



Public Health
Prevent. Promote. Protect.

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Farmers' Market Fact Sheet

What is a farmers' market?

- ▶ A farmers' market is a location where producers congregate to offer one or more of the following food items for sale: fresh unprocessed fruits or vegetables; products of a cottage food operation; tree syrup, sorghum, honey, apple syrup, or apple butter produced by an exempt processor; wine as authorized under section 4303.2010 of the Ohio Revised Code; <100 cu ft of commercially prepackaged, non-TCS (time/temperature controlled for safety) foods.

What is considered an "unprocessed" fruit or vegetable?

- ▶ "Unprocessed", with respect to fruits and vegetables, means that they are not processed beyond merely rough trimming and rinsing.

What is a cottage food production operation?

- ▶ A cottage food production operation means a person, who in their own home, produces non-TCS foods such as bakery products, jams, jellies, candy and fruit butter. These products must be labeled according to law. Please see the "Cottage Food Fact Sheet" for more information.

What is an exempt processor of tree syrup, sorghum, or honey?

- ▶ An exempt processor of tree syrup, sorghum, honey, apple syrup, or apple butter is a person whose end products are at least 75% tree sap, sorghum juice, honey, or apple products collected by that processor. Containers of these products must be labeled according to law.

What are examples of commercially prepackaged, non-TCS foods?

- ▶ Some examples of commercially prepackaged, non-TCS foods are bagged potato chips, wrapped candy bars, canned soda, etc.

Do I need a food license to sell food at a farmers' market?

- ▶ If you are selling one or more of the above mentioned foods at a farmers' market, you are exempt from needing to obtain a food license.

What if I want to sell foods other than those listed above at a farmers' market?

- ▶ Foods other than those listed above may be able to be sold at a farmers' market if they are from an approved source. However, you will need to obtain a license from and be inspected by the local board of health.

**For more information, please contact the Sidney-Shelby County Health Department
or the Ohio Department of Agriculture at 614-728-6250.**

Cottage Food in Ohio

Allowed (full list)

- Baked goods that do not require refrigeration, like breads, cookies, brownies, cakes, fruit pies, fruit cobbler
- Candy (including hot chocolate “bombs”)
- Fruit jams
- Fruit jellies
- Flavored honey produced by an exempt bee-keeper
- 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, waffle cones dipped in candy
- Pizzelles
- Dry cereal and nut snack mixes with seasonings
- Roasted coffee, whole beans or ground (flavorings permitted)
- Dry baking mixes
- Dry herbs, herb blends (air dried)
- Dry tea blends (air dried)
- Dry soup mixes (commercially dried ingredients)
- Dry seasoning blends
- Air dried pasta noodles (no egg)

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, or fruit butters
- Fresh pasta
- Dehydrated fruits (unless commercially dried)
- Cheesecakes, cream pies, pumpkin pies
- Fry pies
- Popping corn (unless still on the cob)
- Acidified foods, including pickles, relishes, etc.
- Salsa
- Hot pepper butter, pumpkin butter, nut butter
- Hummus
- Waffles or Belgian waffles
- Raw pizza dough, cookie dough
- Cream cheese frosting (unless commercially made and shelf stable)
- Beef jerky
- Meals
- Hickory syrup
- Banana jams or jellies
- Vegetable chutneys
- Hot chocolate or cappuccino mixes
- Cheese breads (unless cheese is part of homogenous batter)
- Freeze-dried foods (candy OK if not reduced-oxygen packaged)

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BASIC REQUIRED FOOD LABELING COMPONENTS LABEL EXAMPLE (COTTAGE FOOD PRODUCTION)

This label example is just one way to present the information required on a food product label. Information may be placed in different ways and may appear on more than one label. Labels must comply with all applicable regulations and all information must be accurate and not misleading.

