

Michigan Cottage Foods Information

Michigan's Cottage Food Law, PA 113 of 2010 exempts a "cottage food operation" from the licensing and inspection provisions of the Michigan Food Law. A cottage food operation still has to comply with the labeling, adulteration, and other provisions found in the Michigan Food Law, as well as other applicable state or federal laws, or local ordinances.

Under the Cottage Food Law, non-potentially hazardous foods that do not require time and/or temperature control for safety can be produced in a home kitchen (the kitchen of the person's primary domestic residence) for direct sale to customers at farmers markets, farm markets, roadside stands or other direct markets. The products can't be sold to retail stores; restaurants; over the Internet; by mail order; or to wholesalers, brokers or other food distributors who resell foods.

Operating a business under the Cottage Food Law is not for everyone; some food products do not fit under the exemptions and some businesses aim to make more each year than the \$20,000 cap outlined in the Cottage Food Law. However, the Cottage Food Law is a great opportunity for many who have been thinking about starting a food business, but have been reluctant to spend the money needed to establish or rent commercial kitchen space.

Selling directly to consumers under the Cottage Food Law provides an opportunity for new, small scale food processors to "test the waters" and see if operating a food business is the right fit for them. The law also enables farmers who sell produce at farmers' markets and farm markets to expand their product lines to include things like baked goods and jams. Hopefully, this will be a stepping stone into a full-scale, licensed food processing business for many cottage food businesses in the future.

Michigan State University Extension offers an online Cottage Food Law Food Safety Training program to educate those wishing to prepare and sell foods under the Cottage Food Law. The training program, funded by a Food Safety Education Fund grant from the Michigan Department of Agriculture & Rural Development, covers safe food production, packaging and labeling, storing and transportation. To complete the online training, visit [Michigan Cottage Food Law Food Safety Online Training](#).

[A. Checklist for Starting a Cottage Foods Business](#)

[B. Cottage Foods: Frequently Asked Questions](#)

- [1. Getting Started](#)
- [2. Product/Production Related Questions](#)
- [3. Cottage Food Labeling Requirements](#)
- [4. Selling Cottage Foods](#)
- [5. Sampling of Cottage Foods](#)
- [6. Other Resources for Michigan Food Businesses](#)

[C. Cottage Foods Product List: What Qualifies and What Doesn't](#)

[D. Cottage Foods Sample Label and Labeling Guidelines](#)

E. Michigan Maple Syrup and Honey Licensing Exemptions

F. Ready to Move Beyond Cottage Foods: How to Become a Licensed Food Processor

Questions?

If you have a question or concern about the Michigan Cottage Food Law not covered in this information, please contact the Michigan Department of Agriculture & Rural Development at MDA-Info@michigan.gov. Please supply your zip code with your question, so it can be directed to a food inspector in your area.

A. Checklist for Starting a Cottage Food Business

B. Cottage Foods: Frequently Asked Questions

Section 1: Getting Started

What are Cottage Foods?

Cottage Foods are specific types of foods that you make in the unlicensed kitchen of your single family domestic residence. Not all food products can be sold as Cottage Foods. 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 at your home following safe, good handling guidelines outlined in the [Michigan Food Law](#) to prevent adulteration caused by insects, household chemicals, water damage, insanitary conditions, etc.

What is a 'single family domestic residence'?

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 single family domestic residence. It does not include group or communal residential settings, such as group homes, sororities or fraternities.

Is there a limit to how much I can sell as a Cottage Food producer?

Yes. You are limited in the amount of money you can make selling Cottage Foods.

The Cottage Food Law includes a limit to the amount of money you can make selling cottage foods. The limit was increased, effective October 1, 2012, from \$15,000 per year in gross sales to \$20,000 per year. The limit will increase again December 31, 2017 to \$25,000 per year. You need to maintain sales records

and provide them to a Michigan Department of Agriculture & Rural Development (MDARD) food inspector, upon request (MDARD has regulatory responsibility for the Cottage Food Law.).

What types of Cottage Foods can I produce in my home?

Select non-potentially hazardous foods that do not require time and/or temperature control for safety (i.e., can be safely kept at room temperature and do not require refrigeration) as identified by MDARD (contact the department at 800-292-3939 with additional questions). Some examples include: fruit jams/jellies, breads and similar baked goods, cookies and cakes, vinegars and other non-potentially hazardous foods.

What are Potentially Hazardous Foods/Temperature Controlled for Safety Foods?

A producer of Potentially Hazardous Foods/Temperature Controlled for Safety Foods (PHF/TCS) does not qualify as a cottage food operator. "Potentially hazardous food" is defined under the 2005 Food Code and is used to classify foods that require time-temperature control (can be safely kept at room temperature and do not require refrigeration) to keep them safe for human consumption. A PHF/TCS is a food that:

- Contains moisture (water activity greater than 0.85)
- Contains protein
- Is neutral to slightly acidic (pH between 4.6 and 7.5)

Please refer to the [2009 Michigan Modified Food Code](#) for pH and water activity tables.

Examples of PHF/TCS foods include:

- Meat (beef, pork, lamb)
- Poultry (chicken, turkey, duck)
- Fish
- Shellfish and crustaceans
- Eggs
- Milk and dairy products
- Cooked, plant-based foods (e.g., cooked rice, beans, or vegetables)
- Baked potatoes
- Certain synthetic ingredients
- Mushrooms
- Raw sprouts
- Tofu and soy-protein foods

- Untreated garlic and oil mixtures

Will I need to meet local zoning or other laws?

