

COTTAGE FOOD LAW

Many value-added products sold directly to the public in Alabama fall under the Cottage Food Law, which went into effect in June 2014.

Unlike home processed foods that can only be sold at farmers markets, **cottage foods may be sold from home or at local state sanctioned farmers markets.**

Cottage food cannot be sold to the following:

- Restaurants
- Grocery stores
- Novelty shops
- Over the internet

The only foods that can be sold directly to the consumer under the Cottage

Food Law:

- Baked goods
- Breads
- Cakes
- Candies
- Cookies
- Jam & jellies
- Pastries
- Dried herbs
- Doughnuts
- Dried herb mixes
- Danish

Foods that cannot be sold directly to the consumer:

- Baked goods with an ingredient that requires refrigeration
 - Custard pies, Danish with cream filling, Cakes with a whipped topping
- Juices from fruits and vegetables
- Milk products
- Soft or hard cheeses
- Pickles
- Barbeque sauces
- Canned fruits or vegetables
- Garlic in oil
- Meats in any form
- Low-acid or acidified foods
- Heat-processed canned foods

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The Cottage Food Law requires the following on labels:

- The product name
- Name of the individuals or business
- Address of the individual or business
- Statement: THIS FOOD IS NOT INSPECTED BY THE DEPARTMENT OF PUBLIC

Labels may need to be submitted to the local health department for approval prior to selling.

FOOD SAFETY COURSE

• Food businesses or the person operating a food business under the Cottage Food Law must attend and pass a ServSafe Certification food safety course approved by the Alabama Department of Public Health.

- ServSafe verifies that employees have completed a course about food safety and know what to expect from a Health Department inspection.
- Certifications must be renewed every 5 years.

• The Alabama Cooperative Extension System offers a course tailored for cottage food entrepreneurs.

- Participants are taught food safety, with particular focus on foods prepared at home, and receive a certificate upon completion that ensures individuals are in compliance with the Cottage Food Law.

A note about sales: Food sales under the Cottage Food Law cannot exceed \$20,000 per year and are subject to state, county and city sales taxes. Businesses are also responsible for paying state and federal taxes on income earned through food sales.

Alabama Department of
Agriculture and Industries

John McMillan
Commissioner

HOME PROCESSED PRODUCTS &

COTTAGE FOOD LAW



Farmers Market Authority
Richard Beard Building
1445 Federal Drive

Montgomery, Alabama 36107

Phone: 334-240-7247

Toll Free: 877-774-9519

Email: fma@agi.alabama.gov

Website: www.fma.alabama.gov

HOME PROCESSED PRODUCTS

Home Processed products must satisfy all public health, labeling, permitting & other requirements pertaining to processed products and **can only be sold at state sanctioned farmers markets.**

- Since 2009, Chapter 420-3-22.01 of the Rules of Food Establishment Sanitation excludes a kitchen in a private home from the definition of food establishment only if food that is non potentially hazardous (time or temperature control required) is prepared for sale or service only at **state sanctioned** Farmers Markets.
- Home Processed products are subject to sales tax.

LABELLING

The consumer must be informed by a clearly visible label, tag, or placard at the sales or service location that the food is prepared in a kitchen that is not inspected by a regulatory agency, i.e. County or State Health Department.

- Label or tag must conform to the size and form of the label below and placed on the product or a placard may be displayed in front of the product that is to be sold.

- Chapter 420-3-22-.01 effectively excludes

This item(s) was prepared in a kitchen that is NOT inspected by a regulatory agency.

farmers markets from regulatory requirements of the ADPH regarding non-potentially hazardous home processed foods.

- The label of a food in a packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

WHICH HOME PROCESSED PRODUCTS CAN AND CANNOT BE SOLD AT A FARMERS MARKET?

CAN AND CANNOT BE SOLD AT A FARMERS MARKET?

What kind of food can I make at home and sell at a farmers market?

Home processed foods, with the exception of low acid foods, that do not have to be time or temperature controlled for safety can be prepared in a kitchen in a private home and may be sold at **state sanctioned** Farmers Markets with appropriate labeling.

Examples include:

- Baked breads
- Rolls
- Baked goods
- Cookies
- Cakes
- Brownies
- Fudge
- Double-crust fruit pies
- Traditional fruit jams
- Jellies
- Marmalades
- Pickles
- Relishes
- Candy
- Spices
- Herbs
- Snack items such as popcorn, caramel corn and peanut brittle

What foods cannot be made in a home kitchen and sold at a farmers market?

Low acid foods that would need to be refrigerated or otherwise be held under temperature control cannot be offered for sale. *Note: Montgomery and Calhoun counties are exempted from this requirement by state statute.*

- Examples include: canned vegetables, slaws, stews, soups, sauces and any foods containing meat or other potentially hazardous ingredients

ACIDITY AND pH LEVELS

The acidity of foods is measured by pH.

- The range of pH is commonly considered to extend from zero to 14. A pH value of 7 is neutral because pure water has a pH value of exactly 7. Values less than 7 are considered acidic, while those greater than 7 are considered basic or alkaline.
- All fruits are acidic foods and are usually tart and sour. Ex: tomato, lemon, peach, apple, etc.

- *The FDA rule for acidic foods states that a food must have a pH below 4.6 to be sold as a minimally processed food.*
- The reason for this is bacteria does not grow at this level of acidity.
- The exclusion shall not be construed as allowing the sale of low acid foods (pH > 4.6) in hermetically sealed containers (i.e. home-canned green beans, peas, tomato relish, etc.) when such food is not prepared in a permitted establishment.

FOOD PRODUCT TESTING

REQUIREMENTS

- If the pH level is unknown, the finished product will need to be tested at an independent certified food testing laboratory or the laboratory operated by The Alabama Cooperative Extension System at Auburn University.
- A small sample (at least 1 cup) of each product is required. The product must include the following information: Contact Name, Mailing Address, City/State/Zip, Phone/Fax, Email, Product Name