

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 one's home or business.



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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

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.

Labeling requirements:

Each food container and/or food item sold must include the following statement using a font size that is prominent, conspicuous, and easy to read.

"These food products were produced in an uninspected home kitchen where major food allergens may also have been handled and prepared, such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish."

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

KENAN BULLINGER, DIRECTOR
Division 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>

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.

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

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

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

You may sell

ALLOWED: Foods that have a natural pH of 4.6 or less and acidified foods which have acid(s) or acid food(s) 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!***

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