

Donating food

Food that is donated or given away has certain requirements for safety and cleanliness. Organisations must ensure the food is safe to eat, and properly handled and stored.

The law on donating food

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 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 check to ensure the charity is doing everything to keep the food safe.

How 'use-by' and 'best before' dates affect food safety

Food that is 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.

Businesses donating food should not give 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.

Food marked as 'best before' can be sold or distributed after the date has passed, provided the food is otherwise fit to eat.

There may be some loss of quality in food 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.

How to make sure the food donated is safe

- Observe temperature control requirements of potentially hazardous food. 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 of that time limit.
- 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 area clean
 - wash hands thoroughly before handling food

About the NSW Food Authority

The NSW Food Authority is the government organisation that helps ensure NSW food is safe and correctly labelled.

It works with consumers, industry and other government organisations to minimise food poisoning by providing information about and regulating the safe production, storage, transport, promotion and preparation of food.

More information

- visit the NSW Food Authority's website at www.foodauthority.nsw.gov.au/industry
- phone the helpline on 1300 552 406

Note

This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW).