The penalty for selling food which is unsafe, contaminated, or not of the nature, quality or substance demanded is higher, up to £20,000 and/or imprisonment for up to 6 months at Magistrates Court and to a fine and/or imprisonment for up to 2 years if found guilty at Crown Court.

This leaflet provides guidance, it is not a legal document and does not attempt to cover all the details. For more information, please contact the Food Safety Team.

Did this leaflet clearly answer any questions you may have had? Please let us know if there is any other information you require.

Food Safety
Consumer and Business Protection
Brent Civic Centre
Engineers Way, Wembley
Middlesex HA9 0FJ.

Telephone: (020) 8937 5252
Facsimile: (020) 8937 5150
e-mail: environmentandprotection@brent.gov.uk
www.brent.gov.uk
Most pre-packed foods have to be labeled with a **USE BY** or a **BEST BEFORE** date.

- **USE BY** – is marked on highly perishable food where eating the food after that date would present a risk of food poisoning.

  They appear on chilled foods such as meat and dairy products, sandwiches, ready-to-eat meals or cooked-chilled foods.

**IT IS ILLEGAL TO SELL OR DISPLAY ANY FOOD AFTER ITS ‘USE BY’ DATE**

The penalty for selling food after its use-by date is a fine not exceeding £5,000 if found guilty at Magistrates Court. This is irrespective of whether the food would cause harm when consumed.

- **BEST BEFORE** – is marked on most foods where there is no immediate food poisoning risk after that date. When that date runs out, it doesn’t mean that the food may be dangerous. But it may no longer be at its best.

Even frozen, dried and canned foods start to deteriorate in the end.

Whilst it is not illegal to sell food after its best before date,

**IT IS ILLEGAL TO SELL OR DISPLAY ANY FOOD WHICH IS OF UNACCEPTABLE QUALITY, OR WHICH IS UNSAFE TO EAT**

‘Display until’ or ‘Sell by’ etc – Although retailers can use ‘Display until’ or ‘Sell by’ dates for stock control, there is no legal requirement for such durability indications.

- Your best guide to the safety and freshness of the food you sell is the date marking and storage instructions.
- To avoid breaking the law you are advised to ensure:-
  a) that your chilled food, and the temperature at which it is stored, is checked on a regular basis
  b) proper stock rotation when you restock the shelves

For further guidance, refer to ‘Guidance on the application of date labels to food’, Sept 2011, Defra