

Requirements for Selling Manufactured or Processed Foods at Farmers Markets and Other Direct-to-Consumer Markets

Revised March 2013

SC Department of Agriculture
Food Safety and Compliance Program

2013 Name of Direct Market: Requirements for Processed or Manufactured Food Sales

Effective January 1st, 2011, pursuant to S.C. Code § 39-25-210, every food manufacturer, processor or repacker under SCDA jurisdiction is required to register in order to sell food products to the public. Each compliant firm will be given a Registration Verification Certificate (RVC) which must be displayed at the market. A direct-to-consumer market is any place selling products sold directly to the public including, but not limited to farmers markets, roadside markets, flea markets, etc.

Contact Angie Culler, SCDA at 803-737-9690 for more information regarding the registration process or visit www.agriculture.sc.gov and click on Food Safety and Compliance under Programs and Services.

Note: SCDA Food Safety and Compliance does not regulate farmers markets, roadside markets, flea markets and other direct marketplaces, nor does it regulate fruits and vegetables or other products in their raw state sold at direct markets in South Carolina. However, the SCDA does have regulatory authority over certain processed or manufactured food items that may be sold at direct markets in the state. From time to time, the SCDA will randomly check a direct market to ensure that the manufactured or processed products sold are in compliance with state law. The SCDA does not regulate farmers markets or other direct markets.

Corn Meal, Grits and Flour (SC Department of Agriculture)

These products are processed foods and must be prepared in an SCDA registered facility.

Contact Angie Culler at 803-737-9690.

To have corn tested for aflatoxins, call the SCDA Laboratory 803-737-9700.

____ *Provide a copy of your Registration Verification Certificate (RVC) and use an approved label. Labels must be in compliance with state and federal labeling laws. Your RVC must be displayed at the point of sale.

Dairy (DHEC Dairy, SCDA and FDA/FSIS)

SC DHEC Dairy Division handles all regulations and requirements regarding fluid milk products.

Call 803-896-0644.

SCDA handles cheese and cheese products (pimento cheese, goat cheese, cow's milk cheese, etc).

Call 803-737-9690.

All products crossing the state line will be are also under the jurisdiction of the Food and Drug Administration and/or U.S. Dept of Agriculture/Food Safety Inspection Service.

____ Keep at 45°F or lower at all times (including at the market). Label samples, "Display only".

____ Provide copy of current liability insurance.

____ For **cheese** products, provide a copy of your Registration Verification Certificate (RVC) and use an approved label. Labels must be in compliance with state and federal labeling laws. Your RVC must be displayed at the point of sale.

____ For all other dairy products, provide copy of SC DHEC Dairy Permit.

Eggs (SC Department of Agriculture)

____ Provide copy of SCDA current egg license.

____ Provide copy of current liability insurance. **Please note, liability insurance is not required by SCDA.*

____ Eggs must be kept at 45°F or lower at market.

____ Label your *sample* carton, "Display only-Not for Sale".

___ *Eggs must be washed, properly labeled, inspected and graded according to USDA Standards. Call SCDA at 803-737-9690.

___ *A “packed on” or expiration date must be printed on all cartons/labels.

*This process must be done at farm by the grower and is not difficult.

Fish and Seafood (Department of Natural Resources and SC Department of Agriculture)

Whole and unprocessed fish and seafood are under the Dept. of Natural Resources (DNR). Call 803-734-3886.

If you want to buy and resell fish and seafood whether whole and unprocessed or cleaned and processed, you will need either a:

___ Commercial Fishing License. Provide a copy of commercial license.

or a

___ Wholesaler’s License. Provide a copy of wholesale license. If you do not have a commercial fishing license, then you must have a wholesale license and buy from licensed commercial fishermen or wholesalers.

