



## Clark County Health Department

Dr. Eric B. Yazel, Health Officer

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www.clarkhealth.net

### 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* (including water bath or high pressure canning) 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. For additional information see page 7.
- 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. For additional information, visit [https://web.cvent.com/event/e285cdff-6870-45bc-9168-4fdafc21bd6a/summary?\\_ga=2.1801649.1873845416.1746202835-1580190905.1746202835](https://web.cvent.com/event/e285cdff-6870-45bc-9168-4fdafc21bd6a/summary?_ga=2.1801649.1873845416.1746202835-1580190905.1746202835)

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

- Complies with IC 16-42-5.3 including all labeling requirements. See additional information on page 8-10.
- 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
- 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 in Indiana 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. See page 11 or visit <https://anab.ansi.org/>

## Labeling Requirements

HBV food products must be labeled according to IC 16-42-5.3-5

- 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. NOT FOR RESALE"**
- 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 16-42-5.3
  - For the sale of chicken eggs: contact the Indiana State Egg Board for labeling requirements. See page 12-13 or visit <https://ag.purdue.edu/departments/ansc/iseb/>

## CAN be produced as a HBV

*(Foods may be temperature controlled only for quality)*

- 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 (no pressure or water bath canning)
- 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, see page 7)
- 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
- Freeze-dried products including small, marble-sized, whole berries such as blueberries and raspberries, manufactured candies and chocolates, such as, but not limited to gummy worms, and manufactured, shelf-stable, small confectionary items such as snack-cakes and Twinkies.

### CANNOT be produced 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
- Shell eggs not from a domestic chicken (duck, quail, turkey)
  - *Contact the county health department for additional licensing and permit information.*
- Candy or confections containing alcohol in excess of 0.5% by volume (e.g. Bourbon Balls)
  - The Indiana State Department of Health (ISDH) Food Protection Program frequently receives questions regarding whether alcohol can be used in the manufacturing of confectioneries and bakery products.

Indiana law, IC 16-42-2-2(14) states that a food is considered adulterated if it “is a confectionery and bears or contains any alcohol other than alcohol not in excess of one-half of one percent (0.5%) by volume derived solely from the use of flavoring extracts.”

### ***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 – ex. Canning, vacuum sealing
- Modified atmosphere packaging or gas flushing
- Controlled atmosphere packaging – ex. Use of oxygen scavengers or absorbers

## Examples of *TCS*

- Meat, poultry, aquatic animal products
- Dairy
- Egg products
  - Excluding some baked items and dried noodles; raw shell chicken eggs, eggs from a domestic chicken, 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;

\*Raw Vegetables may be pickled using traditional methods with the addition of salt water brine, spices or vinegar. **These products may not be canned using water bath or high pressure methods.**

The term does not include “acid foods” (see page 7):

- carbonated beverages;
- highly acidic, full sugar jams;
- highly acidic, full sugar jellies;
- highly acidic, full sugar preserves; and
- ***acid foods***;

### ***“Acid foods” defined***

***“Acid foods”*** means foods that have a naturally occurring pH of 4.6 or below.

## Contacts

- Indiana State Egg Board – Eggs and egg regulations - 765-494-8510  
[iseb@purdue.edu](mailto:iseb@purdue.edu)
- Purdue Food Science Extension - Product Testing - 765-494-7997  
[foodsci@purdue.edu](mailto:foodsci@purdue.edu)
- Indiana Department of Health - Main Office - 317-234-8569  
[food@health.in.gov](mailto:food@health.in.gov)

## **BASIC PH OF COMMONLY ASKED JAM & JELLY PRODUCTS**

### **YES**

- Apples 3.30-4.0
- Blackberries 3.85-4.50
- Black Currents 3.11-3.14
- Blueberries 3.12-3.33
- Cherries 3.25-3.82
- Cranberries 2.3-2.5
- Gooseberries 2.8-3.0
- Lemons 2.0
- Mint Jelly 3.01
- Mulberries 3.6
- Oranges 3.69-4.34
- Peaches 3.30-4.5
- Plums 2.8-5.0
- Raspberries 3.22-3.95
- Rhubarb 3.10-3.40
- Strawberries 3.00-3.90

**These may be  
produced as a jam  
or jelly by a HBV or  
Retail Food  
Establishment.**

### **NO**

- Apricots 3.30-4.80
- Cantaloupe 6.1-6.6
- Corn Cob Jelly 6.0-7.5
- Dandelion Jelly = Not traditional
- Elderberries 4.92-5.19
- Ginger 5.60-5.90
- Horseradish 5.35
- Jackfruit 4.7-5.72
- Paw Paw/Papaya 5.5-5.9
- Persimmons 4.42-4.70
- Peppers (green) 5.4-6.0
- Peppers (red) 4.8-5.3
- Pumpkin 4.99-5.50

**These either require  
product testing or  
may not be  
produced without  
Better Processing  
School, a Process  
Authority and Filing  
with the FDA.**





## **IC 16-42-5.3 Chapter 5.3. Home Based Food Products**

<a href="#">16-42-5.3-1</a>	Definitions
<a href="#">16-42-5.3-2</a>	Home based vendor
<a href="#">16-42-5.3-3</a>	Exemption from food establishment requirements
<a href="#">16-42-5.3-4</a>	Requirements for the preparation and sale of a food product
<a href="#">16-42-5.3-5</a>	Labeling requirements
<a href="#">16-42-5.3-6</a>	Shipping and delivery of a food product
<a href="#">16-42-5.3-7</a>	Food handler certificate
<a href="#">16-42-5.3-8</a>	Food sampling and inspection; powers of the state department
<a href="#">16-42-5.3-9</a>	Development of guidelines
<a href="#">16-42-5.3-10</a>	Sale of poultry and rabbits at a farmers' market or roadside stand; exemption from food establishment requirements
<a href="#">16-42-5.3-11</a>	Sale of eggs; exemption for sale of eggs or whole uncut produce by certain individual vendors
<a href="#">16-42-5.3-12</a>	Prohibition on an ordinance or resolution requiring licensure, certification, or inspection
<a href="#">16-42-5.3-13</a>	Guidelines concerning state department rules; enforcement

### **IC 16-42-5.3-1 Definitions**

Sec. 1. (a) As used in this chapter, "end consumer" means a person who is the last person to purchase any food product and who does not resell the food product.

(b) As used in this chapter, "roadside stand" means a structure, including a tent, stand, vehicle, or trailer that is:

- (1) visible from a road; and
- (2) located not more than one hundred (100) feet from the edge of the side of the road;

where whole uncut produce, food products that are not potentially hazardous, poultry that is exempt under [IC 15-17-5-11](#), rabbits, or eggs permitted for sale by the state egg board are sold to an end consumer.

*As added by P.L.49-2022, SEC.4.*

### **IC 16-42-5.3-2 Home based vendor**

Sec. 2. A person may prepare and sell food products as a home based vendor if the person complies with the requirements of this chapter.

*As added by P.L.49-2022, SEC.4.*

### **IC 16-42-5.3-3 Exemption from food establishment requirements**

Sec. 3. The production and sale of food products by a home based vendor in accordance with this chapter are exempt from the requirements of this title that apply to food establishments.

*As added by P.L.49-2022, SEC.4.*

### **IC 16-42-5.3-4 Requirements for the preparation and sale of a food product**

Sec. 4. A home based vendor shall prepare and sell only a food product that is:

- (1) made, grown, or raised by an individual at the individual's primary residence, including any permanent structure that is on the same property as the residence;
- (2) not a potentially hazardous food product;
- (3) prepared using proper sanitary procedures, including:
  - (A) proper hand washing;
  - (B) sanitizing the container or other packaging in which the food product is contained;
  - (C) storing the food product safely;
  - (D) producing the food product in a food preparation or packaging area in which animals are not present; and
  - (E) cleaning and sanitizing of surfaces that have contact with the food product;
- (4) not resold;
- (5) sold in person, by telephone, or through the Internet; and
- (6) delivered to the end consumer in person, by mail, or by a third party carrier.

