



Winnebago County Health Department
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Farmers' Market Detailed Requirements

(This information is not all-inclusive. Refer to TIB #30 on Farmers Market for additional requirements. Click [here](#) to access TIB #30)

Organizer's permit: Yearly each Farm Market organizer is required to apply and pay for a Winnebago County Health Department Farm Market organizer's permit. The permit shall be prominently displayed at the organizer's booth. It is responsibility of the organizer to provide the following information to the Health Department prior to opening:

- Organizer's or site manager's information, days and hours of operation and location of the Farm Market
- List of approved vendors selling produce, food and beverages with their business name, owner's name and address, contact number, and general menu description
- Map specifying the location of each food or beverage vendor
- Signed written agreement to ensure that any prospective vendor that requires Health Department approval must have obtained either a valid license or Certificate of Registration prior to operating a booth. Click [here](#) to access organizer's written agreement form.
- Any changes or updates on the Farmer's Market operation. (Ex. new vendors, major changes to any vendor's menu.)

Four types of Farm Market vendors

1. Vendors without restrictions: As provided by the Farm Marketing Product Act, the following foods are allowed at Farm Markets with no restrictions:

- Unprocessed Fresh Fruits and Vegetables (only minimally rinsed to remove visible soil)
- Grains, seeds, beans and nuts (whole, unprocessed and unsprouted)
- Popcorn (kernels can be removed from the cob)
- Fresh herb sprigs; dried herbs in bunches (only cut for harvesting, minimally rinsed to remove visible soil)

The above items are allowed to be in unsealed bags or containers or bagged at the time of sale by the vendor. They must be protected from animals and excessive dust while on display.

Honey in the comb or honey that is removed from the comb and in an unadulterated condition is exempt if the producer packs or sells less than 500 gallons. Per the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/27], honey is exempt from inspection; however, federal labeling laws must be followed (Page 5).

2. Vendors with certain restrictions: Farm market booths with food preparation or potentially hazardous foods are required to obtain Winnebago County Health Department Farmers' Market permit. Submittal requirements for evaluation are listed on our [Farmers' Market Presentation](#). Evaluation is based on menu and operation and accomplished on a case by case basis. An approved licensed kitchen/commissary is required. NOTE: Cottage Food vendors, vendors with commercially shelf stable packaged food products without sampling are exempt from permit and licensed kitchen/commissary requirements. Vendors with Product Sampling Handler Certificate are only exempt from permit requirements, an approved licensed kitchen/commissary may still be required. Once the booth set up, menu, operation and commissary status are approved, a permit (Risk 1F or Risk 2F) is issued by one of our sanitarians. The permit shall be prominently displayed by the vendor at the point of sale. For additional information on Cottage Food Operations, refer to TIB #44. Click [here](#) to access TIB #44. For additional information on Farmers' Market Food Product Sampling Handler Certificate, refer to

<http://www.ilga.gov/commission/jcar/admincode/077/077007500N43000R.html>

Examples of food products with certain restrictions:

- **Baked goods**-Prepared from an inspected facility unless it is produced by a cottage food operation. All packaging must follow the labeling requirements found in the labeling section of this document on Page 5. Refer to TIB 44 on Cottage Food Operations for further restrictions.
- **Fruits and vegetables**- which require sophisticated equipment (such as freezers and refrigerators) to maintain freshness and wholesomeness. Such commodities may be either home grown or obtained from a wholesale commercial supplier. If obtained from wholesale sources, it is necessary to obtain information regarding the use of pesticides and/or herbicides with these products.
- **Cut fruits and vegetables**- shall be deemed to be ready to eat and shall be prepared and handled in an inspected facility.
- **Milk and cheese products**-shall be processed in an IL. Department of Public Health licensed facility. Products that have been pasteurized, processed and packaged in a licensed dairy plant may be sold at farmers markets. All potentially hazardous dairy products shall be stored at 41°F or below. For specific information, contact the regional office by clicking onto the following site: <http://www.idph.state.il.us/local/map.htm>. All milk products must follow the labeling requirements found in the labeling section of this document on Page 5.
- **Raw milk and cheese**-may be sold if made in a licensed dairy plant and is cured at a temperature of not less than 35°F and aged more than 60 days. Title 21 Code of Federal Regulations (CFR) Part 133 [21 CFR 133] addresses those standardized cheese that are permitted to be manufactured from raw milk when the cheese is aged not more than 60 days.
- **Ice cream**-may be sold if it is manufactured in a licensed dairy plant or in a retail food establishment from commercially pasteurized ice cream mix.
- **Herbs**- Chopped, blended, packaged, or otherwise processed herbs must be prepared from an inspected facility. Dry herb, dry herb blend or dry tea blend is allowed under the Cottage Food Act if it is intended for end-use only (direct consumer). Refer to TIB 44 on Cottage Food Operations for further restrictions.
- **Maple Syrup**- must originate from an inspected facility and must follow the labeling requirements found in the labeling section of this document on Page 4.
- **Apple cider and other fruit and/or vegetable juices**- shall be made in an inspected facility. Juice Hazard Analysis Critical Control Points (HACCP) regulations must be followed if sold wholesale. Reference the United State Food and Drug Administration (FDA) website for more information (www.fda.gov). Apple cider, packaged or in a container, must be treated to achieve a five-log reduction of pathogens or show a warning statement on the label stating:
“WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly and persons with compromised immune systems.”
Unpackaged apple cider and other fresh juice produced on site are exempt from the warning statement.
- **Fruit butters**-The following fruit butters are allowed: apple, apricot, grape, peach, plum, quince, and prune. **Pumpkin butter, banana butter and pear butter are not allowed unless they are produced in an inspected facility.** Fruit butters not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, contacting a pH equilibrium of less than 4.6. Refer to TIB 44 on Cottage Food Operations for further restrictions.
- **Herb vinegars**- shall be made in an inspected facility. All vinegars must follow labeling requirements found in the labeling requirements found in the labeling section of this document on Page 5.
- **Garlic in oil**- shall only be sold if processed in an inspected, commercial processing plant where it has been acidified to certain specification (usually with citric acid). Garlic in oil frequently contaminated with Clostridium botulinum spores and has been implicated in several foodborne outbreaks.
- **Jam, Jellies and preserves**- The following jams, jellies and preserves are allowed: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of these fruits. **Rhubarb, tomato, and pepper jellies or jams are not allowed unless they are produced from the vendor’s licensed facility or purchased wholesale with proper documentation.** Any other jams, jellies or preserves not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the

expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6. Refer to TIB 44 on Cottage Food Operations for further restrictions.

- **Other flavored oils-** shall be made in an inspected facility. Flavored oils have not been epidemiologically implicated in foodborne illness outbreaks. Therefore, they do not require acidification and are not considered potentially hazardous. Labeling requirements must be followed as detailed in the section on Page 5.
- **Pickles, relishes, salsa, other “canned” items-** All canning and preserving, except for jams, jellies and preserves allowed in cottage food operations, shall be done in an inspected facility. Home canning is not allowed. The facility shall be inspected by Illinois Department of Public or state public health department, and the inspector shall verify the sources of ingredients and compliance of Title 21 Code of Federal Regulations Part 113 and 114 [21 CFR 113-114]. In addition, the canning process must be inspected and approved by the Department, or relevant regulatory authority in another state.
- **Shell eggs-** Salmonella enteritidis (SE) is the pathogen of concern with shell eggs. An egg license issued by the IDOA is required for anyone who transports and sells eggs anywhere except on the farm where the eggs were produced. IDOA rules stipulate that all eggs sold at Farmers’ Markets and other off-farm venues must be candled and graded, and held at 45°F or below during storage, transportation and distribution. Once the eggs are at the Farmers’ Market, the Illinois Food Service Code [77 Ill. Adm. Code 750] stipulates that the eggs shall be held at 41°F or below. Any form of refrigeration is acceptable, so long as the temperature requirements are met. For more information regarding these requirements and the Illinois Egg and Products Act [410 ILCS 615], contact IDOA, Division of Food Safety and Animal Protection, P. O. Box 19281, State Fairgrounds, Springfield, IL 62794-9281, 217-524-1550, or visit www.agr.state.il.us.
- **Meats and poultry-** are regulated by the IDOA, Bureau of Meat and Poultry Inspection and United State Department of Agriculture (USDA), Food Safety and Inspection Service. Meat, meat products, poultry and poultry products must be derived from livestock or poultry (including rabbits), which were slaughtered under IDOA or USDA inspection. A meat and poultry broker’s license issued by IDOA is not required for anyone who sells meat, poultry, meat products or poultry products exclusively for retail/door to door sales. Meat, meat products, poultry and poultry products offered for sale must bear an IDOA or USDA inspection legend and other required labeling (product description, ingredients) on every container/package. All required labeling and handling rules apply and vary depending on the product. Vendors at Farmers’ Market must meet any additional relevant requirements found in the Food Service Sanitation Code [77 Ill. Adm. Code 750] and/or local food ordinances if applicable. Meat and meat products must be held at a temperature of 41°F or below, and fresh poultry must be held at 41°F or below. For additional information and meat and poultry broker license applications, contact IDOA, Bureau of Meat and Poultry inspection, Compliance Section, P. O. Box 19281, State Fairgrounds, Springfield, Illinois 62794-9281, 217-785-4709, or visit www.agr.state.il.us to download a meat poultry broker application.

