THE SC HOME FOOD PRODUCTION LAW - OBSERVED AREAS OF NONCOMPLIANCE AND STRATEGIES TO PROMOTE COMPLIANCE

Kimberly Baker, PhD, RD, LD

Assistant Extension Specialist

Food Systems and Safety Program Team Director

SC Home-based Food Production Law

- Non-potentially hazardous foods
- Produced in home kitchen
- Not regulated
- Can sell retail or direct to consumer if following law
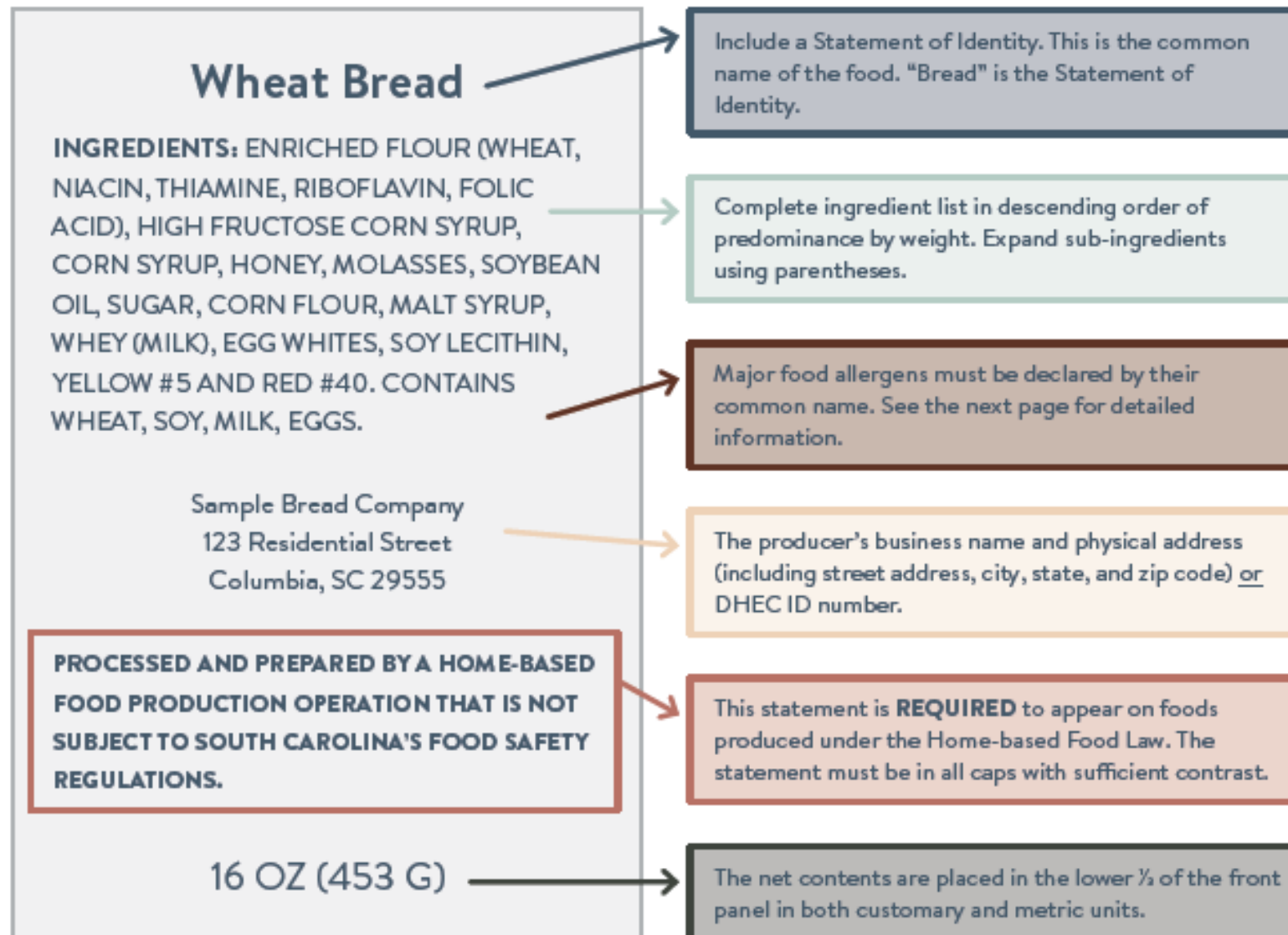
Label Requirements

- Name and address of home-based food operation OR DHEC identification number

- Standard name of the product

- Ingredients in the product in descending order of predominance by weight

- Advisory statement printed in all capital letters and in a color that provides a clear contrast to the background

> PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS.

