

# Wisconsin Food Code FACT SHEET

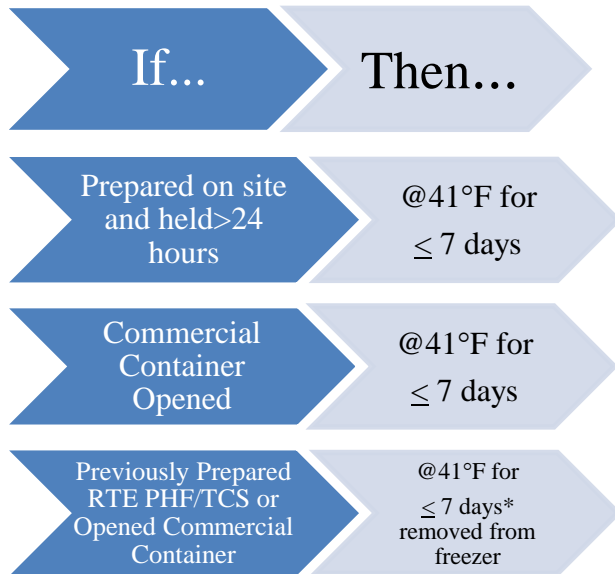


## Date Marking of Ready-to-Eat PHF/TCS Foods

***Date marking must be used for:***  
**Refrigerated, Ready to Eat (RTE) Potentially Hazardous Food (PHF) or Time/Temperature Controlled for Safety (TCS) foods that were prepared in whole or part in a food establishment that are intended to be held for > 24 hours.** Foods must be marked to indicate when food must be consumed, sold, or discarded not to exceed 7 total days at 41°F or below. Day of preparation is counted as day 1. If refrigerated, RTE PHF/TCS ingredients from different process dates are used, the finished product date must be based upon the date of the earliest prepared ingredient.

**Refrigerated, RTE PHF/TCS foods prepared and packaged in a food processing plant shall be marked when opened in a food establishment.** If the opened product will be held > 24 hours, it must be marked to indicate when the food must be consumed, sold, or discarded. If the manufacturer’s use-by date is based on food safety, it may not be offered in a retail establishment beyond that date.

If RTE PHF/TCS foods are frozen after preparation or opening, only the time stored under refrigeration will be counted as part of the 7 total days until consumed, sold, or discarding.



**Example:**

The morning of October 1, a chicken was cooked, then cooled, refrigerated for 2 days at 41°F and then frozen. If the chicken is thawed October 10, the food must be consumed or discarded no later than midnight of October 14.

Date	Shelf Life Day	Action
Oct. 1	1	Cook/cool
Oct. 2	2	Cold hold at 41°F
Oct. 3		Freeze
Oct. 10	3	Thaw to 41°F
Oct. 11	4	Cold hold
Oct. 12	5	Cold hold
Oct. 13	6	Cold hold
Oct. 14	7	Consume or discard

\*Time from preparation, or opening commercial container, to freezing.

Source: [Food and Drug Administration](#)



**Wisconsin Department of Trade,  
Agriculture & Consumer Protection**  
 Division of Food Safety  
 2811 Agriculture Drive, PO Box 8911  
 Madison, WI 53708 datcp.wi.gov



**Wisconsin Department of  
Health Services**  
 1 West Wilson Street  
 Madison, WI 53703  
 dhs.wi.gov

Exemptions from date marking if prepared in an inspected food processing plant:

- Commercially prepared deli salads prepared in accordance with 21 CFR 110, such as: ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad and macaroni salad.
- Hard cheeses containing not more than 39% moisture (21 CFR 133), such as: cheddar, gruyere, parmesan, reggiano and romano.
- Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, (21 CFR 133) such as: blue, edam, gorgonzola, gouda, Monterey jack and pasteurized process cheese.
- Cultured dairy products (21 CFR 131), such as: yogurt, sour cream and buttermilk.
- Preserved fish products, such as: pickled herring and dried or salted cod and other acidified fish products (21 CFR 114).
- Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami (9 CFR 317) that are not labeled “Keep Refrigerated” and which retain the original casing on the product.
- Shelf stable salt-cured products such as prosciutto and Parma (ham) (9 CFR 317) that are not labeled “Keep Refrigerated”.
- Smoked fish sold at retail which must comply with the requirements specified in ATCP 70.19, Labeling and Sale of Smoked Fish.
- Cheese curds



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