**Conference for Food Protection**

**2012 Issue Form**

**Internal Number: 048**

**Issue: 2012 I-024**

**Title:**

Food Code Date Marking Provision(s) For Raw, Live In-shell SHELLSTOCK

**Recommended Solution: The Conference recommends...:**

...the language of the 2009 FDA Food Code (as modified by the Supplement issued in 2011) be changed to clearly reflect that date marking provisions apply to raw, live in-shell SHELLSTOCK served to CONSUMERS upon request without cooking or other treatment. (new language is in underline format; language to be deleted in strike-thru format)

**3-501.17(B)** **Ready-to-Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food), Date Marking.**

(B) Except as specified in ¶¶ (D)-(F) of this section, refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (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~~

(a) Except for containers of raw, live in-shell SHELLSTOCK, Day 1 shall be the date or day the SHELLSTOCK are receiving in the FOOD ESTABLISHMENT if the SHELLSTOCK will be served upon CONSUMER request in a raw, RTE PHF/TCS form; Pf and

(2) The day or date marking 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

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.