

902 KAR 50:080. Open dating requirements.

RELATES TO: KRS 217C.010-217C.990

STATUTORY AUTHORITY: KRS 194.050, 211.090

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Human Resources is directed by KRS Chapter 217C to regulate the production, transportation, processing, handling, sampling, examination, grading, labeling, standards of identity, sale and other matters relating to milk and milk products as may be necessary to protect the public health. This administrative regulation establishes uniform standards for the open dating of Grade A pasteurized milk and milk products sold in Kentucky and requires that an open date be legibly applied to retail packages offered for sale to the final consumer.

Section 1. Open Date Required. No person shall sell or offer for sale any Grade A pasteurized milk or milk product in this state in a consumer package that does not bear the open date as required by this administrative regulation.

Section 2. Open Date Labeling. (1) The open date shall:

- (a) Appear in a form that is conspicuous, legible, and understandable;
- (b) Be boldface print in contrast to the background, by typography, color, embossing, debossing, molding, or other manner on the package;
- (c) Be placed on that part of the container most likely to be displayed for retail sale; and
- (d) Not interfere with legibility of other mandatory labeling requirements of the product.

(2) The open date shall be expressed by the first three (3) letters of the month followed by or preceded by the numeral or numerals constituting the appropriate calendar date, or expressed numerically by the number of the month preceding the number of the day. (For example: June 1 may be expressed "Jun 1" "1 Jun," "0601," or "06-01.")

(3) The open dating of Grade A pasteurized milk and milk products bottled in glass containers for home delivery are exempt from this administrative regulation.

Section 3. Certification of Open Date Required. (1) Each distributor or processor manufacturing, processing, or packaging Grade A pasteurized milk and milk products for sale within this state shall comply with the provisions of this administrative regulation and file and certify with the cabinet the open date for each product. The processor or distributor requesting an open date certification for a product shall provide the cabinet with the research data used to support the product open date certification request.

(2) Samples of products for open date evaluation may be obtained at processing plants, delivery trucks, distributors, or from retail outlets. The temperature and open date shall be officially recorded at the time of sample collection.

Section 4. Enforcement. If a product is not sold within the period specified in the open date, the cabinet shall take action to remedy the condition consistent with this administrative regulation by removing the product from consumer channels and causing the product to be returned to the milk plant of origin for destruction. (MMP-6; 1 Ky.R. 293; eff. 1-8-1975; 20 Ky.R. 2222; eff. 3-14-1994.)