



Food Distribution National Policy Memorandum

United States
Department of
Agriculture

Food and
Nutrition
Service

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POLICY NO.: FD-083: Commodity Supplemental Food Program (CSFP)

SUBJECT: Infant Formula – “Use-By” Date

This memorandum provides guidance on the “use-by” date for infant formula distributed through the CSFP, as well as proper storage and handling, inventory management, and distribution methods.

Federal regulations require a “use-by” date on the product label of infant formula. The “use-by” date is the last date recommended for the use of the product while at peak quality and nutrient retention. If consumed by the “use-by” date, the infant formula must contain, at a minimum, the quantity of each nutrient described on the label. Infant formula provides essential nutrients needed in the critical first year of life. **Therefore, infant formula must not be distributed or consumed beyond the “use-by” date.**

The “use-by” date is determined by the manufacturer, packer, or distributor. This date is based on a variety of factors, including but not limited to the storage and handling conditions printed on the label. Per the regulations at 7 CFR Parts 247 and 250, State and local agencies must store foods in a manner which protects them from theft, spoilage, damage, destruction, or other loss. Food Distribution regulations at 7 CFR Part 250 set forth the standards for storage facilities. These regulations require agencies responsible for storing and distributing U.S. Department of Agriculture (USDA) donated foods to use facilities which are sanitary and free from infestation, provide proper storage temperatures, ventilation, and other protective measures as needed. Like many other donated foods, infant formula must be stored off the floor in a cool, dry place. CSFP local agencies should review the infant formula product label for additional storage and handling instructions.

CSFP State and local agencies must manage inventories in a manner which ensures timely distribution to participants. Recommended CSFP inventory levels are two to two-and-one-half months for all food categories, including infant products. Food Distribution regulations require States to seek a waiver from the Food and Nutrition Service (FNS) if they maintain inventories greater than six months. To prevent the distribution or consumption of infant formula beyond the “use-by” date, program operators should review the “use-by” date on the product label upon receipt, and mark the product packaging as necessary to ensure timely distribution. Additionally, CSFP State and local agencies should periodically review inventories to ensure timely distribution, and that inventories are within recommended levels. At minimum, per program regulations, a physical inventory must be completed annually at each storage and distribution site where CSFP foods are stored.

CSFP local agencies must distribute infant formula in a manner which ensures the participant has a reasonable opportunity to use the product prior to the “use-by” date. Per 7 CFR Part 247, local agencies must provide either a one-month supply of CSFP foods each month, or a two-month supply of foods every other month to participants. As a general guideline, participants should be provided a minimum of 30 or 60 days to use the formula prior to the “use-by” date, depending on whether a one-month or a two-month supply of foods is issued to participants, respectively.

Consistent with program regulations, in instances where a CSFP agency negligently maintains infant formula in inventory beyond the “use-by” date or beyond the date by which the infant formula can be distributed to and consumed by participants prior to the “use-by” date, FNS will initiate a claim to recover the value of the misused foods. Per the regulations, a CSFP State agency is responsible for pursuing claims against subdistributing and local agencies which have misused foods. If a CSFP local agency receives infant formula from USDA which cannot be distributed and used prior to the “use-by” date, it must immediately notify the State agency of the issue. In turn, the State agency must contact FNS without delay to avoid a claim and obtain further instruction.



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