



# On-Farm Local Food Sales: The Basics



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Virginia Tech  
Virginia Cooperative Extension

# Before You Get Started

- Check your zoning laws
- Plan for your business
- Understand your market and food you want to produce for that market
- Get familiar with the correct regulations and exemptions
- Get inspected if required



# Check Your Zoning Laws

- May not be able to conduct business as you wish
- Make sure you are zoned for business activities
- Some towns/cities/counties do not allow home-based businesses even if allowed by state regulation



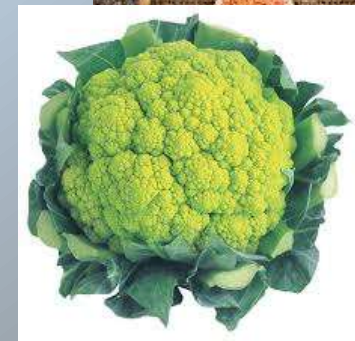
# Plan for Your Business

- Develop a business plan
  - Needed for funding
- Write a marketing plan
- Where to sell
- How to advertise
- Who to target
- Check on your competition
- Consider the current trends



# 2015 Trends

- Going local/artisanal
- Green/Eco-friendly
- Alternate Proteins
- Gluten-free
- Fermented/Brined/Pickled Foods
- Healthy Definition Change
  - Low Calorie/Heart Healthy
  - Fresh
  - Simple Ingredients
  - Humane/Sustainable
- On-the-go Healthy
- Produce hybrids



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# Who Regulates What?



- U.S. Dept. of Agriculture (USDA) - Production and distribution of meat (2% or greater), poultry (2% or greater) and whole eggs
- U.S. Food and Drug Administration (FDA) - Production and distribution of all other non-meat packaged food
- States/local governments
  - Virginia Department of Agriculture (VDACS)
    - Inspection program considered “at least equal to” USDA (meat) and FDA (non-meat) inspection programs
  - Virginia Department of Health (VDH)
    - Operates under FDA Food Code (Currently 2009 version)
    - Local jurisdictions may have more stringent codes

# Who Regulates What: VA Department of Agriculture and Consumer Services (VDACS)

- Food Manufacturers
- Commercial
- Home
- Food Warehouses
- Supermarkets and Convenience Stores
- Seafood markets
- Bakeries
- Farmer's Markets Vendors (Overseen by local and state government)



# Who Regulates What: VA Department of Health (VDH)

- **Restaurants**
- **Catering Operation**
  - Trucks and mobile units
- **Carts and mobile units**
- **Bed and Breakfasts**
- **Delis (Not attached to Store)**
- **Convenience Store Delis**
  - Greater than 15 seats
  - Associated with a national chain
- **Private Farmer's Markets (Usually only inspect mobile units and foods needing temperature control for safety)**





# Home-based Kitchens or Separate Commercial Kitchen?

- VDACS
  - Allows home-based businesses
    - **Pets must be excluded by doors on kitchen and storage areas (Keeping pets in closed rooms will not satisfy requirement)**
  - Does not allow home kitchens to be used for dairy product or meat products manufacturing
    - Facility must be separate facility from home kitchen
- VDH
  - Does not allow home-based businesses
  - Must be separate facility from homeowner's kitchen



# Virginia Department of Agriculture and Consumer Services (VDACS)

[www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)



# VDACS Resources

- Virginia Department of Agriculture and Consumer Services (VDACS)

[www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

- Office of Food Safety and Inspection

- Assists in facility planning and layout
- Authorizes facility for food processing
- Enforces food regulations
- Divisions include:
  - Dairy and Foods (FDA-regulated products)
  - Meat and Poultry (USDA- regulated products) Officer
  - Consumer Affairs

- Office of Plant Industry Services-Agricultural Commodity Inspection – Animal Feeds and Treats



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# VDACS Resources



- Virginia Department of Agriculture and Consumer Services (VDACS)
  - Office of Marketing Services
    - Virginia's Finest Trademark Program
      - Contact Olivia Wilson at [olivia.wilson@vdacs.virginia.gov](mailto:olivia.wilson@vdacs.virginia.gov) or call toll-free 800.284.9452
      - VDACS  
Virginia's Finest Trademark Program  
102 Governor Street  
Richmond, VA 23219
    - Virginia Grown Program – direct marketing program for growers
    - Marketing Board News
    - Trade Event Notification
    - Grading Services
    - Connecting with Food Distributors



## REGULATORY SERVICES

- [Consumer Services](#)
- [Marketing Services](#)
- [Regulatory Services](#)
- [News and Events](#)
- [About VDACS](#)
- [Special Programs and Quick Links](#)
- [Charitable Gaming](#)
- [Social Media](#)

The Department provides the following services on behalf of the Commonwealth:

- Administers assigned consumer protection laws and regulations to maintain integrity between buyers and sellers;
- Administers regulatory programs to ensure that safe, wholesome, unadulterated and truthfully labeled food and agricultural products are offered for sale to consumers;
- Administers assigned environmental protection laws and regulations to protect the environment from pesticide misuses, plant insects and plant diseases, and to protect endangered plant and insect species;
- Protects consumers against fraudulent, deceptive and illegal practices in order to reduce the incidence of economic crime while improving the ability of the consuming public to make informed decisions;
- Assists in the resolution of product and service disputes, and
- Prevents unfair competition between regulated industries.

