Redistribution summary

This summary document covers date labelling and storage instruction requirements for surplus food, in order for it to be safely redistributed.

Context to this information can be found in WRAP’s Best Practice Labelling Guidance. The key requirements are covered in this document and a checklist that can be incorporated into an organisation’s processes and operations is also available. The scope of this summary covers manufacturing, retail and supplier businesses, and all types of redistribution organisations.

Food labelling and safety requirements

Any operation handling food on a regular basis with a degree of organisation would be considered a food business and must be registered and comply with the relevant food law.

This means that all food businesses supplying, receiving or handling redistributed food must also make themselves aware of their legal responsibilities and comply with the relevant food legislation.

Food placed on the market (effectively offered for supply or sale) must be safe; this is regardless of whether that food supply is for profit or not, or whether food is sold or given away.

Small-scale or irregular events, or organisations where food is supplied which do not require registration, for example an annual one-off church fete, must still place safe food on the market.

When surplus food is collected or received by the redistribution organisation it is then their responsibility to keep it safe – to make sure it is transported, stored and, if relevant, cooked properly. Organisations should ensure their volunteers and staff have the appropriate food hygiene training.

All food businesses, including charities, are required to put in place and maintain a food safety management system based on the principles of Hazard Analysis and Critical Control Points (HACCP). The system can be adapted to the nature of the food business, but charities are still required to ensure that all steps are put in place to prevent a hazard causing a risk to the safety of the food.

1 For example see https://www.food.gov.uk/business-industry/food-hygiene/haccp
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**Date labels**

The ‘Use By’ date relates to food safety. Food cannot be sold, redistributed or consumed after this date. The only exception to this is if the food has gone through a safe freezing or cooking process, before the ‘Use By’ date has passed, and has been appropriately re-labelled.

The ‘Best Before’ date relates to food quality. Food with a ‘Best Before’ date can be sold, redistributed and consumed after this date. Providing food is stored in appropriate conditions – i.e. as instructed on the label by the manufacturer – and has not become otherwise contaminated, it will be safe to consume for a period of time after the ‘Best Before’ date has passed, but it may not be at its best.

**Transport and storage**

Chilled food which is redistributed needs to be handled, transported and stored safely and stored at the correct temperature whilst awaiting collection. The party collecting and /or receiving the food must ensure that it is handled and transported under appropriate conditions. They must also be aware of the date label on the products to ensure that appropriate action can be taken so that food with a short time left on it is distributed to:

- be consumed immediately;
- undergo some form of processing (i.e. cooking) before consumption or freezing; or
- be frozen immediately, if not previously frozen.

Food that is past its ‘Use-By’ date should never be presented to any person or organisation (regardless of whether they are a charity or business), and if this does occur the food must not be made available for people to buy or eat. Depending on the food and the infrastructure available such food should be recycled or disposed of.

2 The exception are eggs, where Annex III, Section X, Chapter 1 of European Commission Regulation (EC) 853/2004 states that ‘eggs must be delivered to the consumer within a maximum time limit of 21 days of laying’. Because of this, eggs must be redistributed within 21 days of laying (usually indicated on the packaging by a stock control date), in order to allow them to reach the end consumer within the time period allowed.

3 Food can be left out of temperature control for short periods of time for practical purposes, but this must be done safely. Any time outside of the recommended storage temperature should be minimised.
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Freezing food
Freezing can act as a ‘pause button’ prior to the date on the food passing. Some businesses and redistribution organisations are able to freeze foods prior to their ‘Use By’ or ‘Best Before’ dates, before the food is transferred to a redistribution organisation or final recipient.

The organisation carrying out the freezing must:
• Ensure that the food is in an acceptable condition and suitable for freezing (e.g. as indicated by manufacturer’s instructions).
• Ensure the food is frozen all of the way through to the core.
• Supply information relating to the food and its freezing to the receiving organisation – include information about when the product was frozen and instructions for defrosting and cooking.
• Re-label the food (see below).
• For food carrying a ‘Use By’ date, demonstrate that the freezing process commenced early enough to ensure that that the food is frozen at midnight of the day of the expiry of the ‘Use By’ date⁴.

Re-labelling food that is frozen
If food is frozen to facilitate redistribution, it is essential that the food is re-labelled as the nature of the product will have changed, and frozen food with an expired ‘Use By’ date found in a food business establishment is deemed unsafe by virtue of food law.

Therefore, food has to be frozen prior to its expiry date, the original ‘Use By’ (if the product had one) removed and a new ‘Best Before’ date applied. Food operations storing re-labelled food should have systems in place to record when the food was frozen as they could be asked to demonstrate that such food is safe when inspected by Local Authority Food Safety Officers.

Instructions for use should be provided which make it clear that the product should be thawed under refrigeration and used within 24 hours.

⁴ Ideally, the freezing process should commence early enough so that the food reaches at least -2°C at midnight of the day of the expiry of the ‘Use By’ date. While the food may not be fully frozen at midnight, there should be no risk to food safety if the freezing process is underway early enough before that time, with the aim of freezing the food through to the core.
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