You must:

___ Keep receipts or invoices on hand at all times (including at the point of sale).

___ Keep fish and seafood refrigerated at 45°F or below or properly iced at all times.

___ Have your scale approved by SCDA. Call John Stokes at 803-737-9690.

Requirements to clean, process, dress, gut, or scale fish and seafood, yourself. You will need an approved facility, to register with SCDA and will be subject to state and federal food safety regulations including completing seafood HACCP training.

___ Complete a seafood HACCP course provided by FDA and have a HACCP plan. Provide a copy of HACCP certificate or HACCP plan.

___ Use a SCDA registered and approved facility (fish house).

___ *Provide a copy of your Registration Verification Certificate (RVC) and display your certificate at the point of sale.

___ Provide copy of commercial fishing license from DNR.

___ Provide copy of current liability insurance.

___ Keep fish and seafood properly iced or refrigerated at 45°F or below at all times.

Honey (SCDA)

Honey must be extracted, processed and packaged in a registered and inspected honey house or you must have applied for and been granted a “small honey producer exemption”.

___ Honey must be labeled in compliance with state and federal fair packaging laws.

Provide a copy of:

___ Your (RVC) Registration Verification Certificate.

or

___ Your “small honey producer” Certificate of Exemption.

Meat

Poultry, beef, pork and lamb are regulated by SC Meat and Poultry Inspection Division, Clemson Livestock, Poultry and Health, 500 Clemson Road, Columbia, SC. All products crossing the state line will be under the jurisdiction of the Food and Drug Administration and/or U.S. Dept of Agriculture/Food Safety Inspection Service.

___ Must become a Registered Meat Handler to sell meat at farmers market.

- ___ Inspection mark on meat (either SCMPID establishment # or USDA #) 803-788-8747. Meat must be kept frozen at 0°F or less or 45°F or less for fresh.
- ___ Door-to-door Meat firms must comply with SC Weights and Measure Laws.
Call John Stokes at 803-737-9690
- ___ Rabbit is regulated by SCDA and must be produced in an approved facility and labeled in accordance with state and federal labeling laws. Provide a copy of your RVC. RVC must be displayed at the point of sale.
- ___ Provide copy of current liability insurance.

Peanuts and Other Nuts (SC Department of Health and Environmental Control or SC Department of Agriculture)

If peanuts are boiled and/or roasted and kept hot on site, then no label or further regulation is required. Boiled, roasted, candied, flavored nuts that are prepared and packaged off site come under the jurisdiction of SCDA unless you are the owner/operator of a DHEC permitted facility and are permitted by DHEC. If nuts are prepared and packaged off-site, you must either possess a SCDA RVC or SCDHEC permit.

For SCDA registered firms:

- ___ *Provide a copy of your Registration Verification Certificate (RVC) and display your certificate at the point of sale. Labels must be in compliance with state and federal labeling laws.

For DHEC permitted firms:

- ___ Vendors who are owner/operators of a DHEC approved bakery or restaurant can sell packaged foods at the point of sale under their retail food establishment permit issued by SCDHEC.
- ___ Provide current Inspection report for bakery or restaurant and SCDHEC permit number

Baked Goods and Candy

Baked goods and candy must be prepared in an inspected facility. Vendors who are owner/operators of a DHEC permitted facility can sell under their catering license or retail food license issued by SCDHEC. Call 803-896-0640.

Vendors who are NOT owner/operators of a DHEC permitted facility fall under the jurisdiction of SCDA.

- ___ *Provide a copy of your Registration Verification Certificate (RVC) and display RVC at the point of sale. Labels must be in compliance with state and federal labeling laws.

- ___ Vendors who are owner/operators of a DHEC approved bakery or restaurant can sell packaged foods at the farmers market under their retail food establishment permit issued by SCDHEC.
- ___ Provide current Inspection report for bakery or restaurant and SCDHEC permit number.