### Food Safety and Inspection

[Dairy and Foods](#)  
[Meat and Poultry](#)

### [State Milk Commission](#)

### Consumer Protection

[Charitable and Regulatory Programs](#)  
[Plant Industry Services](#)  
[Weights and Measures](#)

### Environmental Protection

[Pesticides](#)  
[Endangered Species](#)  
[Aq Stewardship Program](#)

### [Animal Health, Welfare & Laboratory Services](#)



Virginia  
Department of

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Home | Regulatory Services | Dairy and Foods

Contact Us | 

GO

**REGULATORY SERVICES****Dairy and Foods**[Submit a Consumer Complaint](#)**Start a New Food Business**

- [Dairy Farms and Milk Haulers](#)
- [Cheese-making Operations](#)
- [Home and Commercial Kitchen-based Businesses and Food Service Vendors](#)
- [Food and Beverage Manufacturing Facilities and Warehouses](#)
- [Retail Food Stores and Frozen Dessert Shops](#)
- [For restaurants, caterers, hospitals, and schools](#)

**Information for Existing Businesses**

- [Contact Us](#)
- [Virginia Food Laws](#)
- Dairy Regulations
- [Food Safety Program Annual Fees – FAQs](#)
- [Food and Beverage Manufacturer Regulations](#)
- [Retail Food Store Regulations](#)

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## REGULATORY SERVICES

### Meat and Poultry

- Consumer Services
  - Marketing Services
  - Regulatory Services
  - News and Events
  - About VDACS
  - Special Programs and Quick Links
  - Charitable Gaming
  - Social Media
- 



The goal of the Office of Meat and Poultry Services (OMPS) is to ensure the production of safe, wholesome, and truthfully labeled meat and poultry products as well as humane treatment of the livestock that are processed. OMPS provides inspection service to individuals or companies that slaughter and/or process meat and poultry products.

### Publications

- [A Guide to Virginia's Meat and Poultry Inspection Program](#)
- [Directory of Establishments](#)
- [How to Obtain State Meat and Poultry Inspection](#)
- [Establishment Design and Construction](#)
- [Requirements for a Custom Permit](#)
- [Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection](#)
- [Requirements of the Poultry Products Inspection Act](#)
- [Virginia Meat and Poultry Inspection Act](#)
- [Virginia Meat and Poultry Inspection Regulations](#)
- [USDA/FSIS](#)

### For more information, please contact:

**Barry Jones, Acting Program Manager**  
VDACS Office of Meat and Poultry Inspection  
P.O. Box 1163, Richmond, VA 23218  
804.786.4569  
Email: [barry.jone@vdacs.virginia.gov](mailto:barry.jone@vdacs.virginia.gov)

### Forms

# Office of Dairy and Foods Inspection

## Exemption

- Private home where resident is processing specific food products (no meat, poultry or dairy)
  - Sold to individuals for their own consumption and **not for resale**
  - Sold at the private home or at farmer's markets
  - Labeled “NOT FOR RESALE – PROCESSED AND PREPARED WITHOUT STATE INSPECTION”
  - Cannot be sold to other establishments (wholesale or retail) or on internet





# Office of Meat and Poultry Exemptions

- Custom Exemption
  - Owner of the livestock or poultry slaughter for own use or for use by members of his household or nonpaying guests
  - Cannot be sold
  - Must be marked “NOT FOR SALE”
  - Custom Permit – custom slaughtering animals owned by others
  - Cannot cross state lines
- No meat (only poultry) can be sold without inspection!

# Office of Meat and Poultry Exemptions

- Poultry Exemption
  - Poultry can be sold wholesale
    - *FDA Food Code requires poultry sold at retail stores and prepared in restaurants to come from an approved source*
  - Basic sanitary requirements must be met
  - Selling direct to consumer:
    - 1,000 birds up to 20,000 birds/year must apply for Poultry Permit of Exemption
    - Less than 1,000 birds permit may not be needed
    - Must maintain records
  - Selling to restaurants, hotels, or boarding houses
    - Must apply for Poultry Permit of Exemption
    - No more than 20,000 birds/year
    - Must maintain records
  - Cannot cross state lines



# Office of Meat and Poultry Exemptions

- Retail Store Exemption
  - Meat and poultry products can be further processed in retail stores for sale to household consumers, hotels, or restaurants, or similar institutions
    - *All meat processed for sale in a retail store must have been passed by either federal (USDA/FSIS) or Virginia state inspection (VDACS OMPS)*
      - ***Process limited to cut-up of already slaughtered product under inspection***
    - *Poultry sold in a retail store must have been passed by either federal (USDA/FSIS), Virginia state inspection (VDACS OMPS), or been received from a business that has a Virginia Poultry Permit of Exemption*



