

Farmers' Market Class

How to be a Farmers' Market Vendor

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Everything Cottage Food Law

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Disclaimers & Credits

- The information provided in this presentation is designed to provide helpful information regarding Michigan Cottage Food Law and is true and complete to the best of our knowledge.
- Highland Farmers' Market and its affiliated organizations do not accept any responsibility for the accuracy, content, completeness, legality, or reliability of the information contained in this presentation.
- The information in this presentation has been gathered from www.Michigan.gov/mdard. Please visit this site for further information regarding Michigan Cottage Food Law.

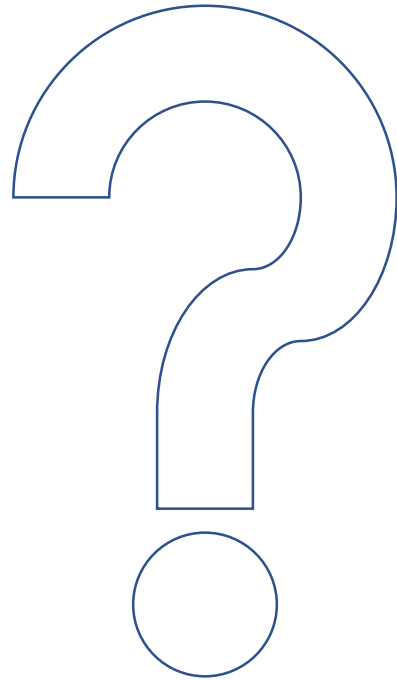
How to be a Market Vendor – 4 P's

- Plan
 - What will you sell?
 - What will you give away?
 - How will you present your product?
 - Budgeting your venture and creating your prices
 - Create a checklist for each market day
- Prepare
 - Plant/bake/create
 - Price & Package
 - Review your checklist
- Promote
 - Tell people about your venture
 - Post on social media
- Present
 - Show up at market!
 - You represent your product, clean up and dress nice
 - Set up an appealing market booth with easy-to-read signage

How to be a Market Vendor – Essentials

- Read, fill out and submit a market application for the season
- Licenses, etc. – review your product offerings to determine if you need an licenses, etc. (i.e. food service license)
- Sales tax – apply for sales tax license if you need one
- Accepting payments – decide if you will accept card payments; bring enough change for cash purchases
- Communicate with the market manager to coordinate your market stall

How to be a Market Vendor – Questions?



Cottage Food Law – What is it?

- Michigan Cottage Food Law was passed in 2010
- Permits anyone to produce food for sale from their home kitchen without requiring a food license
- Allow entrepreneurs to “test the water” without investing in a commercially licensed facility
- Specific requirements have been established to try prevent food-borne illnesses and to be able to track the source if need arises
- Cottage Food Law was developed for the health and safety of consumers

Cottage Food Law - Regulation

- Michigan Department of Agriculture and Rural Development
- Cottage food operations are exempt from inspections and licensing
- MDARD can visit and inspect any retail food operation at any time, including Cottage Food Law operations
- You do not need to apply to start a Cottage Food Law business. No licenses, registrations, or permits are required by MDARD
 - You may need to check zoning requirements in your local area

Cottage Food Law - Exemptions

- Fresh, whole, uncut fruits and vegetables are exempt from licensing and do not fall under Michigan Cottage Food Law
 - Safe handling to prevent contamination is required
 - De-stemmed lettuce and other greens fit under this category if they are undamaged and intact
- Eggs (see details further on in presentation)
- Maple Syrup & Honey (see details further on in presentation)
- Nonprofits do not operate under Cottage Food Law
 - However, all food sales are subject to all regulatory requirements

Cottage Food Law – Permitted Products

- “Non-potentially hazardous foods” are permitted for sale
- Foods that can be safely kept at room temperature, no refrigeration required

Cottage Food Law – Permitted Products

Examples List

- Breads
- Muffins & Quick Breads
- Baked goods
- Cookies
- Cakes
- Cooked fruit pies, including pie crusts made with butter, lard, or shortening
- Fruit jams and jellies in glass jars that can be stored at room temperature (except vegetable and other non-fruit based jams/jellies)
- Confections and candies (made without alcohol)
- Granola
- Dry herbs and dry herb mixtures
- Dry baking mixes
- Dry dip mixes
- Dry soup mixes
- Dehydrated vegetables or fruits
- Popcorn
- Cotton Candy
- Non-potentially hazardous dry bulk mixes sold wholesale can be repackaged into a Cottage Food product. Similar items already packaged and labeled for retail sale cannot be repackaged and/or relabeled.
- Chocolate covered pretzels, marshmallows, graham crackers, Rice Krispies treats, strawberries, pineapple, bananas, or other non-TCS foods
- Coated or uncoated nuts
- Dried pasta made with or without eggs
- Roasted coffee beans or ground roasted coffee
- Vinegar and flavored vinegars

Cottage Food Law – Prohibited Products

- Apple Cider
- Meat
- Poultry
- Flavored and/or infused oils (i.e. garlic or herbs in oil)
- Resale of purchased baked goods (i.e. buying bagels bulk and selling them in open containers at market)

Cottage Food Law – Prohibited Products

Examples List

- Meat and meat products
- Fish and fish products
- Raw seed sprouts
- Vegetable jams/jellies
- Canned fruits or vegetables like salsa
- Canned fruit or vegetable butters
- Canned pickled products
- Pies or cakes that require refrigeration to assure safety like banana cream, pumpkin, lemon meringue or custard pies; cheesecake; and cakes with glaze or frosting that requires refrigeration (e.g., cream cheese frosting)
- Milk and dairy products
- Cut fruits and vegetables
- Caramel apples
- Hummus
- Garlic in oil mixtures
- All beverages, including fruit/vegetable juices, Kombucha tea, and apple cider
- Ice and ice products
- Confections that contain alcohol, like truffles or liqueur-filled chocolates
- Focaccia style breads with fresh vegetables and/or cheeses
- Food products made from fresh cut tomatoes, cut melons or cut leafy greens
- Food products made with cooked vegetable products that are not canned
- Sauces and condiments
- Salad dressings
- Pet food or treats

