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THE DATING GAME

Feb 27 15

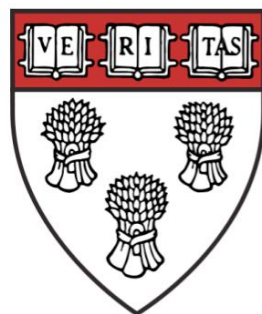
Emily Broad Leib

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Food + Research 2015

Food Law and Policy Clinic

- ▶ Action-learning program for law students
 - ▶ Educate students by providing legal and policy experience
 - ▶ Serve clients and communities by addressing economic, environmental, health implications of food system



Harvard
Food Law and Policy Clinic
A Division of the Center for Health Law and Policy Innovation



Food Law & Policy As a Field

FOOD LAW & POLICY: THE FERTILE FIELD'S ORIGINS AND FIRST DECADE

Baylen J. Linnekin*
Emily M. Broad Leib**

“‘Food Law & Policy’—FL&P—is the study of the basis and impact of those laws and regulations that govern the food and beverages we grow, raise, produce, transport, buy, sell, distribute, share, cook, eat, and drink.”

- ” **20 of the 100 top law schools offering FL&P courses**
 - ” **30 clinics at 23 law schools working on at least one FL&P clinical project**
-

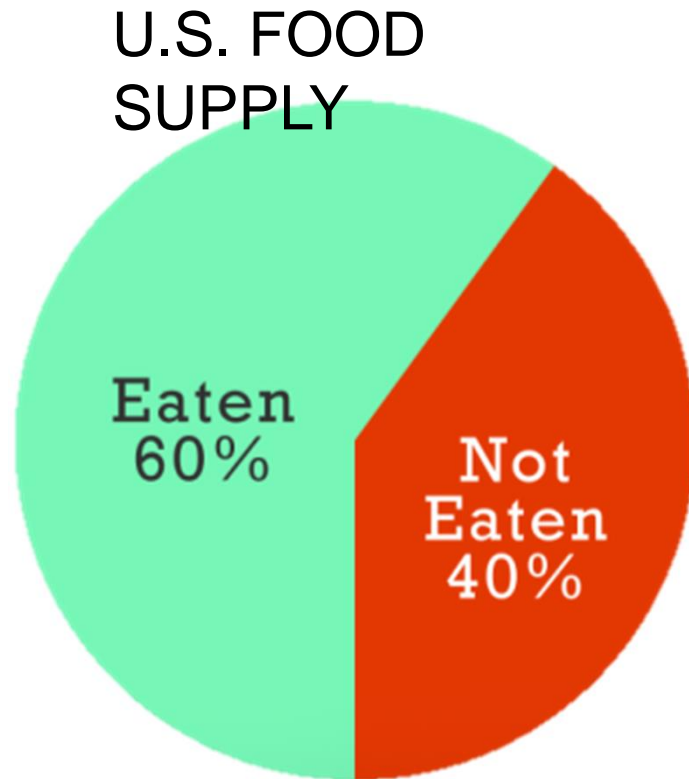


Major Initiatives

- “ Food Policy Councils and Food Systems Planning
- “ Food Access & Obesity Prevention
- “ Sustainable Food Production
- “ Food Waste



FOOD WASTE



At the same time, nearly 15% of Americans are food insecure



~25 % of U.S. water use



4% of U.S. oil



~15% of U.S. methane

Land use
Pesticide use
Water quality
GHG emissions

Expiration Dates

Every group that has looked at the rising rates of waste, from the U.N. to the NRDC to industry groups, has found confusion over expiration dates to be a leading cause of waste