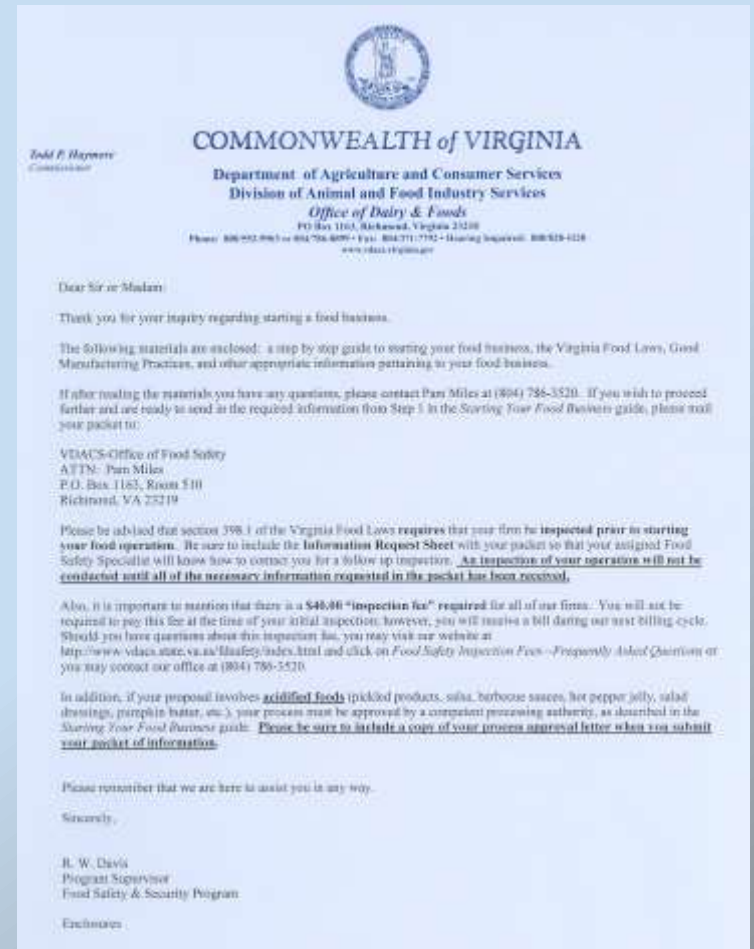
# Office of Meat and Poultry Exemptions

- Restaurant Exemption
  - Meat and poultry products can be prepared in restaurants for sale or service in meals or as entrees directly sold to individual consumers at the establishment.
  - Applies to caterer which delivers or serves product in meals or as entrees only to individual consumers.
    - *All meat prepared at the restaurant/caterer must have been passed by either federal (USDA/FSIS) or Virginia state inspection (VDACS OMPS).*
    - *Poultry prepared at the restaurant/caterer must have been passed by either federal (USDA/FSIS), Virginia state inspection (VDACS OMPS), or been received from a business that has a Virginia Poultry Permit of Exemption.*



# Starting Your Food Business: Submitting Business and Food Information to VDACS

- Information on website under:
  - Regulatory Services/Office of Dairy and Foods
  - Home and Commercial Kitchen-based Businesses and Food Service Vendors
- Provides name (Lisa Ramsey – Roanoke) and contact information of person responsible for reviewing packets
- Fee: \$40



# Starting Your Food Business Packet Instructions

- Step-by-step guide on how to complete packet
- Send in two complete copies of your packet for review

## STARTING YOUR FOOD BUSINESS

The Virginia Department of Agriculture's Food Safety Program is charged with ensuring a safe, wholesome and properly labeled food supply for the citizens of the Commonwealth. The Program discharges this responsibility through conducting periodic unannounced inspections of food processors, food storage warehouses, and food retail stores. The Program monitors the food supply by making these inspections and through the collection of food samples to be analyzed for pesticide residues, mycotoxins, microbiological contamination, filth, standards, and labeling.

If you wish to begin a food processing operation the following information will need to be supplied to our office or to the inspector for evaluation prior to receiving an inspection.

### 3722-1 (Required Information)

1. **Diagram:** A complete diagram of your processing area including location of storage areas, processing equipment, sinks, and location of walk and/or drainfield, if applicable.
2. **Recipe of Your Product:** List the exact measurements of ingredients for each product proposed. Include where the raw material is obtained, i.e., from a supermarket or fresh grown harvested and indicate the name of the supply source. Please mark this sheet "Trade Secret" if you do not want this information subject to disclosure under the Virginia Freedom of Information Act. See Example 1.
3. **A Process Flow Sheet:** This should be a detailed description of the processing steps in sequential order from raw material to finished product, including cooking times and temperatures. See Example 2.
4. **List of Finished Products:** Include how the finished products are stored, transported and/or displayed (refrigerated or held at room temperature and how packaged) until it reaches the consumer, and where it is to be distributed.
5. **Labels of Your Product:** Please submit samples of your labels. If you have not yet ordered labels, a proposed mock label will suffice. It is recommended that you have your labels reviewed prior to ordering, to avoid financial loss if revision of the labels is required. For net weight requirements, please call Weights and Measures at (804) 786-2476. Additional labeling information can be obtained from [www.fda.gov](http://www.fda.gov). See labeling requirements and Examples 3, 4, & 5.
6. **Water Sample:** A current bacteriological sample analysis of your water indicating potability if you are on a private supply, such as a well. If you are on a public (municipal) supply, a sample analysis will not be necessary. You are responsible for finding a private lab to have your water tested. Your test results should be supplied to us with the rest of your information. Please, DO NOT send your water to the office for testing.
7. **Acidified Foods Only:** If your proposal involves acidified foods (pickled products, salsa, pumpkin-sweet potato butter, barbecue sauces, chow-chow, relishes, hot pepper jelly, hot sauces, etc.), or products containing garlic in oil, your process must be reviewed and approved by a competent processing authority, for safety purposes, and a copy of the approval letter furnished with your application. A list of process approval sources is available upon request from the Office of Food Safety. Virginia Tech also provides this service. The contact person is Joell Eifert, who can be reached at 540-231-8697. See example 6 and 7 regarding process approval. **Please be sure to include a copy of your process approval letter when you submit your packet of information.** If your products are deacidified then you must attend a Better Process School for certification.
8. **Product Code:** A product code should identify the product, production facility, date and year packed, and batch number. Any method of coding that is recognizable by the processor is acceptable. The



# Coming into Compliance

## STEP 2

Provided the requested material has met proper requirements, a Food Safety Specialist will arrange a visit to your establishment and conduct an inspection based on the applicable laws and regulations. The general procedure is as follows:

1. **Overall Sanitation:** Processing, storage, and any adjacent areas will be inspected for general sanitation, including for insects, rodents and pets.
2. **Raw Materials:** The raw materials storage areas will be inspected to ensure that the raw materials are adequately protected from possible contamination. The Food Safety Specialist will also check raw ingredients for wholesomeness. For operation from a home kitchen, it is recommended that separate storage for commercial raw ingredients from domestic or personal use ingredients be provided. Raw ingredients that are capable of supporting the rapid and progressive growth of microorganisms (potentially hazardous foods, such as meats, eggs, dairy products, and seafood) will need to be maintained at an internal temperature of 45°F or below.
3. **Refrigeration:** Domestic use of your home refrigerator along with the added burden of commercial use often overloads the cooling capacity of the unit so that it is unable to render rapid and complete cooling. A separate refrigerator of adequate capacity is often the best solution for the home processor. The refrigerator you use should be equipped with an accurate thermometer for monitoring holding temperatures of food products, and such thermometers may be purchased at most hardware stores.
4. **Utensil/Equipment Storage:** Cleaning and sanitizing your equipment and utensils prior to using them is recommended. In addition, we recommend a separate storage area for those utensils and equipment you plan to use for your home business from those you would use in your personal kitchen.
5. **Processing Control:** The Food Safety Specialist would like to be able to watch you as you process. This would enable him/her to detect places in the process where the safety of the product might be compromised and suggest corrections. The following are some of the general items the Food Safety Specialist will check for while observing your operation: cross contamination; time/temperature abuses of potentially hazardous foods; improper thawing; failure to rapidly cool cooked potentially hazardous foods; failure to properly sanitize equipment and utensils; failure to wear the proper attire; failure to properly process or seal finished product, etc.
6. **Plumbing:** Food manufacturing operations must be properly plumbed with hot and cold water under pressure and have adequate facilities for cleaning equipment. For proper sanitization, a 3-compartment sink is recommended, although a 2-compartment sink can suffice. A conveniently located hand washing sink, and a toilet facility of sanitary design is also required.

- After completed packet is received, a Food Safety Specialist will arrange a visit to your establishment.
- The Food Safety Specialist for your area will check to ensure that you are meeting the requirements.
- Review the information you submitted before the Food Safety Specialist visits your establishment.



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# Current Good Manufacturing Practices (cGMP's)

- Code of Federal Regulations (CFR - Title 21; Part 110)
- **Fundamental to food safety**
- **Topics**
  - Personnel
  - Plant and Grounds
  - Sanitary operations
  - Equipment and Utensils
  - Processes and Controls
  - Warehousing and Distribution



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# Regulations for Retail Food Products

- Low Acid Canned Foods
  - 21 CFR Part 113
- Acidified Canned Foods
  - 21 CFR Part 114
  - Emergency Permit Control (21 CFR 108.25)
- Meat and Poultry
  - 9 CFR Parts 300-592



# Other Regulation and Laws

- Virginia Food Law – 2013 Edition
- HACCP (Hazard Analysis Critical Control Point) Safety Plan
  - Meat – mandatory for wholesale
  - Juice – mandatory for wholesale
  - Seafood – mandatory for wholesale
  - Dairy - voluntary
  - Retail – may be required to produce foods that require a variance

# Preparation Practices That Have Special Requirements

- You need a variance if prepping food in these ways:
  - Packaging fresh juice on-site for sale at a later time, unless the juice has a warning label
  - Smoking food to preserve it but not to enhance flavor
  - Using food additives or components to preserve or alter food so it no longer needs time and temperature control for safety
  - Curing food
  - Fermenting Food



# Preparation Practices That Have Special Requirements

You need a variance if prepping food in these ways:

- Packaging food using a reduced-oxygen packaging (ROP) method
- Sprouting seeds or beans
- Offering live shellfish from a display tank
- Custom-processing animals for personal use (i.e. dressing a deer)



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# Produce Safety Course for Direct Marketers

*Offered by Extension Agents Across the Commonwealth*



# Considerations for Marketing Food

- Low-risk foods
  - Baked goods without fillings, custards, creams, etc.
  - Candies
  - Jams and jellies made without low-acid ingredients
  - Dry mixes
  - Naturally acidic foods



# Understanding Your Food



- Food
- Acidity
- Time
- Temperature
- Oxygen

## ❖ Moisture

### Water Activity ( $A_w$ )

The amount of water available to microorganisms to use for growth and survival.

If water activity is used to control microbial growth, the value should be 0.85 or lower.

Common ways to lower water activity:

- Salt
- Sugar
- Dehydration
- Boiling off water



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# Considerations for Food Product and Regulation Implication

- **Canned foods**

- Acid foods

- Ingredients are high-acid foods with pH less than 4.6
    - Not as many regulations as acidified foods
    - Considered low risk foods
    - If not processed correctly, product will spoil but will not be a safety issue





