



MISSISSIPPI STATE DEPARTMENT OF HEALTH

Cottage Food Operation: Frequently Asked Questions

Revised June 2021

1. What are Cottage Food Products?

Cottage Food products are specific types of foods that you make in the kitchen of your private home. Not all food products can be sold as Cottage Food products. They must be non-potentially hazardous foods that do not require time and/or temperature controls for safety. You must also store your Cottage Food products in your home following safe food handling guidelines outlined in the U.S. FDA Retail Food Code to prevent adulteration caused by insects, household chemicals, water damage, unsanitary conditions, etc.

2. What is “private home?”

This is the place where you live, whether you own the home or are renting. So, a house, an apartment, condominium, or a rental home all could be a private home.

3. Is there a limit to how much I can sell as a Cottage Food Operator?

Yes. You are limited in the amount of sales you can have selling Cottage Foods, which is \$35,000 in gross annual sales.

4. Am I limited to the types of Cottage foods I produce in my home?

Yes. Only non-potentially hazardous foods that do not require time and/or temperature control for safety, can be safely kept at room temperature, do not require refrigeration even after opening, and have not been found by FDA to support the growth of pathogens. The following is a list of foods approved for sale by a Cottage Food operation:

- Baked goods without cream, custard, or meat fillings, such as breads, biscuits, cookies, pastries, and tortillas.
- Candy
- Chocolate-covered nonperishable foods, such as pretzels, nuts, and fruit (except for melons).
- Dried fruit (except for melons)
- Dried pasta
- Dried spices
- Dry baking mixes
- Granola, cereal, and trail mixes
- Dry rubs
- Fruit pies

- Jams, jellies, and preserves that comply with the standard described in part 150 of Title 21 of the code of Federal Regulations:
http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?cfrpart=150&sho_wfr=1&subpartnode=21:2.0.1.1.29.2
- Nut mixes
- Popcorn
- Vinegar and mustard
- Waffle cones
- Acidified products which meet the definition as stated in part 114 of Title 21 of the Code of Federal Regulations:

“(b) *Acidified foods* means low-acid foods to which acid(s) or acid food(s) are added; these foods include, but are not limited to, beans, cucumbers, cabbage, artichokes, cauliflower, puddings, peppers, tropical fruits, and fish, singly or in any combination. They have a water activity (aw) greater than 0.85 and have a finished equilibrium pH of 4.6 or below. These foods may be called, or may purport to be, ‘pickles’ or ‘pickled (your product).’ Carbonated beverages, jams, jellies, preserves, acid foods (including such foods as standardized and non-standardized food dressings and condiment sauces) that contain small amounts of low-acid food(s) and have a resultant finished equilibrium pH that does not significantly differ from that of the predominant acid or acid food... are excluded from the coverage of this part.”

5. Where can I get a copy of the Cottage Food Bill?

<http://billstatus.ls.state.ms.us/documents/2013/pdf/SB/2500-2599/SB2553SG.pdf>

You can also call the MSDH Food Protection Division at 601-576-7689 and we'll be glad to email, fax, or mail you a copy.

6. Do I have to replace my home equipment, stove, and/or refrigerator with commercial grade units?

No. As a Cottage Food operator, you are not required to provide equipment that meets commercial standards to make cottage food products.

7. Why are some products not allowed to be made and sold under the Cottage Food Bill?

The Cottage Food bill allows food entrepreneurs to operate small food businesses and produce a variety of food products that are low risk from a food safety standpoint, if prepared properly in a private home kitchen, while protecting public health to the greatest extent possible. The allowable products list is based on the food safety risk level associated with certain types of food. People who operate a licensed and inspected retail food facility have to meet certain requirements for training, food safety, and handling. Since Cottage Food operations are not inspected, it is necessary to limit food products allowed to those that are considered low risk, or non-potentially hazardous.

Foods NOT allowed include, but are not limited to: meat, fish, poultry, dairy products (including custard pies), eggs (other than air-dried hard cooked eggs with intact shell), cooked vegetables, raw seed sprouts, sliced melons, garlic and other fresh herbs in oil, cooked potatoes, legumes, beans, nut butters, fruit/vegetable juices, and rice. They also include low-acid canned foods (vegetables, meats and seafood, others with pH >4.6), smoked fish, pasteurized and pre-cooked foods.

8. Do I have to put a label on my Cottage Foods?

Yes. The label must include all of the following:

- The name and address of the cottage food operation
- The name of the cottage food product
- The ingredients of the cottage food product, in descending order of predominance of weight
- The net weight or volume of the cottage food product
- Allergen information as specified by federal labeling requirements
- If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements
- The following statement printed in at least ten-point type 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.”