Yes. The Cottage Food exemption only exempts you from the requirements of licensing and routine inspection by the Michigan Department of Agriculture & Rural Development. Contact your local unit of government to determine if there are local regulations that will affect your business. Cottage Food businesses also need to comply with the labeling, adulteration, and other provisions found in the [Michigan Food Law](#).

Where can I get a copy of the Michigan Food Law?

The sections of the Michigan Food Law where you can find the definitions, exemptions and requirements for Cottage Food are:

Section Title	Short description	Section Number
Definitions	Definitions of terms	289.1105 (H,I, and K (i)(ii))
Licensing	Exemptions	289.4102

Does my equipment, stove and/or refrigerator need to be NSF (a food equipment evaluation group) approved?

No. As a Cottage Food operator, you are not required to meet NSF standards for your equipment used to manufacture Cottage Food products.

Do I need to have a DBA for the Cottage Food law?

A DBA (Doing Business As) may be a requirement of your county or local municipality. Contact your [county government office](#) to determine if a DBA is appropriate for you. If you are considering registering as an LLC, that transaction is handled by the [Michigan Department of Licensing and Regulatory Affairs](#) (LARA). You may want to consult with a business advisor on the specific steps.

Do I need to complete an application or any other paperwork with MDARD when I start my Cottage Food business?

No. If you qualify to operate under the Cottage Food law, you are exempt from obtaining a food establishment license under the Food Code. There are no application forms to complete, no registration process, and you do not need to obtain a food license or permit from MDARD. However, the Cottage Food Law does not exempt you from all requirements of the Michigan Food Code, such as not distributing adulterated (unsafe) food.

Do I need to collect and report sales tax for my Cottage Food business?

Possibly. Cottage Food businesses, although exempt from food licensing requirements, must meet all other provisions of law regarding businesses, including tax law. MDARD recommends that you contact the [Michigan Department of Treasury](#) for further information on what food products are considered taxable. Any other taxes depend on how your business is organized. Questions about your options would best be handled by a tax accounting expert, such as a Certified Public Accountant. In general, sales tax is not charged on prepackaged foods that are not for immediate consumption.

The farmers market where I want to sell my products says I need a food license, even though I am a Cottage Food business. Can the market require a license?

Yes. Even though you meet the requirements of a Cottage Food Business, some farmers markets or other direct marketing venues may require vendors to have a food establishment license or to meet other requirements. Local policies enacted by farmers market boards and other local governing bodies are outside the scope of the law. You may need to find another venue to direct market your products. You may also want to talk to the market's governing board to see if you can get the policy amended.

Are there any special requirements regarding my home on-site well?

Although the Cottage Food Law does not mention water supplies for food preparation, it is advised that only potable water from a properly constructed on-site well or municipal water system be used. If a well is used, the well water should be tested, at least annually, for coliform bacteria and nitrates. Water from wells with any of the following features should be avoided:

- Very shallow depth (< 25 ft)
- Producing cloudy water
- Located in below-ground pit
- Buried wellhead
- Missing cap or seal
- Opening around casing pipe

- Located in close proximity to septic system
- Dug well

A list of [water testing laboratories and information about water well construction](#) is available online. [Local health departments](#) can provide consultation on drinking water quality and well construction.

Are there any concerns related to my home on-site wastewater (septic) system?

Depending on the nature and volume of the food products which will be manufactured for sale, there can be adverse effects to the existing system serving the home. For instance, adding significant bakery wastewater can not only increase the total volume discharged but may also result in the increase in the organic strength of the wastewater discharged to the drain field, leading to the possibility of accelerated system failure. The adequacy of the home system to handle additional wastewater loading should be evaluated by the [local health department](#) prior to initiating manufacturing. The health department can advise you if modifications to the existing system may be necessary.

Section 2: Product/Production Related Questions

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

The Cottage Food Law 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 an unlicensed and uninspected 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 food processing business have to meet certain requirements for training, food safety and handling. Since Cottage Food businesses are unlicensed and uninspected, it is necessary to limit food products allowed under the law to those that are considered low risk, or non-potentially hazardous.

Are jams and jellies made from vegetables (e.g., hot pepper jelly), allowed to be made and sold as Cottage Foods?

No. Vegetable jellies like hot pepper jelly are non-standardized jellies specified in 21 CFR part 150.

Here are the CFR references for Acidified Foods/Acid Foods from the FDA website:

(<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?fr=114.3>)

B. Acidified Foods

“Acidified foods” are low-acid foods to which acid(s) or acid food(s) are added⁸; they have a water activity greater than 0.85 and have a finished equilibrium pH of 4.6 or below (21 CFR 114.3(b)). The definition of acidified foods provides that carbonated beverages and foods that are stored, distributed, and retailed under refrigeration are excluded from the coverage of 21 CFR part 114 (21 CFR 114.3(b)).

In the final rule establishing 21 CFR part 114 (44 FR 16230 at 16232), we specifically excluded jams, jellies and preserves from the general definition of acidified foods because experience and review of the evidence show that bacteria of public health significance cannot and do not grow in these foods. Thus, under 21 CFR 114.3(b), jams, jellies, and preserves are excluded from the coverage of 21 CFR part 114. We consider jams, jellies, and preserves that meet an applicable standard of identity under 21 CFR part 150 to be excluded from the coverage of 21 CFR part 114. We determine whether nonstandardized jellies (including non-fruit jellies), nonstandardized jams, and nonstandardized preserves are covered by 21 CFR part 114 based on the pH of the fruit, the pH of the final product, and the water activity level of the final product.

