



South Carolina Department of Health  
and Environmental Control



# Requirements for Selling Manufactured or Processed Foods At Farmers Markets and Other Direct-to-Consumer Markets

*Revised June 2016*

SC Department of Health and Environmental Control  
In cooperation with  
SC Department of Agriculture  
Food & Feed Safety and Compliance Program

## **Acronyms:**

SC Department of Agriculture (SCDA)

SC Meat and Poultry Inspection Division (SCMPID)

Food and Drug Administration (FDA)

Alcohol Tobacco and Firearms (ATF)

SC Department of Natural resources (SCDNR)

SC Department of Health and Environmental Control (SCDHEC)

A **direct-to-consumer market** is any place selling products directly to the public including, but not limited to farmers markets, roadside markets, flea markets, community events, etc.

Farmers markets and other direct-to-consumer markets may have vendors that fall into different regulatory jurisdictions. These firms or individuals who prepare food and **only sell directly to the end consumer** regardless of packaging or product (*other than raw in shell eggs, alligator, raw rabbit/quail meat and honey*) are considered to be retail and must comply with SCDHEC Retail Food Establishment regulations.

Firms or individuals who sell or distribute to others (individuals or businesses who then sell or re-sell the products to the end consumer) are considered to be **wholesale**. Products sold at direct-to-consumer markets that are also wholesaled require proper labeling in compliance with Fair Packaging and Allergen labeling laws.

Consignment or commission sales when the producer is NOT present at time of sale are considered to be wholesaled. Wholesale Foods are regulated by:

- **SCMPID – 803-788-8747** (more than 3% raw or 2% cooked Beef, Pork, Poultry or Lamb)
- **SCDHEC Dairy, Soft Drink and Bottled Water - 803-896-0644** – (dairy(cheese, milk, butter), carbonated beverages, bottled water)
- **SCDHEC Shellfish Sanitation – 843-846-1030** – (molluskan shellfish)
- **ATF – 803-251-4640** –(alcohol products containing more than ½ of 1% alcohol)
- **SCDA -803-737-9690**

## **Note:**

**SCDA Food Safety and Compliance does not regulate farmers markets, roadside markets, flea markets and other direct marketplaces, nor does it regulate fruits and vegetables or other products sold in their natural unprocessed state at direct markets in South Carolina.**

- However, the SCDA does have regulatory authority over certain processed or manufactured food items that are sold **wholesale** to other businesses. **If a market vendor is registered, permitted and/or licensed by SCDA (possess a valid RVC, Egg License, Salvage Permit, etc.) to sell wholesale to other businesses, the vendor may also sell their products directly to the end consumer.**
- However, products must bear **complete and accurate labeling**.
- Products produced out of state must be from approved and inspected sources and will require FDA involvement.
- Product liability insurance is recommended but not required by SCDHEC or SCDA.

**FOODS PREPARED ON SITE** (ex: BBQ, burgers, sandwiches, etc.) = **SCDHEC (803-896-0640)**

\_\_\_\_ Foods sold from Mobile Units are **required to be permitted by SCDHEC** and to operate under Regulation 61-25 Chapter 9-1.

\_\_\_\_ Provide inspection reports/certificates or a copy of the application/permit document for both facilities.

\_\_\_\_ Retail Food Establishments on-site must have a SCDHEC permit or at Farmers Markets be an offsite permitted Retail Food Establishment that is authorized to operate under R. 61-25 Chapter 9-11.

**Note:**

Businesses that serve low risk food processes or non-time/temperature control for safety foods as described in R. 61-25 Chapter 8-301.12 (A) (19) & (20) **maybe exempt** from SCDHEC Retail Food Establishment permit requirements.

**DAIRY = DHEC Dairy (803-896-0644), FDA (843-746-2990)**

\_\_\_\_ SC DHEC Dairy Division handles all cheese, butter and fluid milk products.

**EGGS = SCDA (803-737-9690)**

\_\_\_\_ Provide copy of SCDA current egg license.

\_\_\_\_ Eggs must be kept at 45°F or lower at market. An accurate thermometer is required.

\_\_\_\_ Label your *display* carton, "Display only-Not for Sale" (if display carton is off refrigeration)

\_\_\_\_ Eggs must be washed, graded, sized, and properly labeled according to USDA Standards.

\_\_\_\_ A "*packed on*" or "*expiration date*" must be printed on all cartons/labels.

**Note:**

**Egg cartons from other producers or sources cannot be USED. Egg cartons that bear other producers information or another USDA shield are prohibited from use.**

## **FISH AND SEAFOOD**

### **Whole and unprocessed** Fin fish and seafood = **SCDNR (803-734-3886)**

If you want to **buy and resell** fish and seafood whether **whole and unprocessed** or **cleaned and processed**, you will need either a:

\_\_\_ *Commercial Fishing License* **or** *Wholesaler's License* (issued by SCDNR).

\_\_\_ Provide a copy of commercial license or wholesale license. If you do not have a commercial fishing license, then you must have a wholesale license and buy from licensed commercial fishermen or wholesalers.

