



Arkansas Department of Health

SELLING COTTAGE FOODS IN ARKANSAS

From Home To Farmers Market, Find Out What The Law Allows



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Cottage Food Law-Brief History

- 2011—Act 72—Original “Cottage Food Act” modified Arkansas code 20-57-201 and the definition of “Food Service Establishment”
 - Allowed sale of bakery products, candy, fruit butter, jams, jellies that were produced in a persons home and sold directly to the consumer from the persons home, a farmers market, a county fair, or a special event.



Cottage Food Law

- 2017—Act 399
 - Added chocolate covered fruits and berries (un-cut)
 - Clarified a farmer's market can be physical and online
- 2019—Act 775
 - Added sales at an unaffiliated business provided producer is present at the point of sale (Pop-up Shops)



Cottage Food Law Summary

Definition today—

Cottage Food Production Operation: food items produced in a person's home that are non-potentially hazardous foods such as bakery products, candy, fruit butter, jams, jellies and chocolate-covered fruit and berries that are not cut.



Cottage Food Law Summary

Only these products are covered in the law and are the only products allowed to be sold.



Cottage Food Law Summary

- “Cottage Food” by statute does not meet definition of “Food Service Establishment” and therefore does not require ADH permit or inspection under ACA 20-57-204 .
- “Cottage Food” and all articles used for food for humans is required to be safe, not adulterated or misbranded under the Arkansas Food, Drug, and Cosmetic Act (ACA § 20-56-201 - § 20-56-223.)



Jams, Jellies, and Fruit Butter



NOTE: Jams, jellies and fruit butter made with Splenda® and similar sugar substitutes are considered Temperature Control for Safety (TCS) food and may not be sold.



Where Can Cottage Food Be Sold?

- Cottage food items can only be sold direct from the manufacturer to the consumer either
 - from the site where the food is made
 - At a physical or on-line* farmer's market
 - At a county fair
 - At a special event
 - At a "pop-up shop"



* Internet sales of Cottage Food that are not associated with an online farmer's market are not allowed.

What is a Pop-Up Shop?

- A cottage food operation selling items in an unaffiliated established business for a limited time period with consent of the owner of the unaffiliated established business and the owner or employee of the cottage food production operation being present at the point of sale.
- A cottage food operation that operates as a pop-up shop shall not sell or offer for sale foods at wholesale distribution.



What Is Required On The Label?

- Each cottage food item shall be clearly labeled and make no nutritional claims.
- The label on each food item shall include the following:
 - Name and address of the person who made it
 - The product name
 - The ingredients in the product
 - And say using 10-point type “This product is home-produced”



Limitations in the ACT

If the food item is not a bakery product, candy, fruit butter, jam, jelly, or chocolate-covered fruit and berries that are not cut or punctured, it is not to be sold as a cottage food item.

Standards of Identity for Fruit Butter, Jams and Jellies can be found in 21 CFR 150.



What Can Be Sold?



Cottage Food/Farmer's Markets

- CAN BE SOLD

- Cottage Foods
- Farm Fresh Eggs
- Frozen USDA inspected meat
- Maple Syrup
- Sorghum
- Whole, uncut, fruits/vegetables
- Commercially processed Non-TCS Food



Foods That Can NOT Be Sold

Are Not Considered Cottage Foods

Should Not Be Sold At Farmers Markets Unless
Prepared in a Permitted Facility



Jams and Jellies that CANNOT be Sold

Jams, Jellies, and Fruit Butters for which there is not a Standard of Identity (21 CFR 150) can NOT be sold as Cottage Food.

Examples:

- Jalapeno Jelly
- Banana Nut Jelly
- Bacon Jam
- Rose Hip Jelly

These foods do not have a low enough pH on their own to prevent bacterial growth. Thus acid (vinegar or lemon juice) must be added and is critical to the safety of these products. These products are considered “low acid or acidified foods”.

Permit is required to produce and sell these items



Cottage Food/Farmer's Markets

- What foods can not be sold at a Farmer's Market without a permit?
 - Custard Pies
 - Dried Fruit/Vegetables/Herbs/Spices
 - Dried meats
 - Salsa
 - Juices
 - Meringue Pies
 - Milled Grain/Flour/Meal



What Cannot be sold...

- Time and Temperature Controlled For Safety Foods (TCS) Foods
- Home Canned Foods
- Cheesecake
- Cream Cheese based Frosting or Filling
- Cream pies and Cream Filled Items
- Cured Meats



Cottage Food/Farmer's Markets

- What foods can not be sold at a Farmer's Market without a permit?
 - Pickled Vegetables
 - Fermented Foods (i.e. Kefir)
 - Salad
 - Shelled Peas or Nuts
 - Sliced Fruit or Vegetables
 - Smoked Meats
 - Sprouted Beans/Seeds



Cottage Food/Farmer's Markets

- What foods can not be sold at a Farmer's Market?
 - Homemade Cheeses
 - Raw Milk
 - Wild Harvested Mushrooms



Sampling

- Samples may not be prepared on-site without a Retail Food Establishment Permit.
- Cottage Foods may be provided as samples if:
 - Prepackaged
 - Appropriately labeled.
 - Handled or provided to the consumer in such fashion as to prevent contact with multiple samples.



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Frequently Asked Questions

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