

Cottage Food Legislation Frequently Asked Questions



Are pet treats included under the Cottage Food Law? No. The Cottage Food guidance document applies to human grade food only.

Can I produce and sell cooked vegetable products, like salsas, tomato sauces, spaghetti sauces, or foccacia bread with roasted vegetables?

No. Food products made with cooked vegetable products do not qualify under the Cottage Food guidance document. Manufacturers of cooked vegetable products like salsas and tomato sauces must meet significant federal and state training and licensing requirements.

Cooked vegetables, whether fresh or canned, usually are made from a combination of low acid and acidified foods, and are considered a Potentially Hazardous Food. Cooked vegetables must be held either hot (above 135°F) or cold (below 41°F). They can't be stored at room temperature, which makes them ineligible for production in a cottage food operation.

Can I roast coffee beans in my home kitchen and sell them under the Cottage Food Law? Yes. You can roast and sell whole bean coffee or ground coffee, as long as you meet all of the provisions of the Cottage Food guidance document (labeling, storage, etc.); however, since beverages are not allowed under the Cottage Food guidance document you may not sell ready-made coffee.

Can I bake bread in a wood fired oven under the Cottage Food Law? Yes, as long as that oven is in your home kitchen.

Can I make and sell apple butter or other fruit butters? Yes, butters made from fresh fruits are considered cottage food products. Fruit butters have significantly less sugar than a traditional jam or jelly. It is the combination of acid, sugar, pectin and heat that assures the safety of jams/jellies. Vegetable butters such as pumpkin butter would not be Cottage Food.

Can I press and sell apple cider under the Cottage Food guidance document? No. apple cider is not a food allowed to be produced. Actually, no beverages are allowed to be produced under the Cottage Food guidance document.



Am I allowed to grind wheat and other grains and make them into flour? Yes, you may grind any type of grain into flour, provided the packaging and labeling requirements are met.

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Can I make and sell dehydrated meats under the Cottage Food Law? No. Meats are a Potentially Hazardous food and are not allowed under the Cottage Food guidance document exemptions.

I lease space in a retail building where I operate a small antique shop. As a Cottage Food baker, can I sell my own baked goods from my shop under the current Cottage Food Guideline? No, the cottage food legislation prohibits wholesale, internet or sales by consignment. Since your small antiques store is not the cottage food operation, you would not be able to sell your cottage food products from this location.

If I have a roadside stand which is already inspected and permitted can I also sell my cottage food? A permitted food establishment cannot sell foods from unapproved source. Since the safe food handling practices are not being evaluated at your home, the cottage food is not considered an approved source and cannot be sold at a permitted roadside stand.

Can I make and sell hard candies or lollipops under the Cottage Food guidance document? Yes. Hard candies, lollipops and peppermint candies are allowed under the Cottage Food guidance document, as long as they are labeled correctly and completely, the label includes any allergens the product may contain, and all other provisions of the law are met.

Can I make and sell sweet breads, muffins or other baked goods made with fresh fruits and vegetables like zucchini, pumpkin, and strawberries? Yes, as long as the fruits or vegetables are incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh fruits or vegetables.

Can I use homegrown fruits and vegetables in baked goods? Yes. You should take care to thoroughly wash the homegrown produce and the fruits or vegetables must be incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh fruits or vegetables.

Can homegrown produce be canned and used for making baked goods, like sweet breads, at a later date? No, but you can use commercially canned products for baked goods, like canned pumpkin, cherry pie filling, etc. Most home-canned products are not approved for production under the Cottage Food Law, with the exception of jams and jellies.



Can I freeze homegrown produce and use it for making baked goods, like sweet breads, at a later date? Yes, as long as the frozen fruits or vegetables are incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh or frozen fruits or vegetables.

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Can I make and sell dry bread or 'instant' bread mixes under the Cottage Food Guidelines? Yes. Dry bread mixes are an acceptable product to produce and sell under the Cottage Food guidance document, as long as you meet all requirements of the law.

Does my chocolate fountain business qualify as a Cottage Food business? If your business is involved in any processing, preparation and storage of food items, including offsite, this food service business would not be eligible to operate under the Cottage Food guidance document and would require a food license from the Department of Business and Professional Regulation. If your service is hired to deliver the fountain equipment only to the event and food product is purchased and delivered for each individual event, this would be considered a Cottage Food business.