A food containing both acid food(s) and low-acid food(s) may or may not be covered by 21 CFR part 114 as an acidified food. Under 21 CFR 114.3(b), acid foods 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 part 114 (21 CFR 114.3(b)). The regulation in 21 CFR 114.3(b) establishes two criteria that must be satisfied to qualify for this exclusion: (1) the amount of low-acid food(s) in the product must be a “small amount,” and (2) the finished equilibrium pH must not differ significantly from that of the predominant acid or acid food. See Section III.H of this guidance for recommendations on how to determine whether a food containing both acid food(s) and low-acid food(s) is covered under 21 CFR part 114.

We recommend that you consider any finished food product containing an acidified food as an ingredient to be an acidified food covered by 21 CFR part 114. As discussed above (see section II.A of this document), an acidified food (including an acidified food used as an ingredient) can pose a risk of botulism if pH and other critical factors are not carefully controlled during processing to prevent the germination and growth of viable spores of *C. botulinum*.

Examples of foods that may be acidified foods include:

- Pickled beets, cocktail onions, and cherry peppers (normally pickled by the addition of acid);
- Red bell peppers treated in an acid brine;
- Some pears and tropical fruits that have a natural pH greater than 4.6 and are acidified to a pH of 4.6 or below;
- Fermented green olives subjected to processes (such as lye treatment or washing with low-acid foods) that raise the pH above 4.6, with subsequent addition of acid or acid foods to reduce the pH to 4.6 or below;
- Tomato salsa made from tomatoes with a pH of 4.6 or below and low-acid ingredients, when the amount of low-acid ingredients is not a small amount and/or the resultant finished equilibrium pH differs significantly from that of the predominant acid or acid food (see, e.g., Example 3 in Appendix 1); and
- Cold-pack pickles that are subjected to the action of acid-producing microorganisms but require the addition of acid or an acid food to achieve a pH of 4.6 or below.

Can I make and sell gluten-free baked goods as cottage foods?

Although there is nothing specific under the Cottage Food amendment to the Michigan Food Law to prohibit you from labeling and selling baked goods as gluten-free, there is a relatively new federal rule that would increase your liability if someone who has Celiac disease gets sick from your product, and puts the burden on you to prove your product meets the standards outlined in the federal rule, including labeling and sanitation requirements. Because this is a human health concern, many licensed food processors use entirely separate facilities to process their gluten-free products, to reduce their liability and assure the products are gluten-free. Your kitchen would need to be proven to be free of gluten prior to and after each use.

About the Federal Rule:

In August 2014, a new U.S. Food and Drug Administration rule took effect regarding uniform standards for labeling foods as gluten-free. The rule defines what FDA means by “gluten-free” and also establishes requirements regarding the use of the claim. If you choose to make this labeling claim, those products must conform to FDA’s definition for a “gluten-free” food. The rule is intended to provide a uniform definition of the term “gluten-free” so that consumers, particularly those who have celiac disease, will know what it means when they see it on the labeling of food.

You are responsible for ensuring that foods bearing a gluten-free claim meet our requirements, including that any unavoidable gluten present in a food labeled gluten-free is less than 20 ppm. FDA encourages you to use effective measures to ensure that any foods labeled as “gluten-free” comply with our requirements;

such measures may include:

- testing the ingredients to determine their gluten content;
- requesting certificates of gluten analysis from ingredient suppliers; or
- participating in a third-party gluten-free certification program.

A guidance document for small businesses to help them comply is available at

<http://1.usa.gov/1o4h0AY>.

Please read and consider the information in this guidance document before deciding whether or not to produce, label and sell gluten-free baked goods.

Are pet treats included under the Cottage Food Law?

No. The Cottage Food Law applies to human grade food only. For more information about pet treat licensing, please visit www.michigan.gov/mda-feed.

Can I produce and sell cooked vegetable products, like salsas, tomato sauces, spaghetti sauces, or foccacia bread with roasted vegetables?

No. Food products made with cooked vegetable products do not qualify under the Cottage Food Law. Manufacturers of cooked vegetable products like salsas and tomato sauces, must meet significant federal and state training and licensing requirements. Cooked vegetables, whether fresh or canned, usually are made from a combination of low acid and acidified foods, and are considered a Potentially Hazardous Food/Temperature Controlled for Safety (PHF/TCS) food. Under the Michigan Food Code, cooked vegetables must be held either hot (above 135°F) or cold (below 41°F). They can't be stored at room temperature, which makes them ineligible for production in an unlicensed kitchen under the Cottage Food Law.

Can I roast coffee beans in my home kitchen and sell them under the Cottage Food Law?

Yes. You can roast and sell whole bean coffee or ground coffee, as long as you meet all of the provisions of the Cottage Food amendments (labeling, storage, etc.); however, since beverages are not allowed under the Cottage Food amendments to the Michigan Food Law, you may not sell ready-made coffee.

Can I bake bread in a wood fired oven under the Cottage Food Law?

Yes, as long as that oven is in your home kitchen.

Can I make and sell apple butter, pumpkin butter or other fruit butters?

