

Cottage Food Webinar Questions

On April 5, 2019, the Public Policy Center at the University of Arkansas System Division of Agriculture hosted a webinar about selling Cottage Food in Arkansas. Following the presentation by the Arkansas Department of Health, there were many questions submitted by participants. The following is a compilation of questions, answers, and resources to help address common Cottage Food questions.

1. Can fruit syrups that are canned be sold? **No, Fruit syrups are not permitted for sale under the Cottage Food Act.**
2. Can items with natural sweeteners like stevia and monk fruit be sold? **No, sugar plays an important role in food safety by binding with the available water in these products and preventing bacterial growth. The use of sugar substitutes may not adequately prohibit bacterial growth.**
3. What is an online farmers market? Can you give an example of what that would be? **An online farmer's market is a website that serves as a marketplace for produce, cottage foods, and other items that are found at a traditional farmer's market. These markets are generally limited to a geographically defined area, such as a single county.**
4. Can people producing cookies out of their home sell their goods on their Facebook page? **The advertisement of cottage foods for sale on social media is not prohibited. However, the sale must be made directly to the end consumer.**
5. Where can we view the language of the Cottage Food Act? **Act 399 of 2017 may be viewed at: www.arkleg.state.ar.us/assembly/2017/2017R/Acts/Act399.pdf**
6. Would bakery include cakes, frosted cakes, and cake pops? **Cakes, frosted cakes, and cake pops would be considered Cottage Food if they do not contain ingredients that require refrigeration for safety. Ingredients requiring refrigeration may include but are not limited to cream cheese fillings and frostings, custard fillings and frostings, and pudding based fillings and frostings.**
7. Would it be against the act to cut fruits to make a fruit salad before selling it? **Yes, the Cottage Food Act does not permit the cutting or slicing of fruits or vegetables. These activities would require a permit from the Arkansas Department of Health.**
8. What about granola and granola bars? **These items may be considered Cottage Food depending on the ingredients used. Please contact the Environmental Health Specialist at your Local Health Unit for information related to your specific products. For a list of Local Health Units please visit: www.healthy.arkansas.gov/local-health-units**

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9. Is meat jerky a Cottage Food? **Meat jerky does not fall under Arkansas' Cottage Food Law. See the next question.**
10. What if cured, smoked or dried meats are produced and packaged by a USDA facility? **Cured, smoked, or dried meats that are produced and packaged by a USDA inspected facility that DO NOT require refrigeration may be sold at a Farmer's Market without a permit. These items do not fall under Arkansas' Cottage Food Law.**
11. I've bought homemade goat cheese at a Farmers' market before. How were they able to sell it? **The sales of homemade goat cheese or any other homemade cheese are NOT allowed under the Cottage Food Act and are prohibited from sale at a Farmer's Market.**
12. Why are canned fruits, vegetables and salsa prohibited but canned jams and jellies are allowed? **Canned jams and jellies are specifically identified in the Cottage Food Act and therefore they are allowed to be sold. If a food does not fall into one of the exemptions listed in the act, it requires a permit.**
13. If you observe non-allowable products being sold, who do you report it to? **If you have concerns about the safety of any food product in Arkansas you can contact the Arkansas Department of Health Retail Food Section at 501-661-2171 or online at: www.healthy.arkansas.gov/programs-services/topics/food-establishment-complaint-and-feedback**
14. What about freeze dried food items? **Freeze dried foods are not permitted to be sold under the Cottage Food Act.**
15. How would you obtain a permit if you wanted to make and sell items that are not Cottage Food? **Please contact the Environmental Health Specialist at your Local Health Unit for information about the permitting process. We are here to help you. For a list of Local Health Units please visit: www.healthy.arkansas.gov/local-health-units**
16. I know that cream cheese is not allowed in Cottage law, but if it is baked into a product is it ok? **No, cream cheese is not allowed to be used as an ingredient in cottage foods. Foods such as cheesecakes are still considered Time/Temperature Control for Safety (TCS) Foods even after the product is baked.**
17. Can foods processed in a health department-inspected kitchen be sold in a farmers' market (such as pickles, salsa, pickled vegetables)? **There is a misconception between the terms "health department inspected" and "permitted" facility. A person who wants to sell pickles, salsa, etc. needs to have a permit in the name of their business. Each product may also have requirements that need to be met before they are sold. Contact your local health department unit for more information.**
18. Can dried blended herbs and teas be sold? **Only if dried blended herbs and teas are obtained commercially prepackaged and sold in the same packaging.**

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19. Can I make jelly from any fruit? **No. Contact your local health department unit with questions about specific ingredients.**
20. Can you sell raw shelled field peas at a farmers' market? **Shelled peas may not be sold at a farmers market unless you have a permit from the Arkansas Department of Health.**
21. What items require sales tax? **This is a question for Department of Finance and Administration. You can find more information at www.dfa.arkansas.gov/excise-tax/sales-and-use-tax/ or call 501-682-7104.**
22. What about pepper jelly that has fruit with it, such as a strawberry jalapeno jelly? **Jams and Jellies that use peppers and other ingredients likely require additional food safety controls, such as acidification, for safety and therefore cannot be sold as a Cottage Food.**
23. Are honey suckers/lollipops allowed? **Candies are allowed to be sold under the Cottage Food Act. Honey suckers/lollipops would be considered candies.**
24. Are we allowed to accept online payments for Cottage Foods? **The Cottage Food Act does not address the methods of payment that can be used.**
25. Has there been any updates relating to the sale of honey and honeycomb? Are there any labeling requirements? **Honey is not included in the Cottage Food Act. We do not restrict the sale of honey unless you produce more than 500 gallons.**
26. Explain when you need a retail permit and a manufacturing permit. **A permit is required from the Arkansas Department of Health for the sale of any food that is not specifically exempted by Arkansas law. A retail permit is required when the sale of food will be to the end user or consumer and a manufacturing permit is required when the sale of food will be to another party that then resells the food.**
27. Do school bake sales need permits? **Temporary sales of food by non-profit organizations are not required to obtain a permit from the Arkansas Department of Health.**
28. What will define a food as a jelly or candy? If we find a recipe, how can we be assured it's allowed? **Please contact the Environmental Health Specialist at your Local Health Unit for information related to your specific products. For a list of Local Health Units please visit: www.healthy.arkansas.gov/local-health-units**
29. Can I bake cookies using store bought jellies, like thumbprint cookies? **Yes**

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30. Are soaps that include goat milk included in this? **Goat milk and soap do not fall under the Cottage Food law.**
31. Where can we find the full Cottage Food law? **Arkansas Code 20-57-201 et seq. can be found by going to www.arkleg.state.ar.us. Look on the left-hand column, and click on "Search/View Arkansas Code and the Constitution of 1874". This will take you to a page where you can search the Arkansas Code. You can search by entering the code number or entering "Cottage Food" in the search field.**
32. Customers can come pick up my product when they purchase it. Can I also deliver my products to someone? **The Cottage Food Act allows for the sale of Cottage Food "from the site where they are produced," "at a farmer's market, at a county fair, or at a special event." You may not deliver your products to customers.**