Cottage Food Law - Production

- Food must be prepared in the producer's primary home kitchen, and it must be a single-family domestic residence (i.e. cannot use community kitchens)
- Products must be labeled in accordance with Michigan Cottage Food Law (see slide further on in presentation)
- Products must be packaged in accordance with Michigan Cottage Food Law
- Food Safety procedures must be followed (i.e. clean environment, hand washing, avoiding cross contamination)
- Ingredients and final products must be stored in the primary home residence
- Kitchen appliances do not need to be commercial grade or meet NSF standards

Cottage Food Law - Labels

- Name and physical address of the Cottage Food operation. (You must use the physical address of your home kitchen; Post Office Box addresses are not adequate).
- Name of the Cottage Food product
- Ingredients in descending order of predominance by weight. If you use a prepared item in your recipe, you must list the sub ingredients as well. For example: soy sauce is not acceptable, soy sauce (wheat, soybeans, salt).
- Net weight or net volume of the Cottage Food product (must also include the metric equivalent - conversion charts are available online).
- Allergen labeling as specified in federal labeling requirements.
- The following statement: "*Made in a home kitchen that has not been inspected by the Michigan Department of Agriculture & Rural Development*" in at least the equivalent of 11-point font (about 1/8" tall) and in a color that provides a clear contrast to the background (All capital letters or upper/lower case are both acceptable).
- Hand-printed labels are acceptable if they are clearly legible, written with durable, permanent ink, and printed large enough to equal the font size requirements listed above.

Cottage Food Law – Label Example

Rosenmunnar – Swedish Thumbprint Cookies

Ingredients: white flour, butter, sugar, strawberry jam
(strawberries, sugar, pectin, citric acid).

Contains: wheat

Net wt. 3.75 oz 108g

The Whole Berry – Sarina Siljander

1449 S. Milford Road, Suite C

Highland, MI 48356

Made in a home kitchen that has not been inspected by the
Michigan Department of Agriculture & Rural Development

Cottage Food Law - Sales

- Cottage Food Law sales cannot exceed \$25,000 in a year
- Products must be sold directly from the producer to the consumer
 - No sales to retail, resellers, wholesalers or restaurants
 - No online sales; advertising online is permitted
- Orders are permitted; however, the sale must be in person between producer and consumer
- You can only sell Michigan Cottage Food Law products in Michigan unless approved by other states' Cottage Food Law
- You may not produce your food in a primary residence that is outside of Michigan and sell under Michigan Cottage Food Law in Michigan

Cottage Food Law - Samples

- Use single service items (toothpicks, disposable utensils, etc.)
- Samples must be prepared in the kitchen prior to arriving at the market
 - i.e. cut cookies into pieces, place on tray, insert toothpicks, cover with plastic wrap, transport to market
- Food items must remain covered to avoid contamination
- Samples of fruits and vegetables must be prepared in advance in a licensed kitchen
- Samples must meet Cottage Food Law requirements (i.e. if you sell a dried herbs mix, you cannot add sour cream to it for sampling as sour cream is not a permissible Cottage Food Law product)

Cottage Food Law - MISC

- Donations of Cottage Food products can only be made directly by you to the consumer of the product
- Sales tax is not charged for whole, unprocessed foods (i.e. fruits and vegetables) or for food items purchased and eaten offsite (i.e. bakery items). Check with Michigan Department of Treasury for further information regarding Sales Tax requirements.

Eggs

- No specific requirements for egg producer selling directly to consumer
 - Cleaning, packing, and keeping eggs at 45F is recommended for food safety
- Wholesale is only permitted if the producer is a MDARD licensed processing establishment

Maple Syrup & Honey

- Maple syrup and honey do not fall under Michigan Cottage Food Law
- Gross sales less than \$15,000/year are exempt from licensing
- All Michigan Food Law requirements must still be met including:
 - Proper labeling
 - Sanitation
 - Building construct and design
 - Processing requirements
 - Employee hygiene
- Products can be sold wholesale to licensed retail food establishments for resale
- Labeling requirements for maple syrup and honey are the same as for Cottage Foods

Meat & Poultry & Fish

- Farmers who raise their own animals may sell their meat at a farmers market ONLY if the meat has been processed at a USDA inspected facility
- Small poultry farmers have the option to use an MDARD-inspected processing facility but MUST maintain a copy of the MDARD facility license with them at all time while selling
- All other meat and poultry sold at market must be from licensed producers
- Fish sold at market must be from a commercial fisherman or licensed producer
- Home processing and home canning of meat, poultry, and fish is not permitted under Cottage Food Law

Wild mushrooms, wild herbs, and other wild plants

- No MDARD license is required
- The seller shall qualify as an approved mushroom identification expert through successful completion of a wild mushroom foraging certification program recognized by the MDARD Food & Dairy Division.
- Each individual wild mushroom shall be inspected and identified by the recognized expert. Only those identified as safe may be sold.
- Each storage container of mushrooms shall be labeled with the scientific and common name of the mycological variety
- Written records that indicate the quantity, variety, expert identifier, and buyer of the mushrooms shall be retained by the packer for a period of not less than two years. These records shall be made available for MDARD examination, upon request.
- Wild mushrooms shall be handled and protected from contamination in accordance with all current state and federal regulations associated with the handling and processing of foods intended for human consumption.

Cottage Food Law – Questions?