No. Fruit butters are not defined as standard jams/jellies in CFR part 150. They have significantly less sugar than a traditional jam or jelly. It is the combination of acid, sugar, pectin and heat that assures the safety of jams/jellies. In fruit butters, the combination of sugar and pectin is not large enough to assure that the butter is safe. Additionally, with lower sugar and pectin levels, spoilage organisms are more likely to survive the cooking process, which would allow for a micro-environment to develop and allow for the growth of Clostridium botulinum.

Can I press and sell cider under the Cottage Food Law?

No. Cider is not a food allowed to be produced under the Cottage Food Law. Actually, no beverages are allowed to be produced under the Cottage Food Law.

Are honey and maple syrup covered under the Cottage Food Law?

No. Honey and maple syrup are not considered cottage foods, because the regulatory requirements and exemptions have some significant differences. They do, however, have their own set of licensing exemptions under the law. Please see the [Michigan Maple Syrup and Honey Licensing Exemptions](#) for more information.

Can I produce and sell dehydrated vegetables or vegetable "chips" fruits or herbs under the Cottage Food Law?

Yes. The dehydrated vegetables, fruits or herbs must be shelf stable with no moisture and must be packaged and labeled for sale according to the Cottage Food Law requirements.

Can I make and sell prepackaged dip mixes, using purchased dried spices, or dried soup mixes, under the Cottage Food Law?

Yes. Dried dip mixes, dried soup mixes and spice blends can be made and sold under the Cottage Food amendments. However, you cannot mix the dried dip mixes with sour cream or another Potentially Hazardous Food/Temperature Controlled for Safety (PHF/TCS) food and sell the mixture or serve samples without a license. You also cannot make and sell ready-to-eat soups under the Cottage Food exemptions. As always, all products must be labeled correctly and completely, and the label must include any allergens the product may contain.

Can I make and sell dehydrated meats under the Cottage Food Law?

No. Meats are a Potentially Hazardous Food/Temperature Controlled for Safety (PHF/TCS) food and are not allowed under the Cottage Food Law exemptions.

I lease space in a retail building where I operate a small antique shop. As a Cottage Food baker, can I sell my own baked goods from my shop under the current Cottage Food Law?

Yes, as long as they are labeled correctly and completely, and the label includes any allergens the product may contain. However, you can't sell other people's products (e.g., consignment) or have other people sell your products (e.g., wholesalers).

Can I make and sell hard candies or lollipops under the Cottage Food Law?

Yes. Hard candies, lollipops and peppermint candies are allowed under the Cottage Food Law, as long as they are labeled correctly and completely, the label includes any allergens the product may contain, and all other provisions of the law are met.

Can I make and sell candies that contain alcohol, like truffles or liqueur flavored, cream-filled chocolates, under the Cottage Food Law?

No. Under the Food Law, confections that contain alcohol are considered "adulterated" and cannot be sold in Michigan. You can make and sell confections that use flavoring, flavoring extract (e.g., rum flavoring or lemon flavoring), but not actual alcoholic beverages (e.g., rum extract, rum, sparkling wine/Champagne, Grand Marnier, Chambourd, etc.). See Michigan Food Law - 289.1105 for more information.

Can I make and sell baked goods or other food products with high alcohol content, like bourbon balls or rum cake, under the Cottage Food Law?

Yes. However, because these food products have high alcohol content, you will need to obtain a license from the [Michigan Liquor Control Commission](#) by completing [License Form LCC-3015](#), "Application for new licenses or Application of Buyers for Transfer of Owner or Interest in License". Since this form was designed to fit a variety of liquor-related businesses, it could be a bit confusing. Here are some basic instructions for those wishing to sell homemade baked goods that have a high alcohol content:

- Part 1: mark 'New License' and complete this section
- Part 3: ignore this section
- Part 4: mark 'Industrial Manufacturer'

Parts 5-13: complete these sections
Part 14: state source of funds (e.g., loan, personal savings, borrowing from individual, etc.)
Part 15: ignore this section

Make sure to sign and date the form and return it with the inspection fee. There is a one-time inspection fee of \$70 and an annual license fee of \$10 per year. There is about a 60 turn-around time for the inspection process. For more information, contact, Theresa Whitehead, Michigan Liquor Control Commission, at (517) 322-1415, or whiteheadt@michigan.gov.

Can homegrown produce be canned and used for making baked goods, like sweet breads, at a later date?

No, but you can use commercially canned products for baked goods, like canned pumpkin, cherry pie filling, etc. Most home-canned products are not approved for production under the Cottage Food Law, with the exception of jams and jellies defined as standard in 21 CFR part 150.

Can I freeze homegrown produce and use it for making baked goods, like sweet breads, at a later date?

Yes, as long as the frozen fruits or vegetables are incorporated into the batter and properly baked, labeled and packaged. The baked goods may not be decorated or garnished with fresh or frozen fruits or vegetables.

Can I make and sell dry bread or 'instant' bread mixes under the Cottage Food Law?

Yes. Dry bread mixes are an acceptable product to produce and sell under the Cottage Food Law, as long as you meet all requirements of the law.

Does my chocolate fountain business qualify as a Cottage Food business? I deliver and set up the fountain, and provide chocolate dipping sauce and items to dip (cut up fruit, pretzels, etc.) that I have prepared in my home kitchen.

The type of business you have described is a catering service or food service business and is not eligible to operate under the Cottage Food Law. Cottage Food products must be prepackaged and properly labeled prior to sale.