Do I have to put a label on my Cottage Foods?

Yes, you are required to label your Cottage Foods. The basic information that must be on the label is as follows:

- Name and address of the Cottage Food operation.
- Name of the Cottage Food product (All capital letters or upper/lower case are both acceptable).
- The ingredients of the Cottage Food product, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list the sub ingredients as well. For example: soy sauce is not acceptable, soy sauce (wheat, soybeans, salt) would be acceptable.
- The net weight or net volume of the Cottage Food product (must also include the metric equivalent, conversion charts are available online).
- Allergen labeling as specified in federal labeling requirements.

The following statement: "Made in a cottage food operation that is not subject to government food safety inspection" (All capital letters or upper/lower case are both acceptable provided they are ten point font size.).

Hand-printed labels are acceptable if they are clearly legible, written with durable, permanent ink, and printed large enough to equal the font size requirements listed above.

Can I make Cottage Food products in an outbuilding on my property, like a shed or a barn? No. Outbuildings such as sheds or barns are not allowed.



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What does allergen labeling, as specified in federal labeling requirements, mean? It means you must identify if any of your ingredients are made from one of the following food groups: milk, eggs, wheat, peanuts, soybeans, fish (including shellfish, crab, lobster or shrimp) and tree nuts (such as almonds, pecans or walnuts). So, if you have an ingredient made with a wheat based product, you have two options:

1. Include the allergen in the ingredient list. For example, a white bread with the following ingredient listing: whole wheat flour, water, salt and yeast. In this example, the statement 'whole wheat flour', meets the requirements of federal law.
2. Include an allergen statement ("Contains :") after the ingredient list. For example a white bread, with the following ingredients: whole wheat flour, water, sodium caseinate, salt and yeast. Contains wheat and milk.

The "Contains" statement must reflect all the allergens found in the product. In this example, the sodium caseinate comes from milk.

Are there any special requirements for tree nuts labeling for allergens? Yes, if your Cottage Food has tree nuts as an ingredient you must identify which tree nut you are using. For example, if you made Nut Bread, an acceptable ingredient list would be:

Ingredients: wheat flour, water, almonds, salt, yeast.

The following would not be acceptable:

Ingredients: flour, water, nuts, salt, yeast.

I am concerned that some of my product ingredients that are not allergens are "trade secrets" and listing all my ingredients would lead to unfair competition. Do I have to list all of my ingredients or can I protect my trade secrets? According to federal regulations (*Food and Drug Administration (FDA), 21CFR 101.100g(1)(2)*), exceptions to labeling can be made. In particular, if the Commissioner of Food and Drugs finds that alleged secret ingredients are harmless an exemption may be granted. You should contact the [FDA](#) to discuss and propose an exemption from labeling.

Do I have to include my home address on my product labeling or is a post office box sufficient? You must use the physical address of your home kitchen on your product label, not a post office box. The purpose of including an address on product labels is to be able to locate the business in case of a recall or trace-back associated with a foodborne illness complaint or outbreak. The Cottage Food guidance document specifies that the name and address of the business of the Cottage Food Operation must be included on the label.



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Am I required to send my products to a laboratory to obtain an official ingredient list, or is it something I can put together on my own? You are not required to have your product analyzed by a laboratory to obtain an official ingredient list. You must, however, list all ingredients, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list sub-ingredients as well. For example, if you use soy sauce as an ingredient, listing soy sauce is not acceptable; soy sauce (wheat, soybeans, salt) is acceptable. Allergen labeling, as specified in federal labeling requirements, must also be included.

If I make and sell wedding cakes, how can I meet the labeling requirements, when I can't stick a label on the cake? For wedding cakes, birthday cakes and other specialty cakes that are not easily packaged, you must include all labeling requirements on the invoice and deliver the invoice with the cake. Smaller cakes must be boxed and the label must be included on the box.

Why can't I sell my Cottage Foods to my favorite restaurant or grocery store? Because the cottage food kitchen is not inspected and the safe food handling practices are not evaluated by any food safety official. Since the safe food handling practices are not being evaluated, the food is not considered an approved source for use in a restaurant or grocery store. Also, it is not possible for the final consumer to discuss your food safety practices with you, since you are not selling or serving the product to the consumer.

Can I make and sell products from my motor home kitchen, or cottage or summer home under the Cottage Food Guidelines? The Cottage Food guidance document applies only to non-potentially hazardous foods made in the kitchen of your primary residence. Second homes, vacation homes or motor homes do not qualify if they are not your primary residence.