*As added by P.L.49-2022, SEC.4.*

### **IC 16-42-5.3-5 Labeling requirements**

Sec. 5. (a) A home based vendor shall include a label for packaged food or a sign for unpackaged food that contains the following information:

- (1) The name and address of the producer of the food product.
- (2) The common or usual name of the food product.
- (3) The ingredients of the food product, in descending order by predominance by weight.
- (4) The net weight or volume of the food product by standard measure or numerical count.
- (5) The date on which the food product was processed.
- (6) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the Indiana Department of Health. NOT FOR RESALE."

(b) A home based vendor shall post the label of each food product on the vendor's website.

*As added by P.L.49-2022, SEC.4. Amended by P.L.56-2023, SEC.169.*

#### **IC 16-42-5.3-6 Shipping and delivery of a food product**

Sec. 6. (a) A home based vendor may not ship or deliver a food product to an end consumer who is located outside Indiana.

(b) A home based vendor shall do the following:

- (1) Ship or deliver a food product in a sealed package that allows an end consumer to determine whether the product has been tampered with.
- (2) Maintain a record of the shipping or delivery address of each end consumer the vendor sells a food product to for at least one (1) year after the date of the sale.
- (3) Upon request, provide a record described in subdivision (2) to the state department.

*As added by P.L.49-2022, SEC.4.*

#### **IC 16-42-5.3-7 Food handler certificate**

Sec. 7. (a) A home based vendor shall obtain a food handler certificate from a certificate issuer that is accredited by the American National Standards Institute.

(b) Upon request, a home based vendor shall provide a copy of the food handler certificate required by subsection (a) to the state department or an end consumer.

(c) A home based vendor shall provide a copy of the food handler certificate required by subsection (a) to the local health department in the county where the home based vendor's residence is located.

*As added by P.L.49-2022, SEC.4.*

#### **IC 16-42-5.3-8 Food sampling and inspection; powers of the state department**

Sec. 8. (a) A home based vendor is subject to food sampling and inspection if:

- (1) the state department determines that the home based vendor's food product is:
  - (A) misbranded under [IC 16-42-2-3](#); or
  - (B) adulterated; or
- (2) a consumer complaint has been received by the state department.

(b) If the state department has reason to believe that an imminent health hazard exists with respect to a home based vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.

(c) For purposes of this chapter, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of a home based vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.

*As added by P.L.49-2022, SEC.4.*

#### **IC 16-42-5.3-9 Development of guidelines**

Sec. 9. The state health commissioner may develop guidelines for the requirements described in this chapter, including:

- (1) standards for best safe food handling practices;
- (2) disease control measures; and
- (3) standards for potable water sources.

*As added by P.L.49-2022, SEC.4.*

**IC 16-42-5.3-10 Sale of poultry and rabbits at a farmers' market or roadside stand; exemption from food establishment requirements**

Sec. 10. (a) This section applies to the sale of poultry and rabbits by an individual vendor of a farmers' market or roadside stand.

(b) The following products are exempt from the requirements of this title that apply to food establishments:

(1) Poultry products produced under [IC 15-17-5-11](#). Poultry products sold at a farmers' market or roadside stand must be frozen at the point of sale. Poultry products sold on the farm where the product is produced must be kept refrigerated at the point of sale and through delivery by the producer to the end consumer.

(2) Rabbits that are slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmers' market, and at a roadside stand. Rabbit meat sold at a farmers' market or roadside stand must be frozen at the point of sale. Rabbit meat sold on the farm where the product is produced must be kept refrigerated at the point of sale and through delivery by the producer to the end consumer. An individual who sells rabbits under this subsection shall comply with the label requirements set forth in this chapter.

(c) This section does not apply to the distribution of meat from a game animal.

*As added by P.L.49-2022, SEC.4.*

**IC 16-42-5.3-11 Sale of eggs; exemption for sale of eggs or whole uncut produce by certain individual vendors**

Sec. 11. (a) [IC 16-42-11](#) applies to the sale of eggs under this chapter.

(b) An individual vendor of a farmers' market or roadside stand is exempt from the requirements of this title that apply to a food establishment relating to the sale of eggs or whole uncut produce.

*As added by P.L.49-2022, SEC.4. Amended by P.L.147-2023, SEC.27.*

**IC 16-42-5.3-12 Prohibition on an ordinance or resolution requiring licensure, certification, or inspection**

Sec. 12. Notwithstanding any other law, a local unit of government (as defined in [IC 14-22-31.5-1](#)) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of a home based vendor or an individual vendor who prepares and sells food products under this chapter.

*As added by P.L.49-2022, SEC.4.*

**IC 16-42-5.3-13 Guidelines concerning state department rules; enforcement**

Sec. 13. (a) For the purpose of enforcing this chapter, the local health officers are food environmental health specialists subordinate to the state department.

(b) To ensure that enforcement of the state laws and rules is uniform throughout the state, the state department shall provide to the local health officers who are food environmental health specialists guidelines concerning the interpretation and of the state department's rules concerning home based vendors. A food environmental health specialist may not enforce the state department's rules concerning home based vendors in a manner that is more strict than the state department's guidelines.

*As added by P.L.49-2022, SEC.4.*



# Options for ANSI-Certified Food Handler Courses in Indiana



According to [HEA 1149 Section 7](#), every home-based vendor must obtain a food handler certificate from a certificate issuer that is accredited by the American National Standards Institute (ANSI). Upon request, the vendor shall provide a copy of the certificate to the Indiana Department of Health or an end consumer.

**There are more than 20 online options available at ANSI's website:**  
<https://anab.ansi.org>

**Face-to-face options available via an academic institute:**

## Ivy Tech Community College

### Four-hour Food Handler Training

- The sessions will be taught at seven campuses throughout the state that include: Fort Wayne, South Bend, Lake County, Muncie, Indianapolis, Bloomington and Evansville by accredited and experienced Ivy Tech faculty.
- All participants will receive Food Handler books
- Testing will be done in person within the four-hour course.
- Upon successful completion, participants will receive a ServSafe Food Handler certificate of achievement.
- Cost is \$50 per person.
- Register at [ivytech.edu/workforcetrainings](http://ivytech.edu/workforcetrainings)

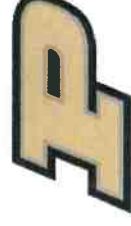
## Purdue Extension Offices

### Four-hour Food Handler Training

- The classes will be taught by county extension offices throughout the state.
- The curriculum will be taught by local, certified subject area experts, who are trained to offer ServSafe training and certification exams.
- Upon successful completion, participants will receive a ServSafe Food Handler certificate of achievement.
- The cost is \$40 per person.
- Register for the ServSafe Food Handler class at [purdue.edu/servsafe/workshops](http://purdue.edu/servsafe/workshops). Select a class titled "ServSafe Food Handler."



