



## Food Safety and Regulation Requirements for Farmers' Markets and Craft Shows

We are seeing more and more farmers' markets across the state. A farmers' market may be defined as a market which operates seasonally as a common market for fresh fruits and vegetables for consumption elsewhere.

These markets have expanded from the basic 'sell your extra produce,' to commercial food vendors, selling just about everything you could find in a small grocery store. More and more of the vendors are selling products that require inspection and licensure from the Nebraska Department of Agriculture (NDA). A person who prepares and sells potentially hazardous food (food that is capable of supporting rapid and progressive bacterial growth or toxin formation) at a farmers' market must obtain a license. In most of these cases, inspection of the processing area is also required.

Farmers' markets and craft shows are treated the same with respect to foods that are allowed without benefit of regulatory oversight. That is, non-potentially hazardous foods, such as certain baked goods; or dry products, such as bread mixes, etc., may be sold at craft shows and farmers' markets without inspection of the processing area.

We're often asked what can and cannot be sold at a farmers' market. I'll answer some of those questions here.

### What foods can be sold without a permit?

- Fresh fruits and vegetables, especially home-grown items;
- Certain baked goods, limited to non-potentially hazardous baked goods, breads, cookies, and fruit pies;
- Prepackaged, commercially prepared snack items, such as canned pop, candy bars, and potato chips;
- Popcorn and other seeds;
- Fresh or dried herbs; and
- Jams and jellies.

## **What items cannot be sold at a farmers' market?**

- All low acid canned foods in hermetically sealed containers, including pickles and salsa;
- Unpasteurized milk, cheese, yogurt;
- Cream pies; and
- Foods from unapproved sources.

Contact the NDA Foods Division for specific items.

## **How are products to be sold? By count? By the pound?**

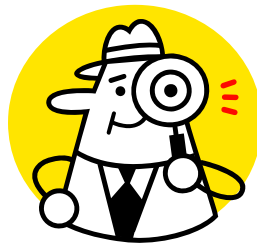
For specifics, contact the Weights and Measures Division, at (402) 471-4292. You may be required to have a certified scale to weigh your products.



## **What is the placard requirement for farmers' market sales?**

A clearly visible placard is required at the point of sale stating the food was not prepared in an inspected, licensed food preparation area.

A placard is not required if the foods were prepared in an inspected, licensed facility.



## **What foods require a permit and inspection of the preparation area?**

The Nebraska Pure Food Act states that no person shall operate a food establishment without a valid permit which sets forth the type of operation occurring in the establishment.

A "food establishment" is an operation that stores, prepares, packages, serves, sells, vends, or otherwise provides food for human consumption.

Although many vendors at the farmers' markets fall into the "food establishment" definition, there is an exemption for the sale of fresh fruits and vegetables at farmers' markets and roadside stands.

Permits and inspections are required for all commercial establishments, such as stands that sell fountain pop and sandwiches, and for operations selling potentially hazardous foods, such as meat, poultry, and game animals. These vendors must meet the requirements for their particular type of operation, as found in the Nebraska Pure Food Act and the Nebraska Food Code.

### **How is a permit obtained?**

Persons needing a food establishment permit should contact the NDA Food Division at (402) 471-2536. The area sanitarian will meet with you to discuss your operation, inspect the preparation area for your product, and offer you the permit application, if necessary. All permits have a one-time permit fee, in addition to an annual inspection fee. Annual inspection fees are due on August 1, regardless of when the permit was issued.

The types of operations that may be found at a farmers' market requiring a permit include:

**Temporary Food Establishment:** Persons selling foods for immediate consumption such as fountain pop, hot dogs, and other sandwiches.

**Itinerant Food Vendor:** This category includes the sale of foods prepackaged at a permitted facility. This would include fresh or frozen meat and poultry which is processed/packaged in an inspected facility.

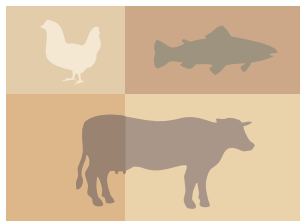
**Mobile Food Unit:** A vehicle-mounted food operation selling prepackaged items and foods requiring limited preparation.

**Pushcart:** A non self-propelled unit selling prepackaged items.

### **What are the requirements for the sale of red meat (beef and pork)?**

All red meat must be processed in a USDA-inspected facility and carry the federal marks of inspection.

The packages must bear a label with the USDA establishment number, the net weight, price per pound, total weight, total price, and name and address of the producer, packer, or distributor. This type of sale would require an itinerant food vendor permit.



### **What are the requirements of the sale of dressed poultry?**

Poultry is usually processed under USDA inspection. However, there is a USDA exemption that allows individuals to process poultry they have raised and sell it through commercial channels. The poultry must be processed in either a USDA establishment or in a facility under state inspection.

Poultry raised and processed, under the terms of the exemption, must be labeled with the USDA exemption statement, name and address of processor, weight, price per pound, and total price.

A processor's permit is required at the processing location; an itinerant food vendor permit would be required at the point of sale. Poultry processed in a state inspected facility may not be sold interstate.

Contact the Food Division to discuss the exemptions.

### **What are the requirements for selling processed game animals?**

Game animals must also be processed under State inspection. Game animals (rabbits, fish, buffalo, pheasants, etc.) are not amenable to USDA regulations; therefore, inspection by the USDA is not required. Similar to poultry processing, the processing area must meet food safety and sanitation requirements, including smooth, cleanable work surfaces, walls, floors, and ceilings, adequate clean-up facilities, hand sinks with hot and cold water, and adequate refrigeration facilities. This area would be permitted as a Processor.

### **What about selling shell eggs at the farmers' market?**

Eggs must be clean, graded, must be kept refrigerated to 45°F or below, and be labeled with the Nebraska Egg Code number, grade, size, packaged date, and name and address of the packer.

The Egg Code number is a registration number provided, at no charge, by NDA. A person may sell eggs of their own raising at a farmers' market, to stores, restaurants, and institutions without a permit, as long as they are properly labeled.



## **What labeling is required?**

All packaged foods must be properly labeled with the common name of the product, name and address of the producer, packer or distributor, net contents, and list of ingredients in descending order of predominance by weight. Meat labels must also have the USDA identification number on the package.

## **Are handwashing facilities required?**

Handwashing is required when exposed foods are handled, such as slicing or cutting fruits or vegetables for sampling purposes. Handwashing facilities are required for vendors offering sandwiches, fountain drinks, or other foods that may have direct hand contact.



For additional information, please contact our office directly or visit our web site.

Nebraska Department of Agriculture  
Bureau of Dairies and Foods  
(402) 471-2536  
[www.agr.ne.gov](http://www.agr.ne.gov)