New Jersey Food Donation Guidelines

A product of the New Jersey
Meal Recovery Coalition

October, 2025

Co-Authored by RUTGERS

Table of Contents

1. Partners of the New Jersey Meal Recovery Coalition

Alan Talarsky, Program Manager, Public Health and Food Protection Program, New Jersey Department of Health

Allie Wilson, Director of Operations, FoodRecovery.org

Ariana McBride, Program Director, Share My Meals

Ashley Macpherson, Director of Food Sourcing, Food Bank of South Jersey

Darlene Romeo, Assistant Director, Food Sourcing, Community FoodBank of New Jersey

Dave Bein, Chief Operating Officer, NourishNJ

David Boyle, Senior Manager, Sodexo

Don Schaffner, PhD, Department Chair, Distinguished Professor and Extension Specialist, Rutgers University

Elena Mills, RDN, Regional Director of Wellbeing and Sustainability, Compass & Flik Hospitality Group

Emily DeMaio, Environmental Specialist, Bureau of Sustainability Division of Climate, Clean Energy & Radiation Protection

Gaby Bromfeld, MPH, Program Associate, Essex County 4-H, Rutgers Department of Youth Development

Heather Latino, Clinical Instructor, Food Law and Policy Clinic, Center for Health Law and Policy Innovation at Harvard Law School

Heather Thompson, Executive Director, Table to Table

Helene Lanctuit, CEO, Share My Meals

Hend El-Buri, Director, Nutrition & Food Pantry, Rutgers Newark

Jennifer Shukaitis, Associate Professor/Educator, Department of Family and Community Health Sciences, Rutgers University

Jessica Swift, Environmental Scientist IV, Retail Food Project Coordinator, Public Health and Food Protection Program, NJ Department of Health

Jessica Synkoski, VP of Sustainability and Corporate Responsibility, Sodexo

John Borja, University Sanitarian, Rutgers University

Jude Medeiros, Sustainable Operations, Sodexo Manager

Julie Kinner, Vice President, Operations, Table to Table

Kathleen Pearce, Occupational Health and Safety Advisor, Sodexo-Bristol Myers Squibb

Kristin DeJesus, Senior Manager of Food Sourcing, Food Bank of South Jersey

Ky Asral, Bureau Chief of the Bureau of Sustainability, New Jersey Department of Environmental Protection

Laure Verset, Program & Advocacy Associate, Share My Meals

Loel Muetter, Director of Consumer, Environmental, and Occupational Health Service, NJ Department of Health

Lucy DiSanto, Partnership & Development Associate, Share My Meals

Michael Schrob, Director of Food Sourcing and Procurement of Community FoodBank of New Jersey

Nicole Feneli, VP of Wellness and Sustainability, Compass & Flik Hospitality Group

Paul Jensen, Chief Operating Officer, Trenton Area Soup Kitchen

Robin Carmody, Food Sourcing Coordinator, Community FoodBank of New Jersey

Sabrina Subhit, MPH, RDN, Research Program Coordinator, Department of Family & Community Health Sciences, Rutgers University

Sally Funt, Sustainability Senior Manager, Compass Group

Sara Elnakib, RDN, PhD, Department Chair, Department of Family & Community Health Sciences, Rutgers University

Ted Rozzi, Food Service Manager, Dartcor Enterprises

Victoire Cleren, Chief Operation Officer, Share My Meals

Warren Leeds, President, Dartcor Enterprises

1. Partners of the New Jersey Meal Recovery Coalition

2. Purpose

The purpose of this document is to increase food donation in New Jersey by providing important information and guidance across the state.

Donating surplus food reduces food waste, helps feed hungry people, supports environmental sustainability, and strengthens community bonds. Food donation is a sensible, ethical practice that benefits both people and the planet. When food is discarded rather than donated, the resources that went into its production, including water, land, energy, and labor, are wasted. Food waste that ends up in landfills also contributes to greenhouse gas emissions, particularly methane; more than half of the methane entering the atmosphere from landfills comes from food waste[1]. Discarding edible food also means wasting money. Individuals, businesses, and governments each incur costs related to food production, transportation, and disposal. It is estimated that food waste costs the U.S. billions of dollars annually[2]. Reducing food waste can lead to substantial savings and more efficient resource use.