IVY TECH  
COMMUNITY COLLEGE



PURDUE  
UNIVERSITY

Extension





# CARTON LABELING

## INDIANA GUIDELINES FOR LABELING EGG CARTONS

All egg cartons containing eggs offered for sale must include the following:

1. **Packer identification** - (the person or entity placing the eggs in the retail container), must be clearly stated using one of the following identifiers:
  - a. Name and address of packer.
  - b. Indiana state egg license number, for example, IN-000.
  - c. United States Department of Agriculture plant number, for example, P-000.
  - d. Egg license number from another state, provided the number is on file in writing at the state egg board office.
  - e. United States Department of Agriculture Shell Egg Surveillance number, including state code and handler code, for example, 18-0000. Note: The Shell Egg Surveillance registrant number contains a state code, county code, and handler code. Do not include the county code, only state and handler number.
2. **Grade and size** - (Grades include AA, A or B; Size includes Jumbo, Extra Large, Large, Medium, Small, or Pee Wee)
3. **Date the eggs were packaged** - May be listed as month and day or consecutive day of the year, As an example: Feb 01 or 032
4. **Expiration date** - which is 15 days from the date of pack for Grade AA and 45 days from the date of pack for Grade A, preceded by the letters EXP or one of the following: Sell BY, Best BY, or Use BY. (Example: EXP March 3 or EXP 3-3)
5. **The following statement** must appear on each carton:

The words "safe handling instructions" must appear in bold capital letters and the statement must be set off in a box by hairlines.

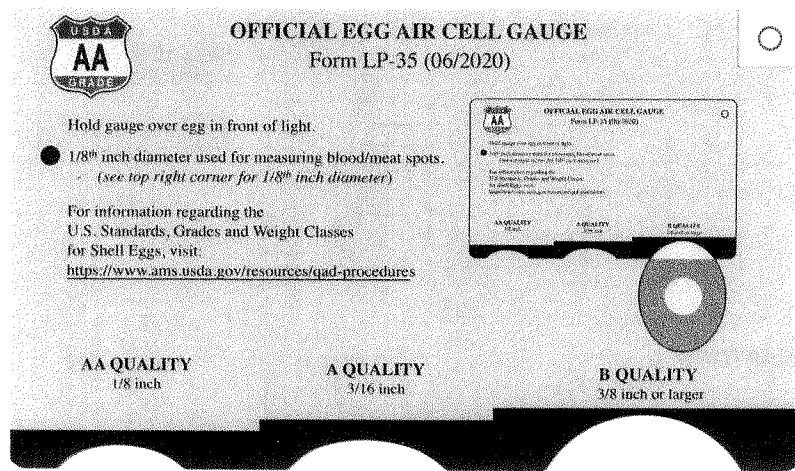
**Safe Handling Instructions:** To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm and cook foods containing eggs thoroughly.

safe handling instructions example

\*\* If you are a packer with more than 3000 layers, please verify additional labeling requirements to meet USDA and FDA labeling regulations.

### Egg Grading and Size Reference

Official USDA Egg Air Cell Gauge used to determine egg grades example



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# "OTHER EGGS"



A BASIC GUIDE TO  
RAW SHELL EGGS  
**NOT** REGULATED BY  
INDIANA STATE EGG  
BOARD

Domestic Chicken Eggs are **regulated** by the **Indiana State Egg Board**; however **all raw eggs are considered** a potentially hazardous food 410-IAC-7-24-66-(a)(3)

If an **egg vendor** is **selling raw shell eggs** from other poultry off the farm, the **eggs** would **need** a **retail food permit** from the LHD 410-IAC-7-24-107

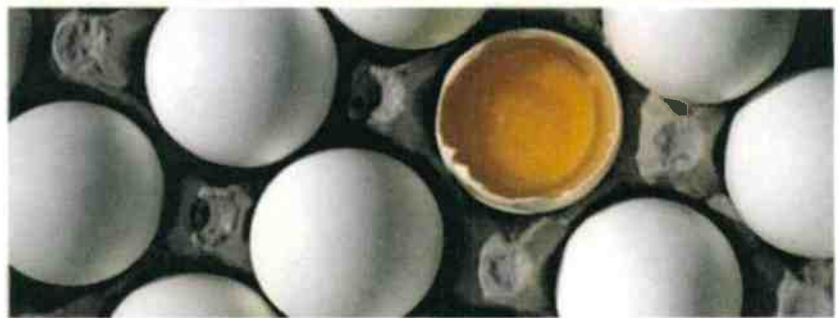
The **eggs** shall be **safe, unadulterated, and honestly presented** 410-IAC-7-24-139

The cartons shall be **labeled** in accordance with 410-IAC-7-24-146(b)








- the common name
- an **accurate** declaration of the quantity of the contents
- name and place of **business**

Raw shell **eggs** shall be stored under refrigeration at 41 degrees Fahrenheit 410-IAC-7-24-189(d)

Raw shell **eggs** may be transported and recieved at 45 degrees Fahrenheit but are required to be cooled within 4 hours to 41 degrees Fahrenheit 410-IAC-7-24-166(b) and 410-IAC-7-24-189(d)



## RECOMMENDATIONS:

-  Candling and grading are only required for domestic chicken eggs not for "others"
-  The eggs should be reasonably clean but not recommended to be washed
-  Cartons may be recycled/reused if the original labeling is covered, and the cartons are clean
-  You may choose not to inspect the farm but the eggs on site where they are sold off the farm
-  If the producer is whole selling the eggs, have them register with IDOH, Food Protection Wholesale Division
-  Registration form is on the [IDOH Food Protection Home Page](#)
-  If LHD opts not to permit the eggs, the vendor may not be able to sell off the farm if they cross into another county



# Sale of Meat and Poultry at Farmers Markets

Recent changes to Indiana's food laws allow for the sale of certain meat and poultry at farmers markets without inspection under some circumstances. The following guidance explains the standards for these types of sales.

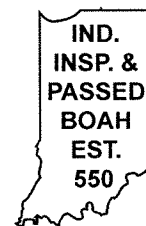
## Red Meat

Meat from livestock intended for human food must be slaughtered in an establishment inspected by the Indiana State Board of Animal Health (BOAH) or the U.S. Department of Agriculture Food Safety and Inspection Service (USDA-FSIS). *IC 15-17-5-6, IC 15-17-5-9.*

Under the "retail exemption," a retailer may sell red meat without a mark of inspection, if the bulk product was purchased from an approved (inspected) source. Meat offered for sale should be properly marked, labeled, and packaged. The label should contain the following information:

1. Name of product,
2. Ingredients statement, if two or more ingredients,
3. Net weight statement,
4. Name, address and phone number of processor,
5. Date of packing,
6. Inspection legend, Indiana (state) or USDA (round), if applicable, and
7. Safe handling statement *345 IAC 9-2.1-1(a)(3).*

Official inspection insignia:



## Rabbits

Under a 2014 Indiana law, rabbits may be slaughtered and processed without inspection and sold at a farmers market, roadside stand or on a farm under the following conditions\*\*:

1. The product must be frozen at the point of sale.
2. The product includes a label that contains the following information:
  - Name and address of the producer,
  - Common or usual name of the product,
  - Ingredients of the product,
  - Net weight and volume of the product,
  - Date the food was processed, and
  - Statement of exemption (for example, the phrase "Exempt under IC 16-42-5-29").
  - Statement, in 10-point type: "This product is home-produced and processed in a production area not inspected by ISDH."



Indiana State  
Board of Animal Health

(317) 544-2400  
animalhealth@boah.in.gov

The Indiana State Board of Animal Health recommends individuals contact the local health department for any local ordinances concerning sales of this product.

### **Poultry**

Poultry producers may be required to obtain a limited permit from BOAH depending on how many birds they slaughter and process annually.

Poultry producers who slaughter or process fewer than 1,000 birds annually and only sell directly to the end consumer may sell poultry products slaughtered and processed without inspection at farmers markets, roadside stands, off the farm production and through delivery to the end consumer in Indiana, if the product meets the following requirements:

1. If the product is sold on the farm, it can be refrigerated or frozen. Otherwise, the product must be frozen at the point of sale.
2. The product must be labeled in compliance with 9CFR 381.10. Label requirements for this exempt, uninspected product include the following:
  - Name of the product,
  - Ingredients statement,
  - Statement of quantity of contents in terms of weight or measures,
  - Name and address of manufacturer,
  - Date of packing, and
  - Explanatory statement indicating why the inspection legend is not required. (For example, the phrase “Exempt from inspection under IC 15-17-5-11” or “Exempt PL 90-492”
3. All sales must be direct to the end consumer.

