

# Cass County Health Department Farmers Market Policy

## 1. What is a Farmers Market?

A Farmers Market is a place where those who produce food locally congregate and sell the food to the public. Commonly the definitions include produce and some other limited items like eggs, meat, nuts and jams, jellies and honey and non-potentially hazardous baked goods. Other larger markets include other things and are usually in a permanent facility. Commonly, a Farmers Market has at least LOCAL produce and some other farm goods, SOLD BY THE PERSON OR FARM THAT PRODUCED IT, DIRECTLY TO THE PUBLIC.

## 2. When is a permit needed to sell at a Farmers Market?

**NO PERMIT** is needed for the following items:

- Produce (whole, uncut fruits and vegetables)
- Nuts in the shell
- Jams, jellies, apple butter, and regular honey (as long as they are properly labeled)
- Baked goods (as long as they are non-potentially hazardous, labeled, and sold by the person or farm that baked them).
- Whole Eggs (Must have Missouri Department of Agriculture Egg Permit and hold eggs at 45°F or less)
- Cheese (Must have been produced by the vendor. Vendor must have a valid permit issued by the Missouri State Milk Board. Must be packaged and properly labeled. Must meet refrigeration requirements for the type of cheese being sold)

### **PERMIT IS NEEDED:**

- Any meats not from an inspected processor and not in frozen state. (must also be USDA or Missouri Department of Agriculture certified, properly packaged and properly labeled and transported and held at required temperatures)
- Fish and fowl (must be properly labeled, and have any required state or federal permits and be transported and held at proper temperature)

- Cut Vegetables
- Cut or peeled fruits
- Salsa & relish and other canned foods
- Custard & meringue pies
- Any potential hazardous foods other than FROZEN MEATS and REFRIGERATED EGGS

The above items are what we generally think of as available at a Farmers Market with “produce only” being the most simple variation. **TO REPEAT: whole uncut produce is NOT REGULATED and NO PERMIT IS NEEDED in Cass County.**

### 3. Permit Required for Preparing and Selling Potentially Hazardous Foods

In the last year the department became aware of a number of individuals who want to **prepare** food and sell it at the markets. Items like hamburgers, hot dogs, omelets, popcorn, etc have been creeping in to some Farmers Markets. These items involve food handling during preparation. There are state and local laws regulating the source of the food being prepared and how it is stored, prepared, held for sale and handled.

This type of operation is no different than the food vendors and the products that are found at scores of festivals, fairs and other events in Cass County every spring, summer and fall. **THEY ARE REGULATED** and require either:

- **A Temporary Event Permit** and an inspection by the health department of the temporary operation, or;
- **Seasonal Permit** and an inspection by the health department; or;
- **Annual Permit** and an inspection by the health department;

### 4. Fees

The health department does not charge vendors fees. We only charge permit fees and ONLY when the particular vendor is handling, preparing and selling potentially hazardous food. Any concerns about Market Fees or rules are between the vendors and the market.

### 5. Inspection Frequency

All Farmers Markets in Cass County will be inspected with a regular food establishment inspection at least annually by Cass County Health Department’s Environmental Services. Farmers Markets may be inspected more frequently if goods sold are potentially hazardous and/or the establishment has repeat priority foundation items

## **6. Offering Samples**

Small food items such as berries should be washed before being given as samples. Larger items such as melons must be washed and cut in order to offer a small portion as a sample. This may be done off-site at an approved and inspected location, or it may be performed on-site if the vendor has hand washing facilities and an approved facility to wash, rinse, and sanitize the utensils and cutting board. Equipment for washing the produce prior to processing is also needed. The sampling should be done in a sanitary manner using toothpicks or individual cups. The public should never reach into a bulk container to get a sample. Potentially hazardous foods must be kept at a proper temperature or the vendor must use a process where time is used as the public health control. As part of the stand inspection, the inspector will need to determine where these products are processed and assure that the foods are presented for sampling or on display safely.

## **7. Annual Spring Farmers Market Masters Meeting**

Every spring, the Cass County Health Department Environmental Services will host an informal technical exchange Farmers Market Masters Meeting open to all farmers market masters in Cass County. Any new regulations impacting farmers market will be discussed. Farmers Market Masters contact information, hours of operation, and operation locations will be collected at the meeting.



## To sell or not to sell, that is the question

Selling products at a farmers market is almost an American tradition which has progressed from the sale of raw, unprocessed agricultural products to sometimes a full service food establishment and everything in between. People across the country are spending more and more money on farm fresh products every day, and the consumer expects quality food that is safe to eat. This is where the Missouri Department of Health and Senior Services (DHSS) steps into the picture.

