

Easy as Pie to Bring Home the Bacon!

*Food Labeling and Regulations
Ag Madness Final Four*

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THE OHIO STATE UNIVERSITY

COLLEGE OF FOOD, AGRICULTURAL, AND ENVIRONMENTAL SCIENCES
FAMILY AND CONSUMER SCIENCES
OHIO STATE UNIVERSITY EXTENSION
COLLEGE OF EDUCATION AND HUMAN ECOLOGY

What are you hoping to get out of our session together?



Session Objectives:

- ❖ Understand how to make and sell food in compliance with food regulations
- ❖ Understand food safety hazards and identify those relevant to your product and facility
- ❖ Find a nugget to take ahold of or to share with someone you know could use it!
- ❖ ?



Questions to Ask About Selling Food

- What are you selling?
- Where are you selling it?



Who Regulates Food?



Who Regulates Food?



- Most Food
- Seafood
- Dairy
- Shell Eggs



- Meat
- Poultry
- Egg Products



- Cottage Food
- May inspect facilities



Who Regulates Food?



Business aspects that modify requirements

Food safety risks (severity and likelihood of illness or injury to consumers) are influenced by:

- ❖ Types and sources of ingredients
- ❖ Packing and distribution
- ❖ Consumers
- ❖ Facility size



ODA Licenses – Food Safety Division

- Home Bakery
- Cold Storage
- Registration (food processing facilities and warehouses)
- Syrups and Extract
- Cannery
- Wholesale Bakery
- Frozen Food
- Bottling



agri.ohio.gov



Cottage Foods



Ohio Cottage Food Law

“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.”

From Ohio Department of Agriculture
Cottage Foods; August 2019

https://agri.ohio.gov/wps/wcm/connect/gov/91fb902b-b03a-4cf4-b595-993d93a6945a/COTTAGE+FOOD+FACT+SHEET_8-26-2019.doc.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=ROOTWORKSPACE.Z18_MIHGGIK0N0JO00QO9DDDDM3000-91fb902b-b03a-4cf4-b595-993d93a6945a-mPf7j3n



Cottage Food in Ohio

Know the law!

ALLOWED (Full List)

- Baked goods that do not require refrigeration, like bread, cookies, brownies, cake, fruit pie, fruit cobbler.
- Candy
- Fruit Jams
- Fruit Jellies
- Flavored honey produced by an exempt beekeeper
- Fruit chutneys, non-acidified
- Fruit butters
- Granola, granola bars dipped in candy
- Maple sugar produced by an exempt maple syrup producer
- Popcorn, flavored popcorn, kettle corn, popcorn balls, caramel 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, flavoring permitted
- Dry baking mixes in a jar (other pkg permitted)
- Dry herbs and herb blends
- Dry tea blends
- Dry soup mixes
- Dry seasoning blends

NOT ALLOWED

(examples, not all-inclusive)

- Any item that requires refrigeration to keep from spoiling, including fresh fruit garnishes or fillings.
- Candy covered fresh fruit
- Freezer jam
- Sugar-Free jams/jellies/fruit butters
- Fresh pasta
- Dehydrated fruits or herbs
- Cheesecake, cream pie, pumpkin pie
- Fry pies
- Popping corn
- Acidified foods (ex: pickles, relishes)
- Salsa
- Hot pepper butter, pumpkin butter, nut butter
- Hummus
- Waffles or Belgian waffles
- Raw pizza dough, cookie dough
- Cream cheese frosting
- Beef jerky
- Meals

<https://agri.ohio.gov/wps/portal/gov/oda/divisions/food-safety/resources/cottage-food>



How can I make it safely?

Some foods are not permitted in a Cottage Food Production Operation

- Potentially hazardous
- Acidified foods
- Low-acid canned foods
- Non-potentially hazardous that are not on the list



Why?



What is potentially hazardous?

