



Canadian Food  
Inspection Agency

**Subject:** Re: BBD on Logistics units / Industry Case Date Code Protocol

Upon further review of this situation and the regulatory context, we have come to the conclusion that the provision in the Food and Drug Regulations (FDR), section B.01.007 (6), would not apply to the date code on a shipping container that is not offered for sale at retail.

FDR B.01.007 (6) states :

*Except as otherwise provided in these Regulations, no person shall use a durable life date marking system on the label of a prepackaged product or in advertising a prepackaged product other than the marking system set out in this section.*

We have determined that a date marking system that is applied to a shipping container that is not for retail sale is not, by definition, a "durable life date" marking system. This is because the FDR B.01.001 "durable life date" definition specifically applies to prepackaged products offered for retail sale. As a result, FDR B.01.007 (6) would not apply in this case.

It is of note that if these shipping containers did end up for sale at the retail level of trade, the durable life date marking system set out in FDR B.01.007 would apply.

This information will be communicated to CFIA colleagues, followed by updating our website information with this new record of decision.

Regards,  
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