### **Limited Permits For Poultry**

#### *Limited Permit - Household Consumer (HC)*

Required for poultry producers who slaughter or process 1,000 to 20,000 birds annually. A holder of this limited permit may only sell to a household consumer who is the last person to purchase the poultry product and does not resell the poultry. Products must meet the requirements listed above and the facility must comply with the following requirements:

1. The establishment meets the federal sanitation and operating standards;
2. Notification to BOAH of the producer’s operating schedule;
3. BOAH may enter and inspect the facility to determine continued compliance; and
4. Label must include the statement “Limited Permit-HC”.

The facility must be approved and inspected biannually by the Meat and Poultry Inspection Division of BOAH. IC 15-17-5-11; IC 16-42-5-29

#### *Limited Permit - Retail HRI*

Required for poultry producers who slaughter or process 1 to 20,000 birds annually and want to sell to household consumers as well as retail stores, restaurants, hotels, and institutions that resell or serve the products to consumers. The permit holder must comply with the requirements listed above plus these additional requirements:

5. Create a food safety plan which includes an analysis of food safety hazards and control measures to address those hazards;
6. Have at least one person from the establishment who has completed a course in the application of food safety principles to meat and poultry product production;
7. BOAH may conduct microbial testing at the establishment; and
8. Label must include the statement “Limited Permit-Retail HRI”.

# Food Safety Regulations for Farmers' Markets

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Farmers' markets have been around for a long time. However, today's farmers' markets are more complex than ever. In the past, whole fruits and vegetables were the primary items sold; now, food is processed, cut open to be displayed, and given as samples to entice purchases. With the increased complexity of the product offerings at farmers' markets, health departments have become more involved in ensuring food safety. This publication offers information to market masters and vendors on keeping consumers safe by examining food safety regulations.

## Classification of a Farmers' Market

Food safety issues are governed by the retail food establishment requirements known as Indiana State Department of Health (ISDH) Rule Title 410 IAC 7-24, Retail Food Establishment Sanitation Requirements. This document provides a primary statewide foundation for all retail food establishments, including farmers' markets; however, each local county health department may handle the regulations for farmers' markets differently. The local health department will have the necessary information.

The state classifies a farmers' market as a temporary food establishment, which is defined as a retail food establishment operating in conjunction with a single event or celebration for no more than 14 consecutive days, and with the approval of the organizers of the event. The local health department issues permits for farmers' markets in accordance with relevant county or city ordinances.

## Permits

Permits can be issued to both the vendor and the farmers' market as a type of regulatory tool to control which vendors have met the requirements of the food code. Think of the permit as a driver's license, where the driving test has to be passed and a fee must be paid before someone becomes a licensed driver. Vendors should not consider food permits as something they automatically receive upon paying the fee. While some local health departments operate this way, technically, the permit should not be approved until the operation has been inspected. Permits may also be suspended or revoked for failure to comply with the food code.

## Selling Food Products

Some products sold at farmers' markets can present a risk to consumers, depending on how the product is prepared and sold. Each market master should decide which products can and cannot be sold and should include this information in the bylaws or rules for his or her market. Market masters should think about the following:

- Will the market allow processed foods?
- Will there be food preparation on site?
- Will the market allow food samples to be given away?
- Is the base of operations, where the food is stored or prepared away from the market, permitted and inspected?



## “Ready-to-Eat” Versus Food That Needs Further Preparation

Foods that need further preparation are sold fresh from the farm, unprocessed, and not yet cleaned. These products require cleaning and preparation before they are consumed. Examples include sweet corn, peppers, and potatoes.

Ready-to-eat foods like apples and grapes increase risk, and more food safety protection is required. Ready-to-eat foods are foods that will not have another treatment, such as heat, to kill pathogens that may be in or on the food. Examples of these foods are salads, some fruit and vegetables (apples and grapes), baked goods, nuts out of the shell, sandwiches, open cheese, dips, and so on. These products must be closely regulated because they present more risk of contamination.

Other sources of risk include:

- Home-canned foods and other foods that are packaged in an anaerobic environment, such as vacuum packaging, which presents a higher risk for botulism
- A food handler with contaminated hands, which has been identified as a leading cause of food-borne illness

Bare hand contact with ready-to-eat foods is prohibited except in very few defined situations, such as deveining shrimp. Utensils such as tongs, forks, and single-use gloves must be used to prevent food from being in contact with bare hands. The Centers for Disease Control (CDC) and Food and Drug Administration (FDA) strongly recommend three barriers when handling ready-to-eat foods:

1. Ensuring that no food handlers are ill
2. Promoting effective hand washing by food handlers
3. Avoiding bare hand contact with ready-to-eat foods

## Packaging and Labeling

Any packaged food sold at a farmers’ market that includes more than two ingredients, including both ready-to-eat and processed food, should have a label. The label must provide the following.

- The common name for the food product
- A list of ingredients if there are more than two, given in descending order of predominance by weight
- Quantity specifications, given in weight, volume, or pieces
- The name and complete address of the business

Health claims should be avoided on packaging. Claims such as “heart healthy,” “light or low fat,” or “sugar free” must be substantiated by the nutritional facts on the label. It is acceptable, however, to claim added or left out ingredients, such as including “no sugar added” on the label.

## Risky Foods

Certain types of food allow for the rapid progression and growth of pathogens and are deemed “potentially hazardous foods.” Foods classified in this category include dairy products, meat, poultry, game animals, seafood, eggs, sliced melons, raw sprouts, cut tomatoes, tofu, and garlic-in-oil mixtures. These products must be kept at proper temperatures to keep consumers safe. Proper temperatures for these foods or products can be found on the Indiana State Department of Health’s Web site <<http://www.in.gov/isdh/regsvcs/foodprot/>>.

Meat, poultry, rabbit, wild game, dairy, and egg products should always be transported to and from the market in a refrigerator or freezer and must be from an establishment inspected by the Indiana Board of Animal Health, Indiana State Egg Board, or the USDA.

Processed foods that may pose a high risk of botulism include (but are not limited to) sauces, dressings, fruit butters, pickles, salsa, soup, and dips. The Indiana State Department of Health, the FDA, or Local Health Department must inspect these foods to ensure safe preparation and handling practices. Purdue University offers an annual training class in West Lafayette, IN called “Better Process Control School.” The class explains the hazards of producing “risky foods” and methods to manufacture such foods safely. Information is available at <<http://www.foodsci.purdue.edu/outreach/>>. A list of Process Control Authorities on the State Department of Health’s Web site (above) helps food processors locate assistance.

Processed foods to be sold at a farmers' market should be prepared at an off-site location, such as an inspected certified or commercial kitchen. These facilities can be either independent, inspected church kitchens or other retail or wholesale food establishments. Each vendor should make arrangements with the appropriate personnel to use these facilities. Private kitchens cannot be used for processed foods.

Food that is prepared for immediate consumption at the market must also be prepared using proper precautionary measures. Cutting produce, preparing samples for consumers, preparing sandwiches, and handling baked goods are all considered food handling. Food must be protected during every stage of the preparation and handling process. Food should be kept at proper temperatures to ensure safety. More information about proper temperatures can be found in the bacterial control chart in Appendix A or the State Department of Health's Web site.

## Protective Coverings for Vendor Booths

Open foods sold at a farmers' market, such as sliced or cubed cheese, should have some form of overhead protection covering the display area, especially if the food is prepared on-site. Overhead awnings are also suggested and are an additional measure of protection. Although food samples are a good way to increase trial and purchase of a product at the farmers' market, this practice must be performed with extreme caution. Food preparers, consumers' hands, and insects are major sources of food sample contamination. All vendors are required to have clean and sanitized utensils. Hand-washing facilities are also necessary for vendors. Proper thawing of potentially hazardous food is also required.

