

3-501.17 Time/Temperature Control for Safety Food, Date Marking

A) Except when packaging food using a reduced oxygen packaging method as specified under Section 3-502.12, and except as specified in (E) and (F) of this section, refrigerated, ready-to-eat, time/temperature control for safety food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded when held at a temperature of 41°F (5°C) or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. ^{Pf}

B) Except as specified in (E) through (G) of this section, refrigerated, ready-to-eat, time/temperature control for safety food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in (A) of this section and: ^{Pf}

- 1) The day the original container is opened in the food establishment shall be counted as Day 1; ^{Pf} and
- 2) The day or date marked by the food establishment may not exceed a manufacturer's use-by-date if the manufacturer determined the use-by date based on food safety. ^{Pf}

C) A refrigerated, ready-to-eat, time/temperature control for safety food ingredient or a portion of a refrigerated, ready-to-eat, time/temperature control for safety food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest prepared or first prepared ingredient. ^{Pf}

D) A date marking system that meets the criteria stated in (A) and (B) of this section may include:

- 1) Using a method approved by the regulatory authority for refrigerated, ready-to-eat time/temperature control for safety food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;
- 2) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under (A) of this section;
- 3) Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under (B) of this section; or
- 4) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request.

E) Paragraphs (A) and (B) of this section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

F) Paragraphs (A) and (B) of this section do not apply to shellstock.

G) Paragraph (B) of this section does not apply to the following foods prepared and packaged by a food processing plant inspected by a regulatory authority:

- 1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110, Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food;
- 2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133, Cheeses and Related Cheese Products, such as cheddar, gruyere, parmesan and reggiano, and romano;
- 3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in the same reference as #2 above, such as blue, edam, gorgonzola, gouda, and monterey jack;
- 4) Cultured dairy products as defined in 21 CFR 131, Milk and Cream, such as yogurt, sour cream, and buttermilk;
- 5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114, Acidified Foods;
- 6) Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and
- 7) Shelf stable salt-cured products such as prosciutto and Parma (ham).

3-501.18 Ready-to-Eat, Time/Temperature Control for Safety Food, Disposition

A) A food specified in Section 3-501.17(A) or (B) shall be discarded if it:

- 1) Exceeds the temperature and time combination specified in Section 3-501.17(A), except time that the product is frozen;
- 2) Is in a container or package that does not bear a date or day; or
- 3) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Section 3-501.17(A).

B) Refrigerated, ready-to-eat, time/temperature control for safety food prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds a temperature and time combination as specified in 3-501.17(A).

(Document updated November, 2018 after MA adopted the 2013 Federal Food Code and the 2015 Amendments.)