Can I make peanut butter, almond butter and other nut butters in my home kitchen and sell them as a Cottage Food business?

Possibly. Whether your particular nut butter is allowed under the Cottage Food Law would depend on the pH and water activity as defined in the [2009 Michigan Modified Food Code](#). You will need to find a food laboratory that can analyze your type of product to determine if it is allowable.

Section 3: Cottage Food Labeling Requirements

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

Yes, you are required to label your Cottage Foods.

The basic information that must be on the label is as follows:

- Name and physical address of the Cottage Food operation (You must use the physical address of your home kitchen; Post Office Box addresses are not adequate).
- Name of the Cottage Food product (All capital letters or upper/lower case are both acceptable).
- The ingredients of the Cottage Food product, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list the sub ingredients as well. For example: soy sauce is not acceptable, soy sauce (wheat, soybeans, salt) would be acceptable, please see the label below for further examples.
- The net weight or net volume of the Cottage Food product (must also include the metric equivalent - conversion charts are available online).
- Allergen labeling as specified in federal labeling requirements.
- The following statement: "Made in a home kitchen that has not been inspected by the Michigan Department of Agriculture & Rural Development" in at least the equivalent of 11 point font (about 1/8" tall) and in a color that provides a clear contrast to the background (All capital letters or upper/lower case are both acceptable).

Hand-printed labels are acceptable if they are clearly legible, written with durable, permanent ink, and printed large enough to equal the font size requirements listed above.

Here is an example of a label that should help you develop your own labels:

**MADE IN A HOME KITCHEN NOT INSPECTED BY
THE**

MICHIGAN DEPARTMENT OF AGRICULTURE & RURAL DEVELOPMENT

Chocolate Chip Cookie

Artie Pinkster
123 Foodstuff Lane
Casserole City, MI 82682

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

Contains: wheat, eggs, milk, soy, walnuts

Net Wt. 3 oz (85.05 g)

What does allergen labeling, as specified in 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 (including shellfish, crab, lobster or shrimp) and tree nuts (such as almonds, pecans or walnuts). So, if you have an ingredient made with a wheat based product, you have two options:

1. Include the allergen in the ingredient list. For example, a white bread with the following ingredient listing: whole wheat flour, water, salt and yeast. In this example, the statement 'whole wheat flour', meets the requirements of federal law.
2. 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 and yeast. Contains wheat and milk.

The "Contains" statement must reflect all the allergens found in the product. In this example, the sodium caseinate comes from milk.

Are there any special 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.

I am concerned that some of my product ingredients that are not allergens are "trade secrets" and listing all my ingredients would lead to unfair competition. Do I have to list all of my ingredients or can I protect my trade secrets?

According to federal regulations (*Food and Drug Administration (FDA), 21CFR 101.100g(1)(2)*), exceptions to labeling can be made. In particular, if the Commissioner of Food and Drugs finds that alleged secret ingredients are harmless an exemption may be granted. You should contact the [FDA](#) to discuss and propose an exemption from labeling.

Do I have to include my home address on my product labeling or is a post office box sufficient?

You must use the physical address of your home kitchen on your product label, not a post office box. The purpose of including an address on product labels is to be able to locate the business in case of a recall or traceback associated with a foodborne illness complaint or outbreak. The Cottage Food Law specifies that the name and address of the business of the Cottage Food Operation must be included on the label.

Am I required to send my products to a laboratory to obtain an official ingredient list, or is it something I can put together on my own?

You are not required to have your product analyzed by a laboratory to obtain an official ingredient list. You must, however, list all ingredients, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list sub-ingredients as well. For example, if you use soy sauce as an ingredient, listing soy sauce is not acceptable; soy sauce (wheat, soybeans, salt) is acceptable. Allergen labeling, as specified in federal labeling requirements, must also be included.

I make and sell wedding cakes under the Cottage Food Law. How can I meet the labeling requirements, when I can't stick a label on the cake?

For wedding cakes, birthday cakes and other specialty cakes that are not easily packaged, you must include all labeling requirements on the invoice and deliver the invoice with the cake. Smaller cakes must be boxed and the label must be included on the box.

Section 4: Selling Cottage Foods

How do I sell my Cottage Foods?

Cottage foods may only be sold by the producer directly to the consumer at farmers' markets, farm stands, roadside stands and similar venues. You cannot sell your Cottage Foods to a retailer for them to resell or to a restaurant for use or sale in the restaurant. You cannot sell your Cottage Foods over the Internet, by mail order, or to wholesalers, brokers or other food distributors who will resell the Cottage Foods. Additionally, the law requires that the sales be face to face in order to assure the consumer that they have some relationship with the Cottage Food operator and can discuss any questions or concerns that they may have about the food that they are purchasing. You may take orders over the phone as long as the cash transaction and delivery of the product is face to face. You may NOT take orders over the Internet. Shipping of your products or having someone else deliver your products is also NOT allowed.

Why can't I sell my Cottage Foods to my favorite restaurant or grocery store?

The Cottage Food Law does not allow this. Because your home kitchen is unlicensed and not inspected, the safe food handling practices are not evaluated by any food safety official. Since the safe food handling practices are not being evaluated, the food is not considered an approved source for use in a restaurant or grocery store. Also, it is not possible for the final consumer to discuss your food safety practices with you, since you are not selling or serving the product to the consumer.

What oversight does the Michigan Department of Agriculture & Rural Development (MDARD) have over my Cottage Food operation?