\_\_\_ Keep receipts, bill of lading, invoices on hand at all times (including at the point of sale).

\_\_\_ Keep fish and seafood refrigerated at 45°F or below or properly iced at all times.

\_\_\_ Must have class 3 legal for trade scale certified by SCDA. (803-737-9690)

### **Processed, Dressed, Gutted** Fin Fish and Seafood = **SCDA (803-737-9690), SCDHEC (803-737-9690)**

\_\_\_ If the vendor is currently registered with **SCDA** as a wholesale fish/seafood processor the vendor must provide copy of current RVC with items allowed to be sold.

\_\_\_ If a vendor wishes to **only sell retail directly to end consumer**, **SCDHEC** must grant approval of process and facility where the processing occurs.

\_\_\_ If a vendor wishes to sell **wholesale with some retail**, the vendor must use an approved facility, to register with **SCDA** and will be subject to state and federal food safety regulations including completing **Seafood HACCP training**

\_\_\_ Complete a Seafood HACCP course provided by FDA and have a accurate HACCP plan.

\_\_\_ Provide a copy of HACCP certificate and current HACCP plan of all items being sold.

\_\_\_ Use a SCDA registered, inspected, and approved facility (a fish house).

\_\_\_ Provide a copy of your Registration Verification Certificate (RVC) and display your certificate at the point of sale.

\_\_\_ Provide copy of commercial fishing license from DNR if applicable.

\_\_\_ Keep fish and seafood properly iced or refrigerated at 45°F or below at all times.

\_\_\_ Must have class 3 legal for trade scale certified by SCDA. (803-737-9690)

### **Note:**

- Molluskan Shellfish (Clams, Oysters, Scallops) = **SCDHEC Shellfish Sanitation (843-846-1030)**

## **HONEY = SCDA (803-737-9690)**

Honey must be extracted, processed, and packaged in a registered and inspected honey house **or** you must have been granted (in your possession) a “small honey producer exemption” by SCDA.

\_\_\_ Honey must be labeled in compliance with state and federal fair packaging laws.

Provide a copy of:

\_\_\_(RVC) Registration Verification Certificate.

**or**

\_\_\_ “Small Honey Producer” Certificate of Exemption.

## **Poultry, Beef, Pork and Lamb = SCMPID (803-788-8747)**

Regulated by **SCMPID** of the Clemson Livestock, Poultry and Health Agency, 500 Clemson Road, Columbia, SC.

\_\_\_ Must be licensed as a Registered Meat Handler to sell meat at farmers market.

\_\_\_ Inspection mark on package of meat (either SCMPID establishment # or USDA est. #)

\_\_\_ Frozen Meat must be **0°F** or less, fresh meat must be **45°F** or less.

### **Note:**

- Only a SCMPID or USDA establishment number on meat packages is allowed. Example: A mark of inspection from North Carolina, Georgia, Florida, etc. is **NOT** allowed. If meat crosses state lines, it must have a USDA (federal) Mark of Inspection.
- **Door-to-door Meat firms** must comply with **SC Weights and Measure Laws (SCDA, 803-737-9690)** requiring total weight, price per pound, right to cancel statement, random weight accuracy, and shall provide a receipt, for signature by the buyer..

## **Rabbit, Quail and Alligator = SCDA (803-737-9690)**

\_\_\_ Regulated by SCDA and must be produced in an approved and registered facility and labeled in accordance with state and federal labeling laws.

\_\_\_ Alligator is subject to Seafood HACCP (see Seafood section above).

\_\_\_ RVC must be displayed at the point of sale.

### **Note:**

- **For meats not listed** Call SCMPID (803-788-8747) for guidance.

## **THE HOME BASED FOOD PRODUCTION LAW**

### **(Cottage Food Law) = SCDHEC (803-896-0640)**

\_\_\_ SC Code 44-1-143 allows individuals to produce **non-potentially hazardous (non-time/temperature control for safety) baked goods and candy** in their home kitchen and sell **directly to the end-consumer**, provided he or she does not produce more than \$15,000 per year.

\_\_\_ These products are exempt from the permit requirements of DHEC R. 61-25 as per Chapter 8-301.12 (A) (12).

### **Note:**

There are four points that should be kept in mind for DHEC to exempt someone under this law.

1. Only Baked Goods and Candies that are non-TCS are allowed.
2. All food production must be in the home kitchen once you move out of your home kitchen to prepare products a permit issued by SCDHEC is required.
3. They may only sell to the end consumer (the person who intends to eat the food).  
They may not sell to a retail food establishment or sell their products at a retail food establishment (this includes permitted mobile food units). They may sell the product themselves at venues such as farmers markets.
4. They must label the product with the following: **"NOT FOR RESALE--PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS."**

**BEVERAGES (JUICES, TEA, NON-CARBONATED DRINKS) = SCDA (803-737-9690), SCDHEC (803-896-0640)**

\_\_\_ Pasteurized Juices prepared for wholesale distribution to other businesses are subject to HACCP regulations and must come from a **SCDA** registered and inspected facility.