- May create public health risk
- Requires temperature control because it is a form that is capable of supporting disease causing microorganisms
- Any food that has ingredients, packaging and/or storage conditions that could lead to human health risk
- According to the FDA it means a pH greater than 4.6 and water activity greater than 0.85



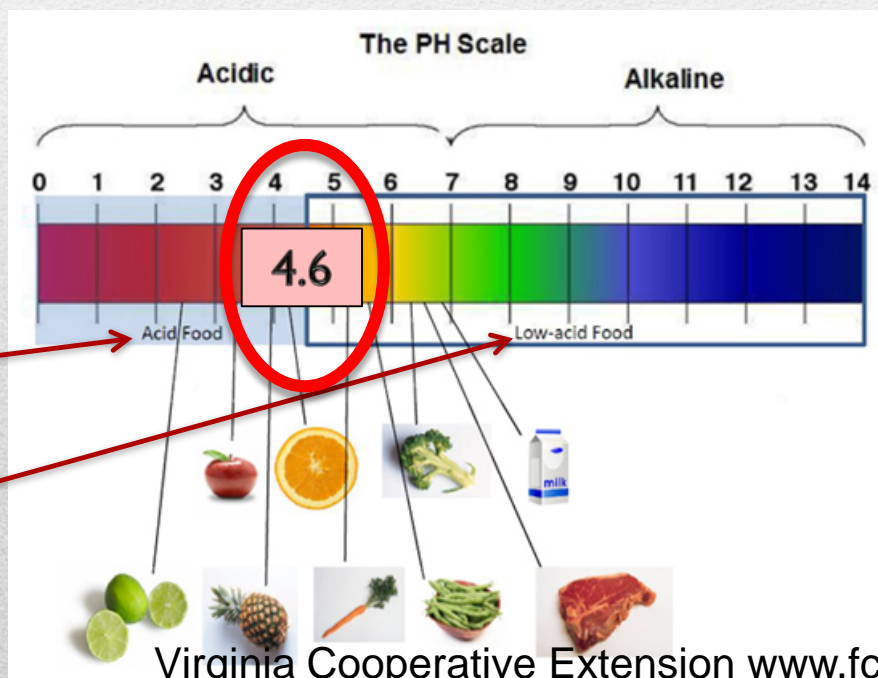
Source: Purdue Extension – Cooking up a Food Business in the Home Kitchen



Chemical Properties of Food

pH

- A measurement that indicates how acidic or alkaline a substance is
- Measured on a scale from 1 to 14, with 7 being neutral



- Low pH = high acid
- High pH = low acid



Why does pH matter?

What is so significant about the pH value of 4.6?

- *Clostridium botulinum* can survive in foods with pH lower than other pathogens that aren't destroyed by heat
- It cannot grow at pH below 4.6
- Therefore the critical pH value for food safety is 4.6
- The toxin from this bacteria causes botulism (forms spores)



Low Acid and Acidified Foods

❖ Low acid food

- Any food with a finished equilibrium pH greater than 4.6
- Veggies, milk, meat

❖ Acidified food

- A low acid food (pH greater than 4.6) to which acids have been added
- Could have added vinegar or lemon juice
- Not naturally low in pH before the acid is added
 - Cucumber + acid = pickles
 - Cabbage + acid = sauerkraut



Why does moisture or *water activity* matter?

Another factor besides pH is water activity (A_w)

- This is essentially the amount of water available for microorganisms to use to grow
- *Staphylococcus aureus* can survive at lower A_w than other pathogens
- But it will not grow below 0.85
- Therefore the critical food safety value for A_w is 0.85



Food Processing

What kinds of words typically come to people's minds when they hear the phrase...

“processed food”?





Food Processing

- ❖ The word “processed” often has a negative connotation
- ❖ It is really any way that we alter a whole food
 - i.e., “a change in the physical state or form of the product”
- ❖ There are six main ways to process foods
 - Mixing
 - Size adjustment
 - Mechanical separation
 - Mass transfer
 - Heat transfer
 - Fluid flow



From a microbiology standpoint, we process foods for two reasons

	Some microorganisms have the potential to:	Foods are processed or handled in ways to:
Safety	cause foodborne illness	greatly reduce pathogen contamination risk
Quality	reduce shelf life - taste, color, etc.	reduce potential for spoilage microorganisms



Other License Options

❖ Home bakery

- Potentially hazardous baked goods
 - Pumpkin pie, custard pie, cream pies, etc.
- No pets in home and no carpet in kitchen
- \$10 annual license fee

