

Homestead Food Products: Frequently Asked Questions

There are two types of Home Food Operations in New Hampshire, those that are exempt from licensing and those that are not.

Exempt: A Homestead Food License is not required if:

- You only sell your non-potentially hazardous food from your own residence, from your own farmstand, at a farmer's market, or at retail food store **and**
- You do not exceed a maximum gross sales of \$20,000

Non Exempt: A Homestead Food License is required if:

- Your income from your homestead food products exceeds \$20,000 **or**
 - You wish to sell your non-potentially hazardous products to restaurants, other food establishments not including retail food stores, over the Internet, by mail order or to wholesalers, brokers or other food distributors.
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What types of Homestead food products can I produce in my home?

Non-potentially hazardous foods that do not require time and/or temperature control for safety (e.g. can be safely kept at room temperature and do not require refrigeration).

What are Potentially Hazardous Foods?

"Potentially hazardous food" means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, and the growth of toxin production of *Clostridium botulinum*. Potentially hazardous foods also include processed acidified and low acid canned foods such as pickles, salsa and relish.

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
- Mushrooms
- Raw sprouts
- Tofu and soy-protein foods
- Untreated garlic and oil mixtures

Can I make jams and jellies in a homestead food operation?

Yes, however, non-exempt Homestead food operations producing jams or jellies that do not use recipes approved by the National Center for Home Food Preservation are required to submit a process review

which is conducted by a food processing authority on each product prior to its being produced by the license holder. If the food processing authority declares in writing that there are no biological concerns with the food after evaluating the process review and does not identify the product as an acidified food, then the food is allowable to be produced.

To use the National Center for Home Food Preservation website recipes, the ingredients cannot be changed without a process review. The exact recipe should be used otherwise a process review would be required to make the product. These recipes are available at <http://nchfp.uga.edu/> or http://nchfp.uga.edu/how/can7_jam_jelly.html

A list of food processing authorities is available at <http://www.dhhs.nh.gov/dphs/fp/sanitation/documents/processing-faqs.pdf>.

If I need to be licensed, what other documents do I need to provide with my license application?

The following information must be submitted with the license application:

1. Written results of laboratory analysis of water for bacteria, nitrates and nitrites. (n/a if Town Water)
2. A complete list of the product(s) you are manufacturing.
3. For other processed, "jarred" foods, such as, but not limited to: BBQ and hot sauces, mustards, pepper jellies, etc., include a copy of the process review.
4. Copy of a sample of finished product labels. Labels must include all of the following information.
 - The common or usual name of the product.
 - The name and address of the manufacturer's, packer's, or distributor's business.
 - The ingredients in descending order of predominance by weight.
 - The net weight, volume, or numerical count in both U.S. customary and metric;
 - A product code which includes date of manufacture, container size, and product lot or batch number to aid in a recall of product in case of a public health hazard. Note: this number *can* be your "baked on" date.
 - List of major allergens.
 - Homesteads shall label each product with the following statement: **"This product is made in a residential kitchen licensed by NHDHHS."**

Will I need to meet local zoning or other laws?

Yes. Homestead food operations should contact their local unit of government to determine if there are local regulations that will affect their business. Also note there are 15 self-inspecting cities and towns that regulate food in their communities, contact the local authority regarding licensing. The list is available at <http://www.dhhs.nh.gov/dphs/fp/documents/selfinspect.pdf>

Can I utilize commercial type equipment such as large rotary mixers in my homestead 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 Homestead food products operation, you are not required to meet NSF standards for your equipment used to manufacture Homestead food products.

Do I need to have a DBA for the Homestead food operation?

A DBA (Doing Business As) may be a requirement of your county or local municipality. Contact the NH Secretary of State regarding business name registration at 603-271-3242.

The farmers market where I want to sell my products says I need a food license, even though I am a Homestead food operation. Can the market require a license?

Yes. Even though an entity may meet the requirements of a Homestead food operation and is exempt from a food license, some farmers markets or other direct marketing venues may require vendors to have a food establishment license or to meet other requirements. Local policies enacted by farmers market boards and other local governing bodies are generally outside the scope of any Homestead food products regulations.

Are pet treats included under the Homestead food products Law?

No. The Homestead food operation applies to human grade food only. Pet food is regulated by the NH Department of Agriculture at 603-271-3685.

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 are not allowable to be made in a Homestead food operation. 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 Homestead food operation.

Can I roast coffee beans in my home kitchen and offer them as a Homestead food operation?

Yes. You can roast and sell whole bean coffee or ground coffee, as long as you meet all of the provisions as a Homestead food operation.

Can I bake bread in a wood fired oven under the Homestead food products Law?

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

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

Yes. However, a process review is required for apple butter or other fruit butters to determine the safety of the finished product. Pumpkin butter would be considered to be a low-acid food and cannot safely be made in a residential kitchen. 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/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 in a Homestead Food Operation?

No, apple cider is not a food allowable to be produced in a Homestead food operation.

Is honey and maple syrup covered under the Homestead food products Law?

No. Honey and maple syrup are not considered homestead food products. These products are regulated by the NH Department of Agriculture. Please contact 603-271-3551 for more information on honey and maple syrup production. If they use honey or maple to make a product, like maple candy, they would need to be licensed.

Can I make and sell dehydrated meats in a Homestead food operation?

No. Meats are a potentially hazardous food and are not allowed to be processed in a Homestead food operation.

Can I dehydrate fruits or vegetables in a Homestead food operation?

No. Dehydration is a specialized process that requires special equipment to ensure the food is consistently processed to a water activity value that would make the food not potentially hazardous.

I lease space in a retail building where I operate a small antique shop. As a Homestead food products baker, can I sell my own baked goods from my shop under the current Homestead food products Guideline?