DHSS is charged with the responsibility of assuring that retail food is safe for the consumer. This means that anytime a food is prepared, or otherwise handled, there are strict requirements regarding sanitation issues and food sources.

The Missouri 1999 Food Code states that some non-potentially hazardous foods such as jams, jellies, cookies, cakes and dry powder mixes may be produced and sold from a non-inspected [kitchen](#)<sup>1</sup>. This may only be done under sanitary conditions and the seller must be the person making the product and you are selling directly to the end consumer. For more information on this, contact the Missouri Department of Health and Senior Services, Food Safety Program at (573) 751-6095.

The following table may be used as a guide for what can and cannot be sold at a farmers market:

<b>Foods Ok to Sell Without Further Inspection</b>	<b>Foods that must be from an Approved/ Inspected Source</b>
Whole, uncut vegetables	Cut vegetables
Whole, uncut fruits	Cut or peeled fruits
Jams & jellies	Salsa & relish and other canned foods
Frozen meat from an inspected processor*	Any meat not from an inspected processor Meat not kept frozen
Dry baked good (cakes, cookies, brownies, fruit pies)	Custards and meringue pies
Eggs from a licensed source, ** refrigerated at 45°F	Any <a href="#">potentially-hazardous</a> <sup>2</sup> other than frozen meat and refrigerated eggs

\* Processors inspected by the USDA or Missouri Department of Agriculture

\*\*Egg licensing is done through the Missouri Department of Agriculture's Egg licensing group at (573) 751-2495.

<sup>1</sup> Some local jurisdictions may require permitting through their health department and we suggest you contact the local health department where the farmers market is located to determine what the local requirements may be. In addition, a local health department may have more restrictive code requirements. Be sure to ask the local health department about code requirements as well.

<sup>2</sup> A potentially-hazardous food is a food that can support the growth of harmful bacteria. These foods are typically protein rich such as meat, poultry, seafood, milk and eggs just to name a few. Contact your local health department if you are unsure about the safety of the food you are selling.

[www.dhss.mo.gov](http://www.dhss.mo.gov)

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Food preparation other than that listed above, such as cooking hamburgers, soups or offering samples to the public are considered food establishment functions and would require inspection and compliance with the Missouri 1999 Food Code.

## Temporary Food Service Guidelines

A food service establishment that operates for a period of not more than fourteen (14) consecutive days in conjunction with a single event or celebration is the focus of this pamphlet. Fairs and festivals or similar celebrations, as well as dinners or other events sponsored by organizations, serving food and open to the public, are all examples of temporary events.

Food service operators should have a basic understanding of how improper handling of Potentially Hazardous Foods (PHFs) and poor hygiene can cause a foodborne illness. PHFs are foods (such as meat or dairy products) that must be kept hot or cold because they are capable of supporting the rapid growth of bacteria that cause foodborne illnesses. By following these guidelines, temporary food service operators can minimize the possibility of a foodborne illness occurrence.

Temporary operations often require that the food service is set up out-of-doors or in locations where keeping foods safe and sanitary is challenging.

The following actions and equipment are recommended for all temporary food operations. ***Be aware that the local health department may make additional requirements beyond these guidelines.***

**PERMITS.** Check with your local health department about the requirement for a permit or an inspection.

**BOOTH.** The stand or booth should have overhead protection and in most cases, be fully enclosed. There may be openings for a serving window and a door for entry; however, the door is to be kept closed during operation. Screening material may be used for the walls, doors and serving window. The floor of the stand should be hard, smooth, and constructed of easily cleanable

materials. All food preparation, food storage and service are to be done within this enclosed area.

***Screening may not be necessary if flying insects or other pests are absent due to the location of the food stand, the weather, or other limiting factors. Asphalt, concrete, or plywood may be acceptable floor surfaces in temporary food stands.***

**HAND SINK.** Adequate hand washing facilities



consist of a handsink equipped with hot and cold running water, soap and paper towels. A temporary sink set-up can be made that consists of a vessel full of water with a spigot type dispenser, soap, paper towels, a wastebasket and a bucket to collect wastewater.

***Remember to wash hands: before starting or returning to work, after eating, smoking, or using the restroom, when changing duties, before putting on gloves and whenever hands become soiled. The use of gloves or hand sanitizers is not a substitute for handwashing.***

**BARE HAND CONTACT.** A food employee's bare hands may not touch ready-to-eat foods. Tongs, spatulas, deli tissues, or gloves must be used.