Can I make products in a rented kitchen and sell them under the Cottage Food Guidelines? No. The Cottage Food guidance document applies only to non-potentially hazardous foods made in the kitchen of your primary residence. If the rented kitchen is a licensed facility, you would need a food establishment license to sell your products.

Can nonprofit organizations produce and sell Cottage Foods? No. Nonprofits do not have a single family domestic residence, and therefore do not qualify as a Cottage Food business.

Can I advertise my Cottage Food products on my website? Yes. You can use your website to advertise your products or market your business, but cannot take orders or sell products via your website.



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Where can I store ingredients and finished products for my Cottage Food business? Ingredients and finished Cottage Food products may be stored in your single family domestic residence where the Cottage Food products are made. This includes your kitchen, a spare room or a basement that is free of dampness/water, pests or other insanitary conditions. You may not use a garage, shed, barn or other outbuilding as a storage facility for your Cottage Food business.

Can I sell my Cottage Foods to a wholesaler, broker or distributor? No. Under the Cottage Food guidance document, it is not legal for a producer to sell to a wholesaler, broker or distributor who would then resell the product.

Is it possible to place my Cottage Food products in a store or restaurant on consignment? No. Cottage Food products cannot be sold on consignment. The sale must be person-to-person, from the producer to the actual consumer.

Can I serve free samples of my Cottage Food Products? Yes. As long as your product meets the requirements of the Cottage Food guidance document and is a non-potentially hazardous food, sampling is allowed. Samples must be pre-packaged in your home kitchen (e.g. if you sample bread, you can't cut it at the market, but can cut it in your home kitchen and individually wrap or package the bread samples into sample cups with lids). Although you do not need an individual label for each sample, you must have properly labeled packages of your product on display with the samples so your customer can review the ingredient list. Your product cannot be cooked or prepared in a way that makes it a potentially hazardous food/temperature control for safety food (e.g., you can't add a dried dip mix to sour cream or serve anything that can't be kept safely at room temperature - these examples would require a food license).

Can I utilize commercial type equipment such as large rotary mixers in my cottage food operation? No. Typically a private home is not equipped with sinks required to effectively wash, rinse, and sanitize large commercial equipment.

Does my equipment, stove and/or refrigerator need to be NSF (a food equipment evaluation group) approved? No. As a Cottage Food operator, you are not required to meet NSF standards for your equipment used to manufacture Cottage Food products.

Do I need to have a DBA for the Cottage Food law? A DBA (Doing Business As) may be a requirement of your county or local municipality.



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The farmers market where I want to sell my products says I need a food license, even though I am a Cottage Food business. Can the market require a license?

Yes. Even though an entity may meet the requirements of a Cottage Food Operation and be permitted, some farmers markets or other direct marketing venues may require vendors to have a food establishment license or to meet other requirements. Local policies enacted by farmers market boards and other local governing bodies are generally outside the scope of any Cottage Foods regulations.

Are there any special requirements regarding my home on-site well? An approval or inspection of the onsite well system is not required by the Health Department prior to the operation of a cottage food operation. However for potable water a properly constructed on-site well is recommended. It is recommended the well water should be tested, at least annually, for coliform bacteria and nitrates. Water from wells with any of the following features should be avoided:

- Very shallow depth (< 25 ft)
- Producing cloudy water
- Located in below-ground pit
- Buried wellhead
- Missing cap or seal
- Opening around casing pipe
- Located within 25 feet of any portion of a septic system
- Dug well

A list of water testing laboratories may be available from the regulatory agency. Local Health Departments can provide consultation on drinking water quality and well construction. While the department will require no testing, it is recommended the water be tested annually.

Are there any concerns related to my home on-site wastewater (septic) system? An approval or inspection of the onsite wastewater system is not required by the Health Department prior to the operation of a cottage food operation, however depending on the nature and volume of the food products which will be manufactured for sale, there can be adverse effects to the existing system serving the home. For instance, adding significant bakery wastewater can not only increase the total volume discharged but may also result in the increase in the organic strength of the wastewater discharged to the drain field, leading to the possibility of accelerated system failure. Since repairs to an onsite wastewater system in failure can be expensive, the adequacy of the home system to handle additional wastewater loading should be considered prior to initiating a cottage food business.

