

Law Bulletin

Law you need to know from OSU Extension's Farm Office

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Ohio's Cottage Food Law

Allowing entrepreneurs to produce low risk food products at home

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Have you thought about trying to sell those oatmeal cookies you make that everyone loves? In Ohio, thanks to our "cottage food law," you can make and sell cookies and other types of "cottage foods" from your home kitchen with no inspection or licensing requirements. The cottage food law allows people to produce low risk and non-potentially hazardous foods with little regulatory oversight because the foods do not pose food safety dangers.

There are several laws that do apply to cottage food producers, however. Producers must properly label cottage foods, are subject to food sampling, and must abide by several prohibitions in the cottage food law. We explain the law below.

What are "cottage foods"?

Ohio Administrative Code section 901:3-20-04 lists the foods that qualify as cottage foods. A cottage food production operation may not process acidified foods, low acid canned foods, or potentially hazardous foods. If a food is not on the cottage food list, it does not fall under the cottage food law and will require some type of license or inspection. Only the following foods are approved as cottage foods:

- Bakery products that are not "potentially hazardous," which means the products do not require refrigeration and are not capable of supporting growth of infectious or toxigenic microorganisms;

- Jams and jellies;
- Candy (but not fresh fruit dipped, covered, or otherwise incorporated with candy);
- Flavored honey produced by a beekeeper who is exempt by section 3715.021(A) of the Ohio Revised Code, which requires that a minimum of 75% of the honey is from the beekeeper's own hives;
- Fruit chutneys and fruit butters;
- Granola, granola bars and granola bars dipped in candy (if fruit is used in any of these products it must be commercially dried);
- Maple sugar from a maple syrup producer who is exempt under Ohio Revised Code 3715.021(A), which requires that at least 75% of the sap be collected directly by the processor;
- Popcorn, flavored popcorn, kettle corn, popcorn balls, caramel corn (but not un-popped popping corn);
- Unfilled, baked donuts;
- Waffle cones and waffle cones dipped in candy;
- Pizzelles;
- Dry cereal and nut snack mixes with seasonings;
- Roasted coffee, whole beans or ground;
- Dry baking and cookie mixes in a jar;
- Dry herbs and herb blends;
- Dry soup mixes containing commercially dried vegetables, beans, grains, and seasonings;
- Dry seasoning blends;
- Dry tea blends.

Packaging and labeling of cottage foods

Ohio law states that a producer may not package cottage food products in reduced oxygen packaging, which includes vacuum packaging and modified atmosphere packaging.

Ohio law also requires a cottage food producer to have a proper label on the cottage food product. The label must contain the following information:

- The name and address of the business of the cottage food production operation;
- The name of the food product;
- The ingredients of the food product, in descending order of predominance by weight;
- The net weight and volume of the food product;
- The following statement in ten-point type: "This product is home produced."

Sales of cottage food products

An Ohio cottage food producer may sell cottage food products only within the state of Ohio. Customers within Ohio can include a retail food establishment or food service operation licensed under Chapter 3717 of the Revised Code, who may offer the product for sale or for use in preparing and serving food. Labeling requirements apply to cottage foods that are sold to food establishments.

Sampling by Ohio Department of Agriculture

A cottage food operation may not sell adulterated or misbranded food. The Ohio Department of Agriculture (ODA) has the authority to conduct food sampling on cottage food products to determine if the products are misbranded or adulterated. Sampling might occur through the random sampling of products that have been placed in the marketplace or as a targeted sampling because the product is the subject of a complaint or concern. If there is an issue with the product, ODA will contact the producer to determine how to remedy the problem.

What if I want to produce a food that is not on the cottage food list?

You will likely need a license if you want to produce food products that are not on the cottage food list. Ohio has a home bakery license for production of potentially hazardous baked goods in residential kitchens. The license and inspection is available through the ODA Food Safety Division.

A retail food establishment (RFE) license, available through the local health department, is necessary for some prepared foods that do not fall under cottage foods or home bakery requirements. Other produced foods such as salsas, barbeque sauces, and canned vegetables must be produced in a licensed cannery. Dairy food products require a milk processor license. Honey and maple syrup producers are subject to specific regulations for their products, as are those who produce apple cider and other juices. Visit ODA's Food Safety Division at <https://www.agri.ohio.gov> for information on these other types of licenses.

Where to find Ohio laws

The Ohio Revised Code and Ohio Administrative Code are online at <http://codes.ohio.gov>.

Exemption for cottage food production operations, Ohio Revised Code § 3725.021(A).

Labels for cottage food production, Ohio Revised Code § 3725.023.

Cottage food production regulations, Ohio Administrative Code Chapter 901:3-20.

Adulterated food, Ohio Revised Code § 3715.59

Misbranded food, Ohio Revised Code § 3715.60.

Food sampling, Ohio Revised Code §3715.02(B).

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