Yes, as long as they are labeled correctly and completely, and the label includes any allergens the product may contain.

Can I make and sell hard candies or lollipops in a Homestead food operation?

Yes. Hard candies, lollipops and peppermint candies are allowed to be made in a Homestead food operation, as long as they are labeled correctly and completely, and the label includes any allergens the product may contain.

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. However, moist quick breads like zucchini bread, pumpkin bread and banana bread may be considered potentially hazardous foods and cannot be made in a home kitchen. To determine whether a food is a potentially hazardous food, it can be tested for water activity through the NH Public Health Laboratory by calling 603-271-4661. 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 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 uncooked frozen bread dough or pizza dough in a Homestead food operation?

No. The uncooked dough would be classified as a potentially hazardous food that requires refrigeration.

Cooked dough could be frozen because the freezing is for extended shelf life and quality not for food safety and can be sold under the Homestead food operation.

Can I make and sell dry bread or 'instant' bread mixes made in a Homestead food operation?

Yes. Dry bread mixes are an acceptable product to produce and sell in a Homestead food operation.

Does my chocolate fountain business qualify as a Homestead 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.

The type of business you have described is a catering service or food service business and is not eligible to be made in a Homestead food operation. Homestead food products must be prepackaged and properly labeled prior to sale.

Do I have to put a label on my Homestead food products?

Yes, both exempt and non-exempt Homestead food operations are required to label Homestead food products. The basic information that must be on the label is as follows:

- Name
- Address
- Phone number of the homestead food operation
- Name of the homestead food product
- The ingredients of the homestead product, in descending order of predominance by weight,
- The name of each major food allergen contained in the food unless it is already part of the common or usual name of the respective ingredient already disclosed in the ingredient statement.
- For exempt Homestead Food Products, the label must also state in at least 10pt font: **"This product is exempt from New Hampshire licensing and inspection."**
- For non-exempt Homestead Food Products, the label must also state in at least 10pt font: **"This product is made in a residential kitchen licensed by NH DHHS."**
- A product code which includes date of manufacture, container size, and product lot or batch number to aid in a recall of product in case of a public health hazard. Note: this number *can* be your "baked on" date.
- Production records should be kept.

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 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). So, 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 listing: whole wheat flour, water, salt and yeast. In this example, the statement 'whole wheat flour', meets the requirements of federal law.
2. Include an allergen statement ("Contains:") after the ingredient list. For example a white bread, with the following 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 sodium caseinate comes from milk.

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

Yes, if your Homestead food product 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.

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 FDA finds that alleged secret ingredients are harmless an exemption may be granted. You should contact the [FDA](#) at 603-225-4005 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 purpose of including an address on product labels is to be able to locate the business in case of a recall or traceback associated with a foodborne illness complaint or outbreak. The labeling requirements for Homestead food products specify that the name and address of the business of the Homestead food operation must be included on the label.

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. If you use a prepared item in your recipe, you must list sub-ingredients as well. For example, if you use soy sauce as an ingredient, listing soy sauce is not acceptable; soy sauce (wheat, soybeans, salt) is acceptable. Allergen labeling, as specified above, must also be included.

If I make and sell wedding cakes, how can I meet the labeling requirements, when I can't stick a label on the 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.

Can I make products in a rented kitchen and sell them under the Homestead License?

No. The Homestead food license applies only to non-potentially hazardous foods made in the kitchen of your residence. Even if the rented kitchen is a licensed facility, you would need to be licensed at the

food establishment license to sell your products. Foods that require refrigeration cannot be made in a commercial kitchen and then stored at a residence. These foods would need to stay at the facility that they were made in under commercial refrigeration.

Can I make Homestead food products - in an outbuilding on my property, like a shed or a barn?

No. Homestead food products are to be made in your kitchen and stored in your domestic residence.

Where can I store ingredients and finished products for my Homestead food operation?

Ingredients and finished Homestead food products - may be stored in your residence where the Homestead food products are made. This includes your kitchen, a spare room or a basement that is free of dampness/water, pests or other unsanitary conditions. You may not use a garage, shed, barn or other outbuilding as a storage facility for your Homestead food operation.

Can nonprofit organizations produce and sell Homestead food products?

No. Nonprofits do not have a domestic residence, and therefore do not qualify as a Homestead food operation.

Can I sell my Homestead food products over the Internet?

Yes, only if you are a licensed Homestead food operation.

If I apply for a homestead license, what facility requirements must I have in my residential kitchen?

- Commercial equipment shall not be required.
- The kitchen shall be equipped with either a 2-compartment sink or a residential model dishmachine and a one-compartment sink.
- A sink used for food preparation shall not be required to be equipped with an indirect wasteline.
- A backflow device shall not be required for kitchen sinks provided with a spray hose.
- Coved base at the juncture of the floor and wall shall not be required.
- Only those bathrooms which open directly into the kitchen or into any hallway leading into the kitchen shall be required to have self-closing doors and mechanical ventilation.
- The kitchen shall not be required to be separated from any living area or sleeping area by complete partitioning or solid, self-closing doors.
- Laundry facilities are allowed in the kitchen and are not to be used during processing, preparing, serving, or packaging of foods related to the business.
- Pets are not allowed in kitchen area during food production

Can I serve free samples of my Homestead food products?

Yes. As long as your product meets the requirements of a Homestead food operation and is a non-potentially hazardous food, sampling is allowed. Samples must be pre-packaged in your home kitchen (e.g., if you sample bread, you can't cut it at the market, but can cut it in your home kitchen and individually wrap or package the bread samples into sample cups with lids). 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 product cannot be cooked or prepared in a way that makes it a potentially hazardous food/temperature control for safety food (e.g., you can't add a dried dip mix to sour cream or serve anything that can't be kept safely at room temperature - these examples would require a food license).