

111TH CONGRESS
1ST SESSION

H. R. 2087

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2009

Mrs. LOWEY introduced the following bill; which was referred to the
Committee on Energy and Commerce

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 “Food Freshness Dis-
5 closure Act of 2009”.

1 **SEC. 2. FEDERAL FOOD, DRUG, AND COSMETIC ACT; RE-**
2 **QUIREMENT OF INCLUSION OF FRESHNESS**
3 **DATE ON FOOD LABELING.**

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

7 “(z) Except as provided in subparagraph (6), unless
8 its label bears information on freshness in accordance with
9 the following:

10 “(1) The label of the food states a date upon
11 which the food will no longer be fresh (in this para-
12 graph referred to as the ‘freshness date’). The
13 freshness date is a date selected by the manufac-
14 turer, packer, or distributor of the food on the basis
15 of tests and other information showing that the
16 food, until that date, under the conditions of han-
17 dling, storage, preparation, and use prescribed by
18 label directions, will—

19 “(A) when consumed contain not less than
20 the quantity of each nutrient set forth in the
21 food label in accordance with paragraph (q) and
22 with section 101.9(g)(4) of title 21, Code of
23 Federal Regulations; and

24 “(B) otherwise be not adulterated and of
25 an acceptable quality.

1 “(2) The freshness date is stated in terms of
2 the day and month if the product will not be fresh
3 after three months on the shelf or in terms of the
4 month and year if the product will be fresh for more
5 than three months on the shelf. The day, month,
6 and year are declared in uncoded numerical se-
7 quence, except that the month may be indicated by
8 letters.

9 “(3) The phrase ‘best if used by’ precedes the
10 freshness date.

11 “(4) On the label, the freshness date is—

12 “(A) in single easy-to-read type style using
13 upper and lower case letters in the standard
14 form;

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

17 “(C) located in a conspicuous place on the
18 package of the product.

19 “(5) The freshness date is on the containers of
20 any food sent to the seller of such food to con-
21 sumers.

22 “(6) The requirements of subparagraphs (1)
23 through (4) shall not apply to any food that, under
24 section 101.9(j) of title 21, Code of Federal Regula-

1 tions, is exempt from the nutrition labeling require-
2 ments of section 101.9 of such title.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) takes effect upon the expiration of the 180-
5 day period beginning on the date of the enactment of this
6 Act.