\_\_\_ *Processed, canned or bottled juices or ciders are considered potentially hazardous and are subject to SCDA and Federal regulations, including Juice HACCP.*

\_\_\_ Display your Registration Verification Certificate (RVC) at point of sale and use labels that are in compliance with state and federal labeling laws.

\_\_\_ Fresh-Squeezed and other juices prepared by the individual or firm for direct to consumer sales fall under the jurisdiction of **SCDHEC**.

**SCDA does not permit raw or cold-pressed juices.**

**CANNED/JARRED/BOTTLED FOODS = SCDA (803-737-9690), FDA (843-746-2990)**

**\*Home-canned foods are considered hazardous and illegal and cannot be sold\***

\_\_\_ Canned/Jarred/Bottled foods (jams, jellies, sauces, chow-chows and pickled foods) that are **sold wholesale** must be sent to Clemson University (864-359-3386), NC State University, or another FDA-recognized process authority for product analysis.

Go to **Clemson's Food2Market** site:

[http://www.clemson.edu/extension/food\\_nutrition/food2market/index.html](http://www.clemson.edu/extension/food_nutrition/food2market/index.html)

\_\_\_ Depending on the results of the product analysis, a **Better Process Control School (BPCS)** training and **FDA Registration** (product and facility filing) may be necessary.

\_\_\_ Canned/Jarred/Bottled foods products that are processed and marketed for re-sale/wholesale are regulated by **SCDA**.

\_\_\_ Display your Registration Verification Certificate (RVC) at point of sale and use labels that are in compliance with state and federal labeling laws.

## **CANNED/JARRED/BOTTLED FOODS = SCDHEC (803-864-0640)**

### **\*Home-canned foods are considered hazardous and illegal and cannot be sold\***

\_\_\_\_ Canned/Jarred/Bottled foods (jams, jellies, sauces, chow-chows and pickled foods) that are **sold retail directly to end consumer** must be sent to Clemson University (864-359-3386), NC State University, or another FDA-recognized process authority for product analysis.

Go to **Clemson's Food2Market** site

[http://www.clemson.edu/extension/food\\_nutrition/food2market/index.html](http://www.clemson.edu/extension/food_nutrition/food2market/index.html)

\_\_\_\_ Depending on the results of the product analysis, a **Better Process Control School (BPCS)** training and **FDA Registration** (product and facility filing) may be necessary.

\_\_\_\_ Canned/Jarred/Bottled foods products that are **sold directly to the end consumer** by the producer are **SCDHEC** regulated and will require a **Retail Food Establishment permit** and a special process variance.

## **PET FOOD/TREATS = SCDA (803-737-9713)**

\_\_\_\_ Certificate of Registration is required to sell pet food/treats.

\_\_\_\_ Products must be registered by the South Carolina Department of Agriculture annually and meet all labeling requirements of the South Carolina Commercial Feed Law.

\_\_\_\_ Animal Feed and Pet Treat registration is \$15 per product

\_\_\_\_ Licenses must be displayed.

\_\_\_\_ Product is compliant with South Carolina Commercial Feed Law labeling requirements

\_\_\_\_ Guaranteed Analysis of ALL feeds to include Protein, Fat, and Fiber.

## **MARKETING ASSISTANCE OR PRODUCTS UNDER OTHER AGENCY JURISDICTION**

### **ORGANIC PRODUCTS = USDA approved Accredited Certifying Agent – Clemson University Department of Plant Industry (864-646-2140)**

\_\_\_ Organic Certification is required to advertise that you are selling organic products.

\_\_\_ Must be able to provide and display Organic Certification.

#### **Note:**

Clemson University's Department of Plant Industry is a USDA approved Accredited Certifying Agent. This accreditation allows DPI (Department of Plant Industry) to certify organic operations for crop production, processing and handling, livestock and wild harvest.

### **RAW AGRICULTURAL PRODUCE = SCDA Grading & Inspection Services (803-737-4597)**

\_\_\_ Raw Agricultural Produce that is cut to harvest and not further processed does not fall under SCDA's Food Safety Department and does not require a registration certificate (RVC). Examples include shelled beans and peas, snapped beans, cut-to-harvest greens, etc.

\_\_\_ Good Agricultural Practices (GAPs), Good Handling Practices (GHP). Farmers should follow GAP and GHP protocols and guidelines to ensure safe and wholesome produce is sold to consumers.

### **CERTIFIED SC GROWN = SCDA Marketing (803-734-2210)**

\_\_\_ Membership in the Certified South Carolina Program is made by application to and acceptance by the South Carolina Department of Agriculture.

\_\_\_ All farm producers, food manufacturers, specialty food producers, packing facilities and others engaged in the production or manufacture of agricultural products in South Carolina are eligible to apply.

\_\_\_ Applications are on the web <http://agriculture.sc.gov>