Foods cannot be made with partially hydrogenated oils. Additional information can be found at

<https://www.fda.gov/Food/IngredientsPackagingLabeling/FoodAdditivesIngredients/ucm449162.htm>

Ingredient List – Ingredients shall be listed by common or usual name in descending order of predominance by weight. Meaning, the ingredient that weighs the most is listed first, followed by the next heaviest ingredient, with the ingredient that weighs the least listed last.

Any ingredient that is composed of two or more ingredients (sub-ingredients) must list those sub-ingredients parenthetically following the name of the ingredient.

The label of any food that contains an ingredient that is or contains a protein from a “major food allergen” shall declare the presence of the allergen by its common or usual name either in the list of ingredients or placing the word “Contains” followed by the name of the food source from which the allergen is derived immediately after or adjacent to the list of ingredients (e.g. Contains: wheat, soy, milk, eggs, almonds).

Ref: ORC 3715.023

Statement of Identity – The *Statement of Identity* is the name of the food. The name shall be the common or usual name of the food and shall accurately identify or describe the basic nature of the food or its characterizing properties or ingredients.

Ref: ORC 3715.023

Statement of Responsibility – Shall include the:

Business Name
Street Address
City, State, Zip Code

All information in the *Statement of Responsibility* shall be continuous.

Telephone numbers, web-site addresses, and e-mail addresses are permitted, but not required. This type of extra information shall not be placed between the *Ingredient List* and the *Statement of Responsibility* and cannot be used in lieu of listing the business name, street address, city, state, and/or zip code.

Ref: ORC 3715.023

CHOCOLATE CHIP COOKIES

INGREDIENTS: ENRICHED FLOUR (BLEACHED WHEAT FLOUR, MALTED BARLEY FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), BROWN SUGAR (MOLASSES, SUGAR), SEMI-SWEET CHOCOLATE CHIPS (SEMI-SWEET CHOCOLATE (SUGAR, CHOCOLATE LIQUOR, COCOA BUTTER), SOY LECITHIN, VANILLA), VEGETABLE SHORTENING (SOYBEAN AND COTTONSEED OIL, MONO- AND DIGLYCERIDES, ARTIFICIAL BUTTER FLAVOR, BETA CAROTENE (PRO VITAMIN A-ADDED FOR COLOR)), MILK CHOCOLATE CHUNKS (SUGAR, COCOA BUTTER, MILK, CHOCOLATE LIQUOR, SOY LECITHIN, VANILLIN), EGGS, MILK, BAKING POWDER (POTASSIUM BITARTRATE, CORN STARCH, BAKING SODA), NATURAL FLAVOR, SALT, BAKING SODA.

Agriculture Cookie Co.
8995 E. Main Street
Reynoldsburg, OH 43068

NET WT 8 OZ (227 g)

This product is home produced.

ODA – Ohio Department of Agriculture
ORC – Ohio Revised Code

The 9 major food allergens are sesame, milk, eggs, tree nuts (e.g., almonds, walnuts, pecans), peanuts, wheat, soybeans, fish (e.g., anchovies) and Crustacean shellfish.

Net Quantity of Contents – The term “NET WEIGHT” - or an appropriate abbreviation - shall be used when stating the *Net Quantity of Contents* in terms of weight. The *Net Quantity of Contents* shall be declared in both the U.S. Customary System and the SI (metric system).

Ref: ORC 3715.023

Cottage Food Declaration – Food products that are manufactured in compliance with Ohio’s Cottage Food Rules, must be properly labeled and bear the statement, “This product is home produced.” In 10-point type font.

The statement means that the food product was produced in a private home that is not subject to inspection by a food regulatory authority.

Ref: ORC 3715.023



M E M O R A N D U M

Date: October 28, 2025
To: All Local Health Departments
From: Ohio Department of Agriculture, Division of Food Safety
Subject: Cottage Food Freeze-Dried Candy

Recently we have received questions pertaining to freeze-dried candies. This communication was written to clarify allowable freeze-dried candy. Candies¹, including freeze-dried candy, may be sold as a Cottage Food, so long as the freeze-dried candy complies with all other Ohio Food Safety and Cottage Food laws and rules.