Millions of people around the world suffer from hunger and food insecurity. Donating food can help alleviate this issue, providing nutritious meals to those in need. Wasting safe, edible food in a world where so many go hungry is not just illogical but unethical. We all have a collective responsibility to minimize food waste and find ways to share surplus food with those who need it, promoting sustainability and improving food equity.

Food donation is legal. Section 3-204.10 of the 2022 FDA Model Food Code states "Food stored, prepared, packaged, displayed, and labeled in accordance to law and this Code may be offered for donation"[3]. While the FDA model food code is not a law, its model regulations are adopted in whole or in part by most states. New Jersey currently follows the 2005 FDA Model Food Code (which remains silent on food donation). New Jersey is expected to adopt the 2022 FDA Model Food Code by reference in the near future.

The following best practices are intended to guide all parties involved in food donation to ensure that we meet this collective responsibility in a safe and consistent manner.

1. U.S. ENVIRONMENTAL PROTECTION AGENCY. (2025, MARCH 20). QUANTIFYING METHANE EMISSIONS FROM LANDFILLED FOOD WASTE. EPA. RETRIEVED FROM HTTPS://WWW.EPA.GOV/LAND-RESEARCH/QUANTIFYING-METHANE-EMISSIONS-LANDFILLED-FOOD-WASTE
2. REFED, INC. (N.D.). THE PROBLEM (FOOD WASTE DATA—CAUSES & IMPACTS). REFED. RETRIEVED JULY 28, 2025, FROM HTTPS://REFED.ORG/FOOD-WASTE/THE-PROBLEM
3. U.S. FOOD AND DRUG ADMINISTRATION. (2023, JANUARY 18). FDA FOOD CODE 2022: FULL DOCUMENT (VERSION JANUARY 18, 2023). HTTPS://WWW.FDA.GOV/MEDIA/164194/DOWNLOAD

3. Definitons

Food Donor: An individual, business, or organization that contributes food for distribution to those in need. Examples include but are not limited to supermarkets, restaurants, or farms.

Food Recovery Organization: A nonprofit or community-based group that collects food from food donors and redistributes it to those in need. Food recovery organizations act as intermediaries between food donors and the receiving organization/end-recipient.

Receiving Organization/End-Recipient: The group or individual that ultimately receives food through donation efforts. This can be a person or community who benefits from the food provided by donors, often through food pantries, shelters, or meal programs.

Surplus Foods: Food that is safe for consumption but may no longer be needed by the original producer or seller.

Prepared Foods: Food that has already been commercially processed, assembled or prepared by someone other than the consumer and is ready for consumption.

Displayed Foods: Food that was commercially processed, prepared and displayed for sale or consumption, but was not sold or consumed (e.g. food displayed on a self-service buffet).

Distressed Foods: Food that has been exposed to environmental elements (e.g. fire, flooding, excessive heat, smoke, radiation) that it was not intended to be exposed to and may have been altered as a result.

Shelf-Stable Foods: Food that can be safely stored at room temperature for extended periods without refrigeration (e.g. canned goods, pasta, boxed meals).

Best By/Sell By: Date labels provided by manufacturers to indicate peak quality. These are generally not safety dates, and many foods are still safe to consume and donate after these dates.

3. Definitons (continued)

Time/Temperature Control for Safety (TCS) Foods: Foods that require control of time and/or temperature to prevent the growth of harmful bacteria. TCS foods include dairy, meat, poultry, fish and seafood, eggs, cooked grains, pasta, or potatoes, cut fruit or vegetables, prepared salads, tofu and other soy products. TCS foods are typically perishable and need to be handled carefully when being donated to ensure they remain safe for consumption.

