



Cottage Foods: Frequently Asked Questions

Is there a limit to how much I can sell as a Cottage Food producer?

The Georgia Department of Agriculture does not have any limits on gross sales or the number of units that can be produced.

What types of Cottage Foods can I produce in my home?

Non-potentially hazardous foods that do not require time and/or temperature control for safety (can be safely kept at room temperature and do not require refrigeration). Specific products are listed in the guidance document.

What are Potentially Hazardous Foods

A producer of Potentially Hazardous Food does not qualify as a Cottage Food Operator. "Potentially Hazardous Food" is defined in the Cottage Food Regulations in 40-7-19-.02(16) and is used to classify foods that require time-temperature control (cannot be safely kept at room temperature; and therefore require refrigeration) to keep them safe for human consumption. Examples of Potentially Hazardous Foods are as follows:

- Meat (beef, pork, lamb);
- Poultry (chicken, turkey, duck);
- Fish;
- Shellfish and crustaceans;
- Eggs;
- Milk and dairy products;
- Cooked, plant-based foods (e.g., cooked rice, beans, or vegetables);
- Baked potatoes;
- Certain synthetic ingredients;
- Mushrooms;
- Raw sprouts;
- Tofu and soy-protein foods; and
- Untreated garlic and oil mixtures.

Will I need to meet local zoning or other laws?

Yes. Cottage Food Operators should contact their local city and county governments to determine if there are local regulations or ordinances that will prevent operation of a home-based business.

Can I utilize commercial type equipment such as large rotary mixers in my cottage food operation?

No. Typically a private home is not equipped with sinks required to effectively wash, rinse, and sanitize large commercial equipment.

Does my equipment, stove and/or refrigerator need to be NSF (a food equipment evaluation group) approved?

No. As a Cottage Food operator, you are not required to meet NSF standards for the equipment used to manufacture Cottage Food products.

Do I need to have a DBA for the Cottage Food law?

A DBA (Doing Business As) may be a requirement of your county or local municipality.

The farmers market where I want to sell my products says I need a Food Sales Establishment License, even though I have obtained a Cottage Food License from the Georgia Department of Agriculture. Can the market require a license?

Yes. Even though an entity may be licensed as a Cottage Food Operation, some farmers markets or other direct marketing venues may require vendors to have a Food Sales Establishment License. Local policies enacted by farmers market boards and other local governing bodies are outside the scope of the Department's Cottage Food Regulations.

Are there any special requirements regarding my home on-site well?

Yes. Only potable water from a properly constructed on-site well or municipal water system can be used. If a well is used, the well water should be tested, at least annually, for coliform bacteria and nitrates. Water from wells with any of the following features should be avoided:

- Very shallow depth (< 25 ft);
- Producing cloudy water;
- Located in below-ground pit;
- Buried wellhead;

- Missing cap or seal;
- Opening around casing pipe;
- Located in close proximity to septic system ; or
- Dug well.

Local county health departments can provide consultation on drinking water quality and well construction.

Are there any concerns related to my home on-site wastewater (septic) system?

Depending on the nature and volume of the food products which will be manufactured for sale, there can be adverse effects to the existing system serving the home. For instance, adding significant bakery wastewater can not only increase the total volume discharged but may also result in the increase in the organic strength of the wastewater discharged to the drain field, leading to the possibility of accelerated system failure. The adequacy of the home system to handle additional wastewater loading should be evaluated by the local county health department prior to initiating manufacturing. The local county health department can advise you if modifications to the existing system may be necessary.

Why are some products not allowed to be made and sold under the Cottage Food Law?

The Cottage Food Regulations allow food entrepreneurs to operate small food businesses and produce a variety of food products that are generally considered to be low-risk from a food safety standpoint, if prepared properly in an unlicensed and uninspected kitchen, while protecting public health to the greatest extent possible. The allowable products list is based on the food safety risk level associated with certain types of food. People who operate licensed and routinely inspected food processing businesses have to meet certain requirements for training, food safety and handling, and product testing. Since Cottage Food businesses are uninspected, it is necessary to limit food products allowed under the law to those that are considered low risk, or non-potentially hazardous.

