



Indiana Home-Based Vendor Food Product Labeling Overview

Authors: Han Chen,
Yaohua Feng,
Carlana Clymer, and
Tressie Barrett,
Department of
Food Science,
Purdue University

In 2009, House Enrolled Act (HEA) 1309 was passed by the Indiana General Assembly. The term “home-based vendor (HBV)” is used to describe a person who has been exempted from regulation as “food establishments” under IC 16-42-5-29. Refer to Extension publication “Overview of Home-Based Vendor Law” (<https://www.extension.purdue.edu/extmedia/FS/FS-30-W.pdf>) to learn more. As a HBV, you should follow safe food handling practices and label the products correctly. This document will help you understand the labeling requirements for HBV products.

Requirements for HBVs (IC 16-42-5-29)

- Individual vendors at a farmers market, or roadside stand.
- Food products are made in the primary residence (home kitchen) of individuals.
- The product must be “made, grown, or raised” by the individual.
- Produce non-potentially hazardous food products (e.g., baked goods, syrup).
- Food is prepared by proper sanitary procedures, including proper hand washing, sanitation of food containers, and safe food storage.
- Food products are sold directly to the end consumers.
- All food products must include labeling that contains all the required information.

What information should be on the label?

The following information should be on a label:

- Name and address of the food producer.
- Name of the food product. The name should be common so that the public can recognize it easily.
For example: chocolate chip cookies, strawberry jam.
- Ingredients of the food product in descending order by weight.
- Net weight and volume of the food product by standard measure or numerical count.
- Processing date of the food product.
- Following statement in at least 10-point type: "This product is home produced and processed and the production area has not been inspected by the State Department of Health."

- Food products without package (e.g., some baked goods, items consumed on-site): A readable placard/signage with the food product that includes all required information stated in IC 16-42-5-29(c)(5) can be considered as a label for the product.
- Open samples for consumers to taste: Nearby containers of the same products should be labeled following the requirements.
- Whole, uncut produce: Labeling or placard is not required.

What would happen if the labels were incorrect?

Labeling serves as one of the primary safety factors for HBV products. Consequently, product labels should strictly meet the labeling requirements stated in IC 16-42-5-29(c)(5). Based on the Indiana State Department of Health, if the food product made by the HBV is not labeled as stated in the requirements, it cannot be sold at farmers markets or roadside stands. The vendor will be treated in the law as a "food establishment" and becomes subject to sampling and inspection.

Do I need to include food allergens in the label?

Food allergens are not required to be included in the food label under IC 16-42-5-29. However, it is recommended to state the food allergens in the label to protect consumers with food allergies. Allergic reactions can be severe and life-threatening.

Food allergens, substances that are usually harmless to a large percentage of the population, are proteins in a food that cause allergic reaction in a person with food allergies. Eight major food allergens are identified by the Food Allergen Labeling and Consumer Protection Act of 2004: milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans.

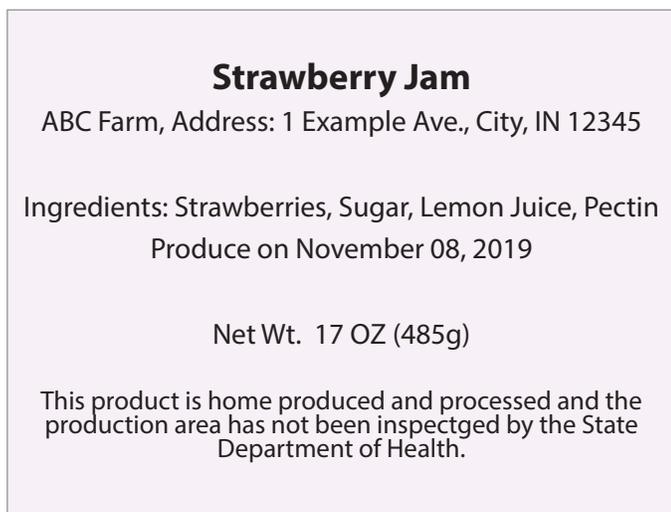


Figure 1. Labeling Example of HBV Strawberry Jam.

Where should the label be presented?

- Food products with package (e.g., jam or jellies that are "high acid fruit in sugar"): Label should be displayed on the package.

Tips for food allergens labeling:

- Food allergen can be labeled in parentheses after the name of the ingredients.

Example: Flour (Wheat), Soy Lecithin (Soy), Nonfat Dry Milk (Milk).

- Food allergen can also be labeled after or next to the ingredient lists using “Contains” statement. Example: Flour, Soy Lecithin, Nonfat Dry Milk. Contains Wheat, Soy, and Milk. If the product is produced in shared-use equipment that may cross-contact food allergens from other food products, it is recommended to state that “This product may contain [allergen]” or “This product is produced in a facility that also uses [allergen].”