## Hand Washing Facilities

Hand washing is the best way to prevent the spread of disease. Products such as hand sanitizers should not be used as a replacement for hand washing, but may be used as a supplement. Supplemental hand cleaners must be Generally Recognized as Safe (GRAS); otherwise, the product must be washed off after use. Hand washing stations require hot and cold potable running water, some form of hand cleaner (soap), disposable towels,

and a waste container. Vendors must wash their hands for at least 20 seconds. The facility must be accessible to all vendors at all times. There is no set requirement for the number of hand-washing stations required per person; however, the FDA recommends that facilities are within 25 feet, unobstructed, and convenient.

## Infected Food Handlers

All vendors who handle food should note that it is absolutely imperative that any person experiencing symptoms of nausea, vomiting, diarrhea, fever, sore throat, or jaundice be excluded from handling any food products, utensils, single service paper goods, or linens. It is equally important that any person diagnosed with salmonellosis, shigellosis, *E. Coli* infection, hepatitis A, or norovirus infection be excluded. If a food handler is living in a household with someone who has been diagnosed with these illnesses, he or she should also be excluded from food handling. Lesions containing pus, such as a boil or infected wound, must be covered and protected with an impermeable cover with a single-use glove worn over the area (Sections 120-127 of the ISDH Rule 410 IAC 7-24).

## Hot Food Hot, Cold Food Cold

There are specific guidelines for the cooking temperature and time of each type of raw, potentially hazardous food. Foods cooked on site at a farmers' market should meet all temperature and time requirements, because partial cooking is a grave danger. When held hot, potentially hazardous foods must be maintained at 135°F or above; cold food being held must be maintained at 41°F or below. Crock-pots and warming trays are not an acceptable way to cook foods; however, they are acceptable for holding purposes.

Food storage at a farmers' market is somewhat difficult due to the limited space available. Here are a few tips to help decrease the likelihood that food product contamination will occur.

- Be careful not to store ready-to-eat foods in direct contact with ice.
- Avoid storing raw foods in the same container as ready-to-eat foods.
- Drain ice continuously to avoid pooling water in the cold storage unit.

## Leftovers

Leftover foods can be dangerous. Food products that will be stored and sold at the farmers' market should be rapidly cooled and then rapidly reheated. Foods that are held in the "Danger Zone" between 41°F and 135°F for too long must be disposed of due to the ability of bacteria to rapidly multiply between these temperatures. The requirements follow.

- Potentially hazardous foods must be cooled from 135°F to 70°F within two hours. The food temperature should then be decreased from 70°F to 41°F within the next four hours, with a total continuous cooling time of six hours.
- The reheating of potentially hazardous foods must be conducted in a unit that can rapidly reheat the food to at least 165°F within two hours or less.

## Utensils

If utensils are used to chop, cut, trim, or otherwise process food in any way, they must be properly washed, rinsed, sanitized, and air dried upon completion or at least every four hours throughout the day. Guidelines recommend that extra sets of utensils be available, in order to avoid cleaning the soiled utensils on-site. The soiled utensils can then be brought back to the base of operations for the correct cleaning and sanitization (Appendix A).

## Conclusion

A farmers' market is classified as a temporary food establishment. To regulate food safety, the health department follows ISDH Rule Title 410 IAC 7-24, the Retail Food Establishment Sanitation Requirements. This document provides the primary foundation for farmers' markets; however, each local county health department may enforce aspects of the regulations for farmers' markets differently, based on county or city ordinances. Local health departments are prohibited from prescribing any local sanitary standards beyond the state rule. Local health departments issue permits for the farmers' market as a regulatory tool to control which vendors have met the requirements of the food code.

Farmers' markets are a good outlet to connect consumers with farmers and local food products. However, the more complex the market becomes, the more risk consumers face. Local health departments are working with farmers' markets to ensure the safety of food for consumers.

## Contact Information:

### Board of Animal Health

Meat and Poultry Program . . . . (317) 227-0355

Dairy Program . . . . . (317) 227-0350

Indiana State Egg Board . . . . . (765) 494-8510

### Indiana State Department of Health -

Food Protection Program . . . . . (317) 233-7360



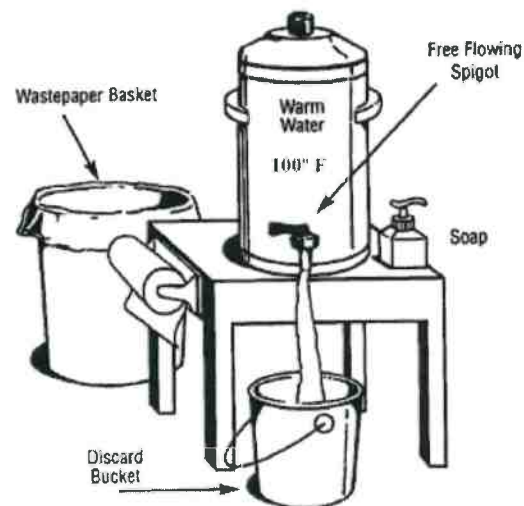
## Appendix A

For complete information regarding handwashing and dishwashing requirements see 410 IAC 7-24.

# HANDWASHING

At least one convenient handwashing facility must be available for handwashing on site at all times. This facility must consist of, at least, a container with 100° F potable running water (via spigot if sinks won't be utilized), a catch bucket for wastewater, soap, individual single-use paper towels, and a trash container for disposal of paper towels. Employees must wash their hands at all necessary times during food preparation and service as specified in 410 IAC 7-24, such as:

- Prior to starting food handling activities
- After using the restroom
- After sneezing, coughing, blowing your nose, eating, drinking, smoking, or touching a part of the body
- After touching an open sore, boil, or cut
- After handling money or other soiled items
- After taking out the trash or following any activity during which hands may have become contaminated.



# DISHWASHING

Facilities must have provisions available to wash, rinse, and sanitize multi-use utensils, dishware and equipment used for food preparation at the site. Proper chemical sanitizer and the appropriate chemical test kit must be provided and used at each site. All dishes and utensils must be air-dried.

### PROPER SET-UP



### PROPER SANITIZER CONCENTRATIONS

Chlorine  
25-200 ppm\*

Quaternary Ammonia  
200 ppm\*

Iodine  
12.5-25 ppm\*

\* or as otherwise indicated by the Code of Federal Regulations (CFR) or by the manufacturer of the product.