Are pet treats included under the Cottage Food Law?

No. The Cottage Food guidance document applies to human grade food only.

Can I produce and sell cooked vegetable products, like salsas, tomato sauces, spaghetti sauces, or foccacia bread with roasted vegetables?

No. Food products made with cooked vegetable products do not qualify under the Cottage Food Regulations. Manufacturers of cooked vegetable products like salsas and tomato sauces must meet significant federal and state training and licensing requirements. Cooked vegetables, whether fresh or canned, usually are made from a combination of low acid and acidified foods, and are considered a Potentially Hazardous Food. Cooked vegetables must be held either hot (above 135°F) or cold (below 41°F). They can't be stored at room temperature, which makes them ineligible for production in a cottage food operation.

Can I bake bread in a wood fired oven under the Cottage Food Regulations?

Yes, as long as that oven is in your home kitchen.

Can I make and sell apple butter, pumpkin butter or other fruit butters?

No. Fruit butters have significantly less sugar than a traditional jam or jelly. It is the combination of acid, sugar, pectin and heat that assures the safety of jams and jellies. In fruit butters, the combination of sugar and pectin is not large enough to assure that the butter is safe. Additionally, with lower sugar and pectin levels, spoilage organisms are more likely to survive the cooking process, which would allow for a micro-environment to develop and allow for the growth of *Clostridium botulinum*.

Can I press and sell apple cider under the Cottage Food Regulations?

No. Apple cider is not a food allowed to be produced. No beverages are allowed to be produced under the Cottage Food Regulations.

Are honey and syrup covered under the Cottage Food Regulations?

No. Honey and syrup are not considered cottage foods, because state regulatory requirements and exemptions typically have some significant differences. Please contact the Food Safety Division for more information.

Can I make and sell dehydrated meats under the Cottage Food Regulations?

No. Meats are a Potentially Hazardous Food and are not allowed under the Cottage Food Regulations.

I lease space in a retail building where I operate a small antique shop. As a Cottage Food Operator, can I sell my own baked goods from my shop under the Cottage Food Regulations?

Yes, as long as they are labeled correctly and completely, and the label includes any allergens the product may contain. However, you can't sell other people's products (e.g., consignment) nor have other people sell your products (e.g., wholesalers).

Can I make and sell hard candies or lollipops under the Cottage Food Regulations?

Yes. Hard candies, lollipops and peppermint candies are allowed under the Cottage Food Regulations, as long as they are packaged and sold in a way that the required labeling information is conspicuously displayed for the consumer.

Can I make and sell sweet breads, muffins or other baked goods made with fresh fruits and vegetables like zucchini, pumpkin, and strawberries?

Yes, as long as the fruits or vegetables are incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh fruits or vegetables.

Can I use homegrown fruits and vegetables in baked goods?

Yes. You should take care to thoroughly wash the homegrown produce and the fruits or vegetables must be incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh fruits or vegetables.

Can homegrown produce be canned and used for making baked goods, like sweet breads, at a later date?

No, but you can use commercially canned products for baked goods, like canned pumpkin, cherry pie filling, etc. Most home-canned products are not approved for production under the Cottage Food Regulations, with the exception of jams and jellies.

Can I freeze homegrown produce and use it for making baked goods, like sweet breads, at a later date?

Yes, as long as the frozen fruits or vegetables are incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh or frozen fruits or vegetables.

Can I make and sell dry bread or 'instant' bread mixes under the Cottage Food Regulations?

Yes. Dry bread mixes are an acceptable product to produce and sell, as long as you meet all the requirements of the Cottage Food Regulations.