*The **Home Baked Goods Bill** allows individuals to produce **non-potentially hazardous baked goods and candy** in their home kitchen and sell **directly to the end-consumer**, provided he or she does not produce more than \$15,000 per year. Products must be labeled properly in compliance with Fair Packaging and Allergen labeling laws. Interested individuals must apply for and be granted exemption from inspection and labeling review. Application and Frequently asked Questions can be found at <http://agriculture.sc.gov/forms>.

- ___ *Provide a copy of your Home Baked Goods Exemption Certificate and display exemption certificate at point of sale. Products must be labeled properly. Exemption certificates must be displayed at all times.

Beverages (juices, etc.) (SC Department of Agriculture)

Juices prepared off site are subject to HACCP regulations and must come from a SCDA registered and inspected facility. *Processed, canned or bottled juices or cider are considered potentially hazardous and are subject to SCDA and Federal regulations, including Juice HACCP.*

___ *Provide a copy of your Registration Verification Certificate (RVC) and use an approved label. Labels must be in compliance with state and federal labeling laws. Provide a copy of your RVC and display at the point of sale.

___ Fresh-Squeezed and other juices prepared on-site fall under the jurisdiction of SC DHEC.

Canned/Jarred/Bottled Foods (SC Department of Agriculture and Food and Drug Administration)

Canned, jarred and bottled foods are under the jurisdiction of SCDA and are also subject to FDA regulation.

Home-canned foods are considered hazardous and illegal and cannot be sold.

___ Canned/jarred/bottled Foods (jams, jellies, sauces, chow-chow and pickled foods) must be sent to Clemson University, NC State Univ., or another FDA-recognized process authority for analysis.

___ Depending on the results of the product analysis, a Better Process Control School training and FDA registration (filing) may be necessary.

___ *Provide a copy of your Registration Verification Certificate (RVC) and use an approved label. Labels must be in compliance with state and federal labeling laws. Provide a copy of your RVC and display at the point of sale.

Sorghum/Molasses/Cane Syrup (SC Department of Agriculture)

These products are processed foods and must be prepared in an SCDA registered facility.

___ *Provide a copy of your Registration Verification Certificate (RVC) and use an approved label. Labels must be in compliance with state and federal labeling laws. Provide a copy of your RVC and display at the point of sale.

Foods Prepared on site (ex: BBQ, burgers, etc.) (SC Department of Health and Environmental Control)

___ Foods sold from Mobile Units are subject to DHEC approval of the Mobile Unit and permanent base facility.

___ Provide inspection certificates for both facilities.

___ Retail Food Establishments on-site must have a SCDHEC permit and a posted Grade at the point of sale.

___ Provide copy of current liability insurance.

___ Contact DHEC Food Protection (803-896-0640).

*Permanent food stands that serve non-potentially hazardous food which requires minimal or no preparation including pretzels, popcorn, snow-cones, cotton candy, candy apples, french fries, soft drinks, draft beer, and similar food are exempt from SCDHEC Retail Food Establishment permit requirements

Organic Products (USDA approved Accredited Certifying Agent – Clemson University Dept. of Plant Industry)

Organic Certification is required to advertise that you are selling organic products. Certificate should be displayed.

___ Provide copy of certificate.

Clemson University's Department of Plant Industry is a USDA approved Accredited Certifying Agent. This accreditation allows DPI (Department of Plant Industry) to certify organic operations in the three major categories of certification. Those three categories are crops, livestock and processing. For more information concerning organic certification please contact Sherry Aultman, saltmn@clermson.edu or call 864-646-2140.

Certified SC Grown (SC Department of Agriculture)

Membership in the Certified South Carolina Program is made by application to and acceptance by the South Carolina Department of Agriculture. All farm producers, food manufacturers, specialty food producers, packing facilities and others engaged in the production or manufacture of agricultural products in South Carolina are eligible to apply. Applications are on the web <http://agriculture.sc.gov> or call Ansley Rast Turnblad at arast@scca.sc.gov or call 803-734-2210. Members should display Certified **South Carolina Grown logo**.