❖ Cannery

- Thermally processed low acid foods or acidified foods in hermetically sealed containers
- \$200 annual license fee
- There are Better Process Control classes offered at OSU and some are offered online by other universities



Available processing facilities

Any facility inspected and approved by Ohio Dept of Agriculture

- Could include a church or similar type of facility, but only if inspected and registered with ODA
- Kitchen Incubators or Shared Commercial Kitchen are and have been popping up all over Ohio
 - Appalachian Center for Economic Networks (ACENet) in Athens
 - Center for Innovative Food Technology (CIFT) in Toledo
 - OSU Food Industry Center in Columbus
 - Common Wealth in Youngstown
 - Local Roots in Wooster
 - NOCK Northwest Ohio Cooperative Kitchen in Bowling Green
 - Cleveland Culinary Launch & Kitchen
 - Foodworks Alliance, Muskingum County Business Incubator Kitchen
- Manufacturing facilities that “co-pack”



More processing facilities

❖ Cleveland Area

- Cleveland Culinary Launch & Kitchen – 2800 Euclid Ave #150, Cleveland, OH
- Prep Kitchen CLE – 1305 Washington Ave, Cleveland, OH
- Galley Group Cleveland – 1400 W 25th St, Cleveland, OH
- The Hildebrandt Provisions Company Community Kitchen – 3619 Walton Ave, Cleveland, OH

❖ Columbus Area

- The Food Fort – 737 Parkwood Ave, Columbus, OH
- 1400 Food Lab – 1400 Dublin Rd, Columbus, OH
- Phenix Banquet Center – 2101 Noe Bixby Rd, Columbus, OH

❖ Cincinnati Area

- Findlay Kitchen – 1719 Elm St, Cincinnati, OH
- Oakley Kitchen by Eli's BBQ – 3715 Madison Rd, Cincinnati, OH
- Incubator Kitchen Collective – 517 W 7th St, Newport, KY

❖ Other Areas

- Common Wealth Kitchen Incubator – 907 Elm St, Youngstown, OH
- ACEnet Food Ventures Center – 94 Columbus Road, Athens, OH

<https://www.thefoodcorridor.com/2019/05/13/top-10-ohio-shared-kitchens/>



Basic Label Requirements for Cottage Foods

- ❖ Statement of Identity
- ❖ Ingredient list
- ❖ Statement of responsibility
- ❖ Net Quantity of Contents
- ❖ Artwork
- ❖ Cottage Food Production Declaration



Basic Label Requirements

- ❖ Statement of Identity
 - Common or usual name of food
- ❖ Ingredient list
 - Listed by common or usual name and in descending order by weight
- ❖ Statement of responsibility
 - Business Name
 - Street Address
 - City, State, Zip Code
 - Do not place of bottom of package
 - Other contact information is permitted but not required (phone, email, etc.)
- ❖ *Place Ingredient list and Statement of responsibility together with nothing in between*
- ❖ Net Quantity of Contents
 - “NET WEIGHT” or “NET WT”
 - U.S. Customary System (oz) and SI/Metric System (g)
- ❖ Artwork
 - Do not misrepresent the product – especially with flavors
- ❖ Cottage Food Production Declaration
 - “This product is home produced”