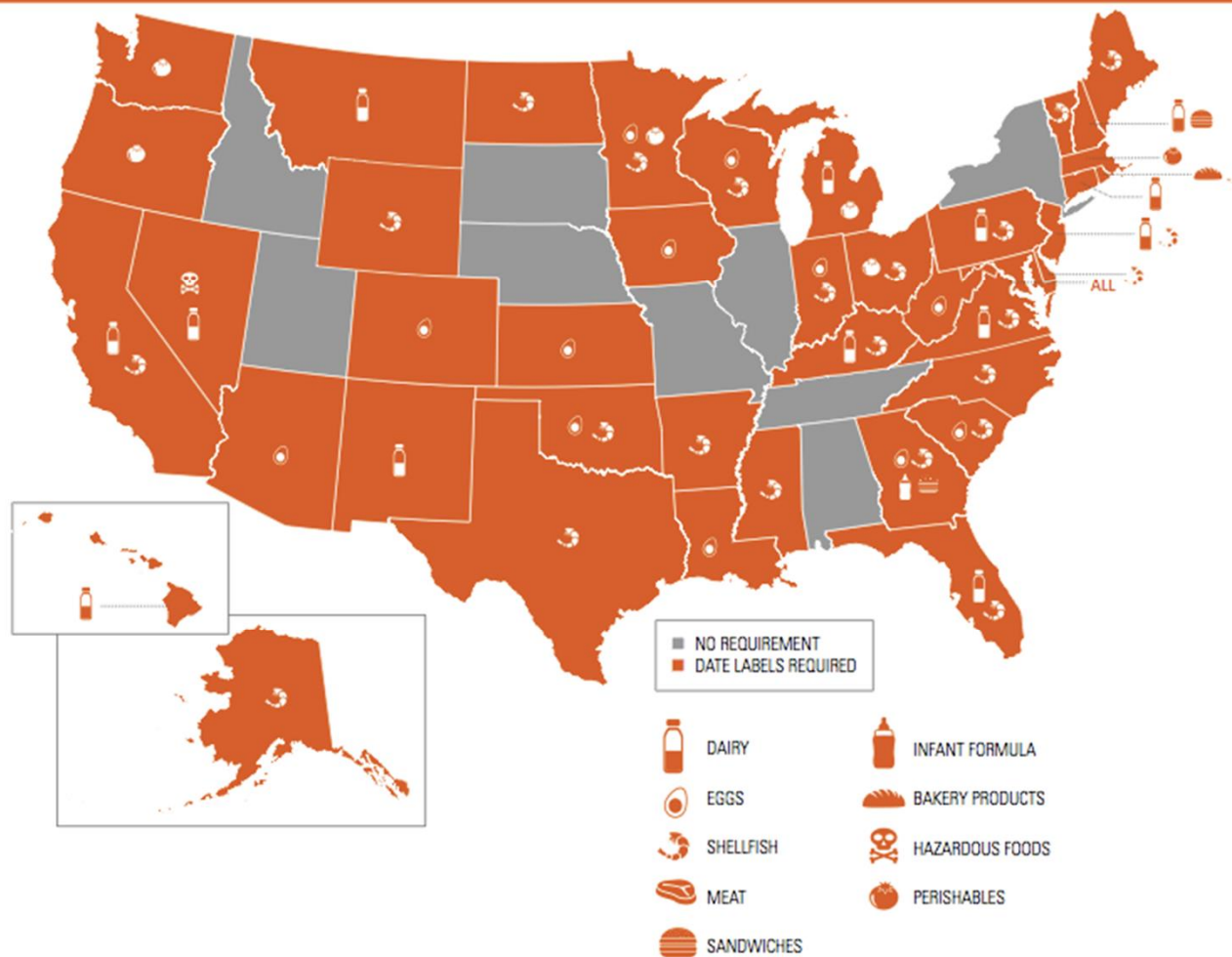
Report available at:

<http://www.chlpi.org/projects-and-publications/food-library>

Current System - *Federal*

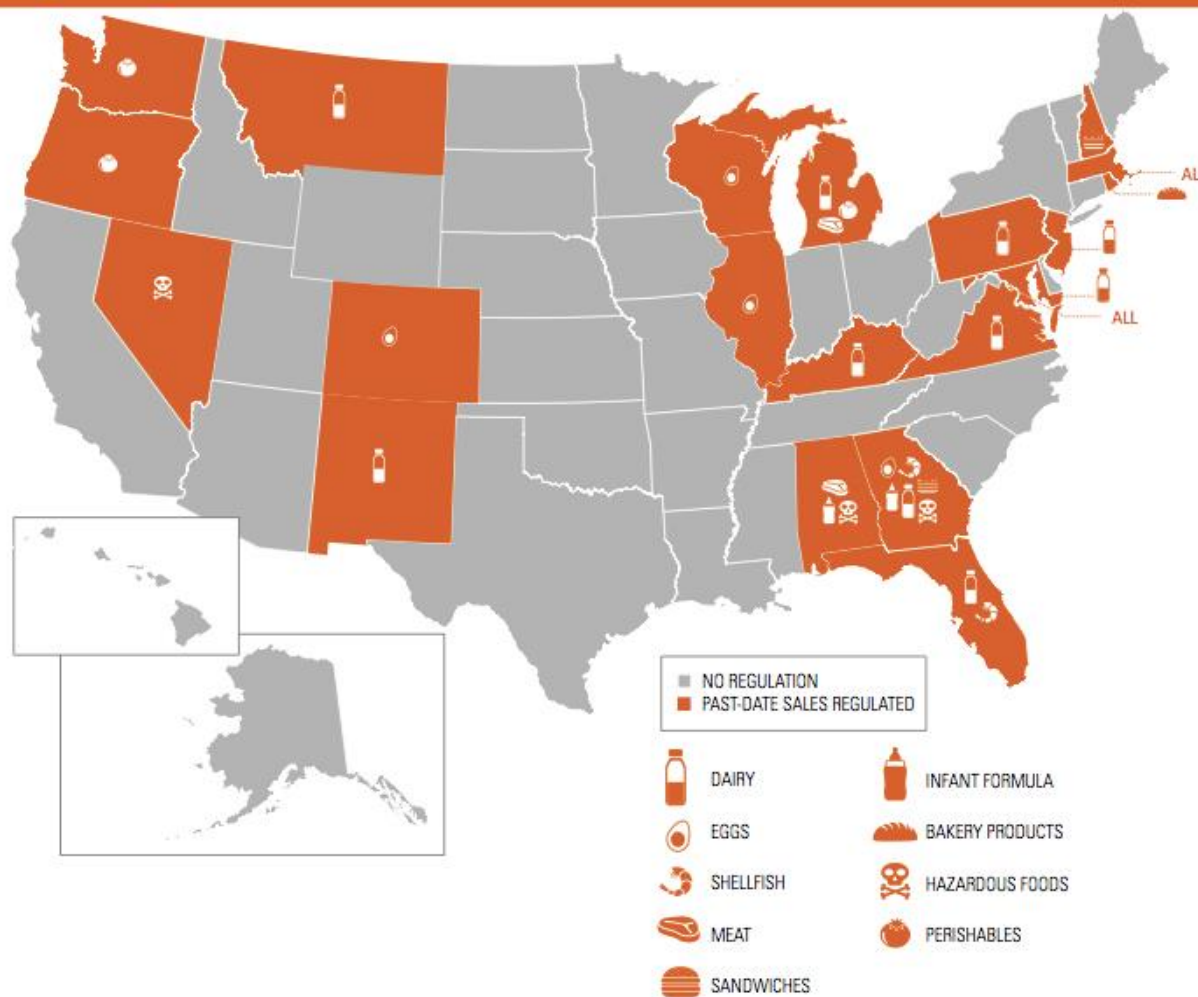
- ▶ **No federal law or regulation**
- ▶ Congress attempted in 1970s, but had no success
- ▶ FDA has chosen not to regulate because dates are not linked to safety





Current System - State

Figure 3: States Regulating Food Sales Past Some Label Dates^{128, 129}



Findings / Significant Waste

- ▶ Expiration dates undefined in law
- ▶ Dates are generally manufacturer suggestions of quality
- ▶ **Lead to significant food waste**
 - ▶ **Businesses** → in 2001, \$900 million removed from supply chain due to date code expiration
 - ▶ **Consumers** → In United Kingdom, 20% of consumer waste due to date labels*

* According to study of British households, WRAP, “Consumer Insight: Date Labels and Storage Guidance,” 2011.

Findings / No safety benefits

- ▶ Mistaken belief past-date food is unsafe to consume
- ▶ Mistaken belief pre-date food is always safe to consum

TABLE 56: CONSUMER ACTIONS TO KEEP FOOD SAFE

Q: Now we have some questions on how you handle or prepare foods. Please indicate how frequently you do each of the following.

