

COTTAGE FOOD OPERATIONS – FACT SHEET

The Cottage Food Operation law (P.A.097-0393) became effective in Illinois on January 1, 2012. The new law allows certain foods made in home kitchens to be sold at Illinois Farmers' Markets.

What is a Cottage Food Operation?

A Cottage Food Operation is a person who produces or packages non-potentially hazardous food in a kitchen of that person's primary domestic residence for direct sale by the owner or family member.

What foods are permitted to be made in a home kitchen and sold by a Cottage Food Operation?

Only non-potentially hazardous (as defined by the FDA Food Code) baked goods, jams, jellies, fruit preserves, fruit butters, dry herbs, dry herb blends, and dry tea blends that are intended for end-use consumption are permitted.

Jams, Jellies, and Preserves: The following high acid jams, jellies, and preserves are allowed: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currant, or a combination of these fruits.

Any other jams, jellies, or preserves not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory as being non-potentially hazardous.

Low sugar or sugar substitutes in jams, jellies, and preserves can make a difference in the shelf stability of the product. The best practice for low-sugar jams and jellies is that they be processed only in a boiling water canner for a minimum of ten minutes and not by any other methods unless water activity is determined by a commercial lab to be less than 0.85.

Fruit Butters: The following high acid fruit butters are allowed: apple, apricot, grape, peach, plum, quince, and prune.

Any other fruit butters not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory as being non-potentially hazardous.

Baked Goods: Baked goods, such as, but not limited to, breads, cookies, cakes, pies, and pastries are allowed. High acid fruit pies made from the following fruits are permitted: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of these fruits.

Fruit pies not listed may be produced if the recipe has been tested and documented by a commercial laboratory as being not potentially hazardous.

What foods are NOT permitted to be made in a home kitchen and sold by a Cottage Food Operation?

Any potentially hazardous (as defined by the FDA Food Code) food is prohibited from being produced and sold by a Cottage Food Operation. This includes meat products, dairy products, home canned foods, pickled products, home vacuum packaged products, sandwiches, and raw seed sprouts. Also:

Jams, Jellies, and Preserves: Rhubarb, tomato, watermelon, and pepper jellies and jams are not allowed.

Fruit Butters: Pumpkin, banana, and pear butters are not allowed.

Baked Goods: Pumpkin pie, sweet potato pie, cheesecake, custard pies, cream pies, and pastries with potentially hazardous fillings or toppings are not permitted.

Take and bake products are not allowed. Sampling of products at the farmers' market is not allowed.

Where may a Cottage Food Operation sell its products?

A Cottage Food Operation may only sell its products at farmers' markets in Illinois. A farmers' market is defined as a common facility or area where farmers gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.

A Cottage Food Operation may not sell its products from the home, to a retailer for resale, or to a restaurant for use or sale in the restaurant. Products cannot be sold over the internet, by mail order, or to wholesalers, brokers, or other food distributors.

Gross receipts of a Cottage Food Operation may not exceed \$25,000 per calendar year.

What are the labeling requirements of a Cottage Food Operation?

Items produced by a Cottage Food Operation must be labeled with the following basic information:

- The name and physical address of the Cottage Food Operation
- The common or usual name of the food product
- The ingredients of the food product, including any colors, artificial flavors, and preservatives, listed in descending order of predominance by weight
- The following statement: "This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens."
- The date the product was processed
- Allergen labeling as specified in federal labeling requirements-any ingredients made from milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, and soybeans must be identified.

Handwritten labels are acceptable if they are clearly legible, written with permanent ink, and large enough to be read easily.

In addition, at the point of sale, a placard must be displayed in a prominent location that states the following: "This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens."

Cottage Food Operation Registration and Fees:

The person preparing and selling products as a Cottage Food Operation must have an Illinois Food Service Sanitation Manager Certification.

A Cottage Food Operation must be registered annually with the local health department where the operation resides. Failure to register with the local health department will subject the Cottage Food Operation to regulation by the Illinois Department of Public Health and/or the Illinois Department of Agriculture.

By registering, the Cottage Food Operation must agree to grant access to the local health department to conduct an inspection of the Cottage Food Operation in the event of a consumer complaint or foodborne illness outbreak.

Out of state Cottage Food Operations are not allowed. Only operations where the home kitchen is physically located in Illinois are allowed to operate as a Cottage Food Operation under this law.

A copy of the Cottage Food Operation law and IDPH Technical Bulletin is available at the Health Department.

To register a Cottage Food Operation in Jo Daviess County, complete a registration form and return it to the Jo Daviess County Health Department along with a copy of your Illinois Food Service Sanitation Manager Certificate and registration fee.