

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

BASIC COMPONENTS FOR LABELING REQUIREMENTS

Ingredient List – Ingredients shall be listed by common or usual name in descending order of predominance by weight. Meaning, the ingredient that weighs the most is listed first, followed by the next heaviest ingredient, with the ingredient that weighs the least listed last. Any ingredient that is composed of two or more ingredients (sub-ingredients) shall be declared in the *Ingredient List*. Sub-ingredients shall be designated in the *Ingredient List* by declaring the established common or usual name of the ingredient, followed by a parenthetical listing of all the ingredients contained therein in descending order of predominance.

Ref: CFR 21, Part 101.4

Statement of Responsibility – Shall include the:

Business Name
Street Address
City, State, Zip Code

All information in the *Statement of Responsibility* shall be continuous. If the business name is listed in the local telephone directory, the street address may be omitted. If the business name is listed in the local telephone directory, a Post Office Box may be used in place of the street address.

The *Statement of Responsibility* shall not be placed on the bottom of the package.

Telephone numbers, internet addresses, and e-mail addresses are permitted, but not required. This information may not be placed between the *Ingredient List* and the *Statement of Responsibility*.

Ref: CFR 21, Part 101.5

Statement of Identity – The *Statement of Identity* is the name of the food. The name shall be the common or usual name of the food, and shall accurately identify or describe the basic nature of the food or its characterizing properties or ingredients.

Ref: CFR 21, Part 101.3

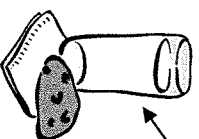
CHOCOLATE CHIP/MILK CHOCOLATE CHUNK COOKIES

INGREDIENTS: ENRICHED FLOUR (BLEACHED WHEAT FLOUR, MALTED BARLEY FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), BROWN SUGAR (MOLASSES, SUGAR), SEMI-SWEET CHOCOLATE CHIPS (SEMI-SWEET CHOCOLATE (SUGAR, CHOCOLATE LIQUOR, COCOA BUTTER), SOYA LECITHIN, PURE VANILLA), VEGETABLE SHORTENING (PARTIALLY HYDROGENATED SOYBEAN AND COTTONSEED OIL), MONO- AND DIGLYCERIDES, ARTIFICIAL BUTTER FLAVOR, BETA CAROTENE (PRO VITAMIN A-ADDED FOR COLOR), MILK CHOCOLATE CHUNKS (SUGAR, COCOA BUTTER, MILK, CHOCOLATE LIQUOR, SOY LECITHIN, VANILLIN), EGGS, MILK, BAKING POWDER, VANILLA EXTRACT, SALT AND BAKING SODA.

Agriculture Cookie Co.
8995 E. Main Street
Reynoldsburg, OH 43068

NET WT 8 OZ (227 g)

This product is home produced.



Artwork – To draw consumer attention to the product, artwork is frequently used on food labels. Artwork is permitted as long as it does not misrepresent the product or renders the required information difficult to read. Artwork may not be placed between the *Ingredient List* and the *Statement of Responsibility*.

Ref: 21 CFR, Part 101.2

Net Quantity of Contents – The term "NET WEIGHT" – or an appropriate abbreviation - shall be used when stating the *Net Quantity of Contents* in terms of weight. The *Net Quantity of Contents* shall be declared in both the U.S. Customary System and the SI (metric system). The second declaration shall be stated parenthetically.

Ref: CFR 21, Part 101.105
Ref: FLPA, Title 15 – Chapter 39, 1453(a)(2)

Cottage Food Production Declaration – It is mandatory for the statement, "This product is home produced" to appear on the labels of products produced by manufacturers operating under Ohio's Cottage Food Rules.

Licensed Home Bakeries have the option to place this statement on their labels.
Ref: ORC 3715.023



FAQ

Frequently Asked Questions for **Farmers' Markets**

CHAPTER 901:3-6-01 Chapter 901:3-6 Farm Markets and Auctions

The operator or organizer of the farmers' market must register with the Ohio Department of Agriculture, Division of Food Safety.

1. Are all participants at a farmers' market exempt from a Retail Food Establishment (RFE) license?
 2. What types of foods may the farmers' market participant offer for sale and still be exempt from the RFE license?
 3. Is a participant at a farmers' market prohibited from offering other foods for sale such as poultry or eggs?
 4. Is a participant at a farmers' market that is listed in the *Ohio Farmers' Market Directory* exempt from the RFE license?
 5. If a participant at a farmers' market is NOT exempt, how are they regulated?
 6. Who regulates the exempt participants at farmers' markets?
 7. How does a farmers' market register with the Ohio Department of Agriculture's Division of Food Safety?
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1. **Are all participants at a farmers' market exempt from a Retail Food Establishment (RFE) license?**

No, the exemption to a RFE license is based upon the *types* of foods being offered for sale by the participant at the farmers' market and whether the operator (organizer) of the farmers'

market has registered with the ODA Division of Food Safety.

2. **What types of foods may the farmers' market participant offer for sale and still be exempt from the RFE license?**

A person at a farmers' market that only offers for sale the following types of food items is exempt from the RFE license:

- Fresh unprocessed fruits or vegetables;
- Maple syrup, sorghum, or honey [properly labeled];
- Properly labeled products of a cottage food production operation; such as
- Bakery products, candy, jams, jellies and fruit butter;
- 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, nut snack mixes with seasonings;
- Roasted coffee, whole beans or ground;
- Dry baking mixes in a jar, including cookie mix, dry herbs and herb blend, dry seasoning blends, dry tea blends; and
- Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers' market.

3. **Is a participant at a farmers' market prohibited from offering other foods for sale such as poultry or eggs?**

No. However, the farmers' market participant selling any food items not listed above, including poultry from their 1,000 or fewer flock of chickens or eggs from their 500 or fewer flock of hens will lose exemption status and will need to become licensed as an RFE by the local health department having jurisdiction.

4. **Is a participant at a farmers' market that is listed in the *Ohio Farmers' Market Directory* exempt from the RFE license?**

Not necessarily. The exemption from the RFE license is based upon the *types* of foods being offered for sale by the participants at the farmers' market. The *Ohio Farmers' Market Directory* is a state directory of farmers' markets. Some of the participants at the farmers' market may be exempt based upon the foods being offered for sale, while other participants may not be exempt.

5. **If a participant at a farmers' market is NOT exempt, how are they regulated?**

A participant at a farmers' market that is not exempt because of the types of food they are selling is licensed and regulated by the local health department that has jurisdiction. They will be regulated under Chapter 3717 of the Revised Code as an RFE. The local health department will apply the *Ohio Uniform Food Safety Code* rules.

6. **Who regulates the exempt participants at farmers' markets?**

The Ohio Department of Agriculture's Division of Food Safety inspects participants at farmers' markets that are exempt from the RFE license.

7. **How does a farmers' market register with the Ohio Department of Agriculture's Division of Food Safety?**

A farmers' market operator (organizer) may contact the Division of Food Safety at 1-800-282-1955 to obtain registration information, or e-mail: foodsafety@agri.ohio.gov
The individual participant at a farmers' market does not need to register.