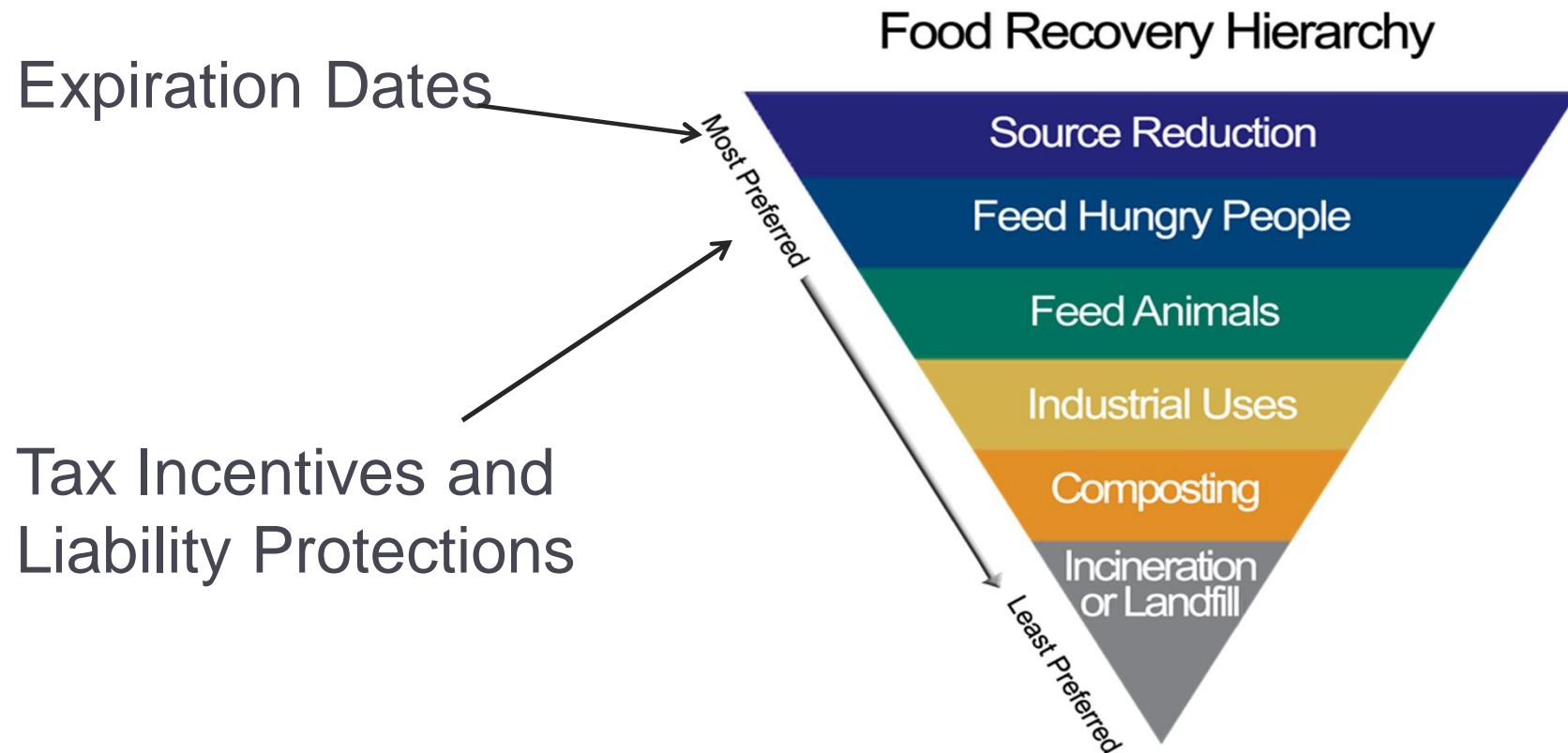
Number of shoppers: 1,026	2011				Every Time		
	Never	Occasionally	Fairly Often	Every Time	2010	2009	2008
Wash hands after handling meat	1%	4%	11%	84%	N/A	N/A	N/A
Keep area free of pests and insects	1	4	13	83	79%	80%	81%
Refrigerate promptly (within two hours)	*	4	15	80	78	74	78
Wash hands before handling meat	1	7	17	75	76	77	75
Keep raw meats and poultry separate to avoid cross-contamination	2	7	17	73	56	52	51
Use a store-bought produce or vegetable wash	7	9	11	73	13	8	9
Wash vegetables	1	6	21	72	76	74	76
Use antibacterial soaps	6	19	33	42	46	44	45
Discard food past "use-by" date	5	25	33	37	39	37	44
Thaw meat in the refrigerator	5	22	43	30	31	33	32
Cook to proper temperatures by using a food thermometer	27	22	26	26	33	28	30
Discard food past "sell-by" date	9	31	34	25	32	27	34
Discard food past "best-by" date	9	33	37	22	N/A	N/A	N/A

Recommendations

- ▶ **Establish uniform consumer-facing dating system**
 - ▶ Standard quality phrase on all products, %~~best~~ freshest before+
 - ▶ Separate phrase for safety, such as %~~best~~ expires on+
- ▶ Consumer and industry awareness
- ▶ Support new technology



Food waste: Further Research





Thank you!

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www.chlpi.org/food-law-and-policy

