

Direct Marketing Regulations*

Florida Small Farms and Alternative Enterprises Conference

LIVESTOCK

The processing of meat and livestock for sale direct to consumers is regulated by the Florida Department of Agriculture and Consumer Services (FDACS) and the United States Department of Agriculture (USDA), depending on the type of sale. For the purposes of this section, “livestock” refers to cattle, swine, sheep, and goats.

Custom Meat Processing

Producers may sell livestock by live weight to the end consumer. The end consumer then contracts with a custom slaughterer. Sometimes the producer may negotiate this contract. The custom slaughterer must be licensed by the Florida Department of Agriculture and Consumer Services. Custom slaughtered meat is considered “uninspected”, and cannot be resold. It can only be consumed by the owner of the animal.

The end consumer may elect to cut and wrap their own meat or may contract with a custom meat processing facility for this service. Licensed custom slaughter and custom meat processing facilities are often found in your local phone book.

Further Information:

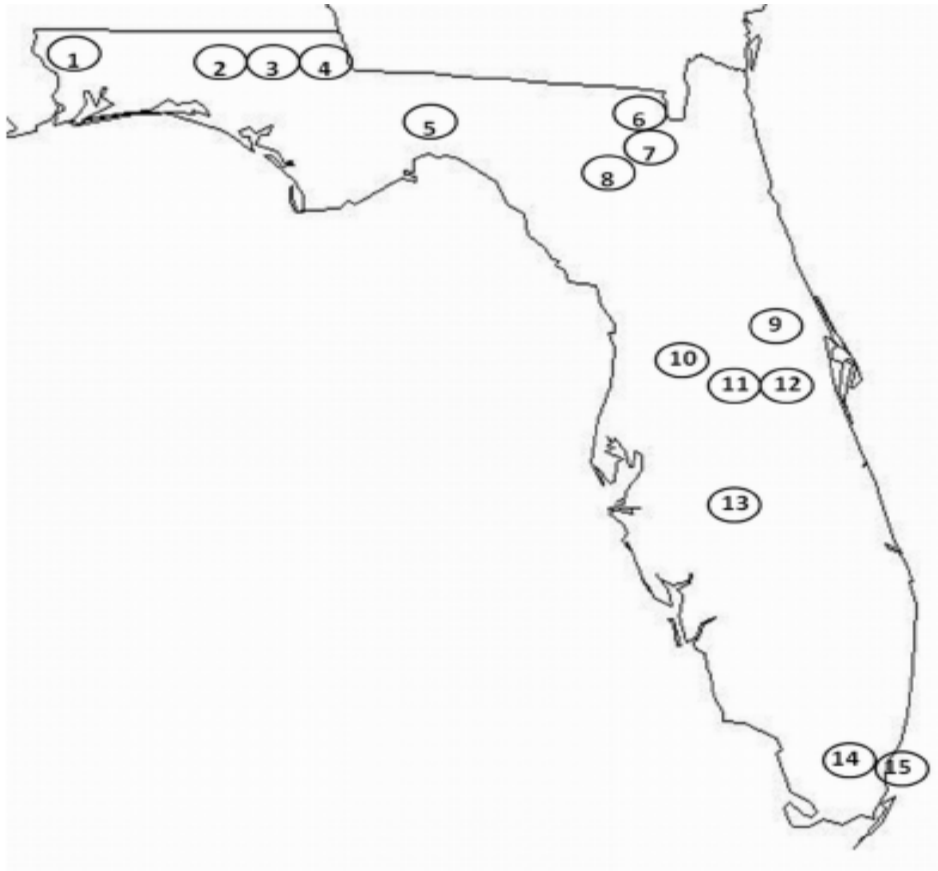
For more detailed information on custom meat processing visit:

<http://edis.ifas.ufl.edu/AN204>

USDA Inspected Meat Sales

Producers that wish to sell meat from livestock as opposed to live animals must have the animals slaughtered and processed in an USDA inspected facility. Some facilities have minimum head number requirements or work only on contract and many process only beef. There are currently fifteen USDA facilities that process meat and animal products in Florida and they are included on the diagram below. For more information including the name, services offered and contact info:

<http://edis.ifas.ufl.edu/pdffiles/AN/AN20300.pdf>

USDA INSPECTED FACILITIES IN FLORIDA**Further Information:**

To find answers related to USDA inspection policies, programs, systems, and procedures as well as to submit a new question or sign up to be notified when answers to questions are updated visit: <http://askfsis.custhelp.com> or contact the USDA technical service center at 1-800-233-3935.

