

Legal Alerts

California's New Law Standardizing Food Date Labels Takes Effect on July 1, 2026

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On July 1, 2026, [California Assembly Bill 660](#) (AB 660), signed by Governor Newsom on September 28, 2024, takes effect. AB 660 amends [Section 82001](#) of the Food and Agricultural Code (Section 82001), mandating standardized food date labeling and prohibiting consumer-facing "sell by" dates on food items manufactured on or after that date. With the compliance deadline fast approaching, food manufacturers, processors and retailers should take steps now to ensure their labeling practices are aligned with the new requirements.

Key Provisions of AB 660

On or after July 1, 2026, a food manufacturer, processor or retailer responsible for the labeling of food items for human consumption that chooses, or is otherwise required by law, to display a date label to communicate a quality or safety date on a food item is required to display one of the following uniform terms:

- (1) "BEST if Used by" or "BEST if Used or Frozen by" to indicate the quality date of the food item.
- (2) "USE by" or "USE by or Freeze by" to indicate the safety date of the food item.
- (3) "BB" to indicate a quality date, if the food item is too small for the full term or if the food item is a beverage as defined under [Section 14504](#) of the Public Resources Code.
- (4) "UB" to indicate a safety date, if the food item is too small for the full term.

Note: The capitalization is required by the law.

AB 660 prohibits any person from selling or offering for sale in California a food item for human consumption manufactured on or after July 1, 2026, that is labeled with the phrase "sell by." Notably, this prohibition does not extend to "sell by" dates that are presented in a coded format that is not easily readable by consumers and that do not use the phrase "sell by" - meaning retailers may continue using coded dates for internal stock rotation purposes.

AB 660's labeling requirements do not apply to infant formula, eggs or pasteurized in-shell eggs, beer and other malt beverages, wine, spirits or shellfish, to the extent that other laws or the National Shellfish Sanitation Program require conflicting labeling terms.

Because the labeling requirements apply only to food items "manufactured on or after July 1, 2026," products manufactured before that date may continue to be sold with existing labels, effectively creating a

sell-through period for pre-existing inventory.

Under AB 660, violations of the bill's labeling requirements constitute a misdemeanor under the Food and Agricultural Code. Separately, to the extent that any provision of Section 82001 is preempted by federal law, the provision will not be enforced. Based on this, if a particular labeling requirement is preempted, there would be no underlying violation to support a misdemeanor charge.

Enforcement Considerations and Recommended Actions

Although AB 660 does not create a private right of action, violations of the bill's labeling requirements could potentially serve as a basis for lawsuits brought under California's consumer protection laws, such as the Unfair Competition Law ([California Business & Professions Code § 17200](#)), which permits private plaintiffs to challenge business practices that are unlawful, unfair or fraudulent.

With July 1, 2026, fast approaching, companies should audit all current date labels and packaging of products for the California market to check for language that may be nonconforming, such as "sell by," "expires on" or "best before." Labels should be updated to reflect the mandatory standardized terms, and any consumer-facing "sell by" dates should be replaced with compliant language. Companies should also review co-packing, co-manufacturing and distribution agreements to ensure compliance for products destined for the California market.

If you need guidance regarding a product that may be affected, please contact Foster Garvey's [Food & Beverage](#) team.

Authored by

[Hillary H. Hughes](#)

[Principal|New York](#)

[212.965.4527](tel:212.965.4527) hillary.hughes@foster.com

[Jake Riggs](#)

[Associate|Seattle](#)

[206.447.8982](tel:206.447.8982) jake.riggs@foster.com

[Ralph A. Simmons](#)

[Counsel|Washington, D.C.](#)

[202.965.7375](tel:202.965.7375) ralph.simmons@foster.com

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