



SMADC MDH Virtual Cottage Food Workshop
Questions & Answers
February 7, 2023

1. Could non-food products consisting of edible ingredients (such as cosmetics) come under the umbrella of cottage food products?

It depends on how the product is being marketed. A product marketed as a cosmetic is regulated by the U.S. Food and Drug Administration (FDA), while foods are regulated by the Maryland Department of Health or a local health department.

2. How do you test pH values?

If you are uncertain of the pH of your product, or if it needs testing in order to determine if it is a potentially hazardous food, you would need to have it analyzed (tested) by an independent accredited food laboratory. The laboratory does not need to be located in the State of Maryland. The laboratory will perform the analysis and provide you with the test results. It is your responsibility to maintain the test results in the event the local health department requests the documentation. If you are interested in “Cottage Food Sales at Retail” sales, submit the test results to the Maryland Department of Health shared email (mdh.foodplanreview@maryland.gov). The Southern Maryland Agricultural Development Commission (SMADC) offers cottage food testing reimbursement through a [grant project](#). Contact [SMADC](#) for more information.

3. Can you package spices from your own garden?

No, all ingredients including spices must be commercially sourced.

4. Can dried fruits that would normally have a higher pH be allowed in baked goods? Follow up: What if they are rehydrated first?

If a fruit is commercially dehydrated, you would be able to use this as an ingredient in a baked cottage food product as long as it is fully incorporated into the batter prior to baking. Rehydration is not permitted since this would increase the water activity of the fruit which could make the fruit potentially hazardous.

5. Are chocolate-covered strawberries allowed?

No, chocolate-covered strawberries are prohibited in cottage foods.

6. Is chocolate-covered commercially dried fruits allowed?

Yes, chocolate-covered commercially dried fruit is permitted under the cottage food law.

7. Do dehydrated vegetables that are not naturally acidic fall within the cottage food law?

Under the cottage food law, you may not dehydrate vegetables (or fruits, spices, etc.). Dehydrating is a process that requires a license. You may use commercially dehydrated vegetables in your

cottage food products, as long as they are completely incorporated into the batter/dough prior to baking.

8. Do you need the testing done/contact the liquor board for Vanilla extract?

Commercially manufactured vanilla extract used as an ingredient in baked goods does not need to be tested because the alcohol is baked out during the cooking process. If small amounts of commercial vanilla extract are added to an icing/glaze the alcohol content is very small and it would not need testing. Note that you cannot make your own vanilla extract under cottage foods.

9. Is freeze-dried candy allowed?

Commercially made non-potentially hazardous candy is allowed to be freeze-dried by a cottage food business.

10. Why does buttercream icing need to be tested, but cake that also contains butter and milk does not?

Since the ingredients for the buttercream icing are potentially hazardous, and they do not go through a full cooking process, the icing would need to be tested for pH and/or water activity. Cakes containing butter and milk are fully baked and the end product is non-potentially hazardous and shelf-stable.

11. Are dry mixes allowed? Like a homemade pancake mix?

Yes, you can combine and repackage commercially manufactured dry ingredients to make mixes (such as pancakes, cakes, bread, etc).

12. Are any of the dried, or dehydrated items covered under the on-farm processing license?

Yes, contact the Office of Food Protection for information on obtaining an On-Farm Processing license.

13. How do we bottle and sell hot sauce?

Contact the Office of Food Protection with the specific details on your product and intended distribution for information on licensing requirements.

14. How do we make and sell jerky products?

Contact the Office of Food Protection with the specifics on your product(s) and intended distribution for information on licensing requirements.

15. If one wanted to start a charcuterie business (I see now that it's not a cottage food business) could you please send information on what needs to be done to start?

Contact the Office of Food Protection with the specifics on your products and the intended distribution for information on licensing requirements.

16. Is it necessary to include all the ingredients of each product such as Enriched Flour, Butter, Vanilla Extract, etc?

Yes, all ingredients and sub-ingredients must be declared on your label. Most labeling requirements (including declaring ingredients and sub-ingredients) are required by Federal and State regulations for all food labeling.

17. Any info and direction on how to start and get going with selling non-cottage food products such as salad dressings and Mayo-based condiments?

