



MISSISSIPPI COTTAGE FOOD OPERATIONS: REGULATIONS AND GUIDANCE

Cottage food products are low-risk foods that are made in a home kitchen. Cottage food is a pathway for new entrepreneurs to start small-scale food businesses from their homes. Most states have their own cottage food law that allows specific cottage food products to be sold within that state. The Mississippi cottage food law is a relatively new opportunity to start a home-based food business.

While products are not directly regulated, they are overseen by the Mississippi State Department of Health (MSDH). The MSDH provides important laws, regulations, and guidelines for cottage food products. These regulations are established to protect cottage food operators and consumers from potential food safety illnesses and hazards. The purpose of this publication is to provide information about the law, product allowances, labeling requirements, and resources to help cottage food operators make legal and safe products.

MAKING AND STORING COTTAGE FOOD PRODUCTS

Cottage food products are non-potentially hazardous foods that are made in the kitchen of a private home. A private home is defined as the place where an individual lives, regardless if it is a house, apartment, condominium, or rental home.

All cottage food products must be made and stored within the private home and in compliance with the U.S. Food and Drug Administration (FDA) Retail Food Code to protect the product from hazards, such as insects, rodents, dirt, household chemicals, water damage, dampness/water, unsanitary conditions, or other environmental sources of contamination.

Ingredients and finished products must be stored in the kitchen in which they were produced or a room adjacent to the kitchen that is designated for food storage only. No outbuilding, such as a shed or barn, may be used for

the production or storage of cottage food products. We recommend storing cottage food supplies, packaging, ingredients, and final products separately from everyday family food items but within the normal existing space of the residence. Note that commercial facilities and equipment cannot be used to make cottage food products.

COTTAGE FOOD SALE LOCATION LIMITATIONS

Cottage food products may be sold only in the state that they were produced. Products made in the state of Mississippi must be sold in the state of Mississippi directly from the producer to the final customer. Likewise, cottage foods made in other states may not be sold in Mississippi. Additionally, using the Internet and social media (e.g., Facebook, Twitter, Instagram) for marketing and advertising products only is allowed. Selling products online, in retail or wholesale stores, or shipping through postal services is prohibited. **Cottage food products must be sold directly to the final customer.** Products can be sold only from an individual's home or at a farmers' market, municipal fair, county fair, or similar settings.

PRODUCTS ALLOWED UNDER COTTAGE FOOD LAW

Only very specific food products (non-potentially hazardous) are allowed to be made under cottage food law (Table 1). If the product you are interested in making requires refrigeration, it is not allowed under this law. Cottage food products must be non-potentially hazardous foods that:

- do not require safety controls with respect to time and temperature.
- do not require refrigeration, even after opening.
- have not been found to support the growth of pathogens.



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Table 1. Approved products to sell under the Mississippi cottage food law.
acidified foods ¹
air-dried hard-cooked eggs with intact shell
baked goods without cream, custard, or meat fillings (breads, biscuits, cookies, pastries, and tortillas)
candy
chocolate-covered non-perishable foods (pretzels, nuts, and fruit except for melons)
dried fruit (except for melons)
dried pasta
dried spices
dry baking mixes
dry rubs
fruit pies
granola, cereal, and trail mixes
jams, jellies, and preserves ²
mustard
nut mixes
popcorn
vinegar
waffle cones
¹ See acidified food product information below. ² See jams, jellies, and preserves information below.

Acidified food products are allowed to be sold as cottage food products as long as they meet the definition as stated in part 114 of Title 21 of the Code of Federal Regulations: <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?fr=114.3>

- By definition, acidified foods are low-acid foods (e.g., vegetables) to which acids (e.g., vinegar) or acid foods are added and that have a finished equilibrium pH of 4.6 or below and a water activity greater than 0.85. These foods may be called “pickled” products. Note: Acidified foods differ from low-acid products (vegetables, meats, seafood, and others with pH above 4.6), which are not allowed to be sold as cottage foods.
 - » Examples of acidified foods (low-acid foods with an acid added) include beans, cucumbers, cabbage, artichokes, cauliflower, peppers, tropical fruits, and fermented* foods such as sauerkraut and kimchi.

*Fermented products require additional paperwork, product testing, and process approval before being allowed to be sold as cottage food products.

