



## Manistique Farmers' Market Product Requirements - 2020

From the Michigan Department of Agriculture and Rural Development ([Michigan.gov/MDARD](http://Michigan.gov/MDARD))

### Cottage Food Producers:

**Michigan Cottage Food Law (summary; you are responsible to familiarize yourself with the entire law and requirements from MDARD at: [Michigan.gov/cottagefood](http://Michigan.gov/cottagefood))**

Michigan's Cottage Food Law, PA 113 of 2010 exempts a "cottage food operation" from the licensing and inspection provisions of the Michigan Food Law. A cottage food operation still has to comply with the labeling, adulteration, and other provisions found in the Michigan Food Law, as well as other applicable state or federal laws, or local ordinances.

Under the Cottage Food Law, non-potentially hazardous foods that do not require time and/or temperature control for safety can be produced in a home kitchen (**the kitchen of the person's primary domestic residence**) for direct sale to customers at farmers markets, farm markets, roadside stands or other direct markets. The products cannot be sold to retail stores; restaurants; over the Internet; by mail order; or to wholesalers, brokers or other food distributors who resell foods.

#### **Foods Allowed Under Michigan's Cottage Food Law:**

*This is not a complete list, but these items serve as examples. If in doubt, ask the Market Manager before bringing an item to the Manistique Farmers' Market.*

Non-potentially hazardous foods (this means that time and/or temperature controls are not required to assure food safety - meaning foods can safely be kept at room temperature and do not require refrigeration) meet the requirements for cottage foods and can be prepared in a home kitchen and sold directly to consumers without a license. Many of these items are identified by MDARD. Examples include:

- Breads
- Vinegar and flavored vinegars
- Cakes
- Sweet breads and muffins that contain fruits or vegetables (e.g., pumpkin or zucchini bread)
- Cooked fruit pies, including pie crusts made with butter, lard or shortening
- Fruit jams and jellies (as defined in 21 CFR part 150) in glass jars that can be stored at room temperature (except vegetable jams/jellies)
- Cookies
- Dry herbs and dry herb mixtures
- Dry baking mixes
- Dry dip mixes
- Dry soup mixes
- Dehydrated vegetables or fruits
- Popcorn
- Cotton Candy
- Chocolate covered pretzels, marshmallows, graham crackers, Rice Krispies treats
- Coated or uncoated nuts
- Dried pasta made with eggs
- Roasted coffee beans or ground roasted coffee
- Vanilla extract, and baked goods containing alcohol (e.g., Rum Balls) (all require licensing by the Michigan Liquor Control Commission)



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### Foods NOT Allowed Under Michigan's Cottage Food Law

*(not a complete list, please verify with your Market Manager)*

In Michigan, flavored oils offered for sale must be manufactured in approved, licensed establishments. If this requirement is met, and the vendor owns the licensed plant, no additional license is required at the farmers market to sell those products. If the vendor buys the products on the open market for resale at the farmers market, a food establishment license is required.

Potentially hazardous foods that require time and/or temperature control for safety are NOT ALLOWED to be produced in a home kitchen and must be produced in a licensed kitchen. Examples include:

- Meat and meat products like fresh and dried meats (jerky)
- Fish and fish products like smoked fish
- Raw seed sprouts
- Vegetable jams/jellies (e.g., hot pepper jelly)
- Canned fruits or vegetables like salsa or canned peaches
- Canned fruit or vegetable butters like pumpkin or apple butter
- Canned pickled products like corn relish, pickles or sauerkraut
- Pies or cakes that require refrigeration to assure safety like banana cream, pumpkin, lemon meringue or custard pies; cheesecake; and cakes with glaze or frosting that requires refrigeration (e.g., cream cheese frosting)
- Milk and dairy products like cheese or yogurt
- Cut melons
- Caramel apples
- Hummus
- Garlic or Herbs in oil mixtures
- All beverages, including fruit/vegetable juices, Kombucha tea, and apple cider
- Ice and ice products
- Cut tomatoes or chopped/shredded leafy greens
- Confections that contain alcohol, like truffles or liqueur-filled chocolates
- Focaccia style breads with fresh vegetables and/or cheeses
- Food products made from fresh cut tomatoes, cut melons or cut leafy greens
- Food products made with cooked vegetable products that are not canned
- Sauces and condiments, including barbeque sauce, hot sauce, ketchup, or mustard
- Salad dressings
- Pet food or treats



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### **The Cottage Food Label:**

Your labels **MUST** meet these requirements. Inadequate labeling will require your product to be removed from the Market. Submitting a sample label ahead of time to the Market Manager can help assure that your label is produced according to MDARD requirements.