# Safety Considerations

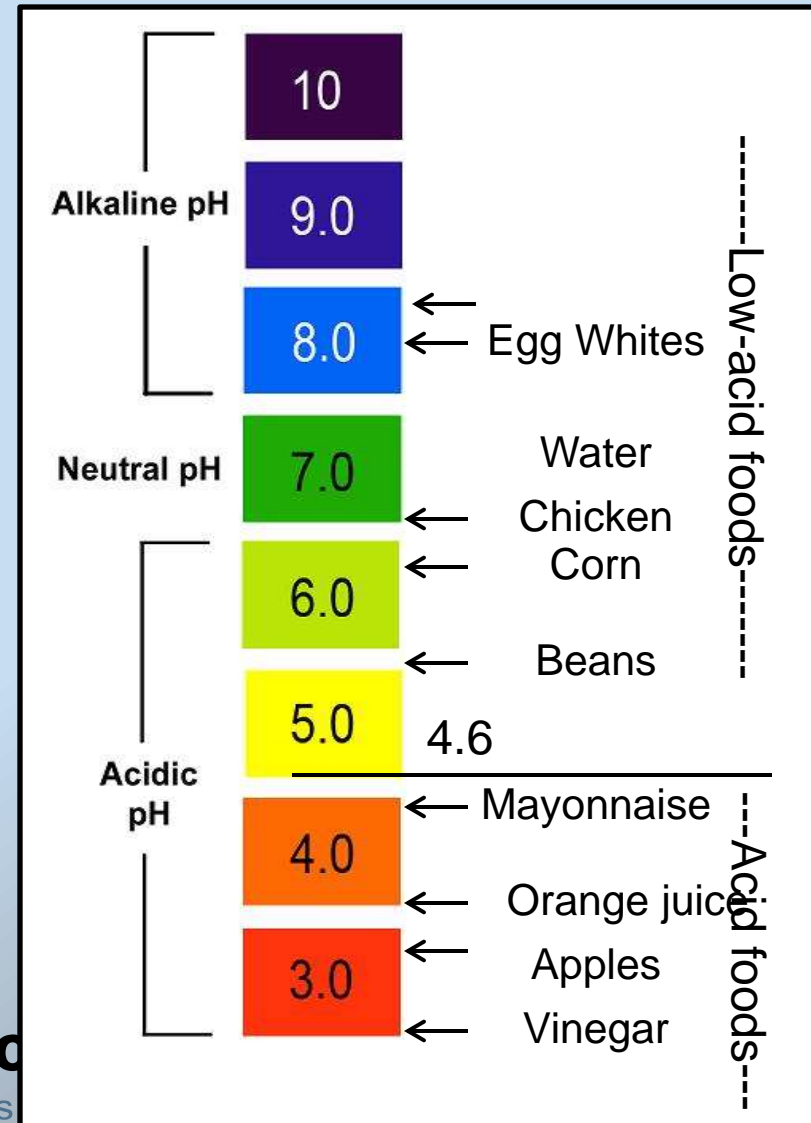
- Food

## ❖ Acidity

pH= amount of acid

Low acid foods = pH > 4.6

- Time
- Temperature
- Oxygen
- Moisture



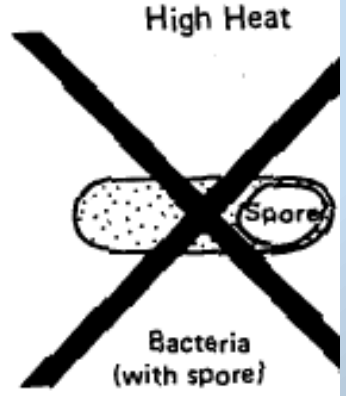
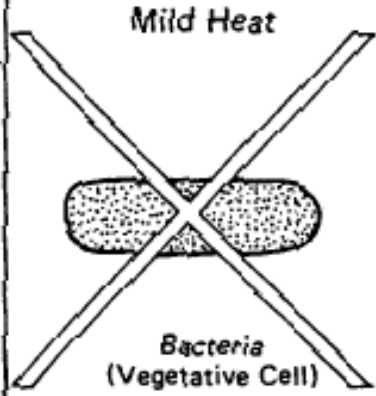
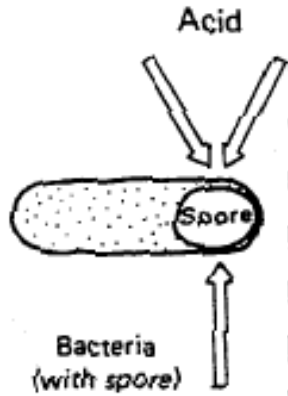
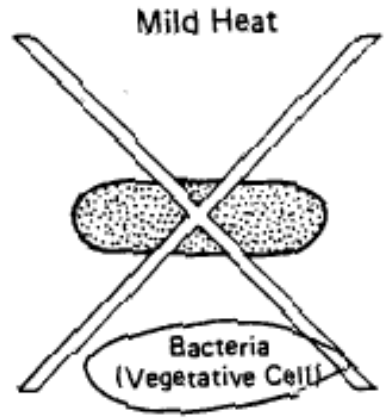
# Why Acidity is the most important factor when it comes to canning?

- ***Clostridium botulinum***

- Spore-former: spores in the environment
  - Can't make you sick
  - Infant botulism
- ONLY under anaerobic conditions (commonly created during preservation), spores germinate (grow) into vegetative cells
- Vegetative cells produce toxin that cause illness
- Spores will not germinate in acid environment with pH below 4.6

Mild heat required, since spores are inhibited by acid.

High heat required in order to destroy spores.



- Sauerkraut
- Plums
- Cherries
- Pineapple
- Pears
- Apricots
- Tomatoes
- Sweet Potatoes
- Carrots
- Beets
- Green Beans
- Spinach
- Asparagus
- Peas
- Meat
- Corn

# Considerations for Food Product and Regulation Implication

- **Acidified foods**

- Low acid foods + acid foods = pH  $\leq$  4.6
- pH is decreased to  $\leq$  4.6 through the addition of acidity



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# Considerations for Food Product and Regulation Implication

- **I want to sell low-acid foods!**
  - **Cannot sell low-acid canned foods.**
  - **Can sell frozen or refrigerated low-acid foods.**
  - **Can sell acidified foods**



**NO!**



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# Considerations for Food Product and Regulation Implication

- Acidified Foods - Wholesale
  - ✓ Food Tested by Process Authority, Obtain Scheduled Process
  - ✓ Better Process Control School
  - ✓ Register Business with FDA (Form 2541)
  - ✓ Register Scheduled Process with FDA (Form 2541a)
  - ✓ Must Pass State Inspection Before Selling Product Wholesale
  - ✓ Must Keep Written Records



# Understanding Your Food

- How are you supposed to know? Get your food tested
  - pH
  - Water activity
  - Classification and regulations
  - Scheduled process



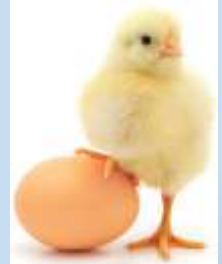
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# A Word About the Incredible Edible Egg....

