Cottage Food in Connecticut

a guide for cottage food operators

from the Connecticut Department of Consumer Protection

Introduction

Cottage food is food that is made in your home for direct sale to consumers. For safety purposes, Public Act 18-141 sets limits on what you may sell in the State of Connecticut. Cottage food operators in Connecticut will be able to apply for a cottage food license effective October 1st, 2018, and will be able to sell once their license is approved.

Cottage food must be held to the highest safety standards, and production and sales practices must follow laws and regulations outlined by the State of Connecticut and the Food and Drug Administration (FDA).

In this guide, you will find information about license requirements, labeling requirements, location requirements, and answers to questions about what types of food you are able to produce, and with which ingredients.

Below are some terms that may be new to you, and will help you understand this guide:

- **Potentially Hazardous Food:** Potentially hazardous food is any food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation. This means any food that will spoil as a result of improper temperature control and, as a result, may be potentially harmful if consumed.
- **21CFR:** 21CFR (Code of Federal Regulations Title 21) references the FDA regulations that will affect your work.
- **Private Residential Dwelling:** A private residential dwelling is your home. It is not a group or communal residential setting. A home in an apartment building is considered a private residential dwelling. Cottage food may only be produced in your home kitchen, and may only be packaged, stored or handled in the permitted portion of your home that includes your kitchen.

At the end of this document, you will find contact information for the Food and Standards Division at the Department of Consumer Protection (DCP), and links to additional resources.

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License Requirements

What do I have to do before I may obtain a cottage food license?

- You should obtain, and keep written confirmation, that your space is compliant with local zoning laws.
- If you have a private water supply, the water supply must be tested prior to receiving a license in order to demonstrate that the water supply is safe to drink. Subsequent testing may be required.
- You must complete a food safety training program that includes training in food processing and packaging. A list of acceptable courses can be found at www.portal.ct.gov/cottagefood.
- You must apply for a license through DCP, and pay the application fee of $50.00.
- When you apply for your license, you must be prepared to tell DCP what type of food you will be producing.

Types of Food

What types of cottage food may I produce in my home?

Some examples of potentially acceptable cottage food are:

- Loaf breads, rolls and biscuits
- Non-potentially hazardous cakes including celebration cakes *(e.g. birthday cake, but not cheese cake)*
- Non-potentially hazardous pastries and cookies
- Candies and confections
- Fruit pies *(not pumpkin)*
- Jams, jellies and preserves *(must meet the Standard of Identity in 21CFR150)*
- Dried fruits
- Dry herbs, seasonings and mixtures
- Non-potentially hazardous cereals, trail mixes and granola
- Coated or uncoated nuts
- Vinegar and flavored vinegars
- Popcorn and popcorn balls
- Cotton candy
- Honey
- Maple Syrup

PLEASE NOTE: This list is not inclusive. Products on this list are not automatically approved, and the list above is subject to change.

Why are some products not allowed to be made and sold?

The allowable products list is based on the food safety risk level associated with certain types of food. People who operate a licensed and inspected food processing business have to meet more rigorous requirements for training, food safety and handling, which is why they may make and sell a broader range of food.

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

No. Cooked vegetables, whether fresh or canned, usually are made from a combination of low acid and acidified food, and are considered a potentially hazardous food. Cooked vegetables must be kept either hot (above 135°F) or cold (below 41°F). They cannot be stored safely at room temperature, which makes them ineligible for production in a cottage food operation.

May I roast coffee beans in my home kitchen and sell them?

Yes. You may roast and sell whole bean coffee or ground coffee. However, beverages may not be sold, so you may not sell ready-made coffee.

May I bake bread in a wood-fired oven?

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

May 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 or jellies. In fruit butters, the combination of sugar and pectin is not sufficient to assure that the fruit butter is safe.

May I press and sell apple cider?

No. Beverages, including apple cider, are not allowed to be produced and sold.

May I make and sell dehydrated meat or poultry?

No. Meat and poultry are a potentially hazardous food and may not be produced and sold as cottage food.

May I make and sell hard candies or lollipops?

Yes, but only if they are non-potentially hazardous.

May I make and sell dry bread or "instant" bread mixes?

Yes.

Does my chocolate fountain business qualify as a cottage food business?

In most cases, no.