**FOOD.** All foods and beverages are to be prepared on-site or at a food establishment currently under inspection. It is a good idea to have a recent inspection document on hand. There are exceptions in place for religious, non-profit, and charitable groups, and small food processors allowing them to serve home prepared foods that are not, potentially hazardous. ***Check with the local health authority for specific rules.***

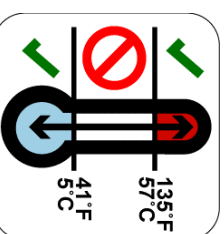
**COOKING.** An essential part of food safety is assuring that proper final cooking temperatures are

met. Proper cooking temperatures for some common foods are:

Chicken: 165° degrees  
Hamburgers: 155° degrees  
Pork: 145° degrees  
Fish/seafood: 145° degrees

***The carry over or reuse of foods from one day to the next is strongly discouraged.***

**HOT AND COLD HOLDING.** Sufficient



equipment that is capable of keeping foods hot and/or cold must be provided. Mechanical refrigeration or ice is needed for cold foods. Refrigerators and freezers should be clean and contain thermometers. Coolers must be cleanable and have a drain. Hot

holding units must be clean and contain a thermometer. ***Hot foods are kept at 135° F or hotter and cold foods are kept at 41° F or colder.***

**THERMOMETERS.** A metal-stemmed thermometer, which has a temperature range of 0°F to 220° F with increments no greater than 2° F, should be on hand to monitor cooking and holding temperatures. Glass-stemmed thermometers or mercury filled thermometers are not permitted.

**ICE.** Ice for use in beverages and as an ingredient is to be kept in a separate cooler, with no other food items. An ice scoop with a handle should be used to scoop ice to prevent bare hand contact with the ice. Ice shall be from a commercial source.

**WAREWASHING.** Warewashing may be done in a three-bin sink or temporary set-up using bus tubs. First, items should be washed in hot, soapy water. Second, they should be rinsed in clean, warm water. Third, they should be chemically sanitized in warm water with an approved sanitizer. Finally, the items should be air-dried.

**WATER.** Sufficient potable water needs to be on hand. If the unit is a mobile temporary stand, the

tank is to be constructed of a durable, corrosion resistant material that is easily cleanable. Vents, inlets and outlets should be screened, or positioned so that they are protected from contaminants. Prior to use or after repair, the tank and system should be flushed and sanitized. ***Consult the local health authority regarding testing of the water.***

**WASTEWATER.** Wastewater needs to be disposed of through an approved sanitary sewage system. Do not dump wastewater on the ground or in the street. Mobile units equipped with a holding tank, must be sized fifteen (15) percent larger than the water supply tank.

**CONDIMENTS.** It is best to have condiments or other consumer food toppings in individual packets, squeeze bottles or bulk dispensers with plungers.

**STORAGE.** All foods and single-use or service articles—paper plates, cups and lids—should be stored at least six (6) inches above the floor or ground and protected from contamination.

**SANITIZER AND WIPING CLOTHS.** An approved sanitizer should be provided (chlorine or quaternary ammonium compounds, or iodine). Wiping cloths should be stored in the sanitizer when not in use. ***When using bleach to sanitize, mix one teaspoon of unscented bleach to each gallon of water.***



**HAIR RESTRAINT.** Food vendors should wear hats, scarves, visors or hairnets that are designed and worn to effectively keep hair from contacting exposed food.

**LIGHTS.** Lighting in the stand must be adequate in the food preparation, storage, and serviced areas. Lights need to be plastic coated or shielded to guard against breakage into open food.

**TRASH.** Trash must be handled in a manner so that it does not create a nuisance or acts as an attractant to pests. The container should be covered when full or not in constant use. Solid waste is to be disposed of properly.

**TOXICS.** Cleaning solutions, sanitizers or other toxic items must be stored separately from foods, single-use and service items, and food contact surfaces. These same items need to be properly labeled. Over-the-counter insecticides not rated for use in or around a food establishment should not be used.

**EATING, DRINKING AND SMOKING.** Eating and tobacco use are not allowed in food stands. A closed drink cup with a lid and a straw is allowed, if spilling or dripping onto exposed food, clean equipment, utensils, and linens, or single-use articles will not occur.

#### **FOOD AND NON-FOOD CONTACT SURFACES.**

Food preparation and equipment surfaces should be smooth, easily cleanable and durable.

**ILLNESS RESTRICTIONS.** An individual who has any type of wound infection, or who has a communicable illness that could be transmitted through food shall not be allowed to work in the food stand.

**AUTHORIZED PERSONNEL.** Only those individuals working as booth vendors, food handlers, or those who have duties directly related to the operation are allowed in the food booth.

**FOODS STORED IN ICE.** Packaged and unpackaged foods and bottled or canned beverages

may not be stored in direct contact with undrained ice or water.