Types of inspection legend approved:



Figure 1

- **Fish-**shall be processed in an inspected facility using a Hazard Analysis and Critical Control Points (HACCP) plan required in Title 21 Code of Federal Regulations Part 123 [21 CFR 123]. A commercial fishing license is required for anyone selling or distributing fish at a farmers market. Fish must be held at a temperature of 41°F or below.

- **Commercially produced pre-packaged food products-** are allowed for sale at Farmers’ Markets and other outdoor food events if they meet applicable regulations and requirements, including labeling requirements found on Page 5.
- **Cultivated mushrooms-** Commercially-raised mushrooms (i.e., common button mushroom, portabellas, shitake, enoki, Bavarian) must have documentation detailing their source. “Wild type” mushroom species picked in the wild shall not be offered for sale or distribution.
- **Honey-** from a producer selling more than 500 gallons must be extracted and bottled in an inspected facility. If any sweetener is added, the product may not be called honey. Note: The Illinois Bees and Apiaries Act [510 ILCS 20] requires every person keeping one or more colonies of bees to register with the Illinois Department of Agriculture annually.
- **Other food products-** will be assessed on an individual basis by the local or state health department.

3. **Cottage Food Vendors:** Under the Illinois Food Handling Regulation Enforcement Act, Cottage Food Operation [410 ILCS 625/4], baked goods that are not potentially hazardous may be produced in the kitchen of the person’s primary domestic residence for direct sale to customers at Farmers’ Markets. The public act only provides for direct sale by the owner or the family member to customers at Farmers’ Markets. Thus, cottage food operation products cannot be sold to retail stores, restaurants, over the internet, by mail order, or to wholesalers, brokers or other food distributors who resell food. The cottage food operation shall register with the local health department where the cottage food operation resides. Failure to register with the local health department will subject the cottage food operation to regulation by Illinois Department of Public Health and/or Illinois Department of Agriculture. Refer to TIB #44 on Cottage Food Operations for additional requirements. Click [here](#) to access TIB #44. Winnebago County Health Department submittal requirements for evaluation are listed on our [Farmers’ Market Presentation](#). Certificate of Registration should be prominently displayed at the Farmers’ Market booth point of sale otherwise the booth will be subjected to an inspection with a fee.

Cottage food vendors can provide pre-packaged samples. The samples must be cut and packaged at the vendor’s home. No label is required for each pre-packaged samples as long as there is properly labeled product on display with the samples so the customer can review the ingredient list.

4. **Vendors with Farmers’ Market Food Product Sampling Handler Certificate:** Effective July 20, 2015, the Food Handling Regulation Enforcement Act was amended to include Food Product Sampling at Farmers’ Markets and the Illinois Food Service Sanitation Code now includes Subpart N, 750.4300 Food Product Sampling Handler Certificate for Farmers Markets. The IDPH Farmers Market Food Product Sampling Handler Certificate can be used throughout the state and is valid for three (3) years from date of issuance.

