



# MINNESOTA COTTAGE FOODS LAW

Minnesota Statute 28A.152 Cottage Foods Exemption

## NON-POTENTIALLY HAZARDOUS FOODS



As of July 1, 2015, individuals can sell non-potentially hazardous (NPH) foods made in their home kitchens, without a license (Minnesota Statute 28A.152). Non-potentially hazardous (NPH) foods are foods that do not support the rapid growth of bacteria that would make people sick when held outside of refrigerated temperatures. These are the types of foods the Minnesota Cottage Foods Law exempts from licensing. MFMA and MNCFPA have worked with the Minnesota Department of Agriculture, the Minnesota Department of Health, and the University of Minnesota Extension Food Safety Team to compile this list.

This list is offered by MFMA and MNCFPA as a guideline. Cottage food producers are responsible for ensuring their products meet the legal requirements of the law. Final legal determination for cottage food products rests with MDA. If a food item is not on this list, contact your local Minnesota Department of Agriculture Food Inspector: (651) 201-6027 or MDA.FoodLicensingLiaison@state.mn.us.

### LIST UPDATES

This list will be reviewed periodically and updated as needed. **This list was last updated: August 13, 2020.** For additional updates, see Cottage Food Frequently Asked Question Blog, University of Minnesota Extension, <http://blog-cottage-food.extension.umn.edu/>.

### USING THIS LIST

For ease of use, this list is divided into Food Type categories. Each category lists three options: Allowed Foods, Not Allowed Foods, and Exceptions. All foods listed in the "Exceptions" column need extra information and we strongly recommend you contact the MDA to discuss the potential risks associated with the "Exceptions" foods.

1. Acid, Acidified, home-canned and home-processed foods
  - a. Fruits
  - b. Pickled
  - c. Vegetables
  - d. Fermented
  - e. Vinegar
  - f. Condiments
  - g. Ingredients
2. Baked
3. Beverages
4. Candy and Confections
5. Dried, Dehydrated and Roasted
6. Frozen Products
7. Icings, Frostings, Sugar Art, Toppings
8. Jams, Jellies, Preserves, Fruit Butters, Syrups



### pH REQUIREMENT

You actually have to test the pH of acidified and fermented foods. In order to do that, you will need a pH meter and calibration solutions. There are numerous kits available on the market. See Buying and Purchasing and Using a pH Meter, University of Wisconsin, [https://foodsafety.wisc.edu/assets/pdf\\_Files/What\\_is\\_pH.pdf](https://foodsafety.wisc.edu/assets/pdf_Files/What_is_pH.pdf).

For home-canned acidified products, test pH 24 hours after processing. For fermented products, test pH upon completion of the fermentation process. Record the pH value in your records, along with the recipe source, date and quantity of the batch. Download the University of Minnesota Extension's pH Testing Record. <https://extension.umn.edu/food-safety/food-entrepreneurs>. On the label, write the date you produced the product.

### LAB-TESTED RECIPES FOR ACID, ACIDIFIED, FERMENTED FOODS

There are hundreds of research-tested recipes available for the canned and fermented products in this list. If you use a non-standardized recipe or if altering a standardized recipe, you must have the product tested by a lab to validate NPH status pH ( $\leq 4.6$ ) or water activity ( $\leq 0.85$ ). Keep lab results as documentation. See the Appendix at the end of this sheet for resources and testing labs.

