

Donating Food

14 December 2005

What is the law on donating food?

Food donated or given away should be safe and suitable for human consumption. Food is unsafe if it is likely to cause the person eating it physical harm.

In July 2005 amendments to the Civil Liability Act 2002 commenced so businesses that donate food to charitable organisations are protected from liability as long as certain safety conditions are met.

The legislation stipulates that businesses are protected if:

- The food is donated in good faith for a charitable or benevolent purpose
- The food is donated with the intention that the receiver of the food does not have to pay for the food
- The food is safe to eat when it leaves the possession or control of the donor and
- The donor gives the charity any information it needs to ensure the ongoing safety of the food, with respect to both food handling and time limits for safe consumption.

Donors should also make checks to ensure the charity is doing everything to keep food safe.

How do 'use by' and 'best before' dates affect food safety?

Foods that are marked with a use by date must be eaten or thrown away by that date. This is because food may be unsafe to eat after the use by date expires even though spoiling may not be visible.

Also, nutrients in the food may become unstable after the use by date expires, which can have an adverse affect on the health of people who are ill or unable to eat typical food.

Foods marked as 'Best before' can be sold or distributed after the date has passed, *provided the food is otherwise fit for human consumption.*

There may be some loss of quality in food purchased or distributed after its best before date, but, provided it is otherwise fit for human consumption, it is not illegal to sell or distribute this food, nor should there be any safety risk from consuming the food.

Businesses donating food should avoid giving food that is close to its 'use by' date. Charities that receive food that will pass its 'use by date' before distribution are urged to throw the food away.

How can I make sure the food I give away is safe?

Take particular care when donating potentially hazardous foods that need temperature control.

If the food must be kept below 5°C or above 60°C tell the recipient of the necessary temperature.

Where the food will be safe to eat for only a limited time, inform the recipient what the time limit is for that food.

Check the date marking on food and throw away food that's close to or past its 'use by' date.

Whether donating or distributing food, follow standard food safety practices:

- Remember the temperature danger zone. Keep cold food below 5°C and hot food above 60°C.
- Cook food thoroughly.
- Separate raw and cooked food and don't use the same utensils for both.
- Keep utensils and kitchen clean.
- Wash hands thoroughly before handling food.