SAMPLE LABEL

Wheat Bread

INGREDIENTS: ENRICHED FLOUR (WHEAT, NIACIN, THIAMINE, RIBOFLAVIN, FOLIC ACID), HIGH FRUCTOSE CORN SYRUP, CORN SYRUP, HONEY, MOLASSES, SOYBEAN OIL, SUGAR, CORN FLOUR, MALT SYRUP, WHEY (MILK), EGG WHITES, SOY LECITHIN, YELLOW #5 AND RED #40. CONTAINS WHEAT, SOY, MILK, EGGS.

Sample Bread Company
123 Residential Street
Columbia, SC 29555

PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS.

16 OZ (453 G)

Include a Statement of Identity. This is the common name of the food. "Bread" is the Statement of Identity.

Complete ingredient list in descending order of predominance by weight. Expand sub-ingredients using parentheses.

Major food allergens must be declared by their common name. See the next page for detailed information.

The producer's business name and physical address (including street address, city, state, and zip code) or DHEC ID number.

This statement is **REQUIRED** to appear on foods produced under the Home-based Food Law. The statement must be in all caps with sufficient contrast.

The net contents are placed in the lower ⅓ of the front panel in both customary and metric units.

Requirements for Selling Direct to Consumer

- Includes on-line and mail-order to SC addresses only.
- Product must be individually packaged and labeled according to the SCHBFPL.

Requirements for Selling Retail

- Product must be individually packaged and labeled according to the SCHBFPL.
- Store must clearly post a sign indicating that the home-based food products are not subject to commercial regulations.

Requirements for Selling on Restaurant Menu

- Home-based food may not be served or used as an ingredient in a retail food restaurant without a variance approved by DHEC.

- The variance is required to state how the customer will be informed as required by the law that the food or ingredient used in a food served was prepared in a home kitchen.

Key Guidance Document Updates

- Updated FAQ (Appendix G)

Can I sell have online sales to other states?

SC 44-1-143 (Cottage Law) is only applicable to sales intrastate. You can sell online for delivery to South Carolina addresses. Products that cross state lines are subject to FDA regulations. If a customer comes to SC to make a purchase and takes the product across the state line, that is out of the control of the seller, thus allowed.

Key Guidance Document Updates

- New FAQ (Appendix G)

Why can fruit be used in some products, but not in others?

Pies, pastries, and similar baked goods that have large amounts of sugar as part of the fruit filling have significantly reduced water content. The high sugar content reduces water activity which prevents bacterial growth. That reduced free water content and the acidity of the allowed fruits maintains the safety of those products. Fruit added to products such as muffins does not have the benefit of reduced water content—the pieces of fruit act as reservoirs of water that could support bacterial growth.

Key Guidance Document Updates

• New FAQ (Appendix G)

Can I sell food that is sliced and/or served onsite that was prepared in a home kitchen?

No, foods prepared in a home kitchen must be packaged. You cannot serve on napkins or add toppings on site without a permit as a retail food establishment. You can have a display but the product you sell must be packaged and labeled at the home kitchen.

Key Guidance Document Updates

- New (Appendix I)

APPENDIX I

Sourdough Bread and Starter

Starter used to make the bread should originate from a commercial culture and should be replaced with a new commercial culture every fourth generation. See graphic on page 43.

One generation of a starter is from the initial mixing of the flour and water until the time the starter is divided to make bread. The second generation then begins with the portion that is then fed until the starter is divided again to make bread. You would continue this process through the 4th generation. The first starter can be sub-divided into smaller portions in order to allow for larger bread batches (refer to graphic below). Starters are limited to four generations to limit pathogenic pathogens during the backslopping process.

Sourdough starter, in any form, is not allowed to be produced in a home kitchen for sales to the public. This includes fresh, refrigerated, dehydrated, and freeze-dried. If you are planning to sell a sourdough starter in any form then you will be selling wholesale, which requires a permit (Registration Verification Certificate or RVC) from the SC Department of Agriculture. This also requires:

1. Producing in an approved kitchen.

2. If dehydrated or freeze-dried, having water activity tested to ensure your process dehydrates the starter to a safe level that pathogens cannot grow.

