



## Circular concerning the requirements applicable to foodbanks and charity organisations

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### 1. Aim

The present circular provides guidelines for the interpretation of expiry dates, traceability, labelling and freezing of foodstuffs. These guidelines are especially for foodbanks and charity organisations. This initiative matches a social and sustainable policy in terms of food safety with regard to reach a maximum consumer protection and a decrease of food waste.

This circular replaces the circulars PCCB/S3/CDP/965131 and PCCB/S3/JIM/879248.

### 2. Scope

This document is applicable to all foodstuffs that are distributed by foodbanks and charity organisations.

### 3. References

#### 3.1. Legislation

Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

Law of 24/01/1977 about the protection of the consumer health concerning foodstuffs and other products

Royal decree of 3 January 1975 referring to foodstuffs and food substances that are considered to be declared as harmful.

Royal decree 13 September 1999 referring to labelling of prepacked foodstuffs

Royal decree of 14 November 2003 referring to self-checking, compulsory notification and traceability in the food chain.

Ministerial decree of 22 march 2013 referring to relaxation of the rules of application of self-checking and traceability in several establishments in the food chain

### 3.2 Other

Circular on expiry dates (Ref PCCB/S3/802859)

## 4. Definitions and abbreviations

foodbanks: charity organisations which collect foodstuffs to distribute it to charity organisations

charity organisations: a non-profit philanthropic organisation which delivers foodstuffs to disadvantaged persons within the framework of food aid and to combat poverty

[for your information: charity organisations are also charitable restaurants, non-profit food stores,...]

use-by date: the use-by date refers to the product safety and is written on very perishable food. Once the date expired, these products cannot be distributed or consumed any more because of potential risks for the consumer health.

date of minimum durability : the date of minimum durability (best before (end) )refers mainly to the quality of the product, it is written on the less vulnerable products from a microbiological point of view and which imply therefore a less faster risk for consumer health. Up to this date, the producer guarantees a safe product of quality. Past this date, the quality of the product cannot be guaranteed anymore, but this doesn't mean automatically that it represents a hazard for public health.

## 5. Distribution of food by foodbanks and charity organisations

### a) Guidelines for the interpretation of expiry dates

Food which has reached or expired the **date of minimum durability** can in some cases still be delivered to the consumer without the slightest risk for the public health. A non restrictive list of food which can be used by foodbanks and charity organisations is given down here to serve as a guideline for the evaluation of the shelf life of food once the date of minimum durability is reached or expired. The foodstuffs are arranged in four categories: from food with a very long shelf life to food with with a *very short shelf life*. The last column mentions an estimation of the shelf life for food during which it can still be distributed by the foodbanks and charity organisations after the expiry of the date of minimum durability. This duration is however purely indicative, an evaluation from case to case is always necessary. If there are reasons to suppose that foodstuffs are unfit for human consumption, it can under no circumstances be distributed anymore. Moreover, the cold chain and the storage conditions and an undamaged package have always to be guaranteed.

Products with a **use-by date** cannot be accepted or distributed any more after this date because they are very perishable and could present a risk for public health after reaching this expiry date. Use-by

date products which have expired are declared as harmful according to the Royal decree of 3 January 1975.

More information about these two types of expiry dates can be looked up in the circular of 23/12/2011 concerning expiry dates, reference PCCB/S3/802859

([http://www.favv-afsc.fgov.be/denreesalimentaires/documents/2011\\_12\\_23\\_Circulaire\\_dates\\_peremption\\_23-12-2011.pdf](http://www.favv-afsc.fgov.be/denreesalimentaires/documents/2011_12_23_Circulaire_dates_peremption_23-12-2011.pdf)).

#### b) Guidelines for traceability

Traceability is imperative to take fast necessary action in case of a crisis. Legal rules offer more detailed provisions about this topic. The enterprises need of course to make the necessary efforts.

In order to prevent a drop in the supply to the foodbanks and charity organisations because of administrative constraint, the decision was taken to apply a more relaxed traceability without endangering food safety. As we find ourselves at the end of the food chain and the food is completely identified/labelled for the consumer, the products can quickly be withdrawn from the market or recalled if necessary.

In case of supplies to charity organisations and foodbanks, the list of the supplied charity organisations and foodbanks can be used as a register for the outgoing products.

As far as the charity organisations and foodbanks are concerned themselves, the list of establishments from which the products come from, can be used as a register for the ingoin products.

#### c) Guidelines for labelling

Everybody has the right of entire information about the food he consumes. Not mentioning for example allergens can cause a real hazard for sensitive consumers.