#### **The basic information that must be on the label is as follows:**

- Name and physical address of the Cottage Food operation (You must use the physical address of your home kitchen; Post Office Box addresses are not adequate).
- 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, please see the label below for further examples.
- 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 home kitchen that has not been inspected by the Michigan Department of Agriculture & Rural Development" in at least the equivalent of 11 point font (about 1/8" tall) and in a color that provides a clear contrast to the background (All capital letters or upper/lower case are both acceptable).
- 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.



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### Sample Label

<p style="text-align: center;"><b>MADE IN A HOME KITCHEN</b></p> <p style="text-align: center;"><b>NOT INSPECTED BY THE MICHIGAN DEPARTMENT OF AGRICULTURE</b></p> <p style="text-align: center;"><b>Chocolate Chip Cookie</b></p> <p style="text-align: center;">Artie Pinkster 123 Foodstuff Lane Cookie City, MI 82682</p> <p style="text-align: center;">Ingredients: Enriched flour (Wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), soy lecithin (as an emulsifier), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda</p> <p style="text-align: center;">Contains: wheat, eggs, milk, soy, walnuts</p> <p style="text-align: center;">Net Wt. 3 oz</p>
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At a minimum all packaged food prepared under the Cottage Food Law must have the following on the package label.

- The statement printed in at least 11 point type (1/8<sup>th</sup> inch) **“MADE IN A HOME KITCHEN THAT HAS NOT BEEN INSPECTED BY THE MICHIGAN DEPARTMENT OF AGRICULTURE.”**
- The **name of the food**. Eg: “Chocolate Chip Cookie” or “Cinnamon Bread”
- **The complete name and address of the cottage food business** including name, street address, city, state and ZIP code. (PO Box is NOT allowed)
- The **ingredients in the cottage food product** beginning with the largest ingredient by weight and listing in descending order to the smallest ingredient by weight. You must also make sure you are listing all of the constituent ingredients of an ingredient. For example: if you list the ingredient “Chocolate Chips” then you must also list all of the ingredients contained in the chocolate chips in parenthesis after “chocolate chips”. Other important points to consider when listing ingredients are: stating whether any ingredients or flavorings are artificial or natural; listing all chemical preservatives and their function (e.g.: “preserved with sodium benzoate;” listing all sulfating agents in the product such as sodium metabisulfite or “sulfur dioxide;”) listing the source of all oils or shortening; (e.g.: canola oil, corn oil, lard and not just stating “vegetable oil).” You must also be sure to state the actual ingredients used and not say: “May contain \_\_\_\_\_”, and then list several different ingredients.



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- The **net weight or net volume of the product**. If something is either a solid or a thick product, then it would be sold by weight (e.g.: “Net Wt. 8 oz.” or “Net Wt. 2 lbs.” If the product is a liquid and an easily pourable food, then it would be sold by fluid ounce or volume (e.g.: “12 fl. oz.”, “1 qt.”, “32 fl. oz.”)
- Allergen **Labeling**. Eight common allergens cause 90 percent of all food allergies and must be listed on a packaged food label. These common allergens are: Wheat, Milk, Eggs, Soy, Tree Nuts (must state the specific nut), Peanuts, Fish (specific fish) and Crustacean Shell Fish (specific shell fish). These items or ingredients derived from these items must be stated using the common name and may be listed in the ingredient list statement or in a separate listing after the ingredient list. For example: “Contains: \_\_\_\_.” [Note: manufacturers must be particularly mindful of allergenic ingredients that do not bear the name of the allergen in the name of the ingredient, e.g.: wheat flour and not just “flour,” casein instead of milk casein, whey instead of milk whey or albumen instead of egg albumen.]
- Nutrition **Facts**. If any nutritional claim is made on the food label, then full Nutrition Facts labeling as required by federal law must be applied to the package label. Examples of nutritional claims include, “low sugar,” “low sodium,” “good source of calcium or fiber.”
- You also need to make sure all labeling is correct and truthful and avoid any statements that may be considered false and misleading. This is particularly important if you want to use the term “organic.” You should be aware the Federal Organic Foods Production Act and the Michigan Organic Products Act, PA 316 of 2000 require retail food establishments advertising as organic, labeling as organic, or making organic claims about a final product, their operation, or a particular part of their operation are required to be certified by a certifying agent who is registered to certify that production or handling operations are meeting organic standards. You should also be aware using these claims without certification may result in enforcement action being taken by either State or Federal authorities.