

RETAIL FOOD ESTABLISHMENTS HOME-BASED FOOD PRODUCTION (COTTAGE LAW)

REGULATION 61-25: RETAIL FOOD ESTABLISHMENTS



South Carolina
DEPARTMENT OF
AGRICULTURE

FOODS ALLOWED*

- Shelf-stable cakes
- Shelf-stable cookies
- Shelf-stable cupcakes
- Dried herbs and spices
- Pie and pie fillings (high acid)
- Roasted nuts
- Sourdough bread (made with commercial sourdough starter)

FOODS NOT ALLOWED*

- Time/temperature controlled for safety foods (e.g. casseroles, meats, seafood, or ice cream)
- Bottled beverages
- Cheesecake
- Charcuterie boards
- Hot sauce and BBQ sauce

Making any food item that is not allowed will require a permit.

*See the [Home-based Food Production Law Guidance](#) for a more complete list of products.



WHAT IS HOME-BASED FOOD PRODUCTION?

Home-based food production, often referred to as “cottage food,” involves preparing non-potentially hazardous foods in a residential kitchen for sale directly to consumers or retail stores within South Carolina. Home-based food producers are **not** required to obtain a retail food permit from the South Carolina Department of Agriculture.

LABELING

All cottage food produced and sold must be properly labeled and comply with SC Law 44-1-143. The label must contain:

1. Name and address of the home-based food operation or **SCDA Home-based Food ID number**.
2. The standard name of the product.
3. The ingredients in the product in descending order of predominance by weight.
4. A statement printed in all capital letters and in a color that provides a clear contrast to the background that reads:

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

No health claims may be made in association with foods produced in a home-based food operation.

REQUIREMENTS FOR RETAIL ESTABLISHMENTS

Retail food establishments can sell cottage food in its original packaging from the home-based food producer. Retail establishments must clearly post a sign indicating that the home-based food products are not subject to commercial food regulations that reads:

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

Home-based food may be served or used as an ingredient in a retail food establishment (restaurant) with a **variance approved by SCDA**.

The operator of the retail food establishment is required to submit a variance proposal stating how the consumer will be informed that the food or ingredient was prepared in a home-based food production operation. The consumer advisory must contain the above bolded statement about the food, or the ingredient.

ALLERGENS

The allergen statement must list each major allergen by name or include a disclaimer that the food may contain any major allergen.

The major food allergens are Wheat, Soy, Milk, Egg, Finfish[†], Crustacean Shellfish[†], Peanuts, Tree Nuts, and Sesame. If a home-based food item contains tree nuts, the specific type must be labeled in the allergen statement (e.g., walnuts, pecans, almonds, etc.).

[†]Not allowed as cottage food.