

## Cottage Food Production Operation

### What is a Cottage Food Production Operation?

A "Cottage Food Production Operation" is defined in Chapter 3715 of the Ohio Revised Code to mean a person who, *in the person's home*, produces food items that are not potentially hazardous foods, including bakery products, jams, jellies, candy, fruit butter, and similar products specified in the rule. These foods must be labeled properly or they will be considered misbranded or adulterated.

"Home" means the primary residence occupied by the residence's owner, on the condition that the residence contains only one stove or oven used for cooking, which may be a double oven, designed for common residence usage and not for commercial usage, and that the stove or oven be operated in an ordinary kitchen within the residence.

### What Foods are Permitted to be Manufactured for Sale or Distribution by a Cottage Food Production Operation?

Bakery products (such as cookies, breads, brownies, cakes, pies, etc.); candy (including no-bake cookies, chocolate covered pretzels or similar chocolate covered non-perishable items); jams; jellies and fruit butter as defined in Chapter 3715 of the Ohio Revised Code.

The new cottage food rule has expanded allowable products to include: granola, granola bars, granola bars dipped in candy; popcorn, flavored popcorn, kettle corn, popcorn balls, caramel corn; unfilled baked donuts; waffle cones; pizzelles; dry cereal and nut snack mixes with seasonings; roasted coffee, whole beans or ground; dry baking mixes in a jar, including cookie mix in a jar; dry herbs and herb blends; dry seasoning blends; and dry tea blends.

### What Foods are Not Allowed to be Manufactured for Sale or Distribution by a Cottage Food Production Operation?

A "Cottage Food Production Operation" is **not** permitted to process acidified foods, low-acid canned foods, potentially hazardous foods or non-potentially hazardous foods not listed above. *Low acid food* means any food with a finished equilibrium pH greater than 4.6 and a water activity greater than 0.85. *Acidified food* means a low acid food to which acids or acid foods are added (Ex. Beans, cucumbers, cabbage, puddings, etc.). *Potentially hazardous food* means it requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms (Ex. Raw or cooked animal products, cooked vegetables, garlic in oil, cheese cakes, pumpkin pies, custard pies, cream pies, etc.).

### What are the Requirements for the Labeling of Cottage Food Products?

A "Cottage Food Production Operation" is required to label all of their food products and include the following information on the label of each unit of food product offered or distributed for sale:

1. The name and address of the business of the "Cottage Food Production Operation";
2. The name of the food product;
3. The ingredients of the food product, in descending order of predominance by weight;
4. The net weight or net volume of the food product;
5. The following statement in ten-point type: "***This Product is Home Produced.***"

Note: If a nutritional claim is made (i.e. low fat, salt free, etc.) federal labeling requirements must be met. Specific food labeling information is available at the ODA web site: <http://www.agri.ohio.gov/divs/FoodSafety>

Allergen labeling must be followed as specified in the federal labeling requirements.

### What Does the Statement "This Product is Home Produced" Mean?

The statement means that the food product was produced in a private home that is not subject to inspection by a food regulatory authority.

### Where may Cottage Food Production Operations Sell Their Food Products?

Cottage Food Products may **only** be sold in Ohio. Cottage Food Products that are properly identified and labeled may be sold directly to the consumer from the site where the products are produced; sold through grocery stores, farm markets, farmers markets; and sold and/or used in preparing food in a restaurant.

### Does A Cottage Food Production Operation Need to Acquire a License to Process and Package Food Products?

No. A "Cottage Food Production Operation" is exempt from inspection and licensing by the Ohio Department of Agriculture. However, all food products, including those produced and packaged by "Cottage Food Production Operations", are subject to food sampling conducted by the Ohio Department of Agriculture to determine if a food product is misbranded or adulterated.

**Questions?** Contact ODA Division of Food Safety: 1-800-282-1955 Ext 4366; Email: [foodsafety@agri.ohio.gov](mailto:foodsafety@agri.ohio.gov)

# Chapter 901:3-20-01 of the Ohio Administrative Code

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## Cottage Food Rules

Ohio Department of Agriculture, Division of Food Safety

Effective June 22, 2009

These rules address categories of foods that are allowed as well as those that are prohibited from being manufactured in a cottage food operation as defined in section 3715.01(A)(20) of the Revised Code.

901:3-20-01

**Criteria and definitions for cottage food operations.**

(A) Pursuant to section 3715.025(B) of the Revised Code, cottage food production operations shall comply with the provisions of Chapter 901:3-20 of the Administrative Code.

(B) Definitions:

As used in Chapter 901:3-20 of the Administrative Code:

- (1) "Adulterated" has the meaning stated in section 3715.59 of the Revised Code.
- (2) CFR means Code of Federal Regulations.
- (3) "Director" means the director of the Ohio department of agriculture.
- (4) "Misbranded" has the meaning stated in section 3715.60 of the Revised Code.
- (5) "Reduced oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding atmosphere, which is approximately twenty-four per cent at sea level. It includes:
  - (a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package; and
  - (b) Modified atmosphere packaging, in which the atmosphere of a package is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes: reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen.
- (6) All other technical definitions are the same as those found section 3715.01 of the Revised Code.

901:3-20-02

**Labeling.**

(A) A cottage food production operation shall label each food product and include on the label the information mandated by section 3715.023 of the Revised Code, in addition to the requirements of 21 CFR Part 101 Food Labeling.

(B) Food products identified and labeled in accordance with division (A) of this section are acceptable food products that a retail food establishment or food service operation licensed under Chapter 3717 of the Revised Code may offer for sale or use in preparing and serving food.

901:3-20-03      **Cottage food products sampling.**

All food products, including those produced and packaged by a cottage food production operation are subject to food sampling conducted by the director of agriculture, or representative the director authorizes, to determine if a food product is misbranded or adulterated. A component of the food sampling conducted under this section may include the performance of sample analyses in accordance with section 3715 of the Revised Code.

901:3-20-04      **Cottage food products allowed.**

(A) The food items listed below are approved as cottage food products:

- (1) Non-potentially hazardous bakery products;
- (2) Jams;
- (3) Jellies;
- (4) Candy;
- (5) Fruit butters;
- (6) Granola, granola bars, granola bars dipped in candy;
- (7) Popcorn, flavored popcorn, kettle corn, popcorn balls, caramel corn;
- (8) Unfilled, baked donuts;
- (9) Waffle cones
- (10) Pizzelles;
- (11) Dry cereal and nut snack mixes with seasonings;
- (12) Roasted coffee, whole beans or ground;

(13) Dry baking mixes in a jar, including cookie mix in a jar;

(14) Dry herbs and herb blends;

(15) Dry seasoning blends; and

(16) Dry tea blends.

(B) Cottage food products may not be packed using reduced oxygen packaging.

901:3-20-05      **Prohibitions.**

A cottage food operation may not:

(A) Process potentially hazardous foods;

(B) Process acidified and low acid canned food;

(C) Offer for sale adulterated or misbranded food;

(D) Refuse the taking of samples as authorized by section 901:3-20-03;

(E) Produce food items not expressly listed in section 901:3-20-04(A);

(F) Be sold outside the state of Ohio.