



# Interested in buying food from an unconventional source?



**Q:** I've seen posts on social media by people selling meals that look delicious! What do I need to know before buying food made in someone's home, backyard, or other uninspected location?

**A:** Social media outlets do not verify if a seller is operating legally or safely. It's up to you to ask the right questions of the seller. SCDA can't patrol the internet for illegal food vendors.

You are putting your health at risk if you buy from an uninspected source any foods that require time or temperature control to be safe. The seller may not have adequate knowledge or equipment to produce these foods. For example, home refrigerators are not designed to quickly or properly cool large amounts of cooked foods, which is critical for preventing foodborne illness. Sellers may not know that they should check cooking temperatures to ensure that all parts of a large piece of meat are cooked to the proper temperature to kill the bacteria in that type of raw meat. The food could be contaminated after cooking by pets, children, or others that can be in an uninspected kitchen.

*More information →*



## Q: What can be legally and safely sold from an uninspected home?

**A:** State law requires that most food sold to the public come from either a Retail Food Establishment or a registered Wholesale Food Manufacturer. Neither of these laws/regulations allow for a home kitchen to be permitted or licensed. However, a Retail Food Establishment may be located at a private dwelling (home) provided it is a separate kitchen from the one used by the people living there and that it meets the requirement of SCDA Regulation 61-25, Retail Food Establishments.

There are exceptions to the requirement for retail food sales. The Home-based Food Production Law, also commonly referred to as the “Cottage Law” allows for certain foods to be sold without inspection or a permit. These foods are referred to as “non-potentially hazardous foods” and are also called “non-time/temperature control for food safety foods” (non-TCS) foods. These are generally baked goods (without cream fillings), candies, cookies, and most breads. The foods must be made and packaged in the home kitchen and must be labeled as per the law that they were made in an uninspected kitchen: ‘PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA’S FOOD SAFETY REGULATIONS.’ See the [Home-based Food Production Law Guide](#) for the full details.

The following foods are exempted due to being either non-TCS or using a low-risk process:

- Popcorn, cotton candy, candy apples
- Shaved ice/snow cones including snow cones or shaved ice served with pasteurized cold milk or cream from a non-reusable container
- Prepared soft drinks (includes “dirty sodas”)
- Beverages (includes lemonade & tea)
- Coffee or coffee-based beverages served with pasteurized milk or cream prepared and served either heated or cold
- Beverages (such as smoothies) individually prepared upon consumer’s request from a commercially pre-
- packaged powdered mix with no additional ingredients that are TCS, and served in a single service cup
- Nachos with heated cheese product
- Commercially dehydrated pre-packaged pork skins
- Pre-formed or prepared pretzels that require baking or warming only
- Jams, jellies, preserves, and dried fruits
- Dry herbs, seasonings, and mixtures
- Vinegar and flavored vinegars
- Commercially pre-packaged, pre-cut frozen french fries
- Salt boiled peanuts
- Boiled or grilled corn
- Waffle or pancake mix that is commercially pre-packaged and dispensed from self-serve units for service not to exceed four (4) hours in duration
- Funnel cakes, mini-donuts, or similar type products prepared from a single unit having no more than three fryers. Mixed batters shall not be held out of temperature more than four (4) hours.
- Other Department-approved non-time/temperature control for safety foods that use a low-risk food process

## Q: How can I tell if a food in a social media post is legal and safe?

**A:** You can ask the person if they have a retail food establishment permit and if they say yes, you can ask them to provide you with a picture of their SCDA food grade decal. Or, ask them for the permitted name of their establishment so you can look at their last inspection on the SCDA [Food Grades website](#).

Two final tips on buying safe food or meals:

1. A pull-behind cooker parked on the side of the road is not permitted as a legal mobile unit. Mobile units are fully enclosed if cooking onsite and will have a grade decal displayed.
2. Don’t buy meals from someone selling out of the truck of their car unless they are a delivery service for a permitted retail food establishment.

For more information, see the SCDA Retail Food Safety page at [agriculture.sc.gov/retail-food-safety](http://agriculture.sc.gov/retail-food-safety).



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South Carolina  
**DEPARTMENT OF AGRICULTURE**