Please contact the Office of Food Protection with the specifics of your products and intended distribution for more information.

18. Can I sell cottage foods as long as the food is in compliance or is my home kitchen inspected as well?

All food items that are produced under cottage foods must be in accordance with the Maryland Food Regulations in [COMAR 10.15.03.27](#). Cottage food kitchens are not inspected unless there is a complaint or suspected foodborne illness outbreak investigation.

19. Would microgreens fall under a cut leafy vegetable and therefore not be allowed? What if they were sold still in the soil?

Microgreens are considered a raw agricultural product if the process includes growing, harvesting, and packaging (to be washed by the consumer, not sold as ready-to-eat). If microgreens are cut and processed and distributed as ready-to-eat (washed, packaged, and labeled as ready-to-eat) they would be regulated by the Office of Food Protection, and you would be required to obtain a food processing license working from a commercial facility.

20. I see cake in a jar is not allowed, does it matter the type of container, like plastic? Why is this not allowed?

No, baked goods sealed in jars (glass or plastic) are not permitted. This is due to the risk of Botulism in the reduced oxygen environment created by the jar,

21. Is there a list of licensed retail food stores where cottage foods are allowed to be sold?

No, the Office of Food Protection does not keep a list of possible sales locations.

22. If you submitted a list and have additional items do you need to go through the whole application process again?

Yes, once you are approved for "Cottage Food Sales at Retail," if you wish to add items or sales locations you would have to submit a new cottage food business request form for review.

23. Can German Chocolate Cake icing (cooked icing) be used without getting it to a lab?

No, if it is made with pasteurized eggs it must be submitted for lab testing, and if it is determined to be non-potentially hazardous it would be allowable. It would not be allowed at all if it is made with unpasteurized eggs due to the salmonella hazard and lack of a full cooking step.

24. Is the food safety course specific to Maryland found on Maryland.gov or will my already ServSafe food safety certification be applicable?

The food safety training is not specific to Maryland, and ServSafe may be acceptable. To satisfy the food safety course requirement, the course must be approved by the American National Standards Institute (ANSI) and cover basic food safety.

25. If licensed through a local HD does your commercial kitchen you plan to use need to be in the same county?

The licensing agency is the jurisdiction where the commercial kitchen facility is located.

26. Can you prepare products in your cottage/home kitchen and sell on a farm with a license? Home kitchen and farm are owned by the same owners, but not the same location.

As a cottage food producer, you are allowed to sell allowable foods from the following locations - your private residence, at a farmers' market, at special events, and with MDH approval, to a licensed retail food store. If the cottage food producer is also a farmer, he/she would be able to sell his/her product directly to the customer from these locations. Example - If someone has a farm stand on their own property, **they can sell his/her own cottage food items**, but **cannot sell cottage food products from other cottage food businesses**. If a farmer obtains an On-Farm license with MDH, he/she is allowed to produce certain foods in the farm kitchen. The restrictions for cottage food sales locations do not apply to products produced with an MDH-issued On-Farm license.

27. Is it possible to construct, and have a building certified as a commercial kitchen (separate from home) on farm property in order to sell items that are categorized as perishable?

Please contact the Office of Food Protection with the specific details regarding your proposal so we can make a determination as to whether or not this would be feasible

28. If using a "low sugar" pectin, would the product be... need to only state low sugar pectin, well as the fruit, etc., as an ingredient?

FDA does not recognize or define "low sugar" and it cannot be used on labels. As long as all of your ingredients (and sub-ingredients) are listed on your label this is sufficient.. If you are making a health or nutrition claim about your product you must meet state and federal [labeling requirements](#). Note that sugar-free jams and jellies are not allowed under cottage foods since these may not necessarily be non-potentially hazardous items due to higher water activity levels.

29. Is an indoor farmers market considered a 'licensed' retail sales venue?

An indoor farmers market may not necessarily meet the definition of a licensed retail food store (ex. grocery store, food cooperative). If the indoor farmers market is restricted to foods that do not require a food service license, it would not qualify as a retail food store. Farmers market definition - a place where a person offers or sells one or more of the following food products directly to the public: raw agricultural products; allowable cottage food products; commercially processed prepackaged non-potentially hazardous products (do not require refrigeration); or eggs in compliance with Maryland Department of Agriculture regulations. An MDH-issued Sales at Retail compliance letter is not required for farmers' market cottage food product sales.