All pre-packaged foodstuffs intended for the end consumer must be labelled according to article 2 of the Royal decree of 13/9/99 (look up the brochure « Quelles mentions sur l'étiquette » ([http://www.favv-afsc.fgov.be/denreesalimentaires/etiquetage/documents/2012-05\\_Bulletin-AFSCA-48\\_p5\\_Quelles-mentions-sur-letiquette\\_fr.pdf](http://www.favv-afsc.fgov.be/denreesalimentaires/etiquetage/documents/2012-05_Bulletin-AFSCA-48_p5_Quelles-mentions-sur-letiquette_fr.pdf)) ) in the language of the linguistic region, in which the product is distributed (law of 24/01/1977).

If foodbanks or charity organisations receive pre-packaged food without the needed label, it must be labelled before it is distributed to the consumer.

#### d) Guidelines for freezing

Foodbanks or charity organisations are allowed to freeze pre-packaged products (e.g. meat products, a whole fresh chicken,...) on condition that:

- freezing takes place latest one day before use-by date,
- the date of freezing is added on the package,
- the mention 'consume immediately after defrosting' is added on the package.

Defrosting must take place in appropriate equipments with enough capacity and the cold chain must be maintained during storage as well as distribution.

## 6. Annexes:

Non restrictive list of foodstuffs that can be used by foodbanks and charity organisations to serve as a guideline for the evaluation of the shelf-life of foodstuffs once their date of minimum durability reached or expired.

Storage information (mainly temperature) given on the label has always to be kept to, especially for chilled or frozen products				
product	description	characteristics of a damaged product	storage guidelines	
very long shelf-life				
salt, sugar, flour		no rotting if stored dry. mouldy taste possible after a very long period. also pay attention to hardening, absorption of humidity, occurrence of insects, moths, turning rancid, mould,...	up to one year (even longer) after DMD on condition that the product has still its characteristic qualities and the product and its package is not defect.	
dry pasta	Macaroni, Spaghetti,...			
couscous, semolina				
coffee, tea				
rice				
instant powder (low-fat)	coffee, mixture of spices, pudding			
water, soft drinks and UHT drinks (e.g. milk, fruit juices)				deterioration of taste, colour change (cf. enzymic browning)
tin cans/glass bottles	vegetables, fruits, soup, meat, fish, condensed milk, jam,...			oxidation of the can/tops. Gassing (battered can), colour or smell change.
syrup, molasses, honey				saccharification
sweets (hard)	lollipop, acid candies			
frozen products		dessication, rancid fat	respect temperature (-18°C or less).	
long shelf-life				
dry biscuits		mouldy taste, occurrence of moths/insects, tasteless, change of taste, dessication, change of texture.	up to two months (even longer) after DMD on condition that the product has still its characteristic qualities and the product and its package are not defect.	
muesli, cereals for breakfast, cornflakes				
spread (peanut butter, chocolate streusel, spreads)				
crisps, salty biscuits, peanuts				
oil, frying fat				
instant powder (high-fat)	soup, powder milk			
margarine, butter				
hard cheese	e.g. Gouda, Emmenthal, Parmesan			
sweets (soft)	with stuffing, chocolate, liquorice			
sauces	e.g. sauce for fries, mayonnaise, ketchup,...			
sterilised bottled milk and dairy products		change or loss of taste		
limited shelf-life				
bread, partially baked bread		mouldy taste, mould, rancid fat, occurrence of insects	respect the DMD, exceptions possible but a good evaluation is needed! fresh bread can be frozen and consumed primarily within 2-	
soft cheese				
cake, stuffed biscuits, soft biscuits				
semi-preserves (herring,	chilling needed	fermentation		

mussels,...)			3 weeks.  respect temperature for frozen products that is -18°C or less.
short shelf-life			
fresh meat, chicken, fish, meat products	These products have often a use-by date and need nearly always to be chilled (under 7°C). In some cases a chilling under 4°C or less is necessary (e.g. fish).	bacterial growth (possibly mould) and rot	NEVER accept or distribute after use-by date/DMD The consumer can still consume the product latest the day of use-by date/DMD. Most important is a united cold chain (storage, transport, distribution); if it isn't guaranteed, DO NOT distribute these products!
pastry			
chilled meals, salads			
freshly pressed fruit juice			
eggs			
milky desserts			
yoghurt			
fruits and freshly cut vegetables			

## 7. Overview of revisions

inventory of revisions of the circular		
version	Date of coming into force:	reason and consequence of the revision
1.0	Date of publication	Original version