Low-acid food products are **NOT** allowed to be sold under the cottage food law. Low-acid food products are products with a pH above 4.6. Low-acid products are typically vegetables, meat, and fish that do not have an acid (e.g., vinegar) added. Low-acid food products require a pressure-canning process. Products that require pressure canning are **NOT** allowed under cottage food law due to the increased risk of botulism. Botulism is associated with improperly canned and processed food products and may cause a food to become hazardous and potentially cause human illness or death.

Due to an increased risk of foodborne illness, specific regulations must be followed to produce acidified products to inhibit the potential deadly toxin made by *Clostridium botulinum*. Improperly home-canned, preserved, or fermented foods provide the perfect environment for spores to grow and produce the deadly botulinum toxin. For this reason, it is highly recommended that people interested in producing and selling these acid or acidified food products receive additional training offered through the Mississippi State University Extension Service. Recommended programs include Acidified Canned Foods, General Food Safety Training, and Better Process Control School.

Note: It is highly recommended and encouraged for home-canned acidified products to be pH tested 24 hours after processing. For fermented products, test pH upon completion of the fermentation process. Record the pH value in your records, along with the recipe source, date, and quantity of the batch. See Appendix B for a reference record-keeping log.

Jams, jellies, and preserves are also allowed to be produced and sold under the cottage food law, as long as they comply with the standard described in part 150 of Title 21 of the Code of Federal Regulations: <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?cfrpart=150&showfr=1&subpartnode=21%3A2.0.1.1.29.2>

- The risk of potential foodborne illness outbreaks from improper canning also applies to jams, jellies, and preserves; therefore, the FDA has very specific rules about how these products must be produced to create a safe product. Specifications including type of fruit allowed, amount of sugar used, and allowable optional ingredients are identified below:

- ◊ For **jams and preserves**, fruit groupings consist of
 - » Group I: blackberry (other than dewberry), black raspberry, blueberry, boysenberry, cherry, crabapple, dewberry (other than boysenberry, loganberry, and youngberry) elderberry, grape, grapefruit, huckleberry,

loganberry, orange, pineapple, raspberry, red raspberry, rhubarb, strawberry, tangerine, tomato, yellow tomato, youngberry. In this grouping, the fruit ingredient to sugar ingredient ratio is 47 to 55 (roughly equals 1 pound of fruit ingredient to 1.17 pound of sugar).

- » Group II: apricot, cranberry, damson, damson plum, fig, gooseberry, greengage, greengage plum, guava, nectarine, peach, pear, plum (other than greengage plum and damson plum), quince, red currant, currant (other than black currant). In this second grouping, the fruit to sugar ratio is 45 to 55 (roughly 1 pound of fruit ingredient to 1.2 pound of sugar).
- ◇ For **jellies**, the allowable fruit groupings are apple, apricot, blackberry, black raspberry, boysenberry, cherry, crabapple, cranberry, damson, damson plum, dewberry, fig, gooseberry, grape, grapefruit, greengage plum, guava, loganberry, orange, peach, pineapple, plum, pomegranate, prickly pear, quince, red raspberry, raspberry, red currant, strawberry, and youngberry. For this grouping, the fruit juice ingredients to sugar ingredient ratio is 45 to 55 (roughly 1 pound of fruit juice ingredients to 1.2 pound of sugar).
- » Allowable ingredients for these products include dried and ground spices, acidifying agents, lemon juice, pectin, buffering agents, preservatives, and antifoaming agents (except those derived from animal fats, like butter).
- ◇ Standardized tested recipe for safety: It is highly recommended that an unaltered, reliable recipe be followed while making acid products, acidified products, jams, jellies, and preserves. Recommended additional resources include:
 - » Mississippi State University Extension Service Publication 1152 The Complete Guide to Home Canning (<http://extension.msstate.edu/publications/publications/the-complete-guide-home-canning>)
 - » Andress, E., and Harrison, J. (2014). So Easy to Preserve (6th Ed.) (<https://setp.uga.edu/>)
 - » United States Department of Agriculture (USDA) Complete Guide to Home Canning (Guide 7: Preparing and Canning Jams and Jellies) (https://nchfp.uga.edu/publications/usda/GUIDE07_HomeCan_rev0715.pdf)
 - » National Center for Home Food Preservation (<https://nchfp.uga.edu/>)

UNAPPROVED FOOD ITEMS

Many foods cannot be produced within a cottage food operation. **Table 2** shows a partial list of unapproved products. These products have high food safety risk when prepared in private homes and pose a greater risk to public health.