Cottage Food operations are considered to be food establishments, but will not have to meet the licensing and inspection requirements outlined in the Michigan Food Law. Food offered to the public in Michigan must be safe and unadulterated, regardless of where it is produced. As a Cottage Food Operator, it is your responsibility to assure the food you make is safe. In the event a

complaint is filed or a foodborne illness is linked to your food, MDARD will investigate your operation as part of our responsibility under the Michigan Food Law. As part of that investigation, it may be necessary for MDARD to enter and inspect your Cottage Food production and storage areas, view and copy records, and take photos during the course of a complaint investigation. MDARD also has the right to: seize product suspected of being adulterated; order corrections of label violations; and require you to discontinue making unapproved products.

Are there any other limits I need to know about Cottage Foods?

Yes. You are limited in the amount of money you can make selling Cottage Foods, which is \$20,000 in gross sales annually per household. (Note: The limit will increase December 31, 2017 to \$25,000 per year.) You need to maintain sales records and provide them to a Michigan Department of Agriculture & Rural Development (MDARD) food inspector, upon request (MDARD has regulatory responsibility for the Cottage Food Law.). You must also meet all other requirements of the law, including labeling and packaging.

Can I make and sell products from my motor home kitchen, or cottage or summer home under the Cottage Food Law?

The Cottage Food Law applies only to non-potentially hazardous foods made in the kitchen of your primary residence. Second homes, vacation homes or motor homes do not qualify if they are not your primary residence.

Can I make products in a rented kitchen and sell them under the Cottage Food Law?

No. The Cottage Food Law applies only to non-potentially hazardous foods made in the kitchen of your primary residence. Even if the rented kitchen is a licensed facility, you would need a food establishment license to sell your products.

Can I make Cottage Food products in an outbuilding on my property, like a shed or a barn?

No. The law requires the Cottage Food products be made in your home kitchen and stored in your single family domestic residence.

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

Ingredients and finished Cottage Food products may be stored in your single family domestic residence where the Cottage Food products are made. This includes your kitchen, a spare room or a basement that is free of dampness/water, pests or other insanitary conditions. You may not use a garage,

shed, barn or other outbuilding as a storage facility for your Cottage Food business.

Can nonprofit organizations produce and sell Cottage Foods?

No. Nonprofits do not have a single family domestic residence, and therefore do not qualify as a Cottage Food business.

Can I donate my Cottage Food products to a public auction or other give-away venue (e.g., for silent auction baskets, as a fundraiser or to a soup kitchen)?

No. You would be allowed to personally give away your product from your sales booth, but you cannot donate it for someone else to give it away or use it as an item in a fundraiser auction.

Can I sell my Michigan Cottage Food product in another state?

Possibly, as long as the other state's laws allow it. You will need to check with the other state to determine its regulatory requirements.

Can producers from other states sell products in Michigan under the Cottage Food Law?

No. The Cottage Food Law applies only to businesses where the home kitchen (primary domestic residence) is physically located in Michigan.

Are bake sales or potlucks covered under the Cottage Food Law?

No. Bake sales are not covered under the Cottage Food Law, because they typically involve foods prepared in home kitchens from several sources and sold by people other than those who baked them. However, bake sales or potluck runs by a charitable, religious, fraternal or other non-profit organization and serving only home-prepared foods are exempted from licensing under Michigan's Food Code. This exempts an eligible organization from licensing requirements only. All food sales are subject to all other regulatory requirements. MDARD will investigate any complaint allegations it receives that may be generated by the sale (e.g., foodborne illness, allergic reactions, etc.). As a good practice, those who host bake sales and potlucks should remind food preparers of basic safe food handling practices and ask their bakers to provide ingredient labels and include the name of the food preparer on each item.

Can I sell my Cottage Foods over the Internet?

No. While you can advertise your product on the Internet, you cannot take orders over the Internet, and then ship directly to consumers. Sales and product delivery must be directly from the producer to the consumer, in a person-to-person transaction, and not delivered by mail.

Can I sell my Cottage Foods to a wholesaler, broker or distributor?

No. Under the Cottage Food Law, it is not legal for a producer to sell to a wholesaler, broker or distributor who would then resell the product.

Can I advertise my Cottage Food products on my website?

Yes. You can use your website to advertise your products or market your business, but cannot take orders or sell products via your website.

Can I take orders for my Cottage Food products over the phone?

Yes. You can take orders for your Cottage Food products over the phone; however, the actual money transactions and delivery of your products must be made face to face, in a person-to-person transaction.

Can I advertise my Cottage Food business in the newspaper or at trade shows?

Yes. Advertising is allowed; however, the actual sale must be made person-to-person between the producer and the consumer.

Is it possible to place my Cottage Food products in a store or restaurant on consignment?

No. Cottage Food products cannot be sold on consignment. The sale must be person-to-person, from the producer to the actual consumer. Another person cannot sell your products for you.

Section 5: Sampling of Cottage Foods

Can I serve free samples of my Cottage Food Products?