3. Comply with FDA labeling guidelines and have products' label reviewed by SCDA. fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm

4. Apply for your RVC with SCDA.

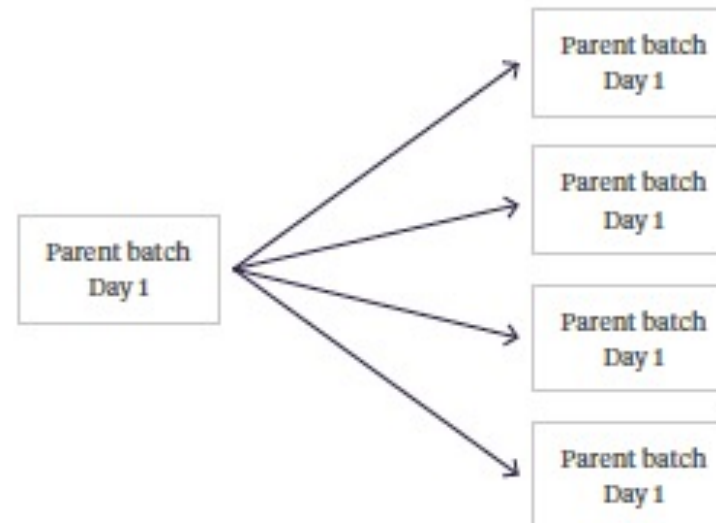5. Comply with regular inspections.

Key Guidance Document Updates

- New (Appendix I)