**TRANSPORTATION.** When food needs to be transported from one location to another, keep it well covered and provide adequate temperature controls. Use refrigerated trucks or insulated containers to keep foods hot and/or cold.

#### **REMEMBER TO WASH YOUR HANDS PROPERLY.**

Use soap and water.

Rub your hands vigorously as you wash them.

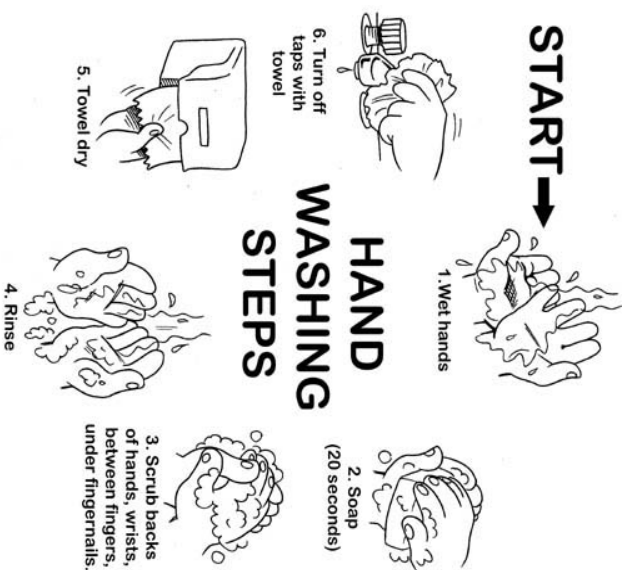
Wash:

- > backs of hands
- > wrists
- > between fingers
- > around and under fingernails

Rinse your hands well.

Dry hands with a paper towel.

Turn off the water using paper towel instead of your bare hands.



The preceding guidelines can be found and are more thoroughly referenced in the 1999 Missouri Food Code, 19 CSR 20-1.025 Sanitation of Food Establishments. They are also available at <http://www.dhss.mo.gov/FoodSafety/>. Click on "Missouri Food Code".

Distributed by:

**Missouri Department of Health  
& Senior Services**  
Bureau of Environmental Regulations  
& Licensure  
P. O. Box 570, Jefferson City, MO 65102-0570  
(573) 751-6111

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# GUIDELINES FOR TEMPORARY FOOD EVENTS



## FISH

Commercially harvested fish may be sold at farmer's markets.

- The fish should be maintained at proper temperatures and cannot be adulterated.
- The vendor should be able to show their commercial fishing license if asked at the time of inspection.

## EGGS

Vendors selling eggs at farmer's markets

must have a retailer's license and a dealer's license from MDA. The licenses cover hen eggs. Eggs from other species of birds cannot be mixed with chicken eggs. Eggs from birds other than chickens must come from a DHSS inspected facility.

- Eggs should look clean.
- Egg cartons should have the name and address of the producer.
- Eggs must be held at a temperature below 45°F at the farmer's market.

Contact your local public health agency at:



Missouri Department of Health and Senior Services

Bureau of Environmental Health Services

P.O. Box 570

Jefferson City, MO 65102-0570

573-751-6095

[health.mo.gov/safety/foodsafety/index.php](http://health.mo.gov/safety/foodsafety/index.php)

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Specifics about egg licensing and fees can be found at [mda.mo.gov/weights/device/egglc.php](http://mda.mo.gov/weights/device/egglc.php).

## DAIRY PRODUCTS

Unpasteurized milk cannot be sold in retail food establishments; therefore, unpasteurized milk cannot be sold at a farmer's market. This applies to fluid milk and cream.

All dairy products including milk, cheese, yogurt, cottage cheese, butter, sour cream, etc., must be produced in a State Milk Board regulated facility. The packaging of these items must be intact and the proper temperatures maintained.

## FOODSERVICE OPERATIONS

Some farmer's markets allow food vendors to sell prepared foods. These operations meet the definition of a "food establishment" in the Missouri Food Code. The following requirements must be met for each vendor:

- Protection for food from environmental contaminants and pests. Normally, these are not permanent fixed facilities but they do require enclosures in order to operate.
- Have hot and cold running water.
- Hand washing facilities.
- Three-compartment sink or alternate process.
- Facilities for holding foods hot and cold (if applicable).
- Safe and adequate water supply.
- Sanitary wastewater disposal.

- Convenient access to a toilet.
- A smoker/grill for a temporary food operation would require overhead protection but generally not a screened enclosure.

