

Home Bakeries

What is a Home Bakery?

A “Home Bakery” is defined in Chapter 911 of the Ohio Revised Code to mean, “Any person who owns or operates a home bakery with only one oven, in a stove of ordinary home kitchen design and located in a home, used for baking of baked goods to be sold.” “Home” means the primary residence occupied by the residence’s owner, on the condition that the residence contains only one stove or oven used for cooking, which may be a double oven, designed for common residence usage and not for a commercial usage, and that the stove or oven be operated in an ordinary kitchen within the residence.

What foods are permitted to be manufactured for sale or distribution by a Home Bakery?

A “Home Bakery” is permitted to manufacture non-potentially hazardous bakery products (such as cookies, breads, brownies, cakes, fruit pies, etc.), and potentially hazardous bakery products (such as cheese cakes, cream pies, custard pies, pumpkin pies, etc.) which require refrigeration. *Potentially hazardous food* means the food requires temperature control, because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms.

What are the requirements for the labeling of Home Bakery products?

A “Home Bakery” is required to label all of their food products properly, which includes the following information on the label of each unit of food product offered or distributed for sale:

1. Statement of Identity - the name of the food product;
2. Net Quantity of Contents - the net weight, in both U.S. Customary System and International System
3. Ingredient List - ingredients of the food product, listed in descending order of predominance by weight;
4. Statement of Responsibility - the name and address of the business.

The label of bakery items that require refrigeration must bear the declaration, “Keep Refrigerated” or other similar statement.

An ingredient that is or contains protein from a “major food allergen” must have the presence of the allergen declared by common name in the ingredient statement **or** by placing the word “Contains” followed by the name of each major food allergen present in the food. The “Contains” statement must be immediately after or adjacent to the ingredient statement. The “major food allergens” are milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans. The type of tree nut (e.g., almonds, walnuts, pecans, etc.), fish (e.g., anchovies), and crustacean shellfish (e.g., crab, lobster, shrimp, etc.) must be declared.

Note: If nutrient content claims (i.e. low fat, salt free, etc.) or health claims (i.e. may reduce heart disease) are made, the product must bear all required nutritional information in the form of the Nutrition Facts panel.

All labeling components are to comply with 21 CFR Part 101, food labeling. The FDA Food Labeling Guide is an excellent resource of the proper labeling of food products. The web-address for the FDA Food Labeling Guide is:

<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>

Where may Home Bakeries sell their food products?

Properly labeled Home Bakery products may be sold from your Home Bakery and through grocery stores, convenience stores, farm markets, farmers markets, and other retail establishments. Home Bakery products may also be served as a food item offered by restaurants. Retail establishments are subject to all applicable rules and regulations administered by local health departments, local zoning, and other agencies. Furthermore, Home Bakeries may distribute their products outside of the state of Ohio.

Does a Home Bakery need to acquire a license to process and package food products?

A “Home Bakery” must be licensed and inspected by the Ohio Department of Agriculture, Division of Food Safety.

Does my home kitchen meet the requirements for a “Home Bakery” license?

To be a “Home Bakery”, the household kitchen must have walls, ceilings, and floors that are in good repair, clean, and easily cleanable. The kitchen may not have carpeted floors. The home must be free of pests. No pets are permitted in the home. The kitchen must be maintained in a sanitary condition. Equipment and utensils must be maintained and be kept in sanitary condition. There must be a mechanical refrigerator, equipped with a properly located thermometer, capable of maintaining 45 degrees Fahrenheit or less. If the home is served by a private well, the well must be tested annually for coliform bacteria, having a negative test result within the past year. Proof of the well test result must be provided to the inspecting food safety specialist. Labels are to be available for review at the time of inspection.

Is there a license fee?

Yes. The annual fee for a Home Bakery license is \$10.

To arrange for an inspection, contact: ODA Division of Food Safety; 1-800-282-1955 Ext 4366; E-mail: foodsafety@agri.ohio.gov

BASIC REQUIRED FOOD LABELING COMPONENTS

LABEL EXAMPLE

Labels must comply with all applicable state and federal regulations. Labeling regulations applied to a home bakery are the same as those applied to other food processors. All information on the label must be truthful and not misleading. This label example is just one way to present the required information.