- Cold foods should be cold held at or below 41° F or 5° C
- Hot foods should be hot held at or above 135° F or 57° C. Hot foods that are being cooled for storage should follow the FDA recommendations for cooling foods as outlined in Section 5.4
- TCS foods should not be left at room temperature or out of temperature control for more than two consecutive hours, or one hour if the room temperature is above 90° F or 32° C.
- TCS foods need to be kept out of the temperature "danger zone" where bacteria can grow rapidly. The "danger zone" is between 41°-135° F or 5°-57° C.

Non-TCS Foods: These are foods that do not require time temperature control for safety due to their characteristics including pH, water activity and preservatives. Examples include bread, crackers or unopened canned foods.

FDA Food Code: "The U. S. Food and Drug Administration (FDA) publishes the Food Code, a model that assists food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry (restaurants and grocery stores and institutions such as nursing homes). Local, state, tribal, and federal regulators use the FDA Food Code as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy[3]."
Any updates to the FDA Food Code can be found at: https://www.fda.gov/food/retail-food-protection/fda-food-code

Cross-Contamination: The transfer of harmful bacteria from one food item to another, which can occur through shared utensils, surfaces, or improper storage.

Cross-Contact: The action when one food comes into contact with another food and they contain any amounts of allergens.

3. U.S. FOOD AND DRUG ADMINISTRATION. (2024, NOVEMBER 21). FDA FOOD CODE. RETAIL FOOD PROTECTION. RETRIEVED FROM HTTPS://WWW.FDA.GOV/FOOD/RETAIL-FOOD-PROTECTION/FDA-FOOD-CODE

4. Foods that can/cannot be donated

4.1 Damaged or Distressed Foods

Damaged foods that have been compromised in a way that has impacted the food's integrity are no longer suitable for consumption and **cannot be donated**. Physically damaged foods include heavily rim or seam-dented canned foods, foods in broken packaging where it has impacted the food's integrity, or foods with broken or tampered seals.

Distressed foods **cannot be donated**. Foods that show any sign of time/temperature abuse, such as signs of mold or having an off smell, **cannot be donated**.

Follow the EPA scale to determine the best way to recycle or dispose of damaged or distressed foods: https://www.epa.gov/sustainable-management-food/wasted-food-scale[4].

4.2 Pre-Packaged Foods

A. Commercially pre-packaged non-TCS foods **can be donated.** (e.g. canned foods)

B. Commercially pre-packaged TCS foods that have been kept at the proper time and temperature controls to maintain food safety **can be donated**. (e.g. meats, seafood, dairy, eggs). *Refer to Section 3 for the definition of TCS foods.*

4.3 Unpackaged Prepared Foods

Foods that were previously prepared and/or displayed by a commercial kitchen and protected from contamination as outlined in the 2022 FDA Food Code Sections 3-305, 3-306, and 3-307[2] **can be donated** within 7 days after preparation according to the following guidelines:

A. Non-TCS Foods (e.g. fresh baked goods)

- Unpackaged, unserved, non-TCS surplus foods **can be donated.**

2. U.S. FOOD AND DRUG ADMINISTRATION. (2023, JANUARY 18). FDA FOOD CODE 2022: FULL DOCUMENT (VERSION JANUARY 18, 2023). HTTPS://WWW.FDA.GOV/MEDIA/164194/DOWNLOAD

4. Foods that can/cannot be donated (continued)

B. TCS Foods (e.g. salads, sandwiches, pasta, other meals)

- Unpackaged, unserved TCS surplus foods **can be donated** as long as they were kept at the proper time and temperature controls.
- TCS displayed foods **can be donated** as long as they were supervised by food-certified trained staff for time and temperature control and sneeze guard protection. This includes self-service foods (e.g. buffets).

Prepared foods need to be packaged by food safety trained staff to be donated.
Food should be packaged in a single use container or a reusable container as noted in the most current version of the FDA Food Code[2].