# 1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Fruits	<p>Fruits that have an equilibrium pH value of <math>\leq 4.6</math> and heat-treated to kill vegetative cells.</p> <p>Examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Apples</li> <li>• Applesauce</li> <li>• Apricots</li> <li>• Berries</li> <li>• Cherries</li> <li>• Cranberries</li> <li>• Cranberry sauce</li> <li>• Figs, acidified</li> <li>• Fruit based chutneys</li> <li>• Fruit ciders</li> <li>• Fruit juices</li> <li>• Fruit puree</li> <li>• Fruit salsas</li> <li>• Grapefruit</li> <li>• Grapes</li> <li>• Mangoes, green</li> <li>• Mixed fruit cocktail</li> <li>• Nectarines</li> <li>• Oranges</li> <li>• Papaya</li> <li>• Peaches</li> <li>• Pears</li> <li>• Pineapple</li> <li>• Plums</li> <li>• Rhubarb</li> </ul>	<ul style="list-style-type: none"> <li>• Non-acidified home-canned bananas, figs, melons i.e. cantaloupe, honeydew, watermelon.</li> <li>• Final product pH <math>&gt;4.6</math></li> </ul>	<ul style="list-style-type: none"> <li>• Fruit ciders, fruit juices, including tomato: Allowed, if final product meets the pH criteria and are home-canned or pasteurized (heat juice to 160 degrees F for 6 seconds while stirring constantly).</li> <li>• Raw, uncanned and unpasteurized juice is not allowed because it requires refrigeration for safety, requiring a license. Contact MDA at 651-201-6027 or MDA.FoodLicensingLiaison@state.mn.us</li> <li>• Home-canned acidified or pickled bananas, figs, melons i.e. cantaloupe, honey dew, watermelon using a standardized recipe or lab results verifying it meets final product pH <math>\leq 4.6</math>.</li> </ul>

# 1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Pickled Products	<p>Pickled products that have an equilibrium pH <math>\leq 4.6</math> and heat-treated to kill vegetative cells.</p> <p>Examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Pickled asparagus</li> <li>• Pickled beets</li> <li>• Pickled cantaloupe</li> <li>• Pickled carrots</li> <li>• Pickled chow chow relish</li> <li>• Pickled corn relish</li> <li>• Pickled green, yellow beans (Dilly Beans)</li> <li>• Pickled green tomatoes</li> <li>• Pickled okra</li> <li>• Pickled relish</li> <li>• Pickled summer yellow squash</li> <li>• Pickled three-bean salad</li> <li>• Pickled watermelon rinds</li> <li>• Pickles, sweet or dill</li> </ul>	<ul style="list-style-type: none"> <li>• Pickled radishes, there are no tested recipes from reliable resources for canning pickled radishes with water bath canning or pressure canning.</li> <li>• Pickled eggs</li> <li>• Pickled fish</li> <li>• Pickled meats</li> <li>• Pickled bison</li> <li>• Pickled seafood</li> <li>• Refrigerator pickled products</li> <li>• Final product pH <math>&gt;4.6</math></li> </ul>	
Vegetables	<p>Vegetables acidified and have an equilibrium pH <math>\leq 4.6</math> and heat-treated to kill vegetative cells.</p> <p>Examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Bloody Mary Mix</li> <li>• <a href="#">Minnesota Tomato Mixture</a></li> <li>• Tomatoes, acidified with bottled lemon juice, citric acid or vinegar.</li> <li>• Tomatillos, acidified</li> <li>• Tomato juice, acidified</li> <li>• Tomato paste with citric acid</li> <li>• Tomato sauce, acidified</li> <li>• Vegetable juice blend, acidified</li> </ul>	<ul style="list-style-type: none"> <li>• Frozen vegetables</li> <li>• Pesto</li> <li>• Hummus</li> <li>• Home-canned low-acid foods: fish, meat, poultry, vegetables, soups stews, and legumes/pulses, ie. Chickpeas, lentils, dry peas and beans</li> <li>• Final product pH <math>&gt; 4.6</math></li> </ul>	<ul style="list-style-type: none"> <li>• A high acid level (pH <math>\leq 4.6</math>) prevents the growth of Clostridium botulinum bacteria, which causes botulism. Because many factors affect the acidity level of tomatoes, USDA recommends adding acid to all home-canned tomatoes and tomato products. See UMN Extension's article: <a href="https://extension.umn.edu/preserving-and-preparing/canning-tomato-products-safety-guidelines">https://extension.umn.edu/preserving-and-preparing/canning-tomato-products-safety-guidelines</a>.</li> </ul>
Fermented Foods	<p>Fermented fruit, vegetables, pickles, sauerkraut, which have an equilibrium pH value of <math>\leq 4.6</math>.</p> <p>Examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Kimchi</li> <li>• Pickles</li> <li>• Sauerkraut</li> <li>• Water Kefir soda</li> <li>• Kombucha with alcohol content not more than one-half of one percent by volume</li> <li>• Sourdough starter culture fermented to <math>\leq 4.6</math> verified by home pH testing</li> </ul>	<ul style="list-style-type: none"> <li>• Fermented products requiring refrigeration for food safety</li> <li>• Fermented products with alcohol content greater than one-half of one percent by volume.</li> <li>• Final product pH <math>&gt; 4.6</math></li> </ul>	

