

Examples of Foods that Can Be and Cannot Be Sold by Home Based Vendors

An important provision in HEA 1309 is to not allow for PHFs (potentially hazardous foods) to be sold. The most basic definition of a PHF is a food that contains conditions (food ingredients, packaging and/or storage) that allows disease-causing bacteria to grow, potentially leading to human illness. While the growth of bacteria in foods can be impacted by a number of factors, two of the most important factors are product acidity (measured by pH) and product moisture (measured by water activity). Foods that have an acidity value of pH greater than 4.6 and a water activity greater than 0.85, allow disease-causing bacteria to grow. Conversely, foods that have a pH equal to or less than 4.6, have a water activity equal to or less than 0.85, are not considered PHFS. Table 1 provides some examples about what foods can be sold (non-PHF) and foods that may NOT be sold (PHFS) by HBVs. This list is by no means comprehensive of all of the products that we may find at farmers markets and roadside stands. If you have specific questions about your product, you should contact your local health department and/or have your product evaluated by an outside expert/consultant.

Labeling Requirements of Foods Produced by HBVs

All HBV foods that are formulated and prepared must be labeled as "This product is home produced and processed and the production area has not been inspected by the State Department of Health." Labels must contain other information such as the name of the food product, ingredients, net weight and volume, and date at which the product was processed.

Table 1. Examples of Foods that May Be and May Not Be Sold by HBVs

Food Type	Foods that May Be Sold	Foods that May Not be Sold
Baked Goods	Cookies, cakes, fruit pies, cupcakes, bars, yeast breads, fruit breads, baguettes	Foods that contain meat, poultry, aquatic animals, non-baked dairy (cheese, butter, yogurt), non-baked egg containing products and whole eggs
Candies and Confections	Caramels, chocolate, fudge, peanut brittle, chocolate covered fruits, bon bons, buckeyes, chocolate covered nuts	Commercially prepared products (prepackaged items or drinks)
Fruit and Vegetables	Unprocessed, whole and uncut items such as cherries, blackberries, cranberries, grapefruit, strawberries, oranges, blueberries, plums, tomatoes, corn, lettuce, green beans, peppers, etc. Fruit –based jams and jellies (made from strawberries, blueberries, grapes, raspberries, blackberries, etc.) Fermented pickles that do not require acidification and do not require refrigeration.	Canned products that are shelf-stable an in hermetically sealed containers such as salsas, chutney, chow-chow, and canned vegetables. Pickled vegetables (beets, pickles) that are shelf-stable Cut tomatoes and cut melons Garlic in oil mixtures, herb and oil mixtures Raw seed sprouts Fruit butters (i.e. pear, pumpkin)
Meat, Poultry, and Seafood	None identified.	Canned products that are shelf-stable an in hermetically sealed containers such as canned vegetables, canned meats, and canned seafood.
Tree nuts and legumes	Peanuts, almonds, cashews, walnuts, pistachios, etc.	Reduced Oxygen Packaging (ROP) is not allowed (example: vacuum sealed foods)
Syrups	Honey, molasses, sorghum, maple syrup	