

Cottage Foods

SC Department of Agriculture Exemption: *Frequently Asked Questions*

What is a Cottage Food Operation?

A cottage food operation is a home-based food operation that operates out of an individual's dwelling that prepares, packages, stores and distributes non-potentially hazardous foods to a person.

What is covered under the Cottage Bill (SC 44-1-143 H)?

Non-potentially hazardous baked goods and candy that are sold directly to the end consumer are covered under this bill. These foods cannot be sold for re-sale/wholesale. Examples of these type products are: *baked cookies, baked cakes, baked breads**, *baked high-acid fruit pies (apple, apricot, grape, peach, plum, quince, orange, nectarine, blackberry, raspberry, boysenberry, cherry, cranberry, strawberry, red currants) and candy.*

**Moist quick breads like zucchini, pumpkin & banana may be potentially hazardous.*

What is a potentially hazardous food in South Carolina?

This bill defines a 'Potentially hazardous foods' as:

(a) an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts; cut melons; cut leafy greens; cut tomatoes or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation; garlic-in-oil mixtures not modified to prevent microorganism growth or toxin formation;

(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and water activity (A_w) values in these foods. Below is a table indicating the interaction of pH and A_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged:

Aw values	pH values		
	4.6 or less	>4.6 - 5.6	>5.6
(1) <0.92	non-PHF	non-PHF	non-PHF
(2) >0.92 - 0.95	non-PHF	non-PHF	PHF
(3) >0.95	non-PHF	PHF	PHF

Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Drug Administration Food Code.

Examples of potentially hazardous baked goods include, but are not limited to *pumpkin pie, sweet potato pie, cheese cake, custard pies, cream pies, pastries with potentially hazardous toppings or fillings.*

Does my product have to be labeled?

Yes, all food items packaged at the operation for sale must be properly labeled in compliance with federal laws and regulations. Labels must include:

- Name and address of the home-based food operation
- Name of the product being sold
- Complete ingredient list (including all allergens)
- A net wt. in customary and metric measurements
- A conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads ***“Not for Resale – Processed and prepared by a home-based food production operation that is not subject to South Carolina’s Food Safety Regulations.”***

For more help with labeling, please go to

<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=101>

Do I need to apply for an exemption from the SC Department of Agriculture?

You will need to apply for an exemption from inspection and label review if you intend to manufacture your products at home and sell to the end consumer at locations other than where the products were made. This includes farmers markets, flea markets and other similar direct-to-consumer venues. An application for exemption can be found on the SC Department of Agriculture website at

<http://agriculture.sc.gov/forms>

Custom, made-to-order or special-order products do not fall under the jurisdiction of the SC Department of Agriculture. Some examples of these type products include, but is not limited to: wedding cakes, birthday cakes, shower cakes, etc.

Do I qualify for an exemption from the SC Department of Agriculture?

In order to qualify for an exemption from the SC Department of Agriculture, you must:

- Only produce non-hazardous baked goods and candy. See above - *What is covered under the Cottage Bill?*
- Sell no more than \$15,000 per year.
- Sell only to the end consumer.

My product is not listed, how do I determine if it is non-potentially hazardous?

A product analysis to determine interaction of pH and water activity (Aw) will be required in order to exempt any product not listed above. Please contact Kimberly Baker, kabaker@clermson.edu (864-376-4031) or NC State (919.513.2090) or a commercial laboratory for analysis. Analysis will be at the expense of the cottage food operation.

The text of the full Cottage Bill (SC 44-1-143 H) can be found at:

http://www.scstatehouse.gov/sess119_2011-2012/bills/4689.htm