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Vinegar	Vinegar and infused vinegars with an equilibrium pH value of $\leq 4.6$	Final product pH $> 4.6$	
Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Condiments	<p>Condiments, which have an equilibrium pH value of <math>\leq 4.6</math> and heat treated to kill vegetative cells</p> <p>Examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Barbeque sauce</li> <li>• Catsup</li> <li>• Chili sauce</li> <li>• Chutneys</li> <li>• Fruit salsas</li> <li>• Syrups</li> <li>• Horseradish, has a pH <math>\sim 5.4</math>, therefore it must be acidified to be a cottage food product. See this research tested relish recipe <a href="https://extension.oregonstate.edu/sites/default/files/documents/8836/sp5079_3horseradish.pdf">https://extension.oregonstate.edu/sites/default/files/documents/8836/sp5079_3horseradish.pdf</a></li> <li>• Mustard</li> <li>• Pepper sauce</li> <li>• Salsa, Chile</li> <li>• Salsa, green tomato</li> <li>• Salsa, tomato</li> <li>• Salsa Verde (tomatillos green salsa)</li> <li>• Taco sauce</li> <li>• Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.</li> </ul>	<ul style="list-style-type: none"> <li>• Fruit based chutneys with nuts</li> <li>• Pesto</li> <li>• Freshly prepared sauces like guacamole or salsa requiring refrigeration.</li> <li>• Oils such as sunflower, flaxseed, canola, rapeseed</li> <li>• Infused oils</li> <li>• Oil based flavored vinaigrettes</li> <li>• Home-canned caramel and chocolate dessert sauces. There is not a 'standard' or USDA/Extension tested canning recipes for sauces due to the milk and oils from the chocolate sauce. See University of Wisconsin article. <a href="https://fyi.uwex.edu/safepreserving/2013/11/18/safe-preserving-canned-chocolate-sauce/">https://fyi.uwex.edu/safepreserving/2013/11/18/safe-preserving-canned-chocolate-sauce/</a>.</li> <li>• Final product pH <math>&gt; 4.6</math></li> <li>• Flavored with alcohol and final alcohol content is more than one-half of one percent by volume.</li> </ul>	<ul style="list-style-type: none"> <li>• Honey: Plain honey or creamed honey harvested from your land or land you rent is considered product of the farm and so excluded from any licensing. However, if you flavor with non-potentially hazardous ingredients like cinnamon or ground vanilla, it would be a cottage food.</li> <li>• Bacon as an ingredient: Commercially prepared shelf stable bacon added to sauces is allowed. The BBQ sauce must consist of less than 2% by weight of cooked bacon. Final product pH must have an equilibrium of <math>\leq 4.6</math>.</li> <li>• Ball preserving has tested recipes for a home canned chocolate cranberry sauce and a chocolate raspberry sauce safe for water bath canning. See <a href="https://www.freshpreserving.com/">https://www.freshpreserving.com/</a>.</li> <li>• Packaged sweet dessert sauces (not home canned), like caramel and chocolate, with a water activity <math>\leq 0.85</math> are allowed. Refrigerate or freeze the product for quality.</li> <li>• A hot-fill-hold process may be used instead of boiling water or steam canning for some acidified products like salsa and sauces that have a pH of 4.1 or lower, a smooth consistency and a pre-cook step. Monitoring time, temperature and pH is critical to assure the destruction of <i>E. coli</i>, <i>Salmonella</i> and <i>Listeria</i>. These resources provide instruction and processing time/temperatures for the hot-fill-hold thermal process method. <ul style="list-style-type: none"> <li>• <a href="#">Choosing a Hot-Fill-Hold Process for Acidified Foods</a>, University of Wisconsin.</li> <li>• <a href="#">Use of Linear Models for Thermal Processing of Acidified Food with a pH of 4.1 or below</a>. Food Protection Trends. 2010 Vol. 30, No. 5. P. 268-272.</li> </ul> </li> </ul>