Does my chocolate fountain business qualify as a Cottage Food Operation? I deliver and set up the fountain, and provide chocolate dipping sauce and items to dip (cut up fruit, pretzels, etc.) that I have prepared in my home kitchen.

No. This type of business is a catering service, or food service business, subject to local county health department regulations and permitting.

Do I have to put a label on my Cottage Foods?

Yes, you are required to label your Cottage Foods. The basic information that must be on the label is as follows:

- Name and address of the Cottage Food operation.
- Common name or description of the Cottage Food product.
- The ingredients of the Cottage Food product, in descending order of predominance by weight.
- The net weight or net volume of the Cottage Food product.
- Allergen labeling as specified in federal labeling requirements.
- The following statement: "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO STATE FOOD SAFETY INSPECTIONS" (All capital letters - Times New Roman or Arial font, in at least 10-point type, and in a color that contrasts to the background color of the label).

Hand-printed labels are acceptable if they are clearly legible, written with durable, permanent ink, and printed large enough to equal the font size requirements listed above.

What does allergen labeling "as specified in federal labeling requirements" mean?

It means you must identify if any of your ingredients (or that ingredient's sub-ingredients) are made from one of the following food groups: milk, eggs, wheat, peanuts, soybeans, fish (including shellfish, crab, lobster or shrimp), and tree nuts (such as almonds, pecans or walnuts). For example, if you have an ingredient made with a wheat based product, you have two options:

1. Include the allergen in the ingredient list. For example, a white bread with the following ingredient list: whole wheat flour, water, salt and yeast:

"Ingredients: whole wheat flour, water, salt and yeast."

In this example, listing "*whole wheat flour*" as an ingredient meets the requirements of federal law.

2. Include an allergen statement ("Contains:") after the ingredient list. For example, a white bread with the following ingredient list: whole wheat flour, water, sodium caseinate, salt and yeast.

"Ingredients: whole wheat flour, water, sodium caseinate, salt and yeast. Contains: **Wheat and Milk**"

The "Contains" statement must reflect all the allergens found in the product. In this example, the Milk comes from the sodium caseinate.

Are there any special requirements for tree nuts labeling for allergens?

Yes, if the Cottage Food has tree nuts as an ingredient, you must specifically identify which tree nut you are using. For example, if you made Nut Bread, an acceptable ingredient list would be:

"Ingredients: wheat flour, water, almonds, salt, yeast."

The following list would not be acceptable:

"Ingredients: flour, water, nuts, salt, yeast."

I am concerned that some of my product ingredients that are not allergens are "trade secrets" and listing all my ingredients would lead to unfair competition. Do I have to list all of my ingredients or can I protect my trade secrets?

According to federal regulations (*Food and Drug Administration (FDA), 21CFR 101.100g(1)(2)*), exceptions to labeling can be made. In particular, if the Commissioner of Food and Drugs finds that alleged secret ingredients are harmless an exemption may be granted. You should contact the FDA to discuss and propose an exemption from labeling.

Do I have to include my home address on my product labeling, or is a post office box sufficient?

You must use the physical address of your home kitchen on your product label, not a post office box. The Cottage Food Regulations specify that the name and address of the business of the Cottage Food Operation must be included on the label. The purpose of including an address on product labels is to be able to locate the business in case of a recall or trace-back associated with a foodborne illness complaint or outbreak.

Am I required to send my products to a laboratory to obtain an official ingredient list, or is it something I can put together on my own?

You are not required to have your product analyzed by a laboratory to obtain an official ingredient list. You must, however, list all ingredients, in descending order of predominance by weight. Allergen labeling, as specified in federal labeling requirements, must also be included.

If I make and sell wedding and birthday cakes, what labeling requirements do I have to meet?

For wedding cakes, birthday cakes and other specialty cakes that are custom baked for an individual consumer, the business name and address must be included on the shipping container (if one is used) or on an invoice provided to the customer. The Cottage Food Statement must also be labeled on the shipping container or disclosed on the invoice provided to the customer. It is the responsibility of the customer to inquire about ingredients and allergens at the time the cake is ordered, and again upon receipt of the cake to ensure that allergens were not used in the preparation of the Cottage Food Product.

