



**Northeast Dairy Foods  
Association, Inc.**

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*Full Service Trade Association Representing Dairy Processors, Manufacturers and Distributors Since 1928*

## **Legislative Alert - NY City Milk Code Dating Requirement is Repealed effective October 29, 2010**



**To: All Members, Milk Distributors, Retailers selling milk products in New York City:**

Effective Friday, October 29, 2010 all milk carton code dating requirements regulated by the New York City Department of Health and Mental Hygiene will no longer be in effect. Articles 111 and 117 were repealed on September 22, 2010. Two of these important requirements in Article 111.33 included a mandatory 9 day pasteurized and no more than 45 day ultra-pasteurized code date. This requirement resulted in two code dates being applied to milk carton products. After October 29th, only one code date will be required to be placed on milk cartons and products sold in New York City.

After October 29, 2010 code dating of all milk carton products sold in New York City will be regulated by the New York State Department of Agriculture and Markets. Currently there are no minimum or maximum milk code dating requirements in the State of New York. This policy is also known as open dating. Milk carton code dating on products sold in New York City will now be based on each milk processor's ability to control their own quality and shelf life stability programs. This policy has already been in effect in all of the other 57 counties in the state. By the New York City Dept. of Health repealing their milk code dating requirements now brings all 62 counties under one set of regulations, policy and enforcement.

We strongly encourage both milk processor/distributors and their wholesale customers/retailers to clearly understand this new change in the law. It will be very important to:

1. Communicate to all consumers who may notice the disappearance of one code date to help them understand there has been no change in the milk being sold; the carton date represents the milk processor suggested sell by date, not use by date. If properly handled by the milk processor/distributor and retailer, milk can be consumed 3-7 days after the sell by date.
2. It is very important you review your milk handling, stocking, case cleaning, rotation, and temperature control policies. Never leave milk out of refrigeration at anytime. Use the first in, first out policy for rotation. We encourage all retailers to take a separate temperature check daily of their dairy cases and individual products using a hand held thermometer. Ensuring milk is kept at all times below 40 deg. F. will assure best keeping and a quality product. The optimal temperatures are 33-38 deg. F., the colder the better!
3. We strongly suggest a review of ordering procedures, do not over order. Do not overstock the retail dairy case, it reduces proper temperature control and shortens the shelf life of milk and dairy products.
4. A well lit, clean dairy case is very important. Establish a daily, weekly, monthly and annual cleaning policy for your milk and dairy case. Immediately wipe up and clean areas where carton leakers are found.

By reviewing these suggestions will help increase your milk sales. Should you have any questions regarding the change in the law or milk code dating requirements, please contact our office.

Thank you!