

901:3-57-01

**Definitions.**

- (A) "Quality assurance period" means the period of time following the completion of normal manufacturing, processing, and packaging procedures during which a food product subjected to normal conditions of exposure will maintain conformity with all of the characteristics normally associated with the food product and will provide the benefits for which the food product is normally purchased. Food product characteristics include, but are not limited to, taste, texture, smell, nutritional value, and reaction value with other food products if used as an ingredient with other food products.
- (B) "Sale date" means the date by which the manufacturer, processor, or packager of a packaged food product recommends that the food product be sold for consumption based on the food product's quality assurance period.
- (C) "Packaged perishable food product" means perishable food products packaged in consumer packages.
- (D) "Perishable food product" means a food product, determined by the manufacturer to have a quality assurance period of thirty days or less.
- (E) "Consumer package" means a packaged food commodity that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.
- (F) "Nonconsumer package" means any packaged food commodity other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

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**Food products considered perishable.**

The manufacturer, processor, or packager shall determine which food products manufactured, processed, or packaged shall be considered perishable.

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**Establishing sale dates for perishable foods.**

- (A) The manufacturer, processor, or packager shall establish the sale date for perishable food products.
  
- (B) Sale dates established by the original manufacturer, processor, or packager shall not be increased by a repacker unless the product has been reprocessed in a manner which would enhance or lengthen the quality assurance period.

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**Sale date; information and location.**

- (A) No person shall knowingly sell a perishable food product in a consumer package unless the package is clearly marked with a sale date by the packager. No other similarly stated date may appear on the package. However, nothing in this regulation shall prohibit a coded date, such as a Julian date, which may be required by federal law.
- (B) The sale date markings shall be legible to the average consumer under normal conditions of purchase.
- (C) The sale date may be indicated by appropriate descriptive terms such as "sell before," "sell by," etc. Terminology used to describe the sale date of a perishable food product shall be easily understood by the average consumer.
- (D) Except as provided in paragraph (E) of this rule, the combination of words, numbers and/or abbreviations used to designate the sale date shall be easily understood by the average consumer. Words, numbers or abbreviations or a combination of words, numbers or abbreviations such as "Nov. 23, 11-23, November 23, etc." are acceptable.
- (E) Bakery products with a sale date of less than seven days from the date of packaging may be dated with the days of the week or their abbreviations as follows:

Day of the Week	Acceptable Abbreviations
Sunday	SU, SUN
Monday	MO, MON
Tuesday	TU, TUE
Wednesday	WE, WED
Thursday	TH, THU, THUR
Friday	FR, FRI
Saturday	SA, SAT

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**Exemptions.**

The provisions of this regulation do not apply to the following:

- (A) Fresh fruits or vegetables.
- (B) Meat and meat products including poultry and poultry meat products whether packaged or unpackaged.
- (C) Packaged perishable food products when sold or offered for sale at a place of business where less than one hundred thousand dollars of all products were sold during the preceding year.
- (D) Food products in nonconsumer packages.

\*\*\* DRAFT - NOT YET FILED \*\*\*

901:3-57-08

**Penalties.**

Pursuant to section 3715.99 of the Revised Code, whoever violates section 3715.171 of the Revised Code or the rules of this chapter is guilty of a minor misdemeanor.