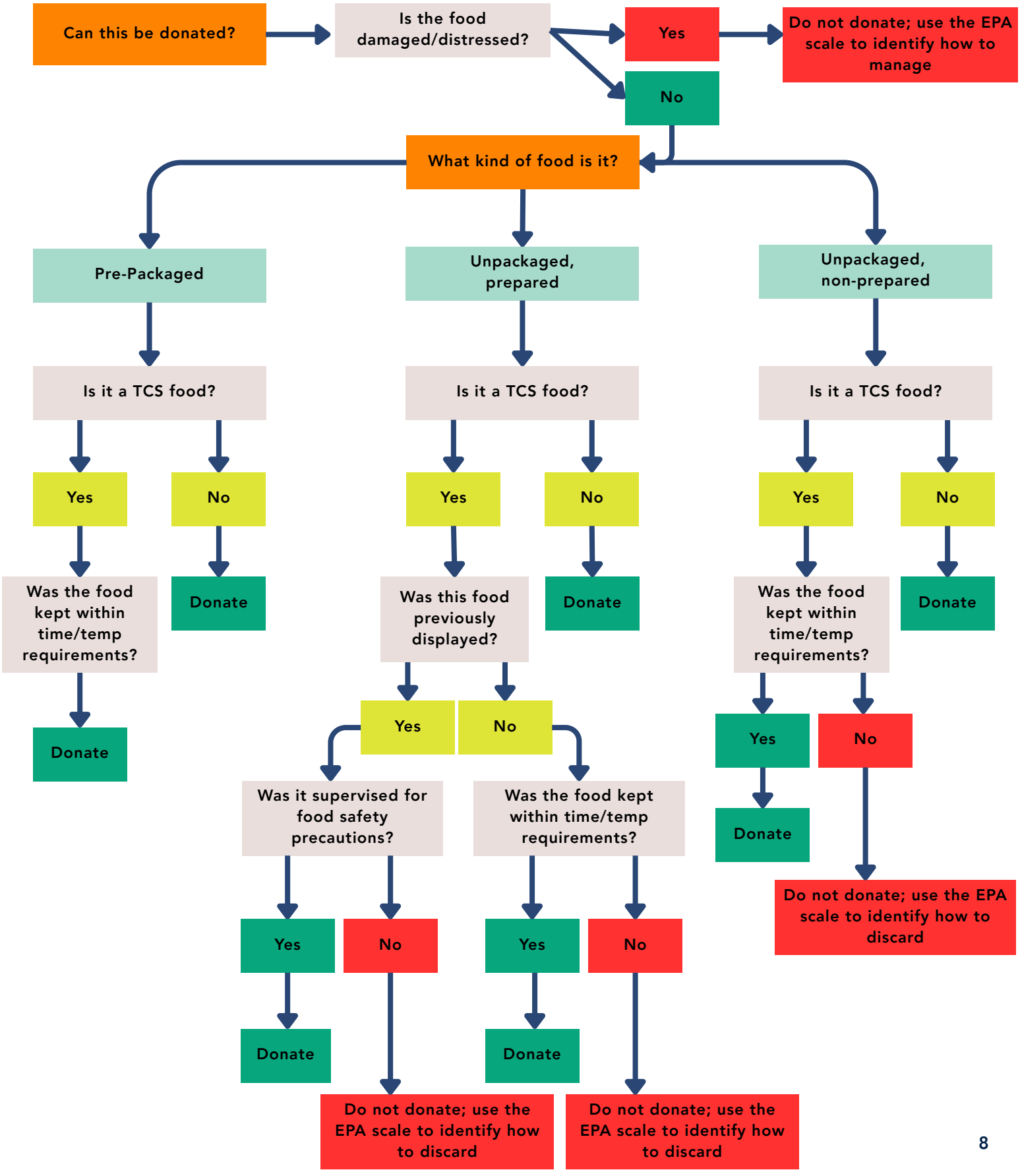
4.4 Unpackaged Non-Prepared Foods

A. Unpackaged, non-prepared non-TCS surplus foods **can be donated**. (e.g. raw potatoes)

B. Unpackaged, non-prepared TCS surplus foods **can be donated** as long as they were kept at the proper time and temperature controls. (e.g. fruits with no signs of spoilage)