9. What does “allergen information as specified by federal labeling requirements” mean?

It means you must identify if any of your ingredients are made from one of the following food groups: milk, eggs, wheat, peanuts, soybeans, fish, shellfish, and tree nuts. So, if you have an ingredient made with a wheat-based product, you have two options:

- Include the allergen in the ingredient list. For example, a white bread with the following ingredient listing: ‘whole wheat flour’, meets the requirement of federal law.
- Include an allergen statement (“Contains”) after the ingredient list. For example, a white bread, with the following ingredients: whole wheat flour, water, sodium caseinate, salt, yeast. Contains wheat and milk.

10. Are there any specific requirements for tree nuts labeling for allergens?

Yes. If your Cottage Food has tree nuts as an ingredient you must identify which tree nut you are using. For example, if you made Nut Bread, an acceptable ingredient list would be: Ingredients: wheat flour, water, almonds, salt, yeast.

The following would NOT be acceptable:

Ingredients: flour, water, nuts, salt, yeast.

11. Do I have to have any training or certificates to become a cottage food operator?

Training and certification is highly encouraged for general food safety education and for acidified canned foods. We especially encourage the courses if you will be making

acidified or pickled products. Improper acidification can lead to botulism, which has a very high fatality rate. Improperly acidified/processed “home” acidified foods are the source of most foodborne outbreaks of this category of foods.

12. Am I required to send my Cottage Food products to a laboratory to obtain an official ingredient list?

Typically, no. If a complaint is received and there are serious doubts as to the accuracy of the ingredients list, laboratory testing may be required. Acidified foods processors are strongly encouraged to send samples for analysis (Mississippi State University offers this service) and for consultations.

13. Will my home kitchen be subject to inspections by the Health Department?

An inspection will only be conducted if a complaint is received that adulterated or otherwise unsafe food has been produced by the Cottage Food operation. Laboratory confirmation may be required.

14. Can I make Cottage Food products in an outbuilding on my property (e.g. a shed or a barn) or a rented kitchen?

No. Cottage Food products are required to be made in your home kitchen and stored in your single-family domestic residence.

15. Where can I store ingredients and finished products for my Cottage Food business?

Ingredients and finished Cottage Food products may be stored in your private home where the cottage foods are made. This includes your kitchen or attached rooms within the home that are used exclusively for storage. All rooms used for food storage must be free of insects and rodents, free of dirt, dampness/water, and free of other environmental sources of contamination.

16. Can I sell my Cottage Food product in another state?

No. Cottage Food products may be sold only in Mississippi. Likewise, Cottage Foods made in other states may not be sold in Mississippi.

17. Can I advertise my Cottage Food product on the Internet?

HB 326 (effective July 1, 2020) updated the Cottage Food Law to allow a Cottage Food operation to advertise Cottage Food products over the internet, including through social media. **Sales must be directly from the producer to the end consumer.**

18. Will I need any other permit or licenses for my Cottage Food operation?

You may. Check with your city, or county if you are outside the city limits, where your private home is located to determine if a business license or other permit is required. Other

things to take into consideration include taxes, zoning, and insurance.

19. Can I sell my Cottage Food products to a restaurant, convenience store or grocery store?

No. The sale of Cottage Food products at wholesale or to a retail food establishment is prohibited.

20. Can I place my Cottage Food products in a store or restaurant on consignment?

No. The sale must be from the Cottage Food producer to the actual customer (person to person). You must be present to sell your food. Cottage Foods may not be sold with or associated with a regulated food business. The regulated Food Establishment will be subject to enforcement.

21. Can I operate as a caterer under the Cottage Food Law?

No. A retail permit is required for caterers.

22. Are beverages or other liquid foods Cottage Food products?

No. Cottage Food kitchens are not subject to inspection therefore the water used to make liquid foods cannot be verified as a potable water source.

23. Are canned fruits and vegetables Cottage Food products?

No. Only acidified canned plant-based foods are allowed. Acidified plant-based foods have a pH of 4.6 or less.

24. Are sugar free or reduced sugar jams/jellies Cottage Food products?

No. Jams / jellies that are made with sugar substitutes are not Cottage Foods.

25. Can I sell chocolate covered strawberries or caramel apples as a Cottage Food product?

Yes. Whole uncut fruit dipped in chocolate, or a sweet coating is allowed. Chocolate covered or candy-coated fruits cannot be punctured with any type of stick or other instrument used for holding the coated fruit. For example, caramel or candied apples must be sold intact and the consumer inserts the stick after the purchase.

26. Is there a penalty for violating the Mississippi Regulation of Cottage Food Operations?

Yes. Operations not following the regulation are considered illegal food establishments or manufacturers. Illegal operations are subject to enforcement to cease operations and a monetary fine up to \$1000.00.