Yes. As long as your product meets the requirements of the Cottage Food Law and is a non-potentially hazardous food, sampling is allowed. Samples must be pre-packaged in your home kitchen (e.g, if you sample bread, you can't cut it at the market, but can cut it in your home kitchen and individually wrap or package the bread samples into sample cups with lids). Although you do not need an individual label for each sample, you must have properly labeled packages of your product on display with the samples so your customer can review the

ingredient list. Your product cannot be cooked or prepared in a way that makes it a potentially hazardous food/temperature control for safety food (e.g., you can't add a dried dip mix to sour cream or serve anything that can't be kept safely at room temperature - these examples would require a food license). You must also follow the same food safety handling and preparation requirements of licensed vendors who sell at farmers markets, as outlined in the "[Guidelines for Providing Safe Food Samples at Farmers Markets](#)". **Please note: *These guidelines were written for licensed facilities. In the case of Cottage Food businesses, your home kitchen is adequate for preparing samples to serve at markets.***

Section 6: Other Resources for Michigan Food Businesses

If I do not qualify under the Michigan Cottage Food Law and want to become a licensed food processor, how do I go about getting a license?

If you are interested in becoming a licensed food processor, you may find the [Michigan Business One Stop](#) portal useful. On the left-hand side of the home page, there is a button for "Try Business One Stop Simulator". You'll be asked a series of questions and at the conclusion you'll have a list of tasks that you may need to do to properly set-up your business.

Are there other resources that may be helpful for Michigan food and agriculture businesses?

Yes. Please see the links to additional information below:

- [Michigan Food Law and Food Code](#)
Information on Michigan's food regulations, including the Cottage Food amendments.
- [Michigan Department of Agriculture & Rural Development Marketing Guide](#)
The Michigan Department of Agriculture & Rural Development has developed, a marketing tool, "*Growing Michigan's Future - A Guide to Marketing Your Michigan Food and Agriculture Products*" helpful. You can download a copy at www.michigan.gov/mdamarketingguide. Please note that some sections only apply to licensed businesses (e.g., selling to restaurants).
- [Food and Drug Administration](#)
Information on federal food regulations.
- [Michigan Townships Association](#)
List of local township governments for information on zoning and other

local regulations.

- [Michigan Counties](#)
List of county governments for information on zoning and other local regulations.
- [Michigan Department of Licensing and Regulatory Affairs](#)
Information on forming a Limited License Corporation (LLC).
- [Michigan Department of Treasury](#)
Business and sales tax information.
- [Safe Food Handling Practices](#)
Tips on assuring food safety in your business and products.

C. Cottage Foods Product List: What Qualifies and What Doesn't

The rules under Michigan's Food Law were developed to protect the health and safety of Michigan citizens and to reduce the risk of foodborne illness. Foods allowed for sale under the Cottage Food Law are allowed based on their relatively low risk for foodborne illness. Cottage food producers can help reduce the risk of foodborne illness even further by following safe food handling and storage practices and maintaining good hygiene in their home kitchens. Proper labeling is also important, especially for people who may be allergic to certain ingredients.

The following lists show examples of foods that meet the requirements for Cottage Foods and those that do not.

What Food Products Meet The Requirements For Cottage Foods?

Select non-potentially hazardous foods (time and/or temperature controls not required to assure food safety - meaning foods can safely be kept at room temperature and do not require refrigeration) meet the requirements for cottage foods and can be prepared in a home kitchen and sold directly to consumers without a license. Many of these items are identified by MDARD. Examples include:

- Breads
- Similar baked goods
- Vinegar and flavored vinegars
- Cakes, including celebration cakes (birthday, anniversary, wedding)
- Sweet breads and muffins that contain fruits or vegetables (e.g., pumpkin or zucchini bread)

- Cooked fruit pies, including pie crusts made with butter, lard or shortening
- Fruit jams and jellies (as defined in 21 CFR part 150) in glass jars that can be stored at room temperature (except vegetable jams/jellies)
- Cookies
- Dry herbs and dry herb mixtures
- Dry baking mixes
- Dry dip mixes
- Dry soup mixes
- Dehydrated vegetables or fruits
- Popcorn
- Cotton Candy
- Non-potentially hazardous dry bulk mixes sold wholesale can be repackaged into a Cottage Food product. Similar items already packaged and labeled for retail sale can not be repackaged and/or relabeled
- Chocolate covered pretzels, marshmallows, graham crackers, Rice Krispies treats, strawberries, pineapple or bananas
- Coated or uncoated nuts
- Dried pasta made with eggs
- Roasted coffee beans or ground roasted coffee
- Vanilla extract (Note: these products require licensing by the Michigan Liquor Control Commission)
- Baked goods that contain alcohol, like rum cake or bourbon balls (Note: these products require licensing by the Michigan Liquor Control Commission)

What Food Products Are NOT ALLOWED To Be Produced In My Home?

Potentially hazardous foods that require time and/or temperature control for safety are NOT ALLOWED to be produced in a home kitchen and must be produced in a licensed kitchen. Examples include:

- Meat and meat products like fresh and dried meats (jerky)
- Fish and fish products like smoked fish
- Raw seed sprouts
- Vegetable jams/jellies (e.g., hot pepper jelly)
- Canned fruits or vegetables like salsa or canned peaches
- Canned fruit or vegetable butters like pumpkin or apple butter
- Canned pickled products like corn relish, pickles or sauerkraut
- Pies or cakes that require refrigeration to assure safety like banana cream, pumpkin, lemon meringue or custard pies; cheesecake; and cakes with glaze or frosting that requires refrigeration (e.g., cream cheese frosting)
- Milk and dairy products like cheese or yogurt
- Cut melons

- Hummus
- Garlic in oil mixtures
- All beverages, including fruit/vegetable juices, and apple cider
- Ice and ice products
- Cut tomatoes or chopped/shredded leafy greens
- Confections that contain alcohol, like truffles or liqueur-filled chocolates
- Focaccia style breads with fresh vegetables and/or cheeses
- Food products made from fresh cut tomatoes, cut melons or cut leafy greens
- Food products made with cooked vegetable products that are not canned
- Sauces and condiments, including barbeque sauce, hot sauce, ketchup, or mustard
- Salad dressings
- Pet food or treats

If you have questions about a specific product not listed here or in the "*Cottage Foods: Frequently Asked Questions, Section 2 - Product/Production Related Questions*", please contact the Michigan Department of Agriculture & Rural Development at 800-292-3939 or MDA-Info@michigan.gov. Please include your zip code and a telephone number with your request for information.