In our county, please be aware not all vendors are qualified to utilize the IDPH Food Product Sampling Handler Certificate. Qualified vendors are approved vendors at the Farmers’ Market covered by the organizer’s permit. Typically, vendors selling shelf-stable unprocessed fresh fruits and vegetables, nuts, fresh herbs and commercially pre-packaged baked goods. Please be aware commissary is required. The registration application form must be submitted with an updated Winnebago County Farmers’ Market Licensed Kitchen Sharing Agreement for those vendors with a commissary under different ownership. For out of county vendors, similar documentation will be required with the approval of their respective local Health Department.

In our county, any qualified vendor at a Farmers’ Market may sample their products without a separate permit, as long as they have a valid IDPH Farmers Market Food Product Sampling Handler Certificate and a valid Winnebago County Health Department Certificate of Registration. After receiving IDPH Farmers’ Market Food Product Sampling Handler Certificate, register with our county using the registration application form from our website by clicking [here](#). Send a completed and signed registration application form along with IDPH Farmers’ Market Food Product Sampling Handler Certificate and \$25 registration fee. Once approved, Certificate of Registration will be mailed to

the qualified vendor. Certificate of Registration must be prominently displayed at the Farmers' Market booth point of sale otherwise the booth will be subjected to an inspection with a fee.

Any questions are referred to dph.food@illinois.gov

Additional important topics

1. **Vehicles-** During transportation and delivery, food and food equipment must be protected from insects, flies, animals, dust and dirt, unnecessary handling, chemicals and other contamination. Delivery vehicles or other equipment used for such transportation must be constructed so as to be easily cleanable.

2. **Labeling-**Products that fall under Cottage Food Operations-Refer to TIB #44 on Cottage Food Operations. Click [here](#) to access TIB #44.

All food pre-packaged in advance of retail sale that does not fall under the Cottage Food Act must bear the following label, sign or placard, or a recipe available to the consumer. The information must be written in English.

- Common name of the product;
- Name, address and ZIP code of the packer, processor, distributor or manufacturer;
- Net contents (weight or volume) of the package;
- List of ingredients in descending order of predominance by weight, with ingredients shown with common or usual name;
- List of any artificial color, artificial flavor or preservatives used;
- Safe handling instructions (as needed) for meat and poultry products;
- Other labeling information as required by federal, state or local jurisdictions; and
- Major allergens.

3. **Additional Requirements-**This information is not all-inclusive. Refer to TIB #30 on Farmers' Market for additional requirements which can be obtained at our website.

4. **Handwashing-**is required when produce or any food item is sliced, cut or prepared on-site or off site; therefore, handwashing facilities must be provided. If warm water under pressure is not available, the hand wash station will provide gravity fed water. Water used for handwashing shall be from a potable source. Trash can must be provided nearby for disposing of used paper towels. *Note: Hand sanitizer use is not a replacement for hand washing under any circumstances.*



Figure 2

A hand wash station must be conveniently accessible and should be ready prior to any food preparation. All food workers must wash their hands when they return to work after using the restrooms, after eating, smoking or handling money. Provide a container with a spigot that can be turned on to allow potable water to flow over ones hands into a waste receiving bucket of equal or larger volume to catch flowing waste water. A five gallon container is recommended. *A container with a push spigot that cannot be left on without the use of a free hand is not approved.* Provide a pump type soap dispenser and single use/disposable paper towels.

5. **Sampling-** A permit is required by Winnebago County Health Department with the exception for those vendors with an IDPH Farmers' Market Food Product Sampling Handler Certificate.

Cottage food vendor can provide pre-packaged samples. The samples must be cut and packaged at the vendor's home. No label is required for each pre-packaged samples as long as there is properly labeled product on display with the samples so the customers can review the ingredient list.

6. **Premises-** The operator of each stand or sales area is responsible for maintaining it in a neat, clean and sanitary condition. An adequate number of tightly covered waste containers must be provided for disposal of garbage, soiled water from washing utensils, and hand washing and refuse. These containers must be stored to eliminate potential for contamination of any food products. At the close of business, each vendor shall clean their stand and surrounding area.

7. **Food protection during storage, display and sales-** Any prepared, processed, baked or cut food must be packaged or wrapped for protection and have required labeling (see page 5). Food on display in open air markets must be adequately protected from incidental public handling, dirt and other contamination. Food must be stored off the ground or off the floor. Any wrapping or container for prepared, processed, baked, or cut food must be constructed of safe, non-toxic and food grade materials. Food products must be enclosed and protected from pests overnight.

8. **Bake sales as fundraisers** —Non-potentially hazardous foods, such as cookies, cakes and fruit pies, which have not frequently been associated with foodborne illness, may be prepared in non-inspected kitchens provided the products are sold or distributed on an occasional basis in Winnebago County not to exceed 3 times a year (i.e., a fundraiser for non-profit organization) and not as a routine business as long as the consumer is informed by clearly visible placard at the sales or service location. The placard must state the following: "This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens."

9. **Scales-**The Illinois Department of Agriculture's Bureau of Weights and Measures regulates the retail sales of fruits, vegetable and other items at Farmers' Markets. Commodities not in liquid form must be sold by weight, measure or count. All scales used in commerce must have a National Type Evaluation Program (NTEP) Certificate of Conformance issued by the National Conference on Weights and Measures. Commercial scales also are subject to annual inspections by the Bureau of Weights and Measures. For additional information, please contact the Bureau of Weights and Measures by calling 800-582-0468 or on their website at www.agr.state.il.us

10. **Approved and Inspected Sources of Exotic Meats-** Game animals, game birds and exotic meats are appearing more frequently at the retail level. In Illinois, products in commerce must be inspected and bear inspection legends from either USDA, IDOA, another state's exotic inspection program, or any approved foreign country inspection program or a statement/certificate of inspection in lieu of inspection legends. Inspection legends for "exotic" species are usually in the form of a triangle, but not always. For additional information about meat and poultry, contact IDOA, Bureau of Meat and Poultry Inspection, Compliance Section, P. O. Box 19281, State Fairgrounds, Springfield, IL 62794-9281, 217-785-4709.

Examples of inspection legend for exotic meats:

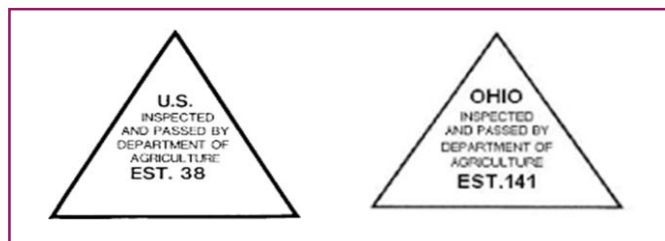


Figure 3

11. Foods prohibited from sale or distribution:

- **Raw milk or certain dairy products made with raw milk-** (*see Page 2 for exemption regarding cheese aged more than 60 days*) are prohibited for sale or distribution at Farmers' Markets by the Grade A Pasteurized Milk and Milk Products Act. Raw dairy ingredients can be contaminated with *Campylobacter jejuni*, *Listeria monocytogenes*, *Salmonella*, and/or other pathogens.
- **Home-butchered meat, poultry, or wild game animals-** Home-butchered meat and poultry is for the owner's own household use and may not be transported to or sold at farmers markets. Wild game may only be donated to charitable or non-profit organizations if it is processed in an inspected facility.
- **Home-canned foods except jams, jellies and preserves that are allowed under cottage food operations-** All low acid canned foods in hermetically sealed containers have a risk of containing surviving *Clostridium botulinum* and subsequent formation of toxin unless a scheduled process is filed with the FDA and fallowed. Without process controls and product analysis, it is extremely difficult to distinguish between safe and unsafe products. Therefore, home-canned foods may not be sold to the public. Any canned or preserved goods must be made in an inspected facility, and comply with the Section 750.110(f) of the Illinois Food Service Sanitation Code [77 Ill. Adm. Code 750].
- **Home vacuum-packaged products-** The risk of *Clostridium botulinum* and other anaerobic pathogens occurs without strict controls and an approved HACCP plan.
- **Sandwiches prepared at home-** All potentially hazardous foods must be prepared in an inspected facility. Sandwiches made at home may not be sold to the public.
- **Ice cream-not** made in a licensed dairy plant or in a retail food establishment from commercially pasteurized ice cream mix.