LABELING PROCESS FOR MEAT PRODUCTS**Generic Labels**

The labeling process begins and ends with USDA inspected facility that will be handling your meat. In most cases these facilities will have a generic label that is affixed to all meat products leaving the facility. This generic label requires that all mandatory labeling features are in conformance with FSIS regulations. Although such

labeling is not submitted to FSIS for approval, it is approved and, therefore, may be applied to products in accordance with agency's prior labeling approval system.

Generic labels may be applied without prior approval if they:

- Are single ingredient products which do not bear any special statements or claims (e.g., animal production claims and nutrient content claims)
- Contain all mandatory items on the label.

According to FSIS, a farmer may place his/her name, logo or farm seal on a package that contains a generic label affixed by the USDA facility. As long as the farm name, logo, or seal is not claim worthy. For example, organic valley farm, grass-fed farms, or all natural farms.

Sketch Label Approval

If you wish to make special label claims or further process single ingredient products a sketch label will need to be submitted to FSIS one month prior to expected use. Once again, this sketch label must be submitted by the USDA inspected facility, not the producer.

Sketch labeling is a printer's proof or equivalent which clearly shows all labeling features, size, location, and indication of final color. FSIS will accept sketches that are hand drawn, computer generated, or other reasonable facsimiles that clearly reflect and project the final version of the label.

The label application should consist of:

- Requests for sketch approval are submitted to LPDD using FSIS Form 7234-1.
<http://www.fsis.usda.gov/FSISForms/7234-1.pdf>
- Three copies of completed FSIS Form 7234-1
- A sketch label attached to each completed copy of FSIS Form 7234-1.
- Documentation to support labeling claims. These can consist of testimonials from agricultural professionals familiar with your operation, affidavits declaring the specifics of your production practices etc., written animal production protocols explaining controls for assuring the production claim or submission of a certification from a third party certifying entity.

Further Information:

The Niche Meat Processor Assistance Network recently hosted a webinar that covers labeling and special claims. Previous webinars and other valuable information regarding small-scale processing related information can be found at: http://www.extension.org/pages/Archived_Niche_Meat_Processor_Webinars

PROCESSED FOODS

State regulations for food processing are outlined in Florida Statutes, Chapter 500, more commonly referred to as the Florida Food Safety Act. According to this law, a raw agricultural commodity has been processed when you cook, freeze, dehydrate, mill or handle food in any manner of preparation for sale for human consumption. Processed foods include: dried fruits, jams, salsa, sauces, cheese, dried herbs, teas, breads, cookies, cider, blended salad greens, cracked pecans, etc.

All businesses selling processed foods direct to the consumer at farmers markets, on-farm, or any other location must obtain a Food Permit from the FDACS Division of Food Safety. The annual food permit is issued to a facility and will allow individuals to process and sell multiple food products.

Permitted Facility

A facility that meets all the requirements to process food products is referred to as a permitted facility. Individuals can build, retrofit or rent/lease a facility that meets the minimum construction standards based on the following standards published by FDACS: http://www.doacs.state.fl.us/fs/min_standards_chklist.pdf.

Below should serve as an overview of the requirements and is not all inclusive.

Summary of Minimum Construction Guidelines

The size of the facility should comfortably house all of the equipment. Facility must be separate from living quarters with the exception of an attached room to the homestead where there is no direct access to living quarters. A sealed concrete floor and washable paint on the walls and ceilings is sufficient to meet the requirements for smooth surfaces that can be cleaned easily.

A three-compartment will be necessary to wash, rinse and sanitize equipment and commodities. A separate hand washing sink is also necessary. Mop water cannot be dumped in the three-

compartment or handwashing sinks therefore a separate mop sink or floor drain is required. All three sinks require hot and cold running water.

