



# Cottage Food Frequently Asked Questions (FAQs)

## Contents

General: .....	1
Labeling:.....	1
Licensing, Inspections, and Approvals:.....	2
Products:.....	3
Sales Locations:.....	6

### General:

#### **Are there any special requirements regarding my home on-site well?**

Water used to produce food products should be from a potable source. If you have any concerns about the potability of your water source, please contact your local health department.

#### **Are there any concerns related to my home on-site wastewater (septic) system?**

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 cannot 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. If you have any concerns about your septic system, please contact your local health department.

### Labeling:

#### **Do I have to put a label on my cottage foods?**

Yes, you are required to label your cottage foods. See the example label in the Maryland Department of Health Guidelines for Cottage Food Businesses.

#### **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.

**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 complaint investigation, product recall, or traceback 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.

**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.

## **Licensing, Inspections, and Approvals:**

**Do I need a license for my cottage food business?**

By law, cottage food businesses do not require a retail food service facility license. However, some local jurisdictions may have local laws or ordinances that are more restrictive. A food service facility license may be required. Contact your local health department.

**Does my kitchen need to be inspected?**

No, a cottage food business do not require routine inspection; however, if a complaint or illness is reported the kitchen may be inspected by the local health department. The operator of the cottage food business must provide the Department with right of access for such investigations.

### **Will I need to meet local zoning or other laws?**

Yes. Cottage food operators should contact their local government (e.g. local health department, zoning department, etc.) to determine if there are additional ordinances and regulations that will impact their business. Note that it is possible, even in a state with a cottage food law, for a local city or town government to not allow home food production.

### **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?**

By law, cottage food businesses do not require a retail food service facility license. However, some local jurisdictions may have local laws or ordinances that are more restrictive. A food service facility license may be required. Contact your local health department.

### **Do I need to take food safety training?**

If you plan to sell cottage food products to a retail food store, you must complete a food safety training that is ANSI approved.

### **If a complaint is lodged against my business or product, does the local health department have the right to inspect my operation/facilities?**

If a complaint or illness is reported the kitchen may be inspected by the local health department. The operator of the cottage food business must provide the Department with right of access for such investigations.

## **Products:**

### **Why are some products not allowed to be made and sold under the guidance document?**

The cottage food guidance document allows food entrepreneurs to operate small food businesses and produce a variety of food products that are low risk from a food safety standpoint while protecting public health to the greatest extent possible. The allowable products list is based on the food safety risk level associated with certain types of food. People who operate a licensed and inspected food processing business have to meet certain requirements for training, food safety and handling. Since cottage food businesses are uninspected, it is necessary to limit food products allowed under the law to those that are considered low risk, or non-potentially hazardous.

### **Why are butter-based buttercream frostings, royal icing with meringue powder, and icings made with perishable ingredients not allowed as cottage food products?**

Butter-based buttercream frostings, royal icing, and icings made with perishable ingredients (e.g., milk, butter, reconstituted meringue powder, etc.) produce a final product with a variable water activity depending upon the recipe. If the water activity or available water in the product is above 0.85, the icing is perishable and capable of supporting bacterial growth that could make someone ill if the product is not maintained under refrigeration. This is why icings with perishable ingredients cannot be offered as a cottage food **unless** the product is tested by a certified food laboratory, and the recipe produces a final product that is non-potentially hazardous with a water activity of 0.85 or below. You may have your recipe tested by a certified food laboratory to determine if the final water activity of the product is 0.85 or below, which would make it

allowable under cottage foods. Without laboratory documentation that the frosting/icing has a water activity below 0.85, icings with perishable ingredients such as buttercream or royal icing cannot be sold as a cottage food product. Reminder: if your recipe or ingredients change, you would need to get your icing re-tested if any ingredients are perishable/potentially hazardous.

Royal Icing Note: Royal icing is typically made from egg whites. Egg whites from unpasteurized shell eggs cannot be used in cottage foods since the product is an icing that will not be heat treated to kill the pathogen of concern, salmonella, which could make someone ill when they consume it. Bakers often use meringue powder because the meringue powder contains egg whites that have been pasteurized or heat treated to kill salmonella. When water is added to reconstitute the meringue powder it becomes a perishable or potentially hazardous food.

Frostings and icings made with oils (shortening, lard, etc.) and other non-potentially hazardous ingredients, and commercially prepared icings that do not require refrigeration (i.e. are not labeled either "keep refrigerated" or "refrigerate after opening") are allowed as cottage food products.

