



Clark County Health Department

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Clark County Health Department – Farmer’s Market Guidance

Home-based vendors are not required to obtain a food permit from their local health department!

- Food provided by a *Home-Based Vendor* or *HBV* must be Non-*Time/Temperature Control for Safety (TCS)*
- *Reduced Oxygen Packaged* or *ROP* food cannot be sold by a *HBV* except for Jams, Jellies, and Preserves made of high-acid fruits such as strawberries, grapes, raspberries, etc. using full sugar recipes.
- If a *HBV* has a product that is thought to be a *Time/Temperature Control for Safety food* or contains TCS ingredients, the product must be submitted to a university lab or food science lab for testing and final determination. You must have your product testing results on-site when selling your products at the Farmer’s Market.
- If you do not submit the suspected *TCS* product or product containing possible *TCS* ingredients to a university lab or food science lab, you must submit to the health department your recipe and process in detail and also purchase a calibrated pH meter to have on-site at all times when selling your product.

A “*Home-Based Vendor*” (HBV) is an individual who:

- Has made, grown, or raised a food product at their primary residence, property owned or leased by them
- Prepares and packages all food items prior to the event
- Complies with IC 16-42-5-29 including all labeling requirements.
- If a HBV does sell products online, the food product label must be available on your webpage/market page and products may not be sold over state lines.
Note Records for products that are shipped or mailed to end consumers must be maintained for at least one year after sale date.

- Has obtained a Food Handler Certificate from a certificate issuer that is ANSI accredited.

Labeling Requirements

HBV food products must be labeled according to IC 16-42-5-29(c)(5)

- Producer's name and address
- Common or usual name of food product
- Ingredients of food product
- Net weight and volume or numerical count
- Date food product was processed
- The following statement in 10-point type: **“This product is home-produced and processed and the production area has not been inspected by the State Department of Health.”**
- In place of labeling on the product, a placard may be used in some situations:
 - When the product sold is not packaged
 - Must contain all the required labeling information in IC 16-42-5-29(c)(5)
 - For the sale of chicken eggs: contact the Indiana State Egg Board for labeling requirements (see contacts).

CAN Be Done as a HBV

- Baked goods – cakes, fruit pies, cookies, brownies, dry noodles
- Candy and confections – caramels, chocolates, fudge, hard candy, chocolate covered fruit
- Whole, uncut produce
- Tree nuts and legumes
- Pickles processed in a traditional method (e.g. fermentation) & not put into an oxygen sealed container
- Honey, molasses, sorghum, maple syrup
- Jams, jellies, preserves – only high acid fruit in full sugar recipes (this is the only item that can be canned as a HBV)
- In-shell chicken eggs through the Indiana Egg Board
- Cut tomatoes and cut leafy greens

- FDA says these products require Time/Temperature Control for Food Safety (TCS) which equals a potentially hazardous food and cannot be sold by a HBV; **unless**, a cut tomato or cut, leafy green bearing product:
 - Has been acidified by adding acid or by the action of a culture (fermented)
 - ***Is not put into an oxygen sealed container***
 - Can be measured by the vendor to show the product has a pH of 4.6 or less by use of a calibrated pH meter in the presence of a regulatory official

* Foods may be temperature controlled only for quality

CAN'T Be Done as a ***HBV***

- Items that use “**reduced oxygen packaging**” (ROP) methods – canning, vacuum sealing (exception is canned jellies/jams made of high acid fruits using full sugar recipes)
- Canned or hermetically sealed containers of ***acidified*** or ***low-acid foods***; produce items in an oxygen sealed container (see definition below)
- Cut melons, raw seed sprouts
- Jerky
- Non-modified garlic-in-oil mixtures
- Heat treated vegetables
- Fermented vegetables in sealed containers
- “***Low acid***” or “***acidified***” canned foods
- Shell eggs not from a domestic chicken (duck, quail, turkey)

Time/Temperature Control for Safety Food (products) - (TCS)

TCS means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation and includes:

- Animal food that is raw or heat-treated
- A plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or mixtures of cut tomatoes that are not modified.
- Garlic-in-oil mixtures that are not modified.

- pH (acidity), water activity (Aw), and other intrinsic factors are considered when making a determination, professional product assessment may be necessary.

"Reduced oxygen packaging" means the following:

1. The reduction of the amount of oxygen in a package by:

- removing oxygen;
- displacing oxygen and replacing it with another gas or combination of gases; or
- otherwise controlling the oxygen content to a level below that normally found in the surrounding twenty-one percent (21%) oxygen atmosphere.

2. A process as specified in subdivision one (1) that involves a food for which *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form.

- The term includes the following:

- Vacuum packaging in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide.
- Modified atmosphere packaging in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes any of the following:
 - Reduction in the proportion of oxygen.
 - Total replacement of oxygen.
 - An increase in the proportion of other gases, such as carbon dioxide or nitrogen.

3. Controlled atmosphere packaging in which the atmosphere of a package of food is modified so that, until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained as such by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material.

Examples of **TCS**

- Meat, poultry, aquatic animal products
- Dairy
- Egg products
 - Excluding some baked items and dried noodles; raw shell eggs are able to be sold through the Indiana State Egg Board at farmer's markets

“Acidified or low-acid foods” defined – cannot be done as a HBV

“Acidified foods or low-acid foods” means low-acid foods to which acid or acid food is added. The term includes, but is not limited to:

- beans;
- cucumbers;
- cabbage;
- artichokes;
- cauliflower;
- puddings;
- peppers;
- tropical fruits; and
- fish;

singly or in any combination. These foods have an aw greater than eighty-five hundredths (0.85), a finished equilibrium pH of 4.6 or below, and may be called pickled, such as “pickled cauliflower”.

The term does not include:

- carbonated beverages;
- jams;
- jellies;
- preserves; and
- ***acid foods***;

including such foods as standardized and non-standardized food dressings and condiment sauces, that contain small amounts of low-acid food and have a resultant finished equilibrium pH that does not significantly differ from that of the predominant acid or acid food, and foods that are stored, distributed, and retailed under refrigeration.

“Acid foods” defined

“Acid foods” means foods that have a natural pH of 4.6 or below.

Contacts

Indiana State Egg Board – Eggs and egg regulations - 765-494-8510

Purdue Product Testing - 765-494-7997

IDOH Main Office - 317-234-8569