used by” and “sell by” (Expected roll out date: 2018). Until then, the only true expiration is taste and smell. … more

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Food Waste Alliance
Feb 15
#ICYMI FWRA.org @GroceryMakers & @FMI_ORG announce date labeling initiative to reduce confusion & combat food waste

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Grocery Industry Launches New Initiative to Reduce Consumer Confusion on Product Date Labels Retailers and Manufacturers Align on Standard Wording to Help Consumers

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**ODACTION**

Food Waste Alliance
Feb 15
#ICYMI FWRA.org @GroceryMakers & @FMI_ORG announce date labeling initiative to reduce confusion & combat food waste
But not everyone was over-joyed!!
Perishables Task Force Appointed to address concerns
Considerations for Implementation Guide

• This is a voluntary initiative
• Products not date labeling today are not being asked to start date labeling
• Each company will discern the date label language (BEST if Used by or USE by) that best applies to each of their product lines. We will not make a prescriptive list
Explicitly state:

- Products falling under the jurisdiction of state laws regulating date label language continue complying with applicable state regulations.
- Recommendations in this initiative pertain to consumer facing guidance only.
- Clarify implementation date goal - currently tied to Nutrition Fact Panel update (January 2020) and BE Labeling, but some are implementing now.
## Perishables Task Force
### Considerations for Implementation Guide

<table>
<thead>
<tr>
<th>Date Label nomenclature</th>
<th>The WHO</th>
<th>The WHAT Desired consumer behavior regarding date label once date has been reached</th>
<th>The WHY When consumers want to know why the product has this nomenclature</th>
<th>Examples</th>
<th>Operational considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>BEST if Used by</td>
<td>The consumer</td>
<td>Be aware product can be used/consumed beyond date, but is not at optimal quality</td>
<td>Product past this date may experience quality, freshness, flavor or performance degradation but can still be used or consumed</td>
<td>Packaged food or Shelf stable beverages</td>
<td>Rotate product</td>
</tr>
<tr>
<td>USE BY</td>
<td>The consumer</td>
<td>Discard the product</td>
<td>Product that is either time or temperature sensitive or might have possible food safety implications</td>
<td>Perishables: meats, deli items, some dairy, Skin Care products (with SPF factor degradation)</td>
<td>Dispose of the product or donate to a food bank XX days prior to USE by date.</td>
</tr>
</tbody>
</table>
Remaining tasks of TPA PCDL Working Group

• Deploy decision across all US Trade Associations; seek to coordinate with Global Trade Alliance

• Target broad industry implementation to coincide with Nutrition Facts Panel labeling, GMO-labeling changes. Consumer Education plan to follow.

• Work Group to pursue Public / Private partnership for CONSUMER EDUCATION – Campaign to run in 2020

• TPA collaboration on Federal Policy
  – GMA / FMI government relations staff to develop a perspective and position on a federally regulated national date labeling standard

• SmartLabel™ to eliminate other product code dating choices with the release of version 2.0

• Working with various groups, including the National Institute of Standards and Technology (NIST) to ensure alignment with TPA recommendations.
On the legislative front

• In 2017, Rep. Chellie Pingree (D-ME) introduced a broad-based food waste bill – the Food Recovery Act (H.R. 3444) – that included language defining and standardizing date labels; a Senate companion to this bill was offered by Sen. Richard Blumenthal.

• Over the past year, the Congresswoman has worked on draft legislation, not yet formally introduced, that focuses solely on date labeling and mirrors the voluntary program put forth by industry. There was some discussion of seeking to include this language in the Farm Bill, but ultimately action was not taken.

• We expect Rep. Pingree to reintroduce her date labeling language in the 116th Congress in 2019; depending on which party controls the House, consideration of this legislation is a possibility.

• States might also drive action on this issue. A number of legislatures proposed their own date labeling laws in 2018 and we expect this trend to continue in the new year; a “patchwork quilt” of state regulation would serious concerns for the food retail and grocery manufacturing industries.

• FMI has, so far, supported a voluntary approach to date labeling and has not endorsed any legislation at either the federal or state level.
Thank you for listening,
Any questions?

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