The Options – Label Claims

- Must be true!
- Nutrient Content Claims
- Health Claims
- Structure Function





Label Claims and Certifications

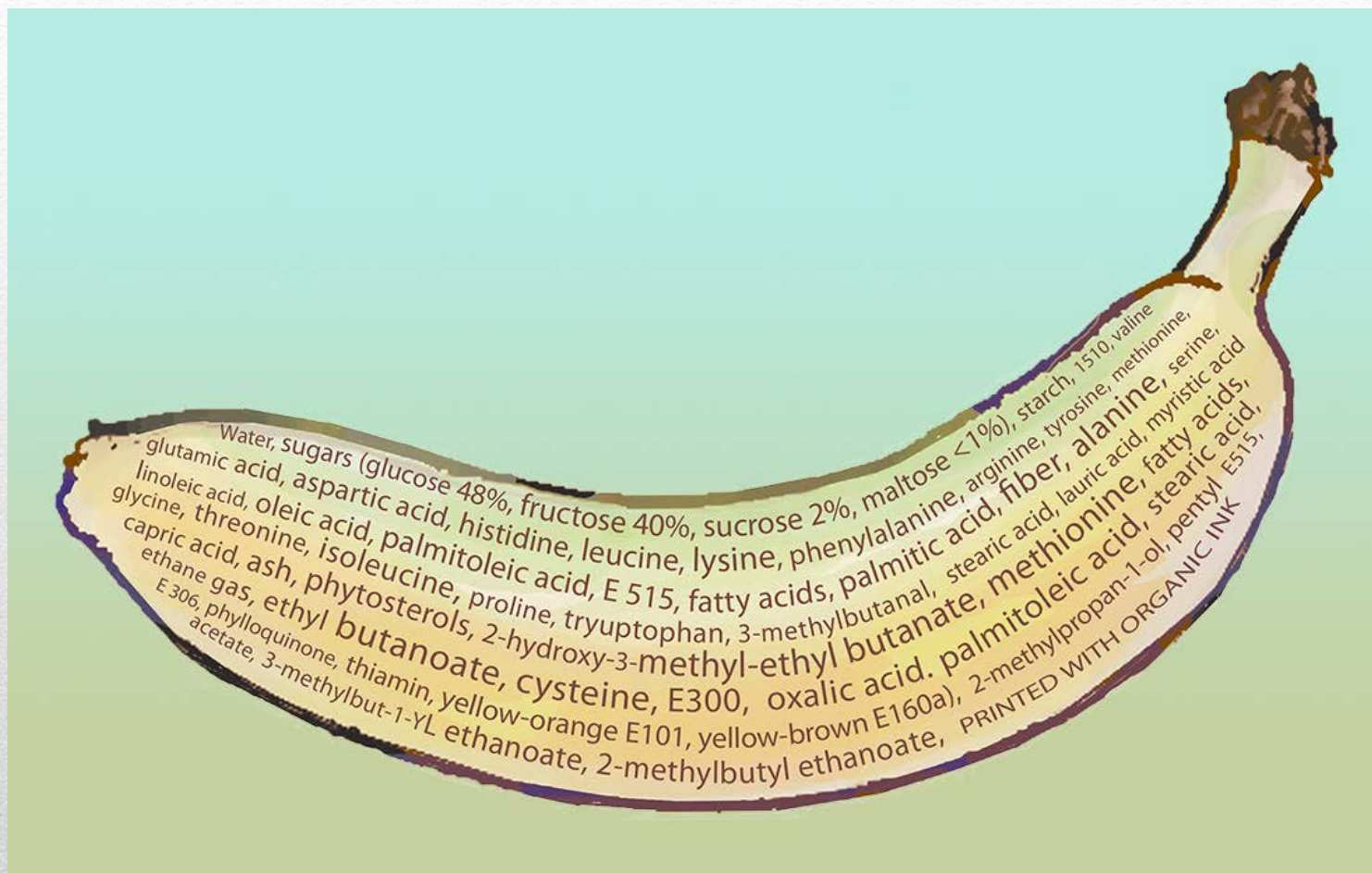
- Organic (100% Organic, Organic, Made with organic ingredients)
- Gluten-Free
- Natural
- Fair Trade Certified
- Certified Humane Raised and Handled
- Kosher
- Halal
- Others?



Specialtyfood.com

- ❖ There's a need for transparency – everywhere
- ❖ Consumers want to be educated about where their products come from and how they are made
- ❖ Be honest
- ❖ Trust is crucial
- ❖ <https://www.specialtyfood.com/news/article/what-mast-brothers-controversy-means-specialty-food-industry/>





Other helpful links

Dedicated Program Areas:

- ❖ Penn State Food Entrepreneur
 - <http://extension.psu.edu/food/entrepreneurs>
- ❖ Northeast Center for Food Entrepreneurship
 - <https://necfe.foodscience.cals.cornell.edu/>
- ❖ University of Wisconsin Food Business Innovation Network
 - <http://fyi.uwex.edu/foodbin/tag/entrepreneurs/>

Publications:

- ❖ University of Tennessee Pricing Guide for Direct Marketers
 - <https://extension.tennessee.edu/publications/Documents/PB1803.pdf>
- ❖ University of Maine How to Start a Specialty Food Business
 - <http://umaine.edu/publications/3101e/>