What are the labeling requirements for poultry or rabbits?

According to the Indiana State Board of Animal Health, raw rabbits and raw poultry (less than 1,000 birds annually) are allowed to be slaughtered and processed without inspection and sold at a farmers market, roadside stand or from the farm directly to the end consumer. The poultry and rabbits should be the only ingredient, and they must be of the producer’s own raising. Producers cannot provide a slaughter or processing “service” for the poultry or rabbits from other farms. All the poultry and rabbits sold in the farmers market or roadside stand must be frozen at the point of sale. If the poultry is sold on the farm, it can either be refrigerated or frozen at the point of sale. The labels of the poultry and rabbits should include information as presented in the following table.

Table 1. Labeling Requirements for Raw Poultry (less than 1,000 birds annually) and Raw Rabbit Products Sold by a HBV (Not Sold to Retail Food Establishment)

Requirement	Poultry or Rabbits
Common name of product	X
Name and address of manufacturer/producer	X
Net weight and volume of the product	X
Processing date of the product	X
Following statement in at least 10-point type: “This product is home-produced and processed in a production area not inspected by ISDH.”	X

Note: When selling to Retail Food Establishment, contact ISDH, Food Protection Program or the local health department for more information.

Chocolate Chip Cookies

ABC Vendor Address: 123 St., City, IN 12345

Ingredients: Enriched flour (wheat flour, niacin, reduce iron, thiamine, riboflavin, folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, soy lecithin), sugar, eggs, baking soda.

Contains wheat, eggs, milk, and soy.

Net Wt. 17 OZ (485g)

Produced on November 08, 2019

This product is home produced and processed and the production area has not been inspected by the State Department of Health.

Figure 2. Labeling Example of Chocolate Chip Cookies with Allergens

Do I need to include safe food handling instruction in the label?

Safe Food Handling Instruction is not a mandatory element of food labeling under IC 16-42-5-29. To protect the consumer from getting foodborne illnesses, a safe food handling instruction is recommended to be included in the labeling. Refer to Figure 2, Figure 3, and Figure 4 for the examples of safe food handling instruction.

For the cooking instructions, producers are encouraged to emphasize the recommended cooking temperature for poultry and rabbits. According to the U.S. Department of Agriculture, the recommended cooking temperature of poultry is 165°, and the recommended cooking temperature of rabbits is 160°. Safe cooking instructions can be written as: “Cook chicken to internal temperature of 165° before consumption” and “Cook rabbits to internal temperature of 160° before consumption.”