## ADDITIONAL RESOURCES

### Meat and Poultry Products

USDA, 785-841-5600, [usda.gov](http://usda.gov) or Missouri Department of Agriculture, 573-751-4762, [mda.mo.gov](http://mda.mo.gov)

### Milk or Other Dairy Processes

Missouri State Milk Board, 573-751-3830, [mda.mo.gov/animals/milk](http://mda.mo.gov/animals/milk)

**Seafood** (freshwater or saltwater)  
Food and Drug Administration,  
888-723-3366, [fda.gov](http://fda.gov)

### Agricultural Products

Missouri Department of Agriculture,  
573-751-4762, [mda.mo.gov](http://mda.mo.gov)

### Acidified Foods

Missouri Department of Health and Senior Services, 573-751-6095, [health.mo.gov](http://health.mo.gov)

### Ice Cream

Missouri Department of Health and Senior Services, 573-751-6095, [health.mo.gov](http://health.mo.gov)

### DHSS Brochures

- Jams/Jellies/Honey and Baked Goods
- Salsa and other Acidified Foods
- Guidelines for Temporary Food Events
- Food Processing



*Guidelines for Food  
Operations at*

**Farmer's Markets**

Missouri Department of Health and Senior Services



# Farmer's Market Products

## WHAT YOU NEED TO KNOW

An increase in demand for locally grown produce and food products has led to a substantial growth in the amount of food being sold at farmer's markets. Today many farmer's markets resemble an outdoor bazaar with fruits, vegetables, prepared foods, arts and crafts and a wide variety of other items offered for sale.

No matter what the setting, the Missouri Department of Health and Senior Services (DHSS) is responsible for food safety for the public. DHSS further provides for food safety education through the enforcement of the current Food Code and regulations concerning good manufacturing practices. Some local public health agencies (LPHA) have adopted regulations regarding retail food sales that may be more stringent than state requirements.

In the following sections, requirements are outlined for foods commonly found at farmer's markets. Always check with the LPHA in the area of your farmer's market for additional requirements.

## FRUITS AND VEGETABLES

Unprocessed whole fruits and vegetables, in-shell nuts and other whole agricultural products can be sold at a farmer's market without inspection.

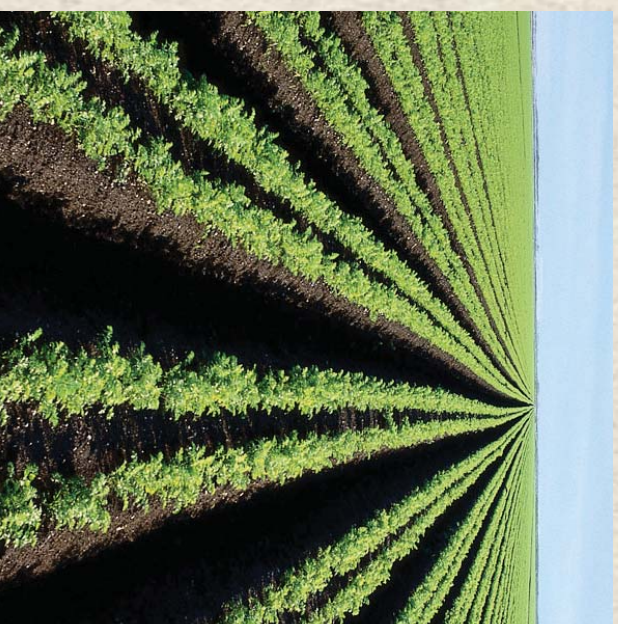
These foods should be stored and displayed so they are protected from contamination. Store them off of the ground and protected from rain or other environmental contaminants.

Sprouted seeds and wild harvested mushrooms are **NOT** allowed for sale at a farmer's market without prior approval from the appropriate health agency.

## GOOD AGRICULTURAL PRACTICES

Vendors that are also growers are encouraged to know, understand and apply "good agricultural practices" (GAP). An excellent free GAP guideline is available from Cornell University at [gaps.cornell.edu/FSBFEng.html](http://gaps.cornell.edu/FSBFEng.html). The GAP guideline's focus is to assure safe and unadulterated products through best practices and recommendations regarding the use of agricultural chemicals, manure as a fertilizer, and on-farm sanitation practices.

Another online tool, part of FamilyFarmed.org's On-Farm Food Safety Project, was developed by a broad coalition of farm and produce industry partners. It is available at [onfarmfoodsafety.org](http://onfarmfoodsafety.org).



# Requirements for Foods Found at Farmer's Markets

## PROCESSING FRUITS & VEGETABLES

An inspected and approved facility must be used to process fruits and vegetables. Examples of processing include cutting corn kernels from the ear, slicing tomatoes, canning and salsa production.