Eggs



Selling Eggs in Ohio: Marketing and Regulations

(OSU Extension Fact Sheet)

<https://ohioline.osu.edu/factsheet/anr-59>

Small Egg Production Operation

(Ohio Dept of Agriculture Fact Sheet, August 2018)

https://agri.ohio.gov/wps/wcm/connect/gov/9f7a5555-0eb9-4f9d-8d0b-fb2fe9f72ff9/SMALL+EGG+FACTSHEET_8_9_2018.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=ROOTWORKSPACE.Z18_M1HGGIK0N0JO00QO9DDDDM3000-9f7a5555-0eb9-4f9d-8d0b-fb2fe9f72ff9-mmbU.1z



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Selling Eggs From Your Ohio Farm

- No license is required if you :
annually maintain 500 or fewer birds

ODA asks that you register the farm market with ODA Food Safety, but this is voluntary.

- Application can be obtained online at agri.ohio.gov or by contacting the Division of Food Safety at 1-800-282-1955 to obtain registration information, or e- mail:
foodsafety@agri.ohio.gov .



Selling Eggs Off Farm in Ohio

- Farmers must have an inspection to sell off farm.
- To be an “approved source” for wholesale to grocery, restaurant, etc.
 - There is no charge for the inspection from ODA.
 - Email foodsafety@agri.ohio.gov with Request for Inspection Form.
 - Typically plan on at least one month for this process.



Selling Eggs Off Farm in Ohio

During the inspection...

- Safe water, testing shows negative for total coliforms
- Thermometer, accurate in refrigerator, < 45 °F
- Correct labeling



Selling Eggs Off Farm in Ohio

Eggs must be properly labeled:

- Name and address of the packer (street address is required if your business name is not listed in the telephone book)
- An accurate statement of the quantity (dozen)
- Label “ungraded” or “unclassified” and “mixed size” (for example ungraded mixed size)
 - Cannot grade eggs (A, AA, etc.)
 - Can size using proper equipment
- Pack Date - The date they were packaged in the carton
- Include Safe Handling Statement



Selling Eggs Off Farm in Ohio

SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.



Selling Eggs Off Farm in Ohio

Restaurant or Grocery Sales

- Farmers do not need additional licensing above the ODA inspection. Labeling rules still applies.

Farmers Market Sales

- Mobile Retail Food Establishment License
- Board of Health/ Health Department



OSU Extension Farm Office

Ag Law Library (Food Law)

<https://farmoffice.osu.edu/our-library/food-law>

- Our Publications

- Law Bulletin - [Ohio's Cottage Food Law](#)
- Law Bulletin - [Selling Foods at the Farm: When Do You Need a License?](#)
- Law Bulletin - [Vendor's Licenses and Sales Taxes at Ohio Farmers Market](#)
- Law Bulletin - [Legally Selling Your Baked Goods at a Farmer's Market](#)
- Law Bulletin - [Ohio's Home Bakery License: What's Required?](#)
- Law Bulletin - [Labeling and Packaging Your Home-Based Food Products](#)
- Law Bulletin - [Sampling Home-Based Food Products: Keeping You Responsible for a Safe Food Product](#)





Meat & Poultry



Selling Poultry from your farm

- 1,000 bird “exemption” from inspection:
 - If birds are grown, slaughtered and processed on the farm
 - And sold from the farm direct to consumer
 - Or through an HRI account (hotel, restaurant, institution)
- Can slaughter and sell without an inspection or license.



Selling Poultry from your farm

❖ On-farm grower/processor rule:

- Up to 20,000 birds per year.
- Birds must be raised from chicks, grown and slaughtered in the on-farm facility.
- Sold direct to consumers, hotels, restaurants, institutions.
- Exempt from inspection.
- May request voluntary inspection.
- But ODA license required.



Selling Poultry at Your Farm Market

- ❖ To sell your poultry from a farm market on the farm:
 - Exempt from Farm Market registration if only selling poultry under the 1,000 bird exemption.
 - Must register the Farm Market with ODA if selling two or more foods that are considered “lower risk” and are specified by ODA.
 - Poultry must be maintained frozen at an internal temperature of 41°F or less.





