

## Cottage Food Operation – Fact Sheet

### **What is a Cottage Food Operation?**

A “Cottage Food Operation” means 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, stored in the residence where the food is made.

### **What foods are Permitted to be Manufactured for Sale by a Cottage Food Operation**

Only non-potentially hazardous (according to the FDA Food Code or subsequent amendments) 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:** Only high acid jams, jellies, and preserves are permitted. The following high acid fruits are explicitly permitted: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of those 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 containing a pH equilibrium of less than 4.6.
- **Fruit Butters:** Only high acid fruit butters are permitted. The following fruit butters are explicitly permitted: apple, apricot, grape, peach, plum, quince, and prune.
  - Any other fruit butter not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory as containing a pH equilibrium of less than 4.6.
- **Baked Goods:** Baked goods, such as, but not limited to, breads, cookies, cakes, pies and pastries are permitted. The following high-acid fruit pies are explicitly permitted: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of those fruits.
  - Fruit pies not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory as containing a pH equilibrium of less than 4.6.

### **What Foods are NOT Permitted to be Manufactured for Sale by a Cottage Food Operation**

Any potentially hazardous food (as defined by the FDA Food Code or subsequent amendments) is prohibited from being produced and sold under the cottage food law. That includes, but is not limited to, meat products, dairy products, canned vegetables, pickled products, raw seed sprouts, and generally any food item that requires time and temperature control for food safety.

- **Jams, Jellies, and Preserves:** Rhubarb, tomato, and pepper jellies or jams are NOT permitted
- **Fruit Butters:** Pumpkin, banana, and pear butters are NOT permitted.

- Baked Goods: Pumpkin pie, sweet potato pie, cheese cake, custard pies, crème pies, and pastries with potentially hazardous fillings or toppings are NOT permitted.

### **Where may A Cottage Food Operation sell its products?**

A Cottage food operation may only sell products at a farmers market 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. Items sold by a cottage food operation are intended for end-use only.

Gross receipts from the sale of food exempted under the cottage food law may not exceed \$25,000 in a calendar year.

### **What are the Labeling Requirements?**

Items produced by cottage food operations must be packaged and labeled with the following information:

1. The name and address of the cottage food operation;
2. The common or usual name of the food product;
3. All ingredients of the food product, including any colors, artificial flavors, and preservatives, listed in descending order by predominance of weight shown with common or usual names;
4. The following phrase: “This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens.”;
5. The date the product was processed; and
6. Allergen labeling as specified in federal labeling requirements.

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 & Fees**

The cottage food operation must have an Illinois Department of Public Health approved Food Service Sanitation Manager Certificate.

The name and residence of the person preparing and selling products as a cottage food operation must be registered with the health department of a unit of local government where the cottage food operation resides.

- A state-certified local public health department may, upon providing a written statement to the Illinois Department of Public Health take the additional regulatory measures:
  1. Include a reasonable fee for registration set by the local public health department;

2. Require that as part of the registration a cottage food operation must agree to grant access to the local public health department to conduct an inspection of the cottage food operation in the event of a consumer complaint or foodborne illness outbreak.
3. In the event of a consumer complaint or foodborne illness a local health department is allowed to inspect the premises of the cottage food operation in question and set a reasonable fee for that inspection.

### **Additional Food Safety Provisions**

If the Illinois Department of Public Health or a unit of local government has received a consumer complaint or has reason to believe that an imminent health hazard exists or that a cottage food operation's product has been found to be misbranded, adulterated or not in compliance with the cottage food law then it may invoke cessation of sales until it deems that the situation has been addressed.

### **What Does Allergen Labeling as Specified in Federal Labeling Requirements Mean?**

It means that a cottage food operation on its label must identify if any of the ingredients are made from one of the following food groups: milk, eggs, wheat, peanuts, soybeans, fish and tree nuts.

Example: If the cottage food operation is making wheat bread they have the following two options:

1. Include the allergen in the ingredient list. For example: (Whole wheat flour, water, salt and yeast.) In this example the statement "Whole Wheat Flour," meets the requirements.
2. Include an allergen statement ("Contains:") after the ingredient list. For example: (whole wheat flour, water, sodium caseinate, salt and yeast. Contains: wheat and milk)
  - a. The "Contains" statement must reflect all the allergens found in the product. In this example, the sodium caseinate comes from milk so it is listed as an allergen.