

Chris Salyer – VDACS
Food Safety Specialist, Senior
276-220-3210
christopher.salyer@vdacs.virginia.gov

Meagan Musick - VDACS
Food Safety Specialist
757-708-5969
meagan.musick@vdacs.virginia.gov

All processed foods offered for sale in Virginia either at a conventional retail location or a farmer's market must be under some type of inspection or qualify for an exemption.

If you choose to fall under inspection. Complete the following steps:

1. Call Chris Salyer – VDACS (276-220-3210) for home operation packet or contact regional office – Dorothy Furrow 540-562-3641
2. Complete and mail in packet to regional VDACS office
3. You will be contacted by VDACS personnel to schedule a home inspection. Inspection is very limited, you will not be required to have a commercial kitchen set up in your home.
4. Once inspection is complete you are ready to sale at any location you would like.
(PLEASE REMEMBER THIS PROCESS DOES TAKE SOME TIME HOWEVER, IT WILL NOT BE POSSIBLE TO CALL 1-2 WEEKS BEFORE THE MARKET STARTS AND GET THE PROCESS COMPLETED PRIOR TO OPENING DAY)

There are only 3 (three) categories of food products that can be processed without a state inspection, through an exemption:

1. Candies,
2. Jams and jellies not considered to be low-acid or acidified food products
3. Baked goods that do not require time or temperature control for safety after preparation (nothing that has to be refrigerated).

The exempted products can only be sold to an individual for his/her own consumption and not for resale (i.e. if a business wholesales the product they lose the exemption and are subject to inspection), or the product must be sold at the private home or at a farmers market.

The statement

"NOT FOR RESALE—PROCESSED AND PREPARED WITHOUT STATE INSPECTION"

must be placed on the front panel of the product (not on back or on a sign or placard). Also all regulations in the Virginia Food Laws still apply to the firm including standard labeling protocol and the products are still subject to consumer complaint investigations.

Labeling requirements: (every item offered for sale in packaged form and self service must have a label with the following information)

1. Name of the product
2. Net weight statement (for further information contact The Department of Weights and Measures 804-786-2476)
3. Name and address of the manufacturer/distributor
4. A complete listing of ingredients in descending order of predominance

Acidified Foods – such as Chow Chow, Pickles, Salsa Mixes, etc.

Must be inspected not eligible for exemption.

1. Request acidified foods packet from Food Safety Specialist
2. Contact Processing Authority to have process approved
3. Complete Better Processing School
Contact Virginia Tech – 540-231-8697
4. Register product with FDA (online)
5. Send completed acidified foods packet, paperwork from Processing Authority, and better processing school certificate to regional office
6. VDACS inspection
7. Eventual FDA inspection

This process can take several weeks or even months. There is extensive record keeping that will be required.

All labeling requirements apply to these types of products.

Low Acid Foods –

It is very hard to make what is known as low acid foods in a home kitchen or even a community cannery and offer them for sale legally.

Examples of Low Acid Foods: Home Canned Green Beans, Corn, Potatoes, etc (any canned vegetable that does not have an additive that lowers pH below 4.6)

Non Profit One Day Sales Exemption

There is an exemption for not for profit organizations (churches, civic clubs, etc.) The 2003 session of the Virginia General Assembly passed legislation that exempts nonprofit organizations holding one-day food sales from inspection. This legislation became effective July 1, 2003.

Note: The exemption holds for any type of food produced by the nonprofit organization to be sold during the one day event.

One-day Food Sales

- Not conducted on any two consecutive days.
- Conducted on a limited basis, and although it may be a recurring basis, recurrence is no more than twice per month.
- A special occurrence, and not held in the ordinary course of events.

Fees – There is a one time per year fee for firms / operators who fall under VDACS inspection (those who use the exemption will not received an inspection fee notice). At this time the fee is \$100.00 per year. The operator does not pay the inspector but will receive a bill for the fee.