Table 2. Unapproved items under cottage food law.*
cooked beans
cooked legumes
cooked potatoes
cooked rice
cooked vegetables
dairy products (including custard pies)
eggs (air-dried hard-cooked eggs with intact shell are allowed)
fish
fruit and/or vegetable juice
garlic or other fresh herbs in oil
low-acid canned foods (vegetables, meats and seafood, others with a pH above 4.6)
meat
pasteurized foods
pre-cooked foods
raw seed sprouts
sliced melons
smoked fish
*Any other similar foods with increased risks to public health and/or requiring a license and permit from the MSDH.

LICENSING

At present, Mississippi does not require a license or permit from the MSDH to operate a cottage food business. A cottage food production operation is exempt from the requirements of typical food service establishments, meaning cottage food operations are not responsible for meeting requirements with respect to training, food safety, and handling. Therefore, unless a complaint has been filed, the health department does not conduct inspections of cottage food operations. Depending on location, additional business permits or licenses may be required, especially if the operation is outside city limits. In addition, it is also recommended that cottage food operations maintain accurate records of production volumes that may be reviewed by authorities (e.g., MSDH, IRS) in the event of a complaint or a product review.

COTTAGE FOOD SALES LIMITATIONS

Within a cottage food operation, cottage food product sales must not exceed \$35,000 in gross annual sales. Sales must be made to individual consumers within the state of production.

COTTAGE FOOD PRODUCT LABELING

All cottage food products must be labeled according to their state's laws and regulations. In Mississippi, when selling a cottage food product, the following information is required to be included on your label. Use the example in **Table 3** as a guide when creating your own.

Table 3. Cottage food labeling requirements.	
Label Components	Example of Label Components
1. Name of cottage food operation	Grandma's Greatest Cookies
2. Address of cottage food operation	56 Chocolate Rd., Chocolate, MS 39761
3. Name of cottage food product	Chocolate Chip Cookies
4. Ingredients (and sub-ingredients) of the cottage food product, in descending order by predominance of weight	Ingredients: Enriched flour (wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk , salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), soy lecithin (as an emulsifier)), walnuts , sugar, eggs , salt, artificial vanilla extract, baking soda
5. Allergen information as specified by federal labeling requirements (see <i>Allergen Information below</i>)	Contains: wheat, eggs, milk, soy, walnuts
6. The net weight or net volume of the cottage food product	Net Wt. 3 oz (85.05 g)
7. The following statement printed in at least 10-point font size in a color that provides a clear contrast to the background of the label: "Made in a cottage food operation that is not subject to Mississippi's food safety regulations."	Made in a cottage food operation that is not subject to Mississippi's food safety regulations.
<i>If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements must be included and displayed on the label. See Nutritional Claims, Organic Labeling, and Other Claims below.</i>	

ALLERGEN INFORMATION

The presence of any of the eight major food allergens must be labeled on any cottage food products. These include:

1. milk
2. eggs
3. wheat
4. soybeans
5. peanuts
6. tree nuts (e.g., almonds, pecans, walnuts, coconuts)
7. fish (e.g., bass, flounder, cod, catfish)
8. shellfish (e.g., crab, lobster, shrimp)

In addition to identifying these allergens, the Food Allergen Labeling and Consumer Protection Act (FALCPA) requires the type of tree nut (e.g., almonds, pecans, walnuts, coconuts), the type of fish (e.g., bass, flounder, cod, catfish), and the type of crustacean shellfish (e.g., crab, lobster, shrimp) to be included. For a more extensive list, visit the FDA: <https://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/allergens/ucm059116.htm>

There are two options for identifying the eight allergens in the product label. The first option (line 4 in **Table 3** in red) includes the name of the food source in parenthesis following the common name of the major food allergen in the list of ingredients; for example, "butter (**milk**, salt)." The second option (line 5 in **Table 3**) is to place the word *contains* followed by the name of the food source from which the major food allergen is derived, after or adjacent to the list of ingredients (i.e., Contains: wheat, eggs, milk, soy, walnuts).

NUTRITIONAL CLAIMS, ORGANIC LABELING, AND OTHER CLAIMS

We do not recommend that any type of claims be made on cottage food products because this requires additional documentation, recordkeeping, cost, and product analysis. If any nutritional claim is made (free, low, reduced, fewer, high, less, more, lean, extra lean, good source, or light) about your cottage food product, it requires appropriate nutritional information as specified by federal labeling requirements.