## SAMPLES OF FRUITS & VEGETABLES

Vendors can provide customers a sample of their products if it is done correctly.

- Small items, such as blueberries or strawberries, should be washed before being given as samples.
- Larger items like peaches, cantaloupe or watermelon must also be washed and then cut in order to offer a small portion as a sample.
- If cutting off site, it should be done at an approved and inspected location.
- If cutting is done on site, the vendor must have hand washing facilities, gloves and a facility to wash, rinse and sanitize the utensils and cutting board.

- The sampling should be done by using toothpicks or individual cups to dispense the food. The public should never reach into a bulk container to get a sample.
- Fruits or vegetables such as cut melons must be kept at proper temperature or the vendor limits the time product remains on display to no more than four hours.

## JAMS, JELLIES & HONEY

Jams, jellies and honey may be sold at a farmer's market without inspection if:

- Vendor sells less than \$30,000 of the product per year.

- Products are sold directly to the end consumer.

- Items are properly labeled.
- For detailed information; see the brochure for jams, jellies, honey and baked goods.

## BEEF, PORK & OTHER MEATS

Each package of meat must have a mark of inspection from either the United States Department of Agriculture (USDA) or Missouri Department of Agriculture (MDA).

- Meat labeled "not for sale" may not be sold at a farmer's market.
- Products must be maintained at proper temperatures.

## POULTRY & RABBITS

Producers of poultry and rabbits may be exempt from inspection if they produce less than 1,000 carcasses a year. Producers under these exemptions may sell these products at a farmer's market.

- These small producers may not sell products that are adulterated.
- All products must be kept at proper temperature.

## WILD GAME

Wild game meat such as deer, elk, turkey, etc., may not be offered for sale at a farmer's market. Commercially raised game must meet the same requirements as beef and pork.

## BAKED GOODS

Some baked goods produced in a home kitchen can be sold at a farmer's market. These include breads, cookies and fruit pies.

## **PRESERVING FOODS CONT.**

Acidified foods are foods such as salsas, pickles, relishes or hot sauces. Usually, acidic foods like vinegar, citric acid or commercially canned tomatoes are added to the product to create an acidic environment that limits bacterial activity. Acidified foods do not require canning in a pressure cooker or retort. A process that uses acids to penetrate chunky foods, like fresh tomatoes, peppers and onions that are not naturally acidic, will need to be reviewed by a process authority to determine if the food is being properly acidified.

Low-acid canned foods such as vegetables must be retorted under heat and pressure to destroy the bacteria present. These foods do not depend on the pH of the food to protect consumers from botulism.

Contact your local public health agency at:



Missouri Department of Health and Senior Services  
Bureau of Environmental Health Services

P.O. Box 570

Jefferson City, MO 65102-0570

573-751-6095

[health.mo.gov/safety/foodsafety/index.php](http://health.mo.gov/safety/foodsafety/index.php)

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## **ACIDIFIED FOOD REGULATIONS**

There are federal regulations enforced by the U.S. Food and Drug Administration and the state health department that cover acidified foods. These regulations can be found in 21 CFR 108.25 and 114.

It is very important that any manufacturer of these types of foods understands these regulations. One of the keys to producing a safe food is having a consistent process that has been proven to work. Once the process is developed, the manufacturer has to produce the item the same way each time. Variations in the process make it possible for mistakes that produce an unsafe food.

There are some foods that are exempt from these regulations. Foods that are specifically exempt from the acidified foods regulations include:

- Alcoholic beverages
- Carbonated beverages
- Fermented foods such as sauerkraut
- Foods with water activity (aw) of 0.85 or below
- Foods stored, distributed and retailed under refrigerated conditions
- Jams, jellies or preserves covered by 21 CFR 150

## **ADDITIONAL RESOURCES**

**Meat and Poultry Products**  
United States Department of Agriculture,  
785-841-5600, [usda.gov](http://usda.gov) or  
Missouri Department of Agriculture,  
573-751-4762, [mda.mo.gov](http://mda.mo.gov)

**Milk or Other Dairy Processes**  
Missouri State Milk Board, 573-751-3830,  
[mda.mo.gov/animals/milk](http://mda.mo.gov/animals/milk)

**Agricultural Products**  
Missouri Department of Agriculture,  
573-751-4762, [mda.mo.gov](http://mda.mo.gov)

**Acidified Foods**  
Missouri Department of Health and Senior Services, Bureau of Environmental Health Services, 573-751-6095, [health.mo.gov](http://health.mo.gov)

