

Chapter 24 and You:

A Practical Guide to Selling Safely at Farmers Markets



Prepared by:
N.J. Department of Agriculture
and
N.J. Department of Health & Senior Services

This booklet is being provided because, with our nation's increased emphasis on food safety, it is vital that farmers markets assure their customers of the quality and safety of foods sold there.

Community farmers market managers should make themselves familiar with Chapter 24 of the Department of Health and Senior Service's food safety rules regarding sanitation in retail food establishments and food and beverage vending machines. These regulations from the New Jersey Department of Health and Senior Services (NJDHSS) cover community farmers markets since they are "retail establishments."

To help market managers better understand the rules that apply to farmers markets, the New Jersey Department of Agriculture (NJDA) has worked with NJDHSS to develop this "Plain Language Guide to Chapter 24." Market managers should use it in making decisions about what products and practices can be included in their markets.

In addition, any organization starting a community farmers market should contact their local health, zoning and weights and measures officials for guidance. Any questions regarding how state sales taxes apply to your particular market should be directed to the New Jersey Division of Taxation.

This particular guide will provide you with answers to food safety questions. In general, fresh, uncut fruits and vegetables can be sold at all farmers markets without restriction. Prepared products, however, must meet standards in how they are made and presented for sale. The following pages describe those rules for each type of product.

For further information on food-safety issues related to farmers markets, please see:

<http://www.nj.gov/agriculture/divisions/md/pdf/farmmarketguidelines.pdf>

The below requirements apply to all Prepared Foods

Approved Source: All Prepared Foods must be from an approved kitchen inspected by an appropriate federal agency (FDA or USDA) or a state or local health authority.

No Home Prepared Foods: Private home kitchens cannot be used for preparing or storing products.

Labeling: All pre-packaged foods must be properly labeled, including the following:

- Product name
- Name and address of distributor or processor
- Ingredient list (from most to least used)
- Product net weight

For example:

Spaghetti Sauce with Meat

H. Simpson and Son Co.

724 Evergreen Terrace

Springfield, NJ 00002

Ingredients: Tomatoes, ground beef, vinegar, salt

Net weight: 22 ounces

Additional labeling requirements: Labels with nutritional or health claims such as “low fat” or “low salt” must comply with the requirements of the federal Nutritional Labeling Education Act, listing appropriate nutritional information. (See <http://www.cfsan.fda.gov/~dms/2lg-toc.html>)

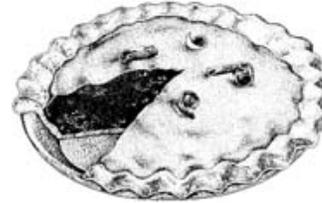
Temperature Controls: All foods classified as “potentially hazardous” (capable of supporting rapid growth of bacteria), such as meat and dairy products, must be maintained at or below 41° F.

Storage requirements: Containers must be clean, unbroken and free of dents/defects, and must be stored in approved sanitary areas.

In addition to the general requirements listed on the previous page, other restrictions for individual products are:

Baked Goods

- √ Cream Pies **must** be refrigerated.
- √ Pies **must** be sold in covered containers.



Canned/Jarred Foods (refrigerated, high acid)



- √ You **must** provide proof of approved processing procedures, including approval of the recipe.
- √ You **must** demonstrate that the pH of the final product is below 4.6.
- √ The product **must** be stored in an approved refrigerated area at 41° F and labeled “Keep Refrigerated.”

Canned/Jarred “Acidified” Foods Intended for Refrigerated Storage

- √ A recognized processing authority **must** develop the process and it **must** be filed with the FDA.
- √ The manufacturer **must** register with the FDA.
- √ The label **must** state: “Refrigerate After Opening.”
- √ The product **must** be stored in an approved sanitary storage area.