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Ingredients Jarred/packageged Pie, cake fillings and toppings	<p>Final product has an equilibrium pH value of <math>\leq 4.6</math> or water activity value of <math>\leq 0.85</math> and heat treated to kill vegetative cells.</p> <p>Examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Fruit toppings like peach, sweet cherry</li> <li>• Pie filling (thickened with ClearJel® or Thermflo®): apple, blueberry, cherry, peach, green tomato</li> <li>• Lemon or lime curd</li> <li>• Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.</li> </ul>	<ul style="list-style-type: none"> <li>• Pie fillings with tapioca, starch or flour added before canning</li> <li>• Mincemeat pie filling</li> <li>• Mole paste</li> <li>• Pineapple, orange, raspberry, rhubarb, etc. curd (only lemon or lime curd has a safe research tested home canning method)</li> <li>• Lemon or lime curd flavored with ginger or herbs like thyme.</li> <li>• Final product pH &gt; 4.6 or water activity &gt; 0.85</li> <li>• Flavored with alcohol and final alcohol content is more than one-half of one percent by volume.</li> </ul>	<ul style="list-style-type: none"> <li>• Packaged sweet dessert sauces (not home canned), like caramel and chocolate, with a water activity <math>\leq 0.85</math> are allowed. Refrigerate or freeze the product for quality.</li> <li>• A cold-fill-hold process may be used for some products as an alternative to the boiling water or steam canning process. Products must have a pH of 3.3 or below or acidified with pH of 3.5 or 3.8. Must include a pre-cook and a cooling step. Instructions here: <a href="https://foodsafety.wisc.edu/assets/coldfill2019.pdf">https://foodsafety.wisc.edu/assets/coldfill2019.pdf</a></li> </ul>

## 2. BAKED FOODS

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Bakery type products	<p>Baked foods that do not require refrigeration and have a final water activity value of <math>\leq 0.85</math> or pH of <math>\leq 4.6</math>.</p> <p>Examples including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Bars</li> <li>• Biscuits, fruit-filled</li> <li>• Biscotti</li> <li>• Breads</li> <li>• Cakes</li> <li>• Cookies</li> <li>• Cupcakes</li> <li>• Meringue Cookies</li> <li>• Pastries</li> <li>• Pies, fruit-filled</li> <li>• Pineapple upside down cake</li> <li>• Pecan pie</li> <li>• Pretzels</li> <li>• Quick breads (See exceptions)</li> <li>• Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.</li> </ul>	<ul style="list-style-type: none"> <li>• Cheesecake</li> <li>• Pies: banana cream, meringue pies, pumpkin, squash pie, etc.</li> <li>• Fillings with: <ul style="list-style-type: none"> <li>• Meat</li> <li>• Bison</li> <li>• Poultry</li> <li>• Fish</li> <li>• Seafood</li> <li>• Vegetables</li> </ul> </li> <li>• Flavored with alcohol and final alcohol content is more than one-half of one percent by volume.</li> <li>• Non-baked dairy (butter, cheese, cream cheese, yogurt), example: no-bake cheesecakes.</li> <li>• Non-baked product containing raw eggs</li> <li>• Final product decorated or garnished with cut fresh fruits, vegetable or meat</li> <li>• Pizza</li> <li>• Cake, brownies, bread baked in a jar</li> <li>• Frozen doughs</li> <li>• Recipes from Come and Bake It 1 &amp; 2 editions tested as potentially hazardous including: Sweet potato cinnamon bread, pumpkin scones, carrot cake, pumpkin roll filling, pumpkin pie, lemon zucchini bread, applesauce nut bread, pumpkin cake, orange pumpkin muffins, pumpkin whoopie pies, pumpkin layer cake, pumpkin blondies, cake mix pumpkin cake, cream cheese kolaches, banana bread, Savory cheddar cheese quick bread, Cheddar cheese herb yeast bread</li> <li>• Final product pH <math>&gt; 4.6</math> or water activity <math>&gt; 0.85</math></li> </ul>	<p>Sweet or quick breads, cakes and pies made with fresh fruit, vegetables or cheese ie. banana, carrot, pumpkin, zucchini, sweet potato cheddar may be a potentially hazardous food. Test these products for both water activity and pH to verify non-potentially hazardous status by a commercial lab.</p> <p>Recipes from Come and Bake It 1 (2015) &amp; 2 (2018) testing as non-potentially hazardous including: Mom’s zucchini bread, pumpkin roll cake, pumpkin whoopie pies, pumpkin bread, pumpkin cake bars.</p> <p>NOT all recipes in the Come and Bake It 2: Pumpkin Spice Edition (2018) are legal in Minnesota, since Minnesota has a different standard for “non-potentially hazardous” foods. In Minnesota, for cottage food products, we use two parameters: pH <math>\leq 4.6</math> or water activity <math>\leq 0.85</math>.</p>