For complete information on cooking, cooling or reheating, see 410 IAC 7-24

## COOKING

COOKING

165°F for 15 seconds	Poultry and Foods Containing Poultry; Stuffed Fish, Meat or Pasta; Stuffing containing Fish or Meat; Food containing Game Animals															
165°F for 2 minutes	Microwave Cooking for Raw Animal Foods (covered, rotated, or stirred throughout or midway through the cooking process and held for 2 minutes covered)															
158°F for 1 second 155°F for 15 seconds 150°F for 1 minute or 145°F for 3 minutes	Injected Meats; Comminuted Meats (hamburger or sausage), Fish or game animal; Raw shell Eggs that are NOT prepared for immediate service (pooled or hot-held).															
145°F for 15 seconds	Raw Shell Eggs prepared for immediate service; Meat and Fish not otherwise specified in this chart															
145°F for 4minutes 144°F for 5 minutes 142°F for 8 minutes 140°F for 12 minutes 138°F for 18 minutes 136°F for 28 minutes 135°F for 36 minutes 130°F for 112 minutes	Roasts of Beef, Corned Beef, Pork, and Cured Pork (For a complete chart, see Sec. 182 of 410 IAC 7-24) <table><tr><th colspan="3">OVEN COOKING of ROASTS</th></tr><tr><th>Oven Type</th><th>Roast Weight Less than 10 lbs.</th><th>Roast Weight More than 10 lbs.</th></tr><tr><td>Still Dry</td><td>Oven Temperature <math>\geq 350^{\circ}\text{F}</math></td><td>Oven Temperature <math>\geq 250^{\circ}\text{F}</math></td></tr><tr><td>Convection</td><td>Oven Temperature <math>\geq 325^{\circ}\text{F}</math></td><td>Oven Temperature <math>\geq 250^{\circ}\text{F}</math></td></tr><tr><td>High Humidity</td><td>Oven Temperature <math>\leq 250^{\circ}\text{F}</math></td><td>Oven Temperature <math>\leq 250^{\circ}\text{F}</math></td></tr></table>	OVEN COOKING of ROASTS			Oven Type	Roast Weight Less than 10 lbs.	Roast Weight More than 10 lbs.	Still Dry	Oven Temperature $\geq 350^{\circ}\text{F}$	Oven Temperature $\geq 250^{\circ}\text{F}$	Convection	Oven Temperature $\geq 325^{\circ}\text{F}$	Oven Temperature $\geq 250^{\circ}\text{F}$	High Humidity	Oven Temperature $\leq 250^{\circ}\text{F}$	Oven Temperature $\leq 250^{\circ}\text{F}$
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High Humidity	Oven Temperature $\leq 250^{\circ}\text{F}$	Oven Temperature $\leq 250^{\circ}\text{F}$														
135°F	Potentially hazardous food cooked for hot-holding: fruits, vegetables, and potentially hazardous foods not otherwise listed that will be hot-held.															

## COOLING

### Cooked potentially hazardous foods shall be cooled:

- (1) within two hours, from 135°F to 70°F; and
- (2) within four hours, from 70°F to 41°F or less\*
- (3) The entire cooling process must be completed within six (6) continuous hours.

### Food prepared from ingredients at ambient temperature (such as reconstituted foods and canned tuna) shall be cooled:

Within 4 hours to 41°F or less\*

\* (for 45°F as specified in the Indiana Food Code)

### SUGGESTED COOLING METHODS

- Place food in shallow pans
- Separate foods into smaller portions
- Use rapid cooling equipment
- Stir food in a container placed in an ice water bath
- Use containers that facilitate heat transfer
- Add ice as an ingredient

## REHEATING

Potentially hazardous food that is cooked, cooled, and reheated for hot-holding shall be reheated so that all parts of the food reach a temperature of at least 165°F for 15 seconds. (If food is reheated in a microwave, all parts of the food must reach a temperature of at least 165°F and be allowed to stand covered for two minutes after reheating.)

For complete information regarding ice usage, hair restraints, hygienic practices, and general practices, see 410 IAC 7-24.

## ICE USAGE

### FOR CONSUMPTION

- Ice which is to be consumed must come from an approved source.
- Ice must be kept in closed/covered containers and must be dispensed with an approved utensil that is properly stored and used.
- Ice for consumption may not be used for storage of food or beverage products or other foreign articles.



### FOR USE AS A REFRIGERANT

- Storage of open food products in contact with ice is prohibited.
- Packaged foods that are subject to the entry of water because of the nature of packaging, wrapping, or container, cannot be stored in contact with water.
- If ice is the principle means of refrigeration, it must be done in such a way so that the ice is constantly draining (into a proper area; not onto the ground).
- **Commercial-type** freeze packs or dry ice may also be used to maintain temperature if mechanical refrigeration cannot be provided or there is a loss of power.

## HAIR RESTRAINTS

Proper and effective hair restraints must be provided and worn by all persons handling exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles. Acceptable hair restraints include hairnets, hats, scarves, etc. Beards should also be restrained with a beard snood or other means.

## HYGIENIC PRACTICES

- No smoking, eating or drinking is permitted in any food preparation or service areas. (Covered employee beverage containers are **allowed** if they are stored and used properly.)
- Clothing must be kept clean and not used to wipe hands.

## GENERAL PROTECTION

### FOOD HANDLING:

- If open food is to be handled, proper utensils (such as tongs, spoons, single-use gloves, deli tissue) must be provided and used. Bare hand contact with ready-to-eat open foods is prohibited. ("Ready-to-eat" means no further washing, cooking or additional preparation steps will take place before it is consumed.)

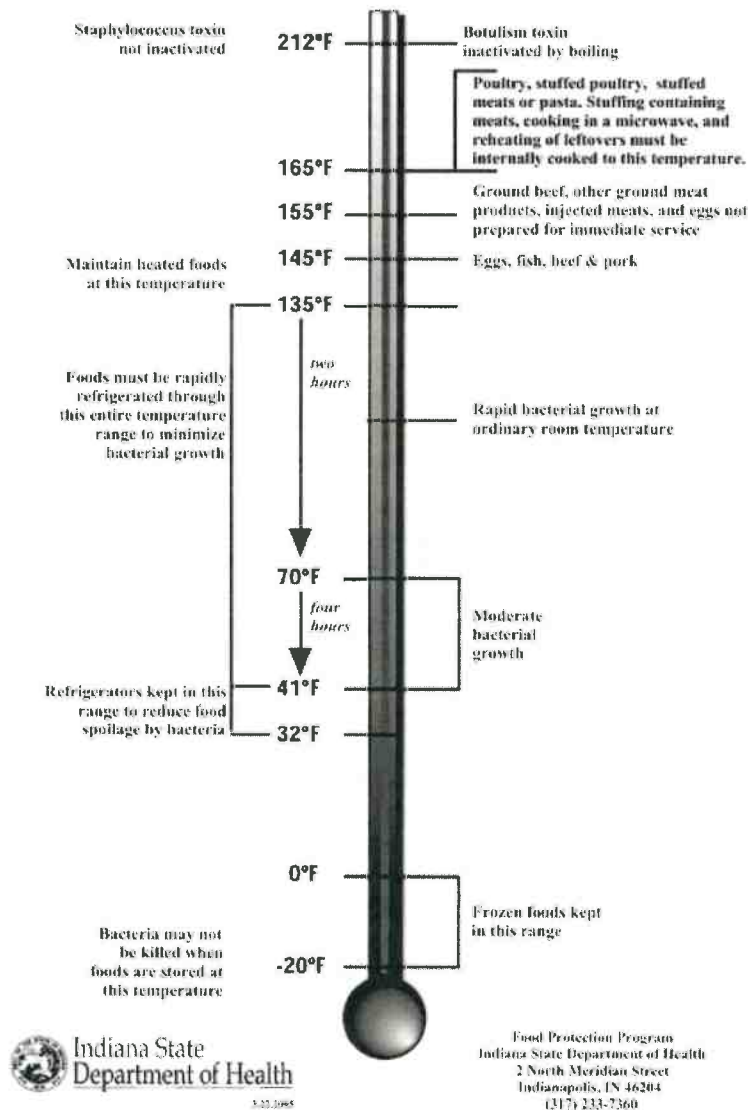
### PROTECTION FROM CONTAMINATION:

- Food products must be kept shielded and protected from contamination by consumers at all times during storage, preparation, and service.
- Overhead protection must be provided over ALL food and beverage service, preparation, storage, warewashing and handwashing areas to guard against environmental and consumer contamination.

### INSECT CONTROL:

- Air curtains, screening, or fans must be provided and used for insect control when applicable.
- Doors to food preparation and storage areas must be solid or screened and shall be self-closing (and kept closed as much as possible).

## Bacteria Control Chart



Visit the Purdue New Ventures Team Web site  
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for more information on the topics discussed in this publication and for other resources  
to help you decide whether to start a new agriculture- or food-related business.

