FARMERS MARKET POLICY
MARION COUNTY HEALTH DEPARTMENT

1. The Market Master or Person in Charge shall make available to all vendors copies of the **Marion County Farmers Market Food Policy, the Missouri Revised Statutes Chapter 261.241 relating to "sellers of jams, jellies and honey, the splenda ruling from DHSS, the example of a proper label, and the Farmers Market Permit Application.**

A) The Market Master or Person in Charge shall also insure that only those foods approved for sale by the Marion County Health Department are offered.

2. Farmers Markets (FM) shall provide convenient, accessible restrooms and hand washing facilities to adequately serve all vendors.

3. Water provided at FM shall be from an approved source and if hoses are used they shall be food grade and the water source shall be protected from back flow hazards by the use of a hose bib vacuum breaker.

4. All products sold at FM shall be those produced by the seller and sold directly to and for the personal use of the end user.

5. It will be the responsibility of the Market Master or Person in Charge to insure that when present, live stock, pet stock, poultry, or personal pets shall be treated in a humane manner and separated from food sales in such a way as to prevent contamination by those animals.

6. **Foods that can be sold without a food permit or fee:** fresh uncut fruits, vegetables, herbs or spices, nuts in the shell, eggs with MO Dept. of Ag license and kept at 45^0F or below, jams, jellies and honey.

A) Not for profit groups selling non-potentially hazardous foods such as breads, fruit pies, brownies, and candy.

7. **Foods that can be sold, but will need a FM food permit and pay $10 fee:** for profit persons selling non-potentially hazardous foods such as breads, fruit pies, brownies, candy, shelled nuts, dried spices or herbs, dry cookie, cocoa, and soup ingredients. Any other foods must get prior authorization by the Marion County Health Department.

8. **Any allowable food which was prepared in a home kitchen must post a sign or have a statement on the label which states "THIS PRODUCT HAS NOT BEEN INSPECTED BY THE DEPARTMENT OF HEALTH AND SENIOR SERVICES".**

9. **No low acid canned, acidified, or vacuum packaged foods may be sold. Examples: Salsa, any pickled foods, BBQ sauces, juice, cider, or spices in oil.**

10. Any claim on a food product to weight must be verified by the use of a scale certified by the MO Dept. of Agriculture.

3-25-11

MARION COUNTY FARMERS MARKET FOOD POLICY

1. **Foods that can be sold without a food permit or fee:** fresh uncut fruits, vegetables, herbs or spices, nuts in the shell, eggs with MO Dept. of Ag license and kept at 45^0F or below, jams, jellies and honey.

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3-25-11

Missouri Revised Statutes

Chapter 261
Department of Agriculture
Section *261.241*

August 28, 2010

Sellers of jams, jellies, and honey, no manufacturing facilities required, when--compliance with health standards and regulations required--label requirements.

261.241. 1. Sellers of jams, jellies, and honey whose annual sales of jams, jellies, and honey are thirty thousand dollars or less per domicile shall not be required to construct or maintain separate facilities for the manufacture of jams, jellies, and honey. Such sellers shall be exempt from all remaining health standards and regulations for the manufacture of jams, jellies, and honey pursuant to sections 196.190 to 196.271 if they meet the following requirements:

(1) Jams, jellies, and honey shall be manufactured in the domicile of the person processing and selling the jams, jellies, and honey and sold by the manufacturer to the end consumer;

(2) Jams, jellies, and honey shall be labeled with the following information in legible English as set forth in subsection 2 of this section;

(3) During the sale of such jams, jellies, and honey, a placard shall be displayed in a prominent location stating the following: "This product has not been inspected by the Department of Health and Senior Services.";

(4) Annual gross sales shall not exceed thirty thousand dollars. The person manufacturing such jams, jellies, and honey shall maintain a record of sales of jams, jellies, and honey processed and sold. The record shall be available to the regulatory authority when requested.

2. The jams, jellies, and honey shall be labeled with the following information:

(1) Name and address of the persons preparing the food;

(2) Common name of the food;

(3) The name of all ingredients in the food; and

(4) Statement that the jams, jellies, and honey have not been inspected by the department of health and senior services.

3. Sellers of jams, jellies, and honey who violate the provisions of this section may be enjoined from selling jams, jellies, and honey by the department of health and senior services.

(L. 2002 S.B. 639, A.L. 2005 S.B. 355)

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Missouri General Assembly

Frank Lemongelli

From: "Sullivan, Cathy" <Cathy.Sullivan@dhss.mo.gov>
To: "Lemongelli, Frank" <LemonF@lpha.mopublic.org>
Sent: Friday, July 02, 2010 3:33 PM
Subject: FW: splenda in jams and jellies

Here is your answer. Could you please pass on to Steve as well??

Cathy Sullivan

Assistant Bureau Chief
Bureau of Environmental Health Services
Division of Community and Public Health
Missouri Department of Health and Senior Services
930 Wildwood; PO Box 570
Jefferson City, MO 65102
Phone (573)751-6095
Fax (573) 526-7377

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From: Fandrey, Mary
Sent: Monday, June 14, 2010 6:18 PM
To: Sullivan, Cathy
Subject: RE: splenda in jams and jellies

The products made with artificial sweeteners do not behave like those made with table sugar (sucrose). Generally, you don't get a big drop in water activity by adding Splenda. (We are requiring those jams and jellies that are "sugar-free" (in other words, those where the sugar traditionally used in jam and jelly (sucrose) is replaced with an artificial sweetener, to be tested for water activity and pH. We have found that the artificial sweeteners do not have the same water binding capacity as table sugar (sucrose). Also, some of the types of jams and jellies that folks make are really acidified foods, such as jalapeno jam made with an artificial sweetener. As a department, we have decided that if the pH of the finished jam or jelly (verified by a laboratory) is 4.0 or less, the jam or jelly can be sold under the exemption granted under the jam and jelly law (RSMo 261.241). If the product is in the pH range of >4.0 to 4.6, the product must be prepared in an inspected kitchen and records kept that the batch is made in a standardized fashion every time. Also, these products should probably not be labeled sugar-free because they do contain some sugar or fruit juice, but should probably be labeled "no sugar added".

From: Sullivan, Cathy
Sent: Monday, June 14, 2010 2:21 PM
To: Fandrey, Mary
Subject: splenda in jams and jellies

Mary-
When Dennis and I were in Marion county conducting contract monitoring, Steve had asked us about using splenda in jams and jellies. He wanted to know if jams & jellies made with splenda have the same requirements as jams & jellies made with sugar??
Could you let Steve and I both know??

LABEL REQUIRMENTS

NAME: of person or group who prepared the food
ADDRESS: where food was prepared
COMMON NAME OF THE FOOD ITEM:
LIST OF INGREDIENTS IN THE FOOD ITEM IN DESCENDING ORDER:
STATEMENT OF INSPECTION STATUS: if not from an inspected facility

EXAMPLE #1: Jane Doe Farms
800 Farm Lane
Hannibal, MO 63401
Grape Jelly
Grapes, Sugar, Pectin
This product has not been inspected by a State or Local Health Department

EXAMPLE #2: Jane Doe Farms Famous Chocolate Chip Cookies
800 Farm Lane
Hannibal, MO 63401
Flour, Vegetable Shortening, Sugar, Eggs,
Chocolate Chips, Pecans, Vanilla
WARNING: This Product Contains Nuts
This product has not been inspected by a State or Local Health Department

ALL HONEY SHOULD HAVE THE FOLLOWING WARNING ON THE LABEL

WARNING: Honey is not recommended for infants less than twelve (12) months of age due to the possible presence of Botulism spores.

Marion County Health Department
and Home Health Agency
3105 Palmyra Road / P.O. Box 1378
Hannibal, Missouri 63401
Ph: 573-221-1166 / Fax: 573-221-1214

Olivia Jean McBride, R
Administrator

FARMERS MARKET PERMIT APPLICATION

Location of event _____ Event Date/Time _____

Name of organization or person _____

Person in charge of stand _____

Best contact # for person in charge _____

Food(s) to be sold _____

_____

_____

If not produce, fruits, nuts in the shell, or eggs where will the food be prepared _____

_____

potentially hazardous food for sale to the public must be prepared in an approved facility
non-potentially hazardous food prepared in the home must be labeled with or have a sign posted stating "These foods were not prepared in a health department inspected facility" (ex: bakes sale items)

The permit fee is $10 and is to be paid prior to the event. Not for profit groups shall not be charged a fee, but are still required to fill out an application and adhere to all Marion County Farmers Market Requirements. An inspection of the food stand may be conducted any time prior to or during the event.

_____
Signature of person in charge/applicant

_____
Date

Notes:

_____

_____

_____

_____

3-25-11

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