Facility should be well lit; the minimum guidelines stipulate a 50 foot candle of light requirement in food processing areas. Typically, a household 60 watt bulb is sufficient to meet this requirement. All lights must be shielded. A bathroom that meets the Florida plumbing code may be needed and access to this bathroom is prohibited through food processing areas.

The water supply must be adequate, clean, safe, and approved by the Department of Environmental Protection through a licensed water provider like a municipal supply. For well water systems, you will need to contact your County Health Department to submit a water sample and receive an analysis stating your water is clean, safe and adequate for human consumption.

Waste water must be disposed of properly. When using a municipal sewage system you will need the utility provider to sign off that they are approved by the Florida Department of Environmental Protection. Septic tanks are regulated by the County Health Department and they will approve this step of the process. A residential septic system may not be suitable. However, your local Department of Health will determine if an additional tank is required for the processing facility. Be sure to communicate the small-scale of your operation to the inspector.

Food Protection Certification

In order to receive a food permit, an individual will need to complete the Food Protection Manager Certification Program. "Food manager" means a person responsible for all aspects of the operation at a food establishment regulated by the department under the Florida Food Safety Act. All food establishments including mobile vendors permitted by the department must have a certified food manager. Certification costs will usually run \$110-\$160. To be certified, individuals will need to take an exam. Training may be available and certification is good for 5 years. Study guides are advised if you wish to bypass training. There are currently three accredited certifying organizations that offer testing in Florida. For more information regarding examinations visit: <http://foodsafety.ifas.ufl.edu/IndexFSQP.HTM>

Permit Fees

The price of the food permit will vary based on the commodity being processed. However, if a producer's total gross sales are less than \$15,000 per year they are eligible for a limited sales category which will significantly reduce the cost of the food permit. For a complete list of food permit fees visit: http://www.doacs.state.fl.us/fs/permit_fees.pdf

Opening Inspection

Once the facility has met the aforementioned minimum construction standards and an individual has become a certified food manager, an initial inspection can be requested by contacting FDACS Division of Food Safety. This form should be completed and returned to FDACS at least 10 days prior to your scheduled opening. The request for initial inspection can be obtained: <http://www.doacs.state.fl.us/onestop/forms/14221.pdf>

Further Information:

For an information clearinghouse on food permits and references visit: <http://www.doacs.state.fl.us/fs/permitrq.html>

LABELING OF PROCESSED FOODS

All processed foods sold direct to wholesale or retail must bear labels on their packaging. This includes processed foods sold at farmers markets, on the Internet, to restaurants, or grocery stores. This includes prepackaged, chopped, canned, baked, and frozen foods. The State of Florida food labeling requirements are based upon the Food and Drug Administration's Labeling Guide: <http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/default.htm>

Processed food labels must meet these requirements:

Language

All information must be legible and in English; other languages may be present, but English is required.

Product identity

The common or usual name of the food product is prominent on the principal display panel (i.e. *Pumpkin Bread, whole bird, blueberry jam*).

Ingredient Statement

Ingredients must be listed by their common or usual names in descending order of their predominance by weight. All ingredients must be listed in the ingredient statement with all subcomponents listed in parenthesis. For example: Butter (cream, salt, annatto). Subcomponent ingredients must also be listed in descending order. Font size of ingredient statement must be at least 1/16 of an inch as measured for the lower case "o".

Name and Address

Labels must include the name and street address of the producer/processor, packer or distributor's principle place of business.

Street address may be omitted if the business is listed in a current city or telephone directory. Company name, City or town, State, and ZIP code is still required. Phone numbers and Internet addresses can be added, but cannot be used instead of the name and address.

Net Weight

Accurate statement of quantity of the contents by weight in **both** U.S. Customary and metric values. Statement must appear within the lower 30 percent of the label panel, in lines generally parallel to the base of the package. The net weight must appear in conspicuous and easily legible boldface print or type in direct contrast to other matter on the package. Below is the acceptable format for reporting net weight:

Net wt 1 lb 8 oz (680g)

Net wt 1 lb 8 oz 680 g



Perishable Foods

If products require refrigeration before or after opening, such information must be on the label.