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## Indiana Home-Based Vendor Food Product Labeling Overview

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In 2009, House Enrolled Act (HEA) 1309 was passed by the Indiana General Assembly. The term "home-based vendor (HBV)" is used to describe a person who has been exempted from regulation as "food establishments" under IC 16-42-5-29. Refer to Extension publication "Overview of Home-Based Vendor Law" (<https://www.extension.purdue.edu/extmedia/FS/FS-30-W.pdf>) to learn more. As a HBV, you should follow safe food handling practices and label the products correctly. This document will help you understand the labeling requirements for HBV products.

### **Requirements for HBVs (IC 16-42-5-29)**

- Individual vendors at a farmers market, or roadside stand.
- Food products are made in the primary residence (home kitchen) of individuals.
- The product must be "made, grown, or raised" by the individual.
- Produce non-potentially hazardous food products (e.g., baked goods, syrup).
- Food is prepared by proper sanitary procedures, including proper hand washing, sanitation of food containers, and safe food storage.
- Food products are sold directly to the end consumers.
- All food products must include labeling that contains all the required information.

## What information should be on the label?

The following information should be on a label:

- Name and address of the food producer.
- Name of the food product. The name should be common so that the public can recognize it easily.  
For example: chocolate chip cookies, strawberry jam.
- Ingredients of the food product in descending order by weight.
- Net weight and volume of the food product by standard measure or numerical count.
- Processing date of the food product.
- Following statement in at least 10-point type: "This product is home produced and processed and the production area has not been inspected by the State Department of Health." NOT FOR RESALE

**Strawberry Jam**

ABC Farm, Address: 1 Example Ave., City, IN 12345

Ingredients: Strawberries, Sugar, Lemon Juice, Pectin

Produce on November 08, 2019

Net Wt. 17 OZ (485g)

This product is home produced and processed and the  
production area has not been inspected by the State  
Department of Health.  
NOT FOR RESALE

**Figure 1.** Labeling Example of HBV Strawberry Jam.

## Where should the label be presented?

- Food products with package (e.g., jam or jellies that are "high acid fruit in sugar"): Label should be displayed on the package.

- Food products without package (e.g., some baked goods, items consumed on-site): A readable placard/signage with the food product that includes all required information stated in IC 16-42-5-29(c)(5) can be considered as a label for the product.
- Open samples for consumers to taste: Nearby containers of the same products should be labeled following the requirements.
- Whole, uncut produce: Labeling or placard is not required.

## What would happen if the labels were incorrect?

Labeling serves as one of the primary safety factors for HBV products. Consequently, product labels should strictly meet the labeling requirements stated in IC 16-42-5-29(c)(5). Based on the Indiana State Department of Health, if the food product made by the HBV is not labeled as stated in the requirements, it cannot be sold at farmers markets or roadside stands. The vendor will be treated in the law as a "food establishment" and becomes subject to sampling and inspection.

## Do I need to include food allergens in the label?

Food allergens are not required to be included in the food label under IC 16-42-5-29. However, it is recommended to state the food allergens in the label to protect consumers with food allergies. Allergic reactions can be severe and life-threatening.

Food allergens, substances that are usually harmless to a large percentage of the population, are proteins in a food that cause allergic reaction in a person with food allergies. Eight major food allergens are identified by the Food Allergen Labeling and Consumer Protection Act of 2004: milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans.

### Tips for food allergens labeling:

- Food allergen can be labeled in parentheses after the name of the ingredients.

Example: Flour (Wheat), Soy Lecithin (Soy), Nonfat Dry Milk (Milk).

- Food allergen can also be labeled after or next to the ingredient lists using "Contains" statement. Example: Flour, Soy Lecithin, Nonfat Dry Milk. Contains Wheat, Soy, and Milk. If the product is produced in shared-use equipment that may cross-contact food allergens from other food products, it is recommended to state that "This product may contain [allergen]" or "This product is produced in a facility that also uses [allergen]."

### What are the labeling requirements for poultry or rabbits?

According to the Indiana State Board of Animal Health, raw rabbits and raw poultry (less than 1,000 birds annually) are allowed to be slaughtered and processed without inspection and sold at a farmers market, roadside stand or from the farm directly to the end consumer. The poultry and rabbits should be the only ingredient, and they must be of the producer's own raising. Producers cannot provide a slaughter or processing "service" for the poultry or rabbits from other farms. All the poultry and rabbits sold in the farmers market or roadside stand must be frozen at the point of sale. If the poultry is sold on the farm, it can either be refrigerated or frozen at the point of sale. The labels of the poultry and rabbits should include information as presented in the following table.

**Table 1.** Labeling Requirements for Raw Poultry (less than 1,000 birds annually) and Raw Rabbit Products Sold by a HBV (Not Sold to Retail Food Establishment)

Requirement	Poultry or Rabbits
Common name of product	X
Name and address of manufacturer/producer	X
Net weight and volume of the product	X
Processing date of the product	X
Following statement in at least 10-point type: "This product is home-produced and processed in a production area not inspected by ISDH."	X

**Note:** When selling to Retail Food Establishment, contact ISDH, Food Protection Program or the local health department for more information.

### Chocolate Chip Cookies

ABC Vendor Address: 123 St., City, IN 12345

Ingredients: Enriched flour (wheat flour, niacin, reduce iron, thiamine, riboflavin, folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, soy lecithin), sugar, eggs, baking soda.

**Contains wheat, eggs, milk, and soy.**

Net Wt. 17 OZ (485g)

Produced on November 08, 2019

This product is home produced and processed and the production area has not been inspected by the State Department of Health.  
NOT FOR RESALE

**Figure 2.** Labeling Example of Chocolate Chip Cookies with Allergens

### Do I need to include safe food handling instruction in the label?

Safe Food Handling Instruction is not a mandatory element of food labeling under IC 16-42-5-29. To protect the consumer from getting foodborne illnesses, a safe food handling instruction is recommended to be included in the labeling. Refer to Figure 2, Figure 3, and Figure 4 for the examples of safe food handling instruction.

For the cooking instructions, producers are encouraged to emphasize the recommended cooking temperature for poultry and rabbits. According to the U.S. Department of Agriculture, the recommended cooking temperature of poultry is 165°, and the recommended cooking temperature of rabbits is 160°. Safe cooking instructions can be written as: "Cook chicken to internal temperature of 165° before consumption" and "Cook rabbits to internal temperature of 160° before consumption."