**General Information on Food Safety**  
Food and Drug Administration (FDA),  
1-888-723-3366, [fda.gov](http://fda.gov)



*Safe Preparation of*  
**Salsa  
and Other  
Acidified Foods**

Missouri Department of Health and Senior Services

# Acidified Foods

## FACILITY REQUIREMENTS

- The Missouri Food Code allows some non-potentially hazardous foods to be prepared in a home kitchen to be sold directly to the end consumer, at venues like a farmer's markets. The food code does **not** allow acidified foods to be made in a home kitchen. Requirements for a regulated kitchen include:
- smooth, easily cleanable, durable floors, walls and ceilings
  - safe and adequate water supply
  - sanitary wastewater disposal
  - sink(s) to wash, rinse and sanitize utensils
  - separate sink dedicated for handwashing

This kitchen may be in a private home but must be separated from the home kitchen and living quarters.

Plans for building a regulated kitchen should be discussed with the health department before construction begins. This can avoid costly mistakes.

## PROCESS AUTHORITY AND BETTER

### PROCESS CONTROL SCHOOLS

To be approved as a manufacturer of acidified or low-acid canned food, you must have your process reviewed by a process authority. You also must attend a Better Process Control School.

A process authority is defined as a person or organization that scientifically establishes thermal processes for low-acid canned foods or processing requirements for acidified foods. The process authority must have

expert scientific knowledge of thermal and/or acidification processing requirements and have adequate experience and facilities for making such determinations.

Better Process Control Schools certify supervisors of thermal processing systems, acidification, and container closure evaluation programs for low-acid and acidified canned foods.

Information on approved schools can be found by calling the Missouri Department of Health and Senior Services (DHSS), Bureau of Environmental Health Services at 573-751-6095.

Once these steps have been accomplished, the food processor is required to file their process with the FDA.



# Salsa, Pickles, BBQ Sauce and Other Acidified Foods

Pickles, salsa and barbeque sauce are just a few of the common examples of acidified foods that may be found at farmer's markets.

However, Missouri regulations prohibit the sale of most home-canned food. Processors of these foods must take additional measures to assure they are being produced safely. These foods must be produced in an approved facility.

Contact your local public health agency or the DHSS Manufactured Food Program for details on becoming approved.

## SAFE PREPARATION FOR RETAIL

### SALE

When foods are packaged in sealed containers like jars or cans and they are not properly processed, one of the biggest risks is botulism. There are a number of ways to successfully deal with these hazards.

One option is to use high heat and pressure to kill any bacteria or their spores that may be present. This is the process used to can low-acid foods like corn, green beans or other vegetables. Because these heating procedures are complex, these foods must be processed in a commercial retort with sophisticated temperature measuring and monitoring controls.

Another common way to eliminate the threat of botulism from sealed foods is through the use of acids to lower the pH. The pH scale is used to measure the acidity of food products. (pH is measured on a scale of 0 to 14.)

Acidified/low acid food manufacturers must:

- have their process reviewed by a process authority;

- complete a Better Process Control School;
- operate in a facility that meets requirements of all applicable regulations; and

- contact the DHSS Manufactured Foods Program for more detailed information on inspections.

## PRESERVING FOODS

The regulations regarding acidification were established to assure the safety of canned foods. The amount of acid in a food or the addition of an acid to a food can be used to control the growth of dangerous bacteria such as the one that produces the toxin that causes botulism. From the regulatory point of view, foods are categorized as:

- Acid foods (pH naturally below 4.6
- Acidified foods (final pH of 4.6 or below by adding acid or acidic ingredients to product)
- Low acid foods (pH above 4.6 for raw or initial product)

Acid foods are naturally acidic foods such as tomato juice or grapefruit. Individuals manufacturing acid food products will need to keep records of the pH of each batch that they produce. If the pH is below 4, they may use pH test strips for measuring the pH. If the pH of the product falls between 4.0 and 4.6, a quality pH meter is needed. If a pH meter is used, it must be calibrated at least weekly and records kept.

## Baked Goods

The definition of a food establishment allows individuals to make other kinds of non-potentially hazardous foods, like baked goods, in their home kitchens and sell them directly to the public without inspection at certain events.

These foods include breads, cookies, fruit pies, cracked nuts and similar foods. Check with your local public health agency for additional requirements that you may need to meet.

Below are some specific requirements for the manufacture and sale of these foods.

- The vendor must be the manufacturer or an immediate family member of the manufacturer.
- The product must be sold directly to the consumer at a venue like a farmer's market. The vendor must also assure that the food bears a label stating:
  - The name and address of the manufacturer/processor preparing the food
  - Common name of the food
  - Name of all the ingredients in the food
  - Net weight of the product measured in metric and English units
  - Statement: "This product is prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services."
- If the foods are not pre-wrapped or packaged, there must also be a placard clearly visible at the sale or service location that states the product was prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services.

