

## Quick Tips: Sale of Farm Products and Homemade Foods in Wisconsin

*Wisconsin has a vibrant local foods economy and you will find customers eager for your products. Be sure to follow the rules that govern preparation and sale of foods to help ensure public health and protect your brand!*

There are new opportunities to sell certain farm and home-prepared food products in Wisconsin without a license. While a license **is required** to prepare food that is **potentially hazardous**, food that will be sold or given to another business for further sale (**wholesale**), and **food sold outside of Wisconsin**, a license is not required for some homemade foods sold within the state.



### Fresh Fruits and Vegetables

Fresh fruits and vegetables are always in season when it comes to selling the bounty of your harvest. No license is required to sell raw, intact fruits and vegetables. Growers should follow Good Agricultural Practices in planting, growing, and harvesting fresh produce and may need to meet requirements of the Produce Safety Rule. Growers may rinse freshly harvested produce in clean water, remove roots, and package in bulk for delivery. A license **is required** if fruits and vegetables are cut, sliced, peeled, frozen, or otherwise **processed** before sale. See [Safe Wisconsin Produce](#) for more information on growing safe, high quality produce for sale.

### Prepared Food

**Homemade foods** are prepared in the home, generally in the kitchen where family meals are prepared. If you use your home kitchen to prepare food for sale, you are limited to making **non-**

**potentially hazardous foods** and you must sell directly to the consumer or 'end user' and only in the state of Wisconsin.

**Non-potentially hazardous foods** are those considered safe 'on the shelf'. Non-potentially hazardous foods can be safely held for an extended time without refrigeration.

Non-potentially hazardous foods generally have a pH of 4.6 or below, or a water activity ( $a_w$ ) of 0.85 or less. Most cookies and yeast breads, some confectionary products, and properly canned acidic fruits are examples of non-potentially hazardous foods. Examples of foods that are potentially hazardous and **may not** be prepared at home for sale include, buttercream frostings, cream or custard pies, yogurt and other dairy foods, prepared meals, or

casserole dishes. In addition, certain laws apply to making pet foods, and meat, poultry, and other products.

In December 2022, a Wisconsin judge ruled that individuals may sell homemade, **non-potentially hazardous foods** produced in Wisconsin directly to consumers in the state. If you have questions about making products in your home for sale, **the Licensing Specialists at the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)** can help, call **608-224-4923** for more information.

Sales of homemade foods, when allowed, are **limited to retail sales**, those sales that are directly to the consumer or end user. Retail sales of allowable non-potentially hazardous, homemade foods may be from your home or from a location such as a farmers' market stand. A **farmers' market** is defined as a common facility where two or more farmers or growers gather on a regular basis to sell raw agricultural commodities, eggs, and processed foods that they produce, directly to consumers. A farmers' market is not a roadside stand or a farm stand.



**Home-prepared food may not be sold at a licensed food business, even if you own the business.**

When preparing food at home, a **hygienic family kitchen** will help protect both food safety and food quality.

### **Best Practices for Preparing Food at Home for Sale**

- **Wash** hands often and wear gloves when handling ready-to-eat foods.
- **Use soap and warm water** to keep equipment and work areas clean; keep all equipment in good working order.
- **Sanitize** cleaned work surfaces and equipment after each use. Be sure to follow label directions for any sanitizer used on food-contact surfaces. Bleach is one common food-contact surface sanitizer. See **Tips on Preparing a Bleach Sanitizing Solution** (below).
- Have a **well lit** kitchen.
- **Keep pets out** of the area where you are preparing food for sale.
- Place prepared food in **clean packaging** and clearly **label** all the ingredients, especially allergens.
- **Keep records** of what you prepare and where you sell. Records will help keep your business profitable while also helping you keep track of foods in the event of a recall or foodborne illness investigation.

Be sure to check with your local municipality for zoning regulations and other rules that may apply to a home-based business. More information is available on [Licenses and Homemade Foods](#) (DATCP).

#### **Tips for Preparing a Bleach Sanitizing Solution**

Preparing a bleach sanitizer using regular bleach (5-6% sodium hypochlorite), e.g. Clorox Ultra: Wash surfaces with soap and warm water and rinse with clean water. Prepare a bleach solution and spray or soak surfaces and equipment:

**¼ teaspoon bleach per quart of warm water OR 1 teaspoon per gallon of warm water**

Allow bleach solution to stand on equipment or surfaces for 30 seconds. Air-dry.

