

CONSUMERS GUIDE TO FOOD SAFETY AT FARMERS' MARKETS

The Farmers' Market season is now in full swing. There has been a big increase of Farmers' Markets over the last several years. The “Buy Local” movement provides a connection with the local producer in an old world Farmers' Market atmosphere. We understand the desire to connect with our heritage and roots in a more simplistic and direct manner. However, in this day and age there are rules and regulations that exist and must be followed in NYS. These rules and regulations are in place to protect the consumer and vendor, and to minimize chances of product contamination and food born illnesses. While many market managers and vendors do not agree with these rules and regulations they are bound by them and need to respect and follow them if they want to sell to the public. Consumers must also respect the vendors' need to follow rules and regulations and respect the inspectors and those who enforce the rules.

Please take time to review these points and keep them in mind as you shop and enjoy the many wonderful products available at the markets this year.

LICENSES AND PERMITS: All licenses and permits should be displayed in the booth.

SCALES: Any scales used to weigh product on site must be certified by the local county weights and measures and have a current sticker.

SALES TAX: Sales tax should be collected on all taxable items and sales tax certificate should be on display.

FRESH PRODUCE: No permit, license or certificate required if produce is sold fresh, uncut or unprocessed. Under NYS Dept. Of Agriculture and Markets Rules and Regulations, no halves or slices of product can be sold and no cut samples can be given.

EGGS: No permit, license or certificate are required for clean shell eggs. Egg must be maintained in transportation and for sale at 41 degrees F or less. New egg carton should be used. The name of the producer should be on the package.

HONEY AND MAPLE SYRUP: No permit, license, or certificate required if single ingredient product. An Article 20C license from NYS Dept. of AG and Markets is required if additional ingredients are added to the product.

BAKED GOODS: A 20C Exemption (Home Processor) from NYS Dept. of Ag and Markets is required for non-hazardous home baked goods including bread (no breads containing fruits or vegetables), rolls, cookies, cakes, brownies, fudge, double crust pies (no cream pies or cheesecake). All other baked goods must come from a licensed NYS

Dept. of Health facility. Baked good must be individually wrapped before bringing to the market and must include a list of ingredients including allergen information. While the big basket of unwrapped crusty loaves of bread look enticing – think about it. How many people actually buy the first loaf of bread they pick up? How many other hands have touched it? Where have those hands been? Who just coughed or sneezed?

CIDER/FRUIT JUICES: Article 20C License from NYS Dept. of Ag and Markets is required for manufactures/bottlers. All cider must be pasteurized or UV treated.

WINES AND CRAFT BEERS: Permit or license issued by NYS Liquor Authority and NYS Ag and Markets is required. Tasting license is also required if giving samples and a valid NYS Sales Tax certificate is required.

PET TREATS: All pet foods must be registered with NYS Dept. of AG and Markets and the FDA. A license is required.

PLANTS: A NYS Dept. of Ag and Markets Nursery Growers Registration Certificate is required for producers of plant material. A Mobile Nursery Certificate is required if plants are sold off site of the greenhouse. A NYS Dept. of Ag and Markets Nursery Dealers License is required if vendor is only buying and reselling plant material. Both require a valid NYS Sales Tax Certificate.

PROCESSED FOODS: A 20C exemption (Home Processor) from NYS Dept. of Ag and Markets is required for non-hazardous foods only, including traditional fruit jams, jellies and marmalades, candy (excluding chocolate), spices and herbs (repackaged only).

Home processing of pickles, canned fruits and vegetables is not permitted under 20C Exemption. All items must have a list of ingredients and be properly labeled in accordance with NYS Food Labeling laws.

A 20C License from NYS Dept. of Ag and Markets and registration with the Federal Government as a food processor is required to can fruit and vegetables, pickles, salsas, blended oils etc. This license is required for dehydrating fresh herbs and spices.

Products must be properly labeled. A separate segregated kitchen is required to process these items.

A County Board of Health Permit is required if food is to be processed on site: cutting of baked goods sold by the piece, slicing of cheese by the pound, cooking and selling ready to eat foods or preparation of food for samples. A means for individual sampling should be provided – not a common spoon. Samples that need to be refrigerated need to be kept at the proper temperature. All food handlers should wear protective gloves or place a protective shield between their hands and the food. The same gloves should not be worn to handle food and money.

MEATS: Meats must be USDA slaughtered and have a USDA legend. Meats must be maintained at 0 degrees F or below if sold frozen, 40 degrees F or below if sold fresh.

DAIRY: Producers of cheese, yogurt, butter, sour cream and other dairy products require a Part II Permit from NYS Dept. of Ag and Markets Division of Milk Control and Dairy Services. These products must be maintained at 41 degrees F or below.

Any food product should be placed in a new bag. If you bring reusable cloth bags to the market don't forget to wash them frequently. Overstock of vendors' products should be kept off the ground.

If you are tempted to buy something that is just sitting on the table and the temperature is in the 80's - think about what you are buying. Is it a food item that should be kept refrigerated or should be kept hot? How would you handle this food at home? Would you leave sandwiches, soft cheese, dips or eggs out for hours? Even at a 4 hour market products have often been at improper temperature for 6-7 hours or more. If the market runs from 3-7, the vendor arrives at 2 to set up, travels 30 minutes or more coming and going, spends 30 minutes packing and unpacking – products are left at improper temperatures for 7 hours minimum.

If a vendor is displaying something that should be kept refrigerated don't hesitate to ask if they have one kept at proper temperature in a cooler with ice that you can buy. Get in the habit of looking for products in coolers if provided. Many vendors won't put things in coolers because consumers tend to overlook them and the vendor loses sales. Sometimes Market Managers are more focused on the number of vendors and the variety of products visible at their markets and overlook safety and rules and regs. As a consumer you can help change this attitude by requesting your food be handled properly and safely. Food born illness is no joke.

Don't just know your farmers, producers and vendors as “local” because they live somewhere nearby. Know them for their business practices. Farmers, producers and vendors are businesses and need to abide by NYS and Government rules and regulations. Ask to see their license or permit – their sales tax number. Are they putting the consumers best interest first (keeping potentially hazardous food at the proper temperature) or are they placing sales ahead of safety? Are they handling the food you want to purchase properly? Buying “local” is fun and very satisfying but it should never put you at risk.

So go ahead – enjoy the many markets and the great diversity of products offered for sale this summer. Please insist on proper handling of food and help us keep Farmers' Markets in NYS alive and well – and SAFE.