Selling Red Meat

❖ To sell your red meat to the public:

- Meat must be from a federal/state inspected processing facility.
 - Stamped with the Ohio inspection identification mark.
 - May also include an approved farm label on the product.
 - Allow 6-9 months for approval process

❖ 177 Fully Inspected Operators

- Meat with this label (outline of Ohio) can be sold to public.

❖ 83 Custom Operators

- Business that processes meat specifically for the farmer's own consumption. Meat will be marked "Not for sale".



Selling Fully Inspected Meats

- If buyers of fully inspected meats pick up their meat at the processor, no retail license is required.
- In order to sell a fully inspected meat product to the public from your home, a farm market, or farmers market, it is most likely necessary to obtain one of these licenses from your local health department
 - Retail food establishment license
 - Mobile retail food establishment license or
 - Temporary license



Thank you!

Please reach out with any future questions:

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Good production and handling practices

Lots of great university extension resources available!

University of Wisconsin Extension

<http://www.ext.colostate.edu/pubs/foodnut/09377.html>

Colorado State University Extension

<http://www.ext.colostate.edu/pubs/foodnut/09377.html>

University of Minnesota Extension

<http://www.extension.umn.edu/food/food-safety/preserving/eggs-dairy/buying-farm-fresh-eggs/>

University of Florida Extension

<http://osceola.ifas.ufl.edu/pdfs/CSA/egg%20handling.pdf>

Virginia Cooperative Extension

https://pubs.ext.vt.edu/2902/2902-1091/2902-1091_pdf.pdf



Good Handling Practices

Collect eggs twice a day

- Typically done laying by 10:00 a.m.
- Morning and afternoon/evening
- Depending on heat/cold

Use only clean eggs. Don't use floor eggs.

Don't consume cracked eggs. To help prevent cracks:

- Start oyster shell when switch from pullet feed to layer feed – typically 20 weeks of age
 - If they need the calcium then they will eat
 - Don't want to overload young birds with calcium
- Plenty of bedding in nest area

Safe Handling of Eggs, Dr. Jacquie Jacob, University of Kentucky Extension



Good Handling Practices

To clean eggs:

- Do not wash excessively dirty eggs
 - Dirty eggs can be boiled and fed to birds
- Carefully wash in potable water 15-20°F warmer than the egg temperature and at least 90°F
 - If washed with cooler water then the contents contract and water is pulled in through pores in the shell
- Place eggs in suspended colander and rinse without submersing them in the wash solution.



Good Handling Practices

To clean eggs:

- Use only sanitizers approved for egg washing
 - Some people use vinegar, dilute to ½ strength
- Eggs must be dried immediately afterwards.
 - Never put wet eggs into an egg carton
- Sanded eggs must not be washed.



Good Handling Practices

- Recommended to place eggs in clean, new cardboard boxes
- However, per ODA, egg cartons may be reused
 - Clean and sound
 - Any information from previous seller is obscured
- Place small end down to keep air cell stable
- Shelf life of eggs is 30-40 days from lay if handled this way and stored under refrigeration.



Tips for Entrepreneurs

❖ Product vs. End Result

- Producers often see their product as the final result of their work
- What we are really seeking is a different end product – a satisfied customer

❖ Value-Added marketing is not about marketing what you produce... but, producing what you can market.

Source: Mary Peabody, University of Vermont, eXtension: Entrepreneurs & Their Communities



Tips for Entrepreneurs

❖ Keys to Niche Marketing:

- Find a market that is
 - Significantly different from the mass market in the same class of items, This allows for premium pricing
 - Still large enough to produce enough sales to be profitable
 - Too small to attract mass production and distribution

Source: Mary Peabody, University of Vermont, eXtension: Entrepreneurs & Their Communities



Tips for Entrepreneurs

❖ Rules for success

- Start Small
 - Determine how much high quality product you can process and deliver on a consistent basis. Then match your “placement” to that volume.
- Price and convenience do matter
 - While many customers will support locally produced, the real world suggests that price and convenience to matter to almost all customers.

Source: Mary Peabody, University of Vermont, eXtension: Entrepreneurs & Their Communities