## RESOURCES AND LINKS

### Food Safety

Missouri Department of Health and Senior Services, [health.mo.gov/safety/foodsafety/index.php](http://health.mo.gov/safety/foodsafety/index.php)

### Food Code

Missouri Department of Health and Senior Services, [health.mo.gov/safety/foodsafety/foodcode.php](http://health.mo.gov/safety/foodsafety/foodcode.php)

### Producers

Missouri Department of Agriculture, [mda.gov](http://mda.gov)

### Local Public Health Agency Directory

[health.mo.gov/living/lpha/lphas.php](http://health.mo.gov/living/lpha/lphas.php)

### DHSS Brochures

- Salsa and other Acidified Foods
- Farmer's Markets
- Guidelines for Temporary Food Events
- Food Processing

Contact your local public health agency at:



Missouri Department of Health and Senior Services

Bureau of Environmental Health Services

P.O. Box 570

Jefferson City, MO 65102-0570

573-751-6095

[health.mo.gov/safety/foodsafety/index.php](http://health.mo.gov/safety/foodsafety/index.php)



*Safe Preparation of*

## Jams and Jellies

Missouri Department of Health and Senior Services

# Jams and Jellies

## WHAT YOU NEED TO KNOW

The Missouri Retail Food Code allows individuals to manufacture jams and jellies and process these products in their home kitchens under certain conditions. This processing is allowed if individuals comply with the requirements regarding who makes and sells the products, where they can be sold and how the products are labeled.

Jams and jellies must be sold by the manufacturer directly to the end consumer.

Vendors should be aware that selling directly to the customer does not include taking an order and shipping the product to their customer.

These products must meet the labeling requirements found in the Missouri Food Code by including:

- Name and address of the person manufacturing the food
- Common name of the food
- Name of all ingredients in the food
- Net weight of the product measured in metric and English units
- Statement: "This product has not been inspected by the Department of Health and Senior Services."

English must be the primary language used on labels.

## "SUGAR FREE" JAMS AND JELLIES

Home production of "sugar free" or no sugar added jams and jellies are an exception to the food code exemptions. Regular jams and jellies rely on the amount of sugar used and the pH

of the finished product to prevent harmful bacteria from being a problem. The pH scale is used to measure the acidity of food products. (pH is measured on a scale of 0 to 14, where less than 7 is acidic and greater than 7 is basic.)

Less sugar may allow enough moisture to be available for harmful bacteria to grow without other barriers. This means the pH of the product becomes the barrier to harmful bacterial growth. If fruit with a pH above 4.0 and artificial sweeteners are used, then botulism becomes a problem.

Extra steps must be taken to assure the safety of products that use acidity to prevent harmful bacteria from being a problem.

- Products that contain artificial sweeteners in the finished product need to be sent to a laboratory and have the pH tested.
- A jam or jelly with a final pH below 4.0 can still be allowed to be made in home kitchens under the statutory exemption. The manufacturing process must be strictly followed in order to produce a product that would have the same pH as the tested sample. Even a slight change in the recipe would require re-testing.

Products made from fruits with natural sugars in them should be labeled "no sugar added" since they will still contain natural sugars from the fruit after processing.

- "Sugar free" or "no sugar added" jelly that has a pH between 4.0 and 4.6 must be made in an inspected or regulated facility. The pH should be tested on every batch with a quality pH meter and a record kept of the results.

- "Sugar free" or "no sugar added" jelly with a pH above 4.6 is not allowed under any circumstances to be produced in a home kitchen. These products would be classified as a low acid food and the manufacturer would need to attend a Better Process Control School and have the product evaluated by a process authority in accordance with federal law. Examples of these low-acid foods include pepper jelly, tomato jelly and similar products.

Jellies made with juices should also be tested.

- If the pH is below 4.0, then the pH will be considered the primary control point and the producer may proceed. If the pH is above 4.0, water activity becomes the primary control point and the water activity of the jelly must be tested in a laboratory.
- If the water activity is below .80, the jelly can be allowed to be made under the food code exemption. The recipe and process should not be changed or the pH and water activity measurements previously determined will no longer be valid and would require retesting.
- If the water activity for the jelly is between .80 and .85, it must be manufactured in a regulated facility and the water activity monitored.
- Any product with a water activity above .85 would be considered a low acid or acidified food, which cannot be made in a home kitchen. The manufacturer of this product would need to attend a Better Process Control School and have the product evaluated by a process authority.