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POLICY

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Consumer Affairs Agency Defines “Used By Date” and “Best Before Date”

Report Categories:

FAIRS Subject Report

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Report Highlights:

In April 2011, Japan’s Consumer Affairs Agency (CAA) revised Volume 2 of the Q & A book in order to clarify the issues of “use by date” and “best before date” which are often misunderstood by consumers. CAA also defined the “one third rule” as a voluntary business practice and stated that abolishing this rule could help reduce food waste.

The Q & A book is used as an operational guideline and serves as a reference for processed foods manufactures and importers. As there was no regulatory change due to these revisions, U.S. importers of processed foods may continue to use current labels and use the Q & A book as a source of information when creating a new label.

General Information:

Author Defined:

In April 2011, Japan's CAA officially published a revised Volume 2 of the Q & A for labeling of processed foods. The major contents of this revision were previously reported by GAIN report JA0036 "Consumer Affairs Agency Reviews Product Expiration Labeling Policy" written in December, 2010. The Q & A book focuses on the issues of "use by date" and "best before date". The revised Q & A clearly defines date marking and provides examples of easy-to-understand optional explanations on labels. There was no regulatory change due to this revision.

Usually labeling for imported processed foods is prepared by Japanese importers who attach a sticker on each package of products. As there was no regulatory change, importers may continue to use the same label as before or revise their labels based on the new Q and A. As such, this revised document will have little impact on imported processed foods from the United States.

To gather information for this revision, CAA solicited opinions by public comment and through opinion exchange meetings.

There are five major issues in this revision.

1. Clarifying the meaning of "used by date" and "best before date":

Under current Japanese law there are two types of date marking for processed foods in Japan. The first type of date marking requires a "use by date", intended for foods that are deemed to have a relatively short shelf life (five days or shorter). This includes foods found at delicatessens, boxed lunches (bentos), sandwiches and other prepared foods and meals. The date is labeled on the package in a year-month-date format. Some manufacturers choose to add a "use by time" and list the conditions under which the date marking is applicable. This kind of date marking implies that the product should not be eaten after the date indicated on the label.

The second type is the "best before" date, which is applied to products with a long shelf-life such as processed foods, including frozen foods and snacks. The best before date indicates the date or month that the initial quality of the product can be expected to be maintained if stored under the conditions specified on the package. The year-month-date format is used for durations of three months or less, and, if the expected duration is longer than three months, the product must bear a best before date in the year-month format. The implication of this kind of date marking is that even if the product date marking expires, the food can be expected to remain edible. The CAA recommends the use of phrases indicating that the product remains edible even beyond the "before date". Most U.S. products are labeled "best before date" because of its long shelf life (longer than five days).

Of course, both the best before and use by date marking systems are only good prior to opening the package. Once the package is opened, CAA recommends that the food be consumed as soon as possible.

Examples of optional explanations:

- Use by date "Do not eat after the date": yyyy-mm-dd

- Use by date: “Please finish by”: yyyy-mm-dd”
- Best before date “You can eat deliciously by the deadline“ yyyy-mm-dd
- Best before date “It does not mean immediately non-edible even after the date“: yyyy-mm-dd
- Best before date: “You can enjoy the food until around“: yyyy-mm.

2. Promoting the listing of information for storage condition of products:

- CAA encourages manufactures to provide information to consumers by including instructions in each package to advise quick consumption after breaking the package seal.
- It is appropriate to inform consumers that the best by date is valid until opening an air-sealed package.

Examples of optional explanation:

- Best before date: yyyy-mm-dd (The date is good with the condition of an intact air-sealed package)
- Manufactures are recommended to provide additional information to indicate quality deterioration of products such as the color of food, change in flavor, and expansion of package.

3. Manufactures/distributors cannot extend a date marking once set, even if it is scientifically rational:

There were several incidents that occurred related to this issue. This is a clear message from CAA that it is illegal to extend a date marking once it is set.

4. CAA clarifies the concept of setting the date mark by manufactures:

CAA states that manufactures do not have to examine all indicators such as a microbial test, laboratory test, and organoleptic test, in order to set date marking for their products. Manufacturers can use industry guidelines when choosing to test items. CAA recommends making the methodology to set date marking available to consumers on a website.

5. Clarifying the “one third rule” is a voluntary business practice and is not required by CAA:

CAA is trying to weaken this rule in order to reduce food waste. The “one third rule” is widely used in the distribution of processed foods and is a tacit agreement to share the risk of having unsalable stock among manufactures/distributors, wholesalers/retailers and consumers. The first third of a timeframe, between the production and best before dates, is for the delivery of a product to retailers. The second third is for sales, with the final third as recommended time for use by consumers. Some retailers return unsold products to manufactures/distributers after the second third period ends, with returned products then being disposed. Please see the figure on page 2 of the linked document below.

MAFF explanation of one third rule (in Japanese)

http://www.maff.go.jp/j/study/syoku_loss/02/pdf/data1-1.pdf

Post comment:

As importers of U.S. processed foods can continue to use current labels, Post expects little impact on exports. It is up to importer to change their label based on the new Q & A book.

Link to GAIN JA0036

<http://fasintranetapps-gain.fas.usda.gov/Applications/FileDownload.aspx?FileID=6204>

Sources of information:

News release on April 8, 2011: counter measures to improve date marking system of processed foods (Japanese)

<http://www.caa.go.jp/foods/pdf/syokuhin563.pdf>

Date marking (Used by date, Best before date) chart (Japanese)

<http://www.caa.go.jp/foods/pdf/syokuhin375.pdf>

Q & A book about date marking of processed food revised in April 2011 (Japanese)

<http://www.caa.go.jp/foods/pdf/syokuhin564.pdf>

Quality labeling standard of processed foods as of September 30, 2011 (Japanese)

http://www.caa.go.jp/jas/hyoji/pdf/kijun_02_110930.pdf

English translation of standards is not up to date but January 31, 2008 edition is available.

<http://www.maff.go.jp/e/jas/labeling/pdf/pro01.pdf>