### 3. BEVERAGES

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Teas, coffee, soft drinks	<p>Final product pH <math>\leq 4.6</math> or water activity <math>\leq 0.85</math>.</p> <p>Packaged items, ie. jar and lid examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Fermented beverages (see fermented product section)</li> <li>• Soft drinks, packaged</li> <li>• Teas, packaged</li> <li>• Pasteurized or home-canned high-acid juices</li> <li>• Lemonade and fruit flavored ades, packaged</li> </ul>	<ul style="list-style-type: none"> <li>• Prepared, ready-to-serve beverages like coffee, tea, lemonade are considered foodservice requiring licensing</li> <li>• Fresh squeezed juice</li> <li>• Cold brew coffee requires refrigeration for food safety</li> <li>• Final product pH <math>&gt; 4.6</math> or water activity <math>&gt; 0.85</math></li> </ul>	<ul style="list-style-type: none"> <li>• Fruit ciders, fruit juices, including tomato: if final products meet the pH criteria and are home-canned or pasteurized (heat juice to 160 degrees F for 6 seconds while stirring constantly), they are an allowed cottage food product.</li> <li>• Raw, uncanned and unpasteurized juice is not allowed because it requires refrigeration for safety requiring a license. Contact MDA at <a href="mailto:MDA.FoodLicensingLiaison@state.mn.us">MDA.FoodLicensingLiaison@state.mn.us</a> or 651-201-6027.</li> <li>• A cold-fill-hold process may be used for some beverages as an alternative to the boiling water or steam canning process. Products must have a pH of 3.3 or below or acidified with pH of 3.5 or 3.8. Must include a pre-cook and a cooling step. Instructions here: <a href="https://foodsafety.wisc.edu/assets/coldfill2019.pdf">https://foodsafety.wisc.edu/assets/coldfill2019.pdf</a></li> </ul>

### 4. CANDY AND CONFECTIONS

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Candy and Confections	<p>Final product does not require refrigeration for food safety and has a final water activity value of <math>\leq 0.85</math>.</p> <p>Including but not limited to:</p> <ul style="list-style-type: none"> <li>• Bon bons</li> <li>• Brittle</li> <li>• Caramel apples</li> <li>• Caramels</li> <li>• Chocolate</li> <li>• Chocolate, ground</li> <li>• Chocolate-covered, non-perishable foods, such as nuts, dried fruits, marshmallows, pretzels</li> <li>• Cotton candy</li> <li>• Fudge</li> <li>• Hard candy</li> <li>• Popcorn balls</li> <li>• Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.</li> </ul>	<ul style="list-style-type: none"> <li>• Flavored with alcohol and final alcohol content is more than one-half of one percent by volume. E.g., liquid filled chocolate with a liqueur filling</li> <li>• Chocolate-covered fresh fruit, ie. berries, pineapple, melon</li> <li>• Anything containing raw eggs</li> <li>• Cream based filling</li> <li>• Meat, fish, seafood, poultry, vegetable filling</li> <li>• Final product pH <math>&gt; 4.6</math> or water activity <math>&gt; 0.85</math></li> </ul>	