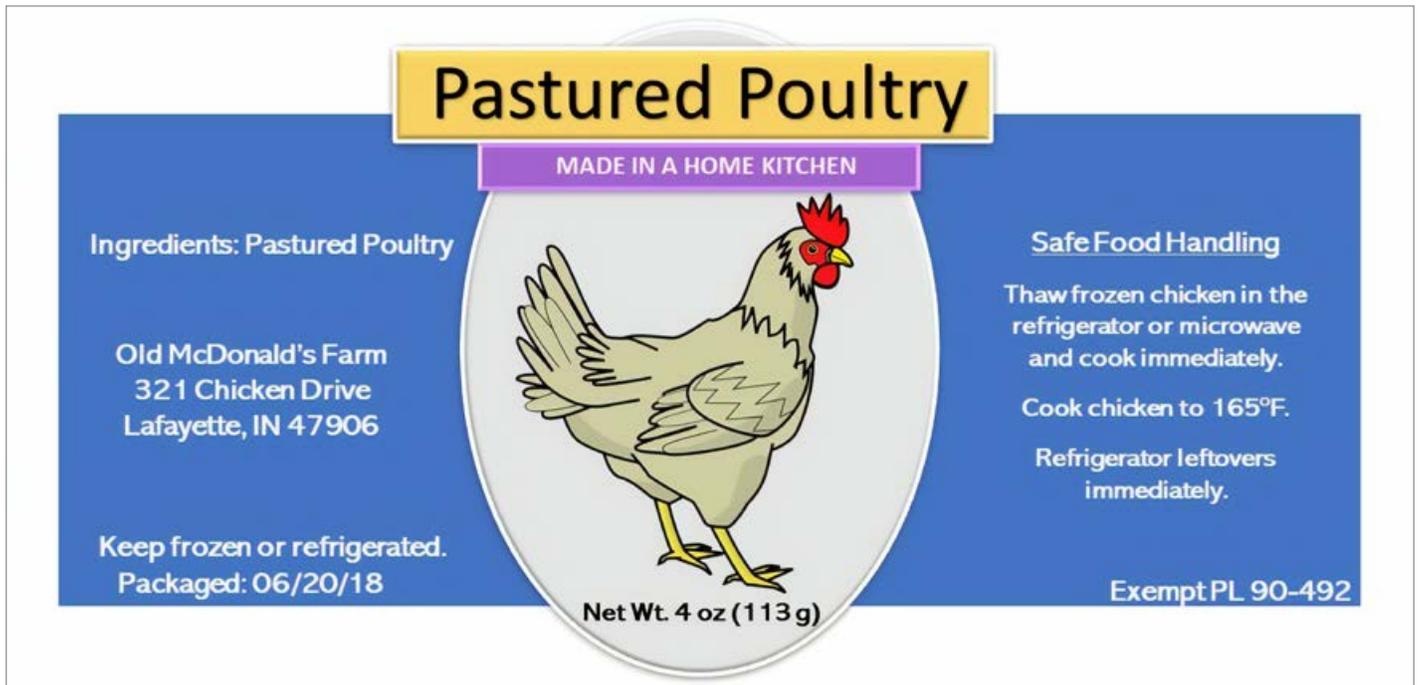


Figure 3. Labeling Example of HBV Poultry Product

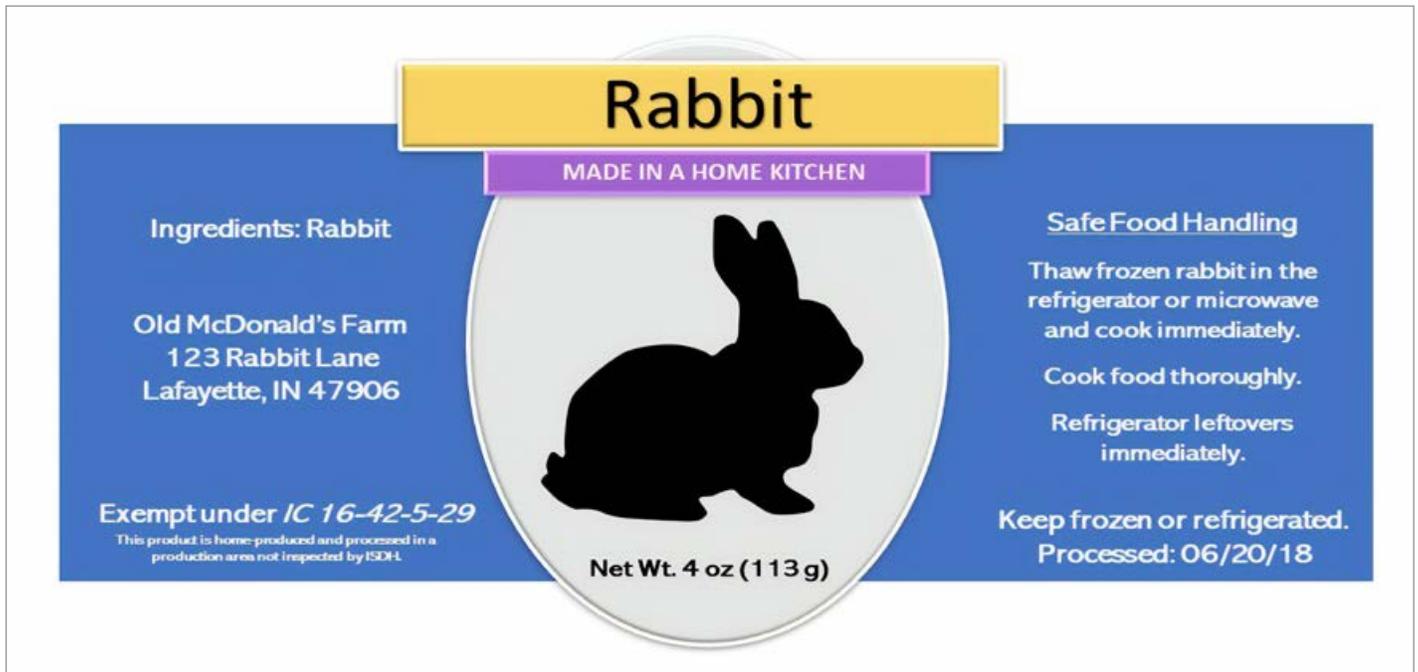


Figure 4. Labeling Example of HBV Rabbit Product

What are the labeling requirements for in-shell chicken eggs?

