



Food redistribution in the EU: translation of
Swedish webpage
Q&A Date marking in store

 **Saving Food Together**

DISCLAIMER

This document constitutes an English translation of the webpage “Datummärkning i butik “ of Sweden, originally drafted, published and authenticated in Swedish. For legal purposes, only the authentic Swedish text of the “Q&A Date marking in store” shall be used. Whilst every effort was made to provide accurate information, the European Commission cannot take responsibility for any errors.

Q&A Date marking in store

1 In-store date labelling

(<https://www.livsmedelsverket.se/produktion-handel--kontroll/livsmedelsinformation-markning-och-pastaenden/datummarkning-i-butik#F%C3%A5r%20en%20butik%20sk%C3%A4nka%20bort%20varor%20vars%20b%C3%A4st%20f%C3%B6re-dag%20eller%20sista%20f%C3%B6rbrukningsdag%20passerats?>)

Is the shop allowed to alter the date label?

Below are questions and answers about what shops may and may not do when it comes to best before and use by dates.

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- Can a shop freeze pre-packaged foods and sell them at its delicatessen counter or in its restaurant?
- Can a wholesaler or retailer that repackages foodstuffs for the end consumer specify a later best before date than the one indicated on the bulk pack?
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- What if a shop buys pre-packaged goods from another shop?

2 How are best before and use by dates determined?

For the majority of foodstuffs, there are no laws or government recommendations concerning shelf life. The dates are determined based on the manufacturer's experience, gained for example through shelf-life tests or recommendations that the industry has agreed on in the form of joint industry guidelines.

[What is the meaning of date labelling?](#)

3 Can best before and use by dates be altered to a later date?

No. Normally the best before and use by dates on a package cannot be altered.

4 Can foodstuffs be sold after the best before date has passed?

Yes. Foodstuffs can be sold after the best before date has passed, as in most cases, the food is completely edible even after this date.

The food is the responsibility of the seller. The seller must assess whether the food should be sold after the best before date has passed. The seller must never sell or give away unfit or unsafe food.

[For legislation that addresses, among other things, seller responsibility, see Article 14 of Regulation \(EC\) No 178/2002](#)

5 Can foodstuffs be sold after the use by date has passed?

No. Food cannot be sold or given away after this date has passed. A use by date is stamped on food that the manufacturer considers may deteriorate rapidly and become a health hazard. The use by date is the last day that the manufacturer guarantees that a particular food may be consumed without health risks.

[Article 14 of Regulation \(EC\) No 178/2002](#)

6 Can information about shelf life be added in relation to the best before date?

Yes. However, the wording and the order of the "best before [date]" and "best before end [date]" must not be changed. The person who produced the food may, however, voluntarily inform consumers that the food is suitable for consumption even after the best before date, for example adjacent to the date label. It is a prerequisite that other requirements for voluntary information be met. Date labelling should not be misleading. It is good to clarify the best before date label for the consumer. It sheds even more light on how everyone can take shelf life into consideration and help reduce food waste.

7 What are pre-packaged foodstuffs?

Pre-packaged foods include foodstuffs and the packaging in which they are placed before being offered to consumers or mass caterers. The packaging must be designed in such a way that the contents cannot be altered without opening or changing the packaging.

Pre-packaged food is complete when it leaves the packaging plant. It does not, however, need to comply with all the labelling rules until such a time that it is offered to the consumer.

[For information on how pre-packaged foods are defined, see Article 2, Paragraph 3 of Regulation \(EU\) No 1169/2011](#)

8 What is a bulk pack?

Bulk packs are packs intended for the commercial food industry, whether wholesale or retail, or mass caterers.

Bulk packs may contain pre-packaged foods. This includes pre-packaged foods as well as their outer packaging. Bulk packs may also contain unpackaged foods.

There is no definition of the term bulk pack in the regulations.

9 Does the best before or use by date need to be stated on bulk packs containing foodstuffs that are pre-packaged?

Yes, the best before or use by date must be stated on the bulk pack along with storage and/or conditions of use, as well as contact information for the food company responsible. However, other mandatory labelling information according to Article 9 of Regulation (EU) No 1169/2011 may be provided in a separate accompanying document.

10 Does the best before or use by date have to be stated on bulk packs containing foodstuffs not intended for the end consumer?

No. According to Article 8 Paragraph 8 of Regulation (EU) No 1169/2011, the supplier of such packaging must ensure that the recipient is adequately informed in order to label supplied foodstuffs as required. On determining what information is required under Article 8 Paragraph 8, account should be taken as to what information must be supplied to the consumer under Article 9 of that Regulation. In some cases, this means that all the information specified in Article 9 should also be provided in relation to the bulk pack. In other circumstances, it may be sufficient to provide some of the information. The food business supplying the food can provide this information in different ways.

There are also other labelling rules in addition to those set out in Regulation (EU) No 1169/2011, where other requirements may be in place.

11 Can a store break up pre-packaged foods and sell the contents in bulk even when the best before date marked on the packaging has passed?

Yes, but the seller must always make an assessment as to whether the food should be sold after the best before date. The seller must never release unfit or unsafe foods on the market. However, foodstuffs marked with a use by date must never be sold after this date has passed.

12 Can a shop freeze unsold refrigerated goods and sell them to consumers frozen?

Foods previously marketed as refrigerated may, in certain circumstances, be frozen and marketed as frozen. One condition is that the requirements of the Swedish Food Administration's regulations (LIVSFS 2006:12) on frozen foods are met.