Additionally, a Nutrition Facts panel is required and must include information on calorie content, total fat, saturated fat, trans fat, cholesterol, sodium, total carbohydrate, dietary fiber, sugar, protein, vitamin A, vitamin C, calcium, and iron. To find more information, the FDA has set conditions for terms in

Title 21 CFR Sections 101.13 (<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?fr=101.13>) and 101.54 (<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?fr=101.54>).

Most, if not all, product claims require additional certification, analyses, and recordkeeping to ensure products meet the claim. For example, if you make a product and want to claim that it or its ingredients are organic, your final product most likely needs to be certified. If you are not certified, you must not make any organic claim on the principal display panel nor use the USDA organic seal anywhere on the package. You may only, on the information panel, identify the certified organic ingredients as organic and the percentage of organic ingredients.

GOOD KITCHEN PRACTICES FOR MAKING COTTAGE FOODS

Food that is not handled, prepared, or stored correctly can cause foodborne illness. Each year, one in six people become sick from foodborne illness. It is vital to produce food from a clean kitchen. Here are some ways to reduce the risk of foodborne illness:

- **Practice good personal hygiene.**

- ◊ Anyone helping to prepare cottage food products should practice good personal hygiene.
- ◊ Handwashing is an important step and should be done before, during, and after food preparation. Below are just a few examples of situations after which it is vital to wash hands:
 - » Touching skin, hair, or mouth
 - » Touching a pet
 - » Sneezing or coughing
 - » Touching raw eggs
 - » Touching or handling dirty dishes and garbage
 - » Touching your cell phone
 - » Using the restroom
- ◊ Additional personal hygiene tips include:
 - » Tie back long hair or wear other effective hair restraints
 - » Wear clean clothes, a clean hairnet/baseball cap, and an apron
 - » Keep fingernails clean and short
 - » Cover cuts and wounds on hands or wrists with a bandage

- » Wear single-use, latex-free gloves
- » Remove jewelry from hands and wrists
- » Do not chew gum, eat, drink, or use tobacco products
- ◊ Never prepare food when you or someone in your household is sick.

- **Prevent cross-contamination and cross-contact.**

- ◊ Use separate cutting boards for raw meat and produce.
 - » For example, using a cutting board for raw meat and then using it for chopping pecans without cleaning and sanitizing it in between can cause cross-contamination of germs. In general, raw meats should not be prepared while making cottage food products.
- ◊ Try to eliminate cross-contact of allergens.
 - » Cross-contact occurs when a residue or trace amount of an allergen unintentionally crosses over into a product that doesn't have that allergen.
- ◊ Transport items in a clean environment, container, and vehicle.
- ◊ Properly clean and sanitize equipment and utensils before and after cottage food production.
 - » Wash, rinse, sanitize, and air-dry equipment, dishes, utensils, and food-preparation surfaces. A good sanitizing solution is bleach and water. It is recommended to use 1/8 to 1/4 teaspoon of bleach to a quart of warm water. Prepare a fresh bleach solution each day. Avoid fragrance-added bleach, which is not safe for use on food-contact surfaces. Make sure that the bleach you are using is safe for food-contact surfaces.

- **Store food properly.**

- ◊ Ingredients and finished products should be stored under conditions that will protect against contamination and minimize deterioration.

- **Use tested recipes for shelf stable products (e.g., jams, jellies, and pickles), and process them correctly.**

- ◊ As mentioned previously, use recipes that are approved and tested for safety from reliable resources (e.g., National Center for Home Food Preservation).
- ◊ Follow the recipe/formulation and process time; do not alter.

- **Create and maintain a good record-keeping system of your ingredients and finished goods.**

CONCLUSION

The popularity of cottage food products follows the growing trend of consumers' interest in buying local products. This is a great opportunity to allow entrepreneurs the ability to share family recipes, pursue a hobby, or generate extra income. However, when making food for an income, it is important to know the necessary laws and regulations before you start your business in order to protect yourself and your customers. There are many educational materials, training opportunities, certification programs, and additional resources available to the public through the Mississippi State University Extension Service. Some of those resources are listed below.

Note: If, after reading this publication, you decide your operation does not fall under cottage food law, you should seek information on using a commercial kitchen and contact the MSDH to pursue a manufactured food permit. MSU Extension can assist with any questions you may have when starting a food business.

FOR MORE INFORMATION

Contact Dr. Courtney Crist at cac400@msstate.edu, or visit the MSU Extension Service website at www.extension.msstate.edu.

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