Based on IC 16-42-11-8, farmers or bona fide chicken egg producers who sell and deliver on their own premises, where eggs are produced by their own flocks, are exempt from the chapter (IC 16-42-11). The Retail Food Establishment exemption for vendors of eggs identified in IC 16-42-5-29(j) applies only to the sale of eggs from domestic chickens. The sale of eggs from other avian species is regulated by the Indiana State

Department of Health. If farmers or egg producers would like to sell at a farmers market, a farmers market retail permit from the Indiana State Egg Board is required. For more information, please see Indiana State Egg Board (<https://ag.purdue.edu/ansc/iseb/>). For labeling requirements, refer to "Indiana Guidelines for Labeling Egg Cartons" (<https://ag.purdue.edu/ansc/iseb/carton-labeling/>).

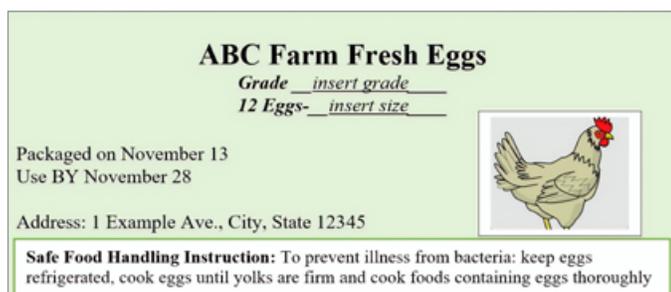


Figure 5. Labeling example on egg cartons containing in-shell chicken eggs offered for sale. Grade and size requirements can be found in “Indiana Guidelines for Labeling Egg Cartons” (<https://ag.purdue.edu/ansc/iseb/carton-labeling/>).

Contacts

For more information about the home-based vendor law, contact the following resources.

1. County Department of Health Information
Website: <https://www.in.gov/isdh/24822.htm>
2. Indiana State Department of Health Food Protection Program
Website: <https://www.in.gov/isdh/20640.htm>
Phone number: (317) 234-8569
Email: food@isdh.in.gov
3. Indiana State Board of Animal Health
Website: <https://www.in.gov/boah/>
Phone number: (317) 544-2400 or (877) 747-3038
Email: animalhealth@boah.in.gov
4. Indiana State Egg Board
Website: <https://ag.purdue.edu/ansc/iseb/>
Phone number: (765) 494-8510
Email: straw@purdue.edu

Acknowledgements

We thank the following individuals and organizations for reviewing the content of this paper: Indiana State Department of Health Food Protection Program; Dr. David Bough, Indiana State Board of Animal Health; and Mark Straw, Indiana State Egg Board.

References and Useful Resources

1. Indiana Board of Animal Health. (2017). Sale of Meat and Poultry at Farmers Markets. Available in: <https://www.in.gov/boah/files/FarmerMkt%20Sale%20of%20Meat-Poultry-Rabbit%202017.pdf>

2. Indiana General Assembly. (2018). Exempt operation antemortem and postmortem inspection requirements; limited permits; inspections; requirements; rules. *IC 15-17-5-11*. Available in: <http://iga.in.gov/legislative/laws/2018/ic/titles/015#15-17-5-11>
3. Harrison, L. (2017). Home Based Vendors Basics. Available in: <https://www.in.gov/isdh/files/hbv-presentation-3-8-2017.pdf>
4. Gilliam, A.S. (2009). Guidance for Uniform Use of House Enrolled Act 1309. *Indiana State Department of Health*. Available in: <https://ag.purdue.edu/foodsci/Documents/HEA-1309-guidance-final.pdf>
5. Gilliam, A.S. (n.d.). Understanding Indiana House Enrolled Act (HEA) 1309 – Farmers Market Boot Camp. *Indiana State Department of Health*. Available in: https://www.in.gov/isdh/files/HEA_1309_Guidance_Growing_for_Market_ICDC_Farm_Bureau_2010.pdf
6. Food and Drug Administration (FDA). (2018). What You Need to Know about Food Allergies. Available in: <https://www.fda.gov/food/buy-store-serve-safe-food/what-you-need-know-about-food-allergies>
7. Food and Drug Administration (FDA). (2018). Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA). Available in: <https://www.fda.gov/food/food-allergensgluten-free-guidance-documents-regulatory-information/food-allergen-labeling-and-consumer-protection-act-2004-falcpa>
8. U.S. Department of Agriculture. (2017). Cooking Meat? Check the New Recommended Temperatures. Available in: <https://www.usda.gov/media/blog/2011/05/25/cooking-meat-check-new-recommended-temperatures>
9. U.S. Department of Agriculture. (2015). Rabbit From Farm to Table. Available in: <https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/meat-preparation/rabbit-from-farm-to-table/rabbit-farm-table>

Photo Credit

Photo on cover page by Erik Scheel from Pexels.