Food may be frozen even after the best before date has passed. However, foods marked with a use by date may not be marketed as frozen if they have been frozen after the use by date.

If previously refrigerated goods are frozen, the best before date or use by date must not be changed - refer to Section 15 of the National Food Administration's regulations (LIVSFS 2005:20) on food hygiene, which means that the date that applied to the food when it was refrigerated must remain on the label. The date must be clearly visible and must not be covered or obscured. In addition, the labelling needs to be supplemented with certain details that are required in relation to frozen foods:

1. The term frozen must be indicated adjacent to the food's designation,
2. The best before date of the frozen food. It should be emphasised that the date only applies to the food in its frozen state,
3. Instructions as to how long the frozen food may be stored by the purchaser as well as the storage temperature or the type of storage equipment required. Should it be indicated that the frozen food must be stored at -18 degrees, no further instructions on storage time other than the best before date are required.
4. Information for identifying the batch must be stated on all frozen foods, and

5. The words "must not be re-frozen" or the equivalent should be stated on the package.

If the food is frozen near the end of its shelf life, it must also be stated that the food must be cooked immediately after thawing. See Article 9, paragraph 1.j. of Regulation (EU) No 1169/2011.

Frozen meat, frozen meat products and frozen unprocessed fish products must be labelled with the date of freezing. See Appendix III, paragraph 6 of Regulation (EU) No 1169/2011.

The same applies when pre-packaged foods are divided up and the contents are repackaged.

[LIVSFS 2005:20](#)

[LIVSFS 2006:12](#)

[Regulation \(EU\) No 1169/2011](#)

13 Can a shop or restaurant use food that has passed its best before date as an ingredient in other food?

Yes. They can use the food as a raw material or ingredient in other products, provided that it is not unsuitable or unfit for consumption. The shop may, for example, cook a pre-packaged pork fillet and sell it. It may previously have frozen the product in anticipation of it being processed. Should the cooked pork fillet then be sold pre-packaged, the shop may specify a new best before date. That date will then be based on the shop's assessment of its shelf life.

On the other hand, foodstuffs marked with a use by date must not be used as raw materials or ingredients after this date has passed.

14 Must a shop dispose of food that has passed its use by date?

Yes, a shop cannot sell or give away the food, either in its packaging or in bulk. It is also prohibited to use such foods as raw materials in other products. Please note that this applies when the use by date has passed - that is, the day after the date specified. The food is classed as fit for consumption on the use by date should nothing indicate the opposite.

15 Can a shop break up pre-packaged foods and sell the food items individually?

Yes, but not after the use by date has passed. When it comes to the best before date, the seller must make an assessment as to whether the food should be sold after the date has passed. The seller must never release unfit or unsafe foods on the market.

16 Can a shop break up pre-packaged foods intended for the consumer and sell the item in smaller repackaged quantities?

Yes, but it may not be labelled with a date later than that of the original packaging. If the repackaging causes the food's shelf life to be shortened, for example by grinding meat or opening vacuum packs, the original shelf life must be shortened.

Should the food be treated in such a way that the shelf life is extended, a later date may be specified. Such processing may include boiling or smoking. The seller must, however, never release unsuitable or unsafe food onto the market.

17 Can a shop break up pre-packaged foods and process the food before selling it?

Yes, the new packaging must, however, only be labelled with a later date should such processing extend the shelf life of the food. Processing does not extend to freezing. Grinding, seasoning, marinating, chopping, etc. do not extend shelf life.

18 Can a shop freeze pre-packaged foods and sell them from its delicatessen counter or in its restaurant?

Yes, pre-packaged goods may be frozen in order to then them from a delicatessen counter. They may also be heated or otherwise used in cooking. However, the raw materials used at the delicatessen counter/ in the restaurant must be fit for consumption. The store must take into account the original date label when it assesses whether or not the food can be used. Food must not be frozen without the right equipment. The shop must have a suitable system in place to monitor its own operations to ensure a high quality of food.

Goods that have passed their use by date must not be frozen for later use.

19 Can a wholesaler or retailer that repackages food intended for the end consumer specify a later best before date than the one indicated on the bulk pack?

Yes, but the person who packs the food is responsible for assessing its shelf life. Labelling must not mislead the consumer and the seller must never release unfit or unsafe foods onto the market.

20 Can a shop give away goods that have passed their best before or use by dates?

A shop can give away food after the best before date has passed, as the food may be fit for consumption even after such a date has passed. The purpose of the best before date is to provide information about how long you can expect the food to be fit for consumption and this date will include a margin for error.

Anyone who offers a consumer a product is responsible for ensuring that it is safe and properly labelled. The store should assess whether the food can be sold after the best before date and must never release unsuitable or unsafe food onto the market. Releasing food onto the market includes both selling as well as giving it away free of charge.

It is, however, not permitted to give away food that is past its use by date as, it had, at the time of packaging, been assessed as unfit after a certain date. It is prohibited to release unfit food onto the market. The food is classed as unfit for consumption after the use by date even if such a food in an individual case is not shown to be harmful to health.

21 Can a restaurant or mass caterer use goods that are past their best before or use by dates?

Restaurants or mass caterers can use food as a raw material or ingredient in other products after the best before date, provided that it is not unsuitable or unfit for consumption. Pre-packaged goods with best before dates can be frozen in order to then heat them or otherwise use them during cooking after such a date has passed.

However, food that is past its use by date cannot be used as raw materials in other products.

22 Can a shop buy pre-packaged goods from another shop?

The rules for pre-packaged goods bought from a wholesaler still apply in this case.