4. U.S. ENVIRONMENTAL PROTECTION AGENCY. (2024, OCTOBER). WASTED FOOD SCALE [EPA SUSTAINABLE MANAGEMENT OF FOOD]. RETRIEVED FROM HTTPS://WWW.EPA.GOV/SUSTAINABLE-MANAGEMENT-FOOD/WASTED-FOOD-SCALE

4. Foods that can/cannot be donated
(continued)



5. Best Practices for Food Donation

Organizations starting food donation programs are encouraged to first reach out to their local health department to discuss protocols. Contact your local health department.

5.1 Training

Organizations that donate food shall have their staff go through a food handler certification program or training to maintain food safety. Training must include proper food handling, temperature control, and sanitation practices. If staff are trained to follow safe food practices, the food is more likely to be safe for donation.

Accredited Food Protection Manager Organizations can be found on the NJ Department of Health website at: https://www.nj.gov/health/ceohs/phfpp/retailfood/index.shtml

Food Handler certification with time and temperature for prepared food, and general food safety training for unprepared food, is sufficient.

5.2 Food Preparation

When preparing foods, sanitation and hygiene must be maintained to ensure food safety for food donation. This includes proper handwashing, cleaning of equipment, and personal hygiene.

Cross-contamination of foods should be avoided by keeping raw and ready-to-eat foods separate and preparing them on separate or color coded cutting boards. Cross-contact of allergen foods should be avoided by cleaning and sanitizing equipment and utensils that have contacted major food allergens[5]. Refer to the 2022 FDA Food Code Sections 4-602, 4-603, 4-701[2].

5.3 Food Storage

From preparation to consumption, the recommendation is to store food no longer than 7 days from date of preparation, unless frozen. This date shall be clearly communicated to all parties involved in the donation process to ensure food safety. Food should not be consumed if it is 7 days past the date of preparation.

2. U.S. FOOD AND DRUG ADMINISTRATION. (2023, JANUARY 18). FDA FOOD CODE 2022: FULL DOCUMENT (VERSION JANUARY 18, 2023). HTTPS://WWW.FDA.GOV/MEDIA/164194/DOWNLOAD
5. U.S. DEPARTMENT OF AGRICULTURE, FOOD SAFETY AND INSPECTION SERVICE. (N.D.). FOOD ALLERGIES: THE "BIG 9". IN SAFE FOOD HANDLING AND PREPARATION. RETRIEVED JULY 9, 2025, FROM HTTPS://WWW.FSIS.USDA.GOV/FOOD-SAFETY/SAFE-FOOD-HANDLING-AND-PREPARATION/FOOD-SAFETY-BASICS/FOOD-ALLERGIES-BIG-9

5. Best Practices for Food Donation (continued)

5.4 Food Temperature Management

Work with your local food recovery organization and/or health department to determine the preference on cold held versus hot held food donations.

Hot foods should be hot held at 135° F (57° C) or above.
Cold foods should be cold held at or below 41° F (5° C).

A. Cooling Hot Foods

When cooling hot foods, the FDA Model Food Code recommends a two-stage process[6] to ensure food is fit for donation:

Stage 1: Food is cooled from 135° to 70° Fahrenheit (F) or 57° to 21° Celsius (C) within two hours.

Stage 2: Food is cooled from 70° to 41° F or 21° to 5° C within four hours.
The total cooling time should not exceed six hours.

Ensure safe and rapid cooling if needed:

- Divide large quantities of food into smaller portions and place in shallow containers with a depth of 2 inches.
- Use equipment or techniques such as:
  - A blast chiller
  - An ice paddle
  - An ice water bath
  - Refrigerator
- Monitor food temperature regularly throughout the cooling process.

