Cottage Food Production Operation

What is a Cottage Food Production Operation?

A "Cottage Food Production Operation" is defined in Chapter 3715 of the Ohio Revised Code to mean, a person who, **in the person's home**, produces food items that are not potentially hazardous foods, including bakery products, jams, jellies, candy, fruit butter, and similar products specified in rules. These foods must be labeled properly, or they will be considered misbranded or adulterated.

"Home" means the primary residence occupied by the residence's owner, on the condition that the residence contains only one stove or oven used for cooking, which may be a double oven, designed for common residence usage and not for a commercial usage, and that the stove or oven be operated in an ordinary kitchen within the residence.

What Foods are Permitted to be Manufactured for Sale or Distribution by a Cottage Food Production Operation?

Permitted foods are non-potentially hazardous bakery products (such as cookies, breads, brownies, cakes, fruit pies, etc.); candy (including no-bake cookies, chocolate covered pretzels or similar chocolate covered non-perishable items, jams; jellies; fruit butters; granola (including granola bars and granola bars dipped in candy); popcorn (including flavored popcorn, kettle corn, popcorn balls, caramel corn, but does not include un-popped popping corn); unfilled baked donuts; waffle cones; pizzelles; dry cereal and nut snack mixes with seasonings; roasted coffee (coffee may be whole beans or ground); dry baking mixes (for making items such as breads and cookies); dry herbs and dry herb blends; dry seasoning blends (such as dry barbecue rubs and seafood boils); dry tea blends; flavored honey; fruit chutney; maple sugar; and dry soup mixes containing commercially dried vegetables, beans grains, and seasoning.

What Foods are NOT Allowed to be Manufactured for Sale or Distribution by a Cottage Food Production Operation?

A "Cottage Food Production Operation" is **not** permitted to process acidified foods, low-acid canned foods, potentially hazardous foods or non-potentially hazardous foods not listed above. *Low acid food* means any food with a finished equilibrium pH greater than 4.6 and a water activity greater than 0.85. *Acidified food* means a low acid food to which acids or acid foods are added (Ex. Beans, cucumbers, cabbage, puddings, etc.). *Potentially hazardous food* means it requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms (Ex. Raw or cooked animal products, cooked vegetables, garlic in oil, cheese cakes, pumpkin pies, custard pies, cream pies, etc.)

What are the Requirements for the Labeling of Cottage Food Products?

A "Cottage Food Production Operation" is required to label all of their food products properly, which include the following information on the label of each unit of food product offered or distributed for sale:

1. Statement of Identity - the name of the food product;
2. Net Quantity of Contents - the net weight, in both U.S. Customary System and International System
3. Ingredient List - ingredients of the food product, listed in descending order of predominance by weight;
4. Statement of Responsibility - the name and address of the business;
5. The following statement in ten-point type: **"This Product is Home Produced."**

An ingredient that is or contains protein from a "major food allergen " must have the presence of the allergen declared by common name in the ingredient statement or by placing the word "Contains" followed by the name of each major food allergen present in the food. The "Contains" statement must be immediately after or adjacent to the ingredient statement. The "major food allergens" are milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans. The type of tree nut (e.g., almonds, walnuts, pecans, etc.), fish (e.g., anchovies), and crustacean shellfish (e.g., crab, lobster, shrimp, etc.) must be declared.

Note: If nutrient content claims (i.e. low fat, salt free, etc.) or health claims (i.e. may reduce heart disease) are made, the product must bear all required nutritional information in the form of the Nutrition Facts panel. All labeling components are to comply with 21 CFR Part 101, food labeling. The FDA Food Labeling Guide is an excellent resource of the proper labeling of food products. The web-address for the FDA Food Labeling Guide is:
https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm

What does the Statement "This Product is Home Produced" Mean?

The statement means that the food product was produced in a private home that is not subject to inspection by a food regulatory authority.

Where may Cottage Food Production Operations Sell Their Food Products?

Cottage Food Products may only be sold in Ohio. Cottage Food Products that are properly identified and labeled may be sold directly to the consumer from the home where the products are produced. They may also be sold through licensed grocery stores, registered farm markets, registered farmers markets, and sold and/or used in preparing food in a licensed restaurant. Cottage food may also be sold at festivals or celebrations, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days. Cottage Foods cannot be sold through a distributor.

Does a Cottage Food Production Operation Need to Acquire a License to Process and Package Food Products?

No. A "Cottage Food Production Operation" is exempt from inspection and licensing by the Ohio Department of Agriculture. However, all food products, including those produced and packaged by "Cottage Food Production Operations," are subject to food sampling conducted by the Ohio Department of Agriculture to determine if a food product is misbranded or adulterated.

Questions? Contact ODA Division of Food Safety; 1-800-282-1955 Ext 4366; E-mail: foodsafety@agri.ohio.gov