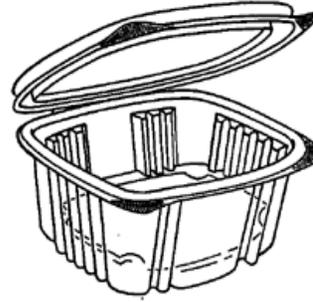
Packaged “Acidified Foods” Intended for Refrigerated Storage

√ You **must** provide written processing procedures and approval of the recipe.

√ You **must** demonstrate that pH level of the final product is below 4.6.

√ Acidification records (pH readings) **must** be maintained for each batch.

√ The label **must** read “Keep Refrigerated.”



Cheese



√ Products **must** come from farm stands or commercial processing plants that operate in accordance with FDA regulations which can be found at:

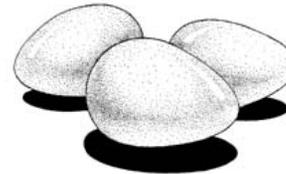
<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm>

√ Products **must** be stored in an approved, licensed and inspected location.

Eggs

√ “Restricted Eggs” can be sold at an “established place of business away from the farm,” i.e. a farmers market.

√ “Restricted Eggs” are exempted from USDA/AMS egg grading if annual flock is under 3,000 birds, limited to a maximum of 50 dozen per customer.



(Continued)

Eggs (Continued)

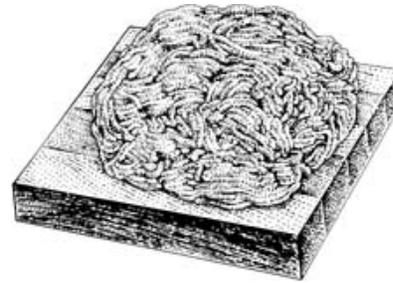
√ Eggs **must** be packed in a clean container. If the container is re-used, it must be cleaned and re-labeled by the producer/packer.

√ Labels **must** include: product name, name and address of producer/packer, the size-weight class of eggs, numerical count of the contents and a nutritional label. For example:

**One Dozen Jumbo Eggs
Chicken Lover's Egg Co.
4212 Bookmobile Lane
North Park, NJ 00005**

Meats

√ Red meats raised/finished by the producer and sold as individual units **must** be slaughtered, processed, packaged and/or frozen at a USDA-inspected facility.



√ You **must** have commercial cold storage or freezer units licensed and inspected by local health agency.

√ Products **must** be weighed on a certified scale.

√ Labels **must** include: product name, product weight, date of packaging, handling statement, name and address of the producer/packer, such as:

**Fresh Ground Beef
Three Pounds
Packed 04/10/08
Store Below 41° F
HunnyBunny's Meats, Inc.
4 Ringoes Drive
Royale, NJ 00008**

Poultry

√ Licensed producers can process and sell up to 20,000 birds annually direct to consumers (at venues such as community farmers markets, restaurants, hotels and boarding houses).



√ Products **must** be utilized for direct meal consumption only.

√ The producer **must** possess an FSIS slaughterhouse exemption; **must** have local sanitation inspection of the processing facility and **must** have licensed and inspected cold storage or freezer units.

√ Products **must** be stored/displayed in approved sanitary conditions at a temperature below 41° F, out of direct sunlight and not in direct contact with ice or water.

√ Frozen poultry **must** remain frozen at all times and stored in a licensed and inspected location.

√ Labels **must** include: product name, fresh or frozen, product weight, date of packaging, handling statement, producer/grower's name and address, and nutritional label. For example:

FROZEN CHICKEN
Five Pounds
Packed 04/05/08. Keep Frozen
Vega & Winfield Poultry Co.
420 N. Wallace Ave.
TelUCA Lake, NJ 00007

For more information on nutritional labeling, please reference the following website:

<http://vm.cfsan.fda.gov/~dms/fdnewlab.html>



STATE OF NEW JERSEY
DEPARTMENT OF AGRICULTURE



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DEPARTMENT OF HEALTH AND SENIOR SERVICES



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<http://www.nj.gov/agriculture/divisions/md/pdf/farmmarketguidelines.pdf>

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