- Virginia Egg Laws and Rules



- *The term "fresh eggs," or any legend, symbol, picture, representation or device declaring or tending to convey the impression that the eggs are fresh may be applied only to eggs meeting the requirements of grade A quality or better as established by the Board for fresh eggs.*
- Grades have nothing to do with food safety, this is a marketing service
- Certain heirloom breed chicken eggs, duck and quail eggs do not grade well



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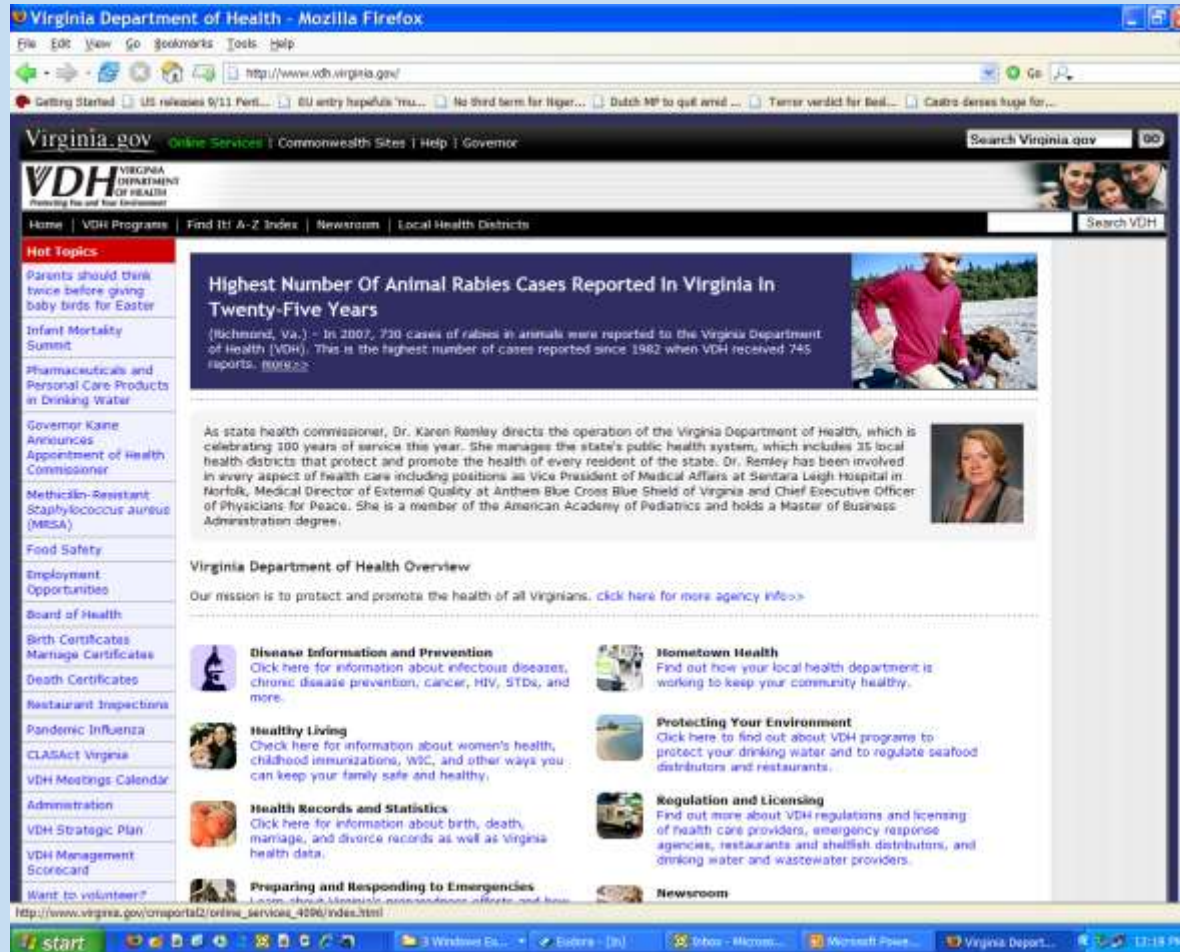


# A Word About the Incredible Edible Egg....

- When Selling Eggs:
  - Inside carton air must be 45° F or below
    - Recommend using cooler with white lid
    - Recommend using thermometer and keep records
  - Can re-use cartons – must obliterate grading information if eggs are not graded
  - Label must include:
    - ✓ Egg Type
    - ✓ Count
    - ✓ Producer and producer address
    - ✓ Pack Date
    - ✓ Safe handling instructions (can keep from re-used carton)



# Virginia Department of Health (VDH) www.vdh.virginia.gov



# VDH Responsibilities

- **Issue Permit to Operate at State/Local Level**
- **As condition of holding permit:**
  - **Must submit to regular evaluations by issuer**
  - **Must comply with local/state regulations**
  - **Report to health dept. if suspect outbreak**
- **Provide education or direct to resources**
- **Notify if conditions arise that could affect operation**
- **Initiate enforcement**



# How to Apply for a Foodservice Permit and Ready for Inspection

- Fill out an application form
- Pay a \$40 permit application
  - \$40 plan review fee
  - \$425 for septic review
  - \$300 for well inspection
- Learn about food safety
- Plan Review : At least 2 weeks prior to construction start up-submit to scale drawings, equipment specification sheets and menu





Home > OEHS > Food and General Environmental Services

## Food and General Environmental Services

The Virginia Department of Health and the Food and General Environmental Services maintain several roles in attempting to control for and prevent the occurrence of foodborne diseases, including: performing surveillance activities for various reportable conditions, investigating reportable disease occurrences, including outbreaks; and inspecting restaurants.



