

**RULES AND REGULATIONS PRESCRIBING  
MINIMUM STANDARDS FOR  
PULL DATES ON PACKAGED BAKERY PRODUCTS**

[R21-33-PBP]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

December 1974

*As Amended:*

**January 2002 (re-filing in accordance with  
the provisions of section 42-35-4.1 of the  
Rhode Island General Laws, as amended)**

**Authority:** Chapter 21-33 and 23-1 of the General Laws of 1956, as amended

In order to efficiently and effectively carry out the provisions of Chapter 21-33 of the Rhode Island General Laws of 1956, as amended, and under the authority of those same laws, the following rules and regulations are hereby adopted.

**R21-33-PBP 1.00 Definitions.**

- A) A 'Packaged Bakery Product' is a packaged bakery or bakery-type product consisting of flour and other ingredients having a normal shelf life as established by the manufacturer or distributor of sixty (60) days or less.  
The term shall not include frozen or canned products or foods which are or may be baked as part of a cooking or preparation procedure.
- B) 'Package' is the enclosure of a bakery product in a bag, wrapper, box and/or any other container which is effectively sealed by any device or container design. Fresh baked bread or other fresh bakery products (sold within 12 to 24 hours of baking) which are enclosed in an unsealed sleeve or bag are excluded.
- C) 'Pull Date' is the final date or day as established by the packer or manufacturer upon which a packaged bakery product may be sold, except as provided under Chapter 21-33, Section 3 and Section R21-33-PBP 6.00 of these rules and regulations.
- D) 'Conspicuous Place' is a space or label on the package which is immediately visible to the consumer in normal display and readily distinguishable and distinct from any other printing, design or device on the package; or, such position on the package to which the consumer's attention is directed by a separate, clearly defined explanatory panel as described in Section R21-33-PBP 4.00 of these rules and regulations.

**R21-33-PBP 2.00 Pull Dates.**

All packaged bakery product sold in this state shall have a pull date in a conspicuous place upon each package in which they are sold in accordance with these regulations and Chapter 21-33 of Rhode Island General Laws of 1956, as amended.

**R21-33-PBP 3.00 Form of the Pull Date.**

- A) The 'Pull Date' shall be the day of the week or the date of the month which shall be affixed, stamped or imprinted on each retail package; provided, however, the explanatory panel when used shall simply and clearly explain the 'Pull Date' used.
- B) When the date of the week is used, it shall be in the form of not less than a three (3) letter abbreviation; e.g., MON, TUE, WED, etc.
- C) When the date of the month is used, it shall consist of the month by three (3) letter abbreviation; e.g., JAN, FEB, MAR, etc. followed by the numerical (1 through 31) day of said month. The year need not be stated. The single digit numerical date designation shall be preceded by a zero (0); e.g., 01 for 1 (one), 02 for 2 (two), 03 for 3 (three), etc.
- D) Because of space limitations, only packages of four (4) ounces or less may use a numerical

designation for the month provided, however, the complete date is clearly shown and meets the provisions of R21-33-PBP 1.00(D). If the numerical month designation is used, the single digit numerical designation shall be preceded by a zero (0); e.g., 01 for 1 (one), 02 for 2 (two), 03 for 3 (three), etc.

#### **R21-33-PBP 4.00 Explanatory Panel**

In view of (A) the necessity for uniformity with adjoining state regulations, (B) the technology and machinery presently available in the food industry and (C) in order to avoid onerous requirements whose economic effect must be passed on to the consumer, the 'Pull Date' may appear on the package seal (ties or clips), provided however, that the package contains an explanatory panel which complies with the definition for a 'Conspicuous Place'.

Said explanatory panel shall direct the consumer's attention to the location of the 'Pull Date' when located other than on the package.

The explanatory panel may include storage and handling information in addition to 'Pull Date' information, provided however, that the 'Pull Date' information shall be the most conspicuous information to the consumer.

#### **R21-33-PBP 5.00 Type Size**

All language required by these regulations shall appear clearly visible. Boldface print or type by typography, layout or color shall be in distinct contrast to other matter on the package and shall be uniform for all packages of substantially the same size.

#### **R21-33-PBP 6.00 Sales After 'Pull Dates'**

Packaged bakery products may be sold after their 'Pull Date', provided however, that:

- (1) Such products are segregated from such products which have not passed their 'Pull Date', and
- (2) Shelf markers or placards, or markings on the individual packages clearly identify such products as being offered for sale 'Past Date'.

The requirements of this section do not apply to any business whose exclusive purpose is the sale of past-date bakery products.

#### **R21-33-PBP 7.00 Petition for a Variance**

Nothing in the foregoing regulations shall preclude any manufacturer or packer of packaged bakery or bakery-type products from petitioning the Director of Health to approve a variation from the preceding rules provided, however, the full intention of Chapter 21-33 is met in all respects.

#### **R21-33-PBP 8.00 Notice of Minor Violations--Warnings**

The Director of Health shall not be required under this Chapter to institute any prosecution for minor violations whenever he shall determine that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

#### **R21-33-PBP 9.00 Penalty for Violations**

The Director of Health shall enforce this Chapter. Any person, firm, or corporation who, or which, violates any of the provisions hereof shall, upon conviction, be fined not more than twenty-five dollars (\$25.00) for each violation.