Foods cannot be made with partially hydrogenated oils. Additional information can be found at <https://www.fda.gov/Food/IngredientsPackagingLabeling/FoodAdditivesIngredients/ucm449162.htm>

Ingredient List – Ingredients shall be listed by common or usual name in descending order of predominance by weight. Meaning, the ingredient that weighs the most is listed first, followed by the next heaviest ingredient, with the ingredient that weighs the least listed last. Any ingredient that is composed of two or more ingredients (sub-ingredients) must list those sub-ingredients parenthetically following the name of the ingredient. The label of any food that contains an ingredient that is or contains a protein from a “major food allergen” shall declare the presence of the allergen by its common or usual name either in the list of ingredients or placing the word “Contains” followed by the name of the food source from which the allergen is derived immediately after or adjacent to the list of ingredients (e.g. Contains: milk, eggs, wheat, soy).

Ref: CFR 21, Part 101.4; FALCPA – Public Law 108-282, Title 2

Statement of Identity – The *Statement of Identity* is the name of the food. The name shall be the common or usual name of the food and shall accurately identify or describe the basic nature of the food or its characterizing properties or ingredients. Foods that have a Standard of Identity must conform to all requirements of the standard

Ref: CFR 21, Part 101.3

Statement of Responsibility
– Shall include the:
Business Name
Street Address
City, State, Zip Code

All information in the *Statement of Responsibility* shall be continuous. If the business name is listed in the local telephone directory, the street address may be omitted. If the business name is listed in the local telephone directory, a Post Office Box may be used in place of the street address.

Telephone numbers, web-site addresses, and e-mail addresses are permitted, but not required. This type of extra information shall not be placed between the *Ingredient List* and the *Statement of Responsibility*.

Ref: CFR 21, Part 101.5

Buttermilk Chess Pie

INGREDIENTS: FILLING: BUTTERMILK (CULTURED PASTEURIZED SKIM MILK AND MILK, SODIUM CITRATE AND SALT), SUGAR, BUTTER (CREAM (MILK)), MOLASSES, EGG, EGG YOLK, CORNMEAL, CORNSTARCH, SALT, NATURAL FLAVOR. CRUST: ENRICHED FLOUR (BLEACHED WHEAT FLOUR, MALTED BARLEY FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), SUGAR, SALT, SOYBEAN OIL, BUTTER (CREAM (MILK)), WATER.

Agriculture Cookie Co.
8995 E. Main Street
Reynoldsburg, OH 43068

BEST BY
APR 14 2019

NET WT 8 OZ (227 g)

Keep Refrigerated

Net Quantity of Contents – The term “NET WEIGHT” - or an appropriate abbreviation - shall be used when stating the *Net Quantity of Contents* in terms of weight. The *Net Quantity of Contents* shall be declared in both the U.S. Customary System and the SI (metric system). The second declaration shall be stated parenthetically.

The quantity of contents shall be placed on the principal display panel. It shall be within the bottom 30 percent of the area of the label panel in lines that are generally parallel to the bottom of the package as it is designed to be displayed.

Ref: CFR 21, Part 101.7
Ref: FPLA, Title 15 – Chapter 39, 1453(a) (2)

Perishable Food Sale and Date - Home Bakery products that begin to diminish in quality in 30 days or less must be marked with a sale date that is easily understood by the consumer. The date indicates the period of peak quality. The period of peak quality is determined by the manufacturer. ORC 3715.171

Keep Refrigerated – ODA recommends any product requiring refrigeration for food safety or to maintain quality bear the declaration “Keep Refrigerated” or a similar declaration to that effect.

ODA – Ohio Department of Agriculture
CFR – Code of Federal Regulations
ORC – Ohio Revised Code
FPLA – Fair Packaging and Labeling Act
FALCPA – Food Allergen Labeling and Consumer Protection Act

The principal display panel (PDP) is that portion of the package label that is most likely to be seen by the consumer at the time of purchase.

The 8 major food allergens are milk, eggs, tree nuts (e.g., almonds, walnuts, pecans), peanuts, wheat, soybeans, fish and Crustacean shellfish.