30. Do you have to have the Nutrition Facts on the label to be sold to retail food store? If so how do one get the nutrition facts of the product?

FDA [exempts small businesses](#) (such as cottage food businesses) from nutrition labeling requirements. However, if you are making a health or nutrition claim you would be required to comply with the regulations and provide a nutrition facts panel.

31. If I have an on-farm processing license and I do dried vegetables do they have to be sold only whole? Can they be cut or can they be ground?

Contact the Office of Food Protection for more information.

32. Are there any specific needs for the kitchen space or layout?

For cottage food, you utilize your primary residential kitchen. Be sure your kitchen and equipment are clean and sanitary and exclude young children and pets. Cottage food items should be prepared when you are not making food for your family.

33. Are there any regulations if you are distributing the foods for free?

The MD food regulations cover the distribution of food (regardless of whether the food is sold or given away at no charge (free). Donated food is not part of the CFB law and regulations. However, if you wish to donate your allowable cottage food items they must be properly labeled and the person or non-profit organization can decide to accept or not to accept the food made in a home kitchen. If there are complaints or an illness investigation, there must be traceback as to the food source.

34. Can I use Bourbon that is being baked off when cooking pecans?

The pecans would need to go through a complete cook step and all bourbon must be evaporated.

35. Are edible flowers and fresh herbs allowed under cottage food?

All ingredients must be commercially sourced and food grade. The use of fresh herbs/flowers is prohibited.

36. Are brittles okay since the butter is cooked?

Yes, brittles are non-potentially hazardous hard candies and are allowed under the cottage food regulations. Brittles are listed in our [Guidance](#) in Appendix A as allowed.

37. For jams and or jellies, can frozen fruit be used as well as fresh fruit?

Yes, frozen fruits can be used as long as the jam/jelly is fully cooked and the jar is hot-filled.

38. Is carrot cake allowed? Can you use dehydrated carrots?

Carrot cake (with either fresh or commercially dehydrated carrots) would need to be tested by a certified food laboratory. Note that if you have a carrot cake recipe with fresh carrots tested and it is determined to be non-potentially hazardous and allowable under cottage foods, you must always use that recipe with fresh carrots. Any recipe changes would need to be tested to ensure it yields a non-potentially hazardous final product. Have your recipe tested before you change it for your cottage food business.

39. Selling wholesale shea butters is it required for me to get a label ID or testing done?

If your shea butter product (not typically a food item) is being marketed as a cosmetic, it is regulated by the FDA as a [cosmetic](#) and does not fall under the food category. If your product is being marketed as a food then contact the Maryland Department of health with details on your specific product, process, and distribution.

40. Can we create a QR code that has the ingredients and attach it to the package?

No, all required elements, including ingredients and sub-ingredients are required to be printed on a label for consumers. QR codes, which are not required, could be added as an additional element on a label.

41. If I run a farmers market and have vendors do I have to be sure vendors have a license?

By law, cottage food businesses do not require a retail food service facility license. However, some local jurisdictions may have local laws or ordinances that are more restrictive. Contact your local health department where the market is being held.

42. Am I to understand direct to consumer (farmers market) isn't limited to cottage food parameters?

Yes, if properly licensed by the local health department, vendors at farmers' markets may sell food items other than cottage foods.

43. It is my understanding a temporary FSF license covers items made at the event OR items made by the licensee at his/her licensed FSF. Items that are not cottage food or otherwise licensable would not be allowed. So unapproved items falsely identified as "cottage food" should not be allowed to be sold. Is this correct? Should these be reported to local HD or to MDH?

Correct, items not correctly labeled or identified as cottage foods when they are not actually made/repackaged by a cottage food business should be removed from sale/distribution. All cottage food complaints can be reported by using the online complaint form on the MDH Office of Food Protection's [website](#) or by contacting the [local health department](#) where the market or event is being held. Local health departments are responsible for investigating retail (direct-to-consumer sales) food complaints.