Once cooled, cold foods must be stored at or below 41°F (5°C) to remain safe for donation.

6. U.S. FOOD AND DRUG ADMINISTRATION. (2023, SEPTEMBER). REDUCING FOOD LOSS AND WASTE AND RECYCLING FOOD LOSS AND WASTE AS ANIMAL FEED: A STRATEGY FOR THE FDA. HTTPS://WWW.FDA.GOV/MEDIA/181882/DOWNLOAD

5. Best Practices for Food Donation (continued)

B. Thawing and Reheating Foods

Time and temperature safety controls must be followed when reheating hot foods and thawing cold foods to maintain food safety. Foods should be heated to 165° F or higher and reach this temperature in two hours or less when being reheated. Frozen foods should thaw in the refrigerator at or below 41° F or 5° C. Alternatively, foods can be thawed in cold water at or below 70° F or 21° C, continuously running water, or thaw as part of the cooking process if the food is being cooked immediately. Frozen foods should remain frozen solid.

5.5 Shelf life

Non-prepared foods: Shelf-stable foods should be stored in a cool, dry place, away from direct sunlight and moisture to prevent spoilage. Surplus shelf-stable foods can be donated.

For food past the best by/sell by date, consult with your food recovery organization and/or local receiving organization on their guidelines. Please note that date labels are a quality, not safety, measure and can still be donated past the date label. Reference the USDA FoodKeeper App for further guidance[7].

Prepared foods: Must be consumed within 7 days of preparation, unless frozen. Ensure the end-user is notified of the preparation date and the consumption requirement.

7. U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES FOOD SAFETY. (2019). FOODKEEPER APP. HTTPS://WWW.FOODSAFETY.GOV/KEEP-FOOD-SAFE/FOODKEEPER-APP

5. Best Practices for Food Donation (continued)

5.6 Food Labeling and Allergens

A. Prepared food that is being donated shall be labeled with the date of preparation and an allergen disclaimer statement with the nine common allergens (https://www.fsis.usda.gov/food-safety/safe-food-handling-and-preparation/food-safety-basics/food-allergies-big-9). See sample label below. Further information on food allergens can be found at: https://www.foodallergy.org/.

B. The food donor is responsible for proper food labeling. Work with your local emergency food organization and/or health department on their labeling guideline needs. See the Comprehensive Resource for Food Recovery[8] for additional food labeling language recommendations

Sample Allergen Disclaimer:

Recipient acknowledges that the food may contain, have come into contact with, or have been produced in a facility that also produces milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, soybeans, and sesame. Recipient acknowledges that it is responsible for informing others that the food may contain the allergens noted above.

Sample Label:

DATE OF PREPARATION:

DONATED FOOD - NOT FOR RESALE. Food may contain, have come into contact with, or have been produced in a facility that also produces milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, soybeans, and sesame.

8. FOOD RECOVERY COMMITTEE & FEEDING AMERICA. (APRIL 2016). COMPREHENSIVE RESOURCE FOR FOOD RECOVERY PROGRAMS: ACCEPTABLE FOODS AND LABELING REQUIREMENTS. CONFERENCE FOR FOOD PROTECTION. PG.15. HTTPS://WWW.NCDHHS.GOV/COMPREHENSIVE-RESOURCE-FOOD-RECOVERY-2016-VERSIONPDF/DOWNLOAD?ATTACHMENT

5. Best Practices for Food Donation (continued)

5.7 Transportation and Delivery

When engaging in food donation, proper transportation and delivery of foods must be followed to maintain food safety.

A. Refrigerated Transportation: No time constraints when transporting food.

B. Temperature Controlled Transportation (e.g. coolers with ice packs when temperature exceeds 90° F in vehicle): Transportation must not take longer than two hours.

C. Uncontrolled Transportation (e.g. uninsulated bags): Food shall be transported within one hour or less to keep food safe. Effective means to prevent contamination or cross-contamination shall be implemented.