Why can't I sell my Cottage Foods to my favorite restaurant or grocery store?

Cottage Foods are not considered to be an approved source for use in a restaurant or retail store. Department Regulations 40-7-1-.08(2) states "food prepared in a private home may not be used or offered for human consumption in a Food Sales Establishment." Food Service Establishments, regulated by the local county health departments, will not allow home produced foods to be used in their firms according to the Department of Public Health Regulation 290-5-14-.04(2)(a)2.

Can I make and sell products from my motor home kitchen, or cottage or summer home under the Cottage Food Regulations?

The Cottage Food Regulations allow only non-potentially hazardous foods to be made in the domestic kitchen of the domestic residence. Secondary homes, vacation homes, or motor homes do not qualify if they are not the primary residence.

Can I make products in a rented kitchen (or Shared Kitchen facility) and sell them under the Cottage Food Regulations?

No. The Cottage Food Regulations allow only non-potentially hazardous foods to be made in the domestic kitchen of the domestic residence. Food manufacturing operations conducted in a rented kitchen (or Shared Kitchen) would require a Food Sales Establishment License to sell your products.

Can I make Cottage Food products in an outbuilding on my property, like a shed or a barn?

No. The Cottage Food Regulations require Cottage Food Products to be made in the domestic kitchen of a single family domestic residence.

Where can I store ingredients and finished products for my Cottage Food Operation?

Ingredients and finished Cottage Food Products may be stored in your single family domestic residence where the Cottage Food Products are made. This includes your kitchen, a spare room or a basement that is free of dampness/water, pests or other insanitary conditions. You may not use a garage, shed, barn or other outbuilding as a storage facility for your Cottage Food Operation.

Can nonprofit organizations produce and sell Cottage Foods?

No. Nonprofits do not have a single family domestic residence, and therefore do not qualify as a Cottage Food Operation. There is an exemption to licensing for food sold at an event sponsored by a nonprofit organization in O.C.G.A. § 26-2-21. Nonprofits can contact the Department for additional information about the exemption.

Can I sell my Cottage Foods over the Internet?

Yes. Sales and product delivery must be directly from the producer to the end consumer located in Georgia. It is the responsibility of the Cottage Food Operator to ensure that the Cottage Food Products produced do not cross state lines. If their products did cross state lines, at that time they would be subject to FDA regulations, and would be required to obtain a Manufactured Food Establishment License from the Department – which cannot be issued for foods produced in a domestic kitchen.

Can I sell my Cottage Foods to a wholesaler, broker or distributor?

No. The Cottage Food Regulations state in 40-7-19-.05(2) "Sale of Cottage Food Products must be to the end consumer. No distribution or wholesale allowed, including hotels, restaurants, or institutions." It is not legal for a Cottage Food Producer to sell to a wholesaler, broker or distributor who would then resell the product.

Is it possible to place my Cottage Food Products in a store or restaurant on consignment?

No. Cottage Food products cannot be sold on consignment. Sales must be person-to-person, from the Cottage Food Producer to the end consumer. Cottage Food Products would not be considered an approved source for sale at retail establishments regulated by the Department, or at restaurants/institutions regulated by county health departments.

Can I serve free samples of my Cottage Food Products?

Yes. As long as your product meets the requirements of the Cottage Food Regulations and is a non-potentially hazardous food, sampling is allowed. Although you do not need an individual label for each sample, you must have properly labeled

packages of your product on display with the samples so your customer can review the ingredient list. Your Cottage Food Product cannot be cooked, handled, modified, or prepared in a way that makes it a potentially hazardous food (time/temperature control for safety food). For example, if you baked French or Italian loaf bread you cannot add ingredients transforming your bread into a bruschetta for the purposes of sampling the bread.