If the type of business outlined below describes you, you do not qualify as a cottage food business. Cottage food products must be prepackaged and properly labeled prior to sale.

"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."

Ingredients

May I make and sell sweet breads, muffins or other baked goods made with fresh or homegrown 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. You should make sure to wash all fruits and vegetables properly before use. The baked goods may not be decorated or garnished with fresh or frozen fruits or vegetables.

PLEASE NOTE: The rules above apply to homegrown or fresh products that have been frozen and saved for use at a later date.

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

No. However, you may use commercially canned products for baked goods, like cherry pie filling, etc. Most home canned products are not approved for production, with the exception of jams and jellies that meet 21CFR150.

Where may I store ingredients and finished products for my cottage food business?

Ingredients and finished cottage food products may be stored in the permitted area of your private residential dwelling. The permitted area of your home must include your kitchen, and may include areas such as a spare room or a basement that is free of dampness or water, pests or other unsanitary conditions.

You may not use a garage, shed, barn or other outbuilding as a storage facility for your cottage food business.

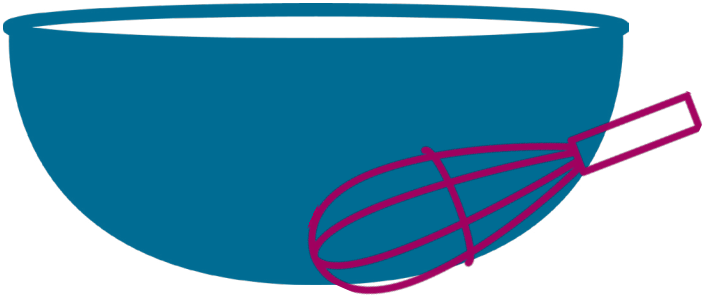
Equipment

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

No. Typically a private kitchen 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 your equipment.



Labeling

Do I have to put a label on my cottage food?

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

- Name and address of the cottage food operation.
- Name of the cottage food product *(All capital letters or upper/lower case are both acceptable).*
- The ingredients in the cottage food product in descending order of predominance by weight.
    - If you use a prepared item in your recipe, you must list the sub ingredients as well. For example: "soy sauce" is not acceptable, but "soy sauce *(wheat, soybeans, salt)*" would be acceptable.
- The net weight or net volume of the cottage food product *(this must also include the metric equivalent; conversion charts are available online)*.
- Allergen labeling as specified in federal labeling requirements.
- The following statement must be printed in at least ten-point type in a clear and conspicuous manner: "Made in a Cottage Food Operation that is not Subject to Routine Government Food Safety."
- 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 is the meaning of "allergen labeling, as specified in federal labeling requirements"?

You are responsible for following these federal labeling requirements. As of July 2018, you must identify any of your ingredients that 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)*.

If you have an ingredient made with a wheat-based product, you have two options:

- Include the allergen in the ingredient list. For example, the following ingredient listing: “whole wheat flour, water, salt and yeast,” meets the requirements of federal law because of the statement “whole wheat flour.”
- Include an allergen statement ("Contains:") after the ingredient list. For example, a white bread with whole wheat flour, water, sodium caseinate, salt and yeast should say, “Contains: wheat and milk.”

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

Are there any special requirements for allergen labeling on products that use tree nuts?

Yes. If your cottage food has tree nuts as an ingredient, you must 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 would not be acceptable:

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

Do I have to include my home address on my product label 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. Including an address on a product label enables authorities to locate a 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 that something I may put together on my own?

No. You are not required to have your products analyzed by a laboratory to obtain an official ingredient list. You must, however, list all ingredients, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list sub-ingredients as indicated above.

If I make and sell wedding cakes, how should I meet the labeling requirements when I am unable to put a label on a cake?

For wedding cakes, birthday cakes and other specialty cakes that are not easily packaged, you must include all labeling requirements on the invoice and deliver the invoice with the cake.

Smaller cakes must be boxed, and the label must be included on the box.

Local Zoning & Location Requirements

Will I need to meet local zoning or other laws?

Yes. Cottage food operators should contact their municipal government to determine if there are local regulations that will impact their business. You must keep a written record of zoning approval, and be able to produce it if requested by DCP.