**NOTE:** do not use gel, scented, or non-chlorine/color safe bleach.

Note: Foods prepared under **Cottage Foods Laws in other states** may not be sold in Wisconsin. March 2023. [bhingham@wisc.edu](mailto:bhingham@wisc.edu)



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## **Products Exempt from Licensing**

As long as you follow a few rules, you are exempt from having a license to prepare some foods at home or on a farm, including:

- **Apple Cider.** Cider must be pressed and bottled by the vendor. Unpasteurized or unheated (raw) cider must be fully labeled, including an approved warning statement. Cider processors are exempt from licensing only as long as no other food processing activities are occurring. If other foods are being processed, contact the DATCP Licensing Specialists. See [Selling Apple Cider in Wisconsin](#) (Cornucopia).
- **Canned Fruit/Pickled Vegetables/Jams and Jellies.** Home-canned fruits, pickled vegetables, and jams and jellies made in Wisconsin may be sold at farmers' markets or community events in the state. Items must be low-pH (4.6 or below), canned in a home kitchen, and sales are limited to \$5,000 per person per year. Canned goods must be properly labeled, including an ingredient statement, and a notice posted at the point of sale letting consumers know the product is homemade and not subject to state inspection. **Note:** sales of home-canned fruits and acidified vegetables are limited to **farmers' markets** and community or social events. [Selling Home-Canned Foods in Wisconsin](#) (DATCP).
- **Cookies, cakes, and other homemade items.** Home-prepared not potentially hazardous treats may be sold directly to consumers. Items such as cookies and cakes, doughnuts and even roasted coffee beans may now be prepared in your home kitchen without a license and sold directly to consumers in Wisconsin. Items that **would not be allowed** have cream or custard fillings, buttercream frosting or are otherwise potentially hazardous and require refrigeration for safety. Clearly label all allergens. See [Licenses and Homemade Foods](#) (DATCP).



**Candies and confections.** Chocolates, fudge and other non-potentially hazardous confections may be made in a home kitchen and sold directly to consumers in Wisconsin. Clearly label all allergens. See [Licenses and Homemade Foods](#).

**Dehydrated or dried fruits, grains, herbs, and vegetables** may be prepared in a home kitchen and sold directly to consumers. Dry soup mixes and tea blends may be prepared at home, as well as dry spice blends and roasted coffee. See [Licenses and Homemade Foods](#)

- **Field-Dried Vegetables.** No license is required for sale of field-dried peppers or dry beans that are dried naturally in the field. Product must be protected from spoilage and contamination during the natural drying process.
- **Fresh fruits and Vegetables.** Share the bounty of your harvest! You may rinse in clean water, remove roots and package in bulk for delivery. A license is required if you cut, slice, peel, freeze, or otherwise process fruits and vegetables.
- **Honey.** No license required for honey sold as beekeeper's own and no added color, flavors, or ingredients, including air incorporated by whipping. See: [Selling Honey in Wisconsin](#).
- **Maple Syrup.** Producers of maple syrup may bottle and sell their product at retail without a license as long as no other food processing activities are occurring. Product must be accurately labeled. If other foods are being processed, contact the DATCP Licensing Specialists. See [Selling Maple Syrup in Wisconsin](#) (DATCP).

## **License Required**

A **license** is issued annually to an individual at a specific location and may cover a number of different activities. While some food businesses may choose to build a dedicated processing facility on their property, most businesses start out renting a kitchen space. Small businesses may hold a license in a church kitchen, at a local community center, or at a dedicated shared-use



facility (entrepreneurial center). Certain foods may require a specific license type with specific facility requirements. In general, a **retail** license is issued for food that is prepared and sold directly to the consumer; a **food processing plant** license allows the preparation of foods for sale through both wholesale and retail channels.

Selling potentially hazardous items such as eggs, fresh meats, and dairy products at farmers' markets will require **licensing**.

Rules that may apply to foods sold at **farmers' markets or similar venues** include:

- **Bakery items** that are **potentially hazardous** due to a cream or custard fillings or buttercream frosting, or items like cheesecake must be prepared in a commercial kitchen under license and kept cold. A retail license would be required for sale of potentially hazardous baked goods at locations such as farm markets or county fairs.
- **Beef, pork, lamb, poultry and other meat items** must be processed in a licensed meat establishment and require a retail license for sales at a farmers' market. See [Direct Marketing of Meat and Poultry](#).
- **Dairy products** such as fluid milk, cream, butter, cheese, and yogurt must be processed at a licensed facility and a mobile retail license is required for sales at farmers' markets. See [Food, Dairy, and Retail Food Licenses](#).
- **Eggs** from the farm find eager customers at farmers' markets. Small-scale egg producers may package eggs for sale on a sales route or at farmers' markets. A retail license is required. See [Egg Sales & Licensing](#).
- **Fish and seafood** sold at a farmers' market must be processed at a licensed retail food establishment or food processing plant. A retail license is required.
- **Juice products** sold at a farmers' market must generally be processed at a licensed retail food establishment or food processing plant. See [Requirements for Juice at Retail](#). See Apple Cider (p. 3) for rules on preparing and selling cider.
- **Pet foods** must meet standards similar to human foods and are manufactured under license. See [Making Pet Treats for Sale](#).
- **Processed fruits and vegetables**, including frozen, cut, peeled, or sliced fruits and vegetables must be produced under license for sale at farmers' markets. A retail license would be required for sale of items such as frozen or cut vegetables that must be kept cold.
- **Sauces and condiments** such as applesauce may be exempted from licensing if home canned, but other shelf-stable sauces, dressings, and condiments would be prepared under a license. See [Selling Home-Canned Foods in Wisconsin](#) (DATCP).

Call the **Department of Agriculture, Trade and Consumer Protection Licensing Specialists** for answers to your food licensing questions: 608-224-4923 or [datcpdfslicensing@wi.gov](mailto:datcpdfslicensing@wi.gov)