

# FACT SHEET

## for certain home-processed, home-canned & home-baked foods



This fact sheet addresses recent issues relating to certain home-processed, home-canned and home-baked foods.

Products covered are pickles, vegetables or fruits having an equilibrium pH value of 4.6 or lower and non-temperature-controlled baked goods that do not require refrigeration.

The food products can only be sold at community and nonprofit events or farmers markets located in North Dakota. This includes such events as: county fairs, nonprofit and charitable events, public spirited and/or community celebrations and farmers markets and roadside stands.

It does NOT include:

Craft shows, food festivals, or other for profit events nor sales to other businesses; interstate or internet sales, or sales from ones home or business.

The individual who is selling home-processed, home-canned and home-baked foods under this exemption should have available, upon request of the regulatory authority, the product's recipe and/or pH results.

The seller must display a sign or placard at the point of sale which states:

***These canned goods/baked goods are homemade and not subject to state inspection. These food products have been produced in a domestic kitchen and have not been produced under inspection.***

Persons producing and selling these products are urged to have the recipe and manufacturing process reviewed by a person knowledgeable in the food canning/processing industry and recognized as a process authority.

If you have questions, please contact your local health unit or:

**KENAN BULLINGER, DIRECTOR**  
Director of Food and Lodging  
North Dakota Department of Health  
Call: 701.328.1291 OR Toll Free: 1.800.472.2927  
<http://www.ndhealth.gov/DoH/contact.htm>

### Labeling requirements:

Each food container and/or food item sold must have a label that contains the following:

- name of product
- name of producer and contact information
- date the product was made or canned
- ingredients (*list ingredients in the product in descending order from the largest to the smallest in net weight or volume; actual weight or volume of ingredients do not need to be listed*)

PLEASE INCLUDE THIS disclaimer statement:

**"This product was not produced in a commercial kitchen. It has been home-processed in a kitchen that may also use common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish."**

**These food products have been produced in a domestic kitchen and have not been produced under inspection.**

Use a font size that is prominent, conspicuous, and easy to read.

# Home-Processed & Home-Canned Foods

## You may not sell

Foods that require refrigeration

Fresh-processed (not canned) foods that require refrigeration such as fresh salsa, pesto, etc.

Foods that are home-processed or home-canned such as home-canned fish, pickled eggs and meat.

**NOT ALLOWED:** Certain foods are not allowed to be sold under these rules.

Home-canned, low-acid foods such as:

- peas,
- green beans,
- beets,
- carrots

Any non-acidified foods processed by either the use of a boiling water bath or by the use of a home pressure cooker.

Some foods naturally have a pH of 4.6 or greater. These foods include:

artichokes	asparagus
beans (lima, string, kidney, Boston style, soy, waxed)	
beets	broccoli
Brussels sprouts	cabbage
carrots	cauliflower
horseradish	sweet corn
egg plant	mushrooms
peas	most peppers
potatoes	squash
spinach	vegetable soups

***These foods are not allowed unless the pH of these foods is reduced to pH 4.6 or less.***

## Home-Baked Foods

**ALLOWED:** Home-baked foods may include but are not limited to lefse, bread, rolls, fruit pies, candies/confectioneries, and cookies & bars.

**NOT ALLOWED:** Foods that require refrigeration may not be sold under this ruling. These foods include home-baked foods such as custards, custard-filled pastries, meringue-topped pies or pastries, kuchen, pumpkin pies, cream pies or other pies, pastries or baked goods that are considered potentially hazardous or require temperature control.

## PRODUCTS NOT COVERED UNDER THIS RULE:

Certain foods fall under regulatory jurisdiction and are not exempted by this ruling. ***YOU MAY NOT SELL:***

- fish
- dairy
- poultry or
- meat products including:
  - smoked fish
  - butter
  - raw milk
  - jerky or
  - potentially hazardous products such as garlic and oil mixtures or other flavored oils.

## You may sell

**ALLOWED:** Food that have a natural pH of 4.6 or less and acidified foods which have acid(s) or acid food(s) are added. ***The final pH of the food must be 4.6 or less.***

Home-canned high acid foods such as:

- sweet or dill pickles
- tomatoes
- salsa
- apples
- cherries
- grapes
- plums
- peaches,
- flavored vinegars
- naturally fermented foods such as sauerkraut pickles and KimChi

***When in doubt -  
check it out!***

Please contact your local health unit or:

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