During delivery, clear communication with the receiving organization/end-recipient is essential when determining the logistics of the food donation. The involved parties should clearly communicate to set delivery arrival times and verify the quantity/type of food being delivered.

5.8 Tracking

All parties should track food donations.

A. Tracking logs should include the name and location of the food donor, and the type, quantity and source of food. Delivery dates, times and recipient confirmation are other essential items to include on the tracking system.

B. Regular monitoring of the tracking system will ensure that donations reach those in need while maintaining food safety.

C. The receiving organization is responsible for keeping information about the source of food donations.

D. See appendix for a sample tracking log.

6. Responsibility

6.1 Food Donor

The food donor shall ensure that the food being donated has been prepared, handled, and held to maintain food safety as outlined in the previous sections of this document. It is the responsibility of the food donor to ensure that the food being donated is labeled with necessary information as noted above.

Donors' good faith donations of food are protected from liability by the Bill Emerson Good Samaritan Food Donation Act. To be protected, donated food must be apparently wholesome (i.e. meeting food safety standards) and offered for free or at a "good Samaritan reduced price" (i.e. only covering the cost of handling and distributing the food). Unless the donor is a "qualified direct donor," donations must be made through a nonprofit food recovery organization to be protected. Grocers; wholesalers; agricultural producers, processors, and distributors; restaurants; school foods authorities, and higher educational institutional are "qualified direct donors[9]."

Donors should understand that they are encouraged to donate and they are not responsible for food safety once food leaves their control, provided they follow the recommended safety practices.

Food donors are responsible for communicating with their local health inspectors and operating in accordance with their local health protocols. Contact your local health department to explore further.

To learn more about liability protections, see the Federal Liability Protection For Food Donation LEGAL FACT SHEET by the Food Law and Policy Clinic at Harvard Law School or Frequently Asked Questions about the Bill Emerson Good Samaritan Food Donation Act by the United States Department of Agriculture (USDA).

https://chlpi.org/wp-content/uploads/2013/12/Emerson-Act-Legal-Fact-Sheet.pdf

https://www.usda.gov/sites/default/files/documents/usda-good-samaritan-faqs.pdf

9. CORNELL LAW SCHOOL LEGAL INFORMATION INSTITUTE. (JAN 2023). FOOD DONATION IMPROVEMENT ACT OF 2023 (42 U.S. CODE § 1791). HTTPS://WWW.LAW.CORNELL.EDU/USCODE/TEXT/42/1791

6. Responsibility (continued)

6.2 Food Recovery Organization

Food recovery organizations are responsible for collecting, handling, and distributing food in a way that meets food safety standards. This includes ensuring that the food is transported, re-packaged if needed, and distributed following time and/or temperature and contamination prevention restrictions as outlined in this document. It may be necessary to use refrigerated vehicles or coolers with ice packs to maintain safe temperatures during transportation.

The food recovery organization shall inspect the donated foods for signs of spoilage, damage, or cross-contamination. They shall ensure that allergen information and the date of preparation for prepared foods is passed along from the food donor to the receiving organization/end-recipient. The food recovery organization is responsible for communicating their date label guidelines with all parties involved. All donated food shall be fit for human consumption.

Foods that have compromised packaging or show signs of mold or spoilage shall not be donated to the receiving organization/end-recipient.

Food recovery organizations shall train their staff and volunteers on food safety measures. Organizations are protected from liability under the Good Samaritan Food Donation Act and Food Donation Improvement Act.

6.3 Receiving Organization/End-Recipient

The receiving organization/end-recipient shall inspect the food they receive to ensure it is safe for consumption. This includes checking for signs of spoilage, damage, contamination, or improper labeling or packaging as well as noting any allergen statements. Once the food is in the receiving organization/end-recipient's possession, it is their responsibility to adhere to food safety measures including proper procedures for food safety.

7. Appendix

SAMPLE TRACKING LOG

Date	Staff Initials	Product Description	Donation Source	Donor Contact	Address	Phone/ Email	Amount Donated	Time & Temp	Intended End-Recipient