

FARMERS MARKETS REQUIREMENTS FROM INSPECTIONS & APPEALS FOOD & CONSUMER SAFETY BUREAU

In order for licensing requirements contained in this document to be applicable a market must meet the statutory definition of a Farmers Market set forth in 137F.

“Farmers Market” means a marketplace which operates seasonally principally as a common market for fresh fruits and vegetables on a retail basis for off-the-premises consumption.

The following products may be sold at a farmers market to consumer customers without being licensed as a food establishment at the market location:

1. Fresh fruits and vegetables which are whole and uncut
2. Bakery products which are not potentially hazardous. These products include only the following items: breads, cakes, doughnuts, pastries, buns, rolls, cookies, biscuits, and pies (except meat pies). The following products are examples of bakery products that are potentially hazardous and cannot be sold at farmers market without a license: soft pies, custard filled products and cream filled products.
3. Fresh Shell Eggs that are kept at 45 F or below (ambient temperature)
4. Honey (products containing honey would have to be individually evaluated)
5. Non-potentially hazardous food products; that is products that do not require refrigeration, since they are shelf-stable. These products can be prepared in the home, to be sold for consumption off-the-premise. Some examples of products that can be prepared in the home for direct sale to consumer customers include: jams, jellies, candies and dried noodles. (Only jams and jellies that meet the Standard of Identity for jams and jellies specified in 21 CFR Part 150 are exempt from licensing)

The following products may not be sold at a Farmers Market without appropriate licensing from local, state or federal authorities:

1. Potentially hazardous food products (foods that require temperature control), which include meat, poultry, dairy products.
2. With the sole exception of jams and jellies meeting the Standard of Identity for jams and jellies specified in 21 CFR Part 150, no “home style” canned goods can be sold at farmers markets, since food in a hermetically sealed container shall be obtained from a licensed food processing plant. (Section 3-201.12 of the Food Code which has been adopted by Section 137F.2 of the Code of Iowa)
3. Wild Morel mushrooms

What type of licenses are honored to sell potentially hazardous foods at Farmers Market?

1. Farmer's Market Potentially Hazardous Food License.
 - a. A separate license is required for each county in which a vendor sells food.
 - b. The license is only valid at farmers markets.
 - c. If the vendor has operates two or more stands simultaneously, a separate license is required for each unit.
2. Mobile Food License
3. Temporary Food License
4. Canned goods, except jams and jellies, must be from a licensed food processing plant. (Only jams and jellies that meet the Standard of Identity for jams and jellies specified in 21 CFR Part 150 are exempt from licensing)

What type of wild mushrooms can be sold at a Farmers Market and what are the requirements for selling wild mushrooms?

Wild Morel mushrooms ONLY can be sold at a Farmers Market if all of the following criteria are met;

1. Each Morel mushroom must be inspected and found to be safe by a "certified Morel mushroom identification expert";
2. The seller of the Morel mushrooms must keep a record for 90 days from the date the mushrooms were purchased following information;
 - a. The name, address, and telephone number of the certified Morel mushroom expert;
 - b. A copy of the Morel mushroom identification expert's certificate of successful completion of the course, containing the date of completion; and
 - c. The quantity of the Morel mushrooms purchased and the date(s) purchased;
- 3 The seller must obtain a Farmers Market Potentially Hazardous Food License or a Mobile Food License;
- 4 A Consumer Advisory shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means that wild mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.
- 5 Iowa State University offers the Morel Mushroom Certification course each spring.

Labeling Requirements

All food must be labeled with the common name of the food and the name and address of the person who prepared the food.

Allergen information needs to be declared on the label or by the use of a placard. The following food products are considered major allergens: Peanuts, Soybeans (not refined soybean oil), Milk, Eggs, Fish, Crustacean (crab, lobster or shrimp), Tree Nuts (almonds, pecans or walnuts) & Wheat.

Food that is prepared in licensed food establishments or food processing plants must be labeled at a minimum with the following information:

1. Product name
2. A list of ingredients in order of predominance (by weight). If the product has a standard of identity in the Code of Federal Regulations, it must conform to that standard.
3. Name and address of the manufacturer, packer or distributor. Unless the name given is the actual manufacturer, it must be accompanied by a phrase which states the product is: “manufactured for” or “distributed by.”
5. Net weight or volume.
6. Allergen information.
7. Nutrition labeling information is required unless exempt. Exemptions may be found on the FDA website. www.fda.gov

Other regulations

The requirements outlined in this document relate only to Iowa licensing and inspections. Individual products may also be subject to FDA regulations. To determine if FDA regulations are applicable contact David Arvelo, FDA’s Small Business Representative, at david.arvelo@fda.hhs.gov or visit the FDA website.