<a href="#">Food Safety</a>	<a href="#">Bedding &amp; Upholstery</a>
<a href="#">Milk Safety</a>	<a href="#">Childhood Lead Poisoning Prevention</a>
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<a href="#">PIMS</a>	<a href="#">EH Calendar</a>

**Quick Links**

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- [FDA Recalls](#)
- [USDA Recalls](#)

E-mail This Page

Last Updated: 03-05-2015

# Commonwealth of Virginia



## Application for a Department of Health Foodservice Establishment Permit

Application for a:  New Establishment  Renewal  Name Change  Change of Owner

Name of establishment: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing address: \_\_\_\_\_ Fax: \_\_\_\_\_

\_\_\_\_\_ Physical location: \_\_\_\_\_

\_\_\_\_\_



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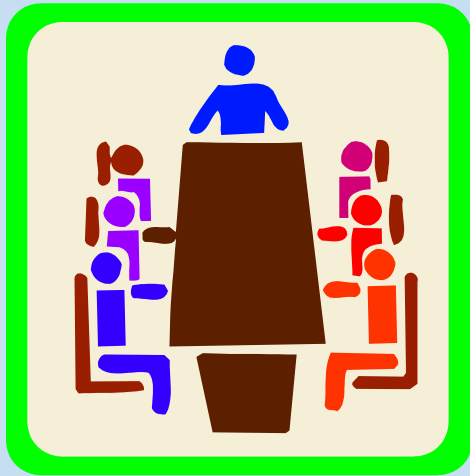
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# Who needs to apply for a permit to operate?

- Any person who owns, establishes, conducts, maintains, manages, or operates any food establishment being regulated by VDH in this commonwealth.
- All permits shall be in the name of the owner or lessee.
- Permits shall not be issued to newly constructed or extensively remodeled facilities until a CO is issued by the local building official
- Permits are not transferable from one person or location to another (exception possible for mobile units attached to fixed location)





# Person In Charge (PIC)

Must demonstrate food safety knowledge through:

- Complying with Code by having no violations of priority items during the current inspection
- Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; or
- Responding correctly to the inspector's questions as they relate to the specific food operation.



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# VDH Basic Requirements

- Hand washing sinks
- 3 compartment sink
- Utility sink
- Cold holding (refrigerators/freezers)
- Cooking equipment
- Ventilation
- Hot Holding Equipment
- Smooth & Cleanable Surfaces
- Dish machines (**optional: must be commercial grade**)
- Knowledge of Food Safety (ServSafe for example)

# Food Sources

## Food Code States:

- Food shall be obtained from sources that comply with law.
- Food prepared in a private home may not be used or offered for human consumption in a food establishment.
- Packaged food shall be labeled as specified in law.





- Learn about foodborne illness and how to prevent it through best food safety practices
- Offered throughout commonwealth by Virginia Cooperative Extension Agents
- Offered on-line

# Let's Talk about a Few Definitions....

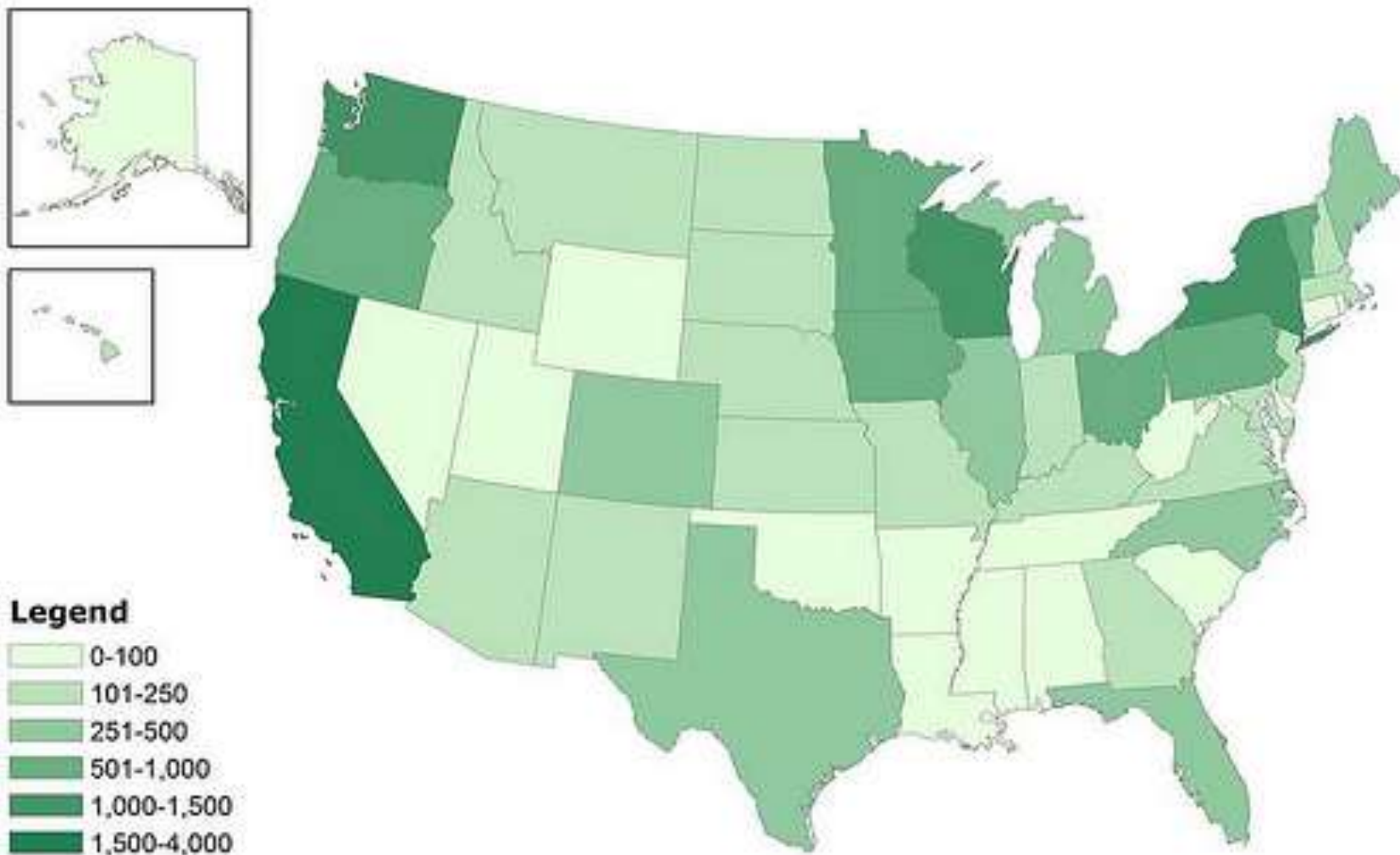


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## Certified USDA Organic Operations by State, 2012