Nutritional Panel

Nutritional information is required on the label for most packaged and processed foods. Producers whose gross sales are less than \$50,000 per year and sell to outlets whose gross sales are less than \$500,000 per year are exempt from nutritional value labeling requirements. However, producers selling a product that makes a

nutrition claim (e.g. “Supplies 100% of daily recommended amount of Vitamin C!”) are not exempt.

DRESSED POULTRY

The number of birds processed (slaughtered) per year and sales venue determines the licensing and inspection requirements for selling poultry direct to the consumer in Florida. Poultry processing is regulated by the Florida Department of Agriculture (FDACS) and the United States Department of Agriculture (USDA).

1 to 19,999 birds A poultry farm or processing business that slaughters from 1 to 19,999 birds can become licensed as a FDACS food processor. Those who wish to process/slaughter more than 20,000 birds must follow the USDA regulations. As mentioned earlier, an annual food permit is required to process food for direct sale to consumers.

Therefore, a facility that meets all the requirements process products is referred to as a permitted facility. Individuals can build, retrofit or rent a facility that meets minimum construction standards published by FDACS:

http://www.doacs.state.fl.us/fs/min_standards_chklist.pdf

Once the facility has met the aforementioned minimum requirements, an initial inspection can be requested by contacting FDACS Division of Food Safety. The DACS-14221 Form or more properly known as the request for initial inspection can be obtained at:

<http://www.doacs.state.fl.us/onestop/forms/14221.pdf>

The permit category for poultry processor is “Processor, Other Perishable Foods” and cost is currently \$490 per year. If the annual gross food sales are less than \$15,000 per year, individuals can apply for a food permit under the “Limited Sales” category which reduces the cost of the permit to \$130 per year. The permit year runs from January 1 to December 31. If a new establishment opens after July 1st, the fee is reduced to \$294.

Dressed Poultry Labeling

It is unlawful to sell packaged dressed or ready-to-cook poultry at retail unless such poultry is labeled to show the grade, the part name or whole bird statement, the net weight of the poultry and the name and address of the poultry dealer. The size of the type

on the label must be 1/8 of an inch or larger. The grade may be expressed in the term “premium,” “good,” or “standard.”

Food Protection Certification

In order to receive a food permit, an individual will need to complete the Food Protection Manager Certification Program. "Food manager" means a person responsible for all aspects of the operation at a food establishment regulated by the department under the Florida Food Safety Act. All food establishments including mobile vendors permitted by the department must have a certified food manager. Certification costs will usually run \$110-\$160. To be certified, individuals will need to take an exam. Training may be available and certification is good for 5 years. Study guides are advised if you wish to bypass training. There are currently three accredited certifying organizations that offer testing in Florida. For information regarding where and when examinations visit: <http://foodsafety.ifas.ufl.edu/IndexFSQP.HTM>

POULTRY EGGS

Under 3,000 Layers

In Florida, individuals that sell, offer for sale or hold for the purpose of sale any number of eggs fall under the jurisdiction and regulation of the Florida Department of Agriculture and Consumer Services (FDACS) Division of Food Safety. If you plan to sell eggs for human consumption and your flock size is more than 3,000 layers or you plan to sell eggs wholesale you will fall under the jurisdiction and regulation of the USDA Food Safety and Inspection Service. The objective of this document is to provide an overview of the steps that need to be taken in order to comply with FDACS existing regulations for selling eggs. The three areas to be discussed are the facility minimum standards, permitting process and requirements as well as labeling.

Permitted Facility

Therefore, a facility that meets all the requirements process products is referred to as a permitted facility. Individuals can build, retrofit or rent a facility that meets minimum construction standards published by FDACS:

http://www.doacs.state.fl.us/fs/min_standards_chklist.pdf

Once the facility has met the aforementioned minimum requirements, an initial inspection can be requested by contacting FDACS Division of Food Safety. The DACS-14221 Form or more

properly known as the request for initial inspection can be obtained: <http://www.doacs.state.fl.us/onestop/forms/14221.pdf>

The permit category for poultry processor is “Processor, Other Perishable Foods” and cost is currently \$490 per year. If the annual gross food sales are less than \$15,000 per year, individuals can apply for a food permit under the “Limited Sales” category which reduces the cost of the permit to \$130 per year. The permit year runs from January 1 to December 31. If a new establishment opens after July 1st, the fee is reduced to \$294.

