

Baked Goods

Shortly after the passage of RSMo 261.241, the definition of a food establishment was revised in the Food Code to allow individuals to make other kinds of non-hazardous foods in their home kitchens and sell them directly to the public without inspection at certain events.

These foods include breads, cookies, fruit pies, cracked nuts and similar foods. Check with your local public health agency for additional requirements that you may need to meet.

Below are some specific requirements for the manufacture and sale of these foods.

- The vendor must be the manufacturer or an immediate family member of the manufacturer.
- The product must be sold directly to the consumer at a venue like a farmer's market. The vendor must also assure that the food bears a label stating:
 - The name and address of the manufacturer/processor preparing the food
 - Common name of the food
 - Name of all the ingredients in the food
 - Statement: "This product is prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services."
- If the foods are not pre-wrapped or packaged, there must also be a placard clearly visible at the sale or service location that states the product was prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services.

RESOURCES AND LINKS

Food Safety

Missouri Department of Health and Senior Services, health.mo.gov/safety/foodsafety/index.php

Food Code

Missouri Department of Health and Senior Services, health.mo.gov/safety/foodsafety/foodcode.php

Producers

Missouri Department of Agriculture, mda.gov

Local Public Health Agency Directory

health.mo.gov/living/lpha/lphas.php

DHSS Brochures

- Salsa and other Acidified Foods
- Farmer's Markets
- Guidelines for Temporary Food Events
- Food Processing

Contact your local public health agency at:



Missouri Department of Health and Senior Services
Bureau of Environmental Health Services
P.O. Box 570
Jefferson City, MO 65102-0570
573-751-6095
health.mo.gov/safety/foodsafety/index.php

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Safe Preparation of

**Jams, Jellies,
Honey and
Baked Goods**

Missouri Department of Health and Senior Services

Jams, Jellies and Honey

WHAT YOU NEED TO KNOW

In 2005, RSMo 261.241 became state law. It allows manufacturers of jams, jellies and honey that produce less than \$30,000 per year to process these products in their home kitchens. Jams, jellies and honey are considered unlikely to cause illness because their acidity and sugar content prevent bacteria growth.

Jams, jellies and honey must be sold by the manufacturer directly to the end consumer. Vendors should be aware that selling directly to the customer does not include taking an order and shipping the product to their customer.

These products must meet the labeling requirements found in the Missouri Food Code by including:

- Name and address of the person manufacturing the food
- Common name of the food
- Name of all ingredients in the food
- Statement: “This product has not been inspected by the Department of Health and Senior Services.”

English must be the primary language used on labels.

Honey should also be labeled “Honey is not recommended for infants less than twelve (12) months of age.”

“SUGAR FREE” JAMS AND JELLIES

“Sugar free” or no sugar added jams and jellies are an exception to the RSMo 261.241 exemption for home manufacturing. Regular jams and jellies rely on the amount of sugar

used and the pH of the finished product to prevent harmful bacteria from being a problem. The pH scale is used to measure the acidity of food products. (pH is measured on a scale of 0 to 14, where less than 7 is acidic and greater than 7 is basic.)

Less sugar may allow enough moisture to be available for harmful bacteria to grow without other barriers. This means the pH of the product becomes the barrier to harmful bacterial growth. If fruit with a pH above 4.0 and artificial sweeteners are used, then botulism becomes a problem.

Extra steps must be taken to assure the safety of products that use acidity to prevent harmful bacteria from being a problem.

- Products that contain artificial sweeteners in the finished product need to be sent to a laboratory and have the pH tested.
- A jam or jelly with a final pH below 4.0 can still be allowed to be made in home kitchens under the statutory exemption. The manufacturing process must be strictly followed in order to produce a product that would have the same pH as the tested sample. Even a slight change in the recipe would require re-testing.

Products made from fruits with natural sugars in them should be labeled “no sugar added” since they will still contain natural sugars from the fruit after processing.

- “Sugar free” or “no sugar added” jelly that has a pH between 4.0 and 4.6 must be made in an inspected or regulated facility. The pH should be tested on every batch with a quality pH meter and a record kept of the results.

- “Sugar free” or “no sugar added” jelly with a pH above 4.6 is not allowed under any circumstances to be produced in a home kitchen. These products would be classified as a low acid food and the manufacturer would need to attend a Better Process Control School and have the product evaluated by a process authority in accordance with federal law. Examples of these low-acid foods include pepper jelly, tomato jelly and similar products.

Jellies made with juices should also be tested.

- If the pH is below 4.0, then the pH will be considered the primary control point and the producer may proceed. If the pH is above 4.0, water activity becomes the primary control point and the water activity of the jelly must be tested in a laboratory.
- If the water activity is below .80, the jelly can be allowed to be made under the food code exemption. The recipe and process should not be changed or the pH and water activity measurements previously determined will no longer be valid.
- If the water activity for the jelly is between .80 and .85, it must be manufactured in a regulated facility and the water activity monitored.
- Any product with a water activity above .85 would be considered a low acid or acidified food which cannot be made in a home kitchen for sale. The manufacturer of this product would need to attend a Better Process Control School and have the product evaluated by a process authority.