D. Cottage Food Sample Label and Labeling Guidelines

The basic information that must be on the label is as follows:

- Name and physical address of the Cottage Food operation. (You must use the physical address of your home kitchen; Post Office Box addresses are not adequate).
- Name of the Cottage Food product (All capital letters or upper/lower case are both acceptable).
- The ingredients of the Cottage Food product, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list the sub ingredients as well. For example: soy sauce is not acceptable, soy sauce (wheat, soybeans, salt) would be acceptable, please see the label below for further examples.
- The net weight or net volume of the Cottage Food product (must also include the metric equivalent - conversion charts are available online).
- Allergen labeling as specified in federal labeling requirements.
- The following statement: "*Made in a home kitchen that has not been inspected by the Michigan Department of Agriculture & Rural Development*" in at least the equivalent of 11-point font (about 1/8" tall) and in a color that provides a clear contrast to the background (All capital letters or upper/lower case are both acceptable).

Hand-printed labels are acceptable if they are clearly legible, written with durable, permanent ink, and printed large enough to equal the font size requirements listed above.

Here is an example of a label that should help you develop your own labels:

**MADE IN A HOME KITCHEN NOT INSPECTED BY
THE**

**MICHIGAN DEPARTMENT OF AGRICULTURE
& RURAL DEVELOPMENT**

Chocolate Chip Cookie

Artie Pinkster
123 Foodstuff Lane
Casserole City, MI 82682

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

Contains: wheat, eggs, milk, soy, walnuts

Net Wt. 3 oz (85.05 g)

E. Michigan Maple Syrup and Honey Licensing Exemptions

Under the Michigan Food Law, honey or maple syrup retail outlets and processing facilities operated by the producer are exempt from licensure, if gross sales are \$15,001 or less.

Honey and maple syrup are not considered cottage foods, because the regulatory requirements and exemptions have some significant differences. They do, however, have their own set of licensing exemptions under the law. Here are some of the basic differences and similarities between honey and maple syrup regulations and those for cottage foods:

- Honey and maple syrup producers who meet licensing exemptions must follow the same labeling requirements for their honey and maple syrup as

those outlined for cottage food products. (Note: because honey and maple syrup cannot be processed in a home kitchen, the labeling requirement should read, "*Processed in a facility not inspected by the Michigan Department of Agriculture & Rural Development.*")

- Honey and maple syrup producers who meet the licensing exemptions still must meet all requirements of the Michigan Food Law, including sanitation, building construct and design, employee hygiene, etc.
- Due to the nature of honey and maple syrup products and the equipment needed to process them, it is not possible to produce honey and maple syrup in a home kitchen and still meet the basic food processing requirements. Honey and maple syrup must be produced in a facility that meets basic processing requirements, as outlined in the Michigan Food Law.
- Honey and maple syrup producers can wholesale their products, including to grocery stores and other retailers who will then resell them, as long as they are labeled correctly. Honey and maple syrup producers are not limited to direct sales as cottage food products are.

For information on Michigan's Cottage Food Law, visit:

www.michigan.gov/cottagefood

Sample labels for maple syrup and honey:

**MADE IN A FACILITY NOT INSPECTED BY THE
MICHIGAN DEPARTMENT OF AGRICULTURE
& RURAL DEVELOPMENT**

Pure Michigan Maple Syrup

Artie Pinkster
123 Sugar Shack Lane
Maplepure, MI 82662

Ingredients: Maple Syrup

Net Wt. 16 oz (1 pint) 472 ml

MADE IN A FACILITY NOT INSPECTED BY THE

**MICHIGAN DEPARTMENT OF AGRICULTURE
& RURAL DEVELOPMENT**

Pure Michigan Honey

Artie Pinkster
123 Honeybee Lane
Honey City, MI 82672
Ingredients: Honey

Net Wt. 12 oz (355 ml)

F. Ready to Move Beyond Cottage Foods: How to Become a Licensed Food Processor

Although the Cottage Food Law is a great opportunity for food entrepreneurs in Michigan to "test the waters" as a food business, there are some limitations to what can and can't be done under the law.

Many food entrepreneurs have products or plans for their food businesses that require them to become a licensed food processor. For instance, if you decide you would like to wholesale your products, which is not allowed under the Cottage Food Law, you are ready to move to the next step and become a licensed food processor.

Others may reach the \$20,000 threshold for gross annual sales allowed under the Cottage Food Law and need to become licensed to allow for continued growth and success.

If you are ready to become a licensed food processor, congratulations!

The Michigan Department of Agriculture & Rural Development has resources and tools to help food entrepreneurs establish and grow their businesses in Michigan.