

	<b>West Virginia Department of Health and Human Resources</b>				
	<b>MANUAL OF ENVIRONMENTAL HEALTH PROCEDURES</b>				
Section	Food	Date	March 6, 2014	Procedure #	F-7
Subject	Home Canned and Prepared Foods at Fairs and Farmers' Markets			Page	1 of 2

This department has no objection to home prepared foods being offered for sale at fairs, farmers' markets, and similar exhibitions which are operated on a temporary basis or are sponsored by the Department of Agriculture, **PROVIDED:**

1. Food items are NON-POTENTIALLY HAZARDOUS and may include:

- Non-dietary Jams, Jellies, and Preserves
- Applebutter, Molasses, and Sorghum
- Undiluted Honey and Undiluted Maple Syrup  
(The sale of diluted honey or syrup or dietary products where artificial sweeteners have been used in place of sugar is prohibited.)
- Dehydrated Fruits and Vegetables (excludes dehydrated meats which are under the surveillance of the Department of Agriculture)
- Vinegar - Plain, Herb, or Flavored  
(does not include acidified or pickled foods)
- Cakes, Cookies, and Candies (Cream filled products are prohibited.)
- Fruit Pies (Cream, custard and meringue pies are prohibited.)
- Yeast breads, Nut and Fruit Breads
- Other foods may or may not be included at the discretion of the Commissioner of the Bureau for Public Health or his/her designee

2. Persons wishing to offer these food products for sale must [register](#) with their local health department. Registration shall include a list of the foods to be offered, the name, address and telephone number of the person who prepared the food and any other information deemed necessary by the local health department.

3. Any vendor offering the above products are required to inform the consumer by posting a clearly visible placard at the sales location that states: "these products are prepared in a kitchen that is not subject to regulation and inspection by the Commissioner or his/her designee".

While these food products do not present a hazard from a bacteriological standpoint, the food may be contaminated with filth or other extraneous matter. Therefore, the health department reserves the right to inspect the home kitchens if conditions warrant.

No item may be sold that meets the definition of “potentially hazardous food” as stated in the [FDA Food Code](#), as adopted in the [WV Food Establishments Rule, 64CSR17](#) unless the vendor holds a valid permit from the local health department. Any food that consists in whole or part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms is considered a potentially hazardous food. The term does not include foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

Any food products sold in commercial retail establishments must be processed in a facility inspected and approved by the health department. Also, any food products shipped interstate must meet the requirements of the U.S. Food and Drug Administration 21CFR.

Product labels must be approved by the WV Department of Agriculture.

Refer to the [Farmers Market Vendor Guide](#) for more information.

References                    [64CSR17, Food Establishments Rule](#)  
[FDA Food Code](#)

History                        Supersedes FOOD 8-'78 dated April 20, 1978  
Supersedes F-45 dated January 6, 1992  
Old procedure number F-45  
Supersedes F-7 dated May 25, 1993  
Supersedes F-7 dated July 13, 2009

Attachments                [Registration Form for Home Canned and Prepared Foods](#)