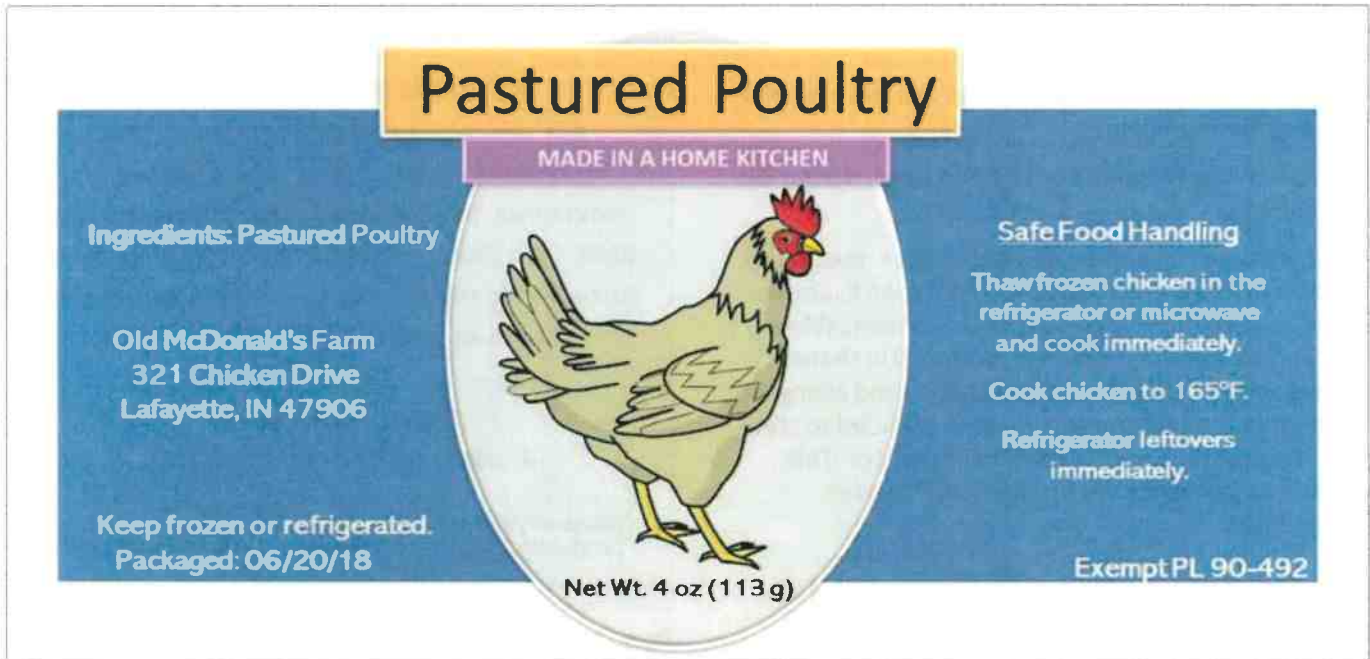


Figure 3. Labeling Example of HBV Poultry Product

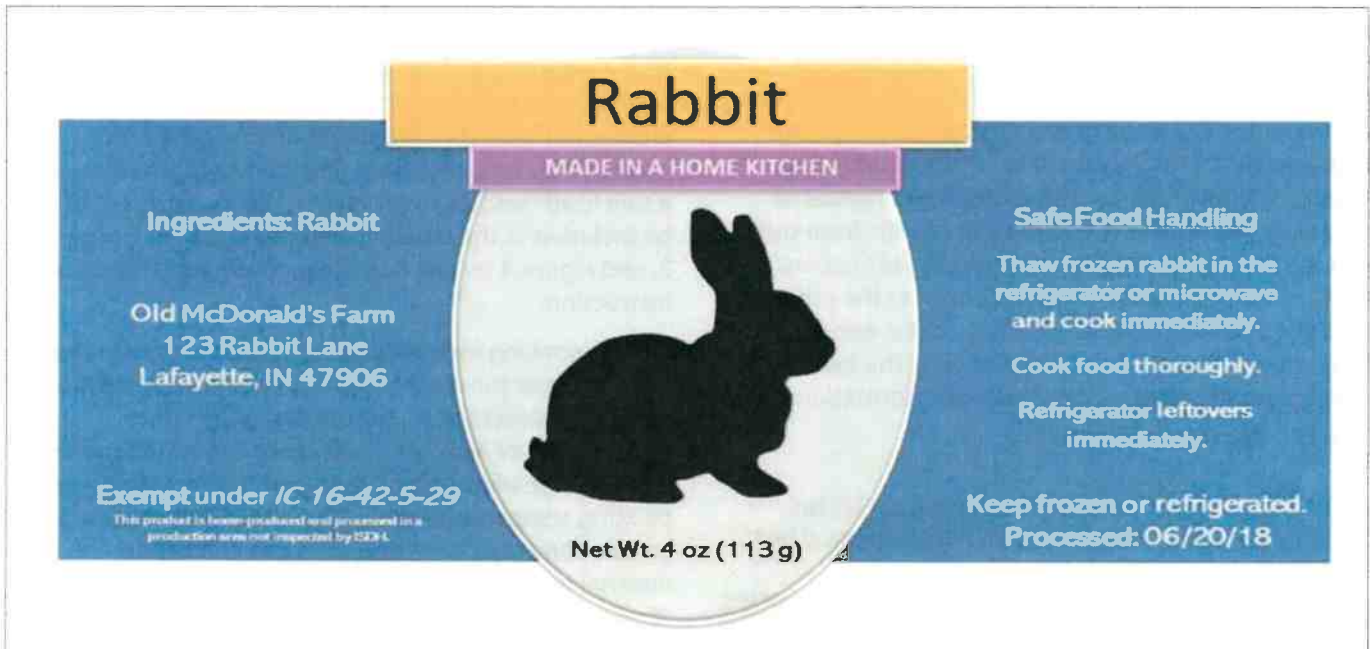


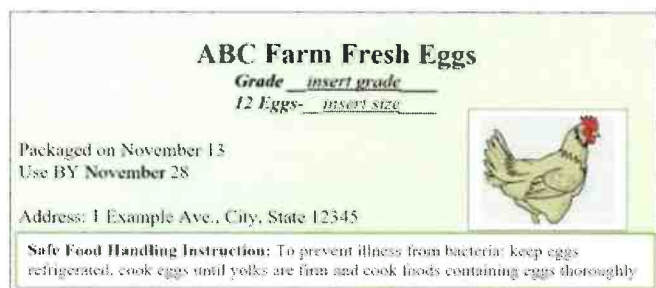
Figure 4. Labeling Example of HBV Rabbit Product

### What are the labeling requirements for in-shell chicken eggs?

Based on IC 16-42-11-8, farmers or bona fide chicken egg producers who sell and deliver on their own premises, where eggs are produced by their own flocks, are exempt from the chapter (IC 16-42-11). The Retail Food Establishment exemption for vendors of eggs identified in IC 16-42-5-29(j) applies only to the sale of eggs from domestic chickens. The sale of eggs from other avian species is regulated by the Indiana State

Department of Health. If farmers or egg producers would like to sell at a farmers market, a farmers market retail permit from the Indiana State Egg Board is required. For more information, please see Indiana State Egg Board (<https://ag.purdue.edu/ansc/iseb/>). For labeling requirements, refer to "Indiana Guidelines for Labeling Egg Cartons" (<https://ag.purdue.edu/ansc/iseb/carton-labeling/>).





**Figure 5.** Labeling example on egg cartons containing in-shell chicken eggs offered for sale. Grade and size requirements can be found in "Indiana Guidelines for Labeling Egg Cartons" (<https://ag.purdue.edu/ansc/iseb/carton-labeling/>).

## Contacts

For more information about the home-based vendor law, contact the following resources.

1. County Department of Health Information  
Website: <https://www.in.gov/isdh/24822.htm>
2. Indiana State Department of Health Food Protection Program  
Website: <https://www.in.gov/isdh/20640.htm>  
Phone number: (317) 234-8569  
Email: [food@isdh.in.gov](mailto:food@isdh.in.gov)
3. Indiana State Board of Animal Health  
Website: <https://www.in.gov/boah/>  
Phone number: (317) 544-2400 or (877) 747-3038  
Email: [animalhealth@boah.in.gov](mailto:animalhealth@boah.in.gov)
4. Indiana State Egg Board  
Website: <https://ag.purdue.edu/ansc/iseb/>  
Phone number: (765) 494-8510  
Email: [straw@purdue.edu](mailto:straw@purdue.edu)

## Acknowledgements

We thank the following individuals and organizations for reviewing the content of this paper: Indiana State Department of Health Food Protection Program; Dr. David Bough, Indiana State Board of Animal Health; and Mark Straw, Indiana State Egg Board.

## References and Useful Resources

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## Photo Credit

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## **Yummy in My Tummy Sweet Treats**

1201 Wall Street, Jeffersonville Indiana 47130

# **Walnut and Honey**

## **Baklava**

**Ingredients:** phyllo pastry dough, sugar, chopped walnuts,  
salted butter, honey, water, vanilla, and cinnamon.

**3.0 oz      11/22/22**

This product is home produced and processed and the production area has not been  
inspected by the state department of health. **NOT FOR RESALE.**