**Can I make and sell wedding cakes and specialty cakes? What are the requirements for selling these types of cakes?**

All cottage food products must be produced in a home kitchen and pre-packaged with a complete label affixed to the box/package containing the product. If you are unable to pre-package and label the product, it cannot be offered as cottage food.

**Can I produce and sell cooked vegetable products, like salsas, tomato sauces, spaghetti sauces, or focaccia 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?**

Yes. You can roast and sell whole bean coffee, as long as you meet all of the provisions of the cottage food guidance document (labeling, storage, etc.); however, since further processing and beverages are not allowed under the cottage food guidance document, you may not sell ground or brewed coffee.

**Can I make and sell pumpkin butter, pear, or other fruit butters?**

Only fruit butters made from apple, apricot, grape, peach, plum, prune, and quince are allowed due to higher acidity (pH of 4.6 or below) of the natural fruit. No other fruit butter is allowed. Pumpkin, pear, and other butters have significantly less sugar, pectin levels, and a lower acidity, which may allow for the growth of *Clostridium botulinum*.

**Can I press and sell apple cider?**

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.

**Are honey and maple syrup covered under the guidance document?**

Unflavored Honey is considered a raw agricultural product that can also be packaged in the home kitchen under cottage food law. Maple syrup, and flavored honey, and creamed honey require an on-farm home processing license or a processing license.

**Can I make and sell dehydrated meat or poultry?**

No. Meat and poultry are a potentially hazardous food and are not allowed under the cottage food guidance document exemptions.

**Can I make and sell hard candies or lollipops?**

Yes. Hard candies, lollipops and peppermint candies are allowed under the cottage food guidance document, as long as they are pre-packaged and labeled correctly and completely.

**Can I use fresh, frozen, or canned low acid fruits (i.e., banana, papaya, persimmon, melons, etc. with a pH above 4.6) and vegetables in baked goods?**

No. Food products made from cut fresh low acid fruits or vegetables or food products made with cooked vegetable products are not allowed under cottage food law.

**Can I make and sell dry bread or “instant” bread mixes?**

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.

**What are the allowed parameters for a cottage food Business to use alcohol within their baked goods, etc.?**

In order to produce and sell cottage food products containing alcohol, contact the local liquor control board to determine what is needed to sell the product. You will also need to determine the alcohol percentage in each product. You can contact a food lab to obtain this information. You must comply with Health General §21-214, Annotated Code of Maryland if you offer a food product that is manufactured or sold that contains more than one-half of one percent of alcohol per volume.

**As a cottage food Business, can I pop kettle corn onsite at a farmer’s market (or public event) and then bag it onsite?**

Cottage food must be produced, pre-packaged, and labeled in the residence. Cottage foods cannot be produced onsite at a temporary event or farmer’s market. If the business wishes to produce foods onsite at a temporary event or farmer’s market, the business may obtain a temporary retail food service facility license from the local health department.

**Are pet treats covered in the guidance document?**

No. The cottage food guidance document applies to human grade food only.

Please contact the Maryland Department of Agriculture regarding the manufacture of dog treats/food.

<http://news.maryland.gov/mda/press-release/2017/01/20/maryland-department-of-agriculture-proposes-new-pet-food-regulations/>

Other links are below.

<http://mda.maryland.gov/Documents/15.18.09petfoodregs.pdf>

<http://mda.maryland.gov/Pages/Regulatory-Information-Center.aspx>

## **Sales Locations:**

**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?**

No, cottage food products can be sold at a *retail food store* (e.g., grocery store or food cooperative) as long as they are prepackaged and labeled correctly and completely.

**Can I sell cottage foods at a bake sale?**

Cottage food products can be sold at a bake sale **in conjunction with a fundraising event**. Bake sales do not include a place where a person sells baked goods for individual profit, from which food is commercially distributed, or where a potentially hazardous baked good is sold or distributed. The cottage food product must be pre-packaged with a complete label attached.

**Can I sell my cottage foods over the Internet?**

Cottage foods produced in Maryland can only be sold within the State. It is not permissible to distribute the products across State lines. You may advertise your cottage food products online and sell within the State of Maryland.

**Can I sell my cottage foods to a wholesaler, broker, or distributor?**

No. Under the regulations, it is not legal for a producer to sell to a wholesaler, broker, or distributor who would then resell the product. Cottage food products may be sold to a retail food store given that proper reviews are completed.

**What about providing my product to local wineries and other businesses? Can a CSA (Community Supported Agriculture) or Farm Market Stand offer products from cottage food Businesses?**

No. Cottage food businesses can only sell direct to the customer from their private residence, farmer's market, public event, through mail order, or by personal delivery within the State of Maryland or to retail food stores in the State of Maryland.