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# Organic Definitions



- USDA certified organic products have strict production and labeling requirements
  - 100% Organic
    - All ingredients must be certified organic
    - Process must be certified organic
    - Product label must name certifying agency
  - Organic
    - All agricultural ingredients must be certified organic
    - Non-organic ingredient allowed per National list (no more than 5% excluding water and salt)
    - Product label must name certifying agency



# Organic Definitions



- “Made with” Organic
  - Certified organic ingredients must make up at least 70% product (must specifically state on label which ingredients or ingredient categories are organic)
    - Example: “Made with organic fruit and cinnamon”
  - Cannot use “Made with Organic Ingredients”
  - All other agricultural products must be produce by acceptable methods
  - All non-agricultural products must be allowed by National List
  - Cannot use USDA organic seal



# Organic Definitions



- “Made with” Specific Organic Ingredients
  - Certified organic ingredients make up at less than 70% product
  - Specific ingredients are certified organic (must specifically state on label which ingredients are organic)
    - Example: “Made with organic blueberries”
  - Remaining ingredients are not required to follow organic regulations
  - Cannot use USDA organic seal





# Jane's Muffin Mix



**Made with organic wheat flour  
and sugar!**

Ingredients: Organic enriched wheat flour (wheat flour, niacin, reduced iron, thiamin mononitrate, riboflavin, folic acid), organic cane sugar, blueberries, baking soda, salt, cream of tartar, cinnamon.

Distributed by Jane's Foods, Inc.  
Certified Organic By John Doe  
Certification, Inc.



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# Organic Small Business Exemption

- Gross agricultural income from organic sales cannot exceed \$5000/year
- Do not need to be certified in order to sell, label or represent your product as organic
  - Do not need a written plan but must follow all other requirements of USDA organic regulation
  - Maintain records for at least three years to show organic practices
  - May not use the USDA organic seal on your products or refer to them as certified organic
  - Must meet other USDA organic labeling requirements
  - May not sell your products as ingredients for use in someone else's certified organic product.



# Natural Definition

- FDA has “declined” to define natural as a term
  - FDA has issued a non-binding guidance defining “Natural” to mean “nothing artificial or synthetic (including all color additives regardless of source)”
  - Courts have held that determining whether foods containing GMOs can make “Natural” claims is an issue best determined by FDA expertise (FDA has declined to make determination)
  - No federal law, regulation or other requirement requires special labeling of bioengineered ingredients as not “natural.”



# Local Definition

- No consensus on “local” definition
- Less agreement on defining on geographical terms
  - 2008 Farm Act Definition: end-point purchase is within 400 miles from its origin
  - Others groups narrow distance
- More agreement on marketing arrangement terms
  - Farmers selling directly to consumers at regional farmers' markets or to schools
  - Minimizing distance between producer and consumer



# Food Innovations Program

[www.fst.vt.edu](http://www.fst.vt.edu)

[www.ext.vt.edu/topics/food-health/food-innovations](http://www.ext.vt.edu/topics/food-health/food-innovations)

- Provide testing of food products for safety and quality
- Act as process authority for acidified foods (accepted by FDA, USDA, VDH and VDACS)
- Conduct Better Process Control School workshops required for acidified food producers
- Provide guidance on reformulation and product design
- Provide technical guidance on safety and regulatory issues governing food products
- Assist with compliance with regulatory agencies
- Nutritional Label Services

# Process Authority

- Based on regulations, a person or institution with expert knowledge and experience to make determinations about the safety of a food process and formulation.
- Required to maintain product confidentiality
- Determines safety of processing parameters based on food product characteristics



## Food Innovations Program

The Food Innovations Program goal is to provide the assistance needed for Virginia's food processing industry to produce high quality, safe, and innovative food products. We strive to increase the awareness of Virginia's food producers to matters of food safety, pertinent food regulations, and general concerns associated with starting a food business.

<b>What's New</b>	<b>Resources</b>	<b>FAQs</b>	<b>Additional Links</b>
<b>Academics</b>	<b>Facilities</b>		

### FDA establishes definition for "gluten free" foods.

The FDA has determined that a food may be labeled as "gluten free" if it contains 20 parts per million (ppm) or less of the wheat protein gluten. For those who suffer from Celiac's disease, gluten can trigger the body to attack the lining of the small intestine, causing issues with absorption of nutrients which can lead to serious health problems. Up until this ruling, there was no defined limit as to how much gluten may be present in a food in order to claim it is gluten free. This final ruling will allow for standardization across the food industry concerning gluten-free labeling and allow consumers to purchase gluten-free foods with more confidence of what they are buying. [Read the FDA's press release.](#)



### Ask a Question

Need help finding the information you're looking for? [Submit your questions here.](#)

### Request Evaluation

The Food Innovations Program offers food testing services to help ensure food safety and regulatory compliance for new food products entering the market. In addition, we can provide nutrition facts panels for your product's label.

[Request an evaluation](#)

### Related Topics

- » [Food Safety](#)
- » [Nutrition & Wellness](#)
- » [Home Food Preservation](#)

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Find your city or county's local office



### Publications and Resources



### Events and Calendars



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- » [Virginia State University College of Agriculture](#)
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- » [Virginia Tech College of Natural Resources](#)



# Questions?

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