To clarify, the act of freeze-drying candy is not covered by the Cottage Food Production Rules², when using Reduced Oxygen Packaging as defined in OAC 901:3-20-01(B)(6). If the freeze-dried candy is simply sealed in an air-tight package without an oxygen scavenger, it may be made and sold under as a Cottage Food in Ohio, because this is not reduced oxygen packaging as defined in OAC 901:3-20-01(B)(6).

While the Cottage Food Production rules do allow candy, once candies are freeze-dried, an oxygen scavenger is commonly used to extend the shelf life of the candy. However, OAC 901:3-20-04 (B) specifically states that cottage foods may not be packaged using reduced oxygen packaging. These candies must comply with all other Cottage Food laws and rules.

Please contact the Ohio Department of Agriculture, Division of Food Safety, if you have questions about this memorandum.

¹ Ohio Administrative Code ("OAC") 901:3-20-04(A)(4)

² OAC 901:3-20



To: Health Commissioners, Directors of Environmental Health, Food Program
Specialists and Interested Parties

From: Ohio Department of Agriculture, Division of Food Safety
Ohio Department of Health, Food Safety Program

Date: October 21, 2025

Re: Letter of Opinion 2025-01

Small Egg Producer as an Approved Source

The recent state budget bill, HB 96, has amended Ohio Revised Code Chapter 3715.021 to exempt small egg producers as food processing establishments. This change will be effective October 1, 2025. Therefore, small egg producers will no longer be subject to registration/inspection by the Ohio Department of Agriculture's Division of Food Safety.

A small egg producer is defined as any person who is engaged in the operation of egg production and annually maintains 500 or fewer birds. Approved source is defined in the Ohio Uniform Food Safety Code, OAC 3717-1-01 (B)(4), for a Food Service Operation (FSO) and Retail Food Establishment (RFE). With this change, a small egg producer will be classified as an approved source for a FSO and RFE similar to cottage foods, tree syrup, honey, sorghum, apple syrup, and apple butter producers as specified in 3715.021 of the Revised Code.

The updated definition of Approved Source will read:

(b) A cottage food production operation as defined in division (A) of section 3715.01 of the Revised Code, or an exempt processor of tree syrup, honey, sorghum, apple syrup or apple butter, or a small egg producer as specified in division (A) of section 3715.021 of the Revised Code; and that is in compliance with the provisions of Chapter 3715. of the Revised Code and any applicable rules adopted thereunder;

A small egg producer will be subject to the labeling requirements in 925 of the Revised Code and 21 CFR 101.17(h), which include:

- The name and address of the operation;
- An accurate statement of the quantity of the contents in terms of numerical count;
- The date the shell eggs were processed;
- Labeled "ungraded" or "unclassified";
- Labeled "mixed size";
- The safe handling statement. This can be placed on the outside of the carton or on the inside of the carton lid.

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MEMORANDUM

Date: November 5, 2025

To: All Local Health Departments

From: Ohio Department of Agriculture, Division of Food Safety (ODA FS)

Subject: Cottage Food Icings and Frostings Determination

The ODA FS is issuing this memorandum to inform local health departments of a determination that was made regarding selling non-potentially hazardous frosting and icing alongside cottage food bakery items.

After an internal review, we have determined that the sale of non-potentially hazardous frosting and icing alongside cottage-baked goods is permissible under Ohio's cottage food laws.

All other requirements of the cottage food laws and rules must be met. Specifically, a food that requires refrigeration does not meet the definition of a cottage food. For the purposes of this memorandum, examples of impermissible frostings and icings include, but are not limited to, cream cheese-based frosting/icing and/or those made with eggs as they require refrigeration. It is the responsibility of the operator to ensure their products are non-potentially hazardous.

This change is effective immediately. ODA's administrative rules are regularly updated, and this change will be formally made to our rules during their next update to ensure clarity moving forward.

Please contact the Ohio Department of Agriculture, Division of Food Safety, if you have questions about this memorandum.