



**FOOD FACILITY FOOD DONATIONS**



**THE TRUTH ABOUT**

**DONATED FOOD**

*Did you know?*

- Any food facility may donate food to a food bank, or to any other nonprofit charitable organization for distribution to persons free of charge. Food facilities may donate directly to end recipients for consumption.
- A food facility that donates food would NOT be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances regulating the labeling or packaging of the donated product or, with respect to any other laws, regulations, or ordinances, for a violation occurring after the time of the donation.
- You are protected from liability to donate unused perishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer if you make a good faith evaluation that the food to be donated is wholesome.

***As a food facility donating food, California state law protects you!***

***Please Donate!***

See back for related legal references

Contact **Waste Free VC** for food donation related questions.

Email: [Silvia.Lopez-Navarro@ventura.org](mailto:Silvia.Lopez-Navarro@ventura.org) or phone call: (805) 981-6658

More food safety information can be found on the Ventura County Environmental Health Division

Website: [www.vcrma.org/envhealth](http://www.vcrma.org/envhealth)

## Related Legal References

The following are specific sections in the California Health and Safety Code which reference food facility donations and provide a definition of a Nonprofit Charitable Organization.

- **1111432(a) Food Facility Donations**  
A person, gleaner, or food facility may donate food to a food bank or to any other nonprofit charitable organization for distribution to persons free of charge. Food facilities may donate food directly to end recipients for consumption.
- **114433 Criminal Liability:**  
A person, gleaner, or food facility that donates food as permitted by Section 114432 shall not be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances regulating the labeling or packaging of the donated product or, with respect to any other laws, regulations, or ordinances, for a violation occurring after the time of the donation. The donation of nonperishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act. The donation of perishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.
- **114434 Immunity:**  
The immunities provided in Section 114433 and by Section 1714.25 of the Civil Code, the California Good Samaritan Food Donation Act, are in addition to any other immunities provided by law, including those provided by Chapter 5 (commencing with Section 58501) of Part 1 of Division 21 of the Food and Agricultural Code.
- **113841 Nonprofit Charitable Organization:**  
Nonprofit Charitable Organization means either of the following:
  - (a) A corporation incorporated pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code), that is exempt from taxation pursuant to paragraph (1) to (10), inclusive, and paragraph (19) of Section 501 (c) of the Internal Revenue Code and Section 23701d of the Revenue and Taxation Code.
  - (b) An organization that was organized and is in operation for charitable purposes and meets the requirements of 214 of the Revenue and Taxation Code.
- **113783. Food Bank**  
Food bank means a surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purposes of reducing hunger and supplying nutritional needs.
- **California Civil Code 1714.25**  
A food facility that donates food will not be liable for any damage that results from the consumption of the donated food, regardless of compliance with any laws relating to the packaging, labeling, or storage after the donation.
- **Food and Agriculture Code 58501-58509** gives the definition of a food bank, and further details regarding food banks, distribution and protection from liability.