



AB 660 (Irwin)

An Expiration to Food Date Confusion

SUMMARY

AB 660 mandates uniform packaged food labeling standards to address the consumer confusion caused by varied and inconsistent phrasing in expiration dates, often leading to safe and good quality food being disposed of prematurely. The streamlined phrasing required by AB 660 will help consumers understand peak quality and freshness of their food, reducing food waste and allowing consumers to save money at the grocery store.

BACKGROUND

Food products often feature phrases next to dates such as “Best By”, “Expires On”, “Use By”, “Best Before”, “Sell By”, along with many others. The meaning of these phrases can be unclear to average consumers as they can indicate a product’s peak freshness, when a product is no longer safe for consumption, or in the case of “Sell By” dates, act as a guide for when retailers should pull products from the shelf. These phrases are often all referred to as “expiration dates”, which can lead to consumer confusion. With the exception of baby formula, date labels on packaged food are not federally regulated. Furthermore, state rules can be widely inconsistent and only apply to certain product groups.

AB 954 (Chiu, Ch. 787, Statutes of 2017) approved voluntary standards with FDA-endorsed phrasing to help minimize consumer confusion due to dates on labels. In one survey, Americans responded that they would feel safer about the products they ate if they bore these FDA-endorsed labels, anticipated saving money and throwing away less food, and would feel more confident in their food products. However, another recent study showed slow implementation of these labeling standards by manufacturers; with less than half of products in consumer’s refrigerators and only one third of products on grocery shelves complying.

NEED FOR THE BILL

The US Department of Agriculture estimates that almost one third of the American food supply is uneaten and wasted. Quantifying these losses at the household level, the average consumer spends about

\$1,300 annually on food that is later discarded. Moreover, product prices have remained high due to pandemic-induced inflation, further prioritizing the need for families to make the most of their groceries.

Food waste makes up about 6 million tons of California’s annual waste stream. The rotting food in landfills generates methane, which is a potent greenhouse gas about 80 times more powerful than carbon dioxide. Of the food being wasted, the wide variety of date labels featured on packaged foods is a primary contributor. A staggering 20% of avoidable food waste can be attributed to consumer confusion from this flawed system. With landfills being responsible for 41% of the state’s point-source methane emissions, reducing food waste at the source would directly impact a leading contributor to climate change.

THIS BILL

AB 660 requires use of uniform terms for food product date labels that have been voluntary standards for five years. These standards include:

- (1) “BEST if Used by” or “BEST if Used or Frozen by” to indicate the quality date of a product.
- (2) “USE by” or “USE by or Freeze by” to indicate the safety date of the product.

AB 660 also prohibits use of consumer-facing “Sell By” dates to reduce confusion stemming from labels intended for food retailers. However coded or machine readable “sell by” dates would remain available to retailers for inventory control. The bill would provide a year for manufacturers to update their labels, going into effect January 1, 2025.

SUPPORT

Californians Against Waste (Sponsor)

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