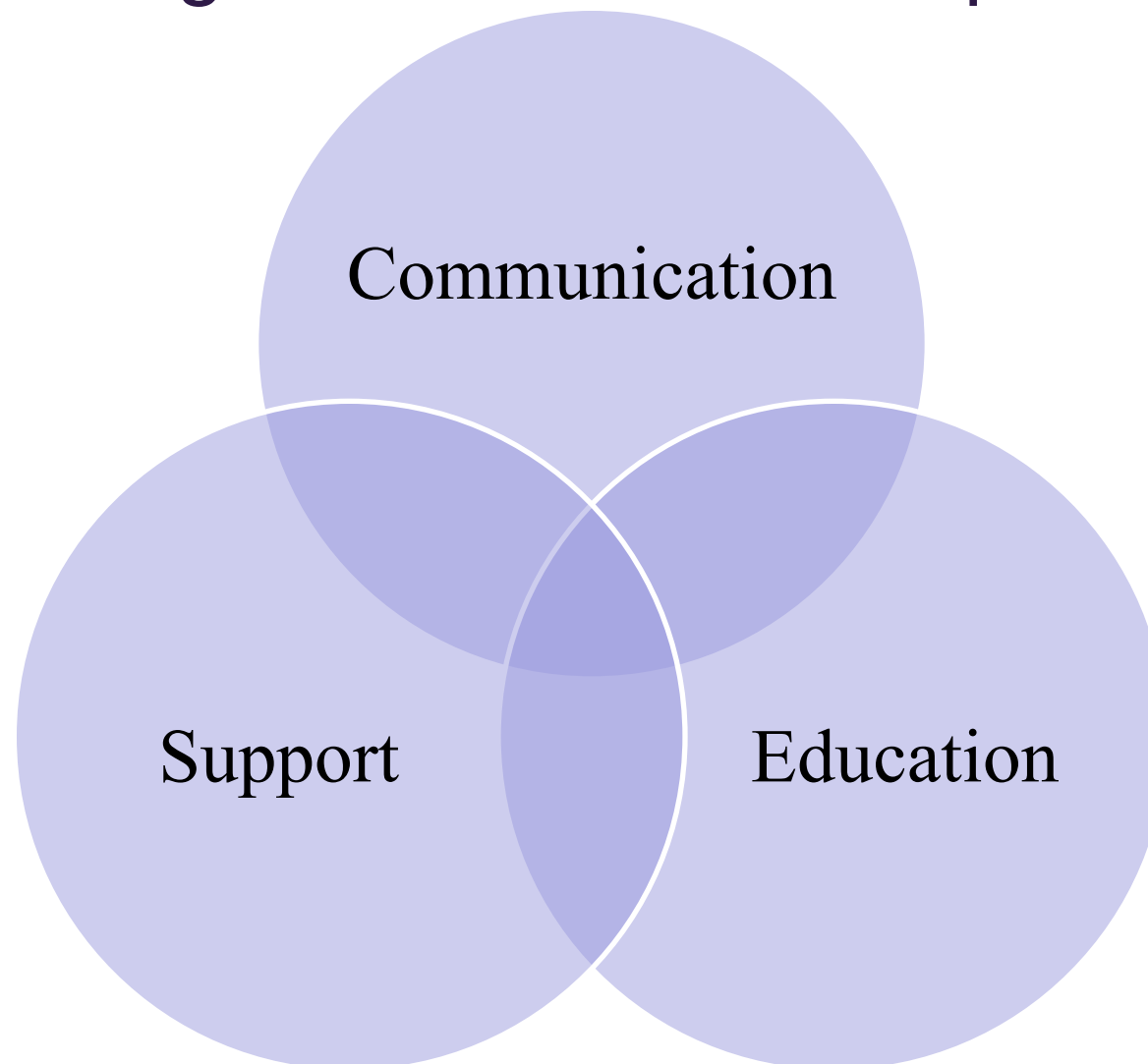## Propagating Fermentation Batches

Recommended

Each subsample of the parent batch is date marked with the parent date and is stored under refrigeration until needed.
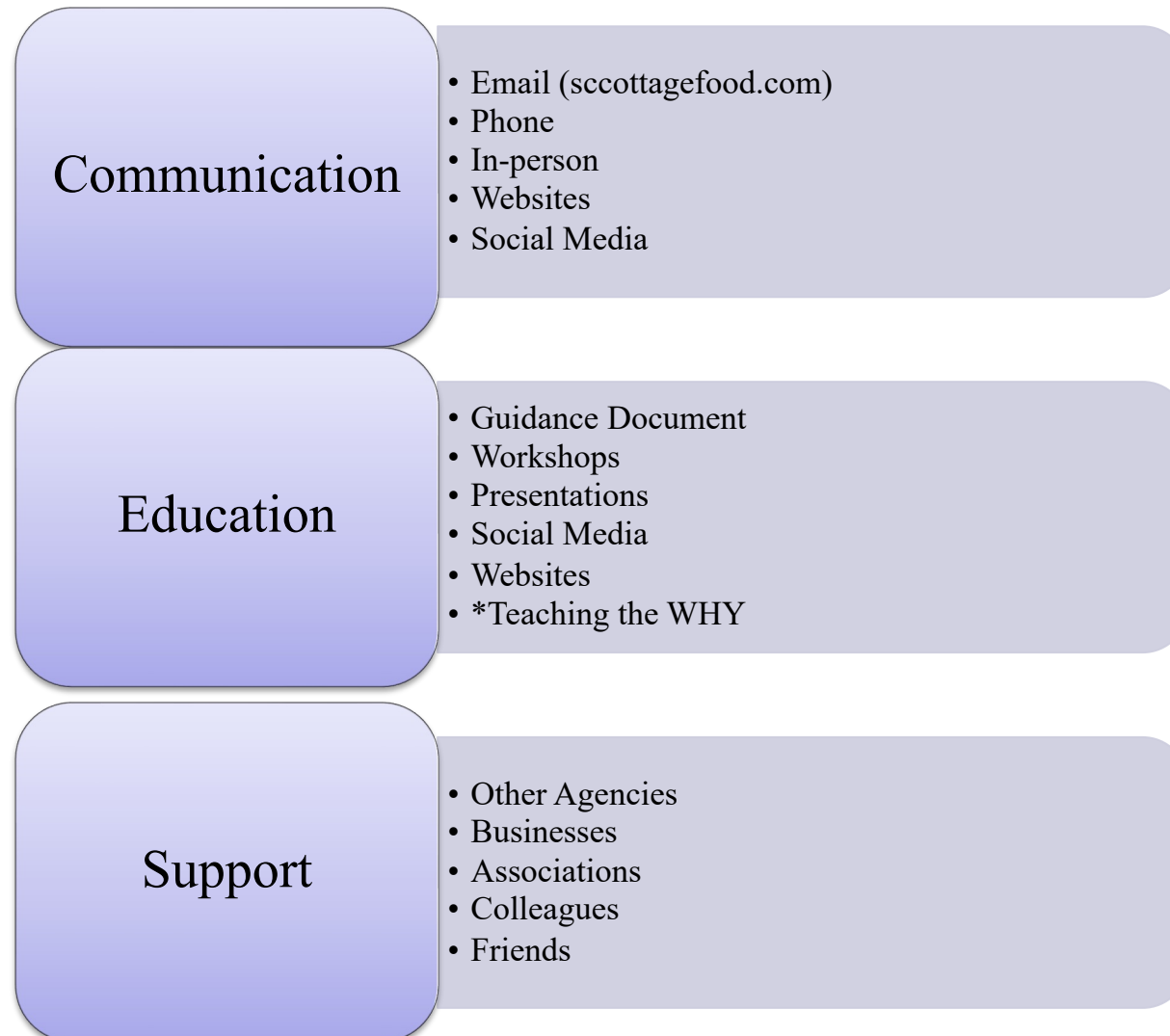
Strategies to Promote Compliance

Communication

Support

Education

Strategies to Promote Compliance

Communication
- Email (sccottagefood.com)
- Phone
- In-person
- Websites
- Social Media

Education
- Guidance Document
- Workshops
- Presentations
- Social Media
- Websites
- *Teaching the WHY

Support
- Other Agencies
- Businesses
- Associations
- Colleagues
- Friends