**Conference for Food Protection**

**2018 Issue Form**

**Issue: 2018 I-024**

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| **Council Recommendation:** | Accepted asSubmitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

*All information above the line is for conference use only.*

**Title:**

Amend Food Code - Food Safety Regulations for Food Donations

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

that a letter be sent to the FDA requesting that the most current edition of the Food Code be amended to add a new **Part 3.9 Donation of Foods** based on the attached content document, entitled "Example Food Safety for Food Donation Language" (language to add is underlined).

The Conference recommends that Part 3.9 clarify that food donation is a lawful practice for a food establishment. The Conference also recommends that amended Food Code language in this section provide information about safety standards that apply to food donations, including but not limited to:

1. **Donation of previously served food:** Clarify the categories of food that can be donated after being served, and under what conditions. For example, foods that have been put out for consumer self-service, but have not been served to individual consumers, can be donated if proper safeguards are in place to protect against contamination.
2. **Time/Temperature control for safety foods**: Explain the procedures that apply to the donation of time/temperature control for safety foods, including the temperatures at which these foods must be held, transported, and delivered (if transported and delivered by a food establishment).
3. **Labeling of donated foods:** Clarify that donated packaged and prepared foods must be labeled consistent with federal law and with the Food Code, subject to certain exceptions. For example, donated packaged foods must be labeled consistent with federal law except that nutrition labeling is not required. The section should clarify the requirements for donated prepared foods, which should be required to bear a label with information such as the names of the donor and recipient organization, a description of the food, date of donation, and a general allergen disclaimer.
4. **Donation of foods past the labeled date:** Clarify the categories of food that can be donated past the manufacturer's labeled date, such as a best by or use by date. For example, ready-to-eat time/temperature control for safety foods should not be donated past the labeled date unless they have been frozen prior to the date. In contrast, foods that are not ready-to-eat time/temperature control for safety foods may be donated past the manufacturer's date.

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.