

106TH CONGRESS  
1ST SESSION

# H. R. 2897

To amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1999

Mrs. LOWEY (for herself, Mr. SHOWS, Ms. DeLAURO, Mr. FROST, Ms. NORTON, Mr. SANDLIN, Ms. MILLENDER-McDONALD, Mr. FOLEY, Mr. McGOVERN, Mr. UNDERWOOD, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Freshness Disclosure  
5       Act of 1999”.

6       **SEC. 2. FRESHNESS DATE.**

7       (a) IN GENERAL.—Section 403 of the Federal Food,  
8       Drug, and Cosmetic Act (21 U.S.C. 343) is amended by  
9       adding at the end the following:

1       “(t) Except as provided in subparagraph (4), if it is  
2 a food unless the food is labeled for freshness as follows:

3           “(1) The label of the food shall state a date  
4 upon which the food will no longer be fresh. The  
5 date upon which a food will no longer be fresh is a  
6 date selected by the manufacturer, packer, or dis-  
7 tributor of the food on the basis of tests and other  
8 information showing that the food, until that date,  
9 under the conditions of handling, storage, prepara-  
10 tion, and use prescribed by label directions will—

11           “(A) when consumed contain not less than  
12 the quantity of each nutrient set forth in the  
13 food label in accordance with paragraph (q) and  
14 the regulations of the Secretary published at 21  
15 C.F.R. 101.9(g)(4); and

16           “(B) otherwise be not adulterated and of  
17 an acceptable quality.

18           “(2) The freshness date required by paragraph  
19 (1) shall be stated in terms of the day and month  
20 if the product will not be fresh after 3 months on  
21 the shelf or in terms of the month and year if the  
22 product will be fresh for more than 3 months on the  
23 shelf. The phrase “best if used by” shall precede the  
24 date. The day, month, and year shall be declared in

1 uncoded numerical sequence, except that the month  
2 may be indicated by letters.

3 “(3) The label shall be—

4 “(A) in single easy-to-read type style using  
5 upper and lower case letters in the standard  
6 form;

7 “(B) in a type size no smaller than 8  
8 point; and

9 “(C) located in a conspicuous place on the  
10 package of the product.

11 “(4) The requirements of subparagraphs (1),  
12 (2), and (3) shall not apply to any food described in  
13 regulations of the Secretary published in 21 C.F.R.  
14 101.9(j) which under such provision are exempt  
15 from the nutritional labeling requirements of such  
16 regulations.

17 “(5) The freshness date required by paragraph  
18 (1) shall be on the containers of any food sent to the  
19 seller of such food to consumers.”.

20 (b) EFFECTIVE DATE.—The amendment made by  
21 subsection (a) shall take effect upon the expiration of 180  
22 days after the date of the enactment of this Act.

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