

# Donating food to charities and not-for-profit organisations

Anyone can donate food in NSW. However, the donated food must be safe to eat.

## The law on donating food

Before you donate food to a charitable or not-for-profit organisation you should contact that organisation to find out what they can or cannot accept.

The *Civil Liability Act 2002* limits the liability of individuals and businesses that donate food, providing certain food safety conditions have been met:

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

## 'Use-by' and 'best before' dates

Food should not be donated or eaten after its 'use-by' date because it may be unsafe to eat, even though spoilage may not be visible.

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 given away after the 'best before' date has passed, provided the food is not damaged, deteriorated or perished.

There may be some loss of quality in food after its 'best before' date but as long as 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 eating the food.

## Keeping donated food safe

Whether you are a business donating food to a charity or a charity distributing food to individuals, always follow standard food safety practices when processing, handling, storing, packing and transporting food:

- Wash hands thoroughly before handling food
- Check the food for spoilage to ensure the food is safe and fit for human consumption
- Check the date marking on food packaging and throw away any food that is past its 'use-by' date
- 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 required temperature
- If the food will only be safe to eat for a limited time, tell the recipient of that time period

- Cook food thoroughly
- Store food in clean, covered, food-grade containers
- Separate raw and cooked food and don't use the same utensils for both
- Keep utensils and kitchen areas clean

### More information

- Visit the Authority's website at [www.foodauthority.nsw.gov.au/industry](http://www.foodauthority.nsw.gov.au/industry)
- Phone the helpline on 1300 552 406
- See the factsheet *Food safety requirements for charitable and not-for-profit organisations*
- See the factsheet *Date marking, storage conditions and directions for use*
- Visit the Environment Protection Authority's 'Love Food Hate Waste' website for a tool kit on how industry can donate surplus edible food to charities at [www.lovefoodhatewaste.nsw.gov.au/business/resources/food-donation-toolkit.aspx](http://www.lovefoodhatewaste.nsw.gov.au/business/resources/food-donation-toolkit.aspx)

**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.

**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).