## 5. DRIED, DEHYDRATED, ROASTED PRODUCTS

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Dried, Dehydrated, Roasted Products	<p>Final product water activity value of <math>\leq 0.85</math>.</p> <p>Including but not limited to:</p> <ul style="list-style-type: none"> <li>• Baking mixes</li> <li>• Beans</li> <li>• Coconut</li> <li>• Coffee beans</li> <li>• Culinary lavender</li> <li>• Dates</li> <li>• Fruit</li> <li>• Fruit leathers</li> <li>• Grains</li> <li>• Garlic</li> <li>• Granola, cereals and trail mixes</li> <li>• Herbs</li> <li>• Herb blends</li> <li>• Freeze dried fruit, vegetables and herbs</li> <li>• Milled cornmeal, flaxseed, etc.</li> <li>• Mushrooms, mushroom jerky, etc. – Only use mushrooms from a commercial source. Must be dried, dehydrated and not roasted.</li> <li>• Nut mixes</li> <li>• Onions</li> <li>• Pasta, noodle without eggs</li> <li>• Popcorn</li> <li>• Popcorn snacks</li> <li>• Potato chips</li> <li>• Seasoning salt</li> <li>• Seeds like pumpkin, sunflower</li> <li>• Soup mixes (dry)</li> <li>• Tea (dry)</li> <li>• Tomatoes</li> <li>• Tree nuts and legumes, coated or uncoated</li> <li>• Vegetable leathers like pumpkin or mixed vegetable</li> <li>• Vegetable chips</li> <li>• Vegetables</li> <li>• Vegetarian-based soup mixes (dry)</li> </ul>	<ul style="list-style-type: none"> <li>• Jerky: fish, meat, poultry, seafood specialized process requiring a license and extra precautions and food safety controls</li> <li>• Roasted vegetables or fruits, ie. peppers, carrots, tomatoes, etc.</li> <li>• Dried noodles with eggs</li> <li>• Fresh, frozen or cooked pasta</li> <li>• Popcorn, kettle corn made onsite at a farmers' market or community event. This is foodservice and requires a license</li> <li>• Final product pH <math>&gt;4.6</math> or water activity <math>&gt;0.85</math></li> </ul>	<ul style="list-style-type: none"> <li>• Milling of corn and other products and drying herbs for example also falls under the product of the farm exclusion if no off-farm ingredients are added. Check with the Minnesota Department of Agriculture for facility requirements, as a home kitchen cannot be used under the product of farm exclusion.</li> </ul>

## 6. FROZEN ITEMS

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
	<p>Final product pH <math>\leq 4.6</math> or water activity <math>\leq 0.85</math>.</p> <p>Including but not limited to:</p> <ul style="list-style-type: none"> <li>• Fruit-based frozen treats, ie. Popsicles, sorbet, ice snow cones, etc.</li> <li>• Fruit-based freezer jams</li> </ul> <p><b>Note:</b> Imported frozen berries were identified as the source of several viral outbreaks. Outbreaks of both <b>norovirus</b> and <b>hepatitis A</b> have been associated with frozen berries worldwide. Boiling berries for one minute to make juice prior to re-freezing is best practice to eliminate pathogens.</p>	<ul style="list-style-type: none"> <li>• Frozen fruit and vegetables</li> <li>• Frozen uncooked or partially cooked bread doughs, batters, pies, etc.</li> <li>• Final product pH <math>&gt; 4.6</math> or water activity <math>&gt; 0.85</math></li> </ul>	

## 7. ICINGS, FILLINGS, FROSTINGS, SUGAR ART, TOPPINGS

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Icings, Fillings, Frostings, Sugar Art, Toppings	<p>Final product pH <math>\leq 4.6</math> or water activity <math>\leq 0.85</math>.</p> <p>Including but not limited to:</p> <p><b>Icings, fillings, frosting</b></p> <ul style="list-style-type: none"> <li>• Buttercream</li> <li>• Cookie dough frosting- must use commercially treated flour</li> <li>• Gum paste</li> <li>• Flat</li> <li>• Fondant</li> <li>• Fudge</li> <li>• Glaze</li> <li>• Royal icing with meringue powder</li> </ul> <p><b>Sugar art items:</b></p> <ul style="list-style-type: none"> <li>• Cake toppers</li> <li>• Cream cheese mints</li> <li>• Cupcake toppers</li> <li>• Modeling chocolate figurines</li> <li>• Sugar flowers</li> <li>• Other decor items</li> </ul> <p><b>Toppings:</b></p> <ul style="list-style-type: none"> <li>• Stabilized commercial nondairy whip cream products</li> <li>• Dried or freeze dried fruit</li> <li>• Edible flowers</li> <li>• Herbs like culinary lavender, mint</li> <li>• Whole fruit</li> <li>• Fruit peels or zest</li> <li>• Bacon topping, cooked, commercially sources and final products consist of less than 2% by weight of cooked bacon</li> <li>• Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.</li> </ul>	<ul style="list-style-type: none"> <li>• Eggs, cream, milk or cream cheese based; unless final product using these ingredients is documented as a non-potentially hazardous food</li> <li>• Flavored with alcohol and final alcohol content is more than one-half of one percent by volume.</li> <li>• Recipes from <i>Come and Bake It 1 &amp; 2</i>: edition tested as potentially hazardous including: Italian meringue buttercream, Chocolate French Buttercream, Coconut-Pecan Frosting (2011, 2014), Pineapple curd, Brown Sugar Swiss meringue buttercream, Cooked flour buttercream</li> <li>• Cut melon</li> <li>• Final product pH <math>&gt; 4.6</math> or water activity <math>&gt; 0.85</math></li> </ul>	<ul style="list-style-type: none"> <li>• Dairy and cream cheese based frostings lab tested and meet the Minnesota non potentially hazardous parameters: pH <math>\leq 4.6</math> or water activity <math>\leq 0.85</math>.</li> <li>• Recipes from <i>Come and Bake It 1 &amp; 2</i> tested as non-potentially hazardous are allowed: cream cheese buttercream, maple cinnamon cream cheese frosting, marshmallow cream cheese frosting, cream cheese sour cream frosting, orange cream cheese frosting, traditional cream cheese frosting, faux cream cheese frosting, chocolate ganache, Swiss and no-cook meringue buttercreams, fluffy boiled icing, lemon curd, Seven minute frosting, French vanilla buttercream, fluffy buttercream frosting, American buttercream, caramel fillings, Caramel coconut pecan frosting, maple cinnamon cream cheese frosting, pumpkin cream cheese filling, cooked flour frosting.</li> </ul>

## 8. JAMS, JELLIES, PRESERVES, FRUIT BUTTERS, SYRUPS

Food Types	ALLOWED	NOT-ALLOWED	EXCEPTIONS
Fruit Butters, Jams, Jellies, Preserves, Syrups	<p>Final product pH <math>\leq</math>4.6 or water activity <math>\leq</math>0.85.</p> <p>Including but not limited to:</p> <ul style="list-style-type: none"> <li>• Conserves</li> <li>• Fruit butters</li> <li>• Fruit syrup</li> <li>• Sorghum syrup</li> <li>• Jam</li> <li>• Jelly</li> <li>• Marmalades</li> <li>• Preserves</li> <li>• Fruit based refrigerator or freezer jam</li> <li>• Flavored with alcohol ie. wine, beer jelly. Final alcohol content must be less than one-half of one percent by volume.</li> <li>• Research tested recipes for fig preserves, mint jelly, pepper jelly, tomato jam. See The National Center for Home Food Preservation <a href="https://nchfp.uga.edu/how/can7_jam_jelly.html">https://nchfp.uga.edu/how/can7_jam_jelly.html</a>.</li> </ul>	<ul style="list-style-type: none"> <li>• Pumpkin, squash, sweet potato butters</li> <li>• Bacon jam (bacon, onions, vinegar, spices)</li> <li>• Final product pH &gt; 4.6 or water activity &gt;0.85</li> <li>• Flavored with alcohol and final alcohol content is more than one-half of one percent by volume.</li> </ul>	<ul style="list-style-type: none"> <li>• Non-tested recipes using low-acid ingredients require testing by a commercial lab for pH and water activity. (See list of labs in Appendix).</li> </ul>

## REQUIREMENTS AT-A -GLANCE

FOOD PRODUCED UNDER M.S. 28A.152	MAY	MUST	SHOULD	MAY NOT
Produced in home kitchen	√√			
Acid and acidified home-canned products heat treated in a hot water bath or an approved hot-fill-hold process		√√		
Acidified or fermented foods: Home test pH of each batch		√√		
Register with MDA		√√		
Carry product liability insurance			√√	
Sell at a farmers' market	√√			
Sell at a community event	√√			
Sell via the internet	√√			
Sell from the home, if allowed by local zoning ordinance	√√			
Sell to restaurants				√√
Sell to grocery stores				√√
Sell to other than ultimate consumer				√√
Donate product to a charity fundraiser event (effective August 1, 2017)	√√			
Donate product to a food shelf or another food access point				√√
Label with name and address (street or post office box, city MN zip), date food was prepared, all ingredients and allergens		√√		
Package	√√			
Place sign at point of sale stating: "Products are homemade and not subject to inspection."		√√		
Display Minnesota Cottage Food Registration card at point of sale	√√			
Report income to IRS		√√		
Charge Sales Tax, if applicable. See MN Department of Revenue, <a href="https://www.revenue.state.mn.us/guide/sales-food">https://www.revenue.state.mn.us/guide/sales-food</a>		√√		
Request an inspection	√√			
<a href="#">Sampling and food demo</a> M.S. 28A.151	√√			
Food product can be shipped				√√

# APPENDIX

## TESTED RECIPES RESOURCES

- University of Minnesota Extension Cottage Food Resource Hub. Find links and recommended resources to assist or grow your cottage food business. <https://extension.umn.edu/food-entrepreneurs/cottage-foods-resource-hub>
- *Come and Bake It*. Volumes I and II. Tested recipes for icings and frostings. NOTE: Only some of the recipes are legal in Minnesota, we use two parameters:  $\text{pH} \leq 4.6$  or  $a_w \leq 0.85$  <https://texascottagefoodlaw.com/recipes/>.
- Minnesota Tomato Mixture: <https://extension.umn.edu/preserving-and-preparing/canning-minnesota-tomato-mixture>
- *So Easy to Preserve*. Tested recipes from the University of Georgia. National Center for Home Food Preservation. <https://setp.uga.edu/>.
- National Center for Home Food Preservation. <http://nchfp.uga.edu/>.
- University of Minnesota Extension. Food Preservation website. <https://extension.umn.edu/food-safety/preserving-and-preparing>.
- Fresh Preserving | Ball® Kerr® Jars & Home Canning. [Freshpreserving.com](http://Freshpreserving.com).

## TESTING LABS

You may choose a commercial testing lab that fits your needs. Pricing varies but averages \$15/pH test, \$30/water activity and \$100/alcohol content test/per product.

- Market Fresh Food Testing Laboratory, (612)331-4050, Minneapolis, <http://www.marketfreshlabs.com/>.
- Minnesota Valley Testing Lab, (507) 354-8517, New Ulm, <http://www.mvtl.com/>.
- Medallion Labs, 1-800-245-5615 or (763)764-4453, Minneapolis, <https://www.medallionlabs.com/>.
- Mocon, Minneapolis, (763) 493-6370, <https://www.mocon.com/>.

## REFERENCES

- Approximate pH of Foods and Food Products. April 2007. US FDA/CFSAN; US FDA/CFSAN. Retrieved from <https://www.healthycanning.com/wp-content/uploads/pH-FDAapproximatepHoffoodslacp-phs.pdf>.
- Local Food Resources. Minnesota Institute for Sustainable Agriculture (MISA). <https://www.misa.umn.edu/resources/local-food-sales-resources>.
- National Center for Home Food Preservation. <http://nchfp.uga.edu/>.
- Why Add Lemon Juice to Tomatoes and Salsa Before Canning? June 2012. North Dakota State University <https://www.ag.ndsu.edu/publications/food-nutrition/why-add-lemon-juice-to-tomatoes-and-salsa-before-canning>

## RESOURCES

- Minnesota Cottage Foods Producers Association, [mncfpa@gmail.com](mailto:mncfpa@gmail.com)
- Minnesota Department of Agriculture Cottage Foods Producers Guidance and Registration, <https://www.mda.state.mn.us/food-feed/cottage-food-producer-registration>
- Minnesota Farmers' Market Association, [info@mfma.org](mailto:info@mfma.org), [www.mfma.org](http://www.mfma.org)
- MN Registered Cottage Food Producers Group - Facebook
- University of Minnesota Extension Food Safety Team, <https://extension.umn.edu/courses-and-events/cottage-food-producer-food-safety-training>