Packaging and Labeling

Eggs can be sold in new cartons if they are washed, sized, graded and properly labeled. To learn more about requirements for egg grading contact the USDA office in Florida at 813-744-6280. If eggs are not graded, they are considered unclassified eggs (washed eggs that have not been graded for size and quality) and must be sold in flats or bulk. A placard must be displayed at the point of sale stating the following: “These eggs have not been graded as to quality and weight”. The placard must not be smaller than 7 inches by 7 inches in size. Eggs will need to be maintained at 45° F from the processing facility to the point of sale. Coolers are sufficient if the eggs are maintained at 45° F or below.

Food Protection Certification

In order to receive a food permit, an individual will need to complete the Food Protection Manager Certification Program. "Food manager" means a person responsible for all aspects of the operation at a food establishment regulated by the department under the Florida Food Safety Act. All food establishments including mobile vendors permitted by the department must have a certified food manager. Certification costs will usually run \$110-\$160. To be certified, individuals will need to take an exam. Training may be available and certification is good for 5 years. Study guides are advised if you wish to bypass training. There are currently three accredited certifying organizations that offer testing in Florida. For information regarding where and when examinations visit: <http://foodsafety.ifas.ufl.edu/IndexFSQP.HTM>

FRESH SALAD MIXES

Farmers selling fresh salad greens are exempt from obtaining an annual food permit from the FDACS Division of Food Safety when salad greens are marketed and sold in the following ways:

No Food Permit Required

Wash before Eating: Packaged whole, uncut salad greens that are put in packaging with clear labeling that indicates the product must be washed before eating.

Whole Leaf and Plant: Salad greens with the whole leaf or plant harvested at ground level with no further cutting, chopping, or mixing.

Mixed Seeds: A blend of salad greens that are grown and harvested together, and are the result of seeds mixed together before planting, and are not presented as “ready to eat”.

Farmers selling fresh salad mixes are required to have an annual food permit from the FDACS Division of Food Safety when mixes are handled in any of the following ways:

Food Permit Required

Mixing: Salad greens that are grown separately but mixed together by the producer and offered for sale.

Cutting: Salad greens that are cut or chopped and offered for sale.

Ready to Eat: Salad mixes that are packaged and advertised or presented as “ready to eat.” For example: Packaged salad mixes placed in a closed bag for sale, are considered “ready to eat”, unless labeled “Wash before eating.”

RENTING OR LEASING A FACILITY

If you wish to process your farm produce but do not have the facilities or capital to invest in infrastructure, you may find a facility that you can use. Some restaurants, community centers, and halls, for instance, allow the use of their facilities for food processing. “Commercial” or “community” kitchens may be available in your area.

This facility must also comply with the minimum construction standards previously mentioned and each business that processes food in that facility must have a FDACS Food Permit. It is my recommendation that businesses selling processed foods should also have adequate product liability insurance.

CONCLUSION

*Please understand that these were the interpretations of the rules, laws, definitions and statutes as of July 15, 2009. These rules are subject to change at the discretion of USDA, FDACS, and the Florida Legislature. This document was developed to help

producers understand the promulgated rules governing direct marketing in Florida. If you have any questions or need technical assistance please feel free to contact the agencies and individual below.

CONTACT INFORMATION

Florida Department of Agriculture and Consumer Services

Division of Food Safety
3125 Conner Boulevard, Suite D
Tallahassee, Florida 32399-1650
Phone: (850) 245-5595
Fax: (850) 245-5553
Email: foodsafety@doacs.state.fl.us

United States Department of Agriculture

Food Safety and Inspection Service
Policy Development Division
Phone: (402) 344-5000
Fax: (402) 344-5005
Hotline: 1-800-233-3935 (6 a.m.–5 p.m. CT)
<http://askfsis.custhelp.com>

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