KNOX COUNTY Health Department
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Cottage Food Production Operations

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 rules. 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 a 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?

Permitted foods are non-potentially hazardous bakery products (such as cookies, breads, brownies, cakes, fruit pies, etc.), candy (including no-bake cookies, chocolate covered pretzels or similar chocolate covered non-perishable items), flavored honey which has been produced by a beekeeper exempt under section 3715.021(A) of the Ohio Revised Code, jams, jellies, fruit chutneys, fruit butters, granola (including granola bars and granola bars dipped in candy), maple sugar produced by a maple syrup producer exempt under section 3715.021(A) of the Ohio Revised Code, popcorn (including flavored popcorn, kettle corn, popcorn balls, caramel corn, but does not include un-popped popping corn), unfilled baked donuts, waffle cones, pizzelles, dry cereal and nut snack mixes with seasonings, roasted coffee (coffee may be whole beans or ground), dry baking mixes (for making items such as breads and cookies), dry herbs and dry herb blends, dry soup mixes containing commercially dried vegetables, beans, grains, and seasonings, dry seasoning blends (such as dry barbecue rubs and seafood boils) 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 properly, which include the following information on the label of each unit of food product offered or distributed for sale:

- Statement of Identity - the name of the food product
- Net Quantity of Contents - the net weight, in both U.S. Customary System and International System
- Ingredient List - ingredients of the food product, listed in descending order of predominance by weight
- Statement of Responsibility - the name and address of the business
- The following statement in ten-point type: **"This Product is Home Produced"**.

Note: If nutrient content claims (i.e. low fat, salt free, etc.) or health claims (i.e. may reduce heart disease) are made, the product must bear all required nutritional information in the form of the Nutrition Facts panel. All labeling components are to comply with 21 CFR Part 101, food labeling. The FDA Food Labeling Guide is an excellent resource of the proper labeling of food products.

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 home where the products are produced. They may also be sold through grocery stores, registered farm markets, registered 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 the Ohio Department of Agriculture Food Safety Division: 1-800-282-1955 or the Knox County Health Department at 740-392-2200.

3/2017

BASIC REQUIRED FOOD LABELING COMPONENTS
LABEL EXAMPLE (COTTAGE FOOD PRODUCTION)

Labels must comply with all applicable state and federal regulations. Labeling regulations applied to cottage food production operation are the same as those applied to other food manufacturers, but with the additional statement "This product is home produced." All information on the label must be truthful and not misleading. This label example is just one way to present the required information.

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 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

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.

Telephone numbers, web-site addresses, and e-mail addresses are permitted, but not required. This type of extra information shall not be placed between the *Ingredient List* and the *Statement of Responsibility*.

Ref: CFR 21, Part 101.5

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), SOY LECITHIN, 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 (POTASSIUM BITARTRATE, CORN STARCH, BAKING SODA), NATURAL FLAVOR, SALT, BAKING SODA.

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

NET WT 8 OZ (227 g)

This product is home produced.

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.

The quantity of contents shall be placed on the principal display panel. It shall be within the bottom 30 percent of the area of the label panel in lines that are generally parallel to the bottom of the package as it is designed to be displayed.

Note: Labeling requirements for Net Quantity of Contents is under the purview of the ODA Division of Weights and Measures. Local enforcement is provided by Weights and Measures programs administered by the county Auditors' throughout the State of Ohio.

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

Cottage Food Declaration – Food products that are manufactured in compliance with Ohio's Cottage Food Rules, must bear the statement, "This product is home produced."

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

Ref: ORC 3715.023

ODA – Ohio Department of Agriculture

CFR – Code of Federal Regulations

ORC – Ohio Revised Code

FLPA – Fair Labeling Packaging Act

The principal display panel (PDP) is that portion of the package label that is most likely to be seen by the consumer at the time of purchase.

Chapter 901:3-20 Cottage Food Production

901:3-20-01 Criteria and definitions for cottage food operations.

(A) Pursuant to division (B) of section 3715.025 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) "Cottage food production operation" has the same meaning stated in section 3715.01 of the Revised Code.

(4) "Director" means the director of the Ohio department of agriculture.

(5) "Misbranded" has the meaning stated in section 3715.60 of the Revised Code.

(6) "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.

(7) All other technical definitions are the same as those found in 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 food labeling requirements of 21 CFR Part 101 (April 1, 2014).

(B) Food products identified and labeled in accordance with paragraph (A) of this rule 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 cottage food products as outlined in rule 901:3-20-04 of the Administrative Code 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 Chapter 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, not including fresh fruit dipped, covered, or otherwise incorporated with candy;

(5) Flavored honey which has been produced by a beekeeper exempt under section 3715.021(A) of the Revised code;

(6) Fruit chutneys;

(7) Fruit butters;

(8) Granola, granola bars, granola bars dipped in candy, if fruit is used in any of these products it must be commercially dried;

(9) Maple sugar produced by a maple syrup producer exempt under section 3715.021(A) of the Revised code;

(10) Popcorn, flavored popcorn, kettle corn, popcorn balls, caramel corn, not including popping corn;

(11) Unfilled baked donuts;

(12) Waffle cones and waffle cones dipped in candy;

(13) Pizzelles;

(14) Dry cereal and nut snack mixes with seasonings;

(15) Roasted coffee, whole beans or ground;

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

(17) Dry herbs and herb blends;

(18) Dry soup mixes containing commercially dried vegetables, beans, grains, and seasonings;

(19) Dry seasoning blends; and

(20) 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 do any of the following:

(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 rule 901:3-20-03 of the Administrative Code;

(E) Produce food items not expressly listed in paragraph (A) of rule 901:3-20-04 of the Administrative Code; or

(F) Sell cottage food products outside the state of Ohio.