

Law Bulletin

OSU EXTENSION AGRICULTURAL & RESOURCE LAW PROGRAM

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Labeling and Packaging Your Home-Based Food Products

If you already produce and sell home-based food products, or are considering starting, it is very important to label your products correctly. All home-based food products, whether sold as a cottage food or sold under a home bakery license, must be properly labeled to sell legally. If you are not familiar with the difference between cottage foods and foods produced under a home bakery license, check out our law bulletins on the requirements for selling your home-based food products at farmer's markets. The food labeling and packaging requirements for both cottage foods and foods produced under a home bakery license are very similar with a few differences that will be highlighted below.

Cottage Foods

Labeling

All cottage food products must contain a label that includes the following information:

1. The name and address of the cottage food production operation.
2. The name of the food product – Ex: “Chocolate Chip Cookies”
3. The ingredients of the food product, in descending order of predominance by weight. This means your heaviest ingredient will be listed first and the least heavy ingredient listed last. Also, ingredients must be broken down completely if the ingredient itself contains two or more ingredients. For example, if unsalted butter is one of your ingredients, then you would list it as follows: Butter (Sweet Cream, Natural Flavor).
4. The net quantity of contents in both the U.S. Customary System (inch/pound) and International System of Units (metric system). This must be placed within the bottom 30% of the label in a line parallel to the bottom of the package. An example of what this would look like in both the U.S. Customary System and International System is: Net Wt 8 oz (227 g)
5. The following statement in ten-point type: “This product is home produced.” This statement is required because it gives notice to the purchaser of the food product that the product was produced in a private home that is not required to be inspected by a food regulatory authority.
6. Allergen Statement. There are 8 foods considered a major food allergen under the Food Allergen Labeling and Consumer Protection Act that must be declared on your label if they are contained in your food product. They include:
 1. Milk
 2. Egg
 3. Fish – For fish, the specific species must be declared – Ex: Bass
 4. Crustacean Shellfish – For shellfish, the specific species must be declared – Ex: crab
 5. Tree Nuts – For tree nuts, the specific type of nut must be declared – Ex: Almond
 6. Wheat
 7. Peanuts
 8. Soybeans

If any of these major allergens are contained in your food product, then you may declare them in either of two different ways.

First, you can list the allergens in a “Contains” statement. The “Contains” statement would follow the ingredients list and look like this: “Contains: Wheat, Egg.”

The second way to declare an allergen is in your ingredients list. An example would be: “Enriched flour (wheat flour, malted barley, niacin, reduced iron, thiamin montrate, riboflavin, folic acid), Egg.” In this example, wheat and egg are specifically stated within the ingredients so you would not need to put an additional “Contains” statement.

Nutrition Facts

Nutritional information is not required for cottage foods *unless* a nutrient content claim or health claim is made. An example of a nutrient content claim would be “low fat.” An example of a health claim would be “may reduce heart disease.” If either or both of these claims are made, then you are required to include a Nutrition Facts panel on your cottage food product. More information on the Nutrition Facts Panel can be found on the U.S. Food and Drug Administration’s [website](#).

Packaging

Cottage foods may be sold in any packaging that is appropriate for the food product with one exception. Cottage foods *may not* be packaged using reduced oxygen packaging methods. Reduced oxygen packaging is defined as removing oxygen from a package, displacing and replacing oxygen with another gas or combination of gases, or controlling the oxygen content to a level that is below what is normally found in the surrounding atmosphere. Reduced oxygen packaging includes vacuum packaging and modified atmosphere packaging:

- *Vacuum Packaging*

When air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package.

- *Modified Atmosphere Packaging*

When the proportion of air in a package is reduced, the oxygen is totally replaced, or when the proportion of other gases such as carbon dioxide or nitrogen are increased.

Foods Produced Under a Home Bakery License

Labeling

For foods produced under a home bakery license, you will follow the same guidelines for labeling as explained above with a few exceptions.

The statement, “this product is home produced” is *not* required to be on your label. The statement is not required because your home kitchen must be inspected by the Ohio Department of Agriculture to obtain a home bakery license.

If your home bakery product requires refrigeration, then you must include the language “Keep Refrigerated,” or a similar statement, on your label.

Nutrition Facts

The same guidelines also apply here.

Packaging

There is no restriction against using reduced oxygen packing methods if you have a home bakery license. You may sell your baked goods in any package that is appropriate for the food product.

Why is labeling so important?

Properly labeling your food products will allow you to legally sell them. It is essential to make sure your labels are accurate or else you could be found guilty of a fourth degree misdemeanor for selling a misbranded food product. For additional resources, see the following:

An example label can be found on the Ohio Department of Agriculture’s website under the Food Safety Division at:

<http://www.agri.ohio.gov/divs/FoodSafety/docs/CottageFoodLabelExample.pdf>

Also, the U.S. Food and Drug Administration website provides great resources for guidance on food labeling:

<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm064880.htm>

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