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

Yes. Only safe drinking water from a properly constructed on-site well or municipal water system may be used. If a well is used, the well water should be tested, at least annually, for coliform bacteria and nitrates. You must submit a water analysis prior to approval and annually thereafter.

Water from wells with any of the following features should be avoided:

- Very shallow depth *(< 25 feet)*
- 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 other source of contamination *(i.e. animals)*
- Dug well

A list of water testing laboratories is available on the Department of Public Health website at http://portal.ct.gov/DPH/Drinking-Water/DWS/Certified-Testing-Laboratories.

What are the concerns related to my home on-site wastewater (septic) system?

Depending on the nature and volume of the food products that will be produced for sale, there may be adverse effects to the existing system serving your home.

For instance, adding significant bakery wastewater can increase the total volume discharged, and may also increase 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 prior to initiating production. Modifications to the existing system may be necessary.

May I make products in a rented commercial kitchen and sell them?

No. A cottage food license is only for food produced in your home kitchen. If you rent time at a commercial kitchen, you will need a food establishment license to sell your products, even if the rented kitchen is a licensed facility.

May I make cottage food products in an outbuilding on my property, such as a shed or a barn?

No. Cottage food products must be made in the licensed kitchen in your home and stored in the permitted area of your home.

May I make and store cottage food products at my second home, or another property?

No. Cottage food must be produced and stored in the permitted area of your private residential dwelling. The permitted area must include your home kitchen and, therefore, may not be at a different location.

Sales & Doing Business in Connecticut

The farmers' market where I want to sell my products says I need a food license, even though I am a cottage food business. May the market require a license?

Yes. Even though an entity may meet the requirements of a cottage food operation and have a license, some farmers' markets or other direct marketing venues may require vendors to have a food establishment license or to meet other requirements.

May I sell my cottage food online?

Yes. You may advertise and take orders for your product online, but you must directly deliver such products to consumers and you may only deliver products within the State of Connecticut. Sales and product delivery must be directly from the producer or designee to the consumer, in a person-to-person transaction. Products may not be delivered by mail or by other third party delivery services such as UPS or FedEx, or by mobile food ordering companies.

May I sell my cottage food to a wholesaler, broker or distributor?

No. It is not legal for a cottage food operator to sell to a wholesaler, broker or distributor who would then resell the product. Cottage food may only be sold directly to consumers.

May I serve free samples of my cottage food products?

Yes, subject to local health department approval.

May I advertise my cottage food business in the newspaper or at trade shows?

Yes. Advertising is allowed. However, the actual sale must be made in person.

Is it possible to place my cottage food products in a store or restaurant on consignment?

No. Cottage food products may not be sold wholesale or on consignment. Cottage food products may not be sold at grocery stores, restaurants, long-term care facilities, group homes, day care facilities, or schools. The sale must be person-to-person, from the producer or designee to the actual consumer.

REMEMBER: You must display your license where you sell your cottage food products.

Is there a limit to how much I may sell as a cottage food producer?

Yes, there is a yearly gross sales limit of $25,000. You must maintain records of all sales.

Do I need to have a "Doing Business As" (DBA)?

A DBA may be a requirement of your local municipality or the Secretary of the State depending on how your business is organized. You are advised to check requirements with your municipal officials.

The Secretary of the State, https://portal.ct.gov/SOTS, has a business start-up tool that may be helpful in navigating this process.

May nonprofit organizations produce and sell cottage food?

No. Nonprofits do not have a private residential dwelling and, therefore, do not qualify as a cottage food business.

Additional Resources

These resources referenced throughout this guide can support you if you're looking to get started, or get more detail about cottage food laws and regulations.

- The Secretary of State's Business Start Up Tool

  http://portal.ct.gov/SOTS

- 21CFR101: Food Labeling

  https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=101

- 21CFR150: Fruit Butters, Jellies, Preserves, and Related Products

  https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=150&showFR=1

- Connecticut Water Testing Laboratories

  http://portal.ct.gov/DPH/Drinking-Water/DWS/Certified-Testing-Laboratories

- Updated Cottage Food Information from DCP *(including food safety courses)*

  www.portal.ct.gov/cottagefood

- NSF: The Public Health and Safety Organization

  http://www.nsf.org/

Contact DCP

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CONSUMER PROTECTION

www.ct.gov/DCP