Regulating Cottage Foods

Ernest Julian, Ph.D.

Presenting for:
Joseph Corby
Association of Food and Drug Officials (AFDO)
Acknowledgement

• Roxanne Hill; NYS Department of Agriculture & Markets
• Courtney Rheinhart; Virginia Department of Agriculture & Consumer Services
• Craig Nielsen; Georgia Department of Agriculture
• AFDO Food Committee
Thoughts on Cottage Foods

• They are growing
• The politics are huge
• States are terribly non-uniform
• Something bad may happen
• Government will be blamed
Product & Process Concerns

- Meat, poultry, and fish
- Shell Eggs
- Acidified foods
- LACF
- ROP products
- Apple cider and other juices
- Refrigerated pies and cakes
- Allergens
FDA Food Code; Section 3-201.11[B]

- “Food prepared in a private home may not be used or offered for human consumption in a food establishment”.
THE THING ABOUT HOMEMADE MAYO...

Homemade mayonnaise “cures” for several hours before going to market. And by that we mean, the acids in the vinegar and lemon juice are left to do “their thing” on the raw eggs, thereby killing anything that may have lingered AND, also extending the shelf life, as they say. We SAY 1 week in the fridge on the label, but you might be able to get 2 or maybe even 3 weeks from it. This is by no means a guarantee, just some helpful information to tuck in the back of your mind!

BON APPETIT!
Food Freedom Efforts
Quote from Attorney Bill Marler to Wyoming Rep. Sue Wallis

• “Sue, this Bill will be a big help for my struggling business and certainly allow me to spend more time in Wyoming suing those exempt producers, who, unlicensed, uninspected and uncertified are bound to poison their customers. I can also imagine that most of those producers are farmers and ranchers with little or no insurance to cover what can be millions in medical bills for poisoned children – I have always wanted a ranch in Wyoming – perhaps near a ski resort and trout stream? Sue, you are the best.”
Washington

- Felicia Hill produces special cakes for her son who has severe peanut allergy
- Begins to make peanut-free cakes for others
- Pushed for adoption of Cottage Food law & testified at a state hearing
Pie Lady of Powder Springs

• Ms. Willie Watts
• Produced fried fruit pies for 20 years from her home that were sold to a local restaurant
• Someone witnessed her products in the restaurant and complained to Georgia Agriculture
• Inspector visits her home and advises her that her operation is illegal
Community Response

• Fried-pie lady now an issue in Irvin campaign
• Just awful! It really makes me sick! This lady is doing absolutely nothing wrong and there are so many others doing straight out evil that’s unchecked and the state has nothing better to do than harass her! Absolutely sickening!
• This is absolutely ridiculous. The state is worrying about the wrong thing.
• I think most of the state inspectors have fried brains anyway and if they had brains they would have a different job.
• Hell has a place reserved for bureaucrats!
Illinois

- Kris Swanberg; laid off school teacher
- Uses a ice cream maker she received as a wedding gift to make ice cream
- Organic product produced at community kitchen and sold at farmers markets
- Pasteurization issue
Naples, NY [Grape Pie Capitol]
A Regulatory Mess!!

- Redwood Restaurant 1965
- Irene Bouchard made grape pies in her home for the restaurant
- 300,000 pies later
- Naples Grape Festival in September = 100,000 visitors
- Cottage food operators are everywhere
But the Worst Thing of All?

- Some states allow acidified foods and LACF and ROP products to be produced in a cottage food operation!
Emelia and Reinhold Gerber

- Albany, Oregon 1924
- Home Processed String Beans
- All 12 individuals died within days of one another
- Story was bigger than the death of President Wilson
- U.S. Public Health Service bulletin
Edward and Delphine Hein

- Grafton ND 1931
- Threw a dinner party and served a salad topped with home processed peas
- 13 deaths from botulism [5 family members]
- 3 small children were too young to attend the party and are the only family survivors
Outbreak of Botulism Associated with Jalapeno Peppers, USA 1977

• 59 people affected
• Home-prepared peppers served in a Mexican restaurant in Pontiac, MI.
• Part of a nacho or as a condiment
• Heat treatment given was insufficient
• Some jars exploded during storage, those that did not were served
AFDO Guidelines

• Prerequisite Programs
• Limitations
• Inspection
• Specific Operation Requirements
• Labeling
Prerequisite Programs

- Annual Permitting
- Right to Enter
- Zoning Requirements
- Potable Water
- Attendance at Recognized Training Program
Limitations

• Gross Sales per Year per State
• Direct Sales Only
• Internet Sales Not Permitted
• Only Specified foods to be Produced
Products Permitted

- Loaf breads, rolls, biscuits
- Cakes including celebration cakes [birthday, anniversary, wedding]
- Pastries and cookies
- Candies and confections
- Fruit pies
- Jams, jellies and preserves
- Dried fruits
- Dry herbs, seasonings and mixtures
- Cereals, trail mixes and granola
- Coated or uncoated nuts
- Vinegar and flavored vinegars
- Popcorn, popcorn balls, cotton candy
Products NOT Permitted

- Fresh or dried meat or meat products including jerky
- Canned fruits, vegetables, vegetable butters, salsas etc.
- Fish or shellfish products
- Canned pickled products such as corn relish, pickles, sauerkraut
- Raw seed sprouts
- Bakery goods which require any type of refrigeration such as cream, custard or meringue pies and cakes or pastries with cream cheese icings or fillings
- Tempered and/or molded chocolate or chocolate type products
- Milk and dairy products including had, soft and cottage cheeses and yogurt
- Cut fresh fruits and/or vegetables
- Food products made from cut fresh fruits or vegetables
- Food products made with cooked vegetable products
- Garlic in oil mixtures
- Juices made from fresh fruits or vegetables
- Ice and/or ice products
Inspection

• Prior to Opening
• Any Other reasonable Time
• Follow up to Consumer Complaints
Specific Facility Requirements

- Sanitation
- Personal Hygiene
- Specified Products Only
- No Other Activities
- Limited Employees Allowed
- Children and Pets Excluded
- Normal Kitchen Equipment & Utensils
Labeling

• Standard labeling requirements

• Qualification of Cottage food operation
Thank You!